

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

AGENDA

November 2, 2015

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. Margaret R. Ghiotto Improvement Award - Commercial Award

Recognition of improvements of PC Cycles located at 209 Ponce de Leon Boulevard.

Presentation: Scott Renz, Beautification Board
Chair and Mayor

Attachments: Letter from Beautification Board
Chair dated 10/20/2015; Award
Certificate

2. Margaret R. Ghiotto Improvement Award - Residential Award

Recognition of improvements at residence located at 312 South Brooksville Avenue,
home of Martin and Donna Campbell.

Presentation: Scott Renz, Beautification Board
Chair and Mayor

Attachments: Letter from Beautification Board
Chair dated 10/20/2015; Award
Certificate

D. CITIZEN INPUT

E. CONSENT AGENDA

1. Garbage Dumpster Purchase

Consideration to approve purchase of replacement dumpsters for commercial solid
waste accounts, not to exceed cost of \$20,000 as budgeted within the FY2016 City
Budget.

2. Passenger Van Purchase

Consideration to approve purchase of replacement Passenger Van, not to exceed
cost of \$30,663.50 as budgeted within the FY2016 City Budget.

**3. Appointment of Alternate Board Member to Public Risk Management of
Florida Board**

Consideration to approve appointment of Finance Director to serve as the City's
Alternate Member on the Public Risk Management of Florida Board.

REGULAR COUNCIL MEETING – November 2, 2015

4. **MedFleet, Inc. Application for Renewal for Certificate of Public Convenience & Necessity (COPCN)**

Consideration for Council to recommend that Hernando County Board of County grant renewal of COPCN for MedFleet, Inc. to provide advanced life support helicopter ambulance services within Hernando County.

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda
Action: Motion to Approve
Attachments: Memo from Public Works Director dated October 20, 2015; Memo from Public Works Director dated October 20, 2015; Memo from Public Works Director dated October 14, 2015; Memo from City Manager dated October 27, 2015; Memo from Fire Chief dated October 27, 2015.

F. **ADJOURNMENT TO LOCAL PLANNING AGENCY (LPA) MEETING**

RECONVENE TO COUNCIL MEETING

PUBLIC HEARINGS

**Entry of Proof of Publication into the Record*

1. **Ordinance No.850 – Comprehensive Plan Amendment (CPA) – Housing Trust Group, LLC**

Consideration of an Ordinance for a Small-Scale Amendment to amend City of Brooksville's Comprehensive Plan Future Land Use Map designation from Commercial to Multi-Family Residential for a 8.3 acre tract located on the east side of Hale Avenue, approximately 607 feet north of Cortez Boulevard.

Presentation: City Planner
Recommendation: Approval of **First Reading** of Ordinance No. 850 upon roll call vote and schedule second reading for 11/16/15.
Attachments: Memo from City Planner and Community Development Director dated 11/02/15; Draft Transmittal letter; Ordinance 850 with Exhibit A; and CPA Petition

2. **Ordinance No.851 – Comprehensive Plan Amendment (CPA) – Ten (10) year Water Supply Facilities Work Plan**

Consideration of an Ordinance for Amendment of the Infrastructure Element and the Intergovernmental Element of the Comprehensive Plan, modifying the Comprehensive Plan to adopt the updated 10-year Water Supply Facilities Work Plan.

Presentation: City Planner

REGULAR COUNCIL MEETING – November 2, 2015

Recommendation: Approval of **First Reading** of Ordinance No. 851 upon roll call vote, and authorize transmittal to the the State and required agencies for expedited review. Following agency review and comment, the amendment will be brought back to the City Council for second and final reading.

Attachments: Memo from City Planner and Community Director dated 11/02/15; Draft Transmittal letter; Ordinance 851 with Exhibit A.

3. **Ordinance No.852 – Comprehensive Plan Amendment (CPA) – Five (5) year Schedule of Capital Improvements**

Consideration of an Ordinance for Amendment of the 5-year Schedule of Capital Improvements Element, modifying the City of Brooksville Comprehensive Plan to adopt the updated 5-year Capital Improvements Element.

Presentation: City Planner

Recommendation: Approval of **First Reading** of Ordinance No. 852 upon roll call vote and schedule second reading for 11/16/15.

Attachments: Memo from City Planner and Community Director dated 11/02/15; Draft Transmittal letter; Ordinance 852 with Exhibit A, Capital Improvement Element Table 8-2, 5-year Schedule of Capital Improvements.

G. REGULAR AGENDA

1. **Fogle Petition for De-Annexation**

Consideration to approve two parcels located at 125 Sawdust Lane to be contracted from the City (de-annexation), as requested by the owners.

Presentation: City Attorney

Recommendation: Rejection of Petition to De-Annexation

Attachments: Memo from City Attorney dated 10/27/15; Petition from Howard & Sharon Fogle; Map of Subject Property; Ordinance 542 which annexed the subject property.

2. **Settlement of Case 2015-CA-0466, City of Brooksville v. Sensys America, Inc.**

Consideration to approve Settlement Agreement for Case 2015-CA-0466, City of Brooksville v. Sensys America, Inc.

Presentation: City Attorney

Recommendation: Approval of Settlement Agreement.

Attachments: Memo from City Attorney dated 10/27/15; Settlement Agreement

REGULAR COUNCIL MEETING – November 2, 2015

H. CITIZEN INPUT

I. ITEMS BY COUNCIL

J. ADJOURNMENT

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact Telina Dowdell, ADA Coordinator, no later than 48 hours in advance of the meeting at (352) 540-3810. 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



City Council
AGENDA ITEM: C1
November 2, 2015

October 20, 2015

Paul Clark Motorcycles
DBA: PC Cycles
209 Ponce de Leon Blvd
Brooksville, FL 34601

Re: Margaret R. Ghiotto Commercial Improvement Award

Dear Sirs:

The City of Brooksville Beautification Board is pleased to advise you that you have been selected to receive the monthly Margaret R. Ghiotto Commercial Improvement Award for beautifying your cycle business at 209 Ponce de Leon Blvd.

The Certificate of Recognition and "rotating" outdoor sign will be presented to you by the Beautification Board Chairman at the City Council Meeting to be held Monday, November 2, 2015 at 7:00 p.m. in the **BROOKSVILLE CITY HALL COUNCIL CHAMBERS LOCATED AT 201 HOWELL AVENUE**. If you are unable to attend this meeting to accept your award, please contact Jennifer Battista at (352) 540-3813 or jbattista@cityofbrooksville.us.

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

Sincerely,

Scott Renz, Chairman
Beautification Board

/jb

cc: City Clerk's office

Margaret R. Ghiotto

CERTIFICATE OF RECOGNITION

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



PC COUNCIL

209 Ponce de Leon Boulevard



Presented this 2nd day of November, 2015.

Mayor

Acting Deputy City Clerk

City of Brooksville



City Council
AGENDA ITEM: C2
November 2, 2015

October 20, 2015

Martin and Donna Campbell
312 S. Brooksville Ave.
Brooksville, FL 34601

Re: Margaret R. Ghiotto Residential Improvement Award

Dear Mr. and Mrs. Campbell:

The City of Brooksville Beautification Board is pleased to advise you that you have been selected to receive the monthly Margaret R. Ghiotto Residential Improvement Award for beautifying your residence at 312 S. Brooksville Ave.

The Certificate of Recognition and "rotating" outdoor sign will be presented to you by the Beautification Board Chairman at the City Council Meeting to be held Monday, November 2, 2015 at 7:00 p.m. in the **BROOKSVILLE CITY HALL COUNCIL CHAMBERS LOCATED AT 201 HOWELL AVENUE**. If you are unable to attend this meeting to accept your award, please contact Jennifer Battista at (352) 540-3813 or jbattista@cityofbrooksville.us.

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

Sincerely,

Scott Renz, Chairman
Beautification Board

/jb

cc: City Clerk's office

Margaret R. Ghiotto

CERTIFICATE OF RECOGNITION

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

Martin & donna Campbell

312 South Brooksville Avenue

Presented this 2nd day of November, 2015.

Mayor

Acting Deputy City Clerk



CONSENT AGENDA ITEM MEMORANDUM

TO: THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS

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

FROM: RICHARD W. RADACKY, PUBLIC WORKS DIRECTOR

SUBJECT: GARBAGE DUMPSTER PURCHASE

DATE: October 20, 2015

GENERAL SUMMARY/BACKGROUND: The Solid Waste Division of the Public Works Department is requesting approval to purchase dumpsters for commercial solid waste accounts at a not-to-exceed cost of \$20,000. The new dumpsters will replace aging dumpsters and restock inventory for new accounts.

Public Works has approximately 375 dumpsters in service at the present time. The division's goal is to replace dumpsters on a 10-year cycle depending on condition and metal deterioration. Staff estimates that approximately 30 dumpsters will be purchased in Fiscal Year 2015.

On September 21, 2015, the Brooksville City Council approved \$20,000 for purchasing dumpsters. Purchase would be by piggybacking on the City of Lakeland Bid, Number 4202A. The City of Lakeland awarded Bid Number 4202A to Iron Container, LLC, Waste Equipment Manufacturer, Miami, Florida, for a twelve (12) month period beginning October 1, 2014 and ending September 30, 2015 with three (3), one (1) year renewals upon mutual consent. Attached are letters from the City of Lakeland and Iron Container to authorize piggybacking on the purchase.

The dumpsters being replaced would not provide a useful function to the City or other unit of government as they have deteriorated beyond repair. Therefore, it is recommended that they be surplus and sold for scrap metal to a recycler offering the highest price. The funds would be deposited in a Solid Waste Reserve Account as the Solid Waste Division is a public not-for-profit enterprise fund.

BUDGET IMPACT: A total of \$20,000 was approved by the City Council in the Fiscal Year 2016 Budget for the purchase of replacement dumpsters. Account Number 403-022-534-54317 would be the funding source.

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

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

Pursuant to Subsection 274.05, Florida Statutes, titled Surplus Property, the City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interest of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governments for sale or donation or sale at a recycling center.

STAFF RECOMMENDATION: Staff recommends that the City Council approve purchase of replacement dumpsters from Iron Container, LLC, by piggybacking on the City of Lakeland Bid Number 4202A in the not-to-exceed amount of \$20,000, and to surplus replaced dumpsters by sale to the highest quote of a recycling center.

ATTACHMENTS:

- 1) Letter from Iron Container
- 2) Letter from City of Lakeland
- 3) Copy of City of Lakeland Bid

Attachment 1



IRON CONTAINER, LLC
WASTE EQUIPMENT MANUFACTURER

October 6th 2015

Attn: Michael McQuown
Sanitation Operations Supervisor
City of Brooksville Public Works Dept.
600 S. Brooksville Ave.
Brooksville, FL 34601

Dear Mr. McQuown,

We hereby extend to the City of Brooksville the opportunity to purchase steel waste containers under the same terms of the City of Lakeland Bid 4202A "Annual Supply of Metal Front End Loader and Roll Off Containers" agreement. Please find a copy of the City of Lakeland bid and a letter of intent from the City of Lakeland attached with this letter, outlining the prices and other details.

Regards

Julian Charles
Sales Manager
Iron Container, LLC

3230 N.W. 42 Street, Miami, Florida 33142
Main (305)-726-2150 Facsimile (305)-400-4822
www.ironcontainer.com

Attachment 2

Purchasing and Stores Division



Mark D. Raiford, CPPB
Purchasing Manager

Tara T. Walls, CPPB
Senior Purchasing Agent

Gregory J. Kane
Purchasing Agent

Danny Rodriguez
Purchasing Agent

Linda Alspaugh
Purchasing Agent

1140 East Parker Street
Lakeland, Florida 33801-2066
Phone: (863) 834-6780
FAX: (863) 834-6777
TDD: (863) 834-8333

E-Mail: purch@lakelandgov.net
Visit our Web Site <http://www.lakelandgov.net>

October 6, 2015

City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601
Attn: Mr. Michael McQuown

Reference: Sealed Bid No. 4202A
Titled: Annual Supply of Metal Front-End Loader and Roll-Off Containers

Dear Mr. McQuown,

Please be advised that **Iron Container, LLC**, has been evaluated as the lowest priced and/or most responsive Bidder for the above referenced Invitation to Bid. The City of Lakeland will issue a Purchase Order at the beginning of the fiscal year upon completion of the following; **(1) Submittal of a Certificate of Insurance Naming the City of Lakeland as an Additional Insured with Respect to General, Automobile and Excess Liability Coverage per bid requirements and (2) Submittal of a W-9 Form (attached).**

By this letter, the City of Brooksville is authorized to piggy-back off this bid. If you need anything additional please call me at the above telephone number.

Sincerely,

Tara T. Walls

Tara T. Walls, CPPB
Senior Purchasing Agent

Attachment 3



ABSTRACT
 CITY OF LAKELAND FLORIDA
 PURCHASING AND STORES DIVISION
 1140 E PARKER STREET
 LAKELAND, FL. 33801
 PHONE: (863) 834-6780 FAX:(863) 834-6777

Bid Number: 4202A
 Title: Annual Supply of Metal Front-End Loader and Roll-Off Containers
 Date: 10/6/2015

A.	Total Firm Bid Price for Metal Containers: SIZE QTY.	Bidder:			
		Iron Container LLC	Waste Equipment Inc	Bakers Equipment Co LLC	WasteQuip Manufacturing Co LLC
A.1	1 - C.Y. 5	\$299.00	\$478.00	\$349.86	
A.2	2 C.Y. 10	\$359.00	\$503.00	\$386.58	
A.3	3 C.Y. 10	\$419.00	\$639.00	\$484.50	
A.4	4 C.Y. 20	\$499.00	\$688.00	\$529.38	
A.5	6 C.Y. 20	\$640.00	\$865.00	\$672.18	
A.6	8 C.Y. 20	\$750.00	\$1,021.00	\$789.48	

Total Firm Bid Price for Additional Sets of
 Lids with Rods:

	SIZE	QTY.	
B.1	1 C.Y.	10	\$42.00
B.2	2 C.Y.	10	\$50.00
			\$20.50

ABSTRACT
 CITY OF LAKELAND FLORIDA
 PURCHASING AND STORES DIVISION
 1140 E PARKER STREET
 LAKELAND, FL. 33801
 PHONE: (863) 834-6780 FAX:(863) 834-6777



Bid Number: 4202A
 Title: Annual Supply of Metal Front-End Loader and Roll-Off Containers
 Date: 7/21/2014

	Bidder:	Iron		Bakers		WasteQuip	
		Container LLC	Waste Equipment	Waste Equipment	Manufacturing		
B.3 3 C.Y.	10	\$45.00	\$52.00	\$21.50			
B.4 4 C.Y.	10	\$45.00	\$52.00	\$23.50			
B.5 6 C.Y.	10	\$45.00	\$56.00	\$23.50			
B.6 8 C.Y.	10	\$45.00	\$56.00	\$23.50			

C. Total Firm Unit Price for Locking Bar Assemblies:
 EST. QTY. 20
 \$15.00 \$69.00 \$28.00

D. Total Firm Unit Price per Gallon for High Gloss Env. Approved Enamel Paint:
 EST. QTY. 20
 \$24.00 \$25.00 \$28.00

E. Total Firm Unit Price for Roll-Off Metal Containers:

ABSTRACT
 CITY OF LAKELAND FLORIDA
 PURCHASING AND STORES DIVISION
 1140 E PARKER STREET
 LAKELAND, FL. 33801
 PHONE: (863) 834-6780 FAX:(863) 834-6777



Bid Number: 4202A
 Title: Annual Supply of Metal Front-End Loader and Roll-Off Containers
 Date: 7/21/2014

SIZE	QTY.	Bidder:			
		Iron	Bakers	WasteQuip	WasteQuip
		Container LLC	Waste Equipment	Manufacturing	Manufacturing
10 C.Y.	2	\$1,920.00	\$2,717.00	\$2,849.88	
20 C.Y.	2	\$2,860.00	\$3,949.00	\$3,575.10	
30 C.Y.	2	\$3,520.00	\$4,325.00	\$3,861.72	
40 C.Y.	2	\$3,900.00	\$5,146.00	\$4,548.18	



CONSENT AGENDA ITEM
MEMORANDUM

TO: THE HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

FROM: RICHARD W. RADACKY, PUBLIC WORKS DIRECTOR

SUBJECT: PASSENGER VAN PURCHASE

DATE: October 14, 2015

GENERAL SUMMARY/BACKGROUND: The Streets and Drainage Division of the Public Works Department is requesting approval to purchase a 2016 Chevrolet, 15- Passenger Van. The van will replace a 1999 Ford E-350, Van, Vehicle Number 644, with approximately 110,000 miles. The existing van, will be sold by auction.

Purchase is recommended from the Florida Sheriffs Association and Florida Association of Counties Bid List, Number 14-22-0904, and 14-12-0904. The purchase would be from Alan Jay Chevrolet, Sebring, Florida, for a not-to-exceed amount of \$30,663.50 (quote attached). The van will used by the Streets and Drainage Division's inmate crew.

BUDGET IMPACT: The City Council approved \$35,000 in the Streets and Drainage Division's Fiscal Year 2016 Budget for purchase of a van. Funding would be from Account Number 563-001-019-581, titled, Machinery and Equipment. The purchase was approved in the Division's Fiscal Year 2016 Budget.

LEGAL NOTE: The City Council has home-rule authority (Article VIII, (2), Florida Constitution/Section 66.011, Florida Statutes) to consider matters of fiscal and intergovernmental benefit. Pursuant to Section 5.04 of the City Charter, competitive bidding is required except to the extent Council authorizes otherwise by ordinance. Pursuant to Section 2-304, (a), (1), and (2) of the Code of Ordinances, the amount of expenditure for which the city may obligate itself without competitive bidding is increased provided: (1) the City Manager recommends to the City Council that a specific purchase be made by piggybacking on an award by another governmental entity's competitive bidding process; and (2) the other governmental entity's competitive bidding process provides substantially equivalent guarantees of fairness and competitiveness to those of the city.

STAFF RECOMMENDATION: The Public Works Department recommends approval to purchase a 2016 Chevrolet, 3500, 15-Passenger Van, in the amount of \$30,663.50, by using the Florida Sheriffs Association Bid and Florida Association of Counties Bid List, Specification Number 36.

ATTACHMENT:

Quote with specifications sheet from Alan Jay Chevrolet.



CONSENT AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER

SUBJECT: APPOINTMENT OF ALTERNATE BOARD MEMBER TO PUBLIC RISK MANAGEMENT OF FLORIDA (PRM) BOARD

DATE: OCTOBER 27, 2015

GENERAL SUMMARY/BACKGROUND: The Public Risk Management (PRM) By-Laws (Section 6.5) require that the governing body of the PRM Member (City of Brooksville) appoint/designate a PRM Board Member and an Alternate Board Member to represent the City of Brooksville in business matters and serve on the PRM Board of Directors for the Public Risk Management of Florida. Currently the City Manager is appointed as the City's Board Member and James Delach as the Alternate Board Member. Mr. Delach was appointed as Alternate Member in the absence of a Finance Director.

The Finance Director position is now filled by Tannette Gayle so we are recommending that she be appointed by the City to fill the Alternate Board Member position with PRM.

BUDGET IMPACT: There will be no budget impact.

LEGAL REVIEW: The City Council has Home Rule Authority (Art. VIII, 2(b), Fla. Const./Section 166.011, F.S.) to consider and take action on matters of fiscal benefit.

STAFF RECOMMENDATION: Staff recommends that Tannette Gayle be appointed as the Alternate Board Member to represent the City of Brooksville and serve on the Board of Directors for Public Risk Management of Florida; with City Manager, Jennene Norman Vacha remaining as the City's Board Member.



CONSENT AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER
FROM: DAVID FREDA, INTERIM FIRE CHIEF
SUBJECT: MED FLEET, INC. RENEWAL OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
DATE: OCTOBER 27, 2015

GENERAL SUMMARY/BACKGROUND: We have received a letter dated October 9, 2015 from the Hernando County Board of County Commissioners' County Attorney (Attachment 1) notifying the City that MedFleet Inc. has indicated renewing their existing Certificate of Public Convenience and Necessity (COPCN) to operate an advanced life support helicopter ambulance service within Hernando County. They are requesting that the County grant the Certificate to cover a countywide service area.

The County Attorney is requesting the City Council please review the review this request and then provide an indication as to the Council's recommendation - approval or disapproval of the renewal/name change for the COPCN. Should Council recommend disapproval or have concerns, staff recommends that those objections be enumerated in a letter to the Board of County Commissioners.

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

LEGAL REVIEW: The City Council has Home Rule Authority (Art. VIII, 2(b), Fla. Const., and Fla. Stat. §166.011) to consider and take action on this matter. Pursuant to Fla. Stat. §401.25(2)(d), in issuing the certificate of public convenience and necessity, the governing body of each county shall consider the recommendations of municipalities within its jurisdiction.

STAFF RECOMMENDATION: Staff recommends that the City Council recommend approval for renewal of MedFleet Inc. to operate an advanced life support helicopter ambulance services within Hernando County and authorize the Mayor to sign the bottom of the attached letter (Attachment 1) in support of the (COPCN), if there are no concerns or objections by Council.

ATTACHMENT: 1) Letter from County Attorney dated October 9, 2015

Attachment 1

*Board of County Commissioners
Hernando County*



County Attorney's Office

*Garth C. Coller, County Attorney
Jon A. Jouben, Deputy County Attorney
Joseph X. DiNovo, Assistant County Attorney
Randall B. Griffiths, Assistant County Attorney
Susan Bishop, Paralegal Director*

**20 N. Main Street, Suite 462
Brooksville, FL 34601
352-754-4001 fax
352-754-4122**

October 9, 2015

City of Brooksville
Attn: T. Jennene Norman-Vacha, City Manager
201 Howell Avenue
Brooksville, FL 34601
Re: MedFleet, Inc.

10-14-15 A11:09 RCVD

Dear T. Jennene Norman-Vacha,

Pursuant to Section 401.25(2)(d), Florida Statutes, the Board of County Commissioners may grant a Certificate of Public Convenience and Necessity for the provision of advanced and basic life support services to Hernando County. However, the statutes provide that recommendations must be obtained from municipalities within the area to be served prior to such certificates being granted.

MedFleet, Inc., has indicated a desire to renew their existing COPCN to operate an advanced life support helicopter ambulance service within Hernando County and is requesting that the County grant the Certificate to cover a countywide service area.

Please indicate the recommendation of the City of Brooksville by completing the statement written below and signing in the space provided so that we may process this request.

Very truly yours,

Garth C. Coller

The City of Brooksville hereby recommends (approval/disapproval) _____ of the renewal of the Certificate of Public Convenience and Necessity for MedFleet, Inc., for the period of 2/2016 to 2/2018.

City Manager or Mayor

**APPLICATION
FOR
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Pursuant to Section 21-166, Hernando County Code of Ordinances, applicants for a Certificate of Public Convenience and Necessity must provide the following information. Please complete the form in its entirety. *Note: extra space is provided in number 14.*

1. Name and business address of owner or operator of the Advanced Life Support (ALS) or Basic Life Support (BLS) service, or proposed service:

MedFleet, Inc.
5334 Sunset Road
New Port Richey, FL 34652

2. Name under which the applicant will operate:

MedFleet, MedFleet Ambulance Service, MedFleet Medical Transportation

3. List names and addresses of all officers, directors, and shareholders of applicant:

John Williams, President 14561 58th Street North, Clearwater, FL 33760
George B. Williams, Secretary 14561 58th Street North, Clearwater, FL 33760
Andrew G. Williams, Vice President 5334 Sunset Road, New Port Richey, FL 34652

4. Territory which the applicant desires to serve; Hernando County
number of vehicles: 18 and brief description of each vehicle as indicated below:

Please see attached Fleet Description

It is the intention of MedFleet to dedicate four (4) ambulances to Hernando County. This may vary based on the level of need at various times of the day or day of the week. Additional vehicles are supplied as the demand for service dictates.

5. Location and description of each place from which applicant's service is intended to operate:

Medfleet shall operate all of its ALS/BLS ambulances countywide. Units are strategically located throughout the county to optimize response times. A permanent station has been obtained in the city of Brooksville. While vehicles are housed here, when they are staffed and in-service they are posted at locations throughout the community.

6. Training and experience of the applicant in the transportation and care of patients:

MedFleet is a family owned and operated medical transportation service that has been in operation since 1973. Together with our affiliated company Wheelchair Transport Service, Inc., we operate approximately one hundred (100) vehicles and complete one hundred fifty thousand (150,000) transports each year. As a family owned enterprise with over 40 years of patient care and transport experience, MedFleet is uniquely qualified and capable of providing the highest quality ambulance service to the residents of Hernando



County.

7. Names and addresses of three (3) county residents available as references:

a. Name:	Thomas E. Barnette President Euro-American Tours Business Development Strategies, LLC	James H. Kimbrough Chairman and CEO SunTrust Bank, Nature Coast Vice Chairman SunTrust Bank, Tampa Region	Dennis Wilfrong
b. Street:	445 Howell Avenue	1 East Jefferson Street	21033 Violet Rd
d. City, St, Zip:	Brooksville, FL 34601	Brooksville, FL 34601	Brooksville, FL 34601
e. Phone:	352-796-1473	352-754-5505	352-238-1379

8. In the event that the application shall be granted and prior to its effectiveness, applicant shall provide copies of public liability, property damage and malpractice insurance or a surety bond conditioned for the payment and satisfaction of any final judgment as required or provided for in this article and chapter 401, Florida Statutes.

All applicable insurance documentation is included herein.

9. Applicant certifies that it will provide continuous service on a 24-hour/day, seven-day-week- basis, and the minimum level of patient care rendered and/or available will always be advanced life support, with the exceptions of disasters or extraordinary circumstances, (advanced life support applicants only).

MedFleet provides continuous service on a 24-hour/day, seven-day-week- basis

10. The applicant may provide any other information that the board deems necessary bearing on the applicant's capabilities, character, past experiences, or any other factors that indicate applicant=s qualifications for issuance of a Certificate of Need.

11. During the past five (5) years, or other relevant time period, has the applicant or any of its officers, agents, or employees, been sued for any reason on account of rendering inappropriate care regarding BLS or ALS services? If so, please describe and indicate whether any judgments were rendered against applicant, its officers, employees, or agents and the amount of any such judgment. No

12. Please list the name of each employee or applicant at the time of this application that will be providing BLS or ALS services under the Certificate of Need as indicated below:

Name	Date Employed	Certificate Held	Certificate Number
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Please see attached list of all MedFleet First Responders, EMTs and Paramedics.

13. State if during the last five (5) years, or other relevant time period, if applicant has received any disciplinary notices or actions from the Department of HRS for violation of any Florida Statutes or administrative rule regarding the provisions of BLS or ALS Services. For each violation or notice, please provide the outcome and the measures taken to correct the violation. N/A

Violation or Notice	Corrective Actions
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<u>N/A</u>	<u>N/A</u>
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14. The space below is provided for additional information that would not fit in the space provided above. Please refer to the question number that you are responding to and attach to this application. You may attach additional sheets as necessary.

Number 4: Description of Ambulance Fleet

Number 8: Insurance Documents

Number 12: Employee Information

Number _____

Number _____

15. I/we have answered all questions truthfully and fully to the best of my/our knowledge.

By: Andrew Williams

By: _____

Printed name Andrew Williams

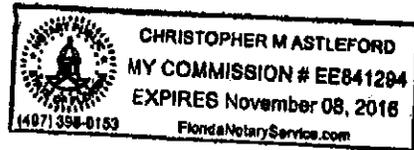
Printed name _____

STATE OF FLORIDA
COUNTY OF PASCO

Sworn to and subscribed before me this 5 day of September 2015, by
Andrew Williams who is personally known to me or has produced _____
as identification.

[Signature]

(Signature of Notary Public - State of Florida)



**CITY OF BROOKSVILLE
LOCAL PLANNING AGENCY
COUNCIL CHAMBERS
201 HOWELL AVENUE
BROOKSVILLE, FL 34601**

AGENDA

November 2, 2015

7:00 P.M.

A. CALL TO ORDER

B. PUBLIC HEARINGS

1. Ordinance No.850 – Comprehensive Plan Amendment (CPA) – Housing Trust Group, LLC

Consideration of an Ordinance for a Small-Scale Amendment to amend City of Brooksville's Comprehensive Plan Future Land Use Map designation from Commercial to Multi-Family Residential for a 8.3 acre tract located on the east side of Hale Avenue, approximately 607 feet north of Cortez Boulevard.

Presentation: Community Development Director & City Planner

Recommendation: a) Review the Comprehensive Plan Amendment Ordinance No. 850 and request public input.

b) Recommend for governing body approval of Ordinance No. 850-Comprehensive Plan Amendment, authorizing transmittal of same together with supporting documentation to the Florida Department of Economic Opportunity

Attachments: Memo from City Planner and Community Development Director dated 11/02/15; Draft Transmittal letter; Ordinance 850 with Exhibit A; and CPA Petition

2. Ordinance No.851 – Comprehensive Plan Amendment (CPA) – Ten (10) year Water Supply Facilities Work Plan

Consideration of an Ordinance for a Large-Scale Amendment of the Infrastructure Element and the Intergovernmental Element of the Comprehensive Plan, modifying the Comprehensive Plan to adopt the updated 10-year Water Supply Facilities Work Plan.

Presentation: Community Development Director & City Planner

Recommendation: a) Review the Comprehensive Plan Amendment Ordinance No. 851 and request public input.

LOCAL PLANNING AGENCY MEETING – NOVEMBER 2, 2015

- b) Recommend to the governing body approval of Ordinance No. 851-Comprehensive Plan Amendment, authorizing transmittal of same together with supporting documentation to the Florida Department of Economic Opportunity

Attachments: Memo from City Planner and Community Director dated 11/02/15; Draft Transmittal letter; Ordinance 851 with Exhibit A.

3. Ordinance No.852 – Comprehensive Plan Amendment (CPA) – Five (5) year Schedule of Capital Improvements

Consideration of an Ordinance for Amendment of the 5-year Schedule of Capital Improvements Element, modifying the City of Brooksville Comprehensive Plan to adopt the updated 5-year Capital Improvements Element.

- Recommendation:
- a) Review the Comprehensive Plan Amendment Ordinance No. 852 and request public input.
 - b) Recommend to the governing body approval of Ordinance No. 852-Comprehensive Plan Amendment, modifying/updating the City's 5-year Schedule of Capital Improvements.

Attachments: Memo from City Planner and Community Director dated 11/02/15; Draft Transmittal letter; Ordinance 852 with Exhibit A, Capital Improvement Element Table 8-2, 5-year Schedule of Capital Improvements



AGENDA ITEM MEMORANDUM

TO: THE HONORABLE MAYOR & CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER 

VIA: BILL GEIGER, DIRECTOR OF COMMUNITY DEVELOPMENT 

FROM: STEVE GOULDMAN, AICP, CITY PLANNER 

SUBJECT: CPA 2015-S2 – HOUSING TRUST GROUP, LLC -PETITION
FOR AN AMENDMENT TO THE CITY'S COMPREHENSIVE
PLAN FUTURE LAND USE MAP DESIGNATION PROPERTY
LOCATED ON HALE AVENUE APPROXIMATELY 607' NORTH
OF CORTEZ BOULEVARD

DATE: NOVEMBER 2, 2015

City Council
AGENDA ITEM: F1
November 2, 2015

Introduction & Background Information:

CPA 2015-S2 is a request for a Comprehensive Plan Amendment. The subject property specific to CPA 2015-S2 is an approximately 8.3-acre tract located on the east side of Hale Avenue, approximately 607 feet north of Cortez Boulevard. The subject 8.3-acre site contains portions of two parcels that are presently designated Commercial on the City of Brooksville Comprehensive Plan Future Land Use Map and have a City zoning district designation of Highway Commercial (C-2).

The petitioner requests that the City amend the Comprehensive Plan Future Land Use Map to designate the parcels as Multi-Family Residential, which would allow for the consideration of up to 149 dwelling units at a density of 18 units per acre. According to the petitioner, the subject site is to be developed as a 96-unit affordable housing project that will be associated with a similar project located on property immediately east of the property. The current Commercial Future Land Use designation would allow for the consideration of a maximum of 253,083 square feet of commercial floor space. The subject parcels are identified by Hernando County Property Appraiser Key #01402887 and Key #0358277.

Natural Resources and Features:

The subject parcel is presently heavily wooded and undeveloped. According to the SWFWMD FLUCCS codes (2011), the property is classified as a Hardwood Conifer Mixed forested area. Vegetation on the property consists of a mixture of pines and hardwoods with an understory of bluestem species, dogwood, hornbeam, indiagrass, waxmyrtle and annual forbs. The soil types identified within the site include Nobleton Fine Sand (0 to 5% slopes), Kendrick (0 to 5 % slopes), Flemington Fine Sandy Loam (0 to 2 % slopes) Wachula Fine Sand (0 to 5% slopes) and Blichton Loamy Sand (2 to 5% slopes). The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

As previously noted, the subject site is located on the east side of Hale Avenue approximately 607 feet north of Cortez Boulevard. The subject site is directly adjacent to properties with commercial land use and zoning on its southern (vacant undeveloped land adjacent to Cortez Boulevard) and undeveloped multi-family land use and zoning designated properties to the east. Properties along the site's northern and western boundaries have a Hernando County Comprehensive Plan designation of Residential and are zoned R1-C (Low-Density Residential). The properties along the eastern one-third of the subject site's northern boundary are County-owned, and a multi-family complex is located northeast of the County-owned parcels. One parcel occupies the remaining two-thirds of the northern boundary and is developed as a single-family use. The property immediately west of the subject site is undeveloped and potentially may not be developed due to its size. Other properties to the west of Hale Avenue contain single-family homes or are undeveloped. Based on the above, staff finds the proposed future land use designation is compatible with the surrounding development pattern.

Public Facilities and Level of Service:

The subject property will be served by City water and sewer services. Primary access to the parcel is presently from Hale Avenue. This property is considered an urban infill development site in which all public facilities and services already exist to serve the development of the property. As noted above, the property owner has indicated the property will be developed as a 96-unit affordable housing project that will be associated with a similar project located on property immediately east of the property. If the Multi-Family land use is approved for the property, the owner plans to petition the City for residential zoning designation to allow for their contemplated use of the property. However, for planning purposes associated with growth management, a maximum potential impact analysis is provided below to show the potential impacts if the City approved the maximum level of development through the zoning process. Based on data assumptions contained within the City's Comprehensive Plan, the analysis below depicts the impacts associated with the maximum potential level of development that could occur on the property if it were to develop as a free-standing discount retail store in comparison to a multi-family residential use.

Trip Generation:

As noted above, under the current Commercial designation the property could potentially be developed with a 253,083 square-foot retail use. A 253,083 square-foot freestanding discount retail store (LUC 815), according to the ITE Trip Generation Manual, 8th Edition, would generate 14,486 vehicle trips daily and 1,265 vehicle trips during the P.M. Peak Hour, with approximately 632 inbound and 632 outbound trips during the P.M. Peak Hour. If developed as a 149-unit mid-rise multi-family residential complex (LUC 223), the project would generate approximately 977 total daily vehicle trips, with 58 P.M. Peak Hour trips. Approximately 34 P.M. Peak Hour vehicle trips would be inbound and 24 trips would be outbound. As required by ordinance, the developer would be required to submit a detailed traffic analysis to address the impact of any development on the level of service of the impacted road network.

Water:

The potential commercial development scenario presented above would result in the consumption of an estimated 47,453 gallons of water per day. The estimate is based on the assumption that 0.1875 gallons per day are needed for every square foot of non-residential floor space. If developed as a 149-unit multi-family residential complex, an estimated 32,780 gallons of water per day would be consumed. The estimate is based on the Comprehensive Plan Level of Service for water consumption of 110 gallons per day per person and the 2010 U.S. Census average of 2.0 occupants per multi-family unit. Presently, the quantity of water required for the maximum development of this site is available and would not result in the City exceeding its allowable maximum consumption of 3.672 million gallons per day (current average daily use in the City is 1.129 MGD). An existing 12" water main runs within the public rights-of-way adjacent Cortez Boulevard. The developer will be responsible for the extension required to connect to the existing water main.

Sewer:

The potential commercial development scenario presented above would result in 37,962 gallons of effluent generated each day. The estimate is based on the assumption that non-residential uses generate 0.150 gallons of effluent per day per square foot of floor space. If developed as a 149-unit multi-family residential complex, an estimated 29,800 gallons of effluent would be generated per day. The estimate is based on the Comprehensive Plan Level of Service of 100 gallons per day per person and the 2010 U.S. Census average of 2.0 occupants per multi-family unit. Presently, the addition of the quantity of sanitary sewer effluent generated by the maximum development of this site can be accommodated by the City's 1.9 million gallons per day sewer treatment system capacity (current average daily use in the City is .824 MGD). A 16" force main runs within the public rights-of-way adjacent to Cortez Boulevard, an existing 12" force main is located along Hale Avenue and a 6" gravity sewer line runs within the public rights-of-way on Main Street.

Drainage:

All of the property is located within the Bystre Lake watershed and is located within the Special Flood Hazard Area "X," which is defined as an area exhibiting minimal flood potential (Ref. FEMA Flood Insurance Rate Maps, Hernando County, adopted 2/2/2012). Future development will have to meet the SWFWMD 40D-4 permitting requirements, as well as all City Comprehensive Plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in proximity to the subject site. No significant impact on the existing facilities is anticipated.

Public School Facilities:

According to the Hernando County School District, under the maximum development potential scenario of 149 residential units, the project will generate 36 students, 17 of

which will be elementary students, 8 middle school students and 11 high school students. Students from the development will attend Moton Elementary School, Dolores Parrot Middle School and Hernando High School. Presently, sufficient capacity exists in each of the three facilities to accommodate the students generated under the maximum development scenario.

Consistency with the Comprehensive Plan:

CPA 2015-S2 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed land use designation provides for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendment is consistent with the following policies of the Comprehensive Plan Future Land Use Element:

Policy 2-2: Concentrate higher density and intensity growth in and around areas that are adequately served by transportation facilities, public utilities, and community services and facilities.

Policy 2-3: Locate future land uses at densities and intensities that will control urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the City.

Policy 2-6: Develop a broad diversity of residential densities to satisfy the housing preferences and income levels of all residents.

Policy 2-8: Provide residential areas of sufficient density to economically support adequate community facilities.

Policy 2-9: Require central water and sewer systems for new urban developments, which are designed to be compatible with future public utility systems.

Policy 3-6: The development of all land uses shall be timed and staged in conjunction with provision of roads, sanitary sewer, solid waste, drainage, potable water, schools, and parks and recreation.

Policy 3-11: Require all transportation facilities needed to maintain the adopted level of service to be in place or under construction within three years after approval of a building permit.

Budget Statement:

Costs for processing Comprehensive Plan amendments are offset by applicable application fees.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3187, F.S.

Planning & Zoning Commission/Staff Recommendation:

On October 14, 2015, the Planning and Zoning Commission held a meeting to consider the proposed Future Land Use Map Amendment. The Commission received comments from several area residents who voiced concerns relative to various potential impacts of the future development of the property. The Planning and Zoning Commission subsequently concurred with the staff recommendation to find that the proposed Future Land Use Map Amendment CPA 2015-S2 is consistent with the City's Comprehensive Plan and recommend that the City Council, sitting as the Local Planning Agency (LPA), hold a public hearing to receive and consider input from the general public related to the Comprehensive Plan Amendment. After holding the Public Hearing as the LPA, the City Council should then hold a public hearing to take action on an Ordinance to adopt the Plan amendment, and authorize the Mayor to sign the transmittal letter to send the proposed Comprehensive Plan Amendment to the State Land Planning Agency.

- Attachments:
- (1) Draft transmittal letter prepared pursuant to Section 163.3187, F.S. and State Policy
 - (2) Draft Ordinance No. 850, with Exhibit "A," CPA 2015-S2 Future Land Use Map
 - (3) CPA Petition (As submitted by Darryl W. Johnston as Agent for Housing Trust Group, LLC.)



City Of Brooksville

**MAILED VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

November 17, 2015

Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
State Land Planning Agency – The Caldwell Building
107 East Madison Street, MSC - 160
Tallahassee, FL 32399-4140

RE: Transmittal of Adopted Small-Scale Amendment to the Future Land Use Map
of the City of Brooksville's Comprehensive Plan (Brooksville Local Ref. No.
CPA 2015-S2)

Dear Mr. Eubanks:

Please find enclosed, in accordance with Section 163.3187, Florida Statutes, one copy of the above-referenced adopted Small-Scale Amendment to the Future Land Use Element/Maps of the Comprehensive Plan.

The City Council serving also as the Local Planning Agency held the public hearings concerning the amendment to the future land use map of the Comprehensive Plan on November 2 and November 16, 2015, after public notice was issued as required. At the second public hearing, the City Council adopted the amendment and authorized its submittal to the State Land Planning Agency, Hernando County and the Regional Planning Council. Copies of the public notice(s) for the public hearings are enclosed.

The amendment involves property totaling 8.3 acres \pm in size. The cumulative total number of acres for small-scale amendments that the City of Brooksville has approved for calendar year 2015, including this amendment, is 16.0 acres \pm .

The proposed amendment is not within an area of critical state concern. The proposed amendment is not related to a proposed Development of Regional Impact pursuant to Chapter 380, Florida Statutes.

The proposed amendment is not being adopted pursuant to Section 163.3187(3), Florida Statutes.

201 Howell Avenue, Brooksville, FL 34601-2041
Website: www.cityofbrooksville.us

The proposed amendment is not proposed to be adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

All of the applicable items related to this amendment are enclosed with this submittal.

Bill Geiger, the City's Community Development Director, is the person who is familiar with the proposed amendment and can be contacted in writing at 201 Howell Avenue, Brooksville, Florida 34601, or by telephoning (352) 540-3815, or by email at bgeiger@cityofbrooksville.us.

The adopted amendment is available for public inspection during regular business hours at the Brooksville Community Development Department located at 201 Howell Avenue, Brooksville, Florida.

Sincerely,

Frankie Burnett
Mayor

Enclosures

pc: Ronald F. Pianta, Assistant County Administrator, Hernando County
J. Lisle Bozemann, Manager of Planning and Growth Management, Hernando County
School District
file



CITY OF BROOKSVILLE



**PETITION FOR VOLUNTARY ANNEXATION, AMENDMENT OF
THE FUTURE LAND USE MAP OF THE BROOKSVILLE
COMPREHENSIVE PLAN, AND AMENDMENT OF THE OFFICIAL
ZONING MAP**

(DO NOT WRITE IN THIS SPACE, FOR CITY OFFICE USE ONLY)

Petition #: Annexation _____ FLUMA _____ Rezoning _____

Date received: _____ Amount Paid: \$ _____

Dates of Hearings: _____

Property Owner

Name: Freedom Bank of America

Address: 1200 4th St N

City: St. Petersburg State: FL Zip: 33701-1728 Phone/Fax: _____

Applicant

Name: Housing Trust Group, LLC

Address: 3225 Aviation Avenue, Suite 602

City: Coconut Grove State: FL Zip: 33133 Phone/Fax: _____

Agent

Name: Darryl W. Johnston, Esq, Johnston and Sasser, P.A.

Address: 140 S. Main Street

City: Brooksville State: FL Zip: 34601 Phone/Fax: (352) 796-5123 / (352) 799-3187

General Information

Property Location and/or Address: So. Main St, Brooksville, FL

Legal Description: See attached legal description and sketch

Tax Parcel #: R27 222 19 3580 0000 0021 & R27 422 19 0000 0330 0000 Parcel Key #: 01402887 and 0358277

Site Acreage:

- (a) Incorporated Area: 8.3 ac.
- (b) Unincorporated Area: _____
- (c) TOTAL ACREAGE 8.3 ac.

Existing and Proposed Land Use & Zoning Information

Present Zoning/Land Use Map Designation: C2 / Commercial

Proposed Zoning/Land Use Map Designation: R3 / Multi-Family/Mobile Home Residential and

Land Use Map Amendment Required: Yes No From commercial To residential- high density

For All Development:

Flood Zone: X on key 01402887 and X on key 0358277. Community Map numbers are 12053C0308D and 12053C0316D dated February 2, 2012 Base Elevation Required: 114.7

Residential Development:

Total # Units: 96 Single Family: 0 Multi-Family: 96

Non Residential Development: N/A

Total Non-Residential Floor Area: 0

Commercial 0 Professional 0 Industrial 0

Mixed Use 0

Description of Existing Land Uses on the subject property: Vacant

Description of Existing Land Uses surrounding the subject property: R1C to North of 0358277, PDP(SF) west of Hale Ave, PDP(HC) east of 0358277

Proposed Use of the subject property (development description, schedule, and phases):

The subject property consists of the northern 8.3 acres of a 15.8 acre parcel at Hale Ave, 850 feet north of the Intersection of SR 50 and Hale Avenue. Of the 8.3 acres, 1.9 acres are wetlands. The remaining acreage adjacent to S.R. 50 will retain its Commercial designation, while the subject property will be used for an affordable-worker housing project (most likely for special demographics like Elderly, People with Special Need, rural workers or people with disabling conditions) that will be a special second phase to Freedom Gardens (under design &

permitting) to be built on adjacent parcel Key # 1267202 and may share some common infrastructure (drainage, recreation, clubhouse). Approximately 96 dwelling units are proposed, with a mix of 1, 2 and 3 bedroom units. For both phases, an access to SR 50 will be build. This second phase will include improvements that will allow connections between Hale Avenue and Main Street. While there is no pending development for the remaining commercial area, its depth (770 feet from Cortez Boulevard) is more than sufficient to handle any anticipated commercial use. A reverse frontage road is proposed to separate the proposed multifamily from the remaining commercial, while also providing access from Hale Avenue. A conceptual site plan has been attached to provide a potential view of what the multifamily project might look like on the subject property and how it would be compatible with the pending Freedom Gardens project.

Maximum allowable density under adopted future land use map designation: 120

Analysis of Soils and topography on the site: According to the Hernando County Soil Survey (U.S. Soil Conservation Service), the soil types within the subject property consist of Nobleton fine sand, Kendrick, Flemington fine sandy loam, and Blichton loamy fine sand

Analysis of flood prone areas on the site: The project site drains generally from the highest region in the south portion of the project to the lower regions in the north and northeast. Review of the Bystre Lake watershed indicates that the project site is located near the ridge line separating this watershed from the Peck Sink watershed to the west. This site is part of a closed basin, with no outfall from the region. The proposed drainage improvements will direct runoff to new drainage retention facilities strategically placed within the project area that would be designed to accommodate runoff for events up to the 100-year/24-hour storm event.

Analysis of vegetation and natural resources on the site: The natural vegetation for the great majority of the site is a forest of longleaf, loblolly and slash pines, magnolia, sweetgum, dogwood, laurel and live oak and an understory of bluestem species, dogwood, hornbeam, indiagrass, waxmyrtle and annual forbs. Approximately 1.9 acres in the northeast corner of the property consists of a forested wetland, dominated by swamp tupelo, buttonbush, laurel and water oak.

Analysis of historical/archeological resources on the site: No historical or archaeological sites have been identified on the subject property. If a possible site is encountered during development of the site, work at that location will cease until it has been evaluated by a professional.

Analysis of the relationship of the amendment to adopted population projections: The proposed 96 units will result in approximately 144 new residents. A 96 unit multifamily complex at this location would be a positive growth factor for the City, and will renew the housing stock, and will provide excellent quality housing for those people with most special needs (workers at or below 60% of the area median income, Elderly, People with Special Need, rural workers or people with disabling conditions).

Analysis of impact of amendment on levels of service:

Traffic: The proposed comprehensive plan amendment to multifamily would result in a significant decrease in projected traffic from the existing commercial designation. Using generation rates from the Institute of Transportation Engineer's 8th Edition, Specialty Commercial (ITE Code 814) on the 6.3 upland acres at 8,000 building square feet per acre would result in approximately 2,000 average daily trips and 136 trips during the PM Peak Hour. 96 apartments (ITE Code 223) would generate approximately 630 average daily trips and 38 trips during the PM Peak Hour.

Potable Water: The project will be served by City of Brooksville Utilities. A 12 inch water main is located on SR 50 and a major water line will be extended to the subject property as part of the development of the adjacent Freedom Gardens. In meetings with the City of Brooksville staff, they have advised us that excellent water pressure exists at this location and capacity is more than adequate.

AFFIDAVIT

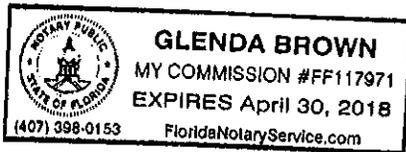
I (we), the undersigned, certify ownership of the property within this application, that said ownership has been fully divulged, whether such ownership by contingent or absolute, and that the name of all parties to an existing contract for sale or any options are filed with this application. I (we) certify that Matthew Rieger, as Manager of HTG Freedom, LLC is (are) duly designated as the agent(s) for the owner, that the agent(s) is (are) authorized to provide subject matter on the application contained herein, whether verbal or written, and appear at any public hearing(s) involving this petition. Further, it is understood that this application must be complete and accurate and the fee paid prior to processing.

Date: 08/14/15 Agent: 

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me this 14 day of August, 2015 by Matthew Rieger, as Manager of HTG Freedom, LLC, who ~~is personally known to me~~ or who has produced _____ as identification and who did not take an oath.


Notary Public

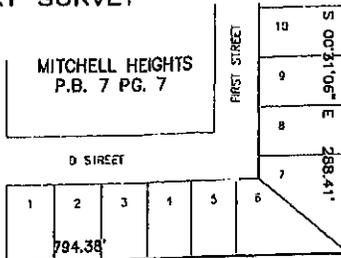


SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST
HERNANDO COUNTY, FLORIDA

SKETCH OF DESCRIPTION
* NOT A BOUNDARY SURVEY *

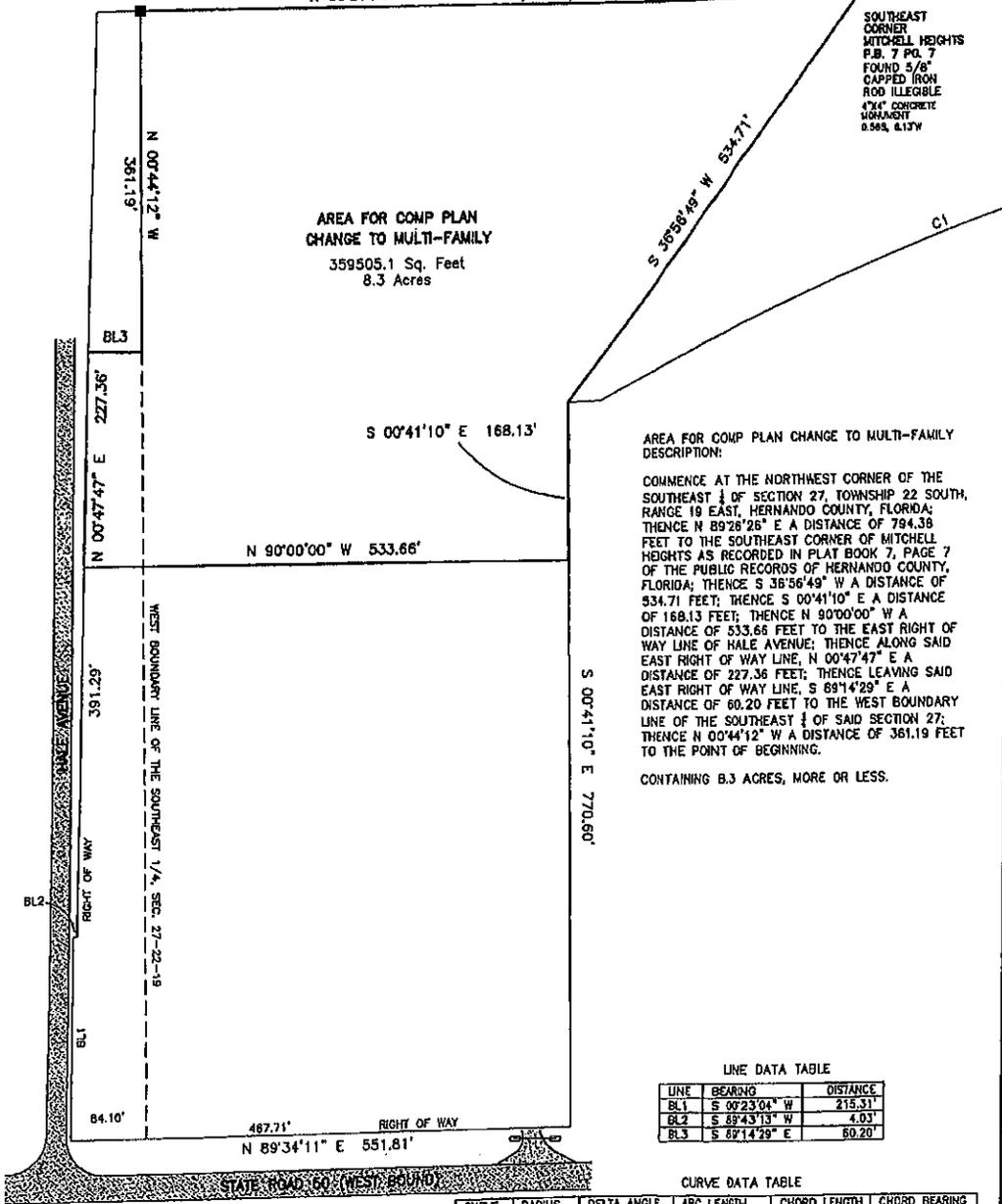


SCALE 1" = 120'



POINT OF BEGINNING
NORTHWEST CORNER OF THE
SOUTHEAST 1/4
SEC. 27--22S--19E
FOUND 4"x4"
CONCRETE
MONUMENT

SOUTHEAST CORNER
MITCHELL HEIGHTS
P.B. 7 PG. 7
FOUND 5/8"
CAPPED IRON
ROD ILLEGIBLE
4"x4" CONCRETE
MONUMENT
0.56S, 6.13W



AREA FOR COMP PLAN CHANGE TO MULTI-FAMILY DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA; THENCE N 89°28'28" E A DISTANCE OF 794.38 FEET TO THE SOUTHEAST CORNER OF MITCHELL HEIGHTS AS RECORDED IN PLAT BOOK 7, PAGE 7 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE S 38°56'49" W A DISTANCE OF 534.71 FEET; THENCE S 00°41'10" E A DISTANCE OF 168.13 FEET; THENCE N 90°00'00" W A DISTANCE OF 533.66 FEET TO THE EAST RIGHT OF WAY LINE OF HALE AVENUE; THENCE ALONG SAID EAST RIGHT OF WAY LINE, N 00°47'47" E A DISTANCE OF 227.36 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE, S 89°14'29" E A DISTANCE OF 60.20 FEET TO THE WEST BOUNDARY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 27; THENCE N 00°44'12" W A DISTANCE OF 381.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.3 ACRES, MORE OR LESS.

LINE DATA TABLE

LINE	BEARING	DISTANCE
BL1	S 09°23'04" W	215.31
BL2	S 89°43'13" W	4.03
BL3	S 89°14'29" E	60.20

CURVE DATA TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	3100.00'	15°38'22"	848.17'	843.94'	N 88°38'37" E

Coastal Engineering
Planning
Surveying
Environmental
Construction Management
engineering associates, inc.

965 Candlelight Boulevard - Brooksville - Florida 34801
(352) 796-9423 - Fax (352) 799-8359
EB-0000142

FLORIDA CERTIFICATE OF AUTHORIZATION NO. 7200

DRAWING REVISED UNLESS SIGNED, DATED & SEALED BY REGISTERED PROFESSIONAL

[Signature]
ORVILLE W. ALDRICH, PSM
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 6901

AREA FOR COMP PLAN
CHANGE TO MULTI-FAMILY
SKETCH OF DESCRIPTION

PREPARED FOR AND CERTIFIED TO:

HTG FREEDOM, LLC

DATE

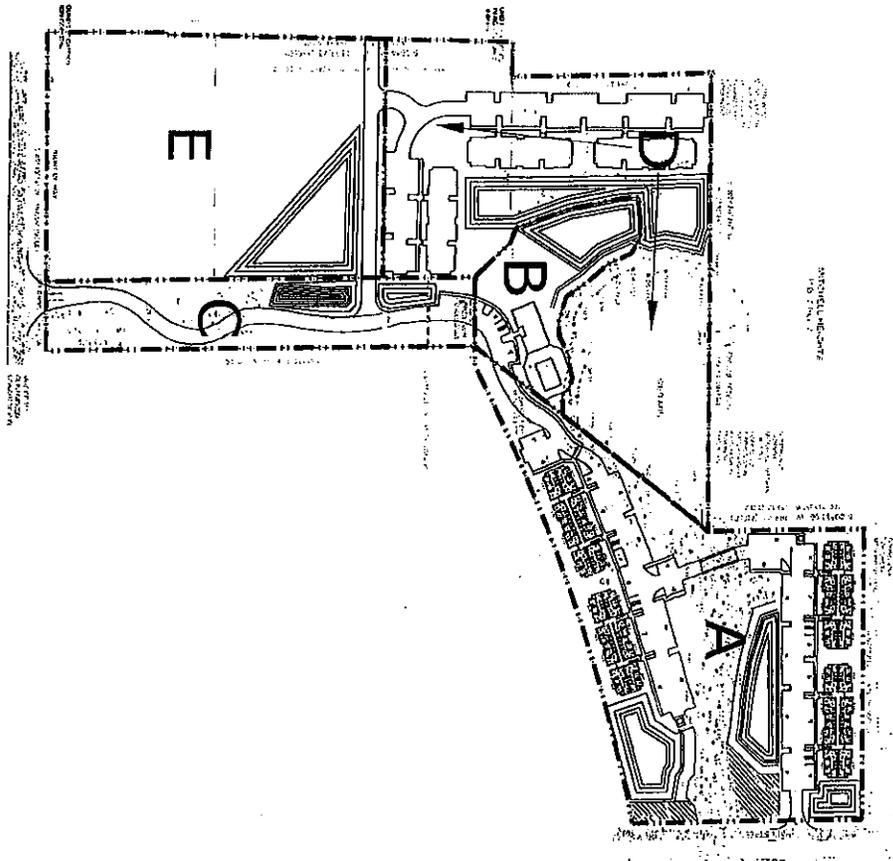
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15086

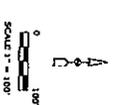
AREA FOR COMP PLAN CHANGE TO MULTI-FAMILY DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA; THENCE N 89°26'26" E A DISTANCE OF 794.38 FEET TO THE SOUTHEAST CORNER OF MITCHELL HEIGHTS AS RECORDED IN PLAT BOOK 7, PAGE 7 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE S 36°56'49" W A DISTANCE OF 534.71 FEET; THENCE S 00°41'10" E A DISTANCE OF 168.13 FEET; THENCE N 90°00'00" W A DISTANCE OF 533.66 FEET TO THE EAST RIGHT OF WAY LINE OF HALE AVENUE; THENCE ALONG SAID EAST RIGHT OF WAY LINE, N 00°47'47" E A DISTANCE OF 227.36 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE, S 89°14'29" E A DISTANCE OF 60.20 FEET TO THE WEST BOUNDARY LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 27; THENCE N 00°44'12" W A DISTANCE OF 361.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.3 ACRES, MORE OR LESS.



EXISTING FLOOR/PLUM COMPENSATION AREA
 PROPOSED FLOOR/PLUM COMPENSATION AREA
 PROPOSED NET DETENTION POND
 EXISTING FLOOR/PLUM LIMIT FROM EXISTING STAIR
 PROPOSED BASH LIMIT



LEGEND

- EXISTING GROUND CONTOUR AND ELEVATION
- 25' UNRESTRICTED UNLAND BUTTED LIMIT
- PROPOSED FLOOR/PLUM COMPENSATION AREA
- PROPOSED NET DETENTION POND
- EXISTING FLOOR/PLUM LIMIT FROM EXISTING STAIR
- PROPOSED BASH LIMIT

PARCEL	AREA (AC)
A	6.8
B	1.1
C	2.1
D	6.5
E	5.9
	22.5

CONCEPTUAL PLAN
FREEDOM GARDENS
CITY OF BROOKSVILLE, FL

DESIGN COLLECTIVE, INC.
 REGISTERED PROFESSIONAL ENGINEER
 10000 W. UNIVERSITY BLVD., SUITE 100
 TAMPA, FL 33613
 TEL: (813) 973-1111
 FAX: (813) 973-1112

Coastal
 ENGINEERING & CONSTRUCTION, INC.
 6500 W. GULF BLVD., SUITE 100
 TAMPA, FL 33634
 TEL: (813) 973-1111
 FAX: (813) 973-1112

REUSE OF DOCUMENT
 THIS DOCUMENT IS THE PROPERTY OF THE ENGINEER AND ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT.

NO.	DATE	BY	REVISION

SHEET
 OF 15000

IN THE CIRCUIT COURT OF THE 5TH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA
CIVIL DIVISION

OFFICIAL RECORDS
BK: 2722 PG: 1310

FREEDOM BANK OF AMERICA,

Plaintiff,

vs.

REF CA-09-1379

BUCCANEER BEACH RESORT MOTEL, INC.,
a Florida corporation; BOJA J. LONCARSKI;
JANET LONCARSKI; MARIANNE LONCARSKI;
and UNKNOWN TENANT(S),

02/26/2010 10:30AM # Pages 4
Filed & Recorded in Official Records of
HERNANDO COUNTY CLERK OF COURT
KAREN NICOLAI

DEED DOC STAMP \$ 0.70
02/26/2010  Deputy Ck

Defendants.



CERTIFICATE OF TITLE

The undersigned Clerk of the Court certifies that she executed and filed a Certificate of Sale in this action on February 4, 2010, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Hernando County, Florida:

REAL PROPERTY

See Exhibit "A" Attached Hereto

PERSONAL PROPERTY

THE FOLLOWING DESCRIBED PERSONAL PROPERTY OWNED BY BUCCANEER BEACH RESORT MOTEL, INC., WHEREVER LOCATED, AS FOLLOWS:

All fixtures, timber and minerals, oil and gas; whether any of the foregoing is owned now or acquired later, all accessions, additions, replacements, and substitutions relating to any of the foregoing; all records of any kind relating to any of the foregoing; all proceeds relating to any of the foregoing (including insurance, general intangibles and accounts proceeds) as further described on Exhibit "B" attached hereto. the above goods are or are to become fixtures on, the above timber is standing on and the above minerals or the life (including oil and gas) or accounts will be financed at the wellhead or minehead of the well or mine located on the real estate described on Exhibit "A" attached hereto.

2010 FEB 24 PM 8:59

315915

Note: This document was presented for Recording containing SOME ENTRIES THAT ARE OF POOR QUALITY AND MAY NOT BE LEGIBLE.



was sold to Freedom Bank of America c/o Fisher & Sauls PA,
whose address is 100 Second ave. south suite 701 city center St. Petersburg, FL 33731.

WITNESS, KAREN NICOLAI, as Clerk of the Circuit Court, and the seal of said
Court, at the Courthouse at Brooksville, Florida, on February 25, 2010.

KAREN NICOLAI, Clerk of the Circuit Court

By:

Adumme
Deputy Clerk



COPIES TO:

Thomas H. McLain, Jr., Esq., P.O. Box 387, St. Petersburg, FL 33731

Jon B. Coats, Jr., Esq., 5022 73rd Avenue, Pinellas Park, FL 33781

Boja Loncarski, Vice President, Buccaneer Beach Resort Motel, Inc., a Florida
corporation, 10107 Tarpon Drive, Treasure Island, FL 33706

**CITY OF BROOKSVILLE COMPREHENSIVE PLAN AMENDMENT
MAP AMENDMENT
HTG FREEDOM, LLC**

NARRATIVE

A. General Description

This petition for amendment of the City of Brooksville Comprehensive Plan is submitted to the City Council for review pursuant to the provisions of Florida Law. This is a request for an amendment to the Future Land Use Map to designate a portion of one parcel from “Commercial” to “Multifamily”. The subject property consists of the northern 8.3 acres of a 15.8 acre parcel at the northeast corner of State Road 50 and Hale Avenue. The remaining property adjacent to State Road 50 (approximately 7.5 acres) will retain its commercial designation, while the subject property will be used for a second multifamily project that will be compatible with the adjacent Freedom Gardens project and may share some common infrastructure (drainage, recreation and clubhouse)

The proposed 96 dwelling units are a mix of one and two bedroom units. They will be constructed in a single phase, with access to State Road 50, Hale Avenue and Main Street. The commercial parcel with a depth over 500 feet is more than sufficient to handle any anticipated commercial use. A reverse frontage road is proposed to separate the proposed multifamily from the remaining commercial, while also providing access from Hale Avenue. A conceptual site plan has been provided with the application to provide a potential view of the proposed multifamily project and how it would be compatible with the pending Freedom Gardens project.

As this proposal involves a map change on less than ten (10) acres, it meets the criteria for a small scale comprehensive plan amendment pursuant to section 163.3187, Fla. Stat. The City of Brooksville’s Land Development Code, in section 8-2.10(a)(3) provides that the planning and Zoning Commission will review the amendment proposal in a public meeting and render a recommendation to the City Council, which will conduct a Local Planning Agency (LPA) legislative public hearing to consider the amendment, and then conduct a second public hearing to adopt or deny the small scale amendment within thirty (30) days following the initial LPA hearing.

B. Reasons for the proposal and analysis of impacts.

1. Fiscal Impact. The proposed 96 units will result in approximately 144 new residents. With population having decreased since 2005, a functioning multifamily at this location would be a positive growth factor. In addition to additional ad valorem tax revenue for a proposed development that was not eminent at this location, it is a compliment to the adjacent development.

2. Impact on public facilities. Use of the subject property for the proposed multifamily development will require public water and sewer. The project will be served by City of Brooksville Utilities. A 12 inch water main is located at State Road 50 and a major water line will be extended to the subject property as part of the development of the adjacent Freedom Gardens. An 8 inch force main is located at Hale Avenue, adjacent to the proposed project and a pump station will be constructed near the subject property as part of the development of the adjacent Freedom Gardens. There is adequate water pressure and treatment capacity.

The proposed amendment would result in a decrease in projected traffic from the existing commercial designation. Thus, the addition of multifamily will not result in a significant impact to public road facilities.

Stormwater will be handled in on-site drainage retention areas. Solid waste collection will be handled by the City of Brooksville Department of Public Works. The disposal facility at Hernando County's Northwest Solid Waste Facility has adequate capacity.

3. Impact on Environment. The site is unimproved, and the natural vegetation is primarily a forest of longleaf, loblolly and slash pines, magnolias, sweetgum, dogwood, laurel and live oak. Approximately 2.5 acres in the northeast corner of the property consists of a forested wetland. The project drains generally from south to north and northeast. This site is part of a closed basin with no outfall from the Peck Sink watershed. Drainage improvements from this property will direct runoff to new drainage retention facilities within the project area that would be designed to accommodate runoff up to a 100-year/24-hour storm event.
4. Transit oriented development. The proposed project will include recreational facilities for residents, including a clubhouse. The location of this project is in close proximity to shopping and services, as well as other recreational facilities. It is in close proximity to existing railroad right-of-way and is consistent with many techniques for a Transit Oriented Development.

C. Compatibility with comprehensive plan goals, objectives and policies.

This request is compatible with and furthers the following objectives and policies of the City of Brooksville Comprehensive plan:

Future Land Use Element Goal: To ensure that the character, magnitude, and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment, and enhances the quality of life of all residents.

The proposed Amendment is consistent with this goal and the related objectives and policies because it retain useable commercial along State Road 50 in conjunction with the higher density residential. The proposed multifamily project is adjacent to Freedom Gardens and is designed as a compliment to that project currently under construction.

Future Land Use Element Policy 1-5 Multi-Purpose Pathways. The proposed project is anticipated to be connected by paths, bikeways and sidewalks to provide neighborhood mobility.

Future Land Use Element Policy 1-5 Multi-Family Residential. Permissible densities shall be limited to a maximum of 18 dwelling units per acres.

The proposed Amendment is less than the maximum 18 dwelling units per acre.

Future Land Use Objective 2: The City shall maintain a City Zoning Map that ensures...which shall be consistent with sound planning principles and provide for control of urban sprawl in conformance with the directives of the Future Land Use Element.

The proposed Amendment is consistent with this Objective and related policies. This higher density project is in an area adequately served by transportation facilities, public utilities and community services and facilities (Policy 2-2). It is not located in a conservation area (Policy 2-4)

Future Land Use Housing Goal : To encourage and promote the availability of affordable, decent, safe and sanitary housing to meet the needs of present and future population of the City.

The proposed Amendment assists in this goal and the objectives and policies.

D. Conclusion

Housing Trust Group, LLC, as Applicant, requests approval of its proposed amendment to the City of Brooksville Future Land Use Map, to amend the land use designation of the subject property from Commercial to Multi-Family Residential in order to accommodate the proposed project adjacent to Freedom Gardens. The request is consistent with and furthers the goals, objectives, and policies of the City of Brooksville Comprehensive Plan.

ORDINANCE NO. 850

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

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, known and cited as the Community Planning Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, a petition to amend the Future Land Use Map of the Comprehensive Plan, has been filed with the City; and

WHEREAS, the City of Brooksville Planning and Zoning Commission recommended at its meeting on October 14, 2015 that the City Council prepare, adopt, implement and amend the Comprehensive Plan, and;

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and at said public hearing, the City Council, serving as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described herein, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on November 2, 2015 hold the required public hearing, with public notice having been provided, under the provisions of the small-scale development amendment procedures established in Sections 163.3187, Florida Statutes, on said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment support documents concerning said application for amendment, as described herein, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described herein, to the Future Land Use Map of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community.

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

Section 1. The following small-scale amendment to the City of Brooksville Comprehensive Plan is hereby approved:

Future Land Use Map Amendment

File No.	Existing Land Use Designation	Proposed FLU MAP Designation	Location	Acres	Petitioner
CPA 2015-S2	Commercial	Multi-Family Residential	East of Hale Avenue, approximately 607 feet north of Cortez Boulevard	8.30	Housing Trust Group, LLC

CPA 2015-S2

Pursuant to a Comprehensive Plan Amendment application, CPA 2015-S2, by the Housing Trust Group, LLC, to amend the Future Land Use Map of the City's Comprehensive Plan, specifically amending the future land use classification of the following described property, and as shown on Exhibit "A", from Commercial to Multi-Family Residential:

Legal Description: (as provided by the petitioner)

Commence at the Northwest corner of the Southeast ¼ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida; thence N 89°26'26" E a distance of 794.38 feet to the Southeast corner of Mitchell Heights as recorded in Plat Book 7, Page 7 of the Public Records of Hernando County, Florida; thence S 36°56'49" W a distance of 534.71 feet; thence S 00°41'10" E a distance of 168.13 feet; thence N 90° 00'00" W a distance of 533.66 feet to the East right-of-way line of Hale Avenue; thence along said east right-of-way line, N 00°47'47" E a distance of 227.36 feet; thence leaving said east right-of-way line, S 89°14'29" E a distance of 60.20 feet to the West boundary line of the Southwest ¼ of said Section 27; thence N 00°44'12" W a distance of 361.19 feet to the point of beginning.

Containing 8.3 acres, more or less.

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Community Planning Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendment to Comprehensive Plan. The plan amendment to the City of Brooksville Future Land Use Map, as described hereto, is hereby adopted by the City of Brooksville.

Section 4. Severability. Should this Ordinance contain provisions herein that are in conflict with any laws, rules, or regulations of higher authority, or be declared null and/or void of constitutional authority by courts of competent jurisdiction, such provisions so declared shall stand severed herewith and in which case all remaining provisions of this Ordinance not so declared, shall stand and continue in effect and shall take effect upon passage and will remain in force until superseded, supplemented, amended, repealed or otherwise altered.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

Section 6. Effective Date. This plan amendment shall become effective 31 days after its adoption as per this Ordinance.

CITY OF BROOKSVILLE

Ordinance No. 850

Attest: _____
Janet Kato, Deputy City Clerk

By: _____
Frankie Burnett, Mayor

PASSED on First Reading _____

NOTICE published on _____

PASSED on Second and Final Reading _____

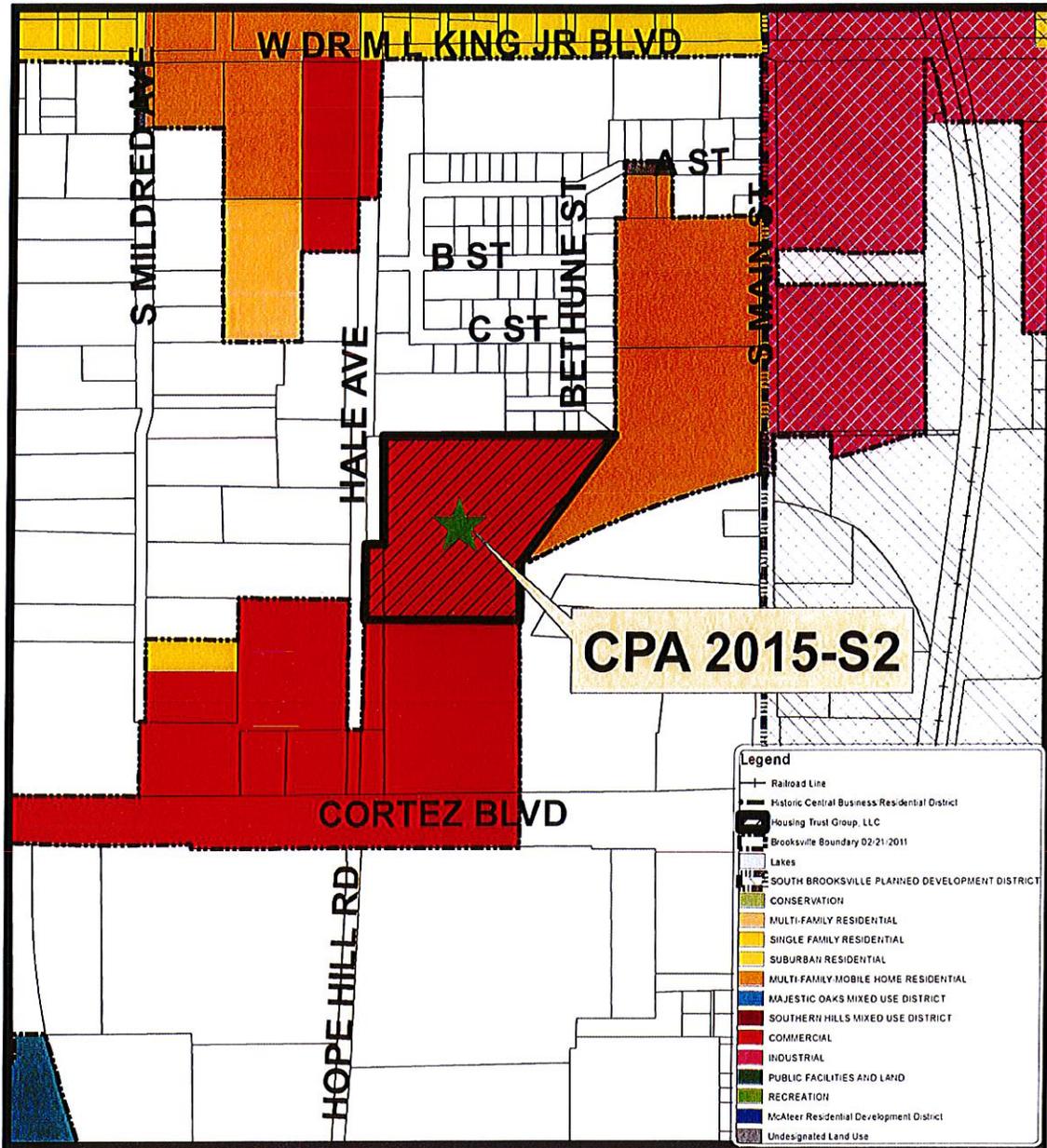
APPROVED AS TO FORM FOR THE RELIANCE OF
THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Battista _____
Burnett _____
Erhard _____
Kahler _____
Kemerer _____

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

EXHIBIT "A" to Ordinance No. 850; Small-Scale CPA for Housing Trust Group, LLC



NOTE: "Undesignated" areas are parcels that have been annexed into the City of Brooksville that have not been assigned a Future Land Use designation.

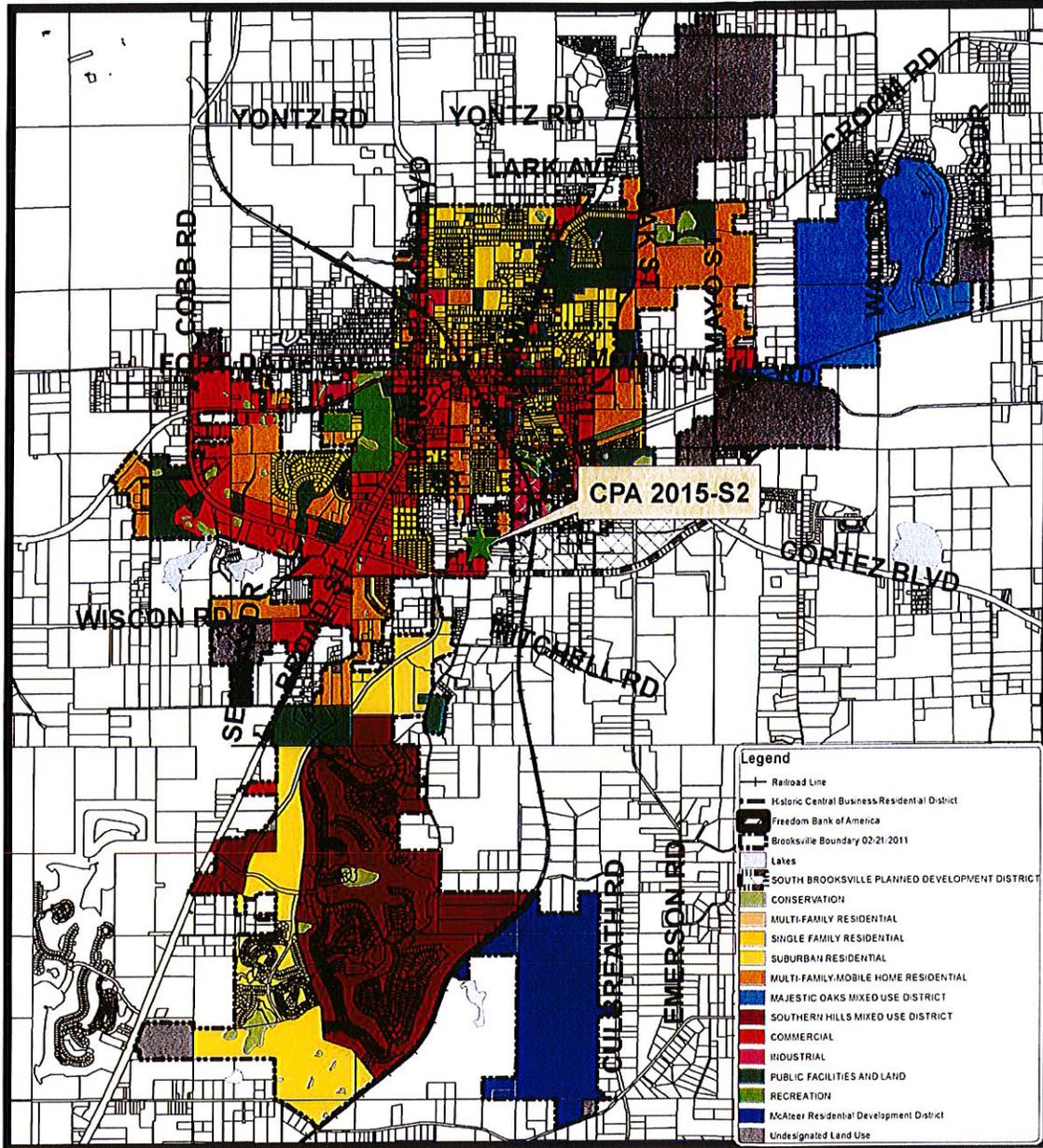
* Intensity/Density of asterisk labeled parcels shall be controlled by specific provisions found in Policy 1-5 of the Future Land Use Element GOPs.

Sources: Hernando County Property Appraiser - parcel data, 2015
 City of Brooksville Community Development Dept. updates through September 2015
 Future Land Use data, Dec. 2007/Updated through September 2015

DISCLAIMER: Hernando County Property Appraiser parcel data was used for the parcel data images on this map. This map was prepared by this office to be used as a guide in land parcel location and identification only. All land owners' right of way, acreages, and all locations are subject to field survey or other appropriate verification. This map and/or data is for planning purposes only and should not be used to determine precise location of any feature.



Small-Scale CPA for Freedom Bank of America



Source(s): Hernando County Property Appraiser - parcel data, 2015.
 City of Brooksville Community Development Dept. updates through September 2015.
 Future Land Use data - Dec. 2007/Updated through September 2015.

DISCLAIMER: Hernando County Property Appraiser parcel data was used for the parcel data images on this map. This map was prepared by this office to be used as an aid in land parcel location and identification only. All landowners' rights of way, acreage, and other matters are subject to field survey or other proper verification. This is not a digital data file for planning purposes only and should not be used to determine the precise location of any feature.

Legend

- Railroad Line
- Historic Central Business-Residential District
- Freedom Bank of America
- Brooksville Boundary 02-21-2011
- Lakes
- SOUTH BROOKVILLE PLANNED DEVELOPMENT DISTRICT
- CONSERVATION
- MULTI-FAMILY RESIDENTIAL
- SINGLE FAMILY RESIDENTIAL
- SUBURBAN RESIDENTIAL
- MULTI-FAMILY/MOBILE HOME RESIDENTIAL
- MAJESTIC OAKS MIXED USE DISTRICT
- SOUTHERN HILLS MIXED USE DISTRICT
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES AND LAND
- RECREATION
- McAteer Residential Development District
- Undesignated Land Use

NOTE: "Undesignated" areas are parcels that have been annexed into the City of Brooksville that have not been assigned a Future Land Use designation.

* Intensity/Density of asterisk labeled parcels shall be controlled by specific provisions found in Policy 1-5 of the Future Land Use Element GOPs.

Map I-2
Future Land Use Map
 For Planning Timeframe through 2020
CITY OF BROOKVILLE
 FLORIDA



AGENDA ITEM MEMORANDUM

TO: THE HONORABLE MAYOR & CITY COUNCIL MEMBERS

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

VIA: BILL GEIGER, DIRECTOR OF COMMUNITY DEVELOPMENT *[Signature]*

FROM: STEVE GOULDMAN, AICP, CITY PLANNER *[Signature]*

SUBJECT: CPA 2015-L1 – CITY OF BROOKSVILLE PETITION FOR A TEXT AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN INFRASTRUCTURE AND INTERGOVERNMENTAL COORDINATION ELEMENTS ADOPTING A 10-YEAR WATER SUPPLY FACILITIES WORK PLAN

DATE: NOVEMBER 2, 2015

City Council
AGENDA ITEM: F2
November 2, 2015

Introduction & Background Information:

This petition is a City-initiated request to amend the text of the Infrastructure Element and the Intergovernmental Element of the Comprehensive Plan. The text amendments, in accordance with 163.3177(4)(a), Section 163.3177(6)(c), Section 163.3177(6)(d) and Section 163.3177(6)(h)1, Florida Statutes, modify the Comprehensive Plan to adopt the attached 10-year Water Supply Facilities Work Plan and add the requirement that the City coordinate appropriate aspects of the Comprehensive Plan with the Southwest Florida Water Management District's (SWFWMD) Regional Water Supply Plan (RWSP).

In 2011, the Southwest Florida Water Management District updated its Regional Water Supply Plan to meet projected water demand in the Tampa Bay region in coordination with local government government's water supply planning efforts. The new RWSP requires the City to update its current Water Supply Facilities Work Plan. As required, the City's Work Plan identifies the City's current demand and supply of water, projects the needs of Brooksville's water supply system for the 2015-2025 planning period, identifies the water supply facilities and sources of water that will be needed to meet those needs and includes the capital improvements scheduled to improve the capacity of the system.

The attached Water Supply Facilities Work Plan was prepared as required by the above-referenced Sections of the Florida Statutes. Under these Sections, local governments are required to address in their Comprehensive Plans the water supply sources necessary to meet existing and future projected water use demands for the established ten year planning period.

Consistency with the Comprehensive Plan:

CPA 2015-L1 represents a Comprehensive Plan amendment permitted under state law as defined in Section 163.3187, F.S. The proposed text amendments render the City's

Comprehensive Plan in compliance with State Statutes. Additionally, the proposed amendment is consistent with Objective 1 of the Comprehensive Plan Intergovernmental Coordination Element, which states that "The City shall coordinate the City of Brooksville Comprehensive Plan with the Comprehensive Plan of Hernando County and the plans of...Hernando County Metropolitan Planning Organization, Southwest Florida Water Management District, Withlacoochee Regional Planning Council, Florida Department of Transportation, Florida Department of Environmental Protection, Florida Department of State Division of Historical Resources, Brooksville Housing Authority, City of Brooksville Community Redevelopment Agency, and other units of local government providing services but not having regulatory authority over the use of land."

 **Budget Statement:**

The amendment will have no impact on the FY 2015-2016 annual budget.

 **Legal Note:**

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3177, F.S.

Planning & Zoning Commission/Staff Recommendation:

At their regular meeting on October 14, 2015, the Planning and Zoning Commission concurred with the staff recommendation to find that the proposed text amendments are consistent with the Comprehensive Plan and recommend that the City Council, sitting as the Local Planning Agency (LPA), hold a public hearing to receive and consider input from the general public related to the Comprehensive Plan Amendment. After holding the Public Hearing as the LPA, the City Council should then authorize staff to transmit the Amendment to the required agencies for review and comment. Upon receipt of the agencies' comments, staff will, if necessary and as appropriate, modify the Amendment and schedule a second public hearing for City Council to take action on an Ordinance to adopt the Plan amendment, and authorize the Mayor to sign the transmittal letter to send the proposed Comprehensive Plan Amendment to the State Land Planning Agency.

- Attachments:
- (1) Draft transmittal letter prepared pursuant to Section 163.3187, F.S. and State Policy
 - (2) Draft Ordinance No. 851, including Exhibit "A," Comprehensive Plan Infrastructure Element Goal E, Objective 10, Policy 10-3, Comprehensive Plan Intergovernmental Coordination Element Objective 1, Policy 1-10 and Exhibit "B," Water Supply Facilities Work Plan, 2015-2025



City Of Brooksville

**MAILED VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

November 17, 2015

Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
State Land Planning Agency – The Caldwell Building
107 East Madison Street, MSC - 160
Tallahassee, FL 32399-4140

RE: Transmittal of Proposed Amendment to the Text of the Infrastructure Element and Intergovernmental Coordination Element of the City of Brooksville's Comprehensive Plan (Brooksville Local Ref. No. CPA 2015-L1)

Dear Mr. Eubanks:

Please find enclosed, in accordance with Section 163.3184(3), Florida Statutes, one copy of the above-referenced proposed plan amendment (CPA 2015-L1) to the City of Brooksville Comprehensive Plan to amend the policies in the Infrastructure and Intergovernmental Coordination Elements. The City of Brooksville hereby submits the plan amendment to the Division of Community Planning and Review Agencies under the expedited State review process as described in Section 163.3184(3), Florida Statutes.

The City Council serving also as the Local Planning Agency held the first public hearing concerning the amendment to the text of the Comprehensive Plan on November 2, 2015 after public notice was issued as required. A second public hearing will be held following receipt of comments from reviewing entities and the City Council will adopt the amendment and authorize its submittal to the State Land Planning Agency, Hernando County and the Regional Planning Council. A copy of the public notice for the first public hearing is enclosed.

The amendment involves amending policies in the Infrastructure and Intergovernmental Coordination Elements, and the amendment is not within an area of critical state concern. The amendment is also not related to a proposed Development of Regional Impact pursuant to Chapter 380, Florida Statutes. The amendment is not being adopted pursuant to Section 163.3187(3), Florida Statutes. Finally, the amendment is not proposed to be adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

*Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
Page 2*

All of the applicable items related to this amendment are enclosed with this submittal.

Bill Geiger, the City's Community Development Director, is the person who is familiar with the amendment and can be contacted in writing at 201 Howell Avenue, Brooksville, Florida 34601, or by telephoning (352) 540-3815, or by email at bgeiger@cityofbrooksville.us.

The adopted amendment is available for public inspection during regular business hours at the Brooksville Community Development Department located at 201 Howell Avenue, Brooksville, Florida.

Sincerely,

Frankie Burnett
Mayor

Enclosures

pc: Ronald F. Pianta, Assistant County Administrator, Hernando County
J. Lisle Bozemann, Manager of Planning and Growth Management, Hernando County School District
Avera Wynne, Planning Director, Tampa Bay Regional Planning Council
Daniel Santos, DRI/Development Coordinator, Florida Department of Transportation, District 7
Tracy D. Suber, Office of Educational Facilities
George Schlutermann, Southwest Florida Water Management District
Jim Quinn, Environmental Manager, Florida Department of Environmental Protection
Susan Harp, Division of Historical Preservation, Florida Department of State
Scott Sanders, Conservation Planning Services, Florida Fish and Wildlife Conservation Commission
Department of Agricultural and Consumer Services, Comprehensive Plan Review

file

ORDINANCE NO. 851

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING TEXT AMENDMENTS TO THE INFRASTRUCTURE AND INTERGOVERNMENTAL COORDINATION ELEMENTS OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO COMPREHENSIVE PLAN AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend a Comprehensive Plan; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan; and

WHEREAS, application CPA 2015-L1, to amend the Infrastructure Element and the Intergovernmental Element of the City's Comprehensive Plan, has been filed with the City; and

WHEREAS, the City of Brooksville Planning and Zoning Commission recommended at its meeting on October 14, 2015 that the City Council prepare, adopt, implement and amend the Comprehensive Plan; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendment, as described below, to the text of the City's Comprehensive Plan and at said public hearing, the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for amendment, as described below, to the text of the City's Comprehensive Plan, and endorsed the approval of said application for amendment, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on November 2, 2015 hold the required public hearing, with public notice having been provided, under the provisions of the large scale amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendment, as described herein, to the text of the City's Comprehensive Plan and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendment Report concerning said applications for amendments, as described herein, to the text of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said application for amendment, as described below, to the text of the City's Comprehensive Plan to be consistent with the Comprehensive Plan's objectives and policies and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said application for amendment, as described below, to the text of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare.

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

Section 1. The following amendment to the City of Brooksville Comprehensive Plan is hereby approved:

CPA 2015-L1 Pursuant to an application, CPA 2015-L1, by the City of Brooksville City Council to amend the Infrastructure Element Goal E, Objective 10, Policy 10-3; and Comprehensive Plan Intergovernmental Coordination Element Objective 1, Policy 1-10 attached hereto as Exhibit "A" as required by Section 163.3177(4)(a), Section 163.3177(6)(c), Section 163.3177(6)(d) and Section 163.3177(6)(h)1, Florida Statutes.

The Water Facilities Supply Work Plan, 2015-2025 adopted by the policies referenced above is attached hereto as Exhibit "B."

Section 2. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4: Effective Date. The effective date of this plan amendment shall be as provided by law.

CITY OF BROOKSVILLE

Ordinance No. 851

Attest: _____
Janet Kato, Deputy City Clerk

By: _____
Frankie Burnett, Mayor

PASSED on First Reading _____

NOTICE published on _____

PASSED on Second and Final Reading _____

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

VOTE OF COUNCIL:

Battista _____
Burnett _____
Erhard _____
Kahler _____
Kemerer _____

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

Exhibit "A"

Infrastructure Element

Potable Water

Goal E: To provide a safe, adequate supply of potable water to City residents and businesses through the planning year 2015.

Objective 10: By 2010 the City shall implement regulations that will restrict the use, handling and/or storage of hazardous substances in the zone of influence of existing or proposed city potable water wells.

Policy 10-3: The City of Brooksville's 2015-2025 Water Supply Facilities Work Plan is hereby adopted by reference into the Comprehensive Plan.

Intergovernmental Coordination Element

Goal: To coordinate the plans and actions of the City with the plans and programs of state, regional, County, and other local government entities in order to achieve effective intergovernmental coordination of comprehensive planning and growth management.

Coordination of Plans

Objective 1: The City shall coordinate the City of Brooksville Comprehensive Plan with the Comprehensive Plan of Hernando County and the plans of Spring Hill/Hernando County Metropolitan Planning Organization, Southwest Florida Water Management District, Withlacoochee Regional Planning Council, Florida Department of Transportation, Florida Department of Environmental Protection, Florida Department of State (Division of Historical Resources), Brooksville Housing Authority, City of Brooksville Community Redevelopment Agency, and other units of local government providing services but not having regulatory authority over the use of land.

Policy 1-10: The City shall coordinate with the Southwest Florida Water Management District to ensure consistency between the Comprehensive Plan of the City of Brooksville and the District's Regional Water Supply Plan. The City's Water Supply Facilities Work Plan shall be updated within 18 months of the Southwest Florida Water Management District's Regional Water Supply Plan 2025 update.

EXHIBIT "B"

WATER SUPPLY FACILITIES WORK PLAN

2015-2025

City of Brooksville

ADOPTED ____, 2015

**WATER SUPPLY FACILITIES WORK PLAN
2015-2025
CITY OF BROOKSVILLE**

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**WATER SUPPLY FACILITIES WORK PLAN
2015-2025
CITY OF BROOKSVILLE**

1. INTRODUCTION

The City of Brooksville 10-Year Water Supply Facilities Work Plan (Work Plan) represents the City's plan to meet current water demands and the anticipated growth in demand within the Brooksville Utility Service Area through 2025. The Work Plan is an addendum to the Infrastructure Element of the Brooksville Comprehensive Plan and is supported by policies in the Infrastructure, Intergovernmental Coordination and Capital Improvements elements of the Comprehensive Plan. The Work Plan includes statutorily required analysis, as per Chapter 163.3177, Florida Statutes, and demonstrates the ability of the City of Brooksville to meet current and projected water demand in the City's Utility Service Area.

In accordance with Chapter 163, Part II, Florida Statutes, this Potable Water Work Plan provides data and analysis to address minimum design flow, storage capacity, preservation and conservation strategies to protect the City's ability to serve its population in accordance with adopted standards for water quality. The Work Plan and related Comprehensive Plan goals, objectives and policies address the development of traditional and alternative water supplies, conservation and reuse programs and facilities necessary to serve existing and new development for the 10-year planning period. This 10-year plan has been developed in accordance with the Southwest Florida Water Management District's Regional Water Supply Plan approved by the District's Governing Board in July 2011.

2. WATER DEMAND

Existing Conditions

This plan employs data consistent with the Regional Water Supply Plan for the Northern District of the Southwest Florida Water Management District (SWFWMD) and includes 2015 population estimates from the University of Florida Bureau of Economic and Business Research (BEBR). According to data supplied by SWFWMD, in 2010 the City's water system served a functional City population of 6,967 and a total population of 13,996. The University of Florida Bureau of Economic and Business Research (BEBR) estimates that in 2015 the City system serves a functional population of 7,780 and a total population of 14,952. Table 1 provides service population projections for the City of Brooksville Utility Service Area. The City of Brooksville Utility Service Area is depicted in Map 1.

Based on average daily flows in 2010, potable water demand in the water system service area was 1.54 million gallons per day (MGD), or 111 gallons per day per capita (GPDC). According to the City's Public Works Department, actual average daily flows in 2015 demonstrate a potable water demand in the City's service area of 1.129 MGD, which results in a gallon per day per capita figure of 76.

Table 1: Potable Water Population Projections, Brooksville Utility Service Area

	2010	2015	2020	2025	2030
Municipal Population Served	6,967	7,780 ²	7,820 ²	9,086 ²	9,641 ²
Total Utility Service Area Population	13,996	14,952 ³	15,163 ³	17,444 ³	18,511 ³

1. Source: SWFWMD community data sheet, 2011
2. 2015 City population from 2015 BEBR estimate; 2020-2025 City estimates using growth rate applied by SWFWMD to 2011 community data sheet projections.
3. Includes unincorporated population. Source: SWFWMD community data sheet, 2011

Non-potable Water Demand

The City’s reclaimed water system, which has a design capacity for 1.9 MGD annual average flow, currently serves a limited number of nonresidential and residential uses in the Utility Service Area. Specifically, Cemex and the golf course, landscaped areas and 140 dwelling units in the Southern Hills Plantation development are the recipients of the reclaimed water. In 2014, Cemex used an average of 777,000 GPD while the Southern Hills development received an average of 127,000 GPD. The literature on irrigation demands and offsets confirms that the use of reclaimed water directly correlates to reductions in the use of potable water. The SWFWMD research shown in Table 3 indicates that the use of reclaimed water for irrigation purposes in lieu of potable water sources offsets those sources at an average rate of 75 percent. This factor is not reflected in the Utility Service Area demand for non-potable water shown in Table 2. If the reclaimed water offset was used to calculate a reduced water demand, the offset would be a 95,250 GPD reduction in water demand.

Table 2: Reclaimed Water Customer Type and Efficiency (Potable Water Offset)

Reclaimed Water Use	Offset (%)	Comments
Industrial/Power Generation	100%	Normally use the same amount regardless of source
Agricultural/Recreational/Aesthetic	75%	Normally do not overwater
Public Supply Irrigation	40%	25%-35% flat rate; 45% - 55% for metered
All Customer Types (Average)	60%	25% Industrial Power Generation; 25% Agricultural/Recreational/Aesthetic 50% Public Supply

Source: Effective Use of Reclaimed Water Demonstrated to Offset Water Demand, Southwest Florida Water Management District, 2002.

The future intended expansion of the City’s reclaimed water capacity to 3.0 MGD in 2020 will further augment the capacity of the system. To continue to surpass the projected potable water demand during the 2015 to 2025 period, the City will also consider implementation of additional conservation measures.

Future Conditions

The projected functional population in the Utility Service Area, shown in Table 1, is based on historical growth rates for City utility customers rather than availability of land in the Future Service Area. Growth trends in the Utility Service Area show a modest increase. The City's utility customer base largely increases as a result of infill development within the city and new development in the City's overall Utility Service area.

Projected potable water demand in the Utility Service Area through 2030 is shown in Table 3. Projected demand is based on the population projections in Table 1 and the current per capita potable water demand and historical use rates. Again, the methodology employed by the Southwest Florida Water Management district for the Regional Water Supply Plan for the Northern district provides a consistent regional baseline.

Table 3: Potable Water Demand Projections MGD, Brooksville Utility Service Area

	2010 ¹	2015 ²	2020 ³	2025 ³	2030 ³
Total Municipal Demand	0.774	0.853	0.868	1.01	1.07
Total System Demand	1.554	1.649	1.683	1.936	2.054

1. Source: SWFWMD community data sheet, 2011
2. Source: Includes 2015 City demand from 2015 BEBR population estimate; 2020-2025 City demand estimates using growth rate applied by SWFWMD to 2011 community data sheet projections.
3. Per capita water use of 111 GPD

3. WATER SUPPLY

The foregoing demand analysis and the inventory of existing and projected potable and non-potable water resources discussed below illustrates that the City's water supply will be adequate to meet projected demand through 2025.

Potable Water Supply

The eastern half of the eastern City's Utility Service Area lies within the Withlacoochee River Watershed, which lies within Marion, Polk, and Sumter Counties, and smaller areas lie within Citrus, Hernando, Lake, Levy, and Pasco Counties. The western portion of the City's Utility Service Area is within the Springs Coast Watershed, which encompasses parts of Pasco, Hernando, Citrus, and Pinellas Counties. The principal hydro geologic units in the watersheds are the surficial, intermediate and Floridan aquifer system. The Upper Floridan aquifer is the principal storage and water conveying component of the watershed's hydrologic systems and is the principal source of potable water for domestic, agricultural and industrial supplies for the City and Hernando County.

The Southwest Florida Water Management District regulates water withdrawals from the Floridan aquifer system via a Water Use Permit (WUP). A WUP specifies the maximum permitted pumping capacity for the area specified in the permit. The City's WUP allows a maximum water withdrawal in the Utility Service Area of 2,448,000 GPD (annual average) and 3,672,000 GPD (peak monthly).

Averaging 1.129 million GPD, the current production in the Utility Service Area is thus significantly below the average annual WUP limit. The current WUP expires February 25, 2024.

Non-potable Water Supply

As previously stated, the City's reclaimed water system, which has a design capacity for 1.9 MGD annual average flow, currently serves only nonresidential uses in the Utility Service Area. Specifically, Cemex and the golf course, landscaped areas and 140 dwelling units in the Southern Hills Plantation development are the recipients of the reclaimed water. The City intends to increase the capacity of the existing reclaimed water facility to 3.0 MGD in 2019.

4. WATER SUPPLY FACILITIES

As previously noted, Map 1 depicts the potable water service area of the City's water system. Potable water is provided by the City via a system that includes three water treatment plants, storage tanks and a looped distribution system of underground pipes. The distribution system consists primarily of water mains of 6 inch diameter or greater, with the exception that portions of the downtown area is serviced with 4 inch mains. The older 4 inch mains are considered undersized for fire flow purposes. The mains receive flow via 10-inch to 16-inch feeder lines, and the entire systems contains 309,210 linear feet of distribution lines. Residential uses are the predominant type of land use served by the water system.

Treatment and Storage Facilities

The Lamar Avenue, Hope Hill Road and Hillside Court treatment plants are the City's three water treatment facilities. The current average daily demand for potable water from the City's three treatment facilities is approximately 1.126 MGD. The Hillside Court facility is the most northerly in the City's system and consists of one 12" diameter public supply well, one 200,000 gallon ground storage tank with a cascade aerator and two centrifugal service pumps. The finished water capability of this plant is limited by the 1,000 gallons per minute flow rate of the service pumps and is capable of producing a maximum daily flow capacity of 1.452 MGD. This plant was constructed in 1966. The Lamar Avenue facility is in the center of the City's service area and consists of 12" and 14" public supply wells, one 70,000 gallon ground storage tank with cascade aerator and two centrifugal service pumps. The finished water capability of this plant is limited by the 1,000-gallons per minute flow rate of the service pumps and is capable of producing a maximum daily flow capacity of 1.440 MGD. The Lamar Avenue facility was constructed in 1926. The Hope Hill facility is the most southerly in the City's system and consists of two 12" public supply wells and one 250,000 gallon elevated storage tank. The finished water capability of this plant is limited by the 1,370 gallons per minute combined flow rates of the two well pumps and is capable of producing a maximum daily flow capacity of 1.973 MGD. This plant was constructed in 1978. Constructed in 1987, the Liberty Street 250,000 gallon elevated storage tank is located approximately 2500 feet away from the Lamar facility in the downtown service area. The City also maintains a third well at the Hope Hill site that is presently inactive, but intends to begin withdrawing 250,000 GPD by the year 2016.

Table 4: Water Treatment Plant Capacities

Water Treatment Plant	Design Capacity (MGD)
Lamar Avenue	1.440
Hope Hill Road	1.973
Hillside Court	1.452
Total Design Capacity	4.865

Source: City of Brooksville Public Works Department, 2015

Table 5: 2014-2015 Water System Facilities Capacity Analysis

Water Treatment Plant	
Water Treatment Plants Design Capacity	4.865 MGD
Storage Tanks Capacity	0.770 MG
Client Demand	
Service Area Population	14,952
Average Daily Flow (ADF)	1.129
Maximum Daily Flow	1.649
ADF Percent of Total Design Capacity	23.2%
Committed Unused Capacity	
Committed Unused Capacity	0.250
Percent of Total Design Capacity	5.1%
Total Demand	
ADF + Committed Unused Capacity	1.379 MGD
Percent of Total Design Capacity	28.35%
Excess Capacity	
Excess Capacity	3.486 MGD
Percent of Design Capacity	71.65%

Source: City of Brooksville Public Works Department, 2015

Table 6: Projected Water Plant Maximum Daily Demand Capacity Analysis

Year	Demand (MGD)	Plant Design Capacity (MGD)	Utilized Capacity (%)	Unused Capacity (%)
2015	1.649	4.865	33.90	66.10
2020	1.683	4.865	34.59	65.41
2025	1.936	4.865	39.79	60.21
2030	2.054	4.865	42.22	57.78

Source: City of Brooksville Public Works Department, 2015

Facilities Condition

The City's water supply facilities perform well, and no problems in maintaining performance are anticipated over the 2025 planning period. Consistently, the City's water treatment plant has operated in compliance with all criteria established by the U.S. Environmental Protection Agency and Florida Department of Environmental Protection for public water supply facilities. The water treatment facilities are repaired and upgraded as needed to remain in good operating condition, and the quality of water resources in the area is sufficiently good, requiring only chlorination treatment

for the public water supply. Scheduled maintenance and replacement are planned and budgeted for by the City.

Level of Service

The City’s adopted level of service standard for potable water is used for three purposes—to assess the adequacy of the water supply and water facilities, to serve new development and to project needs for developing new water supplies and water supply facilities (facility planning). As stated in the City’s Comprehensive Plan, the City’s adopted potable water level of service standard is 110 GPDC (CIE Policy 8.1-4), which is above the current rate of 76 GPDC water consumption in the Utility Service Area. The SWFWMD community data sheet documents water use between 2003 and 2007 at 111 GPDC. Table 7 shows the projected potable water demand in the Utility Service Area compared to the SWFWMD permitted capacity of the City’s water treatment plants. The analysis, based on the level of service standard of 110 GPD per capita, indicates that the permitted capacity of 2,448,000 GPD will be adequate throughout the 2025 planning period.

Table 7: Projected Water Treatment Capacity, Brooksville Utility System Service Area

Year	Projected Population	Per Capita /Day Demand (GPD)	Service Area Demand (MGD)	Annual Average Daily Treatment Capacity (MGD)	Remaining Treatment Capacity (GPD and current permit)
2010	13,996	110	1.554	2.448	0.894
2015	14,859	110	1.649	2.448	0.799
2020	15,163	110	1.683	2.448	0.765
2025	17,444	110	1.936	2.448	0.512

Source: City of Brooksville, Public Works and SWFWMD

5. IMPACTS ON NATURAL RESOURCES

Efforts by the City to reduce impacts to surface water and wetland resources are on-going and are supported by various goals, policies and regulations. Continued enforcement of the City’s wetland impact policies and well field protection regulations will help ensure continued groundwater quality. Furthermore, City conservation programs and a reclaimed water system expansion will reduce demand for groundwater resources.

Wetlands Protection

The Conservation Element of the City’s Comprehensive Plan addresses protection of wetlands throughout the municipality. Specifically, Policy 2-13 of the Element states that “Wetlands and wetland functions shall be protected and conserved by restricting direct and indirect development impacts according to Policies 2-13 and 2-14, Conservation land use designations, open space requirements, and other goals, objectives and policies of this plan.” Policy 2-13 provides specific criteria for avoidance of wetland impacts and notes that “the policy of the City to avoid or minimize

development impacts on wetlands and to direct incompatible land uses away from wetlands and to require wetland buffers; to allow wetland losses only where all practical engineering measures have been applied to avoid such losses; and to allow for effective mitigation.” Policy 2-14 provides mitigation measures for utilizing degraded wetlands as well as exceptions and criteria allowing incorporation of isolated wetland systems into stormwater management systems.

Well Field Protection

The Future Land Use Element of the City’s Comprehensive Plan addresses wellfield protection. As shown in Comprehensive Plan Map I-4, wellfield protection areas have been established to protect the City’s existing potable water wells. Policy 7-2 of the Element requires that “the zone of protection shall be determined for each city potable water well by a hydrologist, and these identified physical boundaries shall be the basis on which the use of hazardous substances, and certain land uses which in and of themselves have a likelihood to endanger potable water supplies, shall be restricted. These substances and/or uses shall be restricted and/or specially regulated for the purpose of protecting potable water supplies.”

6. CONSERVATION POLICIES & PROGRAMS

Throughout the 2025 planning period, the City will implement or continue to implement water conservation policies, practices and programs. This section identifies the current conservation-related policies, programs and practices of the City. It should be noted that the City, in 2011, established one of the first one day per week irrigation ordinances in the region. The City of Brooksville has been and will continue to be an ardent advocate of water conservation and flood protection. It is committed to long-term public outreach and education programs which involve mailings to utilities customers, postings on the City website, and the creation of a volunteer program of citizens trained to report stormwater and other water related issues.

Comprehensive Plan Policies

Future Land Use Element

Policy 1-2: As part of the unified land development code, the City shall develop and adopt regulations that provide for drainage and stormwater design standards and protect potable water well fields and aquifer recharge areas.

Policy 1-5: Conservation. The adopted land development regulations will assure that a site plan review process establishes the basis for site-specific development orders that protect and conserve conservation areas, with densities varying according to the environmental constraints. Wetlands in the City shall be designated as Conservation.

Policy 2-16: Discourage commercial activities from locating in wetlands, 100-year floodplains and delineated conservation areas through the use of proper site plan procedures and adopted floodplain management policies in the Conservation Element of this plan.

Policy 2-32: The City shall adopt an ordinance to protect existing and future potable water supply sources, providing criteria for establishing protection areas for wellheads and well fields and for identifying and restricting inappropriate activities and land uses within these

areas consistent with the requirements of Rule 9J-5, F.A.C. and Rule 62-521. Until such an ordinance is adopted, all hazardous materials facilities including small quantity generators and all industrial uses shall be prohibited from wellhead protection areas as delineated by the Southwest Florida Water Management District as a part of the county's Water Resource Assessment Project (WRAP) and mapped in the City's Future Land Use Map series.

Policy 7-1: The City shall, through initiation and enforcement of the goals, objectives and policies of the adopted Comprehensive Plan and adoption and implementation of the City's Land Development Code, provide protective mechanisms for the City's natural resources.

Policy 7-2: The zone of protection shall be determined for each city potable water well by a hydrologist, and these identified physical boundaries shall be the basis on which the use of hazardous substances, and certain land uses which in and of themselves have a likelihood to endanger potable water supplies, shall be restricted. These substances and/or uses shall be restricted and/or specially regulated for the purpose of protecting potable water supplies.

Policy 7-3: All environmentally sensitive land in the City including ponds, wetlands, streams, and/or sinkholes and their associated vegetative communities shall be conserved and protected from the effects of urbanization and development activities through proper site plan review procedures and mitigation measures.

Infrastructure Element

Policy 1-7: Septic tanks, package treatment plants and other on-site sewage disposal systems shall be permitted only when sewage plant capacity or system access is unavailable; however, these package treatment plants shall only be allowed on an interim basis until such time as centralized facility capacity will be available as designated in the city's Capital Improvement Program. In such situations all sewer connection lines shall be installed at the time of package plant installation so as to be ready to be connected to the central sewer facility when capacity is available.

Policy 1-9: Amendments to the Comprehensive Plan and/or Future Land Use Map shall not increase the demand for public facilities and services unless adequate capacity is either available or ensured through other means to service the anticipated demand of new population and commerce brought about by any and all Comprehensive Plan amendments.

Policy 1-10: Operation, design and maintenance of all sanitary sewer, potable water and solid waste facilities shall be done in a manner that minimizes the opportunity and effects of facility-associated pollution on water and air systems.

Policy 2-1: Effluent from all city-owned treatment plants shall meet all biological and chemical standards of Chapter 62-600, F.A.C. Reuse water shall meet the additional standards of Chapter 62-610, F.A.C.

Policy 9-1: The City shall define the cone of depression and zone of influence for all potable water wells that are acquired or drilled after adoption of this plan.

Policy 9-2: The City shall re-define the cone of depression and zone of influence for all potable water wells at the time a consumptive use permit is sought for a greater daily withdrawal of water.

Policy 10-1: All proposed development that is to be located in the zone of influence of a cityowned potable water well shall be reviewed during the development review process for the purpose of determining if materials to be used or stored at the proposed development are hazardous materials.

Policy 10-2: All development orders or certificates of occupancy issued by the City for the properties located within the zone of influence of city potable water wells shall have conditional statements that regulate existing and future use of hazardous materials according to the city's zone of influence-hazardous materials ordinance.

Policy 12-1: The city's land development regulations shall favor the installation of water saving fixtures and devices in new and retrofitted buildings.

Policy 12-2: The city's land development regulations shall permit the use of greywater systems for irrigation purposes or other appropriate reuse applications.

Conservation Element

Policy 2-13: Wetlands and wetland functions shall be protected and conserved by restricting direct and indirect development impacts according to Policies 2-13 and 2-14, Conservation land use designations, open space requirements, and other goals, objectives and policies of this plan.

Policy 3-2: The City shall coordinate with the Florida Department of Environmental Protection and the Southwest Florida Water Management District to identify prime recharge areas, sinkholes and potential pollution sources within or adjacent to the City.

Policy 3-3: The City shall cooperate with Hernando County to provide protection for all public water supply wells.

Policy 3-4: Prior to development approval, a survey should be conducted to properly identify active drainage wells. If any wells are found, the developer shall be responsible for sealing the drainage wells.

Policy 3-5: The City shall cooperate, as appropriate, with the designated programs of Hernando County, Southwest Florida Water Management District and other such applicable agencies in the identification and protection of water recharge areas to ensure aquifer depletion and contamination does not occur.

Policy 8-1: The City shall research and adopt criteria for the use of wastewater reuse plans where applicable.

Policy 8-2: The City shall research and implement an emergency water shortage plan.

Land Development Code

Land Development Code regulations include:

Section 4-5.6. Landscape Requirements

E. Landscape material

1. Drought-tolerant landscaping - Whenever and wherever possible, use of drought-tolerant (Xeriscape) landscaping (as defined by the Southwest Florida Water Management District's *A Guide to Florida-Friendly Landscaping*) is recommended in landscape design and construction.
6. Maintenance/irrigation system - A proper and efficient maintenance/irrigation system shall be provided in all landscaped areas.

The Land Development Code also encourages the use of green roofs on new development. The roofs may not utilize potable water for irrigation; if irrigated, the water source must be reclaimed water or captured rain water.

On October 10, 2008, the City of Brooksville adopted an ordinance containing provisions for flood prevention and protection to minimize public and private losses due to flooding. Its purpose is to control alteration of floodplains, stream channels, and natural protective barriers against flooding, to control filling, grading, dredging, and any other development which may increase erosion or flood damage.

Other Initiatives

In addition to the above provisions, the City of Brooksville adopted an ordinance providing legal authority to control connections and illegal dumping into storm conveyance systems, conduct inspections, and conduct appropriate enforcement when necessary. This ordinance was designed to protect and enhance the water quality of watercourses and water bodies by reducing pollutants in stormwater discharges and prohibiting non-stormwater discharges to the storm drainage system. Working in compliance with the U.S. Environmental Protection Agency, under the National Pollutant Discharge Elimination System and its permit requirements, the City has been able to implement Best Management Practices (BMP). Some of these BMPs include tracking and documenting the removal of silt and debris from our stormwater systems. This gauging and monitoring process contributes greatly in minimizing the effects of pollution, and to identify and protect areas susceptible to flooding especially after heavy rains. The City's Public Works Department works diligently at the overwhelming task of maintaining its stormwater systems and ponds which prevents flooding and filters out pollutants before reaching streams, rivers, lakes, wetlands, and ultimately the aquifer.

Another continued practice is to review permitting policies and construction plans to ensure that erosion and sediment controls at construction sites are in place and enforced. It is a goal to continue to identify financially feasible alternatives to conserve water, reduce pollutants at municipal sites, track and record the number of basins cleaned and debris removed from ditches, retention ponds and catch basins, as well as City streets. The City will continue to be innovative, creative and apply

BMPs to reduce the possibility of flooding in the community. Through cooperative efforts, much can be accomplished in water conservation and flood protection.

The City is committed to long-term public outreach and education programs which include mailings to our utilities customers, posts on the City's website and the creation of a citizen-volunteer program in which participants are trained to report stormwater and other water-related issues.

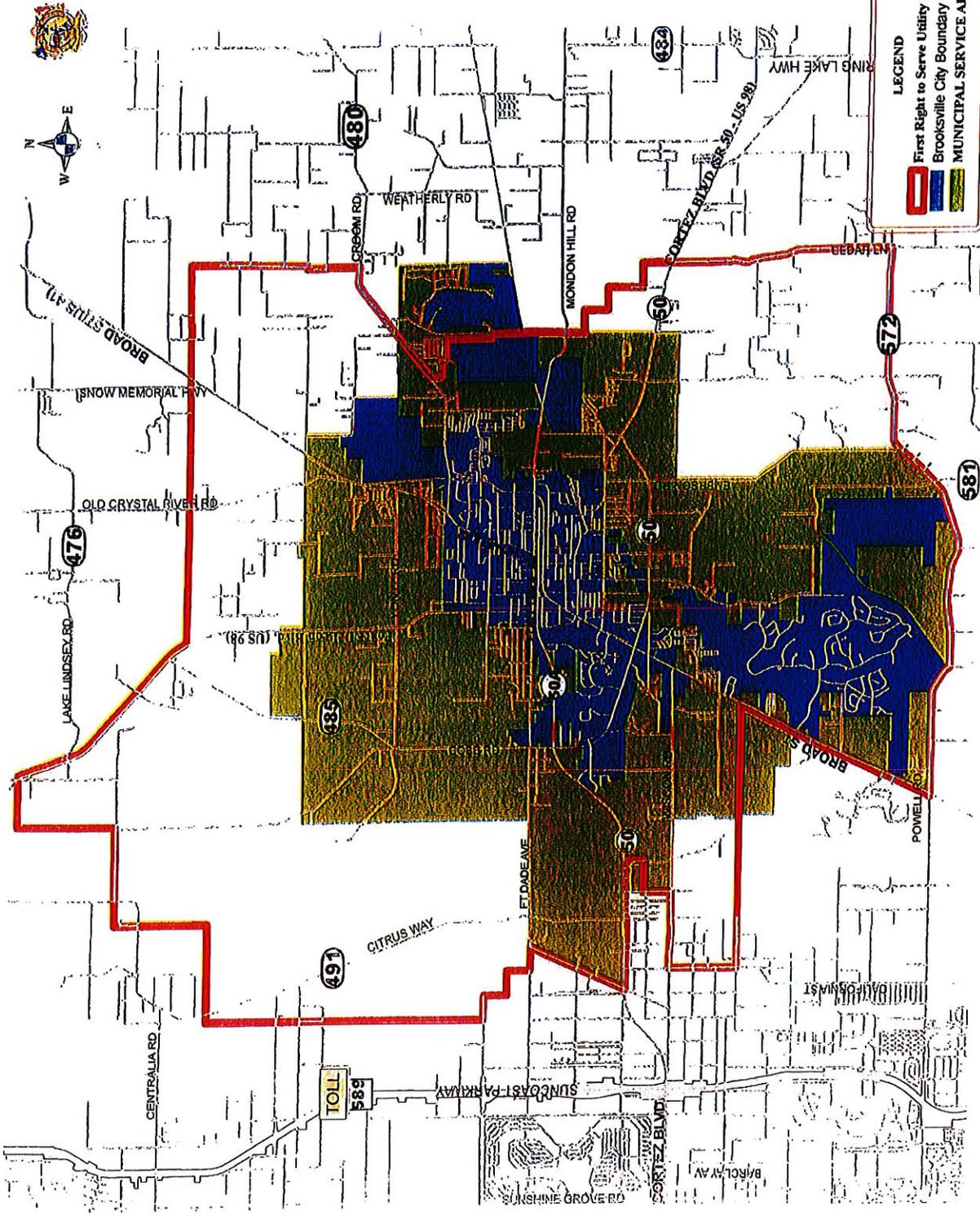
7. PLAN TO MEET WATER SUPPLY NEEDS

The foregoing analysis indicates that there will be adequate water supplies in the City's Utility Service Area through 2025. Additional projects to improve capacity and fire flow requirements are scheduled in the City's Five-Year Capital Improvement Program and include developing one well in the wellfield northwest of the municipality to produce 250,000 GPD, over-sizing transmission lines in the southern portion of the City to facilitate fire flow and providing for potential system expansion and increasing the City's wastewater facility's treatment capacity from 1.9 MGD to 3.0 MGD.

Regional Coordination for Water Supply Planning & Project Development

The City is a participant in the Withlacoochee Region Water Supply Authority (WRWSA). Other participants in WRWSA include Citrus, Marion and Sumter counties and their municipalities as well as Hernando County. The WRWSA is in the process of adopting a 30-year water supply plan that addresses future sources of water such as desalination, use of surface water, conservation and expanded water reuse. In cooperation with the Southwest Florida Water Management District, the WRWSA is exploring the use of the lower Floridan Aquifer as a potable water supply.

The City recognizes the value of water supply planning and the value of water, and will continue to cooperate and coordinate with the Southwest Florida Water Management District and the Withlacoochee Region Water Supply Authority to ensure that a sufficient and sustainable supply of potable water is available to meet the needs of the population.



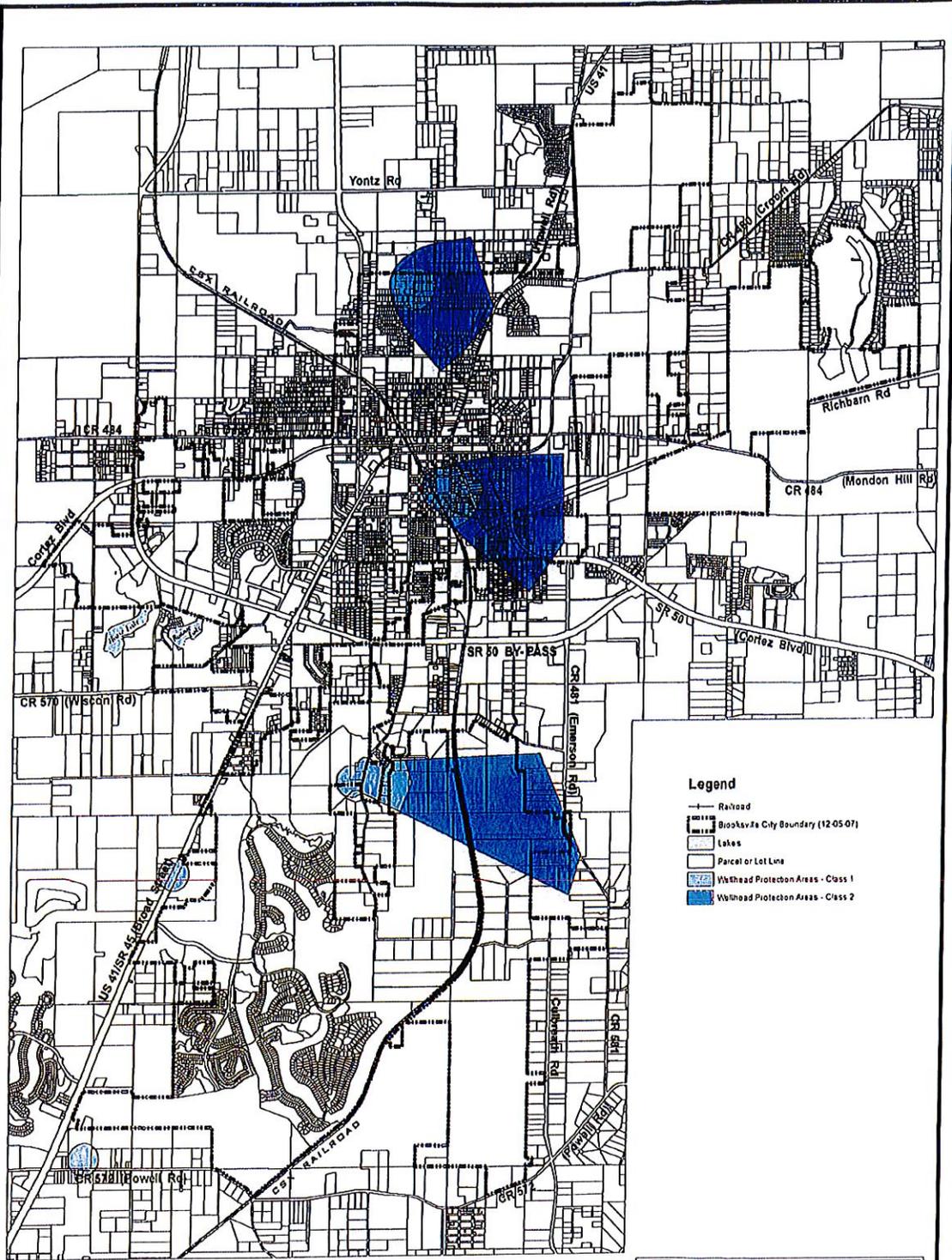
MAP 1

MUNICIPAL SERVICE AREA

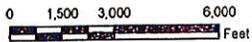
0.75 Miles

Prepared by: The City of Brooksville Community Development Department
 Base map provided by: The Hernando County Property Appraiser
 Date of Revision: July 20, 2009

f:\es\arcmap projects\LPA Map 1 (Municipal Service Area)



- Legend**
- Railroad
 - ▭ Brooksville City Boundary (12-05-07)
 - ▭ Lakes
 - ▭ Parcel or Lot Line
 - ▭ Wellhead Protection Areas - Class 1
 - ▭ Wellhead Protection Areas - Class 2



DISCLAIMER This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The City of Brooksville provides no warranty for the accuracy or availability of the data.

DISCLAIMER For the April, 2007 Hernando County Property Appraiser's parcel data used for the data mapping on this map. This map was prepared by the office to be used as an aid in land parcel location and identification only. All land locations, right-of-way widths, acreages, and utility locations are subject to field survey or other appropriate verification. Map reflects parcels and boundaries as they existed the date of publication.

DISCLAIMER This map and/or digital data is for planning purposes only and should not be used to determine the precise location of any feature. The Withlacoochee Regional Planning Council provides no warranty for the accuracy or availability of the data.

Map I-4
Wellhead Protection Areas

CITY OF BROOKSVILLE
FLORIDA

Source(s): Hernando County Property Appraiser - parcel data, 2007; Hernando County Planning Dept. and City of Brooksville Community Development Dept. - other coverages, Dec 2007
 File: e:\planning\munibk\sv\cpa dec 2007\bk\sv_final maps\esnbk\sv_wellhead prt ar\bk\sv_Wellhead Prot Ar.mxd (01-11-07)
 Prepared by the Withlacoochee Regional Planning Council, Ocala, FL under contract with the City of Brooksville, FL



AGENDA ITEM MEMORANDUM

TO: THE HONORABLE MAYOR & CITY COUNCIL MEMBERS

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 UPDATING AND AMENDING THE 5-YEAR
SCHEDULE OF CAPITAL IMPROVEMENTS OF THE CITY OF
BROOKSVILLE COMPREHENSIVE PLAN

DATE: NOVEMBER 2, 2015

Introduction & Background Information:

This petition is a City-initiated request to adopt an ordinance amending the Five-Year Schedule of Capital Improvements contained in Chapter 8, Capital Improvements Element, of the City of Brooksville Comprehensive Plan.

Pursuant to Section 163.3177(3), Florida Statutes, all Comprehensive Plans must contain a Capital Improvements Element (CIE) designed to consider the need for and location of public facilities in order to facilitate the efficient utilization of the facilities. The Florida Statutes further require the CIE to contain a five-year capital improvements schedule with estimated public facilities cost, a time period of when the facilities are needed, the general location of the facilities and projected revenue sources to fund the facilities. Section 163.3177(3)(b) of the Florida Statutes requires that the five-year capital improvements schedule be reviewed on an annual basis and modified as necessary. The annual update may be accomplished by ordinance and not as a State-reviewed Comprehensive Plan amendment.

General Information:

The proposed updates to the Five-Year Schedule of Capital Improvements are presented in the attached Table 8-2. Table 8-2 is a consolidated list of improvements for water, sewer, solid waste, fire, police, recreation and transportation facilities. The table supersedes Table 8-2 presently contained in Chapter 8, Capital Improvements Element, of the City of Brooksville Comprehensive Plan and reflects FY 2015-2016 through 2019-2020.

Consistency with the Comprehensive Plan:

The proposed update to the Five-Year Schedule of Capital Improvements is consistent with the various elements of the City's Comprehensive Plan and will ensure consistency with State requirements.

Budget Statement:

Costs for processing City-initiated Comprehensive Plan amendments are contained in the Community Development Department budget.

Legal Note:

Comprehensive Plan amendments are a matter of legislative authority. The processing of this amendment is consistent with Section 163.3177, F.S.

Planning & Zoning Commission/Staff Recommendation:

At their regular meeting on October 14, 2015, the Planning and Zoning Commission concurred with the staff recommendation to find that the proposed update to the Five-Year Schedule of Capital Improvements is consistent with the City's Comprehensive Plan. The Planning and Zoning Commission also recommend that the City Council approve the proposed ordinance adopting the update and schedule a second public hearing for City Council to take final action on Ordinance Number 852.

- Attachments:
- (1) Draft Ordinance No. 852, including Exhibit "A," Capital Improvements Element Table 8-2, Five-Year Schedule of Capital Improvements
 - (2) Draft courtesy transmittal letter

ORDINANCE NO. 852

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS SET FORTH IN TABLE 8-2 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN PURSUANT TO PROCEDURES ESTABLISHED IN SECTION 163.3177(3)(b), FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend a Comprehensive Plan; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan; and

WHEREAS, pursuant to Section 163.3177(3)(b), Florida Statutes, the five-year schedule of capital improvements must be reviewed and updated annually by the City Council and may be adopted by ordinance and not as a State-reviewed Comprehensive Plan amendment; and

WHEREAS, the City Council of the City of Brooksville, Florida has reviewed the petition to update the five-year schedule of capital improvements and hereby declares same to be sufficient under the terms and requirements of the City of Brooksville Charter, the City of Brooksville Code of Ordinances and Chapter 163.3177(3)(b), Florida Statutes; and

WHEREAS, the City Council has determined and found said application to update the five-year schedule of capital improvements, as described below, to be consistent with the Comprehensive Plan's objectives and policies and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said application for modification, as described below, to the five-year schedule of capital improvements of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare.

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

SECTION 1. INCORPORATION OF RECITALS. The above recitals are incorporated herein and made a part hereof.

SECTION 2. PURPOSE. The purpose of this Ordinance is for the annual review of the Five-Year Schedule of Capital Improvements, and to provide modifications deemed appropriate or necessary to the Five-Year Schedule of Capital Improvements.

SECTION 3. AUTHORITY. The City Council is authorized to take this action pursuant to Section 1.02 of the City Charter of the City of Brooksville, as well as Chapter 163.3177(3)(b), Florida Statutes.

SECTION 4. FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS MODIFICATIONS. The City of Brooksville Comprehensive Plan, Capital Improvements Element Table 8-2, Five-Year Schedule of Capital Improvements attached hereto as Exhibit "A", is hereby approved and adopted as an Ordinance amending the City of Brooksville Comprehensive Plan, subject to the Effective Date specified herein.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. CONFLICTS AND REPEALER. This Ordinance shall be cumulative of all provisions of the ordinances of the City of Brooksville, Florida, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinance in which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Brooksville, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

CITY OF BROOKSVILLE

Ordinance No. 852

Attest: _____
Janet Kato, Deputy City Clerk

By: _____
Frankie Burnett, Mayor

PASSED on First Reading _____

NOTICE published on _____

PASSED on Second and Final Reading _____

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

VOTE OF COUNCIL:

Battista _____

Burnett _____

Erhard _____

Kahler _____

Kemerer _____

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

**TABLE 8-2
FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS**

CAPITAL PROJECTS	FUNDING SOURCE	2015-16	2016-17	2017-18	2018-2019	2019-2020
GENERAL IMPROVEMENTS						
1. Governor Blvd	Development Funded/Impact Fee Credit Reimbursable					\$11,200,000
2. Downtown Bicycle Facilities & Good Neighbor Trail Connection	TIF Trust Fund/General Fund		\$10,000			
3. ADA Assessment/Pedestrian & Vehicle Access Study	TIF Trust Fund/General Fund	\$10,000				
4. Howell Ave Sidewalk	FDOT	\$427,550				
5. Providence Blvd	Impact Fees	\$2,053,289				
6. Citywide Sidewalk Program	Multi-capital Fund	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
7. Downtown Streetscape –Phase II	CDBG/TIF Trust Fund	\$45,000	\$40,000	\$70,000		
8. Downtown Wayfinding Signage	TIF Trust Fund	\$136,600				
9. Environmental Stormwater Enhancement (Planning and Permitting)	TIF Trust Fund	\$20,000				
10. Downtown Parking Improvement Plan	TIF Trust Fund		\$20,000			
11. North Ave Sidewalk	MPO/FDOT				\$175,000	
12. Good Neighbor Trail to W. Jefferson St. Connection	MPO/FDOT	1,670,500				
13. US 41 One-Way Pair Conversion	MPO/FDOT					TBD ¹
14. Complete Streets Analysis	MPO/FDOT	\$100,000				
15. SR 50 Cobb Rd. to Broad St. Expansion and Rehabilitation	FDOT		\$875,318	\$1,188,182		
POLICE DEPARTMENT						
16. Police Radio Upgrades	General Fund/Impact Fees	\$40,000	\$40,000			

CAPITAL PROJECTS	FUNDING SOURCE	2015-16	2016-17	2017-18	2018-2019	2019-2020
FIRE DEPARTMENT						
17. Fire Radio Upgrade	General Fund/Impact Fees	\$52,000				
18. New Fire Engine (Pumper)	General Fund	\$480,000				
19. Self-contained Breathing Apparatus	General Fund	\$170,000				
20. Decontamination Extraction Device	General Fund	\$5,000				
21. Extraction Equipment	General Fund		\$54,000			
PUBLIC FACILITIES & PARKS						
21. Cemetery Street Improvements	General Fund			\$26,000		
22. Facility Field Lighting	General Fund		\$125,000	\$125,000		
23. Exercise Trail Equipment	General Fund				\$10,000	
WATER SYSTEM IMPROVEMENTS						
24. Governors Blvd Oversize Transmission Lines	Impact Fees					\$150,000
25. Northwest Well Field Improvements	Debt Service/ Water Impact Fees					\$250,000
26. Southern Hills Water Improvements (Line oversizing on Governor Blvd. & Cascades to Powell Rd.)				\$150,000		
SEWER SYSTEM IMPROVEMENTS						
27. Cobb Road Reclamation Facility Upsize	Reserve Funds/Impact Fees				\$5,525,084	
28. Cobb Road Reclamation Facility Sludge Process	Impact Fees					\$350,000
29. Phase 4 System Inflow & Infiltration	Grants/Loans			\$2,500,000		
30. Relocation of Water & Sewer Facilities—SR 50, East of Broad St.	Reserve Funds					\$1,500,000

CAPITAL PROJECTS	FUNDING SOURCE	2015-16	2016-17	2017-18	2018-2019	2019-2020
SANITATION IMPROVEMENTS						
31. Sanitation (Commercial & Residential Collection) Trucks	Proprietary Fund	\$250,000	\$274,000	\$207,000	\$302,000	\$250,000
TOTAL CAPITAL IMPROVEMENTS EXPEDITURES BY FISCAL YEAR		\$5,334,939	\$1,609,318	\$4,370,182	\$6,062,084	\$13,750,000

*Note: All grant funds in current year are confirmed as dedicated funding sources.
 1. Rated as #1 priority project in MPO Long Range Transportation Plan.



City Of Brooksville

**MAILED VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

November 17, 2015

Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
State Land Planning Agency – The Caldwell Building
107 East Madison Street, MSC - 160
Tallahassee, FL 32399-4140

RE: Transmittal of Adopted Ordinance Updating 5-Year Schedule of Capital Improvements
of the City of Brooksville's Comprehensive Plan

Dear Mr. Eubanks:

Please find enclosed for your records one copy of the above-referenced adopted ordinance modifying Table 8-2, Five-Year Schedule of Capital Improvements, contained in Chapter 8, Capital Improvements Element of the City of Brooksville Comprehensive Plan. As you are aware, Section 163.3177(3)(b) of the Florida Statutes requires that the five-year capital improvements schedule be reviewed on an annual basis and modified as necessary. The annual update may be accomplished by ordinance and may not be deemed an amendment to the Comprehensive Plan.

The City Council held public hearings concerning the ordinance updating Table 8-2 of the Comprehensive Plan on November 2, 2015 and November 16, 2015 after public notice was issued as required. At the second public hearing, the City Council adopted the ordinance. Copies of the public notice(s) for the public hearings are enclosed.

Bill Geiger, the City's Community Development Director, is the person who is familiar with the ordinance and can be contacted in writing at 201 Howell Avenue, Brooksville, Florida 34601, or by telephoning (352) 540-3815, or by email at bgeiger@cityofbrooksville.us.

The adopted ordinance is available for public inspection during regular business hours at the Brooksville

201 Howell Avenue, Brooksville, FL 34601 -2041
Website: www.cityofbrooksville.us

Community Development Department located at 201 Howell Avenue, Brooksville, Florida.

Sincerely,

Frankie Burnett
Mayor

Enclosures

pc: Ronald F. Pianta, Assistant County Administrator, Hernando County
J. Lisle Bozemann, Manager of Planning and Growth Management, Hernando County School
District
file

201 Howell Avenue, Brooksville, FL 34601-2041

Website: www.cityofbrooksville.us



AGENDA ITEM
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

FROM: CLIFFORD A. TAYLOR, ASSISTANT CITY ATTORNEY

SUBJECT: FOGLE PETITION FOR DE-ANNEXATION

DATE: OCTOBER 27, 2015

GENERAL SUMMARY/BACKGROUND: On June 3, 2015, Howard and Sharon Fogle, owners of two parcels at 125 Sawdust Lane submitted a petition to the City which requested that their property be contracted from the City (also known as “de-annexation”). Florida law allows the City to study the petition and its impact for up to six months and then allow for City Council to either reject or accept the petition. A map of the subject property is attached. The subject property is owned by Sharon and Howard Fogle and there are no other known property owners.

The Fogle’s property was originally annexed as part of a larger piece of property in 1994.

BUDGET IMPACT: Approval of the proposed petition would have some impact on the City budget by reducing the taxable base of the City.

LEGAL REVIEW: Under Section 171.051(2), F.S., the City may either initiate proceedings (by Ordinance) or reject the petition, specifically stating the facts upon which the rejection is based. This decision is a legislative decision and not a quasi-judicial decision, but must state its reasons for its decision.

The facts in support of rejecting this petition are that this parcel was previously legally annexed by the then owner of record as per Section 171.044 F.S. The parcel that is the subject of this contraction request provides a path of contiguity to other adjacent properties that are currently developed and urban in nature. If the subject parcel was contracted, it would become a potential future enclave or pocket that may prevent the City from having the ability to annex other properties in this area. The facts in support of this petition are contained within the petition itself.

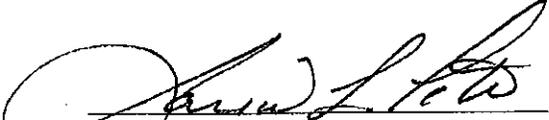
STAFF RECOMMENDATION: Staff recommends rejection of the petition based on supporting facts for rejection outlined in the Legal Review above.

ATTACHMENTS: 1) Petition from Howard and Sharon Fogle;
2) Map of the subject property;
3) Ordinance 542 which annexed the subject property.

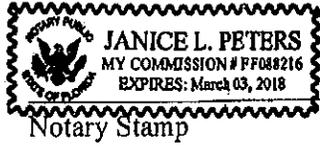
Attachment 1

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 3rd day of June, 2015, by
Howard Foyle and Sharon Marie Foyle, who is personally
known to me or who has produced _____ as identification.



Signature of Notary



Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 18th day of September, 2014 between Michael LaPlante and Sharon R. LaPlante, husband and wife whose post office address is 125 Sawdust Lane, Brooksville, FL 34601 of the County of Hernando, State of Florida, grantor*, and Howard Robert Fogle, Jr. and Sharon M. Fogle, husband and wife whose post office address is 125 Sawdust Lane, Brooksville, FL 34601 of the County of Hernando, State of Florida, grantee*.

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

The North 180 feet of the South 215 feet of the East 1/2 of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 21 South, Township 22 South, Range 19 East, Hernando County, Florida, LESS right-of-way for any existing public road.

AND

Commencing at the Northwest corner of the Southwest 1/4 of Section 21, Township 22 South, Range 19 East, go North along the West line of said Section 21, a distance of 71.55 feet to a point, more or less in the center line of old State Road No. 50, thence North 89°45'00" East, a distance of 1000.00 feet, to a point, thence South a distance of 208.66 feet to the Point of Beginning, continue thence South a distance of 89.84 feet, thence South 00°08'20" West a distance of 391.75 feet, thence North 85°41'56" East a distance of 165.48 feet, thence North 01°10'54" West a distance of 375.78 feet, thence South 88°40'00" East a distance of 150.65 feet, thence North 00°08'00" East a distance of 227.00 feet, to a point on the South right-of-way of Old State Road No. 50, thence North 83°39'00" West along the said South right-of-way line of Old State Road No. 50, a distance of 146.56 feet, thence South 02°01'40" West a distance of 140.66 feet, thence South 88°06'00" West a distance of 159.65 feet, to the Point of Beginning.

LESS THE FOLLOWING DESCRIBED PROPERTY:

Commence at the Northwest corner of the Southwest 1/4 of Section 21, Township 22 South, Range 19 East, Hernando County, Florida, go thence North a distance of 69.72 feet, thence north 89°45'00" East, a distance of 1005.90 feet, thence South 83°45'31" East, a distance of 312.00 feet, thence South 00°48'39" West, a distance of 45.00 feet to a point on the South Margin of Old State Road No. 50, said point also being a point of beginning thence North 83°39'00" West along said South Margin a distance of 146.56 feet, thence South 02°01'40" West a distance of 180.68 feet, thence North 88°06'00" East a distance of 149.88 feet, thence North 00°48'39" East a distance of 159.48 feet to the Point of Beginning.

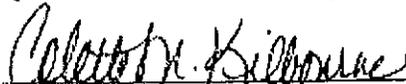
Subject to taxes for 2014 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

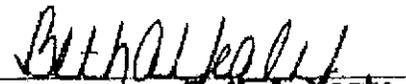
Signed, sealed and delivered in our presence:



Witness Name: Collette M. Kilbourne

 (Seal)

Michael LaPlante



Witness Name: Beth A. Yealy



Sharon R. LaPlante

Attachment 2

Attachment 3

R10-50

HX44-01

O.R. 991 PG 1888

ORDINANCE NO. 542

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

WHEREAS, a petition pursuant to Chapter 171, Florida Statutes, particularly Section 171.044, requested the integration, annexation, and incorporation of certain real properties into the City of Brooksville, Florida; and

WHEREAS, said petition and its supporting report have been checked and satisfy each and every requirement pursuant to Section .044 of Chapter 171, Florida Statutes;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

1. That the City Council of the City of Brooksville, Florida, has received the petition of the individual signatures thereto to integrate certain territory into the City of Brooksville and hereby declares same to be sufficient under the terms and requirements of Chapter 171.044, Florida Statutes.
2. That the areas to be annexed meet the criteria in F.S. 171.
3. That in accordance with Petitioner's request, the herein described properties be annexed, to wit:

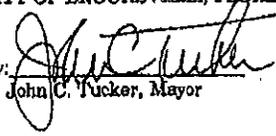
Subject Parcels	Parcel 1 The east 1/2 of the southeast 1/4 of the northwest 1/4 of the southwest 1/4 of Section 21, Township 22 South, Range 19 East, Hernando County, Florida. Less the West 125 feet thereof and less existing road right of way for State Road 50.
	Parcel 2 That part of southwest 1/4 described in OR Book 411, page 887 and OR Book 495, page 0386.
	Parcel 3 South 215 feet of the east half of the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 21, Township 22 South, Range 19 East, Hernando County, Florida. Less right of way for public road.

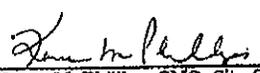
Petitioner: West Brooksville Church of God
 Location: 10237 W. Jefferson St., Brooksville, FL 34601

Said annexation shall include the integration of one-half of the public right-of-way lying directly adjacent to the annexed property.

4. That this Ordinance and annexation of the properties described shall become effective upon publication and adoption as made and provided by applicable law.

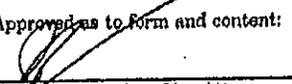
CITY OF BROOKSVILLE, FLORIDA

By: 
 John C. Tucker, Mayor

ATTEST: 
 Karen M. Phillips, CMC, City Clerk

PASSED on First Reading October 17, 1994

PASSED on Second Reading November 7, 1994

Approved as to form and content:

 Douglas G. Bevins, City Attorney

VOTE OF COUNCIL

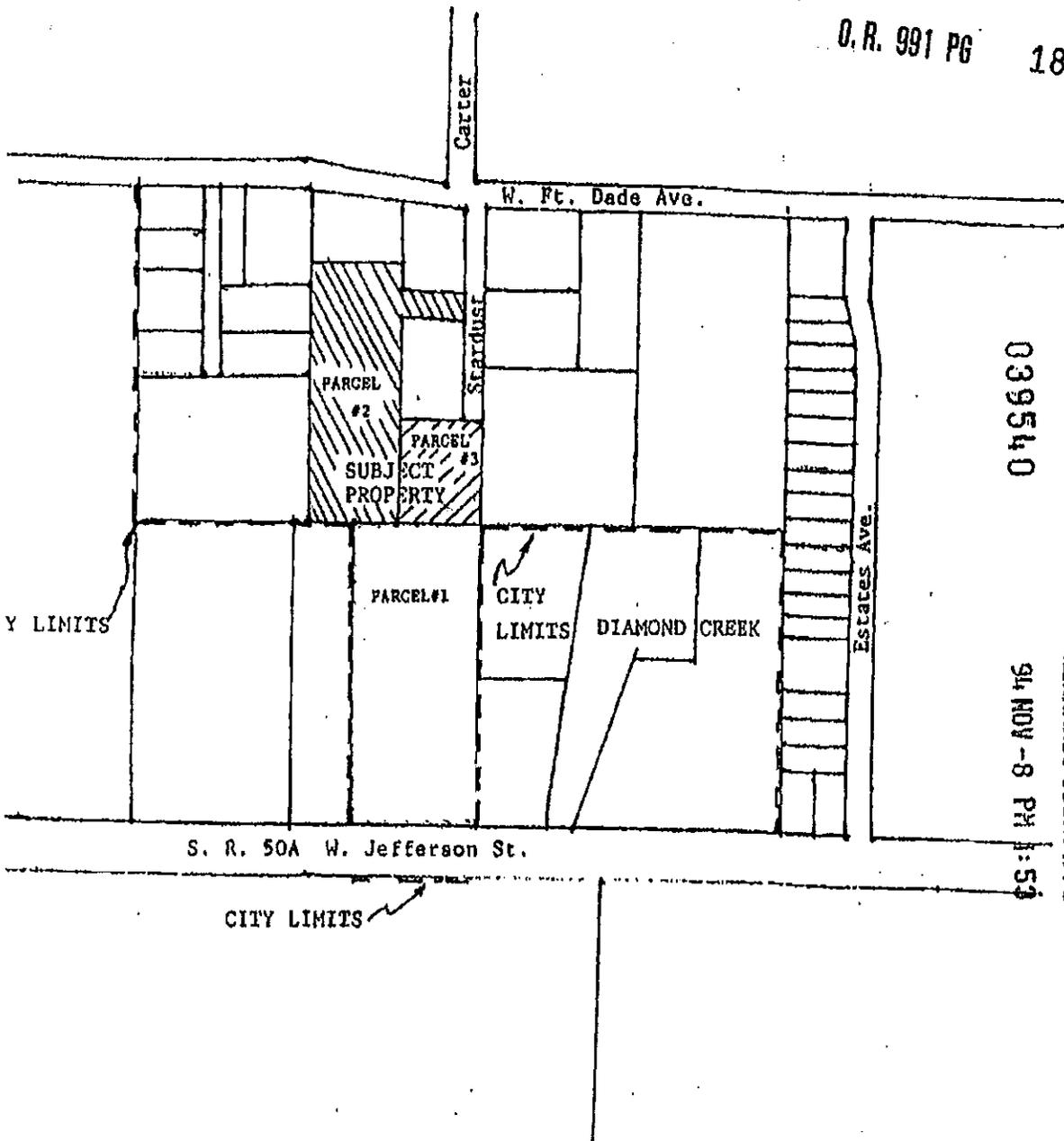
BERNARDINI	Aye
CASON	Aye
LAZOWSKI	Aye
JOHNSTON	Aye
TUCKER	Aye

AVV542

544-5407
JENNIFER

VICINITY MAP
WEST BROOKSVILLE CHURCH OF GOD ANNEXATION

O. R. 991 PG 1889



039540

FILED FOR RECORD
KAREN NICOL AI. CLERK
HERNANDO COUNTY, FL
94 NOV -8 PM 1:53

CITY LIMITS



AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER
FROM: CLIFFORD A. TAYLOR, ASSISTANT CITY ATTORNEY
SUBJECT: SETTLEMENT OF CASE NO. 2015-CA-0466, TITLED CITY OF BROOKSVILLE V. SENSYS AMERICA, INC.
DATE: OCTOBER 27, 2015

GENERAL SUMMARY/BACKGROUND: The City of Brooksville filed a Declaratory Judgment Action in an attempt to get guidance from the Court as to when the date of the contract with Sensys America, Inc. (Sensys) would terminate. There was a different interpretation between the City and its Vendor. After filing the Declaratory Judgment Action, Sensys then demanded payment of approximately \$118,000 for its costs related to the permitting at the additional intersection the City had requested. Further, Sensys America, Inc. asserted that it was entitled to a loss of profits from an early termination date. Offers from both parties were negotiated, resulting in a Final Proposed Settlement Agreement for the parties to consider. The new termination date would be October 31, 2016 at 11:59 with Sensys forbearing any claim to be reimbursed for costs for the intersection work and/or lost profits.

BUDGET IMPACT: Rejecting the Settlement Agreement will result in continuing litigation likely to result in the City responsible for costs of prior permitting preparation for the intersection where cameras were not placed, as well as its own attorney fees, expert fees and litigation costs. Acceptance of the Settlement Agreement will allow the City to have an end date that will not be challenged by the Vendor, nor expose the City to a possible judgment and costs.

LEGAL REVIEW: The Hogan Law Firm has drafted, edited and reviewed the Settlement Agreement provided as Attachment 1 and has approved the same.

STAFF RECOMMENDATION: Staff recommends approval of the attached Settlement Agreement in Case No. 2015-CA-0466, titled City of Brooksville v. Sensys America, Inc., authorizing the City Manager to execute Agreement on behalf of the City Council.

ATTACHMENTS: Proposed Settlement Agreement.

Attachment 1

**AMENDMENT TO THE SERVICE AGREEMENT,
MUTUAL SETTLEMENT AGREEMENT AND RELEASE**

THIS AMENDMENT TO THE SERVICE AGREEMENT, MUTUAL SETTLEMENT AGREEMENT, RELEASE and (the "Agreement") is entered into this 19th day of October, 2015, by and between **CITY OF BROOKSVILLE** (hereinafter referred to as "CITY"), and **SENSYS AMERICA, Inc.** (hereinafter "**Sensys**") for the purpose of and in an effort to resolve a dispute between the parties with respect to a certain Services Agreement for Traffic Infraction Detection & Enforcement dated October 3, 2011. CITY and Sensys are individually referred to from time to time in this Agreement as a "Party" and collectively referred to from time to time in this Agreement as the "Parties."

WHEREAS, the CITY filed a Declaratory Judgment Action to resolve differing legal interpretations with Sensys in a case styled, City of Brooksville vs. Sensys America, Inc., Case No. 2015-CA-0466, in the Fifth Judicial Circuit Court in and for Hernando County, Florida (hereinafter, the "Lawsuit"), and

WHEREAS, CITY and Sensys are engaged in litigation in the above-styled case regarding disputed issues related to the interpretation of contractual terms within the Service Agreement for Traffic Infraction Detection & Enforcement, (hereinafter, the "Service Agreement"), and

WHEREAS, the Parties acknowledge that this Agreement is intended to amicably resolve all of the matters arising from the aforesaid Lawsuit and any other disputed matters related to the Service Agreement; and

WHEREAS, the Parties desire to resolve their dispute as set forth herein, and

NOW, THEREFORE, in exchange for due and valuable consideration the delivery and the receipt of which are hereby acknowledged, the Parties agree as follows:

1. **Defining the Length of the Term of the Service Agreement.** The Parties hereby agree that the term of the Service Agreement shall terminate at 11:59 pm EST on October 31, 2016. This defined length of the term shall amend Section 3, entitled, "**TERM**" within the Service Agreement of October 3, 2011 between the Parties. Subsequent to this time and date, there shall be no forwarding of any photographic, video evidence or other information of any potential traffic infraction violations which occurred subsequent to 11:59 pm on October 31, 2016 to the CITY. The CITY and Sensys shall co-operate with each other in processing the enforcement of all other potential violations which occurred prior to this time and date pursuant to paragraph 4, titled **TERMINATION AND EXPIRATION**, subparagraph E of the Oct. 3, 2011 Service Agreement, thereby affixing and amending the final termination date to January 31, 2017 within this provision of the Service Agreement.

2. **Cost Claims and Lost Profits.** All claims that the Parties have or may have had regarding damages of any kind arising from or based on any theory of law or equity including, but not limited to: breach of contract and/or lost profits and/or for the preparation for and/or the installation costs or operation of any traffic infraction system related to the Service Agreement, are hereby waived and are forborne by the Parties.

3. **Future Recommendations.** The City Manager, as administrator of City Staff, shall provide a letter explaining the working relationship between the parties upon request of Sensys or any potential customer of Sensys.

4. **All Other Provisions of Service Agreement.** All other provisions of the Service Agreement dated October 3, 2011, shall survive this Settlement Agreement as if set forth herein in haec verba, except where amended as stated herein.

5. **Mutual Release.** The Parties hereby Mutually Release (as defined below), Acquit and Discharge each other and their successors, assigns, parents, subsidiaries, affiliates, and related and interrelated firms, companies and corporations (if applicable), as well as all officers, directors, attorneys acting on their behalf and all Brooksville City Council members past or present, and all employees of said entities, and all underwriters at risk for the same (the "Released Entities") from any and all claims or causes of action which they may have against each other at the time of the execution of this Agreement. "Release" shall mean the relinquishment, concession or giving up of any and all claims, demands, causes of action, actions, rights, liabilities, contract obligations, damages, attorney fees, costs, torts, suits, debts, sums of money, accountings, reckonings, bills, covenants, controversies, agreements, promises, variances, trespasses, warranty claims, whatsoever, at law or in equity, or otherwise, whether direct or indirect, which the releasing party now owns or holds, against the persons and entities they are releasing or any of them, in any capacity, which are based upon any facts, acts, omissions, conduct, expressed or implied, warranties (express or implied), guarantees, representations, contracts, agreements, claims, events, causes, or matters of any kind occurring or existing at any time on or before the date of this release, including but not limited to all claims that pertain to and/or arise from the transactions and/or events, allegations, claims, and circumstances raised in the afore-referenced Complaint, or arising from the Service Agreement and this Release shall be a complete bar to all claims or suits for expenses or damages of any nature resulting from the same. **This Release shall not affect any indemnity obligations or other obligations of the Parties under the October 2011 Service Agreement. Further, all provisions of the Service Agreement not specifically amended by this Agreement, shall survive this Agreement.**

6. **Voluntary Dismissal with Prejudice.** Within ten (10) days of the execution of this Agreement, the CITY will cause to be filed with the Court a *Notice of Voluntary Dismissal with Prejudice* of the Complaint for a Declaratory Judgment in Case number 15-CA-0466. The abatement and dismissal of the case will not impair the rights of the Parties to enforce the terms of this Agreement or in any way limit remedies available for the breach of this Agreement.

7. **Authority of the Parties.** The Parties jointly represent and warrant that they have full right, power, and authority to enter into this Agreement, and that they now own or have the right to enter into a Settlement, a Release and to Amend the Service Agreement. Further, each Party represents and warrants that on its behalf they have not transferred any interest in any of their Released Claims to any third party and further, the Parties affirm that these Releases are fairly and knowingly made.

8. **Resolution of Dispute and No Admission of Liability.** It is fully understood and agreed that acceptance by the Parties hereto of the consideration described in this Agreement is not an admission or acknowledgment of liability or fault in reference to any matter by any of the Parties, but rather, this Agreement is intended to be an amicable resolution to disputed and uncertain litigation. The Parties further agree and stipulate that all issues raised or that could have been raised in the above-styled lawsuit have been resolved by the Parties by virtue of this Agreement.

9. **Voluntary Acceptance.** The Parties hereby declare that the terms of this Agreement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise, adjustment and settlement of any and all claims, disputed or otherwise, on account of the claims, injuries, and damages abovementioned, and for the express purpose of precluding forever any further or additional claims arising out of the issues raised in the Complaint in the above-styled cause. Each party has either had the opportunity to retain counsel, or has retained counsel for advice prior to the execution of this Agreement.

10. **Joint Preparation.** Preparation of this Agreement has been a joint effort of the Parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other. All Parties have had an opportunity to review, modify, and approve the language of this Agreement with advice of counsel. This Agreement shall not be construed more strongly against any party to the Agreement, regardless of who may be deemed to have prepared it.

11. **Attorney's Fees and Costs.** Unless otherwise specified herein, the Parties specifically abandon any claims for attorneys' fees and costs concerning any of the contested referenced issues. In the event suit is commenced to enforce this Agreement, costs of said suit including reasonable attorney's fees in all proceedings, trials, investigations, appearances, appeals and in any bankruptcy proceeding or administrative proceeding shall be paid to the prevailing party by the other party.

12. **Captions or Paragraph Headings.** The captions, headings and arrangements used in this Agreement are for convenience only and do not in any way affect, limit, amplify, or modify the terms and provisions hereof.

13. **Counterparts.** This Agreement may be executed in identical counterparts. If so executed, each of such counterparts is to be deemed an original for all purposes, and all such counterparts shall, collectively, constitute one agreement. In making proof of this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

14. **Jurisdiction and Venue.** The Parties agree that venue for any litigation to this Agreement shall be exclusively in the state circuit and appellate courts in and for Hernando County, Florida. The Parties hereby irrevocably waive any and all rights to have this action brought in any place other than Hernando County, Florida. Further, the Parties hereby irrevocably waive any claim that any such action brought in Hernando County, would be an inconvenient forum. The Parties agree that this Agreement is consummated and entered into in Hernando County, Florida. Further, the Parties agree that if there is a federal question to be resolved, then, such decision should be resolved in the Middle District of Florida, and that all such Federal litigation shall be filed and litigated in Tampa, Hillsborough County, Florida.

15. **Applicable and Governing Law.** All questions, issues or disputes arising out of or under this Settlement, Release and Amendment, shall be governed by the laws of the State of Florida and State jurisdiction is hereby agreed by the Parties to be in Hernando County, Florida.

16. **General.** The Parties agree to sign all such documents and do all such things as may be necessary or desirable to completely and effectively carry out the terms and conditions of this Settlement, Release and Amendment. Time shall be of the essence of this Settlement, Release and Amendment. In this Agreement, wherefore the singular and masculine are used, they shall be construed as if the plural or the feminine or the neuter had been used, where the context or the party or parties so requires, and the rest of the sentence shall be construed as if the grammatical and the terminological changes thereby rendered necessary had been made. The Parties agree that this Settlement, Release and Amendment has been consummated and entered into in Hernando County, Florida.

17. **Severability.** Whenever possible each provision and term of this Settlement, Release and Amendment will be interpreted in a manner to be effective and valid but if any provision or term of this Settlement, Release and Amendment is held to be prohibited or invalid, then such provision or term will be ineffective only to the extent of such prohibition or invalidity, without invalidating or affecting in any manner whatsoever the remainder of such provision or term or the remaining provisions or terms of this Settlement, Release and Amendment.

18. **Acknowledgment of the Parties.** The Parties acknowledge that they have read this Settlement, Release and Amendment and that they understand the terms and conditions herein and that the terms have been fully and completely explained to the Parties prior to the execution thereof. Further, the Parties have caused this Agreement to be executed on its behalf by the authorized officer whose signature appears below under its name, to be effective as of the date written above.

This Agreement is entered into as of the day and year first written above and is executed in at least two (2) original copies, one of which is to be delivered to each of the Parties.

CITY OF BROOKSVILLE, FLORIDA

T. Jennene Norman-Vacha,
City Manager, for
The CITY OF BROOKSVILLE, FLORIDA

Approved as to Form for the Reliance
Of the City of Brooksville Only:

Attested to:

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

Jennifer Battista
Interim Deputy City Clerk

State of Florida
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by T. Jennene Norman-Vacha, who is personally known to me or who has produced _____ as identification.

Notary Public
[Seal]

My Commission Expires: _____

SENSYS AMERICA, INC.

Carlos Lofstedt
President & CEO of Sensys America, Inc.

Approved as to Form for the Reliance
of Sensys America, Inc. Only:

Brian Haskell, Esq.

_____, Witness (Print Name)

State of Florida
County of _____

The foregoing instrument was acknowledged before me this ____ day of _____,
2015, by Carlos Lofstedt of SENSYS AMERICA, Inc., who is personally known to me or who
has produced _____ as identification.

Notary Public

[Seal]

My Commission Expires: _____