

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

AGENDA

November 19, 2012

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. National Adoption Month

Proclamation in honor of National Adoption Month to be presented to Donna and Edward Parker.

Presentation: Mayor
Attachment: Proclamation

D. CITIZEN INPUT

E. CONSENT AGENDA

1. Minutes

August 6, 2012 Regular Meeting

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda
Action: Motion to Approve
Attachments: 1) Minutes

F. PUBLIC HEARINGS (*Board Sitting in its Quasi-Judicial Capacity*)

- Entry of Proof of Publication into the Record
- Poll Council Members for Ex-Parte Communications
- Administering of Oath to All Persons Intending to Speak [Expert Witness Credentials]
- Adoption of the Agenda Back-up Materials into Evidence

1. Ordinance No. 833 – Evans Financial Services, LTD*

Request for a zoning classification of Residential Planned Development Project (PDP) consisting of 427 single family units.

[First Reading 11/05/12]

Presentation: City Planner
Recommendation: Direction to Staff or Approval of Ordinance No. 833 as recommended by Staff and P&Z Commission on second reading upon roll-call vote.

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Attachments: Memo from Director of Community Development & City Planner dated 11/19/12, Proposed Ordinance, Area Map, Petitions, Narrative, Assessment Report, Site Plan

G. REGULAR AGENDA

1. **2013 Annual Holiday and Meeting Schedule**

Review and consideration of proposed meeting and holiday schedule for 2013, including tentative budget workshops and public hearing dates, pursuant to City Code and Policy.

Presentation: City Clerk
Recommendation: Approval of Schedule or Direction to Staff
Attachments: Memo from City Clerk dated 11/09/12, Schedule, Holiday Policy

2. **Resolution No. 2012-15 - Certification of Canvassing Board Results**

Consideration of resolution officially declaring the results of the November 6, 2012, Municipal Election of Frankie Burnett as the Seat No. 2 City Council Member for a four year term of office from December 3, 2012 through the first meeting in December 2016 and results of Charter Amendments No. 1 and 2.

Presentation: City Clerk
Recommendation: Approval of Resolution upon roll call vote
Attachment: Memo from City Clerk dated 11/10/12; Proposed Resolution

H. CITIZEN INPUT

I. ITEMS BY COUNCIL

J. 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
Proclamation

WHEREAS, November is National Adoption Month, with more than 104,000 children and youth in the U.S. foster care system awaiting permanent families; and

WHEREAS, adoption is the social, emotional, and legal process in which children who will not be raised by their birth parents become full and permanent legal members of another family while maintaining genetic and psychological connections to their birth family; and,

WHEREAS, National Adoption Month is a time to raise awareness about the adoption of children and youth from foster care; and,

WHEREAS, all of us share a special obligation to ensure children have the rich opportunities and support they need to reach their full potential; and,

WHEREAS, adoptive parents, such as Donna and Edward Parker, who adopted six siblings in 2007, help answer this call by opening their hearts and homes to give children a safe environment in which to grow; and,

WHEREAS, like the Parker's two biological children, all of their adopted children have done well academically and participated in extracurricular activities such as football, cheerleading and scouting; and,

WHEREAS, the Parker's love and commitment has provided a loving environment where each and every child has been able to succeed, both personally and academically; and,

WHEREAS, the Parker's ability to care for such a large family and give so much is inspiring.

NOW, THEREFORE, WE THE UNDERSIGNED AS CITY COUNCIL FOR AND ON BEHALF OF THE CITY OF BROOKSVILLE, DO HEREBY RECOGNIZE the month of November, 2012 as

National Adoption Month

in the City of Brooksville, recognizing the Parkers as outstanding adoptive parents and encourage citizens to observe appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Brooksville to be affixed this 19th day of November, 2012.

CITY OF BROOKSVILLE

Joseph E. Johnston, III, Mayor

Lara Bradburn, Vice Mayor

Joe Bernardini, Council Member

Frankie Burnett, Council Member

Kevin Hohn, Council Member

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

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

MINUTES

August 6, 2012

7:00 P.M.

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

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Florida Water Professionals Week Proclamation

A Proclamation proclaiming August 13 – 17, 2012, as Florida Water Professionals Week.

Mayor Johnston read the proclamation in its entirety and presented it to Director of Public Works Richard Radacky.

Vice Mayor Bradburn advised the Water Treatment Plant Operator job is a fast growing field because of changes in federal regulations.

Progress Energy Presentation of Rebate

Presentation of a rebate check in the amount of \$324 for the City Hall HVAC replacement.

Mayor Johnston indicated Gary Renfro of Progress Energy was unable to make the meeting. He advised the City had received a rebate check in the amount of \$324.

Brooksville Housing Authority Update

Update on the status of the Brooksville Housing Authority vouchers.

Tommy Brooks, Executive Director of the Brooksville Housing Authority presented Council with an update on the status of the Housing Authority. He indicated they have been approved for demolition and 115 vouchers to relocate the residents. The Hernando County Housing Authority has the vouchers and has begun the process of sending letters to coordinate the moves and will absorb the fees for residents to relocate. He also advised they would be going out for a request for bids for a Financial Advisor and developer to consider the possibility of redevelopment of the property.

Vice Mayor Bradburn advised she is concerned about the safety of the property once vacated and felt it should be demolished since it would be too costly to renovate. Executive Director Brooks has the same concerns and it will be addressed. She reminded that estimates to bring the units up to par exceeded \$20 million dollars and finding an investor of that magnitude would be extremely difficult and could result in a substandard development project. That, she said, is not the City's goal.

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Council Member Burnett asked why the Hernando County Housing Authority has the vouchers. Executive Director Brooks advised the Brooksville Housing Authority has never operated on vouchers as they are not a large enough authority. The Hernando County Housing Authority deals in vouchers and has experience with using them.

He asked how long the vouchers are good for. Executive Director Brooks advised forever, as long as they qualify and do not violate housing rules. Vouchers are designed so that people can go wherever they choose to live but all have been provided with lists of available properties in the City of Brooksville. Mayor Johnston agreed with Council Member Burnett. Executive Director Brooks will drop a relocation policy off tomorrow that covers the moving. Their plan is to move the families with school aged children first. A one year residence is required before a family can move from the area and transport the voucher. There will be sixty-five (65) families moving first and the remainder will move in October.

CITIZEN INPUT

Mayor Johnston asked for public input.

President of the Candlelight Homeowners Association Charles Price commented he wanted to save his remarks until after Director Radacky's presentation.

CONSENT AGENDA

Minutes

May 21, 2012	Regular Meeting
June 4, 2012	Regular Meeting
June 18, 2012	Regular Meeting

Surplus Equipment

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

Vice Mayor Bradburn asked about the condition of the water purification system. Fire Chief Mossgrove advised it is old and outdated and no parts can be acquired.

Motion:

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

PUBLIC HEARINGS

Entry of Proof of Publication into the Record

Mayor Johnston called for proof of publication. City Clerk Peters indicated Item F-1 was published on Friday, July 27, 2012, in the Hernando Times legal section of the Tampa Bay Times and there is a copy of the affidavit for the record.

Ordinance No. 831 – Land Development Code Update

Consideration of an Ordinance amending the City's Land Development Code.
[First Reading 7/16/12]

City Planner Steve Gouldman advised this is the second reading and reviewed the changes as requested by Council at the first reading on July 16, 2012.

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Amendment to Article One authorizes City Council to adopt by resolution a schedule of application fees. There is nothing currently in the Land Development Code that gives authorization even though the fees already exist. In conjunction, Article 8 has provisions that allow adopting fees for the Planning and Zoning Commission.

Amendment Two corrects paragraph numbering in Article 4 dealing with neighborhood fairs. Also changes proposed are refining the Alcoholic Beverage Permit process, consistent with the previous Land Development Code, allowing for permits requested for businesses that want to sell alcoholic beverages for consumption off the licensed premises only and will be approved administratively. Secondly, those permits that want to have sale and consumption of alcoholic beverages on site would come before City Council as a resolution rather than a public hearing.

The next two changes deal with buffering and screening. It requires a 5-ft landscape buffer around parking areas along roadways and screening for open storage uses.

Flood Plain Management regulations had to be adopted in Florida's 467 jurisdictions based on a model ordinance in conjunction with FEMA and the State.

There were two (2) additional recent format changes he read into the record:

Page 1; Article 10; Section 10-1.4(c) "Florida Building Code, Building, Section 104.10 is hereby amended by adding Section 104.10.1" and Page 3; Article 10; Section 10-1.5, D (2) "The Florida Building Code, Building, is hereby amended by adding Section 117".

Section 4-4.2.L.15.a; added a sentence requiring an inspection of the landscaping after a two year period to ensure 75% opacity.

Section 4-5.7.B.3.a and b; changed the requirement for trees being 50 feet on center to 40 feet.

He indicated at the last hearing Council unanimously approved the proposal with the changes. The Planning in Zoning Commission in March recommended Council approval of the amendments.

Mayor Johnston asked for public input; there was none.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Bradburn for approval of Ordinance No. 831.

City Clerk Peters read Ordinance No. 831 by title, as follows:

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

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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 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.

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

Council Member Bernardini	Aye
Council Member Burnett	Aye
Council Member Hohn	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

REGULAR AGENDA

Peck Sink Water Course Improvements

Consideration of improvements needed to the Peck Sink Watercourse.

Director of Public Works Richard Radacky reviewed the condition of the Peck Sink Water Course, giving detailed information about the drainage of the area via PowerPoint. He advised Civil Tech applied to Southwest Florida Water Management District (SWFWMD) to receive an exemption for an Environmental Resource Permit.

He then reviewed the proposed improvements, proposing a silted area on the channel banks, eliminating the need to haul material on Candlelight Boulevard. He then reviewed the engineer's estimate for the project total of \$116,000. His plan is to bid the project in September with funds from the 2012/13 budget.

Mayor Johnston, referring to the concrete basin, asked how that would fit with SWFWMD's requirement of putting the area back to the original condition. Bob Titterington of Civil Tech advised he believed it can be done, but he will confirm.

Mayor Johnston asked what type of funding source is being looked at. Director Radacky advised the Multi-Capital Fund, confirmed with Finance.

Council Member Hohn asked how far north of Candlelight Bridge is he planning on going. Director Radacky advised past the bridge, west and right around the corner. He advised the City has a prison crew and plans are to use them each spring to inspect the creek bed.

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Vice Mayor Bradburn advised she has visited the site and asked what is being done for review of other flood areas in the City. Director Radacky advised the Bystre Lake project is being looked at. The design is complete, the County is ready to bid and the project will probably start before the Candlelight project.

He also advised that on Liberty Street there are some drainage problems running south from Johnston & Sasser Law Office from springs that is lifting bricks along with erosion on the north and south sides of Liberty Street.

He indicated staff is also addressing the Dauson Detention Facility at Martin Luther King Boulevard and stated they are looking at taking the old Moton football field for a detention facility.

He also mentioned building a bulk head on Hazel Street just north of Martin Luther King Boulevard per Council Member Burnett. He recognized attention to these creeks has to start now.

Vice Mayor Bradburn indicated the South Brooksville project is an excellent example of the City and County working together, under the leadership of Council Member Burnett. She asked that Fire Chief Mossgrove show his slideshow of the runoff from Cloverleaf, Milk-A-Way Farms, and other areas in the city. She recapped dozens of rescues during Tropical Storm Debby and showed pictures of damages as well as the ditch systems. She advised there are areas all over the city that need attention to flooding; none of the rescues were in Candlelight.

Vice Mayor Bradburn presented several aerial maps indicating clogged ditch systems where homes actually flooded. She acknowledged that Candlelight needed work, but since no homes were damaged there, other areas of the City needed help first where homes were damaged.

Regarding the Candlelight project, she felt placing sand along the banks is not a solution and recommended taking it away. She asked about the plans for the collapsed drainage area behind the drainage retention area and the corner of the bridge that are eroded. She suggested repairs to the bridge be an alternate bid to be done after the project.

She advised the Federal Emergency Management Agency (FEMA) office has had 917 requests for relief for flooded homes and advised there may be federal aid for drainage enhancements.

Public Works Director Radacky indicated the silt was just piled up back in 1990 without stabilizing it due to budget constraints. He is proposing sod and seeding with screens to help stabilize because hauling it out will damage the roads and is not cost effective. He emphasized the need to budget for work on these waterways. He pointed out five (5) employees are stretched to the limit between drainage, street lights and traffic but he is looking at the most cost effective fix. Bradburn said potential road damage from removal is greatly exaggerated.

Council Member Burnett agreed with the silt being put up on the banks then sod and seeded.

Bob Titterington stated there was an estimate done before the storm. There is a flat bottom and a lot of flat area at the top of the banks but side slopes will be readdressed with sod to control erosion. The silt comes from the creeks upstream and gets caught where the sides fall down and any erosion along the way.

Council Member Burnett added this is recognizing the process for getting the water to go where it needs to go. He was in favor of the project as presented by Director Radacky.

Mayor Johnston agreed that other areas are in need and recommended the same inventory plan used for the road system.

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Vice Mayor Bradburn agreed and stated they have been asking for a master plan for years but the vegetation and trash can be cleaned out of the ditch system now, then do an evaluation. She asked Council to direct staff to aggressively pursue a plan of action.

Council Member Bernardini agreed there are many water problems that have been man-made.

Sarah Moyer stated staff has met with FEMA for a kickoff meeting and in the next couple of weeks they will be sending out a project officer to help in the process of a grant application. The City is not eligible for federal funds because there was no damage to the structure caused by Tropical Storm Debby. Under the Stafford Act Section 404, the City will apply for a federal hazard mitigation grant administered by the State of Florida.

Council Member Hohn stated Hernando County has about \$145,000 of the City's funds. City Manager Norman-Vacha advised that is MSTU money from drainage and storm water fees. The flood water mapping from FEMA showing waterways is the best data to date. Mitigation funds should be available for maintenance of cause and effect as opposed to just planning for the future. The interlocal agreement with the County is being finalized now.

Charles Price, President of the Candlelight Home Owners Association, advised this problem has been ongoing for 8 years and has to be mentioned every year. He also pointed out this is property the City owns and it is the City's responsibility. He asked that the ditch be cleaned out as soon as possible; install the concrete bottom and direct city staff to establish benchmarks.

Vice Mayor Bradburn advised that some of Mr. Price's neighbors do not agree with placing the silt on the banking. Mr. Price indicated the silt will be piled closer to the Highway 50 Bridge.

Vice Mayor Bradburn asked how much would be left in the 308 fund after this project. City Manager Norman-Vacha indicated Sidewalks and Pavement Management was allocated \$375,000; there has been \$91,000 approved expenditure leaving \$284,816 with approximately \$200,000 after this estimated \$86,000 project without the concrete bottom or \$116,000 with the concrete bottom equals \$84,000 remaining for all City roads and drainage.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval of the project for the not-to-exceed amount of \$116,829 which includes the concrete bottom. Motion carried 4-1, with Vice Mayor Bradburn voting in opposition. Vice Mayor Bradburn reiterated she was not against the Candlelight project, just its prioritizing above those areas where people's lives were actually at stake.

Florida League of Cities Legislative Action Committees

Consideration of appointment of Council Members to the Florida League of Cities' Action Committees for the 9/2012 – 8/2013 year.

Vice Mayor Bradburn pointed out these committees will be realigned for after the August meeting. She spoke with Legislative Director Scott Dudley and he is asking two (2) committees, Urban Administration and Finance and Taxation, to consider legislative changes in regard to the bond issue. She urged attendance of a Council Member at one of these meetings to move forward with the bond issue.

Finance, Taxation & Personnel	Council Member Burnett
Transportation & Intergovernmental Relations	Mayor Johnston
Energy & Environmental Quality	Council Member Bernardini
Growth Management & Economic Development	Vice Mayor Bradburn
Urban Administration	Council Member Hohn

REGULAR COUNCIL MEETING MINUTES – August 6, 2012

Motion:

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

Advisory Board Appointments

Appointment of members to various vacant advisory board positions.
[Note - all applicants are registered voters as required]

Screening Committee Appointment

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

Sue Loveday	New Applicant
Pat Sanders	New Applicant

Council Member Bernardini nominated City resident Sue Loveday to the Screening Committee.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for appointment of Sue Loveday to the Screening Committee. Motion carried 5-0.

Brooksville Housing Authority Board Appointment

One (1) full-time vacant unexpired position to fill a 4-year term of office through May 31, 2015.

Arlene Mullen New Applicant

Mayor Johnston recommended appointment of Arlene Mullen to the Brooksville Housing Authority Board.

Vice Mayor Bradburn asked does anyone know her; no one did. Council Member Burnett pointed out she is the only applicant.

Motion:

Motion was made by Council Member Bernardini and seconded by for Council Member Burnett concurrence of the Mayor's appointment. Motion carried 5-0.

CITIZEN INPUT

Mayor Johnston asked for public input.

Earl Rich of Moonlight Lane applauded Council for moving forward with the Candlelight project but expressed that the drainage retention b0c is collapsing. Director Radacky took the information and will look into it.

Connie Young of Moonlight Lane advised 2005 was the first time she made a call to Department of Public Works about the same problem. March of this year she called about a small sink hole and nothing was done until a child fell into it and twisted his ankle.

Carol Daoust who lives on the corner of Erin Way and Candlelight Boulevard advised the drainage ditch on her property has not been maintained for years and she has standing water on her property all the time.

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COMMUNITY REDEVELOPMENT AGENCY (CRA) MEETING

Mayor Johnston adjourned the meeting of Council at 9:20 pm and called to order the meeting of the Community Redevelopment Agency (CRA) meeting.

The meeting of Council reconvened at 9:47 p.m.

ITEMS BY COUNCIL

Joe Bernardini, Council Member

Budget Workshop

Council Member Bernardini pointed out Council removed \$7,000 from City Council's budget and there were various comments but questioned whether there was direction given to the City Manager to make changes. He asked if he should come back with proposed cuts at the next budget workshop. Council concurred.

Council Member Hohn advised City Council cannot do anything without support from its citizens. Businesses will leave with taxes being raised and felt they must have a partnership between the business community and the CRA.

Vice Mayor Bradburn advised in 2007 City Council lowered taxes by 20%. There was no master plan then for roads or how to wisely spend it as long term good stewards. All people and businesses must be included in addressing these issues. There have been several positive steps in creating the CRA, TIF and tax incentive plans. But without strong infrastructure, and not addressing drainage, businesses will not come to the City.

Mayor Johnston pointed out the Fire Assessment is still pending and could impact the budget.

Condolences

He gave his condolences to the Knowles family for the loss of their daughter.

John Gary Grubbs Boulevard and Chatman Boulevard

He is concerned with the condition of these roads and feels they must be addressed. City Manager Norman-Vacha stated there is funding in Road Impact Fees since there is additional use of the ECI building by EOC and staff is working on improving that area.

Frankie Burnett, Council Member

South Brooksville Redevelopment

Council Member Burnett advised that before there was a Brooksville Vision Foundation there was South Brooksville Redevelopment and he agreed that all groups should be included.

Staff Appreciation

He thanked Director Radacky for his presentation on Candlelight. He asked that Council give staff direction to look at the other areas needing attention and to bring back a plan.

He thanked Director Geiger for his CRA presentation with Coastal Engineering as well as the City Manager and staff.

Budget

Regarding the budget, he advised he is not in favor of losing services.

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Kevin Hohn, Council Member

Candlelight

Council Member Hohn also thanked Director Radacky for his presentation and for taking him out to survey the damage.

Budget

He would really like everyone to look at their own budgets and realize the safety and welfare of our citizens. Council has to be smart and honest with this budget going forward. There is much potential and felt it would be a shame to stop now and just raise taxes. The State takes away from Counties and Municipalities but they never cut sales tax or any State funds. The City has to take inventory of itself and make the best decisions possible for the future of the entire City. The Brooksville Vision Foundation has never excluded anyone from being a member and encouraged residents from South Brooksville to serve or attend. He suggested Council Members present a PowerPoint presentation for the next budget workshop on ideas such as refinancing loans with USDA to save money. He is not looking to cut staffing unless it is the last resort.

He recommended drainage be part of sewerage, even though it is storm water, under enterprise funds that has a surplus this year.

He supported thinking “outside the box” instead of raises taxes.

Lara Bradburn, Vice Mayor

Budget

Vice Mayor Bradburn stated she is a conservative by nature but her perspective is different from some who call themselves conservatives. She has always felt that cutting a budget that will cost ten times more down the road is not being conservative but foolish. The City is small with limited resources and it has been easy in the past to worry about needs later. As a result, there is deterioration throughout the City of drainage and roadwork by delaying upgrades and maintenance. She supports an honest discussion with a long term look at where the City should be to attract businesses by having strong infrastructure.

She advised she is not advocating tax increases but nor will she ignore necessities. There are three perspectives in looking at the budget; necessity, luxury and community. A community is defined as coming together and serving one another. Council must serve the community of today and tomorrow as leaders and visionaries. This plan only addresses the City’s historic district but does not look to the future. The impact of what happens here will effect what happens elsewhere in the City. The original redevelopment plan was focused on making the nucleus strong then positive energy will radiate out from that. Downtown needs to be strong then everything else in the City and the County will prosper. She supports not raising taxes but does not want to neglect Council responsibilities. Honest discussion needs to include how much it will cost to pay for roads next year and clean out ditches and how many people are needed to do it. The City Manager has presented a reasonable minimal budget but Bradburn questions whether employees are given necessary tools to be a productive workforce. Council has proposed a 7.5% millage with hopes that the Fire Assessment goes through, though it is not guaranteed. She felt a few people cannot sway their every decision and hard decisions are not popular.

Emergency Assistance

She pointed out the Emergency Operations Center has had 917 visits. FEMA will be gone on August 18th but will still accept some claims after that. The SBA will still be available to offer assistance.

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Code Enforcement Investigation

She indicated there were two very old majestic oaks torn down recently on the corner of Erin Way and Candlelight Boulevard and Moonlight Drive. She requested Code Enforcement investigate further on tree removal permits.

Potholes at Quarry Entrance and Moonlight Drive

She pointed out there are significant potholes that must be addressed.

Elections

She reminded everyone that next Tuesday is the primary election and be aware some precincts have changed. She pointed out everyone can vote on non-partisan races such as School Board and Property Appraiser.

Movie Night in the Park

She announced next Friday night showing at Tom Varn Park at 8:30 will be a free movie, The Lorax who “speaks for the trees”.

T. Jennene Norman-Vacha, City Manager

Budget Workshops

City Manager Norman-Vacha reminded the next budget workshop is August 14th at 6:30 p.m. with Council consensus. There will be presentations by the actuarial on police and fire pension plans and invited all pension board members. The final workshop is scheduled for August 28th prior, to the First Public Hearing on the budget.

Council Member Recognition by Florida League of Cities

She announced Council Member Bernardini has served the City as a Council Member for twenty years. The Florida League of Cities will attend a Council meeting later in the year to make a presentation to him.

Joe Johnston, Mayor

Traffic Light

Mayor Johnston was pleased the traffic light on Jefferson and Mildred Streets was temporarily fixed but it is again cycling through when no one is at the light.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:23 p.m.

City Clerk

Attest: _____
Mayor



A G E N D A I T E M
M E M O R A N D U M

TO: HONORABLE MAYOR AND CITY COUNCIL
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *[Signature]*
VIA: BILL GEIGER, COMMUNITY DEVELOPMENT DIRECTOR *[Signature]*
FROM: STEVEN E. GOULDMAN, AICP, CITY PLANNER *[Signature]*
SUBJECT: ORDINANCE NO. 833 – REZONING
DATE: NOVEMBER 19, 2012

GENERAL SUMMARY/BACKGROUND: The request is to rezone an approximately 170.8 acres from Hernando County Agricultural (AG) to Planned Development Project (PDP) to allow for the development of up to 427 single-family conventional units at a density of 2.5 dwelling units per acre.

Located on the south side of Mondon Hill Road and immediately east of Jasmine Drive, the subject parcel was annexed into the City on June 6, 2005 (Ordinance No. 689) and was at the time of annexation 191 acres in size. Subsequent to the annexation, Hernando County purchased property in the northwest portion of the site to be utilized as right-of-way for the realignment of the Jasmine Drive/Mondon Hill Road/McIntyre Road intersection. The City Council approved, on October 18, 2010, a Comprehensive Plan amendment designating the property as Suburban Residential, which allows for the consideration of up to 2.5 dwelling units per acre.

Compatibility with Surrounding Area: The subject property is, as previously noted, located south of Mondon Hill Road, immediately east of Jasmine Drive. The general area is primarily developed with residential uses and contains a number of undeveloped agricultural tracts. Specifically, the property to the northeast of the subject site is the Majestic Oaks Planned Development Project, which is allowed a maximum of 999 dwelling units, 100,000 square feet of floor space for commercial and office uses and 31,000 square feet of floor space for a clubhouse and associated activities. East and west of the subject property are primarily large undeveloped tracts and large lot residential uses. Immediately south of the site is the densely-developed Wesleyan Village property. Given the above, staff finds the proposed zoning designation is compatible with the surrounding development pattern.

As proposed, the project will contain a maximum of 427 single-family conventional dwelling units located in 3 development pods, with one access drive to Jasmine Drive and one to Mondon Hill Road. The petitioner proposes to locate lots a minimum of 7,000 square feet in size along the north, south and east project boundaries, while all other lots interior to the site will contain a minimum of 5,000 square feet. The 7,000

square-foot lots are to be a minimum of 70 feet in width and 100 feet deep. The 5,000 square-foot lots will be a minimum of 50 feet in width and 100 feet in depth. Front yard setbacks for all lots will be 20 feet for primary facades, with street-facing garages set back a minimum of 25 feet. All lots will have minimum rear yard setbacks of 20 feet. The 7,000 square-foot lots will be developed with 7.5-foot side yards, while the side yard setbacks for the 5,000 square-foot lots will be 5 feet. The project will also preserve the existing wetlands and provide open space adjacent to the wetlands and required stormwater facilities. To facilitate compatibility with the existing wooded streetscape along Mondon Hill Road, a buffer area 20 feet in width will be provided along the roadway. A multi-use path eight feet in width from the project entrance on Mondon Hill Road to the Good Neighbor Trail will be provided. Additionally, at the southern edge of the buffer, a tan or almond PVC fence six feet in height will be installed. The fence will contain brick, stone or architecturally-finished columns a minimum of two feet in width and spaced no more than 100 feet apart. Except for those trees required for removal to accommodate the fence, multi-use path and required sidewalk east of the project entrance, all trees eight inches DBH and larger within the buffer will be preserved.

Public Facilities and Level of Service: The project will be served by City water and sewer services. The developer will be required to negotiate a utility service agreement with the City of Brooksville to facilitate the provisions for water and sewer services to the property. No development permit related to the project will be issued until water and sewer services are available to serve the property. Additionally, no development order will be issued unless the Hernando County School District indicates adequate capacity for each level of school exists or an appropriate mitigation measure has been negotiated. Police, fire and sanitation collection services will also be provided by the City. A traffic study will be required to establish the proposed development's impacts on the transportation network, as well as mitigation measures that may be required to address any deficiencies or safety issues. Development plans submitted for permitting of this project will be reviewed and analyzed for impact to roads, utilities, schools, drainage, the environment and compliance with all other applicable land use criteria and will be subject to meeting all federal, state and local agency permitting requirements.

Natural Resources and Drainage: The property is presently undeveloped and is primarily wooded, containing native hardwoods as well as a number of small, isolated wetland areas. Former railroad right-of-way and power line easements are located at the northwest property boundary from Jasmine Drive to Mondon Hill Road. Vegetation on the subject property consists primarily of Slash Pine, Sweet Gum and Laurel Oak trees with some Southern Magnolia, Pignut Hickory, Live Oak, Eastern Red Cedar, Cabbage Palm and Red Mulberry specimens variously located. A medium cover underbrush is present as well. The majority of the soil on the subject site is identified as Nobleton (0 to 5% slopes), Kendrick (0 to 5% slopes), Sparr (0 to 5% slopes) and Wauchula (0 to 5% slopes).

According to the current adopted FEMA Flood Insurance Rate Map community panels, the majority of the subject site is located within Flood Zone X, which is defined as an area exhibiting minimal flood potential. A small portion of the site located near the western property boundary and areas in the south-southeastern portion fall within Flood Zone AE. Flood Zone AE indicates the area is subject to flooding during a 100-year storm event. No development will be permitted within the areas located in Flood Zone AE. Development of the site will be subject to SWFWMD 40D-4 permitting requirements, as well as the City's Comprehensive Plan policies relating to stormwater retention and conveyance.

BUDGET IMPACT: Costs for processing rezoning requests are offset by applicable application fees.

LEGAL REVIEW: Florida Statutes § 163.3202(2)(b) requires that each county and each municipality regulate the use of land and water for those land use categories included in the Comprehensive Plan Future Land Use element and ensure the compatibility of adjacent uses and provide for open space.

PLANNING AND ZONING COMMISSION STAFF RECOMMENDATION: At their October 10, 2012 meeting, the Planning and Commission concurred with the staff finding that the request is consistent with the City's Comprehensive Plan and compatible with the surrounding development pattern. The Planning and Zoning Commission also supported the conditions provided by staff with two changes. The first change involves specifying that the multi-use path be paved in accordance with the appropriate technical standards. Condition 4 of the proposed project regulations has been modified to reflect the Planning and Zoning Commission's recommendation. The second change is the suggestion that a buffer area 10 feet in width be provided and rear yard setbacks be reduced to 15 feet to compensate for the buffer along the southern property boundary where residential development abuts the Wesleyan Village development. Given that the buffer area would create an area where no activity could occur on property that a homeowner could perceive as being part of their parcel, would require that the Homeowners Association be able to access and maintain the area and the fact that the buffer appears to serve no purpose, staff has not included the suggested buffer area in the proposed conditions.

The Planning and Zoning Commission concurred with the staff recommendation that City Council approve the request to rezone the subject property from County AG (Agricultural) to Planned Development Project (PDP), subject to the changes discussed and the conditions below. As noted above, Condition 4 has been modified to reflect the Planning and Zoning Commission recommendation regarding the multi-use path. The Planning and Zoning Commission's recommended buffer area is not included in the conditions.

1. Unless otherwise specified herein, the project shall be developed in accordance with the Land Development Code as well as the rules and regulations of all applicable government entities.
2. The project shall be allowed a maximum of 427 single-family conventional dwellings.
3. Development standards for the project shall be as follows:

Minimum Lot Size: 5,000 square feet, with the exception that lots abutting the north, south and east project boundaries shall be a minimum of 7,000 square feet.

Minimum Lot Width: 50 feet, with the exception that lots abutting the north, south and east project boundaries shall be a minimum of 70 feet in width.

Front Yard Setback: 20 feet for primary facades, with street-facing garages set back a minimum of 25 feet.

Rear Yard Setback: 20 feet.

Side Yard Setback: 5 feet for lots less than 7,000 square feet in size and 7.5 feet for lots 7,000 square feet and larger.

Maximum Building Height: 35 feet

4. The developer shall provide a buffer 20 feet in width along Mondon Hill Road. At the southern edge of the buffer, a tan or almond PVC fence six feet in height shall be installed. The fence shall contain brick, stone or architecturally-finished columns a minimum of two feet in width and spaced no more than 100 feet apart. In lieu of the sidewalk required from the Good Neighbor Trail to the project entrance, a multi-use path eight feet in width shall be provided and shall be constructed in accordance with Hernando County's standards for sidewalks. Except for those trees required for removal to accommodate the fence, multi-use path and required sidewalk east of the project entrance, all trees eight inches DBH and larger within the buffer shall be preserved. The buffer area shall be platted as a separate parcel and shall be owned and maintained by the Homeowners Association or similar entity.
5. Mailboxes shall be located in community kiosks provided throughout the project. Mailboxes on or adjacent to individual lots shall be prohibited.
6. A maximum of one access drive to Jasmine Drive and one access drive to Mondon Hill Road shall be permitted.

7. Prior to construction plan submittal, the developer shall provide to the Community Development Department for review and approval a detailed PDP development site plan depicting all the requirements specified herein as well as all appropriate and applicable data and information.
8. The petitioner/developer shall obtain all permits and meet all applicable land development regulations, for construction or use of the property.
9. The developer shall coordinate with the City Department of Public Works to properly plan for and address drainage and pedestrian improvements interior to and around the perimeter of the site. Except as otherwise provided herein, sidewalks are to be installed along all roadways within and adjacent to the site, and design shall provide for crosswalks and underground drainage where appropriate.
10. The developer shall successfully negotiate a utility service agreement with the City prior to permitting. No development permit related to the project will be issued until water and sewer services are available to serve the property.
11. All utilities serving this project shall be installed underground.
12. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.
13. Prior to the City issuing a development order for this project, the developer will be required to address and resolve all issues related to impacts of the proposed development on public infrastructure and services. Concurrency deficiencies shall be mitigated with agencies that provide and maintain infrastructure and services that directly serve the proposed development.

CITY COUNCIL ACTION:

At the November 5, 2012 hearing, the City Council approved staff recommendation relative to this request and scheduled the second and final reading for November 19, 2012.

ATTACHMENTS:

1. Draft Ordinance No. 833
2. Area Map
3. Zoning Petition
4. Petitioner's Narrative
5. Planned Development Project Conceptual Site Plan

Attachment 1

Draft Ordinance No. 833

ORDINANCE NO. 833

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT), CONSISTING OF RESIDENTIAL USES FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. ZONING. That the following described property in the City of Brooksville, Florida is hereby zoned as a Planned Development Project (PDP) with residential uses--Referenced Exhibit "A" for a graphic view of the property:

Evans Financial Services, Ltd
Parcel Key # 00356162. Legal Description:

The part of the West $\frac{3}{4}$ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, lying South of Mondon Hill Road and South of the ACL Railroad right-of-way,
LESS

Griggs Tract "A"

A portion of the Southwest $\frac{1}{4}$ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the South boundary of the Southwest $\frac{1}{4}$ of said Section 24, S.89°53'12"E., a distance of 20.94 feet to the Easterly maintained right-of-way of Jasmine Drive per Right-of-way Book 2, Pages 29 through 36, of the Public Records of Hernando County, Florida, for a POINT OF BEGINNING; thence along the Easterly maintained right-of-way of Jasmine Drive per Right-of-way Book 2, Pages 29 through 36 of the Public Records of Hernando County, Florida, the following eight courses: 1) N.01°28'06"E., a distance of 165.62 feet; 2) N.01°46'14"W., a distance of 216.03 feet; 3) N.00°34'43"E., a distance of 314.11 feet; 4) N.00°15'28"E., a distance of 121.56 feet; 5) N.01°37'34"W., a distance of 154.81 feet; 6) N.00°14'43"E., a distance of 261.25 feet; 7) N.00°45'03"E., a distance of 281.36 feet; 8) N.00°16'35"W., a distance of 100.02 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-line of said former Seaboard Coastline Railroad, N.70°57'12"E., a distance of 558.02 feet; thence S.19°02'48"E., a distance of 18.00 feet; thence S.70°57'12"W., a distance of 152.54 feet to a point of curvature; thence southwesterly 341.00 feet along the arc of a curve to the left, said curve having a radius of 502.96 feet, a central angle of 38°50'45", and a chord bearing and distance of S.51°31'50"W., 334.51 feet; thence N.57°53'33"W., a distance of 10.00 feet to a non-tangent point of curvature; thence southerly 286.44 feet along the arc of a curve to the left, said curve having a radius of 512.96 feet, a central angle of 31°59'40", and a chord bearing and distance of S.16°06'37"W., 282.73 feet; thence N.89°53'12"W., a distance of 8.58 feet; thence S.00°16'43"E., a distance of 680.07 feet; thence N.89°53'12"W., a distance of 10.00 feet; thence S.00°16'43"E., a distance of 575.37 feet to the South boundary of the Southwest $\frac{1}{4}$ of said Section 24; thence along the South boundary of the Southwest $\frac{1}{4}$ of said Section 24, N. 89°59'31"W., a distance of 29.07 feet to the POINT OF BEGINNING.

AND

Jasmine Drive Flood Plain Compensation Area

A portion of the Southwest ¼ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest ¼ of said Section 24, N.00°16'43"W., a distance of 1,604.16 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E., a distance of 508.71 feet; thence S.19°02'48"E., a distance of 18.00 feet for a POINT OF BEGINNING; thence continue S.19°02'48"E., a distance of 124.00 feet; thence N.70°57'12"E., a distance of 290.00 feet; thence S.19°02'48"E., a distance of 146.96 feet; thence S.71°05'42"W., a distance of 264.14 feet; thence S.48°42'49"W., a distance of 108.73 feet; thence S.22°26'51"W., a distance of 118.08 feet; thence S.01°42'00"E., a distance of 59.96 feet; thence S.25°44'50"W., a distance of 148.58 feet; thence S.20°53'12"E., a distance of 184.63 feet; thence S.12°18'29"W., a distance of 33.78 feet; thence S.89°19'28"W., a distance of 167.34 feet; thence N.18°56'49"W., a distance of 177.73 feet; thence N.07°24'58"W., a distance of 112.54 feet; thence N.38°33'26"E., a distance of 118.68 feet; thence N.06°49'07"W., a distance of 76.74 feet; thence N.50°30'38"W., a distance of 81.67 feet; thence N.43°02'49"W., a distance of 117.63 feet to a non-tangent point of curvature; thence Northeasterly 354.03 feet along the arc of a curve to the right, said curve having a radius of 502.96 feet, a central angle of 40°19'48", and a chord bearing and distance of N.50°47'18"E., 346.76 feet; thence N.70°57'12"E., a distance of 71.54 feet to the POINT OF BEGINNING.

AND

Griggs Tract "E"

A portion of the Southwest ¼ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest ¼ of said Section 24, N.00°16'43"W., a distance of 1,604.16 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E., a distance of 589.70 feet for a POINT OF BEGINNING; thence continue along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E., a distance of 571.58 feet; thence S.19°02'48"E., a distance of 80.00 feet; thence S.70°57'12"W., a distance of 571.58 feet; thence N.19°02'48"W., a distance of 80.00 feet to the POINT OF BEGINNING.

AND

Griggs Tract "G"

A portion of the Southwest ¼ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest ¼ of said Section 24, N.00°16'43"W., a distance of 1,604.16 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E., a distance of 1,715.88 feet for a POINT OF BEGINNING; thence continue along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E., a distance of 54.51 feet to the Southerly maintained right-of-way of Mondon Hill Road per Right-of-Way Book 2, Pages 29 through 36 of the Public Records of Hernando County, Florida, and a non-tangent point of curvature; thence along the Southerly maintained right-of-way of said Mondon Hill Road the following two (2) courses: 1) Easterly 292.17 feet along the arc of a curve to the right, said curve having a radius of 22,888.32 feet, a central angle of 00°43'53", and a chord bearing and distance of S.79°52'38"E., 292.17 feet; 2) S.79°30'41"E., a distance of 48.73 feet; thence S.10°29'19"W., a distance of 14.42 feet; thence N.81°37'18"W., a distance of 388.63 feet to the POINT OF BEGINNING.

AND

Jasmine Drive Flood Plain Compensation Area 2

A portion of the Southwest ¼ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest ¼ of said Section 24, N.00°16'43"W., a distance of 1,604.16 feet to the Southerly right-of-way line of the former Seaboard Coastline Railroad; thence along the Southerly right-of-way line of said former Seaboard Coastline Railroad, N.70°57'12"E., a distance of 508.71 feet; thence S.19°02'48"E., a distance of 18.00 feet for a POINT OF BEGINNING; thence N.70°57'12"E., a distance of 81.00 feet; thence S.19°02'48"E., a distance of 62.00 feet; thence N.70°57'12"E., a distance of 209.00 feet; thence S.19°02'48"E., a distance of 62.00 feet; thence S70°57'12"W., a distance of 290.00 feet; thence N.19°02'48"W., a distance of 124.00 feet to the POINT OF BEGINNING.

AND

Jasmine Drive Flood Plain Compensation Area 3

A portion of the Southwest ¼ of Section 24, Township 22 South, Range 19 East, Hernando County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Southwest corner of said Section 24; thence along the West boundary of the Southwest ¼ of said Section 24, N.00°16'43"W., a distance of 920.47 feet; thence N.89°19'28"E., a distance of 60.00 feet for a POINT OF BEGINNING; thence N.00°16'43"W., a distance of 334.23 feet; thence S.89°53'12"E., a distance of 8.58 feet to a non-tangent point of curvature; thence Northerly 286.44 feet along the arc of a curve to the right, said curve having a radius of 512.96 feet, a central angle of 31°59'40", and a chord bearing and distance of N.16°06'37"E., 282.73 feet; thence S.57°53'33"E., a distance of 10.00 feet; thence S.31°21'56"W., a distance of 13.03 feet; thence S.43°02'49"E., a distance of 117.63 feet; thence S.50°30'38"E., a distance of 81.67 feet; thence S.06°49'07"E., a distance of 76.74 feet; thence S.38°33'26"W., a distance of 118.68 feet; thence S.07°24'58"E., a distance of 112.54 feet; thence S.18°56'49"E., a distance of 177.73 feet; thence S.89°19'28"W., a distance of 237.82 feet to the POINT OF BEGINNING.

Location: South of Mondon Hill Road and east of Jasmine Drive.

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

The aforementioned property located within the City of Brooksville, Florida, is hereby assigned a zoning classification of PDP (Planned Development Project) and the zoning map of the City of Brooksville shall be amended accordingly. The Planned Development Project is subject to the following conditions:

1. Unless otherwise specified herein, the project shall be developed in accordance with the Land Development Code as well as the rules and regulations of all applicable government entities.
2. The project shall be allowed a maximum of 427 single-family conventional dwellings.
3. Development standards for the project shall be as follows:

Minimum Lot Size: 5,000 square feet, with the exception that lots abutting the north, south and east project boundaries shall be a minimum of 7,000 square feet.

Minimum Lot Width: 50 feet, with the exception that lots abutting the north, south and east project boundaries shall be a minimum of 70 feet in width.

Front Yard Setback: 20 feet for primary facades, with street-facing garages set back a minimum of 25 feet.

Rear Yard Setback: 20 feet.

Side Yard Setback: 5 feet for lots less than 7,000 square feet in size and 7.5 feet for lots 7,000 square feet and larger.

Maximum Building Height: 35 feet

4. The developer shall provide a buffer 20 feet in width along Mondon Hill Road. At the southern edge of the buffer, a tan or almond PVC fence six feet in height shall be installed. The fence shall contain brick, stone or architecturally-finished columns a minimum of two feet in width and spaced no more than 100 feet apart. In lieu of the sidewalk required from the Good Neighbor Trail to the project entrance, a multi-use path eight feet in width shall be provided and shall be constructed in accordance with Hernando County's standards for sidewalks. Except for those trees required for removal to accommodate the fence, multi-use path and required sidewalk east of the project entrance, all trees eight inches DBH and larger within the buffer shall be preserved. The buffer area shall be platted as a separate parcel and shall be owned and maintained by the Homeowners Association or similar entity.
5. Mailboxes shall be located in community kiosks provided throughout the project. Mailboxes on or adjacent to individual lots shall be prohibited.
6. A maximum of one access drive to Jasmine Drive and one access drive to Mondon Hill Road shall be permitted.
7. Prior to construction plan submittal, the developer shall provide to the Community Development Department for review and approval a detailed PDP development site plan depicting all the requirements specified herein as well as all appropriate and applicable data and information.
8. The petitioner/developer shall obtain all permits and meet all applicable land development regulations, for construction or use of the property.
9. The developer shall coordinate with the City Department of Public Works to properly plan for and address drainage and pedestrian improvements interior to and around the perimeter of the site. Except as otherwise provided herein, sidewalks are to be installed along all roadways within and adjacent to the site, and design shall provide for crosswalks and underground drainage where appropriate.
10. The developer shall successfully negotiate a utility service agreement with the City prior to permitting. No development permit related to the project will be issued until water and sewer services are available to serve the property.
11. All utilities serving this project shall be installed underground.

12. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.
13. Prior to the City issuing a development order for this project, the developer will be required to address and resolve all issues related to impacts of the proposed development on public infrastructure and services. Concurrency deficiencies shall be mitigated with agencies that provide and maintain infrastructure and services that directly serve the proposed development.

SECTION 2. FINDINGS. The City Council does hereby find that the proposed zoning of this property with a PDP designation will not be inconsistent with the City's Comprehensive Plan and is compatible with existing land uses in this area.

SECTION 3. EFFECTIVE DATE. This Ordinance and zoning of the property described hereto shall take effect immediately upon its adoption.

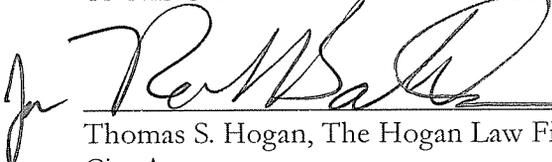
CITY OF BROOKSVILLE

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

By: _____
 Joseph E Johnston III, 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 _____

Attachment 2

Area Map

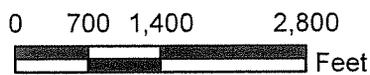
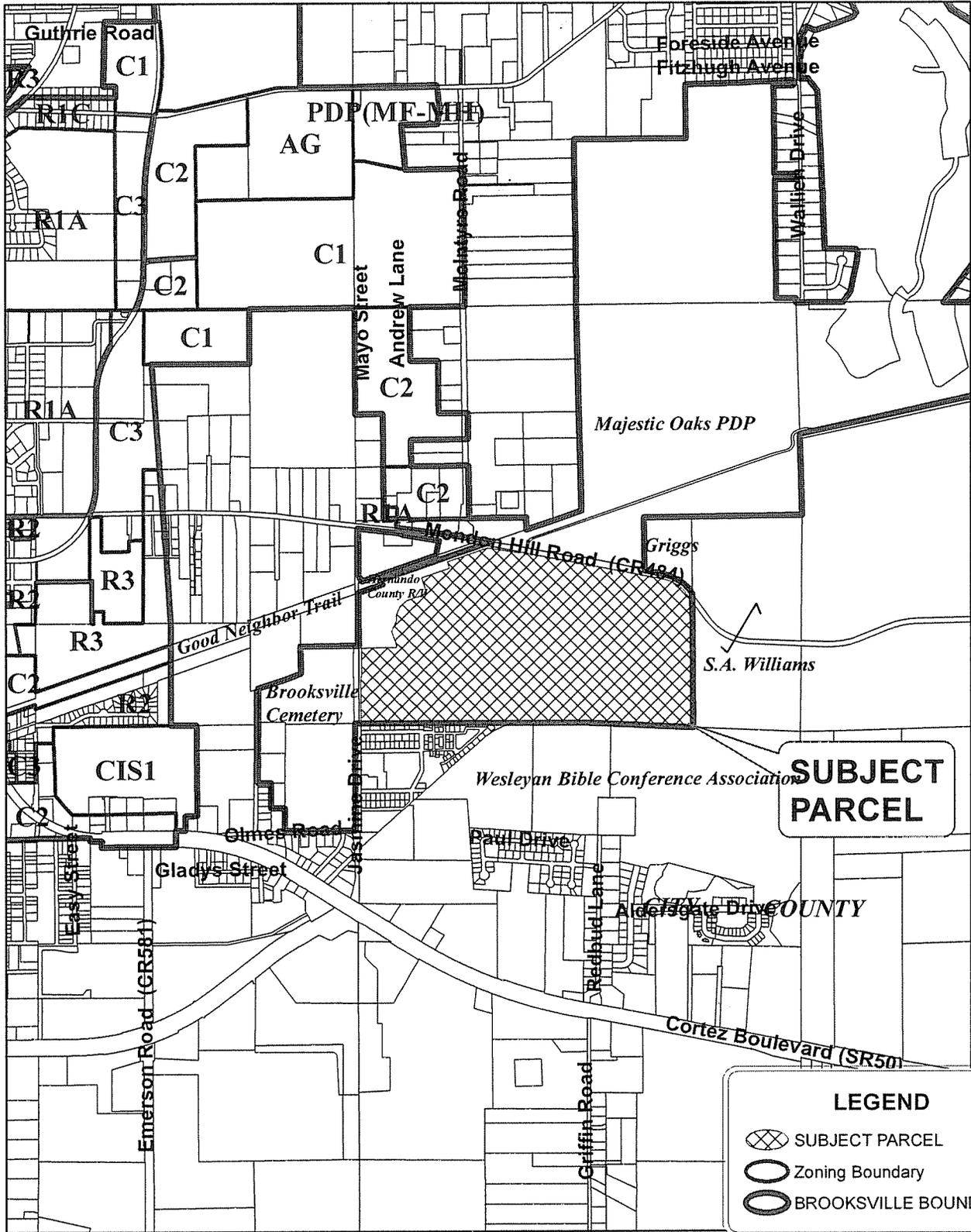
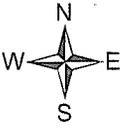


Attachment "A"

Evans Financial Services LTD

RZ2012-01

ORDINANCE NO. 833



LEGEND

- SUBJECT PARCEL
- Zoning Boundary
- BROOKSVILLE BOUNDARY

*Base map information provided by the Hernando County Property Appraiser's office
 Map created by the Brooksville Community Development Department
 Disclaimer: This map is intended for planning purposes only, and should not be used to determine the precise location of any feature shown thereon.

Attachment 3

Zoning Petition

CITY OF BROOKSVILLE REZONING PETITION
Application for Public Hearing

Date: July 20, 2012

Type all information. If you need any assistance, call the Community Development Department at (352) 544-3810.

APPLICANT: Evans Financial Services, Ltd.

Mailing Address: 1700 Park Lane South, Suite 3, Jupiter, FL 33458

Daytime Telephone: (561) 743-0022 FAX No: (561) 743-0024 E-Mail Address: nick@amaro-cpa.com

REPRESENTATIVE: Coastal Engineering Associates, Inc.

Mailing Address: 966 Candlelight Blvd., Brooksville, FL 34601

Daytime Telephone: (352) 796-9423 FAX No: (352) 799-8359 E-Mail Address: dlacey@coastal-engineering.com

PUBLIC CONTACT PERSON: Donald Lacey, AICP, Sr. Vice President, Coastal Engineering Associates, Inc.

Daytime Telephone: same FAX No: same E-Mail Address: same

Will Expert Witness be utilized during the public hearings? no

Legal Description: Type below the complete legal description of the property, including street address, if any, and the names of all owners. Include Section, Township and Range; and if applicable, Subdivision Name, Lot, Block, and Unit Number. Attach additional sheet if necessary.

See attached property description.

Size of Area Covered by Application: 170.8 acres

Highway and Street Boundaries: Mondon Hill Road and Jasmine Road

Current Zoning Classification: AG - Hernando County

Rezoning Requested: Residential PDP with SF use

Proposed Use of Property: residential subdivision

Has a public hearing been held on this property within the past twelve months? no

ACKNOWLEDGMENT

This acknowledgment must be signed in the presence of a Notary Public.

I, Evans Financial Services, Ltd/James D Evans hereby state and affirm that all information submitted within this petition is in all respects true and correct to the best of my knowledge and belief and that:

- I am the owner of the property covered under this application.
I am the legal representative of the owner or lessee of the property described, which is the subject matter of this application.

Signature of Applicant or Representative (James D Evans)

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 23 day of July, 2012, by James D Evans who is personally known to me or who has produced as identification.

Signature of Notary Public (Nicholas Amaro)



NICHOLAS AMARO
MY COMMISSION # EE 081674
EXPIRES: August 6, 2015
Bonded Thru Budget Notary Services

APPOINTMENT OF AGENT

**CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA**

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

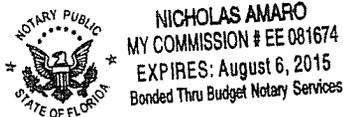
(Insert Legal Description Below)

Property Description is attached hereto.

**CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA**

I, Nicholas Amaro, being duly sworn, hereby depose and say James D Evans is the owner of the herein described property to-wit:

Signature  Print Name Nicholas Amaro Date July 23, 2012



Attachment 4

Petitioner's Narrative

EVANS TRACT REZONING/MASTER PLAN NARRATIVE

General Description

The proposed project consists of approximately 170.8 acres and is located in Section 24, Township 22 South, Range 19 E, of Hernando County. More particularly, it is south of and adjacent to Mondon Hill Road as well as east of and adjacent to Jasmine Drive in the City of Brooksville. The proposed project is currently zoned in Hernando County (AG) and is within the designation of Suburban Residential on the City of Brooksville future land use map.

The applicant is requesting approval for the proposed zoning designation of Residential Planned Development Project with single family use and the attached Master Plan consisting of 427 single family units. This request is consistent with the 2.5 units per acre allowed within the Suburban Residential comp plan designation. There are three housing pods shown on the proposed master plan and a land use table proportioning the dwelling units among them.

Project entrances are proposed from Mondon Hill Road and Jasmine Drive. Jasmine Drive provides signalized access to Cortez Blvd. (S.R.50), which connects to regional commercial areas to the west and I-75 to the east. Additionally, The Good Neighbor Trail is in close proximity to the project.

The subject parcel is currently vacant and moderately to densely wooded with the majority of the property comprised of a hardwood – conifer mixed land use cover. Several isolated wetlands located within the western and southern portions of the property are depicted on the master plan. A small area within the western portion of the subject property falls within the 100 year floodzone. Development in wetlands and floodzones has been avoided. An application for a Conceptual Environmental Resource Permit (ERP) has been submitted to the Southwest Florida Water Management District (SWFWMD) for project stormwater retention.

Surrounding land uses include scattered small-acreage residential development to the west and northwest, the approved Majestic Oaks development to the northeast, vacant agricultural properties to the east and the Wesleyan Village retirement development to the south of the subject site.

The enclosed rezoning master plan, while conceptual, depicts areas where single family residential development will occur, along with portions of the property which will remain as open space, either as protected areas (wetlands) or for stormwater management. The two access points are consistent with those discussed during the comprehensive plan approval process and coordinated with the County during the improvement of Jasmine Drive. A combination of wetlands, drainage and open space will provide significant buffering to the west, northwest and south.

Proposed building setbacks are as follows:

Front: 25'
Side: 5'
Rear: 15'

I. Preliminary Layout

The proposed master plan has been included herewith.

II. Draft of Protective Covenants

A copy of the draft protective covenants will be provided during the platting process.

III. Preliminary Engineering Report

- A. Topography – Contours have been included on the proposed rezoning master plan. Topographic elevations on the site range from a low of approximately 90 feet m.s.l. to a high of approximately 120 feet m.s.l.
- B. Flood Plain – According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map community panel 12053C0211D effective date 02/02/12, the majority of the subject property falls within Zone C, indicating areas of minimal flooding. Portions of the western and southern boundary fall within Zone A or AE, defined as areas subject to inundation during the 100-year storm event. Development in these areas has been avoided.
- C. Soils – The USDA Hernando County Soil Survey indicates that a total of nine (9) soil types exist on the property; they include: Blichton loamy fine sand, 0 to 2 percent slopes, Blichton loamy fine sand, 2 to 5 percent slopes, Flemington fine sandy loam, 0 to 2 percent slopes, Flemington fine sandy loam, 2 to 5 percent slopes, Kendrick fine sand, 0 to 5 percent slopes, Micanopy loamy fine sand, 2 to 5 percent slopes, Nobleton fine sand, 0 to 5 percent slopes, Sparr fine sand, 0 to 5 percent slopes, and Wauchula fine sand, 0 to 5 percent slopes.
- D. Drainage – The subject property lies within the northern perimeter of the Bystre Lake basin. An application for a Conceptual Environmental Resource Permit (ERP) has been submitted to the Southwest Florida Water Management District (SWFWMD) for stormwater management improvements for the site. Their rules require the development of on-site retention and/or detention facilities in order to provide reasonable assurances that both volume and water quality standards are met. SWFWMD's ERP rules also address the protection of wetlands and groundwater resources to ensure they are not negatively affected by proposed development. The proposed property is well suited for the proposed residential development given its soil types, the City's wetlands protection policies and District surface water management regulatory criteria.
- E. Historical/archaeological - A cultural resources assessment survey of the subject site was previously completed. The results of the analysis identified one aboriginal lithic scatter site and one historic period site. Both sites were further evaluated to determine their eligibility for potential listing on the National Register of Historic Places (NRHP). It was determined that the two sites did not warrant eligibility for listing on the NRHP and that development of the property would have no effect on any cultural resources that are listed, determined eligible or considered potentially eligible for listing in the NRHP
- F. Environmental –
- 1) The subject property is undeveloped and vacant. No buildings or structures were observed on the property.
 - 2) The property is moderately to densely wooded with the majority of the property comprised of a hardwood – conifer mixed land use cover. The predominant tree species

observed among this cover include slash pine, laurel oak, and sweetgum with minor associations of southern magnolia, pignut hickory, live oak, eastern red cedar, cabbage palm, and red mulberry present throughout. Groundcover, when present, consists of American beautyberry, sparkleberry, viburnum, muscadine, poison ivy, panic grass, and cogon grass.

- 3) Several wetlands are located on the property and have been shown on the proposed master plan. Typical vegetation present among the forested wetlands includes sweetgum, Chinese tallow, red maple, elm, blackgum, buttonbush, Carolina willow, dwarf palmetto, alligator weed, and various sedges.
- 4) Some Specimen and majestic sized trees were observed on the property during the site visit. These will be properly identified and located on construction plans and handled in conformance with City of Brooksville regulations.
- 5) Four (4) active gopher tortoise burrows were observed within the open, northern interior portions of the subject property. Permitting through the Florida Fish and Wildlife Commission will be required for the preservation and/or relocation of the gopher tortoises prior to development of the property. No other listed animal or plant species were noted.

IV. Proposed Development Schedule

A proposed development schedule has not yet been determined.

V. Adequate Access Analysis

Access is gained to the property from Mondon Hill Road and Jasmine Drive.

VI. Water Supply and Sewage Disposal Plans

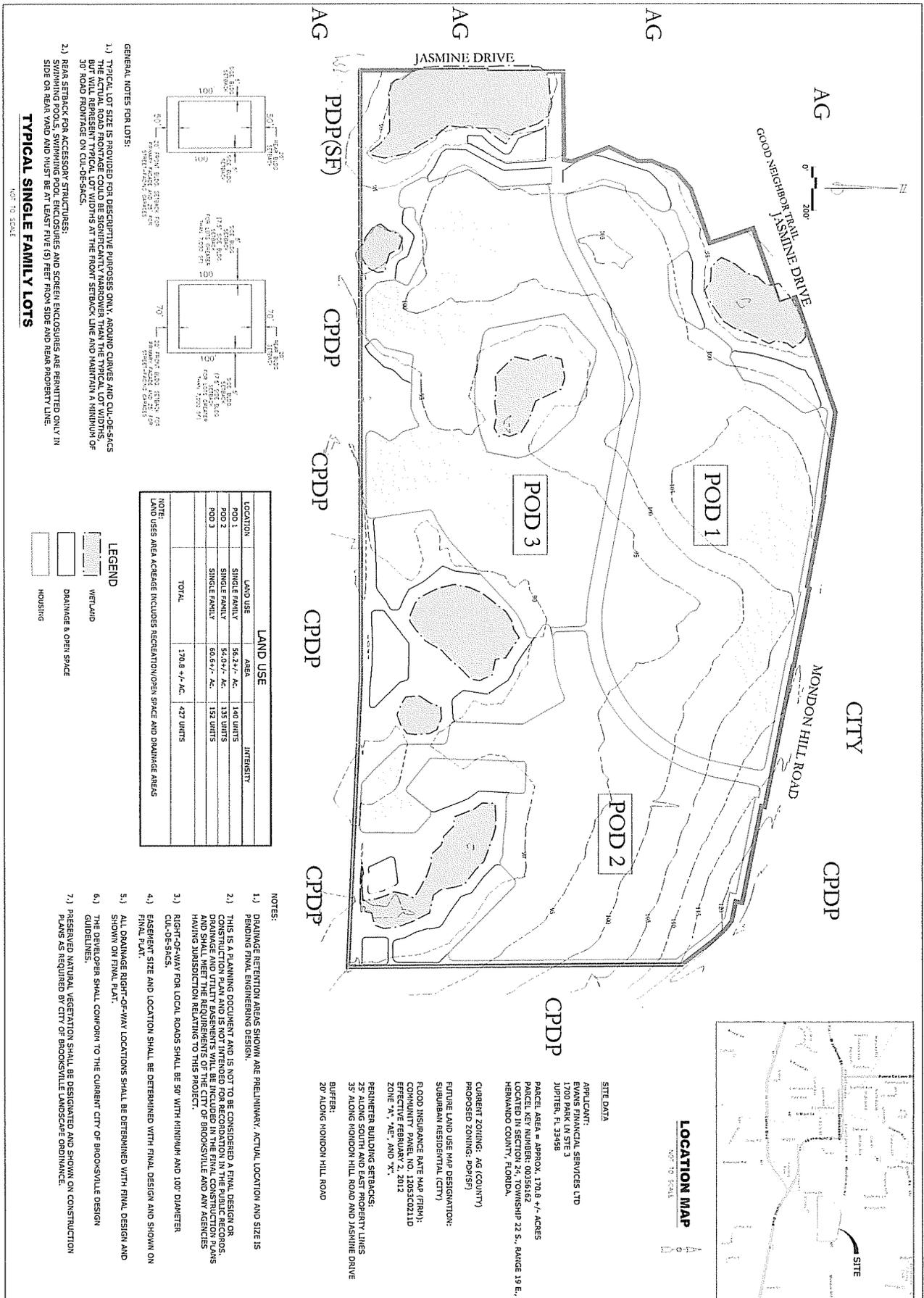
The proposed project is within the City of Brooksville Service area for both potable water and sanitary sewer.

VII. Development of Regional Impact Statement

The proposed project is below the DRI threshold.

Attachment 5

PDP Conceptual Site Plan



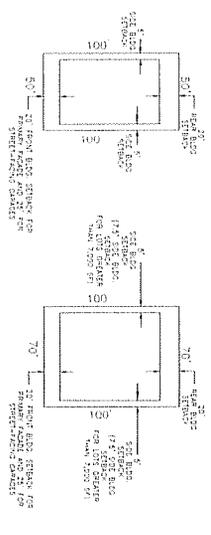
GENERAL NOTES FOR LOTS:

1.) TYPICAL LOT SIZE IS PROVIDED FOR DESCRIPTIVE PURPOSES ONLY. AROUND CURVES AND CUL-DE-SACS THE ACTUAL ROAD FRONTAGE COULD BE SIGNIFICANTLY GREATER THAN THE TYPICAL LOT WIDTH OF 30' ROAD FRONTAGE ON CUL-DE-SACS.

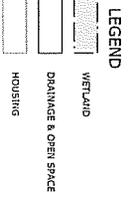
2.) REAR SETBACK FOR ACCESSORY STRUCTURES, DECKS AND SCREEN ENCLOSURES ARE PERMITTED ONLY IN SIDE OR REAR YARD AND MUST BE AT LEAST FIVE (5) FEET FROM SIDE AND REAR PROPERTY LINE.

TYPICAL SINGLE FAMILY LOTS

NOT TO SCALE



LOCATION	LAND USE	AREA	INTENSITY
POD 1	SINGLE FAMILY	56.2 +/- AC.	140 UNITS
POD 2	SINGLE FAMILY	56.0 +/- AC.	135 UNITS
POD 3	SINGLE FAMILY	60.6 +/- AC.	152 UNITS
TOTAL		170.8 +/- AC.	427 UNITS



- NOTES:**
- 1.) DRAINAGE RETENTION AREAS SHOWN ARE PRELIMINARY. ACTUAL LOCATION AND SIZE IS PENDING FINAL ENGINEERING DESIGN.
 - 2.) THIS IS A PLANNING DOCUMENT AND IS NOT TO BE CONSIDERED A FINAL DESIGN OR CONSTRUCTION PLAN AND IS NOT INTENDED FOR RECORDATION IN THE PUBLIC RECORDS. DRAINAGE AND UTILITY EASEMENTS WILL BE INCLUDED IN THE FINAL CONSTRUCTION PLANS AND SHALL MEET THE REQUIREMENTS OF THE CITY OF BROOKSVILLE AND ANY AGENCIES HAVING JURISDICTION RELATING TO THIS PROJECT.
 - 3.) RIGHT-OF-WAY FOR LOCAL ROADS SHALL BE 50' WITH MINIMUM AND 100' DIAMETER CUL-DE-SACS.
 - 4.) EASEMENT SIZE AND LOCATION SHALL BE DETERMINED WITH FINAL DESIGN AND SHOWN ON FINAL PLAN.
 - 5.) ALL DRAINAGE RIGHT-OF-WAY LOCATIONS SHALL BE DETERMINED WITH FINAL DESIGN AND SHOWN ON FINAL PLAN.
 - 6.) THE DEVELOPER SHALL CONFORM TO THE CURRENT CITY OF BROOKSVILLE DESIGN GUIDELINES.
 - 7.) PRESERVED NATURAL VEGETATION SHALL BE DESIGNATED AND SHOWN ON CONSTRUCTION PLANS AS REQUIRED BY CITY OF BROOKSVILLE LANDSCAPE ORDINANCE.

LOCATION MAP
NOT TO SCALE

SITE DATA

APPLICANT:
EVANS FINANCIAL SERVICES LTD
1700 PARK LN STE 3
JUPTER, FL 33458

PARCEL AREA = APPROX. 170.8 +/- ACRES
PARCEL NET NUMBER 0035312
PLANNING AND ZONING MAP SHEET 22 S., RANGE 19 E.,
HERNANDO COUNTY, FLORIDA.

CURRENT ZONING: AG (COUNTY)
PROPOSED ZONING: PDP(SF)
FUTURE LAND USE MAP DESIGNATION:
SUBURBAN RESIDENTIAL (CTTY)

FLOOD INSURANCE RATE MAP (FIRM):
COMMUNITY PANEL NO. 12053C0211D
ZONE X-1, X-2, AND X-3

PERMITS BUILDING STRUTACKS:
25' ALONG SOUTH AND EAST PROPERTY LINES
35' ALONG MONDON HILL ROAD AND JASMINE DRIVE
20' ALONG MONDON HILL ROAD

DATE	REV BY	REV NO.	REVISION
09-21-12	AMM	1	ADD CONDITIONS, REV TYPLOTS

REUSE OF DOCUMENT
THIS DOCUMENT, CONTAINED OR THE
HEREIN, IS THE PROPERTY OF COASTAL
ENGINEERING ASSOCIATES, INC AND IS
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Coastal Engineering
Surveying
Environmental
Construction Management
Engineering Associates, Inc.

900 Candlelight Boulevard - Brooksville - Florida 34601
(352) 706-9473 • Fax (352) 799-8350
EO-000142

REZONING MASTER PLAN

EVANS TRACT
HERNANDO COUNTY



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: 2013 HOLIDAY/MEETING SCHEDULE

DATE: NOVEMBER 9, 2012

GENERAL SUMMARY/BACKGROUND: Pursuant to Section 5.00 of the Personnel Policies, the attached is the list of employee holidays for 2013, together with the regular council meetings, potential workshop meetings and ***tentative*** budget workshop/public hearings schedule.

The regular council meetings have been scheduled on the first and third Monday's of the month, unless there is a conflict with a holiday in the month, which results in only one regular meeting in the months of January, February, and September in 2013.

BUDGET IMPACT: Appropriate holiday pay and overtime compensation has been budgeted in accordance with City Personnel Policy and the proposed schedule.

LEGAL REVIEW: The proposed schedule is consistent with Section 5.00 of the Personnel Policies referencing employee holidays and Article II Legislative Procedures, Section 2.12 Procedure, of the City's code regarding meetings of Council.

STAFF RECOMMENDATION: Staff recommends Council approval of the proposed schedule or provide direction to staff for amendments thereto.

ATTACHMENT:

1. Proposed 2013 Schedule
2. Personnel Policy Section 5.00 Holidays

Attachment 1

Proposed 2013 Meeting & Holiday
Schedule

City of Brooksville

2013 Council Meeting & Holiday Schedule

JANUARY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JANUARY

- 1** New Year's Day **
- 7** Council Meeting 7:00 pm
- 21** MLK, Jr., Day * & **

JULY

- 1** Council Meeting 7:00 pm
- 4** Independence Holiday * & **
- 8** Potential Workshop
- 15** Council Meeting 7:00 pm
- 23** Potential Budget Workshop 6:30 pm

JULY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

FEBRUARY

- 4** Council Meeting 7:00 pm
- 11** Potential Workshop 6:30 pm
- 18** President's Day * & **

AUGUST

- 5** Council Meeting 7:00 pm
- 13** Potential Budget Workshop 6:30 pm
- 19** Council Meeting 7:00 pm
- 27** Potential Budget Workshop 6:30 pm

AUGUST						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

MARCH						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

MARCH

- 4** Council Meeting 7:00 pm
- 18** Council Meeting 7:00 pm
- 29** Good Friday * & **

SEPTEMBER

- 2** Labor Day * & **
- 11** Proposed 1st Budget Hearing 6:30 pm
- 16** Council Meeting 7:00 pm
- 25** Proposed Final Budget Hearing 6:30 pm

SEPTEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

APRIL						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

APRIL

- 8** Council Meeting 7:00 pm
- 15** Potential Workshop 6:30 pm
- 22** Council Meeting 7:00 pm

OCTOBER

- 7** Council Meeting 7:00 pm
- 21** Council Meeting 7:00 pm

OCTOBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

MAY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

MAY

- 6** Council Meeting 7:00 pm
- 20** Council Meeting 7:00 pm
- 27** Memorial Day * & **

NOVEMBER

- 4** Council Meeting 7:00 pm
- 11** Veteran's Day * & **
- 12** Potential Workshop 6:30 pm
- 18** Council Meeting 7:00 pm
- 28** Thanksgiving Holiday * & **
- 29** Thanksgiving Holiday * & **

NOVEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JUNE						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JUNE

- 3** Council Meeting 7:00 pm
- 10** Potential Workshop 6:30 pm
- 17** Council Meeting 7:00 pm

DECEMBER

- 2** Council Meeting 7:00 pm
- 16** Council Meeting 7:00 pm
- 24** Christmas Holiday * & **
- 25** Christmas Day Holiday * & **

DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Council Meetings
 Potential Workshops
 Budget Workshops/Hearings
 Holidays

Attachment 2

Personnel Policy

Section 5 - Holidays

SECTION 5.00 HOLIDAYS
(Replaces Section 5.00 – 5.03)

I. POLICY

The City provides a competitive paid time off benefit to Employees in recognition of certain Holidays. The City reserves the right to add or delete any days from the list of Holidays if it is determined to be in the best interest of the City.

II. DEFINITIONS

- A. Full-time, Regular Employee is defined as an employee who is regularly scheduled to work thirty (30) or more hours per workweek.
- B. Holiday Pay is defined as a paid time off benefit that is equal to the time/hours that the Employee would typically be scheduled to work/earn during his/her normal workday.

III. PROCEDURE

- A. Eligibility.
 - 1. Only Full-time, Regular Employees are eligible for Holiday Pay. Part-time Employees are not eligible for Holiday Pay.
 - 2. To be eligible for Holiday Pay, an Employee must work the last regularly scheduled workday preceding the Holiday and the first regularly scheduled workday following the Holiday, unless the absence is approved in advance, or otherwise authorized, by the Department Director or designee.
 - 3. An Employee who separates or commences an unpaid leave of absence (a) on the last regularly scheduled workday preceding a Holiday, (b) on a Holiday, or (c) on the first regularly scheduled workday following the Holiday will not receive Holiday Pay.
 - 4. An Employee that is in a “no-pay” or unpaid leave status will not be eligible for Holiday Pay.
- B. Recognized Holidays. The following days will be observed as Holidays and offices will be closed, except for those Departments who are normally required for continuous or emergency duty:

- New Year’s Day
- Dr. Martin Luther King Day
- President’s Day
- Good Friday

Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

1. Annual approval of dates observed as Holidays shall be approved by the City no later than the first meeting in December of the preceding calendar year.
2. City paid Holidays which fall on Saturday may be observed on the preceding Friday, paid Holidays which fall on a Sunday may be observed on the following Monday.
3. Holidays shall be observed from 12:00 a.m. to 11:59 p.m.

C. Employees Required to Work on Holidays.

1. Exempt Employees. Holiday Pay for Exempt Employees is compensated as part of base pay. In the event that an Exempt Employee is either scheduled or called-in to work on a Holiday in which they would otherwise not be working, the Exempt Employee is granted an additional day of Vacation Leave in lieu of Holiday Pay. The additional day of Vacation Leave shall be added to the Exempt Employee's Vacation Leave balance in the same pay period in which the Holiday occurs.
2. Non-Exempt Employees on Regular Work Schedule. When a Non-Exempt Employee's regular work schedule requires the Employee to work on a Holiday, such Employee shall be compensated for all Hours Worked on the Holiday, at the Employee's Regular Rate of Pay; and the Employee shall be compensated an equivalent amount of Holiday Pay. For Example: If an employee whose regular work schedule on the holiday is 4 hours, the employee receives pay for a total of 8 hours at the employee's regular rate of pay.
3. Non-Exempt Employees Called In to Work on Holiday. A Non-exempt Employee called-in to work on a Holiday in which the Employee was not otherwise scheduled to work shall be compensated for all Hours Worked on the Holiday within a 24 hour period, or a minimum of four (4) hours, whichever is greatest, at time and one-half the Employee's Regular Rate of Pay, and shall be compensated Holiday Pay at the Employee's Regular Rate of Pay, for the hours that the Employee would have been regularly scheduled to work if the Holiday were not scheduled for observation. For

Example: For an employee regularly scheduled to work an 8 hour day who is called-in to work for 5 hours on a City Holiday will be paid for the 5 hours actually worked x (1.5 x pay-rate/hour) *plus* 8 hours holiday pay x pay-rate/hour.

- D. Extenuating Circumstances. When extenuating circumstances (i.e. car accident, death of immediate family member, etc.) have rendered the Employee unable to comply with all the conditions of this policy and procedure, the Employee may appeal his or her eligibility for Holiday Pay to the City Manager. The City Manager's decision is final.



**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: RESOLUTION NO. 2012-15 NOVEMBER 6, 2012 ELECTION RESULTS

DATE: NOVEMBER 10, 2012

GENERAL SUMMARY/BACKGROUND: Pursuant to Section 30-12(b) of the City's Election Code, attached is a certified copy of the Hernando County Canvassing Board's final report of the compiled election results for the Municipal Election included on the General Election Ballot for the City of Brooksville Seat No. 2 for a 4-year term from December 3, 2012 through the first regular meeting in December, 2016 and the two Charter Amendment Referendum questions, with the following results:

Seat No. 2

Frankie Burnett	<u>1644</u>	Votes (57.97%)
Betty Erhard	<u>1192</u>	Votes (42.03%)

Charter Amendment Referendum Question No. 1

Section 2.02 Qualification of city council members; term of office.

Yes	<u>821</u>	Votes (28.40%)
No	<u>2070</u>	Votes (71.60%)

Charter Amendment Referendum Question No. 2

Section 2.04 Disqualification and forfeiture of office.

Yes	<u>2009</u>	Votes (69.04%)
No	<u>901</u>	Votes (30.96%)

Three certified copies of the complete precinct tabulations are on file in the City Clerk's Office. Percentages are based on # of Votes Cast (which varies by ballot question - i.e. Seat No. 2 - 2,836; Referendum Question. #1 - 2,891; Referendum Question #2 - 2,910).

FINANCIAL IMPACT: There is no financial impact in adopting Resolution No. 2012-15.

LEGAL REVIEW: Process pursuant to Section 2-242(c) of the Election Code for the City of Brooksville.

RECOMMENDATION: Staff recommends Council officially declare the results of the 2012 General Election as tabulated above by adoption of Resolution 2012-15.

ATTACHMENT:

1. Resolution No. 2012-15
2. Canvassing Board Results

RESOLUTION NO. 2012-15

**A RESOLUTION OF THE CITY OF BROOKSVILLE
DECLARING OFFICIAL RESULTS OF MUNICIPAL
ELECTION; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, a regular municipal election was held for the Seat No. 2 City Council Member Seat on November 6, 2012; and,

WHEREAS, Ordinance No. 828, adopted July 2, 2012, also provided for two Charter Amendment Referendum Questions to be included on the regular municipal election ballot held on November 6, 2012; and,

WHEREAS, Section 2-242(c) of the Election Code for the City of Brooksville stipulates that the Canvassing Board shall transmit the certification of the results of the tabulation of the ballots cast for the municipal election, as per attachment hereto, to City Council at its next regular meeting thereafter; and,

WHEREAS, at such meeting City Council shall officially declare the results of the election; and,

WHEREAS, the candidate receiving the greatest number of votes for the specific seat qualified for shall be elected and the ballot question results shall be officially declared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BROOKSVILLE OF THE CITY OF BROOKSVILLE, as follows:

1. City Council hereby officially declares the following results of the tabulation of votes cast at the November 6, 2012, regular municipal election, as certified by the Canvassing Board:

a) Seat No. 2 City Council Member Seat

Frankie Burnett is elected to fill the designated Seat No. 2 City Council Member Seat and that he/she shall serve on the City Council for the term beginning at the first regular Council Meeting in December, 2012 (12/03/2012) and ending at the first regular Council Meeting in December, 2016.

b) Charter Amendment Referendum Question No. 1 - Section 2.02 Qualification of city council members; term of office.

Charter Amendment No. 1, which would have extended consecutive terms of council members to three (3) full, four (4) year terms, as officially stated in Ordinance No. 287-E, was not approved by voter referendum.

- c) Charter Amendment Referendum Question No. 2 - Section 2.04 Disqualification and forfeiture of office.

Charter Amendment No. 2, which allows for forfeiture of office should the Council Member no longer meet residency requirements of having primary residence within the city limits, as officially stated in Ordinance No. 287-E, was approved by voter referendum.

2. This resolution shall take effect upon its passage and approval, this 19th day of November, 2012.

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, Jr., The Hogan Law Firm, LLC
City Attorney

VOTE OF COUNCIL:

Bernardini _____
Bradburn _____
Burnett _____
Hohn _____
Johnston _____

CORRESPONDENCE-TO-NOTE
REGULAR COUNCIL MEETING – November 19, 2012

1. **TYPE:** Letter
 DATED: October 24, 2012
 RECEIVED FROM: Hernando County Board of County Commissioners
 ADDRESSED TO: Department of Environmental Protection
 SUBJECT: Chinsegut Hill Property

Board of County Commissioners

Hernando County



20 N. Main Street, Room 263
Brooksville, FL 34601
(352) 754-4002
Fax: 754-4477
www.co.hernando.fl.us

October 24, 2012

11-01-13 P05141 - 012

Al Dougherty
Deputy Secretary of Land and Recreation
Department of Environmental Protection
3900 Commonwealth Blvd.
M.S. 44
Tallahassee, FL 32399

Dear Mr. Dougherty:

The Hernando County Board of County Commissioners is interested in acquiring the historic Chinsegut Hill Manor House property of 114 acres. It most recently was under lease to the University of South Florida as a conference center. We understand it is currently slated for public sale as surplus property. The County's goal is to ensure this historic and environmentally significant property remains in public ownership and stewardship.

The Chinsegut Hill parcel is of critical importance to the County; located in the geographic and historical center of a large conservation area within the County. Chinsegut sits in the middle of a wildlife corridor and is home to several endangered species of plant and wildlife. Additionally, the Manor House is in the National Register of Historic Places.

The Hernando County Board of County Commissioners has instructed its staff to work with local stakeholders to develop a proposal for the County to acquire the property. This proposal will be considered by the County Commission on November 13, 2012. It will then be transmitted to the State Department of Environment Protection no later than November 16, 2012.

We would appreciate the State's consideration on this proposal which would ensure the long term preservation of this significant property.

Sincerely,

Wayne Dukes
Chairman
Hernando County Board of County Commissioners

CTN
11-19-12
CTN

cc: Mr. Scott Woolam, Director of Bureau of Public Land Administration, Florida Department of Environmental Protection
Mr. James Leftheris, Division of State Lands, Florida Department of Environmental Protection
Mr. Charles Lee, Director of Advocacy, Florida Audubon
Mrs. Jan Knowles, President, Friends of Chinsegut Hill
Ms. Christie Anderberg, Treasurer, Friends of Chinsegut Hill