

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
BROOKSVILLE, FL 34601**

AGENDA

July 16, 2012

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. Margaret R. Ghiotto Improvement Award – Residential Award

Recognition of improvements to the property of Machella Boyle, Robert Moa and Douglas Helton, located at 472 Howell Avenue.

Presentation: Scott Renz, Beautification Board
Chair and Mayor

Attachments: Letter from Beautification Board
Chair dated 06/20/12; Award
Certificate

2. Margaret R. Ghiotto Improvement Award - Commercial Award

Recognition of improvements to the property owned by Lowman Properties, LLC, located at 31 South Main Street, Lowman Law Firm.

Presentation: Scott Renz, Beautification Board
Chair and Mayor

Attachments: Letter from Beautification Board
Chair dated 06/20/12; Award
Certificate

D. CITIZEN INPUT

E. CONSENT AGENDA

1. Budget Amendment – Police Department Parking Lot

Consideration of budget amendment for the 2011-12 budget for paving of the police department parking lot.

2. Surplus Equipment

Consideration to surplus determined to be obsolete, inoperable or no longer useful.

REGULAR COUNCIL MEETING – July 16, 2012

3. **Mini Excavator Purchase – Department of Public Works**
Consideration of purchase of a 2012 Caterpillar Hydraulic Mini Excavator by piggybacking on the Florida Sheriffs Association, Association of Counties and Fire Chiefs Association Bid in the amount of \$41,905.
4. **Public Risk Management Renewal for 2012-13**
Consideration to accept preliminary renewal premiums for property, liability and workers' compensation insurance coverage and decision of not exercising Notice of Intent to Withdraw from participation in the PRM Pool effective October 1, 2012.

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda
Action: Motion to Approve
Attachments: 1) Memo from Police Chief & Finance Director dated 06/15/12, Budget Amendment Form; 2) Memo from City Clerk dated 06/28/12, Pictures of Surplus Items; 3) Memo from Director of Public Works dated 06/27/12, Quote from Ring Power Caterpillar with photo, Florida Sheriffs Association Contract Quotes for a Full-sized Backhoe and Mini Excavator; 4) Memo from Director of Finance dated 07/10/12

F. REGULAR AGENDA

1. **Ordinance No. 831 – Land Development Code Update**
Consideration of an Ordinance amending the City's Land Development Code.

Presentation: City Planner
Recommendation: Approval of **First Reading** of Ordinance No. 831 upon roll-call vote and schedule second reading for 08/06/12
Attachments: Memo from City Planner dated 07/16/12, Proposed Ordinance
2. **Resolution No. 2012-08 – Council Member Seniority**
Consideration of Resolution designating a senior councilmember to be empowered to declare local status of emergency in the absence of the Mayor and Vice Mayor.

Presentation: City Attorney
Recommendation: Approval of Resolution upon roll-call vote
Attachments: Memo from City Attorney dated 07/02/12, Proposed Resolution

REGULAR COUNCIL MEETING – July 16, 2012

3. Screening Committee Appointment

Consideration of appointment of the Screening Committee to review nominations received for the 2012 Great Brooksvillian.

Presentation: City Clerk
Recommendation: Appointment of Committee
Attachments: Memo from City Clerk dated 07/06/12, Applications

4. Resolution for the Florida League of Cities

Consideration of Resolution to present to the Florida League of Cities Resolution Committee at their Annual Meeting in August.

Presentation: City Attorney
Recommendation: Approval of Resolution upon roll-call vote
Attachments: Memo from City Attorney dated 06/27/12, Proposed Resolution

G. CITIZEN INPUT

H. ITEMS BY COUNCIL

I. ADJOURNMENT

CORRESPONDENCE TO NOTE

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the City Clerk's office 48 hours in advance of the meeting at (352) 540-3853. Meeting agendas and supporting documentation are available from the City Clerk's office and on line at www.cityofbrooksville.us.

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.

City of Brooksville



AGENDA ITEM NO. C-1
7/16/12

June 20, 2012

Machella Boyle, Robert Moa and Douglas Helton
472 Howell Avenue
Brooksville, FL 34601

Dear Property Owners:

The City of Brooksville Beautification Board is pleased to advise you that you have been selected to receive the monthly Margaret R. Ghiotto Residential Improvement Award for beautifying the property located at 472 Howell Avenue.

The Certificate of Recognition and "rotating" outdoor sign will be presented to you by the Beautification Board Chairman at the next regular City Council Meeting to be held Monday, July 16, 2012 at 7:00 p.m. in the **BROOKSVILLE CITY HALL COUNCIL CHAMBERS LOCATED AT 201 HOWELL AVENUE**. Please contact Beautification Board Secretary, Lindsay Morgan, and let her know, no later than Thursday, June 28, 2012 by 5:00 p.m. if you will or will not be able to attend this meeting to accept your award. If you have any further questions or concerns, please contact Ms. Morgan at (352) 540-3856 or email at lmorgan@cityofbrooksville.us.

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

Sincerely,

Scott Renz, Chairman
Beautification Board

cc: Janice Peters, City Clerk

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*

Machella Boyle, Douglas Helton and Robert Moe

472 Howell Avenue, Brooksville, FL 34601

Presented this 16th day of July 2012.

Mayor

City Clerk

City of Brooksville



AGENDA ITEM NO. C-2
7/12/12

June 20, 2012

Lowman Properties LLC
31 S. Main Street
Brooksville, FL 34601

Dear Property Owner:

The City of Brooksville Beautification Board is pleased to advise you that you have been selected to receive the monthly Margaret R. Ghiotto Commercial Improvement Award for beautifying the property located at 31 S. Main Street, Lowman Law Firm.

The Certificate of Recognition and "rotating" outdoor sign will be presented to you by the Beautification Board Chairman at the next regular City Council Meeting to be held Monday, July 16, 2012 at 7:00 p.m. in the **BROOKSVILLE CITY HALL COUNCIL CHAMBERS LOCATED AT 201 HOWELL AVENUE**. Please contact Beautification Board Secretary, Lindsay Morgan, and let her know, no later than Thursday, June 28, 2012 by 5:00 p.m. if you will or will not be able to attend this meeting to accept your award. If you have any further questions or concerns, please contact Ms. Morgan at (352) 540-3856 or email at lmorgan@cityofbrooksville.us.

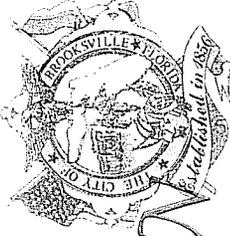
We extend our appreciation for your outstanding efforts in improving and beautifying not only your property but the City of Brooksville.

Sincerely,

Scott Renz, Chairman
Beautification Board

cc: Janice Peters, City Clerk ✓

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*

Cowman Law Firm

31 S. Main Street, Brooksville, FL 34601

Presented this 16th day of July 2012.

Mayor

City Clerk



AGENDA ITEM NO. E-1
7/16/12

CONSENT AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN

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

FROM: GEORGE TURNER, POLICE CHIEF AND STEVE BAUMGARTNER, FINANCE DIRECTOR *[Signatures]*

SUBJECT: BUDGET AMENDMENT FOR POLICE DEPARTMENT PARKING LOT (Law Enforcement Investigative Trust Fund No. 109 and Law Enforcement Impact Fees Fund No. 112)

DATE: JUNE 15, 2012

GENERAL SUMMARY/BACKGROUND: In the City's Law Enforcement Investigative Trust Fund adopted fiscal year 2010-11 budget, City Council approved \$50,000 for Police Department parking lot and improvements including lighting and landscaping. In the City's Law Enforcement Impact Fees Fund adopted fiscal year 2010-11 budget, City Council approved \$15,000 for Police Department parking lot and improvements including lighting and landscaping. On August 15, 2011 City Council (Agenda Item G-2) approved the bid from B.R.W. Contracting for paving of the City of Brooksville Police Department's parking/impound lot.

However, at the end of our fiscal year an unforeseeable delay occurred with the construction project and only three (3) invoices totaling \$1,760 for this project were paid in the 2010-11 fiscal year. The \$1,760 was expensed in our Law Enforcement Impact Fee Fund in fiscal year 2010-11 for consulting/engineering fees associated with this project.

In fiscal year 2011-12 in the Law Enforcement Trust Fund, the parking lot capital costs to date are \$40,185 with the remaining budgeted balance of \$ 9,815 earmarked to be for final painting, landscaping, lighting and security improvements (\$50,000 total). In fiscal year 2011-12 in the Law Enforcement Impact Fees Fund, the parking lot capital costs were \$14,563. The last invoice for the project was booked in February 2012. Therefore, these capital expenditures require a 2011-12 budget amendment since this project carried over to our new 2011-12 fiscal year.

A

BUDGET IMPACT: Please see attached 2011-12 Budget Amendment to amend our 2011-12 budget for the parking lot expenditures.

BA

LEGAL REVIEW: The City is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes. Pursuant to Section 1.03 of the Charter, the City has all governmental, corporate, and proprietary powers

to enable it to conduct municipal government, perform municipal functions and render municipal services to include matters of fiscal impact.

STAFF RECOMMENDATION: Staff recommends approval of fiscal year 2011-12 Budget Amendment as attached.

ATTACHMENTS: 1. Budget Amendment



CONSENT AGENDA ITEM MEMORANDUM

To: Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager

From: Janice L. Peters, CMC, City Clerk

Subject: Surplus Equipment

Date: June 28, 2012

GENERAL SUMMARY/BACKGROUND: Below is a list of property determined to be obsolete, inoperative or otherwise no longer feasible in the City.

Description

1. Miscellaneous Motorola Cell Phone Batteries (13), Chargers (8) and Clips (6).
2. Bissell 12 Amp Vacuum Cleaner Model No. 89Q9-2/Serial No. 1127700429S
3. Grey Microfiber Rolling Office Chair
4. 1994 Ford Ranger, #529, Vin. # 1FTCR10U1RTA72171 – Stolen/Recovered (Parks)
5. 1996 Ford F250, #577, Vin. #2FTEF35NOTCA71572 – Replaced/Runs (Quarry)
6. Disc Mower
7. LandPride Brush Hog 25-60
8. Yamaha Golf Cart Model #G-1GA – Junk
9. Carryall Cart Model #71904 – Poor Condition
10. Blade Sharpener - Rusted
11. Pull Behind Trailer – Poor Condition
12. Service Cart – Obsolete
13. Skylights – Good Condition
14. 4X8 Glass Sliding Doors
15. Office Dividers
16. Irrigation Tubing
17. Support Standards Poles
18. Metal Studs
19. Metal Rolling Chest
20. Kitchen Hood
21. Massey Ferguson 1020 Tractor
22. Massey Ferguson Tractor
23. Batting Cages

With Council’s approval, all saleable items will be coordinated for auction. Any items determined to have no value will be disposed of at the County landfill.

sp

BUDGET IMPACT: The items that can be put together and sold as one pallet will be combined and the remainder of pieces of equipment will be sold as is. Revenues received will be deposited in the appropriate revenue accounts within the City’s Funds. A nominal financial impact is expected from the sale of this surplus equipment.

 **LEGAL REVIEW:** Pursuant to Fla. Stat. §274.05 Surplus property, City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interests of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governmental units in the county for sale or donation.

STAFF RECOMMENDATION: City Council to declare items included on the list as “surplus” and authorize the City Manager to dispose of through the joint County/School Board/City auction or as appropriate.

ATTACHMENTS: Pictures of Surplus Items

City of Brooksville
Parks & Recreation Department
Surplus List 2012

PARK

<u>City ID</u>	<u>Item</u>	<u>Model</u>	<u>Vin #</u>	<u>TAG #</u>	<u>Comments</u>
529	Truck-Ranger	1994 Ford	1FTCR10U1RTA72171	102479	Stolen/Not worth fixing/Picture attached

QUARRY

<u>City ID</u>	<u>Item</u>	<u>Model</u>	<u>Vin #</u>	<u>TAG #</u>	<u>Comments</u>
577	Truck F250	1996 Ford	2FTEF35NOTCA71572	82638	Replaced/Runs/Picture attached

PARKS

<u>City ID</u>	<u>Item</u>	<u>Model</u>	<u>Serial #</u>	<u>Miles/Hrs</u>	<u>Comments</u>
N/A	Yamaha Golf Cart	G-1GA	N/A	N/A	Junk - pictures attached
4174	Carryall Cart	71904	PG708561039	N/A	Poor - pictures attached
N/A	Blade Sharpener	N/A	N/A	N/A	Rusted Out - pictures attached
N/A	Pull Behind Trailer	N/A	N/A	N/A	Poor - pictures attached
N/A	Service Cart	N/A	N/A	N/A	Obsolete - pictures attached
N/A	SkyLights	N/A	N/A	N/A	Good -wrong size -pictures attached
N/A	4x8 Glass Sliding Doors	N/A	N/A	N/A	Obsolete - pictures attached
N/A	Office Dividers	N/A	N/A	N/A	Junk - pictures attached
N/A	Irrigation Tubing	N/A	N/A	N/A	Good - Various sizes- pictures attached
N/A	Support Standards Poles	N/A	N/A	N/A	Good - pictures attached
N/A	Metal Studs	N/A	N/A	N/A	Fair-Variou sizes - pictures attached
N/A	Metal Rolling Chest	N/A	N/A	N/A	Poor - Rusted Out - picture attached
N/A	Kitchen Hood	N/A	N/A	N/A	Fair- pictures attached
621	Massey Ferguson 1020 Tractor	N/A	N/A	N/A	Obsolete -pictures attached
30B	Massey Ferguson Tractor	N/A	N/A	N/A	Obsolete - pictures attached
N/A	Landpride Brushhog 25-60	N/A	N/A	N/A	Poor/Not Working/picture attached
N/A	Disc Mower	N/A	N/A	N/A	Fair/picture attached
1588	Jugs Ultimate Trainer 2000	UT2000	N/A	12 years old	Fair/picture attached

City of Brooksville
Group: <Detailed Asset>
Activity Status: Active

#577

System No: 000276.000

MAIN

Tag No	592	Description	1996 Ford F250 Pickup Truck w/ Utility Bed	Activity Type	B
Fund	401	G/L Asset Acct No	401-000-166-19037		
Department Number	21	G/L Accum Acct No	401-000-167-19040		
Location	MAINT	G/L Expense Acct No			
Department		Check Date	0		
Acquisition Date	03/25/1996	Quantity	1		
Purchase Order No		Mfg Serial No/Vin	2FTEF25NOTCA71572		
Vendor/Mfg		Warranty Date			
Replacement Value	0.00	RV Override?	0.00		
Asset Class	Vehicles	Modal Number			
Manufacturer		Method Of Purchase	P		
Check Number	0	FA Control Number			
City Maintenance #	577	FUNCTION	PHENV		
GRANTS		Distribution Code			

		Financial	Budgetary 1	Budgetary 2
Prop Type	D	D	D	D
Serv Date	03/25/1996	03/25/1996	03/25/1996	09/20/1998
Acq Value	\$18,100.00	\$18,100.00	\$18,100.00	\$18,100.00
Depr Meth	SL	SL	SL	SL
Est Life	05 yrs 00 mo	05 yrs 00 mo	05 yrs 00 mo	03 yrs 00 mo
Salvage	\$0.00	\$0.00	\$0.00	\$0.00
Beg Date	03/1996	03/1996	03/1996	00/00
Beg YTD	\$1,809.98	\$1,809.98	\$1,809.98	\$0.00
Beg Accm	\$18,100.00	\$18,100.00	\$18,100.00	\$0.00
Curr YTD	\$0.00	\$0.00	\$0.00	\$0.00
Curr Accm	\$18,100.00	\$18,100.00	\$18,100.00	\$0.00
Thru Date	09/2005	09/2004	09/2004	00/00
NetValue	\$0.00	\$0.00	\$0.00	\$18,100.00
Prd Date	00/00	00/00	00/00	00/00
Prd YTD	\$0.00	\$0.00	\$0.00	\$0.00
Prd Accm	\$0.00	\$0.00	\$0.00	\$0.00

TK #529



Immediately after an accident fill out this form and send to:

GALLAGHER BASSETT SERVICES, INC.

LOSS REPORT, PROPERTY

FOR DAMAGE TO YOUR OWN PROPERTY

CLIENT INFORMATION			
City of Brooksville - Parks - Recreation			PHONE NUMBER 952-540-3830
ADDRESS 201. HOWELL AVE.	CITY Brooksville	STATE FL	ZIP 34601
LOCATION OF LOSS 99 Jerome Brown Place Brooksville FL 34601		TYPE OF LOSS UNKNOWN	
BUILDING AND/OR CONTENTS			
DETAILS OF LOSS			
CARGO			
NAME OF DRIVER			
OWNER OF VEHICLE			
DESCRIPTION OF VEHICLE-INCLUDE MAKE, YEAR, SERIAL NO			
BOILER & MACHINERY			
DETAILS OF LOSS			
EMPLOYEE DISHONESTY			
NAME OF EMPLOYEE			DATE OF EMPLOYMENT
JOB TITLE			
ROBBERY OR SAFE BURGLARY			
CULPRIT APPREHENDED-EXPLAIN			
POLICE AUTHORITY INVOLVED-EXPLAIN City of Brooksville Police DEPT.			
ATTACH SUPPORTING MATERIAL-POLICE REPORT-NEWSPAPER ACCOUNT, DETAILS OF CLAIM, ETC. CASE # 2011-00316 1994 Ford Ranger 1FTRR10V1RTA72171 TAG # City 102479			
SUMMARY			
(HOW LOSS OCCURRED AND DAMAGE EXTENT) ATTACH SUPPORTING MATERIAL, ANY AVAILABLE REPORTS, NEWSPAPER ACCOUNT, PICTURES, REPAIR ESTIMATES OR BILLS, ETC. TRUCK WAS BROKEN INTO AND STOLEN. IT WAS LOCKED AND KEYS WERE NOT IN THE VEHICLE. #529			
DATE		SIGNATURE AND TITLE	

NOTE: USE REVERSE SIDE IF ADDITIONAL SPACE IS NEEDED

6-220R

Steven - fm: 9/16/11

FIXED ASSET CONTROL FORM

No 004929

FA# 1453

DIVISION: PARKS (QUARRY GOLF)

FIXED ASSET: 1997 USED YAMAHA GOLF CART

SERIAL NUMBER: JNK-106547

OTHER I.D. (Make, Model, etc.): G-1GA YAMAHA

PURPOSE OF SUBMITTAL:

PURCHASE / COST 4,100.00

(1) DATE PURCHASED: 9-6-01

(2) INVOICE NUMBER(s): 7590

(3) DATE ASSET BECAME FUNCTIONAL (for 65 Series): 9-6-01

(4) OTHER COMMENTS: EVEN TRADE FOR 1997 KAWASAKI MULE

TRANSFER (including nonfunctional asset holding area)

(1) DATE TRANSFERRED: _____

(2) TRANSFERRED TO: _____

(3) SIGNATURE OF PERSON RECEIVING FIXED ASSET: _____

(4) OTHER COMMENTS: _____

DISPOSAL

(1) METHOD SOLD STOLEN OTHER

IF OTHER, PROVIDE EXPLANATION: Surplus 2012

(2) DATE DISPOSED: 6/28/12

(3) OTHER COMMENTS: _____

SIGNATURE: Audrey Williams

DATE: 10/15/02

Quarry No 004174

DIVISION: Parks & Recreation / Quarry Golf Course

FIXED ASSET: Carry all Cart #2 Plus, Five Gang Ball Picker

SERIAL NUMBER: Carryall Cart (PG708-561039 - Five Gang Ball Picker (M/D 71904

OTHER I.D. (Make, Model, etc.) Used Equipment - No Warranties

PURPOSE OF SUBMITTAL:

PURCHASE / COST \$5075.00

- (1) DATE PURCHASED: July 24, 2000
- (2) INVOICE NUMBER(S): 8313 - P.O. # 00237
- (3) DATE ASSET BECAME FUNCTIONAL (for 65 Series:)
- (4) OTHER COMMENTS: Used Equipment - Florida Used Turf Equipment
(352-341-2304)

TRANSFER (including nonfunctional asset holding area)

- (1) DATE TRANSFERRED: _____
- (2) TRANSFERRED TO: _____
- (3) SIGNATURE OF PERSON RECEIVING FIXED ASSET: _____
- (4) OTHER COMMENTS: _____

DISPOSAL

(1) METHOD SOLD STOLEN OTHER

IF OTHER, PROVIDE EXPLANATION: Surplus 2012

- (2) DATE DISPOSED: 7/28/12
- (3) OTHER COMMENTS: _____

SIGNATURE: Audrey Williams
DATE: 7-24-00

FIXED ASSET CONTROL FORM

NO 5074
FA# 1588

DIVISION: PARKS

FIXED ASSET: BATTING CAGES

SERIAL NUMBER: _____

OTHER I.D. (Make, Model, etc.) _____

PURPOSE OF SUBMITTAL:

PURCHASE / COST 53,907.89

(1) DATE PURCHASED: _____

(2) INVOICE NUMBER(s): _____

(3) DATE ASSET BECAME FUNCTIONAL (for 65 Series): _____

(4) OTHER COMMENTS: _____

TRANSFER (including nonfunctional asset holding area)

(1) DATE TRANSFERRED: _____

(2) TRANSFERRED TO: _____

(3) SIGNATURE OF PERSON RECEIVING FIXED ASSET: _____

(4) OTHER COMMENTS: _____

DISPOSAL

(1) METHOD SOLD STOLEN OTHER

IF OTHER, PROVIDE EXPLANATION: _____

Surplus List 2012

(2) DATE DISPOSED: 4/29/12

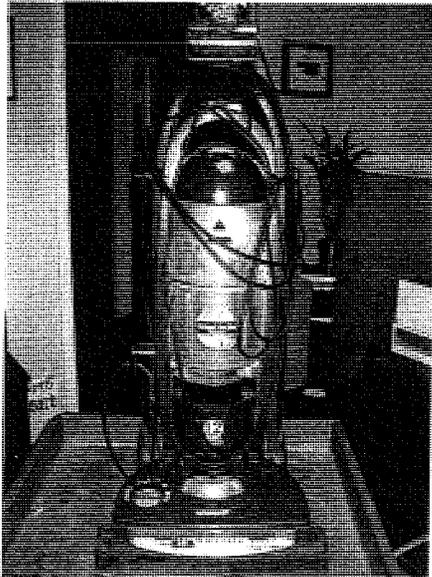
(3) OTHER COMMENTS: _____

SIGNATURE: Audrey Williams
DATE: 09-22-04

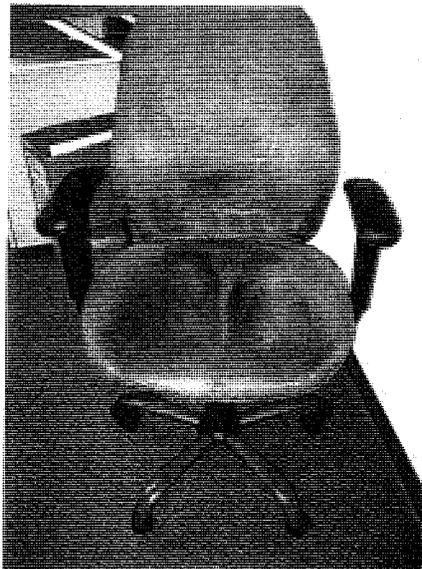
1. CELL PHONE ACCESSORIES



2. BISSELL VACUUM CLEANER

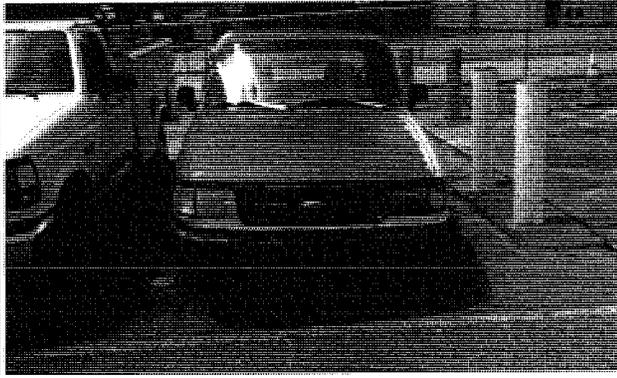
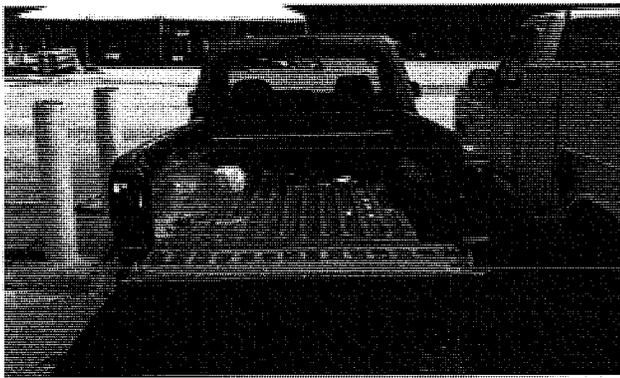
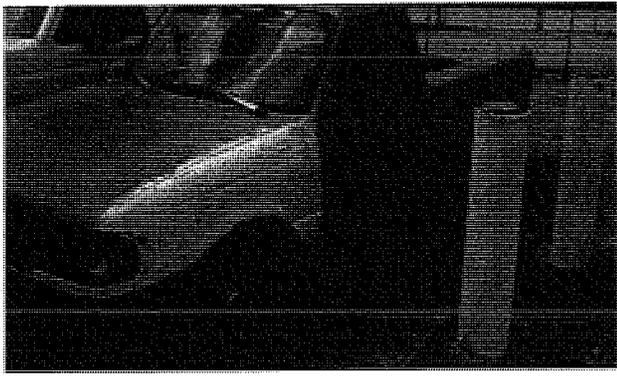
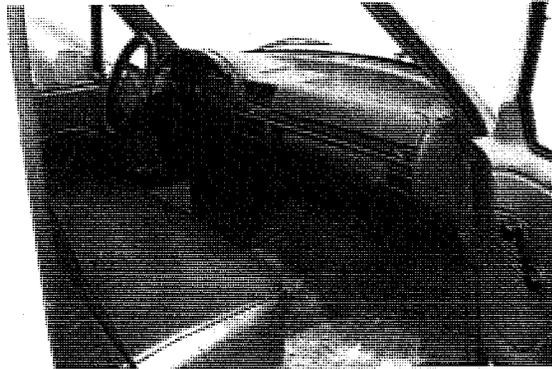


3. GRAY MICROFIBER OFFICE CHAIR



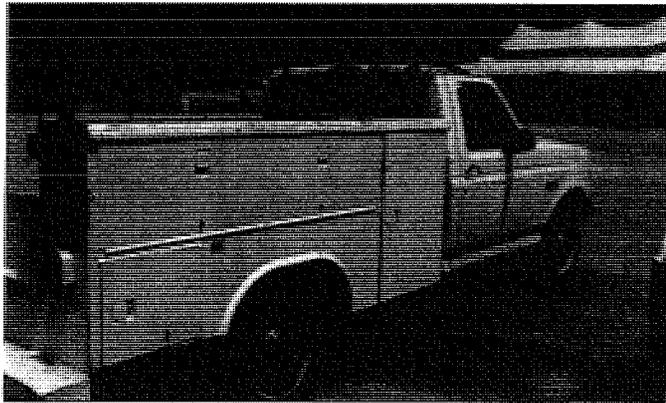
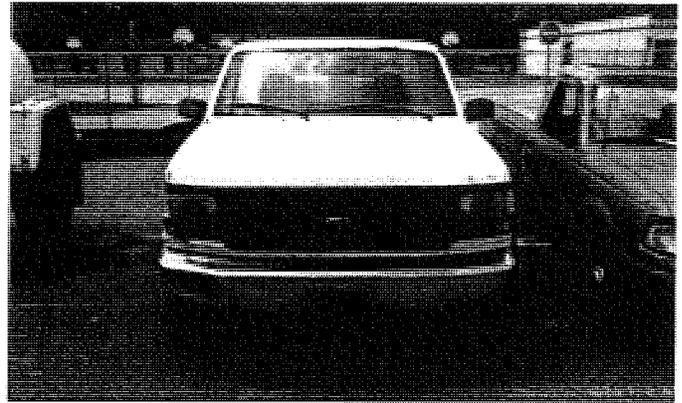
PARKS & RECREATION SURPLUS

4. TRUCK #529



PARKS & RECREATION SURPLUS

5. TRUCK #577



6. DISK MOWER



7. LAND PRIDE BRUSH HOG 2560



PARKS & RECREATION SURPLUS

8. Yamaha Golf Cart



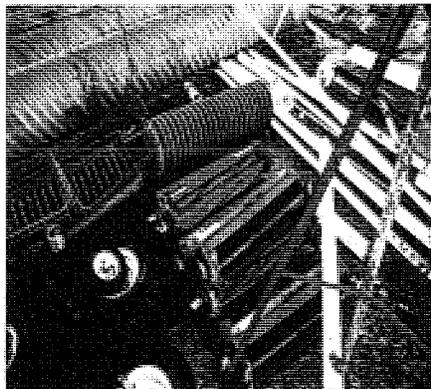
11. Pull Behind Tractor

9. Carryall Cart

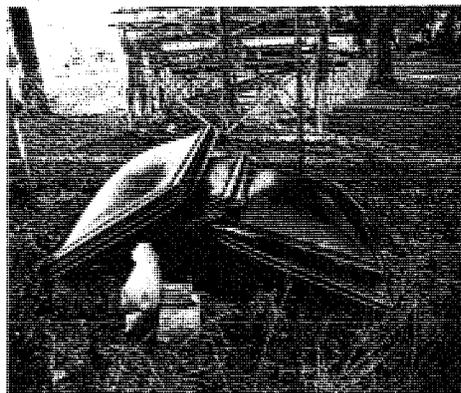


12. Serving Cart

10. Blade Sharpener



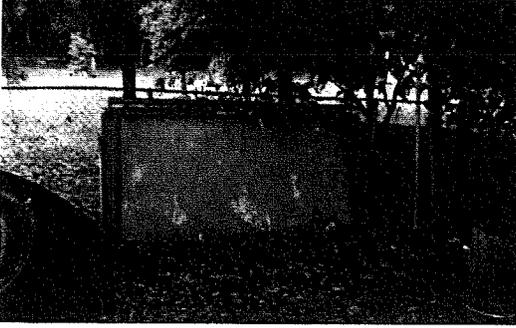
Obsolete, broken equipment parts and attachments ... also, a blade sharpener that is rusted out



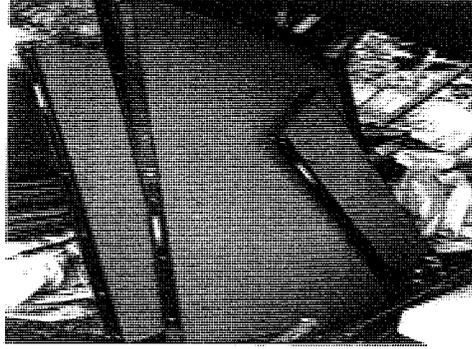
13. Skylights

PARKS & RECREATION SURPLUS

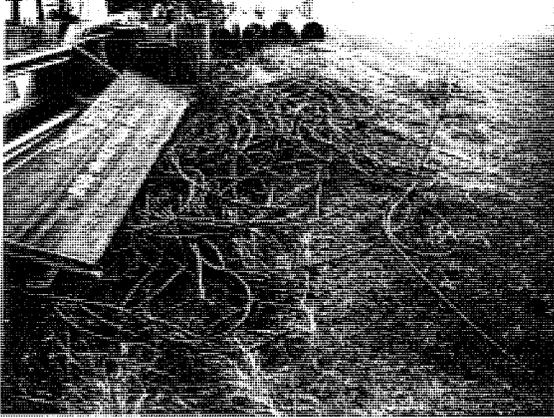
14. SLIDING GLASS DOORS



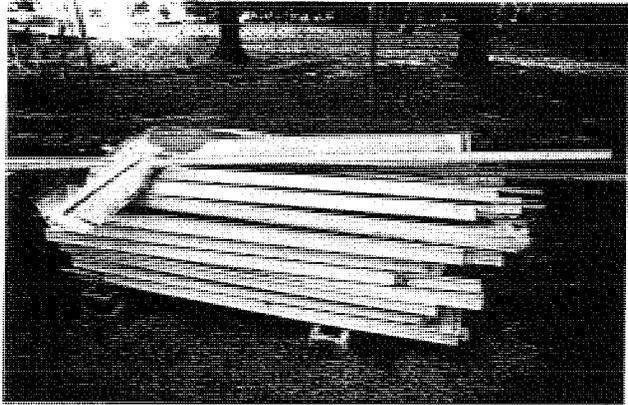
15. OFFICE DIVIDERS



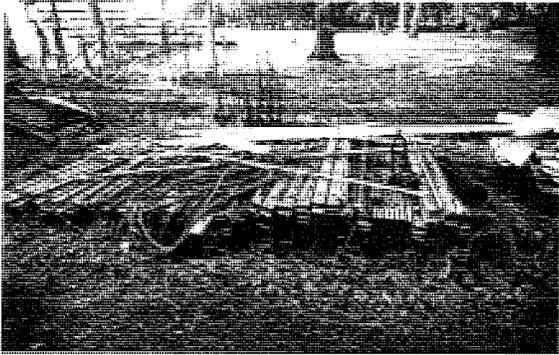
16. IRRIGATION TUBING



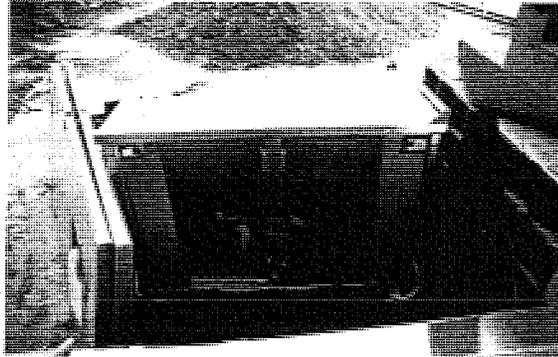
17. SUPPORT STANDARDS POLES



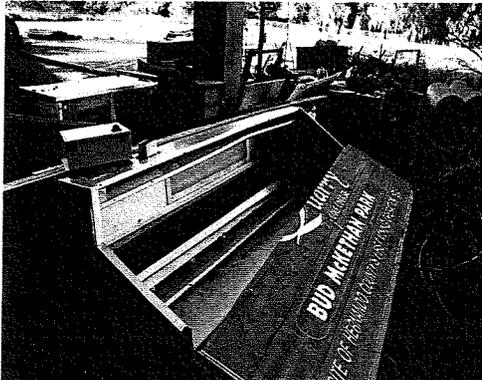
18. METAL STUDS



19. METAL ROLLING CHEST

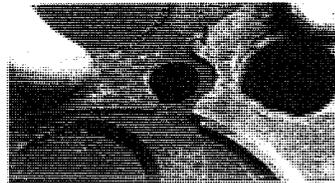
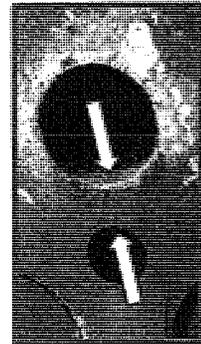
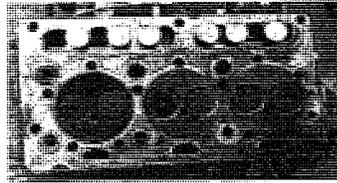
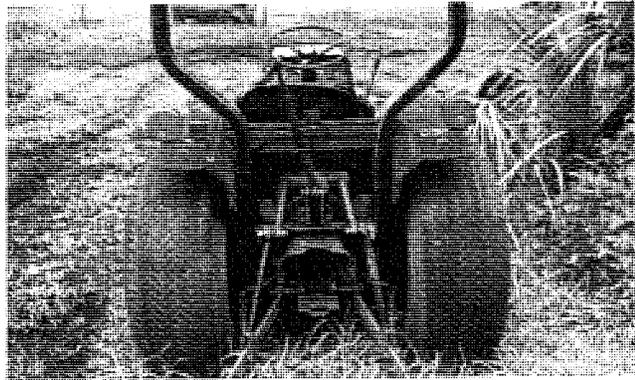


20. KITCHEN HOOD

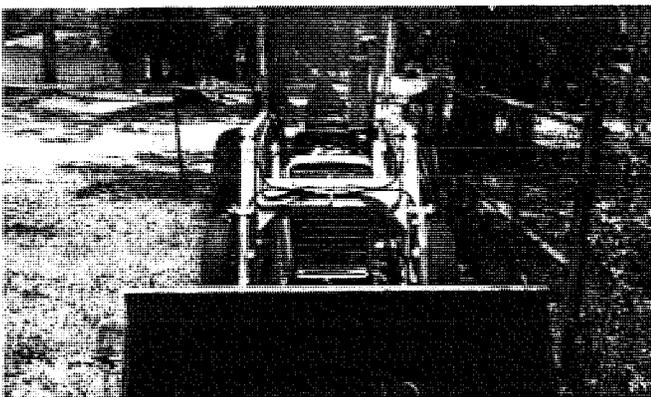
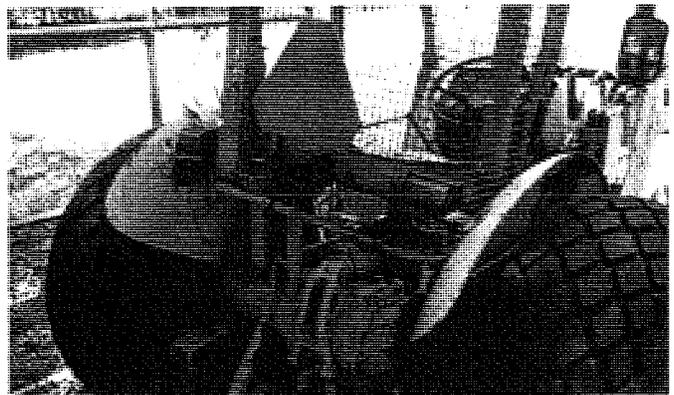


PARKS & RECREATION SURPLUS

21. MASSEY FERGUSON 1020 TRACTOR #621

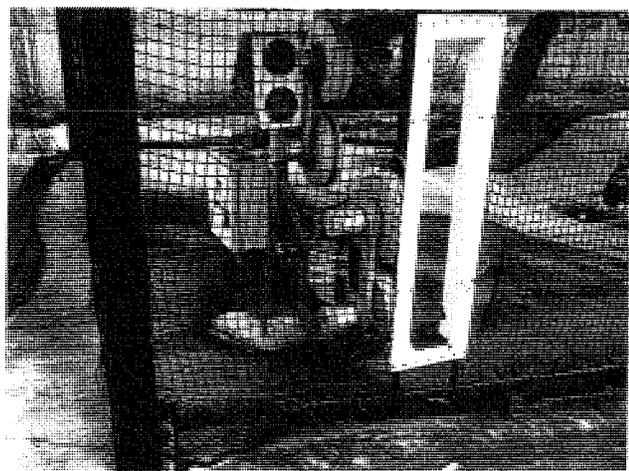
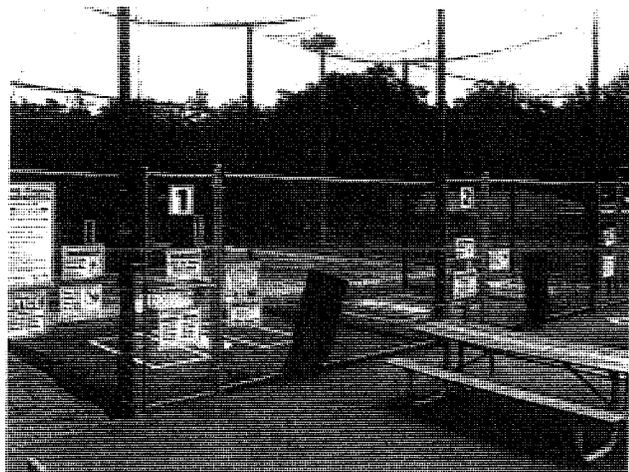
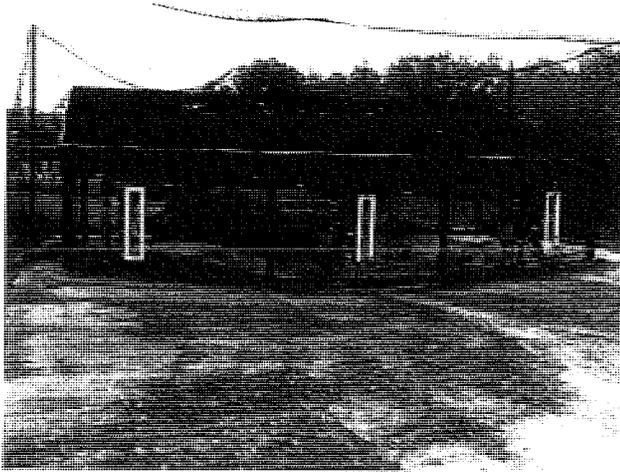
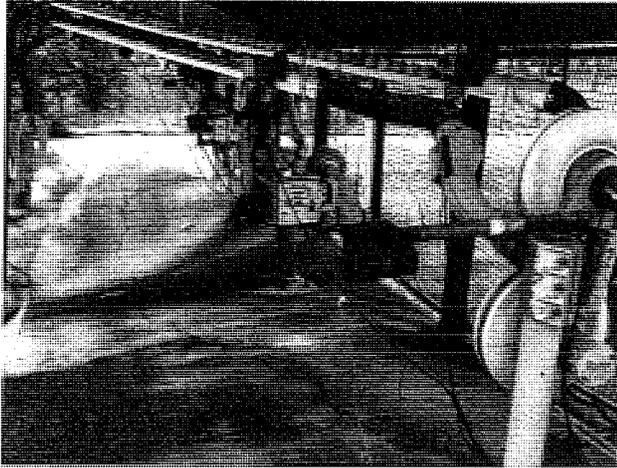


22. MASSEY FERGUSON TRACTOR #308



PARKS & RECREATION SURPLUS

23. BATTING CAGES





**CONSENT AGENDA ITEM
MEMORANDUM**

TO: THE HONORABLE MAYOR AND CITY COUNCILMEN
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER
FROM: RICHARD W. RADACKY, PUBLIC WORKS DIRECTOR
SUBJECT: MINI EXCAVATOR PURCHASE

DATE: June 27, 2012

GENERAL SUMMARY/BACKGROUND: The Utilities Division of the Public Works Department is requesting Council approval to purchase a hydraulic mini excavator, specified options, three (3) year/3,000 hour warranty package, and transport trailer. The base bid for the mini excavator is \$31,190. The specified options are a boom extension for \$551, a quick coupler for changing attachments in the amount of \$949, and an 18-inch excavation bucket for \$590. Attachment 1 is a quote for the mini excavator with picture. The mini excavator requested will be equipped with a digging bucket and blade to excavate and cover trenches in the installation and repair of water and sewer components. It will also be used in drainage relief in close spaces. Staff is also requesting a three (3) year warranty for \$2,125 and trailer for \$6,500. All totaled the purchase would be \$41,905.

The mini excavator can promote safety, efficiency and reduce costs for the following reasons. It is favored over a full-sized backhoe as it is smaller and compact for working in tight spaces, and light enough to work without extensive damage to sod and sidewalks saving restoration costs. It can be transported to job sites by trailer rather than be driven over the road as with a backhoe. The mini excavator is equipped with rubber tracks instead of wheels resulting in less surface damage to roads and sod.

Staff, in its Fiscal Year 2012 Budget, appropriated the cost of a full-sized backhoe. Attachment 2 is a quote on the Florida Sheriffs Association Contract for a full-sized backhoe. When researching a backhoe purchase, staff considered use of a mini excavator. Staff was impressed by a mini excavator's versatility, ease of operation, and cost savings over the purchase of a backhoe. Staff rented a mini excavator and tested the equipment on the job. It met all our needs. In addition, the purchase of a mini excavator to meet our needs is approximately \$21,000 less than the purchase of a full-sized backhoe.

The mini excavator will be a beneficial addition to our construction fleet. It will not replace the backhoe, but it will reduce the dependency on backhoes, reserving backhoes for larger applications.

Purchase is recommended from the Florida Sheriffs Association, Association of Counties, and Fire Chiefs Association Bid List. The mini excavator requested would be purchased from Ring Power Caterpillar at a purchase cost of \$41,905. The base price is \$31,190, the specified options are \$2,090, the three (3) year warranty is \$2,125, and the trailer is \$6,500 for a total cost of \$41,905. Attachment 3 is the Florida Sheriffs Association Contract specifications and quote for the excavator.

BUDGET IMPACT: Funds are available in the Fiscal Year 2012 Budget for Water and Sewer Utilities, Line Item Account Number 401-000-166-19037.

LEGAL REVIEW: City Council has home-rule authority (Article VIII, 2(b), Florida Constitution/Section 166.011, Florida Statutes) to consider matters of fiscal and intergovernmental benefit. Pursuant to Section 5.04 of the City Charter, competitive bidding is required except to the extent that Council authorizes otherwise by ordinance.

Pursuant to Section 2-304 (a) (1) and (2) of the Code of Ordinances, the amount of expenditure for which the City may obligate itself without competitive bidding by the City is increased provided: (1) the City Manager recommends to the City Council that a specific purchase be made by piggybacking on an award by another governmental entity's competitive bidding process; and (2) the other governmental entity's competitive bidding process provides substantially equivalent guarantees of fairness and competitiveness to those of the City.

STAFF RECOMMENDATION: Staff recommends that the City Council approve the purchase of a 2012 Caterpillar Hydraulic Mini Excavator, specified options, three (3) year/3,000 hour warranty, and trailer by piggybacking on the Florida Sheriffs Association, Association of Counties, and Fire Chiefs Association Bid #11-19-0907, in the amount of \$41,905.

Attachments:

1. Quote from Ring Power Caterpillar with Photo
2. Florida Sheriffs Association Contract Quote- Full-sized Backhoe
3. Florida Sheriffs Association Contract Quote- Mini Excavator

Attachment 1

Quote from Ring Power Caterpillar with Photo



Brooksville
352-796-4978

Daytona Beach
386-947-3363

Gainesville
352-371-9983

St. Augustine
904-737-7730

Lake City
386-755-3997

Lakeland
863-606-0512

Ocala
352-732-2800

Orlando
407-855-6195

Palm Bay
321-952-3001

Perry
850-584-2800

Pompano Beach
854-977-5010

Sarasota
941-753-7535

Tallahassee
850-562-2121

Tampa
813-671-3700

Tarpon Springs
727-938-1515

QUOTE PER THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT

Quote Prepared For: City of Brooksville

4/17/2012

(1) NEW CATERPILLAR 302.5C MINI HYDRAULIC EXCAVATOR

CONTRACT DETAILS

Florida Sheriff's Association
Bid # 11-19-0907
Specification # 58, Hydraulic Mini Excavator
Effective: October 1, 2011 Through September 30, 2012

BASE MACHINE

BASE	302.5C CATERPILLAR PER CONTRACT SPEC.	\$31,190
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SPECIFICATIONS PER SHERIFF'S CONTRACT

250-6009	CANOPY
242-9638	SEAT, VINYL
280-2457	SEAT BELT, 3"
154-2652	LIGHTS, WORKING, BOOM MOUNTED
242-9632	LINES, BOOM, NO CHECK VALVE
257-3108	PATTERN CHANGER, HAND CONTROL
240-3227	DRAIN, ECOLOGY
260-5176	ALARM, TRAVEL
321-6162	STICK PKG LONG, 2-WAY HYD
231-0952	STICK, LONG, W/ THUMB BRACKET
225-0004	LINES, BUCKET
225-4070	LINKAGE, WITH LIFTING EYE
242-9630	LINES, AUXILIARY 2-WAY, ON-OFF
225-0008	TRACKS, RUBBER BELT
265-6545	INSTRUCTIONS, ANSI
242-9615	MANUAL, OPER. MAINT. ENGLISH



Brooksville 352-796-4978	Daytona Beach 386-947-3363	Gainesville 352-371-9983	St. Augustine 904-737-7730	Lake City 386-755-3997
Lakeland 863-606-0512	Ocala 352-732-2800	Orlando 407-855-6195	Palm Bay 321-952-3001	Perry 850-584-2800
Pompano Beach 854-977-5010	Sarasota 941-753-7535	Tallahassee 850-562-2121	Tampa 813-671-3700	Tarpon Springs 727-938-1515

SPECIFIED OPTIONS

321-6162	STICK PACKAGE, LONG, 2-WAY HYD.	\$551
240-4060	QUICK COUPLER, PIN GRABBER, MAN	\$949
190-7390	BUCKET-DIG, 18"	\$590

WARRANTY

3 YEAR / 3,000 HOUR PREMIER ESC	\$2,125
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NON CONTRACT VALUE ADDED OPTION

TI7175T	ALL PRO TILT TRAILER GVWR 9,990 LBS	\$6,500
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TOTAL TRANSACTION PRICE	\$41,905
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Best regards,

Bill Hartt
Sales Representative
Ring Power Corporation

Caterpillar® 302.5C Mini Hydraulic Excavator

Designed to deliver reliable performance, versatility and ease of operation.

Performance and Versatility

High digging forces and fast cycle times, ensure that the Cat® C-Series machines deliver the productivity that customers demand.

Auxiliary lines and connectors fitted as standard, mean that the Cat 302.5C comes 'ready to work', enabling both one-way (hammer) and two-way (auger) tool operation.

The dozer blade float function enables more efficient clean up and landscaping operations.

Choice of standard or long stick enables matching of machine to application.

High rotation bucket angle combines good spoil retention and flat back trench characteristics.

Long reach dozer blade assists effective site clean up.

Engineered Durability

The heavy-duty bodywork and clean lines of the Caterpillar 302.5C ensure long life and reduce maintenance cost in tough, demanding applications.

Comfort and Ease of Operation

Cab and canopy options are available. The C-Series cab provides a very spacious and comfortable work area with a high feature level as standard.

Impressive legroom, air circulation and well positioned, low effort controls give even greater operator comfort.

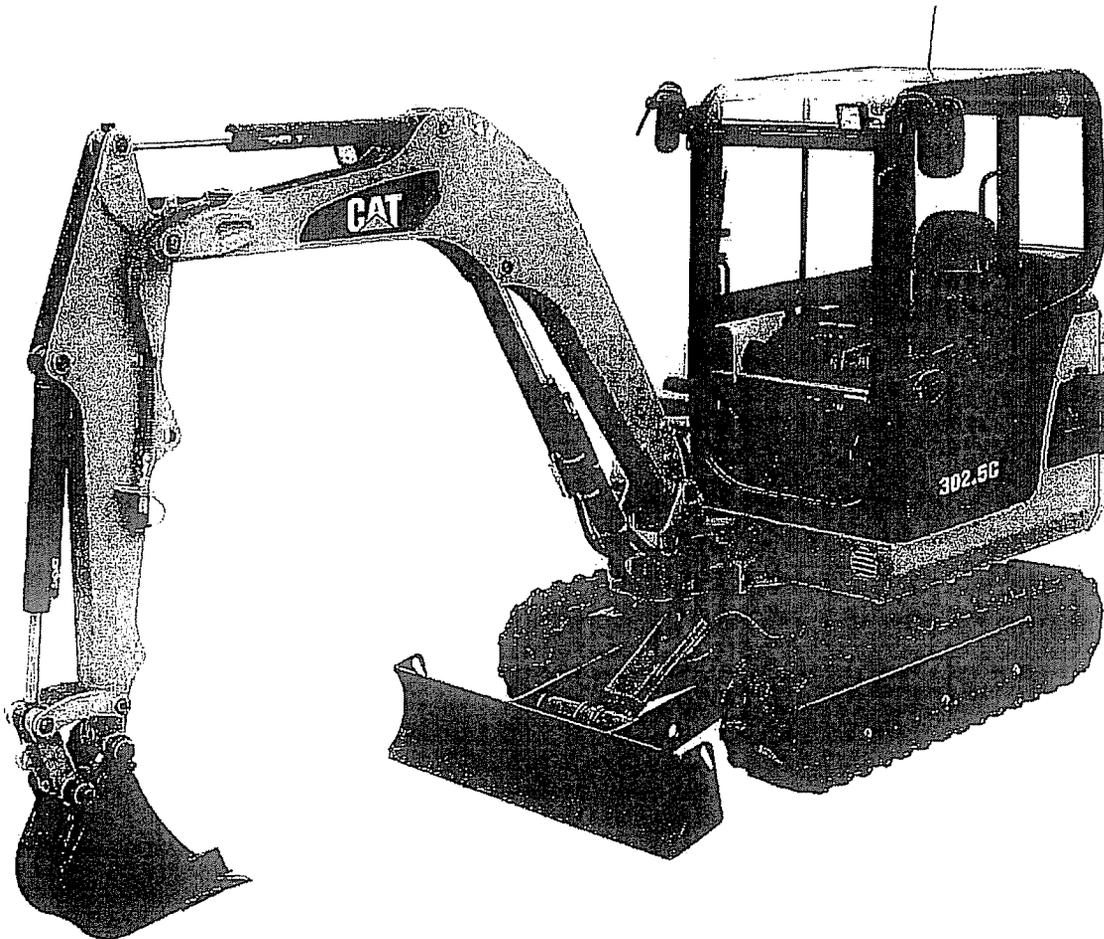
Clear, flat floor offers easy cleaning and maximizes foot space.

Suspension seat as standard.

Lever mounted auxiliary and boom swing controls.

Automatically applied swing lock aids machine transportation.

Optional air conditioning, or fan and sun blind packages offer further comfort features.



Attachment 2

Florida Sheriffs Association Contract Quote

Full-sized Backhoe



**FLORIDA SHERIFFS ASSOCIATION,
FLORIDA ASSOCIATION OF COUNTIES &
FLORIDA FIRE CHIEFS' ASSOCIATION**

**4X4 LOADER BACKHOE WITH CANOPY (STANDARD STICK)
SPECIFICATION #67**

2012 Caterpillar 416

The Caterpillar 416 purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$63,429.00	\$63,429.00	\$63,429.00	\$63,515.00

While the Florida Sheriffs Association, Florida Association of Counties and Florida Fire Chiefs' Association have attempted to identify and include those equipment items most often requested by participating agencies for full size vehicles, we realize equipment needs and preferences are going to vary from agency to agency. In an effort to incorporate flexibility into our program, we have created specific add/delete options which allow the purchaser to tailor the vehicle to their particular wants or needs.

The following equipment delete and add options and their related cost are provided here to assist you in approximating the total cost of the type vehicle(s) you wish to order through this program. Simply deduct the cost of any of the following equipment items you wish deleted from the base unit cost and/or add the cost of any equipment items you wish added to the base unit cost to determine the approximate cost of the type vehicle(s) you wish to order.

NOTE: An official listing of all add/delete options and their prices should be obtained from the appropriate dealer in your zone when preparing your order. Additional add/delete options other than those listed here may be available through the dealers, however, those listed here must be honored by the dealers in your zone at the stated prices.

Attachment 3

Florida Sheriffs Association Contract Quote

Mini Excavator



**FLORIDA SHERIFFS ASSOCIATION,
FLORIDA ASSOCIATION OF COUNTIES &
FLORIDA FIRE CHIEFS' ASSOCIATION**

**HYDRAULIC MINI EXCAVATOR
SPECIFICATION #58**

2012 Caterpillar 302.5

The Caterpillar 302.5 purchased through this contract comes with all the standard equipment as specified by the manufacturer for this model and FSA's base vehicle specification(s) requirements which are included and made a part of this contract's vehicle base price as awarded by specification by zone.

ZONE:	Western	Northern	Central	Southern
BASE PRICE:	\$31,190.00	\$31,190.00	\$31,190.00	\$31,219.00

While the Florida Sheriffs Association, Florida Association of Counties and Florida Fire Chiefs' Association have attempted to identify and include those equipment items most often requested by participating agencies for full size vehicles, we realize equipment needs and preferences are going to vary from agency to agency. In an effort to incorporate flexibility into our program, we have created specific add/delete options which allow the purchaser to tailor the vehicle to their particular wants or needs.

The following equipment delete and add options and their related cost are provided here to assist you in approximating the total cost of the type vehicle(s) you wish to order through this program. Simply deduct the cost of any of the following equipment items you wish deleted from the base unit cost and/or add the cost of any equipment items you wish added to the base unit cost to determine the approximate cost of the type vehicle(s) you wish to order.

NOTE: An official listing of all add/delete options and their prices should be obtained from the appropriate dealer in your zone when preparing your order. Additional add/delete options other than those listed here may be available through the dealers, however, those listed here must be honored by the dealers in your zone at the stated prices.



**CONSENT AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCILMEN
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *(Signature)*
FROM: STEVE BAUMGARTNER, FINANCE DIRECTOR *(Signature)*
SUBJECT: PUBLIC RISK MANAGEMENT OF FLORIDA (PRM) RENEWAL FOR 2012-13 YEAR
DATE: JULY 10, 2012

GENERAL SUMMARY/BACKGROUND: The City is currently insured through Public Risk Management of Florida (PRM) for property, package policies, liability and workers' compensation coverages. Our current insurance coverage year is for one year which is from October 1, 2011 through October 1, 2012.

At the PRM Board meeting on June 15, 2012 we were told that our 2012-13 premium costs would not exceed a 10% increase to existing rates. Our premium in 2011-12 was \$445,801. Finance has used the 10% increase in the estimates for our 2012-13 Budget projections. We are expected to spend approximately the same premium as we paid in 2004-05.

PRM has been very aggressive and creative in their pursuit to find re-insurance markets to maintain lower premiums for their members. In 2011 total catastrophic losses worldwide were \$116 Billion dollars. In addition, the PRM Board elected to use \$4 million dollars of surplus to be utilized as participation credits for the members for the 10/1/2012 renewal. Last year, the City renewed without increase enjoying a flat renewal. Unfortunately, due to the very high worldwide losses insurance costs have increased.

All PRM preferred members (Brooksville is a preferred member) are required to give more than a 60 day notice of their intent to withdraw at the end of the policy year (Florida State Statute 624.46223).

SB **BUDGET IMPACT:** The renewal will impact the budget for FY 2012-13 and therefore be reflected within the FY 2012-13 budget documents.

LEGAL REVIEW: Council has the legal authority to participate in/renew coverages through the Public Risk Management of Florida (PRM) pool. Pursuant to Section 1.03 and 5.01 of the City's charter, the City has the authority to enter into contracts and to negotiate the terms of its contractual obligations.

STAFF RECOMMENDATION: Staff recommends that the City Council approve insurance renewals for October 1, 2012 through October 1, 2013 and to not give notice of withdrawal from the PRM Pool for the 2012-13 Policy Year.



AGENDA ITEM MEMORANDUM

TO: Honorable Mayor and City Council

VIA: T. Jennene Norman-Vacha, City Manager 

VIA: Bill Geiger, Community Development Director 

FROM: Steve Gouldman, AICP, City Planner 

SUBJECT: Land Development Code Amendments

DATE: July 16, 2012

BACKGROUND:

This petition is to amend various sections of the City of Brooksville Land Development Code (LDC). The current LDC was adopted on October 17, 2011 and, as often occurs with complex regulatory documents of substantial size, issues have been identified that require modifications to the regulations. Additionally, the State of Florida Division of Emergency Management, in January 2012, notified the City that all jurisdictions in the State were required to replace existing flood prevention and management regulations with those of a model ordinance developed in conjunction with the United States Federal Emergency Management Agency (FEMA). The modifications to the LDC involve Article I, Article II, Article IV, Article V, Article VIII, Article X and Article XI.

The first item is an amendment to Article I and provides language authorizing City Council to adopt by resolution a schedule of application fees for functions performed by the City in response to applications submitted. Currently, the only language addressing application fees is provided in Article VIII and applies to the Planning and Zoning Commission. The language addressing City Council's authority to adopt such a resolution applicable only to the Planning and Zoning Commission is proposed for removal from Article VIII.

In addition to correcting a paragraph numbering error in Section 4-8.46, two substantive modifications to Article IV are proposed. Specifically, a modification to the Alcoholic Beverage Use Permit regulations that establishes a refined approval process. Presently, the approval process for all Alcoholic Beverage Use Permit applications requires review by both the Planning and Zoning Commission and City Council. The proposed modification stipulates that requests for permits that include the sale and public consumption of alcoholic beverages on the licensed premises will be presented to City Council and considered for approval by Resolution. Applications for the sale of alcoholic beverages for consumption off the licensed premises only will be reviewed and approved or denied administratively. The Table of Allowable Uses in Article II is

modified to reflect the change to the approval process. Also proposed as additions to Article IV are landscaping requirements for off-street parking areas and screening provisions for open storage uses. Presently the LDC does not address landscaping of parking areas adjacent to rights-of-way or abutting other properties. The proposed regulations require a landscaped buffer a minimum of five feet in width be provided between the parking area and the right-of-way and between the parking area and adjacent uses as well as different uses on the same site, unless the screening requirements of Section 4-4.3. apply and are more stringent, in which case the more stringent requirements must be met. Open storage uses are also not addressed in the current LDC. As proposed, open storage areas will be screened from public view through the use of a solid masonry wall, solid PVC or wood fence or other material as may be approved by the Chief Administrative Officer. The screening will be a minimum of six feet in height.

The remaining changes to the LDC are to the regulations regarding floodplain management in Article V and Article X, as well as to definitions provided in Article XI. The changes are the result of the State of Florida's requirement that all jurisdictions modify their existing floodplain management regulations. Part 5-5 of the LDC as presently written is proposed for repeal and the language is replaced by the language in the attached ordinance. The language for Article X involving the *Florida Building Code* is as provided by the State of Florida Division of Emergency Management. As recommend by FEMA to all Florida communities, the proposed regulations of Article IV are based on the Florida State Model Ordinance, which is designed to ensure that the minimum requirements of the National Flood Insurance Program (NFIP) are met. The attached proposed regulations will bring the City's current Flood Prevention and Protection Ordinance into conformance with Title 44 of the Code of Federal Regulations, as administered by the Federal Emergency Management Agency and the Federal Insurance Administration, and Chapter 163 of the Florida Statutes which mandates that communities enact regulations addressing development in areas subject to seasonal and periodic flooding. The following are aspects of the new regulations and building code amendments:

- The new provisions eliminate permissive and unenforceable language;
- The regulations are coordinated with the *Florida Building Code*. The *Florida Building Code* contains requirements for buildings and structures; the floodplain management regulations contain other requirements necessary for consistency with the NFIP. In order to fulfill community commitments to the NFIP, the new regulations require buildings and structures that are exempt from the *Florida Building Code* and development other than structures such as fences, sidewalks and decks to comply with requirements for flood hazard areas.
- The new floodplain management regulations and building code amendments distinguish between duties of the Building Official and duties of the Floodplain Administrator. As proposed, the Building Official retains the duty to enforce the

flood provisions of the *Florida Building Code*, while the Floodplain Administrator handles virtually all other duties. The Building Official and the Floodplain Administrator are responsible for different aspects required to fulfill the City's commitment and responsibilities to the NFIP and those duties are coordinated between the two positions.

- The floodplain management regulations include specific requirements for development other than buildings that may appear to be "new," but that are based on the overall performance expectation of the NFIP for any development, including activities other than buildings. The specific requirements come from the American Society of Civil Engineers (ASCE) 24--the referenced standard of the International Building Code--and FEMA guidance. The specificity is intended to help both the local official and the applicant understand what constitutes flood damage resistance for such activities.
- The regulations include a higher elevation standard than the minimum required by NFIP. The higher standard, referred to as "freeboard," tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions. Providing a higher standard such as freeboard results in significantly lower flood insurance rates due to lower flood risk.

BUDGET/IMPACT:

Application, implementation and enforcement of the Land Development Code is and will continue to be the responsibility of the Community Development Department, with support from existing departments as applicable. No additional staff or other resources are anticipated in the administration of the LDC.

LEGAL REVIEW:

Florida Statutes § 163.3202(1) requires that each county and each municipality must adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan. Florida Statutes § 163.3202(2) mandates that Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan.

PLANNING & ZONING COMMISSION RECOMMENDATION:

At their March 14, 2012 meeting, staff informed Planning and Zoning Commission members that the State had indicated further refinements would be forthcoming. Refinements were provided in May 2012 and were not more restrictive than those provided to the Planning and Zoning Commission. The Planning and Zoning Commission concurred with the staff recommendation for the Commission to recommend approval of the Ordinance to the City Council.

STAFF RECOMMENDATION:

Based on the above considerations, staff recommends that the City Council adopt the Ordinance as proposed or adopt with modifications. Upon adoption of the Ordinance, a public hearing for the second and final reading of the Ordinance must be determined.

ATTACHMENT: Draft Ordinance No. 831

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ORDINANCE NO. 831

AN ORDINANCE BY THE CITY OF BROOKSVILLE, FLORIDA, REPEALING PART 5-5, "FLOOD PREVENTION AND PROTECTION AREAS," OF ARTICLE V, "NATURAL RESOURCES," OF SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES; AMENDING PART 1-3, "INTERPRETATION AND REGULATORY EFFECT," OF ARTICLE I, "GENERAL PROVISIONS;" AMENDING PART 2-2, "ZONING DISTRICT USES," OF ARTICLE II, "ZONING DISTRICTS, USES AND LOT REQUIREMENTS;" AMENDING PART 4-4, "SUBDIVISION AND SITE DEVELOPMENT REQUIREMENTS," PART 4-5, "LANDSCAPING AND TREE PROTECTION," AND PART 4-8, "SUPPLEMENTAL DESIGN STANDARDS FOR CONDITIONAL USES, SPECIAL EXCEPTIONS AND SPECIAL USES," OF ARTICLE IV, "GENERAL REQUIREMENTS AND SUPPLEMENTAL REGULATIONS;" ADOPTING A NEW PART 5-5, "FLOOD PREVENTION AND PROTECTION AREAS" OF ARTICLE V, "NATURAL RESOURCES," OF SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES TO INCLUDE ADOPTION OF FLOOD HAZARD MAPS, DESIGNATION OF A FLOODPLAIN ADMINISTRATOR, ADOPTION OF PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; AMENDING PART 8-1, "ADMINISTRATION," OF ARTICLE VIII, "ADMINISTRATION, APPLICATION AND APPEAL PROCEDURES;" AMENDING ARTICLE X, "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS AND LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; AMENDING SECTION 11-1.2., "DEFINITIONS," OF ARTICLE XI, "DEFINITIONS," OF SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES; PROVIDING FOR APPLICABILITY, CONFLICTS AND REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and,

WHEREAS, the City Council of the City of Brooksville has the authority to prepare, adopt and enforce this Code pursuant to the Florida Constitution, Chapter 163 Florida Statutes, Chapter 166 Florida Statutes, the City of Brooksville Comprehensive Plan, and such other authorities and provisions established in statutory or common law; and,

WHEREAS, it is the purpose of the City Council of the City of Brooksville to establish the standards, regulations and procedures for review and approval of all proposed development of property in the City of Brooksville and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the City of Brooksville Comprehensive Plan; and,

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Brooksville and such areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and

relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and,

WHEREAS, the City of Brooksville was accepted for participation in the National Flood Insurance Program and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and,

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and,

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative and local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program and incentives; and,

WHEREAS, the City Council has determined it is in the public interest to adopt a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and,

WHEREAS, the City Council has determined that it is in the public interest to adopt the floodplain management regulations that are coordinated with the *Florida Building Code*; and,

WHEREAS, the City Council of the City of Brooksville has determined this Land Development Code is consistent with the City's Comprehensive Plan and it is in the best public interest for all development to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code;

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

SECTION 1. CONFLICTS AND REPEALER. Section 5-5.1., "Purpose," Section 5-5.2., "Objectives," Section 5-5.3., "General Provisions," Section 5-5.4., "Designation and Duties of Floodplain Administrator," Section 5-5.5., "Administration," Section 5-5.6., "Provisions for Flood Hazard Reduction" and Section 5-5.7., "Variances" of Part 5-5, "Flood Prevention and Protection Areas," of Article V, "Natural Resources," of Subpart B, "Land Development Code," of Part II of the City of Brooksville Code of Ordinances are hereby repealed in their entirety. In addition, all other ordinances, or parts thereof, and resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 2. CODIFICATION. Section 1-3.11., "Fees," of Part 1-3, "Interpretation and Regulatory Effect," of Article I, "General Provisions;" Table 2-2, "Table of Allowable Uses," of Section 2-2.2., "Allowable Uses," of Article II, "Zoning Districts, Uses and Lot Requirements," Section 4-4.2., "Development Regulations," of Part 4-4, "Subdivision and Site Development Requirements," Section 4-5.7, "Buffering and Screening," of Part 4-5, "Landscaping and Tree Protection," Section 4-8.9., "Alcoholic Beverage Use Permits," Section 4-8.46., "Neighborhood/Community Fair," of Part 4-8 and "Supplemental Design Standards for Conditional Uses, Special Exceptions, and Special Uses," of Article IV, "General Requirements and

Supplemental Regulations;" Part 5-5, "Flood Prevention and Protection Areas," of Article V, "Natural Resources;" Section 8-1.4., "Planning and Zoning Commission," of Part 8-1, "Administration," of Article VIII, "Administration and Application Procedures;" Article X, "Buildings and Building Regulations;" and Section 11-1.2., "Definitions," of Part 11-1, "Contents," of Article XI, "Definitions," of Subpart B, "Land Development Code," as amended, of Part II of the City of Brooksville Code of Ordinances shall be modified and supplemented as set forth in Exhibit A of this Ordinance which is attached hereto and incorporated herein in *haec verba*.

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

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters, CMC, City Clerk

By: _____
Joe Johnston, Mayor

PASSED on First Reading _____

NOTICE Published on _____

PASSED on Second & Final Reading _____

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

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Hohn _____
Johnston _____

EXHIBIT A

ORDINANCE NO. 831

ARTICLE I

GENERAL PROVISIONS

PART 1-3

INTERPRETATION AND REGULATORY EFFECT

SECTION 1-3.11. FEES

The City Council shall adopt by resolution a schedule of application fees for functions performed by the City in response to applications submitted by any person, corporation, organization or governmental entity. No permit shall be valid until the fees prescribed per City Council Resolution and on file within the City Clerk's Office have been paid, nor shall an amendment to a permit be approved until the additional fees, if any, have been paid.

ARTICLE VIII

ADMINISTRATION, APPLICATION AND APPEAL PROCEDURES

PART 8-1

ADMINISTRATION

SECTION 8-1.4. PLANNING AND ZONING COMMISSION

~~E.~~ ~~Application Fees~~

~~The City Council shall adopt by resolution a schedule of application fees for functions performed by the Planning and Zoning Commission in response to applications submitted by any person, corporation, organization or governmental entity.~~

FE. Legal Representation

The City Council of the City of Brooksville shall provide an attorney to defend any civil action brought against any officers, employees or agents of the Planning and Zoning Commission for acts or omissions arising out of or in the scope of their employment or function unless in the case of a tort action, such officer, employee or agent acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property. Defense of such civil action shall include, but not be limited to, any civil rights lawsuits seeking relief against such officers, employees or agents for acts or omissions under color of State Law, custom or usage, wherein it is alleged that such officer, employee or agent has deprived another person of his rights secured under Federal Constitution or Laws. The City Council of the City of Brooksville shall pay, within the limitations provided by law and available funds, any final judgment, including damages, costs and attorney's fees, against any officer, employee or agent of

the Planning and Zoning Commission held to be liable in a civil or civil rights lawsuit or any compromise or settlement thereof prior to judgment, provided that such judgment is not based upon any such officer, employee or agent acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety and/or property. This provision is not, however, intended to waive sovereign immunity, any limitation or liability or any other defense or immunity to such lawsuits.

ARTICLE IV

GENERAL REQUIREMENTS AND SUPPLEMENTAL REGULATIONS

PART 4-8

SUPPLEMENTAL DESIGN STANDARDS FOR CONDITIONAL USES, SPECIAL EXCEPTIONS AND SPECIAL USES

SECTION 4-8.46. NEIGHBORHOOD/COMMUNITY FAIR

1. Publicly-sponsored Neighborhood/Community Fairs. Any outdoor nonresidential temporary use or structure used in an event sponsored or authorized by a governmental agency or held on publically-owned property, i.e., parks, county fairgrounds, school sites, etc., shall be exempt from the requirements of this Section, provided such temporary use or structure associated with the use does not exceed 30 days.
2. Privately-sponsored Neighborhood/Community Fairs. All privately-sponsored Neighborhood/Community Fairs shall comply with the following regulations:
 - 1a. All necessary state and local permits shall be obtained.
 - 2b. The duration of the use shall not exceed 14 calendar days, except as specified in paragraph 5e. below.
 - 3c. There shall be a minimum of 30 feet from the parking area to the ~~lot line~~ property boundary and a minimum of 30 feet from the fair itself to the ~~lot line~~ property boundary, except as specified in paragraph Ee. below.
 - 4d. Parking areas shall be designed to prohibit vehicles from backing onto collector or arterial roadways.
 - 5e. If the applicant wishes to extend the duration of the Neighborhood/Community Fair to more than 14 calendar days, or to reduce the setbacks specified in paragraph Cc. above, the noticed appearance before the Planning and Zoning Commission option associated with the Special Exception procedure shall be mandatory. The Planning and Zoning Commission's decision to extend the duration of the fair or to reduce the setbacks shall be based on a finding of no significant adverse effect on adjoining properties.
 - 6f. Outdoor lighting shall not shine directly onto adjacent properties.
 - 7g. Permits for Neighborhood/Community fairs shall be valid for five separate fairs, provided no changes to site conditions are proposed. No less than seven days prior to each fair, notification shall be provided to the City with certification that there are no changes to site conditions.

ARTICLE IV

GENERAL REQUIREMENTS AND SUPPLEMENTAL REGULATIONS

PART 4-8

SUPPLEMENTAL DESIGN STANDARDS FOR CONDITIONAL USES, SPECIAL EXCEPTIONS, AND SPECIAL USES AND ALCOHOLIC BEVERAGE USES

SECTION 4-8.9. ALCOHOLIC BEVERAGE USE PERMITS

A. General Objectives

1. It is the intent of this Section to provide uniform regulations pursuant to the authority granted by Section 562.45(2), Fla. Stat., for all establishments in the City of Brooksville in which the sale of alcoholic beverages or the public consumption of alcoholic beverages is to occur. The granting of an Alcoholic Beverage ~~Special~~ Use Permit is a prerequisite for allowing alcoholic beverage uses to be established in the City of Brooksville. It is the intent of this Code to generally permit such uses only in certain commercial, industrial, and mixed use districts with the exception of the 11-C, 11-CX, 4-COP-SGX and GC Alcoholic Beverage ~~Special~~ Use Classifications which will be allowed in all zoning districts. Notwithstanding the above, in office, residential and agricultural zoning districts where an 11-C or 4-COP-SGX permit is inapplicable, other permit classifications may be approved for restrictive uses such as a private dining hall in a community residential home. In such cases the permit shall be subject to approval by Resolution of the City Council ~~in accordance with Article VIII of this Code, irrespective of whether the proposed use meets proximity requirements. In granting approval,~~ and the permit shall be conditioned to limit the sales and/or consumption of alcoholic beverages to the specifically proposed use.
3. The procedures for applicants who desire to receive an Special Alcoholic Beverage Use Permit for the establishment and maintenance of a specific alcoholic beverage ~~land~~ use designation are described herein

C. Application for Permitting of Land Use for Sale or Public Consumption of Alcoholic Beverages.

1. Review process

Any owner, lessee, or tenant who desires to have any lot, plot, or tract of land permitted for the sale or public consumption of alcoholic beverages on the licensed premises or on and off the licensed premises in the City of Brooksville shall meet the application requirements for a Development Permit as specified in Article VIII of this Code. ~~Such applications shall not be reviewed by the~~

Planning and Zoning Commission and shall be presented to City Council and considered for approval by Resolution. Applications for the sale of alcoholic beverages for consumption off the licensed premises only shall be reviewed and approved or denied administratively. Notwithstanding the above, aApplications for temporary alcoholic beverage special temporary event permits shall not require a public hearing also be reviewed and approved or denied administratively. Denial of an Alcoholic Beverage Use Permit shall be based on the applicable criteria for Revocation as identified in Section 4-8.9.H. Alcoholic beverage wholesale distributors that do not directly sell to the general public and only store sealed alcoholic beverage containers shall not be required to obtain an Alcoholic Beverage Special Use Permit.

2. Application requirements.

Applications for Alcoholic Beverage Use permits shall contain the following information and shall be signed by the applicant and notarized.

- a. Name and address of the applicant;
- b. Legal description of the property for which the permit is sought;
- c. Name and address of the property owner if not owned by the applicant.
- d. Written consent of the property owner if the property is not owned by the applicant;
- e. Street address of the property for which the permit is requested;
- f. Classification of Alcoholic Beverage Use permit requested;
- g. Whether the applicant has been convicted of any felony under Florida law or the laws of the United States;
- h. Whether the applicant has been convicted of any misdemeanor relating to prostitution, obscenity, nuisance, indecent exposure, disorderly conduct, or gambling; and
- i. Whether the applicant has previously had a license for the sale of alcoholic beverages revoked by Florida's Department of Business & Professional Regulation, Division of Alcoholic Beverages and Tobacco.

D. Alcoholic Beverage Special Use Permit Classifications

1. The Alcoholic Beverage Special Use Classification desired for the lot, plot, or tract of land on which the sale or public consumption of alcoholic beverages is to be permitted shall be one of the following:

m. 11-C

ii. Golf Club.

Beer, wine, and liquor for sale and consumption on the licensed premises to club members and their guests only. The club shall be chartered and located on a bona fide golf course owned or leased by the club consisting of at least nine holes, clubhouse, locker rooms, and attendant golf facilities comprising at least 35 acres of land. Under the 11-C classification, alcoholic beverages are to be sold only in ~~Special~~ Alcoholic Beverage Use permitted areas at the golf club. Consumption may occur on the remainder of the golf club property. For the sale of alcoholic beverages on the golf course see paragraph n. below (11-CX).

E. Procedures for Consideration of Alcoholic Beverage Application

Applications for Alcoholic Beverage ~~Special~~ Use Permit shall be filed with and reviewed in accordance with Article VIII of this Code the Community Development Department .

TABLE OF ALLOWABLE USES

	RESIDENTIAL												COMMERCIAL				COMMERCIAL AND INDUSTRIAL				OVERLAYS							
													OFFICE				COMMERCIAL				COMMERCIAL AND INDUSTRIAL				OVERLAYS			
	AG	R-1A	R-1B	R-1C	R-1D	R-2	R-3	PR	P-1	C-1	C-2	C-4	CIS-1	I-1	I-2	PFS	HCBRD	HCC										
Schools (K--12)	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU		SU													
Neighborhood, General and High Intensity Business and Commercial Uses																												
Accessory Retail								C	P	P	P		C	C				C										
Adult Care Centers								C	C	C	C																	
Adult Uses									C	C	C																	
Alcoholic Beverage ¹							SU	SU	SU	SU	SU		SU	SU				SU										
Apparel and Shoe Store							P	P	P	P	P																	
Appliance Stores, Large									P	P	P																	
Appliance Stores, Small									P	P	P																	
Art Supply Store							A	P	P	P	P							A										
Automated Teller (ATM)								A	A	A	A							A										
Automotive Supply Store									P	P	P																	
Bank/Credit Union									P	P	P																	
Banquet and Reception Halls									P	P	P																	
Bicycle Sales									P	P	P																	
Bicycle Repair									P	P	P																	
Billiards and Pool Parlors									P	P	P																	
Blueprint								P	P	P	P																	
Body Shops									P	P	P																	
Book/Stationary Store, New and Used							A	A	P	P	P							A										
Bowling Alleys									P	P	P																	
Brew On-Premises									P	P	P																	
Building Materials									P	P	P		P	P														
Bus Terminal									C	C	C		C	C														
Camera/Photography Store							A	A	P	P	P							A										
Canopies and Gasoline Pump Islands as Accessory Uses									C	C	C		C	C														
Car Wash Facilities--Self									C	C	C		C	C														

TABLE OF ALLOWABLE USES

	RESIDENTIAL										OFFICE				COMMERCIAL				COMMERCIAL AND INDUSTRIAL				OVERLAYS		
	AG	R-1A	R-1B	R-1C	R-1D	R-2	R-3	PR	P-1	C-1	C-2	C-4	CIS-1	I-1	I-2	PFS	HCBRD	HCC							
Resource Recovery Facilities										SU		C	C	C											
Vehicle Recycling, Open										SU		C	C	C											
Vehicle Recycling, Enclosed									SU	C		C	C	C											
Yard Waste Composting Facility									C	C		C	C	C	C										
Yard Waste Transfer Facility									C	C		C	C	C	C										

Notes:

1. Requires Alcoholic Beverage Use Permit. See Article IV for applicable review process.

ARTICLE IV
GENERAL REQUIREMENTS AND SUPPLEMENTAL REGULATIONS
PART 4-4
SUBDIVISION AND SITE DEVELOPMENT REQUIREMENTS

SECTION 4-4.2. DEVELOPMENT REGULATIONS

L. Parking and Loading.

15. Off-street parking area buffering and screening.

- a. Landscaping within buffers required herein include existing vegetation, berms in combination with plant materials, evergreen plants, or any combination of the above. The landscaping shall be, within two years of installation, a minimum of three feet in height and 75 percent opaque.
- b. Off-street parking areas not entirely screened from an abutting right-of-way by an intervening building or other structure, a landscaped buffer a minimum of five feet in width shall be provided between the parking area and the right-of-way, unless the requirements of Section 4-4.3., if applicable, of this Article are more stringent, in which case the more stringent requirements shall apply. Driveways into off-street parking areas shall be bordered by a landscaped buffer a minimum of five feet in width.
- c. A landscaped buffer a minimum of five feet in width shall be provided between off-street parking areas and any property boundary not fronted by a right-of-way, unless the buffering and screening requirements of Section 4-5.7. of this Article are more stringent, in which case the more stringent shall apply.
- d. A landscaped buffer a minimum of five feet in width shall be provided between the off-street parking area and another use on the property, including but not limited to buildings, stormwater facilities and open space.

PART 4-5

LANDSCAPING AND TREE PROTECTION

SECTION 4-5.7. BUFFERING AND SCREENING

- A. ~~Buffering and screening~~— Buffering and screening requirements shall apply along all property lines as required by the provisions of this Section. Unless otherwise provided in this Article, the buffer and screening shall be located within the required zoning setback area and the required vegetative landscape screening shall be located within the buffer. A buffer may also contain a barrier, such as a fence, wall, hedge or berm.
- B. Determination of buffering and screening requirements
1. Required buffering and screening – Buffering and screening shall be required for all new development and redevelopment as shown in Schedule E. Schedule E shall be utilized in determining the requirements based on the proposed land use and the land uses of adjacent properties. Buffer width requirements shall be determined on an individual project basis as required by this Part and approved by the Chief Administrative Officer or his designee.
 2. Location - A Required buffers shall be provided along all property lines and abutting all street rights-of-way lines and shall not be located on any portion of an existing, dedicated or proposed right-of-way, easement or private street. The depth of the required buffer shall be measured and provided parallel to the property line or abutting street right-of-way. No part of a buffer required for any use shall be included as fulfilling the buffer requirements for another use unless specifically provided for in this Article. Buffers shall not be required between various constituent parts of a proposed Planned Development Project containing mixed uses, except that any nonresidential use shall be separated from residential use by at least the minimum required buffer.
 3. Buffer types – The following descriptions define the buffer types as required per Schedule E.
 - a. Type “A” buffer – A minimum 5-foot wide buffer which includes the required planting of 25 shrubs per 100 linear feet of property, plus, one tree per every 50 linear feet of property, or portion thereof. Earthen berms may be used in conjunction with required landscaping. Such berms shall utilize a slope of 4:1 or less, and shall include such landscaping as necessary to ensure soil stabilization.
 - b. Type “B” buffer – A minimum 10-foot wide buffer which includes a continuous hedge of dense shrubbery, plus, one tree per every 50 linear feet of property, or portion thereof. At the time of planting, the required

hedge shall not be less than four feet in height, and not exceed a maximum of two feet between shrubs.

- c. Type “C” buffer – A minimum 15-foot wide buffer, except where industrial abuts residential, where there shall be a 30-foot wide buffer. A type “C” buffer shall include a continuous, opaque wall ~~at least a~~ minimum of six feet in height constructed of masonry, wood or other material as may be approved by the Chief Administrative Officer or his designee. If the wall is constructed of cement block, the side facing the abutting use shall be faced with stucco or another similar decorative finish. In addition, one tree shall be planted along the wall every 25 feet, or portion thereof.

**SCHEDULE E
BUFFER REQUIREMENTS**

Adjacent Land Use	Proposed Property Land Use				
	R	C	CIS	PLI	I
	Buffer Type				
¹ Residential	B	C	C	B	C
Commercial	C	A	B	B	B
Commercial/Industrial Storage (CIS)	C	B	A	B	B
Public Lands and Institutions (PLI)	B	B	B	A	C
² Industrial (I)	C	B	B	C	A

- d1. ~~Includes~~ Applies to multi-family developments, and manufactured/mobile home developments and platted subdivisions. Single-family and two-family developments adjacent to single-family and two-family developments are not required to provide a buffer.
- 2. Except as provided in Section 4-5.7.B.4.
- 4. ~~Permitted uses within buffers. The following uses shall be permissible within a required buffer:~~ Open storage. Open storage which constitutes the principal use of a site shall, for the purpose of buffering and screening, be considered an Industrial use and the entire site shall be subject to the above requirements applicable to Industrial development. Open storage areas which are accessory to a principal use shall be screened from view of any street and from residentially zoned property as follows:
 - a. ~~Vehicular ingress/egress to off street parking, loading, unloading, service area space and vehicular circulation areas. Where an open storage area is in view from a street, the method of screening shall consist of a solid~~

masonry wall, solid PVC or wood fence or other material as may be approved by the Chief Administrative Officer. The screening shall be a minimum of six feet in height and, if the wall is constructed of cement block, the side facing the abutting use or right-of-way shall be faced with stucco or another similar decorative finish.

b. Permitted public service/utility structures. Where an open storage area is in view from a residentially zoned property located within 200 feet of the open storage area, the method of screening shall consist of a solid masonry wall, solid PVC or wood fence or other material as may be approved by the Chief Administrative Officer. The screening shall be a minimum of six feet in height and, if the wall is constructed of cement block, the exterior of the wall shall be faced with stucco or another similar decorative finish. Said screening shall be installed along all boundaries of the storage area, including internal boundaries that are in view from the residentially zoned property.

~~e. Pedestrian ways with improved surfaces.~~

~~d. Stormwater retention or detention areas, provided the required buffer plantings are included, the design and landscaping of the buffer does not interfere with the proper functioning of the drainage system, and the design water depth does not harm the viability of the plantings.~~

~~e. Required project improvements upon approval of the Chief Administrative Officer or his designee.~~

~~f. Permitted signs upon approval of the required site plan by the administrative official.~~

5. ~~Restricted uses within buffers~~ Permitted uses within buffers. The following uses shall ~~not~~ be allowed within required buffer areas:

a. ~~Off-street parking, loading, unloading, service areas or vehicle circulation areas. In addition, all off-street parking spaces shall be provided with appropriate stops, curbs or other vehicle bumper guards designed to prevent any encroachment of vehicles upon the required buffer. Vehicular ingress/egress to off-street parking, loading, unloading, service area space and vehicular circulation areas.~~

b. ~~Barbed wire, electric fence or other potentially harmful objects or articles~~ Permitted public service/utility structures.

c. Pedestrian ways with improved surfaces.

- d. Stormwater retention or detention areas, provided the required buffer plantings are included, the design and landscaping of the buffer does not interfere with the proper functioning of the drainage system, and the design water depth does not harm the viability of the plantings.
 - e. Required project improvements upon approval of the Chief Administrative Officer.
 - f. Permitted signs upon approval of the required site plan by the Chief Administrative Officer.
6. ~~Mining considerations — For any mining application, landscape and buffer requirements shall be set by the City Council. The basis for determining required landscape and buffering shall at a minimum take into consideration site and ecologic conditions, extraction procedures, and the processing, storage and distribution systems to be used in resource extraction. In addition, conformance with the provisions of F.S. Chapter 378 and F.A.C. Chapter 16C-17 shall apply in determining landscape and buffer requirements. Restricted uses within buffers.~~

The following uses shall not be allowed within required buffer areas:

- a. Off-street parking, loading, unloading, service areas or vehicle circulation areas. In addition, all off-street parking spaces shall be provided with appropriate stops, curbs or other vehicle bumper guards designed to prevent any encroachment of vehicles upon the required buffer.
 - b. Barbed wire, electric fence or other potentially harmful objects or articles.
7. Mining considerations - For any mining application, landscape and buffer requirements shall be set by the City Council. The basis for determining required landscape and buffering shall at a minimum take into consideration site and ecologic conditions, extraction procedures, and the processing, storage and distribution systems to be used in resource extraction. In addition, conformance with the provisions of F.S. Chapter 378 and F.A.C. Chapter 16C-17 shall apply in determining landscape and buffer requirements.

PART 5-5.

FLOOD PREVENTION AND PROTECTION AREAS

SECTION 5-5.1. GENERALLY

A. Purpose.

The purpose of this Part is to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

B. Coordination with the Florida Building Code.

These regulations are intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code

C. Warning and disclaimer of liability.

The degree of flood protection required by this Part and the *Florida Building Code*, as amended, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring these regulations be revised to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Part. The regulations contained herein shall not create liability on the part of the City or by any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

SECTION 5-5.2. APPLICABILITY

The provisions of this Part shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured/mobile homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

A. General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

B. Applicable Area .

The provisions of this Part shall apply to all flood hazard areas within the City of Brooksville, as established in Section 5-5.2.C. of this Part.

C. Basis for establishing flood hazard areas.

The Flood Insurance Study for Hernando County dated February 2, 2012, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these regulations and shall serve as the minimum basis for

establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Brooksville Community Development Department.

D. Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to Section 5-5.5. of this Part the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the City indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this Part and, as applicable, the requirements of the *Florida Building Code*.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

E. Other laws.

The provisions of this Part shall not be deemed to nullify any provisions of local, state or federal law.

F. Abrogation and greater restrictions.

This Part supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances or stormwater management regulations. In the event of a conflict between these regulations and any other ordinance, the requirements of the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this Part.

G. Interpretation.

In the interpretation and application of this Part, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 5-5.3. DESIGNATION, DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

A. Designation.

The Community Development Department Director is designated as the Floodplain Administrator. The Floodplain Administrator may appoint persons as designees who shall have the authority of the Floodplain Administrator.

B. General.

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Part. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of these regulations and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Part without the granting of a variance pursuant to Section 5-5.7. of this Part.

C. Applications, approvals and permits.

The Floodplain Administrator, in coordination with other reviewing entities, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this Part is demonstrated, or disapprove the same in the event of noncompliance; and

8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Part.

D. Determinations for existing buildings and structures.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this Part is required.

E. Modifications of the strict application of the requirements of the *Florida Building Code*.

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 5-5.7. of this Part.

F. Notices and orders.

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders related to the requirements of this Part.

G. Inspections.

The Floodplain Administrator shall make the required inspections as specified in Section 5-5.6. of this Part for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall also inspect flood hazard areas to determine if development is undertaken without issuance of an approval or permit. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

H. Other duties of the Floodplain Administrator.

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 5-5.3.D. of this Part;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Brooksville are modified.

I. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of approvals and denial of approvals and permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design

certifications and documentation of elevations specified by the *Florida Building Code* and these regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Part and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the City of Brooksville Community Development Department.

SECTION 5-5.4. PERMITS AND APPROVALS

A. Permits and approvals required.

Any person who intends to undertake any development activity within the scope of this Part, including buildings, structures and facilities exempt from the *Florida Building Code*, on property which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator and the Building Official, if applicable, and shall obtain the required permit(s) and/or approval(s). No permit or approval shall be issued until compliance with the requirements of this Part and all other applicable regulations has been satisfied.

B. Floodplain development approvals.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code*, Building Section 102.2 and any further exemptions provided by law, which are subject to the requirements of this Part:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development approval is required in addition to a building permit.

C. Application for an approval.

To obtain a floodplain development approval the applicant shall first file an application in writing on a form furnished by the Community Development Department. The information provided shall:

1. Identify and describe the development to be covered by the approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 5-5.5. of this Part.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

D. Validity of approval.

The issuance of a floodplain development approval pursuant to this Code shall not be construed to be an approval of any violation of this Part, the *Florida Building Codes*, or any other ordinance. The issuance of approvals based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

E. Expiration.

A floodplain development approval shall become invalid unless the work authorized by such approval is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 90 days after the work commences. Extensions for periods of not more than 90 days each shall be requested in writing and justifiable cause shall be demonstrated.

F. Suspension or revocation.

The Floodplain Administrator is authorized to suspend or revoke a floodplain development approval if the approval was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Part or any other ordinance, regulation or requirement.

G. Other permits required.

Floodplain development approvals and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Southwest Florida Water Management District;
2. Florida Department of Health for onsite sewage treatment and disposal systems;
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line;
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; and
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

SECTION 5-5.5. SITE PLANS AND CONSTRUCTION DOCUMENTS

A. Information for development in flood hazard areas.

All plans and construction documents for any development subject to the requirements of this Part shall be drawn to scale and shall include, as applicable, the following:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), and base flood elevation(s) and ground elevations if necessary for review of the proposed development.
2. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 5-5.5.B. of this Part.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 5-5.5.B.1 or Section 5-5.B.2. of this Part.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus one (1) foot, whichever is higher.
7. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
8. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this Code but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this Part.

B. Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source; or

2. Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or
3. Where base flood elevation data are not available from another source, the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, the applicant shall provide analyses prepared by a Florida licensed engineer in a format required by FEMA, and it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 5-5.5.D. of this Part and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a floodway encroachment analysis which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 5-5.5.D. of this Part.

D. Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. FEMA submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 5-5.6. INSPECTIONS

A. General.

Development for which a floodplain development approval is required shall be subject to inspection.

1. Development other than buildings and structures.

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Code and the conditions of issued floodplain development approvals.

2. Buildings, structures and facilities exempt from the *Florida Building Code*.

The Floodplain Administrator shall inspect buildings and structures exempt from the *Florida Building Code* to determine compliance with the requirements of this Part and the conditions of issued floodplain development approvals.

3. Buildings and structures exempt from the *Florida Building Code*, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

a. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor signed and sealed by a Florida licensed professional surveyor; or

b. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 5-5.5.B.3. of this Part, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

4. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.

As part of the final inspection, the applicant shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 5-5.6.A.3. of this Part.

5. Manufactured/mobile homes.

The Building Official shall inspect manufactured/mobile homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Part and the conditions of the issued approval. Upon placement of a manufactured/mobile home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

SECTION 5-5.7. VARIANCES AND APPEALS

- A. General.

The Construction Board of Adjustment and Appeals or similarly designated body as described in Section 10-1.5.A. shall hear and decide on requests for appeals and requests for variances from the strict application of these regulations and, pursuant to section 553.73(5), F.S., shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

- B. Appeals.

The Construction Board of Adjustment and Appeals or similarly designated body shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this Part. Any person aggrieved by the decision of the Construction Board of Adjustment and Appeals or similarly designated body may appeal such decision to the Circuit Court, as provided by Florida Statutes.

- C. Limitations on authority to grant variances.

The Construction Board of Adjustment and Appeals or similarly designated body shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 5-5.7.F. of this Part, the conditions of issuance set forth in Section 5-5.7.G. of this Part, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Construction Board of Adjustment and Appeals or similarly designated body has the right to attach such

conditions as it deems necessary to further the purposes and objectives of these regulations. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 5-5.3. of this Part.

D. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

E. Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Code, provided the variance meets the requirements of Section 5-5.7.C, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

F. Considerations for issuance of variances.

In reviewing requests for variances, the Construction Board of Adjustment and Appeals or similarly designated body shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this Code, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

G. Conditions for issuance of variances.

Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Code or the required elevation standards;
2. Determination by the Construction Board of Adjustment and Appeals or similarly designated body that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a

copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 5-5.8. VIOLATIONS

A. Violations.

Any development that is not within the scope of the *Florida Building Code* but that is regulated by this Code that is performed without an issued approval and/or permit, that is in conflict with an issued approval and/or permit, or that does not fully comply with this Part, shall be deemed a violation of this Part. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these regulations or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided. Any person who violates this Part or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in Section 1-7 of the City of Brooksville Code of Ordinances. In addition to all other fines, the person shall be required to pay all costs and expenses involved in the case. Nothing contained in this Part shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

B. Authority.

For development that is not within the scope of the *Florida Building Code* but that is regulated by this Part and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

C. Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 5-5.9. EXEMPT BUILDINGS AND STRUCTURES

Pursuant to Section 5-5.4.B. of this Part, buildings, structures and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida*

Building Code that are not walled and roofed buildings shall comply with the requirements of Section 5-5.14. of this Part.

SECTION 5-5.10. SUBDIVISIONS

A. Minimum requirements.

Subdivision proposals, including proposals for manufactured/mobile home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

B. Subdivision plats.

Where any portion of proposed subdivisions, including manufactured/mobile home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 5-5.5.B.1. or Section 5-5.5.B.2. of this Part; and
3. Compliance with the site improvement and utilities requirements of Section 5-5.11. of this Part.

SECTION 5-5.11. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

A. Minimum requirements.

All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards.

B. Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

C. Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

D. Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements and land disturbing activity involving fill or regrading shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 5-5.5.C.1. of this Part demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

E. Limitations on placement of fill.

Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures, fill shall comply with the requirements of the *Florida Building Code*.

SECTION 5-5.12. MANUFACTURED/MOBILE HOMES

A. General.

All manufactured/mobile homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Part.

B. Foundations.

All new manufactured/mobile homes and replacement manufactured/mobile homes installed in flood hazard areas shall be installed on permanent, reinforced foundations

that are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this Part.

C. Anchoring.

All new manufactured/mobile homes and replacement manufactured/mobile homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

D. Elevation.

Manufactured/mobile homes that are placed, replaced, or substantially improved shall comply with Section 5-5.12.D.1. or 5-5.12.D.2 of this Part, as applicable.

1. Unless subject to the requirements of Section 5-5.12.D.2 of this Part, all manufactured/mobile homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured/mobile home park or subdivision; (b) in a new manufactured/mobile home park or subdivision; (c) in an expansion to an existing manufactured/mobile home park or subdivision; or (d) in an existing manufactured/mobile home park or subdivision upon which a manufactured/mobile home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).
2. Manufactured/mobile homes that are not subject to Section 5-5.12.D.1. of this Part, including manufactured/mobile homes that are placed, replaced, or substantially improved on sites located in an existing manufactured/mobile home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
 - a. Bottom of the frame of the manufactured/mobile home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A); or
 - b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

E. Enclosures.

Fully enclosed areas below elevated manufactured/mobile homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas, as applicable to the flood hazard area.

F. Utility equipment.

Utility equipment that serves manufactured/mobile homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

SECTION 5-5.13. RECREATIONAL VEHICLES AND PARK TRAILERS

A. Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

B. Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in Section 5-5.13.A. of this Part for temporary placement shall meet the requirements of Section 5-5.12. of this Part for manufactured/mobile homes.

SECTION 5-5.14. TANKS

A. Underground tanks.

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

B. Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of Section 5-5.14.C. of this Part shall be permitted provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from

hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

C. Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

D. Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION 5-5.15. OTHER DEVELOPMENT

A. General requirements for other development.

All development, including human-initiated changes to improved or unimproved real estate for which specific provisions are not specified in this Code or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 5-5.11.D. of this Part if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of the building code for wet locations.

B. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5-5.11.D. of this Part.

C. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 5-5.11.D. of this Part.

D. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5-5.11.D. of this Part. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 5-5-5.C.3. of this Part.

ARTICLE X
BUILDINGS AND BUILDING REGULATIONS
PART 10-1
CONTENTS

**SECTION 10-1.1. IN GENERAL
(RESERVED)**

SECTION 10-1.2. FLORIDA BUILDING CODE

A. Adoption.

There is adopted by the City that certain statewide unified code known as the Florida Building Code, as developed and maintained by the state building commission, together with all appendices of the Florida Building Code, Building; all appendices of the NFPA 70, National Electrical Code, 1999 Edition; all appendices of the Florida Building Code, Plumbing; all appendices of the Florida Building Code, Mechanical; and all appendices of the Florida Building Code, Fuel Gas, thereof. The Florida Building Code is adopted and incorporated in this ~~Section~~ Article as fully as if set forth in *haec verba* and, from the date upon which this Article shall take effect, the provisions thereof except as otherwise noted herein shall be controlling in the construction, alteration, removal, demolition, moving, improving, repairing of equipment, use and occupancy, location and maintenance of all buildings and structures within the incorporated areas of the City.

B. Scope.

The provisions of this Article shall govern the administration and enforcement of the Florida Building Code.

C. Title.

The provisions of this Article shall constitute and be known and cited as the Florida City of Brooksville Building Code.

SECTION 10-1.4. BUILDING DEPARTMENT DIVISION

C. Powers and duties of the Building Official.

8. Modifications of the strict application of the requirements of the Florida Building Code.

The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 10-1.5. and the floodplain management regulations of this Code.

D. Permits.

3. Examination of documents.

b. Affidavits.

The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes referred to in Section 10-1.2.E. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes and other pertinent laws or ordinances. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under F.S. Chapter 468, part XII (F.S. § 468.601 et seq.), and that any person conducting inspections is qualified as a building inspector under F.S. § 468.601 et seq.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

SECTION 10-1.5. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS.

A. Appointment.

There may be established a board to be called the construction board of adjustment and appeals, which ~~should~~ shall consist of nine members but not less than seven. The board shall be appointed by the City Council. Alternatively and in accordance with Section 553.80(2)(a) F.S., the City Council may enter into an interlocal agreement with another jurisdiction and form an enforcement district for the purpose of enforcing and administering the provisions of the Florida Building Code. In lieu of establishing an enforcement board or district, the City Council may serve in such capacity.

D. Appeals.

2. Variances.

c. Pursuant to Section 553.73(5), F.S., the variance procedures contained in Article V, Part 5-5 shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

SECTION 10-1.6. ~~LITER CONTROL AND DISPOSAL~~ ELEVATION REQUIREMENTS

~~It shall be the responsibility of the building contractor to ensure that each job site, and immediate vicinity, is equipped with a trash container to prevent building materials or trash and debris from blowing around surrounding areas. The purpose of this Section is to properly contain the trash on the job site. Failure to contain trash is not a violation unless it extends beyond the job site. The following actions shall be taken by the Building Official:~~

~~First offense — Red tag on job site.~~

~~Second offense — Letter of reprimand plus red tag.~~

~~Third offense — Action by construction licensing board.~~

~~It shall be a violation of this Article for any person to bury any type of building material or natural vegetation, excluding grass and sod.~~

All buildings and structures located in flood hazard areas and subject to the requirements of the *Florida Building Code, Residential* shall be developed in accordance with the following:

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2. of the *Florida Building Code, Residential*.

SECTION 10-1.7. ~~WIND LOAD EXEMPTIONS~~ LITER CONTROL AND DISPOSAL.

~~Notwithstanding provisions in the *Florida Building Code*, the wind load provisions shall not apply to residential additions and alterations under the following circumstances:~~

- ~~1. Residential additions, alterations and remodeling performed by the property owner upon his own property, provided any addition or alteration shall not exceed 580 square feet.~~
- ~~2. Contractors are limited to a contract value of \$5,000.00 or less within any 12-month period. The contractor must submit a notarized, written contract signed by the owner. The contract price must include labor, material and profit.~~
- ~~3. The residential addition or alteration cannot be larger than the primary structure.~~
- ~~4. All exempt additions and alterations must comply with the Standard Building Code, 1997 Edition.~~
- ~~5. A one-time addition of 580 square feet will be allowed to be built on the property. (The addition cannot be built in phases.)~~
- ~~6. This exemption pertains to pre January 1994, single family residences in which the main structure was not engineered by an architect or engineer. If the main structure was built after January 1994, and engineered, this exemption will not apply.~~
- ~~7. Auxiliary buildings (garages, utility sheds, pole structures) will be exempt no matter what date is involved, provided they do not exceed 580 square feet.~~

It shall be the responsibility of the building contractor to ensure that each job site, and immediate vicinity, is equipped with a trash container to prevent building materials or trash and debris from blowing around surrounding areas. The purpose of this Section is to properly contain the trash on the job site. Failure to contain trash is not a violation unless it extends beyond the job site. The following actions shall be taken by the Building Official:

First offense Red tag on job site.

Second offense Letter of reprimand plus red tag.

Third offense Action by construction licensing board.

It shall be a violation of this Article for any person to bury any type of building material or natural vegetation, excluding grass and sod.

SECTION 10-1.8. ~~VIOLATIONS AND PENALTIES~~ WIND LOAD EXEMPTIONS.

~~Any person who shall violate a provision of this Article, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of an offense.~~

Notwithstanding provisions in the *Florida Building Code*, the wind load provisions shall not apply to residential additions and alterations under the following circumstances:

1. Residential additions, alterations and remodeling performed by the property owner upon his own property, provided any addition or alteration shall not exceed 580 square feet.
2. Contractors are limited to a contract value of \$5,000.00 or less within any 12-month period. The contractor must submit a notarized, written contract signed by the owner. The contract price must include labor, material and profit.
3. The residential addition or alteration cannot be larger than the primary structure.
4. All exempt additions and alterations must comply with the Standard Building Code, 1997 Edition.
5. A one-time addition of 580 square feet will be allowed to be built on the property. (The addition cannot be built in phases.)

6. This exemption pertains to pre-January 1994, single-family residences in which the main structure was not engineered by an architect or engineer. If the main structure was built after January 1994, and engineered, this exemption will not apply.
7. Auxiliary buildings (garages, utility sheds, pole structures) will be exempt no matter what date is involved, provided they do not exceed 580 square feet.

SECTION 10-1.9. VIOLATIONS AND PENALTIES.

Any person who shall violate a provision of this Article, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of an offense.

ARTICLE XI

DEFINITIONS

PART 11-1

SECTION 11-1.1. GENERALLY

This Article contains most of the definitions for use with this Code. Other definitions, however, may be located elsewhere in this Code and should be used as indicated. Where terms are not defined in this Code and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

SECTION 11-1.2. DEFINITIONS

Alteration of a Watercourse: A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal: Request for a review of either the Chief Administrator's or Floodplain Administrator's interpretation of any provision of this Code or a request for a variance or to make a request to a higher Court for rehearing or review of a decision made in a law case or legal matter, for a more favorable decision.

ASCE 24: A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood: A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is also referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base Flood Elevation: The ~~water surface~~ elevation of associated with the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

Building Official: The officer or other designated authority charged with the administration and enforcement of the *Florida Building Code*, or a duly authorized representative.

Design Flood: The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the City of Brooksville's flood hazard map, or otherwise legally designated.

Design Flood Elevation: The elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet.

Development: Any human-initiated change to improved or unimproved real estate, including but not limited to, buildings, or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations, tanks, temporary structures, temporary or permanent storage of equipment or materials, or any other land disturbing activities.

Encroachment: For floodplain management purposes, the advancement or infringement placement of uses, plant growth, fill, excavation, buildings, permanent structures or other development into a floodplain, flood hazard area which may impede or alter the flow capacity of a floodplain riverine flood hazard areas.

Existing Building: For floodplain management purposes, any building and structure for which the start of construction commenced before May 17, 1982.

Existing Manufactured/Mobile Home Park or Subdivision. A manufactured/mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 17, 1982.

Existing Structure: See Existing Building.

Expansion to an Existing Manufactured/Mobile Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA): The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or Flooding: Flood or flooding shall be defined as follows

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a1. The overflow of inland or tidal waters.
 - b2. The unusual and rapid accumulation or runoff of surface waters from any source.

- e. ~~Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph 1.a. of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~

Flood Damage-resistant Materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood Hazard Area: The greater of the following two areas:

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM): ~~An~~ The official map of the community issued by on which the Federal Emergency Management Agency (FEMA) which has delineated both the areas of special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): ~~The official hydraulic & hydrologic report provided by the Federal Emergency Management Agency (FEMA). The study that contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards of the base flood and supporting technical data. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.~~

Floodplain Administrator: ~~The individual appointed office or position designated and charged with the to administer administration and enforce enforcement of the floodplain management regulations contained in this Code.~~

Floodplain Development Approval: An official document or certificate issued by the City of Brooksville, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Code.

Floodway: The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floodway Encroachment Analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida-licensed engineer using standard engineering methods and models.

Floor Area: The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, and balconies, lofts and any below-grade floor area used for access and storage. Not countable as floor area are covered parking structures, open terraces, patios, atriums, balconies, covered patios, entry ways, and breezeways.

Florida Building Code: The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas; and the National Electrical Code.

Functionally Dependent Use: For floodplain management purposes, Aa use that which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a including only docking facilities or port facility facilities that are necessary for the loading and unloading of cargo or passengers, and ship-building and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to the start of construction next to the proposed walls or foundation of a structure.

Historic Structure: For floodplain management purposes, an historic structure is any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement), of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, used solely for vehicle parking of vehicles, building access, or limited storage in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards of Article V Florida Building Code or ASCE 24.

Manufactured/Mobile Home: A structure, excluding Park Model/Park Trailer and Recreational Vehicle as defined by this Code, transportable in one (1) or more sections, which is eight body feet (8') or more in width, greater than four hundred (400) square feet and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein designed for and limited to single family and duplex usage meeting the Federal Mobile Home Construction and Safety Standards, promulgated by the Department of Housing and Urban Development. Such a structure is complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on piers or a foundation, connections to utilities and the like. Alteration of a manufactured home in any way that changes its intended original usage shall negate its approval for any use. Manufactured/mobile homes shall not be allowed to be connected/married unless specifically designed and approved for that purpose as a part of the manufacturing process. For floodplain management purposes the term "manufactured/mobile home" includes all of the vehicles listed within the this definition for Manufactured Home/Mobile Home) and all other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured/Mobile Home Park or Subdivision: For floodplain management purposes, a parcel (or contiguous parcels) of land divided into two or more manufactured/mobile home lots for rent or sale.

Market Value: The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated

for age and quality of construction of building), or adjusted tax assessed values. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this Code, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New Construction: For floodplain management and building code purposes, any structures for which the start of construction commenced on or after ~~February 21, 1975~~ May 17, 1982. The term also includes any subsequent improvements to such structures.

New Manufactured/Mobile Home Park or Subdivision: For floodplain management purposes, a manufactured/mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 17, 1982.

Park Model/Park Trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior walls at the level of maximum dimensions and including any bay window that extends to the floor line, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

Special Flood Hazard Area (SFHA): ~~See Area of Special Flood Hazard~~ An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

Start of Construction: ~~For other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348, includes substantial improvement, and means~~ the date the a building permit was issued for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was is within 180 days of the permit date of issuance. The actual start of of construction means either the first placement of permanent construction of a building (including a manufactured/mobile home) on a site, such as the pouring of slabs or footings, installation of piles; or construction of columns; ~~or any work beyond the stage of excavation or placement of a manufactured home on a foundation.~~ Permanent construction does not include land preparation; (such as clearing, grading and filling); ~~nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include~~ or the installation on the property of accessory buildings; such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction

means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial Damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to the condition existing before being damaged its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

Substantial Improvement: Any ~~combination of~~ repairs, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the the building or structure before the start of construction of the improvement or repair is started. ~~This term includes structures that have incurred substantial damage regardless of the actual repair work performed. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed.~~ This term does not, however, include any either: repair or improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. This term also does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article V, Part, 5-5, Section 5-5.7. of this Code.

Variance: A grant of relief to a person from the ~~literal~~ requirements of this eCode which permits construction in a manner otherwise prohibited by the Land Development Regulations where specific enforcement would result in ~~unnecessary~~ hardship as outlined in the eCode. Variances cannot be requested for land use, floor area ratio (FAR) or required review processes and procedures. For floodplain management and Florida Building Code purposes, the term shall mean a grant of relief from the requirements of Part 5-5 of this Code or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this Code or the Florida Building Code.

~~**Variance:** Authorization for the construction or maintenance of a building or structure, or for the establishment, maintenance or operation of a use of land, which is prohibited by the Code without such authorization, except as otherwise provided. Variances cannot be requested for land use, floor area ratio (FAR) or required review process.~~

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature in, on, through, or over which water flows at least periodically. ~~Watercourse includes specifically designated areas in which substantial flood damage may occur.~~



AGENDA ITEM MEMORANDUM

TO: Honorable Mayor and City Council Members
VIA: T. Jennene Norman-Vacha, City Manager
FROM: Robert B. Battista, ~~The Hogan Law Firm~~, City Attorney
SUBJECT: Criteria for establishing Councilmember seniority
DATE: July 2, 2012

GENERAL SUMMARY/BACKGROUND: During the public hearing on May 28, 2012 for Ordinance 827 amending Chapter 22 of the City of Brooksville City Code (Emergency Management), the issue of designating a senior councilmember to be empowered to declare local status of emergency in the absence of the Mayor and Vice Mayor was discussed. This proposed resolution is offered for your consideration. A similar methodology is also offered for your consideration to determine which councilmember would conduct a council meeting when the Mayor and Vice Mayor are not present.

BUDGET/IMPACT: In staff's view, the adoption of this Resolution has no budgetary impact for the City of Brooksville.

LEGAL REVIEW: Pursuant to home rule authority provided for by Article VII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Section 1.03 of the Charter of the City of Brooksville, the City Council has the power to conduct municipal functions and to adopt resolutions.

STAFF RECOMMENDATION: Staff recommends that after due consideration by City Council, the proposed Resolution be adopted.

ATTACHMENT: Proposed Resolution

RESOLUTION NO: 2012-08

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BROOKSVILLE, FLORIDA ESTABLISHING CRITERIA FOR DETERMINING THE SENIORITY OF COUNCILMEMBERS WHEN SUCH DESIGNATION IS NEEDED TO FULFILL CITY COUNCIL DUTIES; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, PURSUANT TO Sec. 2.12 of the Charter of the City of Brooksville, the City Council shall determine its own procedural rules; and

WHEREAS, Chapter 22, State of Emergency requires, in the absence of the Mayor or Vice Mayor, one of the remaining councilmembers be designated and empowered to declare a state of local emergency; and

WHEREAS, should the Mayor and Vice Mayor not be available for a Council meeting and a quorum is otherwise present, a procedure to appoint one of the quorum to preside at such meeting should be in place.

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

SECTION 1. When a City Council meeting, workshop, or public hearing is called and the Mayor and Vice Mayor are not present, of the remaining three councilmembers, the one who has been sworn-in the longest elapsed time shall preside/conduct the meeting. If more than one has the same sworn-in date, then the one of them with the lowest council seat number will preside/conduct the meeting.

SECTION 2. Chapter 22, City of Brooksville Code of Ordinances, Section 2 thereof requires that in the absence of the Mayor and Vice Mayor and a quorum of the remaining councilmembers is unable to meet, the senior remaining councilmember will be authorized to declare a state of local emergency when certain enumerated conditions so warrant. The Senior Councilmember shall be the one who has been sworn-in the longest elapsed time. Should more than one have the same sworn-in date, then the one holding the lowest council seat number will be deemed the Senior Councilmember.

SECTION 3. CONFLICT. Any resolution or policy of the City, or any portion thereof, in conflict with the provisions of this Resolution, is hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Resolution is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Resolution, which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This resolution shall be effective immediately upon adoption by the City Council of the City of Brooksville.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA this 16th day of July, 2012, A.D.

CITY OF BROOKSVILLE

Joseph E. Johnston, III, Mayor

ATTEST: _____
Janice L. Peters, CMC, City Clerk

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

Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Hohn _____
Johnston _____



**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER
FROM: JANICE L. PETERS, CMC, CITY CLERK
SUBJECT: 2012 GREAT BROOKSVILLIAN SCREENING COMMITTEE APPOINTMENT

DATE: July 6, 2012

GENERAL SUMMARY/BACKGROUND: It's that time of year again for Council to appoint a Screening Committee to review the nominations for the 2012 Great Brooksvillian.

Policy No. 2-2012, adopted by Council on June 18, 2012, provides that the Screening Committee shall be representatives of the City at large, consisting of at least one (1) member from the Historical Association and four (4) members appointed by City Council.

Staff issued a press release requesting parties interested in serving on the committee contact the City Clerk no later than Thursday, July 5, 2012 at 5:00 p.m. Applications received were as follows:

- John Tucker, Historical Association Member
- Sally Sperling
- Gail Samples
- Michelle Thompson

Staff would then contact the selected recipient or their representatives of the 2012 award and work out details to celebrate the event during Founder's Week or a date and time specified by Council.

BUDGET IMPACT:

If the event is held in conjunction with the above referenced Art Reception, the financial impact is nominal (basically the cost of the award plaques and invitations/mailings budgeted at approximately \$200.00).

LEGAL REVIEW:

Council has the authority per Sec. 2-261 of the City Code to appoint advisory board members.

STAFF RECOMMENDATION:

Staff requests Council confirm appointment of the Screening Committee members and approve a timeline for the celebration to honor the 2012 Great Brooksvillian.

ATTACHMENTS: Applications



CITY OF BROOKSVILLE

Application for Volunteer Board Positions

201 Howell Avenue
Brooksville, Florida 34601-2041
Telephone: (352) 540-3810
Facsimile: (352) 544-5424
Web: www.cityofbrooksville.us

New Application



Re-application

- Beautification Board (4 year terms – 7 members)
- Brooksville Housing Authority (4 year terms – 7 members)
- CDBG Citizen's Advisory Task Force (4 year terms – 5 members & 1 alternate)
- Cemetery Advisory Committee (4 year terms – 7 members – city residency or documented tie to Cemetery)
- EZDA Advisory Board (4 year terms – 11 members)
- Firefighters Pension Trust Fund Board of Trustees* (2 year terms – 5 members)
- Good Neighbor Trail (Non-Expiring Terms – 10 members)
- Parks & Recreation Advisory Board (4 year terms – 7 members & 2 alternates)
- Planning & Zoning Commission* (4 year terms – 5 members & 2 alternates)
- Police Officers Pension Trust Fund Board of Trustees* (2 year terms – 5 members)
- Other Great Brooksville In Committee

Name: Tucker (Last) John (First) C. (Middle)

Address: 15173 Willowood Lane
Brooksville, FL 34604

Mailing Address (if different): N/A

Business Address: N/A

Occupation: Retired

Business Phone: _____ Home Phone: 796-1017

Email address: vocab@bellsouth.net

Do you reside within the City limits? Yes No

Are you a Registered Voter in Hernando County? Yes No Voter ID # _____

Please rank your board preference(s):
1. Great Brooksville In Committee
2. _____
3. _____

* These positions require City Residency and that a Financial Disclosure Statement be filed with the Supervisor of Elections Office within 30 days of appointment and then subsequently on a yearly basis

Have you ever served on a volunteer board or in a volunteer capacity with the City of Brooksville before? Yes No If yes, please indicate name of board and dates of service: Personnel Board, 1985-1986

Why would you like to serve on this board?
My interest in Brooksville and Hernando County history
I feel I would be an objective member of this committee.
Previous member and Chairperson of this committee
Member of Hernando Historical Museum Association

What special skills would you bring to this position?
Personnel Board of City
Dealing with people (City of Brooksville, Hernando County Schools Teacher and Administrator)

List fields of work experience:
Hernando County School Board as teacher, guidance counselor and District Administrator
Former Mayor and City Councilman for the City of Brooksville

List any licenses and/or degrees (location & year):
B.S. Business, Middle Tennessee State University, Murfreesboro, TN, 1968
M.Ed., Administration and Supervision, University of South Florida, Tampa, FL, 1981

Local References (Please list three (3)):

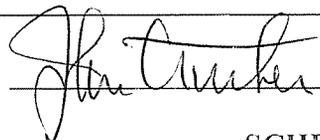
- Roger Landers
- Edd Poore
- Walt Carmak

Would you have a problem with the meeting dates and times for the board/agency?

Yes No

If yes, please explain: _____

Signed: _____



Date: _____

6/2/12

SCHEDULE OF BOARD MEETINGS

[Note - Balance of Boards meet quarterly or as needed]

BEAUTIFICATION BOARD	2 nd TUES of each MONTH - 5:30 PM in Council Chambers
BROOKSVILLE HOUSING AUTHORITY	3 rd TUES of each MONTH - 6:00 PM in Council Chambers
PLANNING & ZONING COMMISSION	2 nd WED of each MONTH - 5:30 PM in Council Chambers



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- Planning & Zoning Commission* (4 year terms – 5 members & 2 alternates)
- Police Officers Pension Trust Fund Board of Trustees* (2 year terms – 5 members)

Other Great Brooksvillian Screening Committee

Name: Sperling Sarah (Sally) Lynn
(Last) (First) (Middle)

Address: 520 Oakhill Ct.
Brooksville, FL 34601

Mailing Address (if different): _____

Business Address: Hernando Co. School District
919 N. Broad St., Brooksville, FL 34601

Occupation: Help Desk / Trainer

Business Phone: (352) 797-7006 Home Phone: (352) 848-0696

Email address: Sperling@tampabay.rr.com

Do you reside within the City limits? Yes No

Are you a Registered Voter in Hernando County? Yes No Voter ID # _____

Please rank your board preference(s):
1. _____
2. _____
3. _____

* These positions require City Residency and that a Financial Disclosure Statement be filed with the Supervisor of Elections Office within 30 days of appointment and then subsequently on a yearly basis

Have you ever served on a volunteer board or in a volunteer capacity with the City of Brooksville before? Yes No If yes, please indicate name of board and dates of service: Beautification Board 6+ years (current)
Charter Review Committee 2012, Great Brooksvillian Committee 2011

Why would you like to serve on this board? _____
Born in Brooksville, love it, and love to serve
my community

What special skills would you bring to this position? _____
Knowledge of Brooksville history

List fields of work experience: Computer support, background
in business administration

List any licenses and/or degrees (location & year): _____
BA St. Leo University 1988

Local References (Please list three (3)):

1. Sue Wetherington 797-7006
2. Sue Stoops 797-7024
3. David Sasser 796-5123

Would you have a problem with the meeting dates and times for the board/agency?

Yes No

If yes, please explain: _____

Signed: Sally Sperling Date: 6/5/12

SCHEDULE OF BOARD MEETINGS

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- Police Officers Pension Trust Fund Board of Trustees* (2 year terms – 5 members)
- Other GREAT BROOKSVILLIAN

Name: SAMPLES (Last), GAIL (First), B (Middle)

Address: 437 BELL AVE
BROOKSVILLE FL 34601

Mailing Address (if different): SHAUF

Business Address: _____

Occupation: RETIRED

Business Phone: CELL 352-263-9611 Home Phone: 352-796-4204

Email address: GAIL.SAMPLES@Yahoo.com

Do you reside within the City limits? Yes No

Are you a Registered Voter in Hernando County? Yes No Voter ID # _____

Please rank your board preference(s):
1. _____
2. _____
3. _____

* These positions require City Residency and that a Financial Disclosure Statement be filed with the Supervisor of Elections Office within 30 days of appointment and then subsequently on a yearly basis

Have you ever served on a volunteer board or in a volunteer capacity with the City of Brooksville before? Yes No If yes, please indicate name of board and dates of service: _____

Why would you like to serve on this board? _____

could give a little history to the process and give some thought to the founders of Brooksville

What special skills would you bring to this position? _____

LIVED IN BROOKSVILLE FOR 74 years

List fields of work experience: _____

*WORKED IN FAMILY BUSINESS - STARTED IN 1912
MEDICAL FIELD*

List any licenses and/or degrees (location & year): _____

*High school
College - ST PETE Jr College
Florida Southern*

Local References (Please list three (3)):

- Dorothy Hauber*
- Bill Eppley*
- Lara Bradburn*

Would you have a problem with the meeting dates and times for the board/agency?

Yes No

If yes, please explain: _____

Signed: _____

J. B. Sample

Date: _____

June 14 2011

SCHEDULE OF BOARD MEETINGS

[Note - Balance of Boards meet quarterly or as needed]

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- Police Officers Pension Trust Fund Board of Trustees* (2 year terms – 5 members)
- Other Great Brooksvillian Screening Committee

Name: Thompson Michelle Lyn
(Last) (First) (Middle)
Address: 508 Oak Hill Court, Brooksville, FL 34601

Mailing Address (if different): _____

Business Address: _____

Occupation: Computer Science Instructor

Business Phone: _____ Home Phone: 352-754-8593

Email address: mthompson34@tampabay.rr.com

Do you reside within the City limits? Yes No

Are you a Registered Voter in Hernando County? Yes No Voter ID # 104406976

Please rank your board preference(s):
1. _____
2. _____
3. _____

* These positions require City Residency and that a Financial Disclosure Statement be filed with the Supervisor of Elections Office within 30 days of appointment and then subsequently on a yearly basis

Have you ever served on a volunteer board or in a volunteer capacity with the City of Brooksville before? Yes No If yes, please indicate name of board and dates of service: Great Brookswillan Summer 2011

Why would you like to serve on this board? I served on the committee last year and enjoyed it. It will also help with my community service for tenure.

What special skills would you bring to this position? I served on the board before and have training in research and committee experience.

List fields of work experience: Education

List any licenses and/or degrees (location & year): Cert. of Prof. Off. AA degree 1997; Bachelor of Science Business Office Education 2001; Masters of Education Instructional Technology 2004

Local References (Please list three (3)):

1. Jay Thompson
2. Linda Prescott
3. William Lyons

Would you have a problem with the meeting dates and times for the board/agency?

Yes No

If yes, please explain: _____

Signed: Michelle Lynn Thompson Date: June 2, 2012

SCHEDULE OF BOARD MEETINGS

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AGENDA ITEM MEMORANDUM

TO: Honorable Mayor and City Council Members

VIA: T. Jennene Norman-Vacha, City Manager

FROM: Robert B. Battista, The Hogan Law Firm, City Attorney

SUBJECT: Bond Resolution for the Florida League of Cities

DATE: June 27, 2012

GENERAL SUMMARY/BACKGROUND: It has been suggested that the City Council may wish to send the attached proposed resolution to the Florida League of Cities for presentation to the Resolution Committee and the League membership at the 86th Annual Conference.

BUDGET/IMPACT: There is no budgetary impact for the City of Brooksville.

LEGAL REVIEW: Pursuant to home rule authority provided for by Article VIII, Section 2(b) of the Constitution of the State of Florida, and Chapter 166, Florida Statutes, the City Council has the power to take action on this matter.

ATTACHMENT: Proposed resolution

RESOLUTION NO:

A RESOLUTION RELATED TO THE PURPOSE OF SURETY PERFORMANCE BONDS AND PUBLIC POLICY CONCERNS IF SUCH BONDS ARE NOT ENFORCEABLE FOR THEIR INTENDED PURPOSES

WHEREAS, the Florida League of Cities, Inc. hereby expresses concerns about the public policy implications of the recent U.S. Circuit Court ruling in *Westchester Fire Insurance Company v. City of Brooksville*; and,

WHEREAS, historically cities and counties have been able to rely on performance bonds for developers seeking approvals for development projects. Typically the developer is required to either complete required improvements prior to final plat approval or to post a performance bond with the City or County to secure completion of the improvements; and,

WHEREAS, when a local government cannot rely on performance bonds to secure required improvements, developers will be required to complete platted infrastructure improvements prior to obtaining final plat approval; and,

WHEREAS, requiring developers to complete infrastructure improvements prior to obtaining final plat approval, will likely render many development projects economically unfeasible.

NOW THEREFORE BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC., that:

SECTION 1. POLICY STATEMENT. The League is extremely concerned about the public policy implications of the recent U.S. Circuit Court ruling in *Westchester Fire Insurance Company v. City of Brooksville*. When seeking final plat approval for development projects, a developer must either complete the required improvements prior to being granted final plat approval or post a performance bond or other security to secure completion of the improvements. However, in light of the U.S. Circuit Court ruling in *Westchester Fire Insurance Company v. City of Brooksville*, the guarantee of the surety bond is now in question. Without the guarantee of a performance bond, a local government will no longer be able to allow developers an option of posting a performance bond in lieu of completing the required improvements.

The *Westchester* ruling is likely to have a chilling effect on development in cities and counties because future development of planned development projects will be impossible unless a developer installs all of the infrastructure improvements prior to plat approval.

SECTION 2. The League requests the Florida legislature consider legislation to obviate the impact of the *Westchester* case. Absent legislative intervention this Federal Circuit Court decision will adversely impact local government, real estate development and the construction industry in the State of Florida.

By: _____
President
Florida League of Cities, Inc.

ATTEST: _____
Executive Director
Florida League of Cities, Inc.

Submitted by the City of Brooksville

CORRESPONDENCE-TO-NOTE
REGULAR COUNCIL MEETING – July 16, 2012

1. **TYPE:** Letter
 DATED: June 19, 2012
 RECEIVED FROM: Brooksville Housing Authority
 ADDRESSED TO: City Manager
 SUBJECT: December 31, 2011 Payment in Lieu of Taxes

Brooksville Housing Authority

BOARD OF COMMISSIONERS

RANDY WOODRUFF, Chairman
CLIFFORD E. MANUEL, JR. Vice Chairman
JAMES V. BROOKS
BRIAN L. ADAIR
YVETTE D. TAYLOR
GARY E. SCHRAUT
FRANCINE S. WARD

800 Continental Drive • Brooksville, FL 34601
Telephone (352) 796-6547 • Fax (352) 796-4899

Tuesday, June 19, 2012

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

RE: DECEMBER 31, 2011 PAYMENT IN LIEU OF TAXES

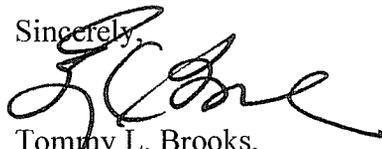
Dear Ms. Norman-Vacha:

This letter is to provide documentation to prior conversations regarding the above subject matter. Attached please HUD Form -52267 Computation of Payments in Lieu of Taxes prepared by our Fee Accountant. Part V. Line 1 indicates a negative in PILOT.

The basic computation for **PILOT: Rent minus utilities and ten percent of balance calculation.**

Please feel free to contact me or our Accountant (The Cornwell Associates Accountants, Inc.) at any time.

Sincerely,



Tommy L. Brooks,
Executive Director

CTN
07.16.12
cc: Steve Baumgardner
[Signature]



**Computation of Payments
in Lieu of Taxes**

**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing**

For fiscal Year Ended 2011

OMB Approval No. 2577-0026 (Exp. 10/31/2009)

Public reporting burden for the collection of information is estimated to average .4 hours. This includes the time for collecting, reviewing, and reporting the data. The information will be used for HUD to ascertain compliance with requirements of Section 6(D) of the U.S. Housing Act, which provides for PHA exemptions from real and personal property taxes, and inclusion in the formula data used to determine public housing operating subsidies. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

December		FOR FISCAL YEAR ENDED:	
Name of Local Agency: <i>Brooksville Housing Authority</i>	Location: <i>Brooksville, Florida 34601-3500</i>	Contract Number:	Project Number: <i>FL074</i>

Part I - Computation of Shelter Rent Charged.

1. Tenant Rental Revenue (FDS Line 703)	152,402.30	
2. Tenant Revenue Other (FDS Line 704)	2,663.81	
3. Total Rental Charges (Line 1&2)		155,066.11
4. Utilities Expense (FDS Line 931-939)		198,337.85
5. Shelter Rent Charges (Line 3 minus Line 4)		<u>(43,271.74)</u>

Part II - Computation of Shelter Rent Collected. (To be completed only if Cooperation Agreement provides for payment of PILOT on Bases of Shelter Rent Collected.)

1. Shelter Rent Charges (Line 5 of Part I, above)		(43,271.74)
2. Add: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at beginning of fiscal year		1,103.03
3. Less: Tenant Bad Debt Expense (FDS Line 964)		652.88
4. Less: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at		169.32
5. Shelter Rent Collected (Line 1 plus Line 2 minus Lines 3 & 4)		<u>(\$42,990.91)</u>

Part III - Computation of Approximate Full Real Property Taxes.

(1) Taxing Districts	(2) Assessable Value	(3) Tax Rate	(4) Approximate Full Real Property Taxes
Total			0.00

Part IV - Limitation Based on Annual Contribution. (To be completed if Cooperation Agreement limits PILOT to an amount by which real property taxes exceed 20% of annual contribution.)

1. Approximate full real property taxes	0.00
2. Accruing annual contribution for all projects under the contract	0.00
3. Prorata share of accruing annual contribution*	0.00
4. 20% of accruing annual contribution (20% of Line 3)	0.00
5. Approximate full real property taxes less 20% of accruing annual contribution (Line 1 minus Line 4, if Line 4 exceeds Line 1, enter zero)	0.00

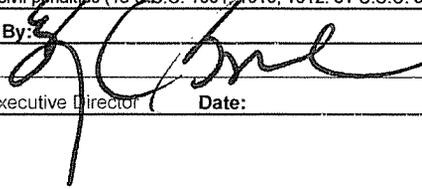
Part V - Payments in Lieu of Taxes.

1. 10% of shelter rent (10% of Line 6 of Part I or 10% of Line 5 Part II, whichever is applicable)**	(\$4,299.09)
2. Payments in Lieu of Taxes (If Part IV is not applicable, enter the amount shown on Line 1 above, or the total in Part III, whichever is the lower. If Part IV is applicable, enter the amount shown on Line 1, above, or the amount shown on Line 5 of Part IV, whichever is lower).	<u>(\$4,299.09)</u>

* Same as Line 2 if the statement includes all projects under the Annual Contributions Contract. If this statement does not include all projects under the Annual Contributions Contract, enter prorata share based upon the development cost of each project.

** If the percentage specified in the Cooperation Agreement or the Annual Contributions Contract with HUD is lower, such lower percentage shall be used.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Prepared By:	Approved By:
Name: The Cornwell Associates Accountants, Inc.	Name: 
Title: Fee Accountant	Title: Executive Director
Date:	Date: