

REGULAR COUNCIL MEETING AGENDA – APRIL 20, 2009

4. Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to the property owned by Blair Hensley, located at 1112 E. Jefferson St., occupied by the business known as Coney Island Drive Inn.

Presentation: Sally Sperling, Beautification Board
Chair and Mayor
Attachments: Letter from Beautification Board
Chair dated 03/11/09; Award
Certificate

E. CITIZEN INPUT

F. CONSENT AGENDA

1. Award of Natelle/Mildred Avenue Water Line Extension Bid No. UD2009-05

Consideration of awarding bid for Natelle Avenue Waterline Improvement Project to BRW Contracting Inc. for the not-to-exceed amount of \$57,681.50 and the Mildred Avenue Waterline Improvement Project (Addendum #1) to Goodwin Bros. Construction Inc. for the not-to-exceed amount of \$73,091.

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda
Action: Motion to Approve
Attachments: 1) Memo from Director of Public
Works dated 04/06/09, Bid Opening
Minutes

G. PUBLIC HEARINGS

1. Alcoholic Beverage Location Permit

Consideration of Alcoholic Beverage Location Permit for property located at 811 S. Broad Street.

Petitioner: Julio C. Santana, DBA “Subs & More
Deli”
Presentation: Director of Community Development
Recommendation: Approval of Permit
Attachments: 1) Memo from Director of
Community Development dated
03/30/09, Application, Location
Maps

REGULAR COUNCIL MEETING AGENDA – APRIL 20, 2009

H. REGULAR AGENDA

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

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

Presentation: Community Development Planner
Recommendation: Meeting as the governing body, approve the first reading of Ordinance No. 768A to adopt the Comprehensive Plan Amendment upon roll call vote and schedule Public Hearing for second reading on 05/04/09
Attachments: Memo from Community Development Planner dated 04/20/09; DCA Transmittal Checklist; Forms RPM-BSP Small Scale -1 & -2; Draft Submittal Letters to DCA; Ordinance with Map; Petition

2. **Ordinance No. 773 - Chamizo Rezoning Request**

Consideration of request for rezoning from R-1A Single Family Residential with a Special Exception use for an educational facility to C-1 Commercial District

Presentation: Director of Community Development
Recommendation: Approval of Ordinance upon roll call vote and schedule Public Hearing for second reading on 05/04/09
Attachments: Memo from Director of Community Development dated 04/09/09; Letter from Petitioner dated 03/17/09; Proposed Ordinance; Site Location Map

3. **Personnel Policy Amendments**

Consideration of updates to the Personnel Policy as follows:

- a) Section 1.14 Licensure & Identification
- b) Section 2.05 Personnel Records
- c) Section 7.03 Group Insurance Plan (with Opt-out Payment)
- d) Section 7.03 Group Insurance Plan (without Opt-out Payment)

Presentation: City Attorney
Recommendation: Approval
Attachments: Memo from City Attorney dated 04/07/09; Policies a-d

REGULAR COUNCIL MEETING AGENDA – APRIL 20, 2009

- I. CITIZEN INPUT
- J. ITEMS BY COUNCIL
- K. ADJOURNMENT

CORRESPONDENCE TO NOTE

Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at www.cityofbrooksville.us. Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk's office 48 hours in advance of the meeting at (352) 540-3810.

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

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**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER
FROM: MIKE WALKER, PARKS, FACILITIES & RECREATION DIRECTOR
**SUBJECT: JBCC FEE WAIVER REQUEST- 1st Annual Captain Scott Bierwiler
Softball Tournament**
DATE: April 8, 2009

GENERAL SUMMARY/BACKGROUND:

On April 25th and 26th, The Fraternal Order of Police Lodge #164 and American People Against Cop Killers, A.P.A.C.K., are hosting the 1st Annual Captain Scott Bierwiler Softball Tournament at the JBCC softball fields. All proceeds from the tournament go to the Captain Scott M. Bierwiler Memorial trust fund.

They are requesting for the tournament fee of \$100.00 and the base rent fee for the use of the JBCC hall and kitchen in the amount of \$860.00 to be waived for the event, for a total of \$960.00. The request letters and tournament flyer are enclosed and provided as "Attachment 1". The security deposit and a certificate of insurance listing the city as an additional insured will still be required for the tournament and center rental.

BUDGET IMPACT:

The budget impact will be a loss of rental income in the amount of \$960.00 at JBCC. To date, Parks/JBCC fees in the amount of \$1540.00 have been waived.

Monies have been budgeted within Council's budget in the amount of \$7000 for such special events. To date \$6543.00 has been expended, leaving an available balance of \$457.00.

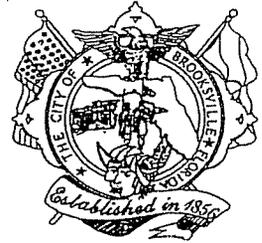
LEGAL REVIEW:

The City Council has the authority to waive the fees that are being requested, if deemed appropriate.

STAFF RECOMMENDATION:

Staff will move forward with the direction given by Council.

CITY OF BROOKSVILLE PARKS & RECREATION DEPARTMENT FACILITY USE AGREEMENT



Jerome Brown Community Center Hall () Conference Room Kitchen
 () Other Facility Adult Softball Fields

Name of applicant (User): JASON JERNIGAN

If an organization, name of representative: F.O.P #164 / A.P.A.C.K

Not-for-Profit (attach copy of certificate) Government Agency City Co-Sponsored

Address: P.O. Box 10690 City: BROOKSVILLE State: FL Zip: 34603

Contact person: JASON JERNIGAN Day Telephone 352-232-2983 Evening 352-796-9338

Alternate contact person: STEVE KLAPKA Day Telephone 352-279-1153 Evening 352-279-1153

Description of event: Bierwiler Co-Ed Softball Tournament

Anticipated attendance: _____

Attendees will be: Adult Teen Elem. Preschool If youth event, number of supervising adults: _____

Day(s) of event: M - T - W - Th - F - (Sa) - (Su) Start date of event: 4-25-09 Ending date: 4-26-09

Time event begins: 9:00 AM / PM Time event ends: 7:00 AM PM

Set-up: Date 4-25-09 From 8:00 AM / PM, To 9:00 AM / PM

Will event be open to the general public? Yes No Admission/donation/fee**: No Yes \$ _____

Food/merchandise sales*: No Yes Describe: Hamburgers / Hot Dogs

Refreshments served: No Yes Describe: _____

Number of paid security officers (if applicable): N/A Scheduled from _____ AM / PM To _____ AM / PM

RATES & FEES

+ 100% Tournament Fee (\$960.00) Total

User Fees: The base user fee for the requested facility is \$ 860.00 (plus Florida sales tax, if applicable) for the period set forth in this application. If applicable, each additional hour or part thereof, and the cost of additional equipment, supplies and services, will require an additional fee.

Deposit: An initial deposit equal to the Security Deposit is due when the Facility Use Agreement is signed. If the projected rental and fees exceed the basic Security Deposit, such additional amounts are to be paid not less than ten (10) days prior to the event. The User is responsible for leaving the facility in a clean and satisfactory condition upon the conclusion of the activity. The deposit will be refunded less any amount due for additional rental charges, damages or other additional services. If actual costs exceed the amount of the Deposit, such additional amounts will be due from User upon notice.

Refunds: (A) 75% of the deposit will be refunded if cancellation by applicant is received thirty (30) or more calendar days before the event date, or (B) 50% if canceled less than thirty (30) calendar days and the facility is subsequently leased for the same day/time period to another user, 25% if not re-leased.

USE AGREEMENT TERMS

1. Use rates include utilities and waste removal. Damages are the responsibility of User, reasonable wear and tear accepted, as well as the cost of any additional rental periods or services.
2. Alcoholic beverages are prohibited in City Parks except within the Jerome Brown Community Center if/when an Alcoholic Beverage Distribution/Consumption Permit has been issued by the Parks and Recreation Director or authorized agent. Smoking is prohibited inside facilities. No illegal drugs, gambling or games of chance are allowed anywhere in City Parks. Any violation of the terms of this Agreement could at the City's option result in forfeiture of the deposit, and/or arrest and prosecution.
3. No activities are permitted to extend beyond 12:00 a.m. (midnight), unless approved in advance of the activity by the City's Parks and Recreation Director or authorized agent.
4. If required by the City, the User shall hire at his/her own expense, law enforcement officers for crowd control at events. Brooksville Police Officers will be utilized when available.
5. No admission charges or sale of items will be allowed without prior written permission from the Director of Recreation. If approved, User will be responsible for collection and payment of applicable sales and any other taxes.
6. User will be responsible for obtaining all necessary licenses and permits, including Alcoholic Beverage License, and any required Health Department permits, for provision of food.
7. Applications are to be submitted a minimum of ten (10) days prior to the requested lease dates, unless this requirement is modified by the Parks and Recreation Director or authorized agent. Fees are tentative and this application is subject to review and approval by the Parks and Recreation Department Director. The City reserves the right to cancel, postpone, or reschedule this event due to facility maintenance, inclement weather, public safety requirements or if facility is needed for emergency or other use by the City. The City's liability in such instances will be limited to the amount paid by applicant to use the facility, and upon refund to applicant, will serve as a general release of liability. The City's only obligation to the User will be refunding User's full deposit.
8. User assumes responsibility for any damages to the facility and injury to participants which are the result of the conduct or negligence of User and/or User's agents and guests. Liability and Property Damage Insurance is required for the use of the Jerome Brown Community Center and other designated facilities. A Certificate of Insurance with minimum limits of \$100,000/300,000/100,000; or \$300,000 Combined Single Limit, with the City as an Additional Named Insured and Certificate Holder, is to be provided to the City not less than seven (7) calendar days before the event. The City reserves the right to request higher limits to a maximum of \$100,000/300,000/500,000 or \$500,000 CSL depending on the proposed usage.
9. The City shall not be responsible for any damage or injury that may happen to the User, its agents, assistants, employees, patrons, guests, invitees, servants, or property from any cause whatever (unless occasioned by the sole negligence of the City) during the period covered by the Agreement. The User for itself, its agents, assistants, and employees expressly releases the City and agrees to hold the City harmless and to indemnify the City against any claim for loss, damage, injury or other liability arising out of the actions, fault, or negligence of the User, its agents, assistants, or employees, during the term of this Agreement.
10. The parties hereto understand that this Agreement will be interpreted pursuant to the laws of the State of Florida and the parties further agree that the venue of any legal action concerning the Agreement will be Hernando County.
11. This application, when executed by both parties, becomes a legally enforceable contract and User agrees to comply with all the terms and conditions set forth herein, and to all City Rules and Regulations. The undersigned warrants that if the applicant is not an individual, he/she has the authority to bind applicant.

To the best of my knowledge, all information on this application is correct. I have received, read, understand, and will comply with the provisions of this Facility Lease Agreement, and that this Agreement is not approved until execution by the City.

Name: JASON JERNIGAN Signature: [Signature] Date: 4-6-09
 Applicant/User

Insurance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes; Certificate naming City as "Additional Insured" attached <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
Alcoholic Beverage Distribution/Consumption Permit <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Attach copy of signed permit)	
Base Rent \$ <u>860.00</u> Other \$ <u>200.00</u> Total Estimated Cost \$ <u>1060.00</u> Total Estimated Deposit \$ <u>200.00</u>	
Initial Deposit (minimum 50% of estimated total) \$ _____ Received by _____ Date _____ Balance Due (10 days prior to event) \$ _____	
Application Approved By: _____ Date: _____	
Not valid unless signed by Director of Parks and Recreation or Authorized Agent.	

Town
fee



FIRST ANNUAL CAPTAIN SCOTT M. BIERWILER CO-ED SOFTBALL TOURNAMENT

April 25th and 26th, 2009



*Sponsored by: Fraternal Order of Police Lodge #164 and A.P.A.C.K.
Hosted at: The City of Brooksville's Jerome Brown Community Center*



Non-Sanctioned Tournament

- * Team Reg. Fee: \$200 (Sponsors welcome)
- * 20 Team Maximum (First come first serve)
- * Trophies/Team Shirts for winning team
- * Large Prize Reverse Raffle!
- * Fun Kids Stuff!!!
- * Reg. Deadline: April 15, 2009
- * Double Elimination
- * 14 Players per team (suggest 7 & 7)
- * 50-50 Drawings!
- * Food/Drink Concessions!

Bring the whole family out for a day of fun and support this opportunity as a chance to give back to the Bierwiler family for their lifetime commitment to this community! Proceeds to go to the Capt. Scott M. Bierwiler Memorial Trust fund set up through Washington Mutual Bank. For information or registration forms, please send inquiries to bierwilertournament@yahoo.com or contact Jason Jernigan at (352) 232-2983 or Michelle Jernigan at (352) 232-6097.

04-06-09

On 04-25-09 and 04-26-09 the Fraternal Order of Police and A.P.A.C.K are hosting the 1st Annual Captain Scott Bierwiler Softball Tournament. This Tournament is being held at the Jerome Brown Softball Fields. All proceeds will go to the family of Captain Scott Bierwiler. During this event I would like to request that we be able to utilize the hall and kitchen facilities at the Jerome Brown Community Center. I am also requesting that the fees associated with the rental be waved for this event.

Thank You,

Jason Jernigan

04-08-09 11:40 AM
04-08-09 A

PROCLAMATION

WHEREAS, the entire community can effect positive change with any volunteer action no matter how big or small; and,

WHEREAS, more than 100 million volunteers working in their communities throughout the nation utilize their time and talent daily to make a real difference in the lives of children and adults; and,

WHEREAS, over 100 volunteers provide valuable service to the community on a regular basis; and,

WHEREAS, during this month, volunteers across the States will be recognized for their commitments to community service; and,

WHEREAS, volunteers are vital to our future as a caring and productive community; and,

WHEREAS, the City Council desires to specifically recognize and express its appreciation for all those who have volunteered their services to our community;

NOW, THEREFORE, ON BEHALF OF THE CITY COUNCIL FOR THE CITY OF BROOKSVILLE, I, JOE BERNARDINI, MAYOR, do hereby proclaim the week of April 19th through April 25th, 2009 as

“NATIONAL VOLUNTEER WEEK”

and urge my fellow citizens to join the effort and “Celebrate Volunteers!” in this community. By volunteering and recognizing those who serve, we can connect with neighbors and strangers and make a difference in our City.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the seal of the City of Brooksville to be affixed this 20th day of April, 2009.

CITY OF BROOKSVILLE

Joe Bernardini

Joe Bernardini, Mayor

Lara Bradburn

Lara Bradburn, Vice Mayor

Joseph E. Johnston, III, Council Member

Richard E. Lewis

Richard E. Lewis, Council Member

David Pugh, Council Member

ATTEST: _____
Janice L. Peters, City Clerk



PROCLAMATION

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and,

WHEREAS, this holiday, called ARBOR DAY, was first observed with the planting of more than a million trees in Nebraska; and,

WHEREAS, ARBOR DAY is now observed throughout the nation and the world; and,

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and,

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and,

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and,

WHEREAS, trees, wherever they are planted, are a source of joy; and,

WHEREAS, the City of Brooksville has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

NOW, THEREFORE, I, JOE BERNARDINI, MAYOR, ON BEHALF OF THE CITY COUNCIL FOR THE CITY OF BROOKSVILLE FLORIDA, do hereby proclaim our support for

ARBOR DAY

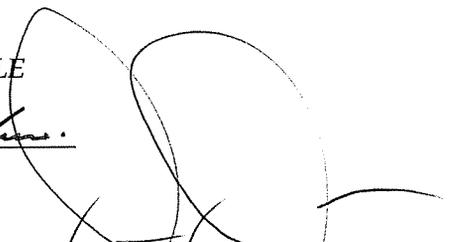
and urge all citizens to celebrate ARBOR DAY and support efforts to protect our trees and woodlands. Further, we urge all citizens to plant trees to gladden the hearts and promote the well being of present and future generations.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the seal of the City of Brooksville to be affixed this 20th day of April, 2009.

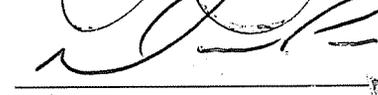
CITY OF BROOKSVILLE


Lara Bradburn, Vice Mayor


Joe Bernardini, Mayor


Joseph E. Johnston, III, Council Member


Richard E. Lewis, Council Member


David Pugh, Council Member

ATTEST: 
Janice L. Peters, City Clerk



City of Brooksville



March 11, 2009

Craig Quirolo and Deevon Quirolo
1223 Royal Street
Key West, Florida 33040-3243

Dear Property Owners:

The City of Brooksville Beautification Board is pleased to advise you that you have been selected to receive the monthly Margaret R. Ghiotto Residential Beautification Award for beautifying your property at 222 E. Liberty Street.

The Certificate of Recognition and outdoor sign will be presented to you by a Board Representative at the next regular Council Meeting to be held Monday, April 20, 2009 at 7:00 p.m. in the City Hall Council Chambers at 201 Howell Avenue. Please call the Beautification Board Secretary, Lindsay Morgan, and let her know, no later than Friday, April 3, 2009 by 5:00 p.m. if you will or will not be able to attend this meeting or if you have any further questions, 540-3856.

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

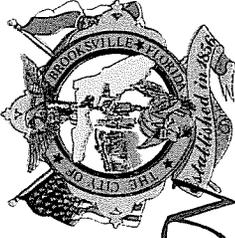
Sincerely,

Sally Sperling, Chairman
Beautification Board

SS/lam

cc: Janice Peters, City Clerk

Margaret R. Ghotto



CERTIFICATE OF RECOGNITION

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

Craig and Deevon Quirolo

222 E. Liberty Street, Brooksville, Florida 34601

Presented this 20th day of April, 2009.

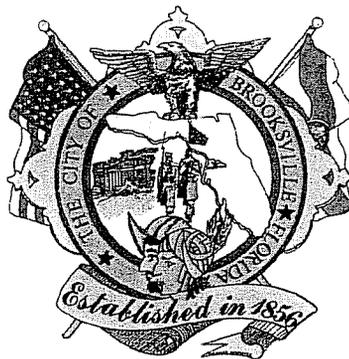
Pat Bannerman

Mayor

Angie L. Leary

City Clerk

City of Brooksville



AGENDA ITEM NO. D-4
4/20/09
(352) 544-5400 (Phone)
(352) 544-5424 (Fax)
(352) 544-5420 (TDD)

March 11, 2009

McCallister Holdings LLC
c/o Coney Island Drive Inn
Blair Hensley
P.O. Box 385
Brooksville, FL 34605

Dear Blair:

The City of Brooksville Beautification Board is pleased to advise you that you have been selected to receive the monthly Margaret R. Ghiotto Commercial Beautification Award for beautifying your property at 1112 E. Jefferson Street.

The Certificate of Recognition and outdoor sign will be presented to you by a Board Representative at the next regular Council Meeting to be held Monday, April 20, 2009 at 7:00 p.m. in the City Hall Council Chambers at 201 Howell Avenue. Please call the Beautification Board Secretary, Lindsay Morgan, and let her know, no later than Friday, March 27, 2009 by 5:00 p.m. if you will or will not be able to attend this meeting or if you have any further questions, 540-3856.

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

Sincerely,

Sally Sperling, Chairman
Beautification Board

SS/lam

cc: Janice Peters, City Clerk

Margaret R. Ghiotto



CERTIFICATE OF RECOGNITION

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

McCallister Holdings, LLC dba Coney Island Drive Inn

1112 E. Jefferson Street, Brooksville, Florida 34601

Presented this 20th day of April, 2009.

Joe Bernacchini

Mayor

[Signature]

City Clerk

**CITY OF BROOKSVILLE
MEMORANDUM**

To: Honorable Mayor and City Council Members
Date: 04/06/2009
Via: T. Jennene Norman-Vacha, City Manager
From: Emory H. Pierce, Director of Public Works
Re: Award of Natelle and Mildred Avenue Waterline Improvement
Project Bid No. UD2009-05



A bid opening was held at 3:00 p.m. on Friday, April 3, 2009, in the City Hall Council Chambers for the Natelle Avenue and Mildred Avenue Waterline Improvement Project Bid No. UD2009-05. As a result, 15 sets of bids were received. The three lowest are as follows:

Contractor	BRW Contracting Inc.	Goodwin Bros. Construction Inc.	Lyric Services Inc.
Natelle Avenue	\$57,681.50	\$60,727.50	\$59,959.00
Mildred Avenue	\$133,006.00	\$127,490.00	\$138,928.00

BRW Contracting Inc. is the low bidder for the Natelle Avenue Waterline Improvement Project and Goodwin Bros. Construction Inc. is the low bidder for the Mildred Avenue Waterline Improvement Project and both submitted a complete bid. We have worked with them before on other projects and their references are good.

Financial Impact

The total original amount available from the DEP grant agreement LP 6815 was \$440,000. This amount of \$440,000 has also been budgeted as part of our CIP FY 08/09 budget in Acct# 401-000-169-19049. Of that amount, \$309,227.50 committed/encumbered for the Brooksville Waterline Improvement Project (Bid #2008-07). This leaves a balance of 130,772.50, with \$57,681.50 going to the lowest bidder for the Natelle Avenue Project, leaving only \$73,091.00 left to do the Mildred Avenue Project. This will get us a new 8" line and one new good fire hydrant half way down (1,000 lf) Mildred.

Legal Impact

Only after all additional documents are received, reviewed, and approved by Legal Counsel will the City sign an Agreement for Contractor Services with BRW Contracting Inc. for the Natelle Avenue Project and Goodwin Bros. Construction Inc. for the Addendum #1 Mildred Avenue Project.

Staff Recommendation

Based on the above, staff recommends that Council approve awarding the bid for the Natelle Avenue Waterline Improvement Project Bid No. UD2009-05 to BRW Contracting Inc. for the not to exceed amount of \$57,681.50 and for the Mildred Avenue Waterline Improvement Project Bid No. 2009-05 Addendum #1 to Goodwin Bros. Construction Inc. for the not to exceed amount of \$73,091.00 and authorize the Mayor to sign Agreements for Contractor Services when all documents have been reviewed by the City Attorney.

BID OPENING MINUTES
NATELLE AVENUE WATERLINE IMPROVEMENT PROJECT
BID NO. UD2009-05

April 3, 2009

3:00 p.m.

A Bid Opening was held at approximately 3:00 p.m. on Friday, April 3, 2009, in the City Hall Council Chambers for the **Natelle Avenue Waterline Improvement Project Bid No. 2009-05**. Janice L. Peters, City Clerk, Tom Dampman of Public Works and Lindsay Morgan, Recording Secretary were in attendance.

City Clerk Peters advised that an Invitation to Bid was published in the March 13, 2009 edition of the Hernando Today with a closing date and time set for 3:00 p.m. on Friday, April 3, 2009 with Addendum #1 being issued on March 23, 2009.

As a result, 16 sets of bids were received, all properly sealed and notated. The bids were to include a Bid Certification Form, 5% Bid Bond or Certified Check, Public Entity Crime Statement, Drug-Free Workplace Certification, Subcontractor List (if applicable), Proof of License Certification and one (1) signed original with two (2) signed copies and three (3) references for similar work with contact information.

The following companies submitted bids, which were opened and the results read as follows:

1. QRC, Inc., Lutz, FL

All required documentation included; Drug Program Implemented

Natelle Avenue \$69,330.00
Calendar days to complete project 90 days

Mildred Avenue ~~(\$57,250.00)~~ \$156,250.00

\$ _____ .00

Calendar days to complete project 90 days

2. Mastec North America, Inc., Tampa, FL

All required documentation included; Drug Program Implemented

Natelle Avenue \$87,324.00
Calendar days to complete project 90 days

Mildred Avenue \$204,978.00
Calendar days to complete project 60 days

3. Price Construction, Inc., Orlando, FL

All required documentation included; Drug Program Implemented

Natelle Avenue \$147,130.00
Calendar days to complete project 120 days

Mildred Avenue \$277,160.00
Calendar days to complete project days was not indicated

4. **BRW Contracting, Inc., Land O'Lakes, FL**
 All required documentation included; Drug Program Implemented

Natelle Avenue	\$57,681.50
Calendar days to complete project 90 days	
Mildred Avenue	\$133,006.00
Calendar days to complete project 60 days	

5. **Oxford Pipeline, Inc., Oxford, FL**
 All required documentation included; Drug Program Implemented

Natelle Avenue	\$64,395.00
Calendar days to complete project days was not indicated	
Mildred Avenue	\$139,400.00
Calendar days to complete project days was not indicated	

6. **Boykin Construction, Inc., Minneola, FL**
 All required documentation included; Drug Program Implemented

Natelle Avenue	\$61,808.80
Calendar days to complete project 90 days	
Mildred Avenue	\$150,627.45
Calendar days to complete project 60 days	

7. **Goodwin Bros. Construction, Inc., Brooksville, FL**
 All required documentation included; Drug Program Implemented

Natelle Avenue	\$60,727.50
Calendar days to complete project days was not indicated	
Mildred Avenue	\$127,490.00
Calendar days to complete project days was not indicated	

8. **Cimarron Construction, Inc., Dade City, FL**
 All required documentation included; Drug Program Implemented

Natelle Avenue	\$69,351.00
Calendar days to complete project 60 days	
Mildred Avenue	\$163,901.00
Calendar days to complete project 60 days	

9. **Croft Contracting, Inc., Inverness, FL**
 All required documentation included; Drug Program Implemented

Natelle Avenue	\$85,372.50
Calendar days to complete project 60-90 days	
Mildred Avenue	\$174,922.00
Calendar days to complete project 60-90 days	

10. Precision Paving of Tampa, Inc., Tampa, FL
 All required documentation included; Drug Program Implemented
- | | |
|--|--------------|
| Natelle Avenue | \$70,149.00 |
| Calendar days to complete project 120 days | |
| Mildred Avenue | \$139,782.00 |
| Calendar days to complete project 60 days | |
11. Pospiech Contracting, Inc., Inverness, FL
 All required documentation included; Drug Program Implemented
- | | |
|---|--------------|
| Natelle Avenue | \$69,825.00 |
| Calendar days to complete project 90 days | |
| Mildred Avenue | \$166,850.00 |
| Calendar days to complete project 60 days | |
12. WDG construction, Inc., Wesley Chapel, FL
 All required documentation included; Drug Program Implemented
- | | |
|--|--------------|
| Natelle Avenue | \$71,850.00 |
| Calendar days to complete project 120 days | |
| Mildred Avenue | \$167,250.00 |
13. Brooksville Civil Site Services, Inc., Brooksville, FL
 All required documentation included; Drug Program Implemented
- | | |
|--|--------------|
| Natelle Avenue | \$63,987.50 |
| Calendar days to complete project 90 days | |
| Mildred Avenue | \$157,432.00 |
| Calendar days to complete project 90 days | |
| Alternate Bid - pipe change on Mildred Avenue
No references/contractors | \$137,432.00 |
14. Secord Contracting, Corp., Tampa, FL
 All required documentation included; Drug Program Implemented
- | | |
|--|--------------|
| Natelle Avenue | \$69,262.50 |
| Calendar days to complete project 30-90 days | |
| Mildred Avenue | \$154,050.00 |
| Calendar days to complete project 60 days | |
15. Lyric Services, Inc., Brooksville, FL
 All required documentation included; Drug Program Implemented
- | | |
|--|--------------|
| Natelle Avenue | \$59,959.00 |
| Calendar days to complete project days was not indicated | |
| Mildred Avenue | \$138,928.00 |
| Calendar days to complete project days was not indicated | |

16. Carl Hankins, Inc., Tampa, FL

All required documentation included; Drug Program Implemented

Natelle Avenue \$104,070.00
Calendar days to complete project 120 days

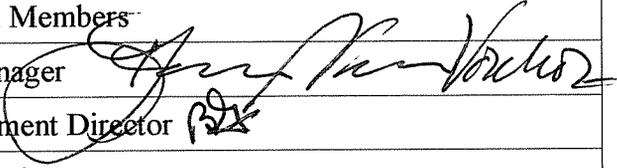
Mildred Avenue \$211,450.00
Calendar days to complete project 60 days

City Clerk Peters informed bidders that the packets would be reviewed by staff and the bid opening meeting closed at 3:32 p.m.

Lindsay A. Morgan

C:\Documents and Settings\epierce\Local Settings\Temporary Internet
Files\Content.Outlook\N0JLBSYN\UD2009-05 Bid Opening.docx

MEMORANDUM

To:	Honorable Mayor & City Council Members
Via:	Jennene Norman-Vacha, City Manager 
From:	Bill Geiger, Community Development Director 
Subject:	Alcoholic Beverage Location Permit
Petitioner:	Julio C. Santana, DBA "Sub & More Deli"
Location:	811 South Broad Street
Date:	March 30, 2009

Introduction & Background Information:

The Petitioner is seeking an Alcoholic Beverage Location Permit (Category "A") from the City of Brooksville to allow for the on-premise sale and consumption of beer & wine, as an incidental item to the sale and consumption of food and other non-alcoholic beverages, for property located at 811 South Broad Street, which is located in the Dan Patrick Center.

The subject property is zoned C2 (Highway Commercial), and is located within a commercial district that includes permitted uses for retail sales, offices, restaurants, etc.

Staff have reviewed the application in conjunction with the criteria established in Chapter 6 of the City Code. The proposed location meets the zoning requirements for being permitted to have a Category "A" Alcoholic Beverage Location Permit.

Budget Statement: Direct costs incurred by the City in taking action on and processing this petition are absorbed in the petition fee structure.

Legal Note: The public hearing is required pursuant to Section 6-44 of the City Code. The public hearing is intended to provide persons having either supporting or opposing interest in the application to appear and be heard.

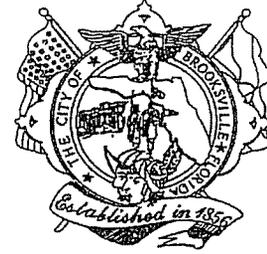
Staff Recommendation:

After accepting public input, it is recommended that City Council find that the petition meets the criteria of Chapter 6 of the City of Brooksville Code for receiving a Category "A" Alcoholic Beverage Location Permit, and approve the issuance of said permit accordingly.

Attachments: Alcoholic Beverage Location Permit Application (Julio C. Santana; d/b/a Sub & More Deli)

CITY OF BROOKSVILLE

APPLICATION FOR ALCOHOLIC BEVERAGE LOCATION PERMIT



\$75.00 app. fee

New Permit

Type A Permit

Transfer*

Type B Permit

The undersigned hereby applies for an Alcoholic Beverage Location Permit pursuant to Chapter 6 (Ordinance No. 447) of the City of Brooksville Municipal Code, which is attached to and made a part of this application, and is specifically for the purpose of On premises consumption of beer & wine

at the following location (street address): 811 S. Broad St.

Owner/Applicant

Name: _____

D.B.A.: _____

Address: _____

Phone: _____

Fax: _____

Non-Owner/Applicant **

Name: Julio C. Santana

D.B.A.: Sub & More Deli

Address: 811 S. Broad St

Brooksville, Fl. 34601

Phone: 352-796-5696

Fax: 352-796-1999

* Date of proposed transfer N/A If transfer, name of previous owner N/A

** If owner's name does not appear as the owner on this year's Hernando County Tax Rolls, also attach copy of the deed, and written consent from the owner to submit this application. If an agent is to represent applicant, attach letter of agency, with name and address of agent.

The present use of the property is a sub & more deli

The proposed use of the property is a sub & more deli and serve beer & wine also.

The legal description of the property is: Subdivision _____ Lot _____ Block _____
See attached legal.

See Attached

Property Appraiser Key Number: 828670

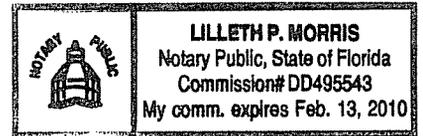
If applicant is not the owner of the property, state nature of applicant's interest in the referenced property or business: leasing unit from Don Patrick to run existing sub deli.

I certify that all statements made in this application are true to the best of my knowledge and that submitting any incorrect information will void the application, or location permit, if issued. I understand that my request will not be considered unless all the information required by this application is submitted.

JULIO C SANTANA
Applicant's Name (Print or Type)

[Signature]
Applicant's Signature

STATE OF FLORIDA
COUNTY OF HERNANDO



The foregoing instrument was sworn to and subscribed before me this 16 day of March, 2009 by Julio SANTANA, who is personally known to me or who has produced [Signature] as identification and who (did) or (did not) take an oath.

553547367-0070
Iss 6-13-03 Exp. 17-2010
L Morris
Notary Public

Lillett P. Morris
(Stamped, typed or printed Commission name, number and date of expiration.)

ALCOHOLIC BEVERAGE APPLICATION FOR LOCATION PERMIT
FOR USE BY THE CITY OF BROOKSVILLE

NAME OF APPLICANT: JULIO C SANTANA

APPLICATION RECEIVED: 3-16-09 PUBLIC HEARING REQUIRED YES () NO

APPLICATION FEE PAID: \$175.00 WRITTEN CONSENT FROM OWNER:
() Not Required Attached

LAND USE ZONING: C-2, Commercial

CHURCH DISTANCE: 850[±] PUBLIC BLDG DISTANCE: 776' ±

LICENSED DAYCARE DISTANCE: 2,742[±] STATE APP. ON FILE () YES NO

PUBLIC RECREATION AREA: 575' ± HEARING DATE: NA _____

SCHOOL DISTANCE: 3,882 ± PUBLIC ASSEMBLY AREA DISTANCE: 850[±]

ADJACENT PROPERTY OWNERS:

NORTH: See attached () Continued on reverse side

SOUTH: See attached () Continued on reverse side

EAST: See attached () Continued on reverse side

WEST: See attached () Continued on reverse side

I have reviewed the above application for an Alcoholic Beverage Location Permit and have determined that the applicant meets all requirements of Section 6 of the City Code.

Bill Jeger 3/27/09 George B. Turner
Director of Community Development Date Chief of Police Date

PERMIT ISSUED: () Yes () No DATE OF COUNCIL ACTION: _____

COPY OF FINAL STATE LICENSE ON FILE () YES NO

BY: _____

SUSPENSION / MODIFICATION / REVOCATION OF PERMIT:

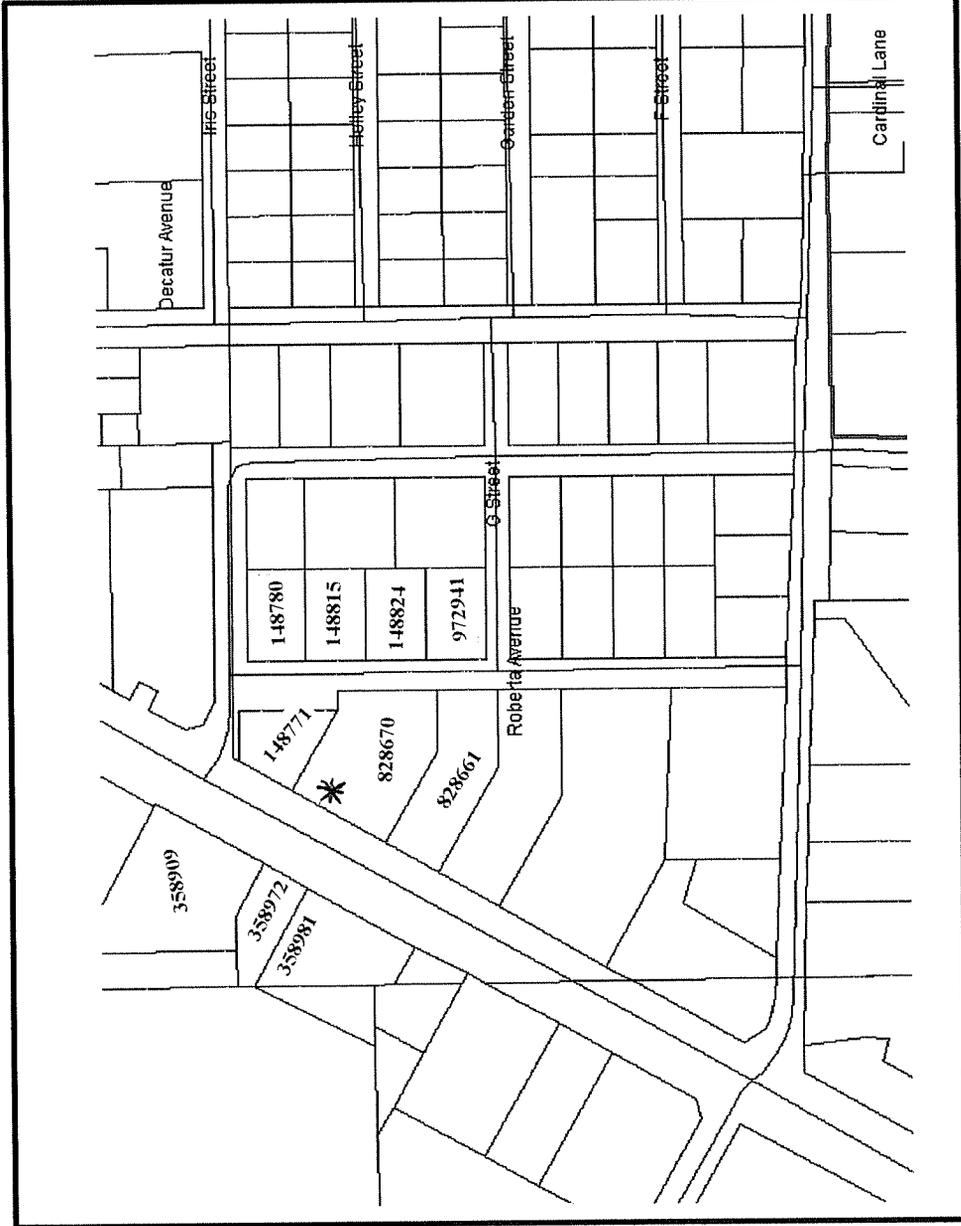
DATE: N/A REASON: N/A

Commence at the intersection of the West line of Section 27, Township 22 South, Range 19 E and the southeasterly right of way line of U.S. Highway 41, Thence run N 29° 49 East 646.76 feet to the southwesterly corner of Lot 1 of Oakdale Subdivision, Plat Book 5, Page 50, Public Records, Hernando County, Florida, for a P. O. B., thence go S 60° 11' East 152.65 ', thence easterly 30 feet to the west right-of-way of Roberta Avenue, thence S 0° 05'03" W along said right-of-way 152.3 feet, thence S 89° 53'33" W 101.2 feet, thence N 60° 06'35" W, 185.04 feet to the Easterly right-of-way of U.S. 41, thence N 29° 49' E to the P. O. B.

F:\BLDG-BRD\P&Z\Legal descriptions\811 S Broad St.doc

ESRI ArcExplorer 2.0

811 S. BROAD STREET



~
HCRoads (NAME)
City_Boundaries_12-5-07
Parcelview_5-15-06
county1



Hernando County Property Appraiser

2008 TAX Year

Data Updated: 3/13/2009

Parcel: **R27 422 19 0000 0810 0070** | KEY: **00828670**

TRIM Notice Property Card Interactive GIS Map Print

<< Next Lower Parcel # Next Higher Parcel # >>

Search Result: 1 of 1

Owner & Property Info

Owner's Name(s)	PATRICK MARTIN D		
Site	811 S BROAD ST (view all Site Addresses)		
First Owner's Mailing	PO BOX 1325 BROOKSVILLE FL 34605-1325		
Brief Desc	A TR 152X30X162X101X171X175 FT MOL IN W1/2 OF NW1/4		
DOR Code (11) - Stores (1 story)	Map Code 77A2		
Levy Code CRBRES	GIS Code B044		
Land Use	Land Units		
COMMERCIAL SQ FT	33,914.00 SQUARE FEET		
Total TAX for 2008	\$7,526.35		
AdValorem Tax	\$7,526.35	Current Tax Year Discount	
NON AdValorem Tax	\$0.00	If Paid By: Nov 30: Dec 31:	
		\$7,225.30 \$7,300.56	
		Jan 31: Feb 28: Mar 31:	
		\$7,375.82 \$7,451.09 \$7,526.35	
Tax History		TAX > Access real-time Tax info	
2007	\$8,465.75	Links > Pay your Taxes on-line	
2006	\$9,337.68		
2005	\$8,820.94		

GIS Aerial

Show: 2008 | 2007 | 2006 | 2005 | 2004

aerial date: Feb. 2008



Property & Assessment Values

Land Value	\$127,178.00
Bldg Value	\$453,565.00
Features Value	\$18,263.00
Class Value	\$0.00
Limit Value	\$0.00

Assessed Value	\$351,045.00
Exempt Value	\$0.00
Excluded Exempt	\$351,045.00
Taxable Value	\$351,045.00
Just Mkt Value	\$351,045.00

Sales

Sale Date	OR Book/Page	OR Inst.Type	Sale V/I (Qual)	Sale Price	Sale Party
1/1/1980	445/0359	PR	V (Q)	\$96,400.00	PATRICK MARTIN D

Building Characteristics

Bldg #	Bldg Desc	Year Blt	Area (Base / Aux)	Bed / Bath
1	NEIGHBORHOOD SHOPPING CENTER (28)	1980	8198 / 1920	0 / 9
Note: All S.F. calculations are based on exterior building dimensions.				

Extra Features & Out Buildings

Description	Actual Year	Dimensions	Dep. Cost
PAVEMENT, ASPHALT COMMERCIAL (PV3)	0	2100 SQ FT	\$1,575.00
PAVEMENT, ASPHALT COMMERCIAL (PV3)	0	3000 SQ FT	\$2,250.00
PAVEMENT, ASPHALT COMMERCIAL (PV3)	0	19250 SQ FT	\$14,438.00

Address Listings

811 BROAD ST
813 BROAD ST
819 BROAD ST
821 BROAD ST
823 BROAD ST

Business Listings

Business Name	TPP PIN/Key	Date Filed	Audit Date	LEVY Code	NAICS	Ent Zone	Current Value	Last Year	2 Years ago
CJ'S STYLE 2000 INC	P1980-001892-000 (00950180)	03/12/2009	06/10/2008	CRBRES	812112	YES	\$0.00	\$0.00	\$0.00
INVESTMENT TIMING INC	P2000-000557-000 (01391862)	03/12/2009	02/12/2008	CRBRES	541211	YES	\$0.00	\$0.00	\$0.00
BROOKSVILLE CHIROPRACTIC INC	P2008-000197-000 (01684449)	03/12/2009	03/07/2008	CRBRES	621310	YES	\$0.00	\$0.00	\$0.00
SUBS & MORE	P2008-001005-000 (01692573)	03/12/2009	04/08/2008	CRBRES	722211	YES	\$0.00	\$0.00	\$0.00

Hernando County Property Appraiser - Roll Year: 2008

Data Updated: 3/13/2009

Search Result: 1 of 1

This information was derived from data which was compiled by the Hernando County Property Appraiser's Office solely for the purpose of property assessment. This information should not be relied upon by anyone as a determination of the market value or zoning of the property. Zoning information should be obtained from the Hernando County Development Department. Not expressed or implied, are provided for the accuracy of the data herein, its use, or its interpretation. Although it is periodically updated, information may not reflect the data currently on file in the Property Appraiser's office. The assessed values are NOT certified and therefore are subject to change before being finalized for ad valorem assessment purposes.

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MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager <i>T. Jennene Norman-Vacha</i>
Via:	Bill Geiger, Community Development Director <i>BA</i>
From:	Steven E. Gouldman, AICP, Planner <i>SG</i>
Subject:	CPA 2009-S1 and CPA 2009-S2; City of Brooksville Small-Scale Comprehensive Plan Amendments, providing land use classifications for properties annexed into the City (Ref. Ord. No. 768A)
Petitioner:	Innovators Investments Group and Brooksville Hotel and Office Park, Represented by Gaylor Engineering
Location:	North of Cortez Blvd, west of Hale Avenue and east of Mildred Ave
Date:	April 20, 2009 (Ord. No.768A scheduled for 2 nd Reading on May 4, 2009)

Introduction & Background Information:

The petition is a request for two small-scale Comprehensive Plan amendments initiated by the petitioner. CPA 2009-S1 is an approximately 0.95-acre tract and CPA 2009-S2 is 4.81 acres in size, thus totaling 5.76 acres +/- . Located on the north side of Cortez Blvd (S.R. 50), west of Hale Avenue and east-southeast of Mildred Avenue, the subject parcels were annexed into the City on August 7, 2006 (Ordinance No. 720) and on June 4, 2007 (Ordinance No. 745). Both properties are designated Residential on the Hernando County Comprehensive Plan Future Land Use Map. Additionally, the properties are within 1,320 feet of an established commercial node which, pursuant to established policy in Hernando County, allows for commercial uses to be considered at the subject location. The County’s current zoning for the property is Planned Development Project (Single-Family) on the eastern parcel and RIC Residential on the western parcel.

A request to amend the properties’ Comprehensive Plan Future Land Use designation was processed in 2007. Specifically, on October 10, 2007, the Planning and Zoning Commission reviewed CPA 2007-S3 and recommended approval to the City Council. The request was to designate the entire 5.76 acres as Commercial in order to allow for the development of professional office, retail, restaurant and hotel uses. City Council, on December 3, 2007 denied the request. Subsequent to the December 2007 action, City Council entered into a Settlement Agreement with the petitioner stipulating that the properties would be considered for designation as requested herein. The Settlement Agreement requires that the petitioner submit legally sufficient applications and that the properly-noticed public hearings be conducted.

On September 17, 2008 and October 6, 2008, the subject petitions were heard and approved (CPA 2008 S1, CPA 2008-S2, Ordinance Number 768) by City Council and transmitted to the Department of Community Affairs. DCA returned the amendment package to the City, indicating the adopted amendments were invalid because adoption occurred prior to adoption of the City’s EAR-based amendments. DCA further advised that, pursuant to Florida Statutes, the amendments must be readvertised, readopted and resubmitted.

The petitioner requests that the City amend the Comprehensive Plan Future Land Use Map to designate the northwestern 0.95-acre parcel as Single-Family Residential (CPA 2009-S1) and the remaining 4.81 acres as Commercial (CPA 2009-S2). The petitioner has expressed an intention to preserve the existing single-family dwelling and to develop 30,000 square feet of professional

office floor space and 10,000 square feet of floor space for general commercial uses. The petitioner's overall project plan includes a 1.95 acre \pm parcel that was previously annexed and designated as Commercial on the City's Future Land Use Map. Based on the County's policy for the consideration of commercial uses at this location and the current zoning of the property, it appears that the land use designation of Commercial would be consistent with the County's Comprehensive Plan.

Table 1 - Future Land Use Map Amendments

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Acreage	Petitioner
CPA 2009-S1	Residential (County)	Single-Family Residential (City)	North of Cortez Blvd. (S.R. 50) west side of Hale Avenue and east side of Mildred Avenue	0.95 +/-	Innovators Investment Group
CPA 2009-S2	Residential (County)	Commercial (City)	North of Cortez Blvd. (S.R. 50) west side of Hale Avenue and east side of Mildred Avenue	4.81 +/-	Innovators Investment Group

The subject parcels are identified by Hernando County Property Appraiser Key #358231 (2.03 acres \pm), and a 3.79 acre \pm portion of Key #150491.

Natural Resources and Features:

The property that is the subject of CPA 2009-S1 is presently developed with a single-family dwelling. A barn is the only structure occupying the property identified in CPA 2009-S2. Vegetation on the subject properties consists of primarily Pine, Sweet Gum and Oak trees with a medium cover underbrush. The soil on the subject properties is identified as Wachula (0 to 5% slopes) and Blichton (0 to 2% slopes) and appears to drain to the east and east-southeast between elevations of 157 and 140 feet. The proposed amendment is not within and will not affect an Area of Critical State Concern.

Compatibility with Surrounding Area:

The subject properties are, as previously noted, located north of State Road 50 between Hale and Mildred Avenues. The general area along Cortez Boulevard contains a variety of land uses, including commercial, office and cultural uses as well as a number of undeveloped properties. Properties to the north of the subject site are zoned for and occupied by single-family residential uses. As proposed, the project will retain the existing single-family house located in the northwest portion of the site and adjacent to an existing dwelling to the north. The 40,000 square feet of non-residential floor space and associated parking will occupy the remainder of the site. Given the non-residential nature of development along Cortez Boulevard, the location of the existing dwelling on-site, and the likelihood that, because of the site's topography retention will be located in the northeast corner adjacent to residentially-zoned property, the request is compatible with the surrounding development pattern. A subsequent rezoning will require adequate buffering and screening along the northern boundary of the non-residential portion of the site as well as between the residential and non-residential tracts within the development. The buffering and screening will further ensure compatibility.

Public Facilities and Level of Service:

The subject properties will be served by City water and sewer services. Access to the non-residential portion of the site will be from Cortez Boulevard and Hale Avenue. The residential tract may continue to access to Mildred Avenue. Police, fire and sanitation collection services will also be provided by the City. Based on data assumptions contained within the City's Comprehensive Plan, the following analysis depicts the impacts associated with the proposed level of development as well as discussion relative to the maximum development potential and associated impacts:

Trip Generation:

According to the ITE Trip Generation Manual, 6th Edition, the proposed land uses (LUC 210, Single-family Detached, LUC 814, Specialty Retail, and LUC 710, General Office), this project would generate approximately 50 vehicle trips during the P.M. Peak Hour.

The maximum development potential of the properties will generate more vehicle trips than the proposed development. Specifically, the single-family portion of the project, consisting of 0.95 acres, could yield a maximum of 6 dwelling units. The 4.81-acre non-residential component, if developed at a realistic Floor Area Ratio (FAR) of 0.25 would permit 52,380 square feet of commercial floor space. Thus, according to the ITE Trip Generation Manual, 6th Edition, the P.M. Peak Hour trips generated by the single-family units would be 6.12. A logical and realistic development scenario for the non-residential portion of the site could include a 5,000 square-foot Fast Food Restaurant with Drive-Through (LUC 834), a 5,000 square-foot Convenience Market with Gasoline Pumps (LUC 853), 15,000 square feet of floor space for a Pharmacy/Drug Store with Drive-Through (LUC 881) and a 27,380 square-foot Specialty Retail (LUC 710) center. The ITE Trip Generation Manual, 6th Edition, estimates a development containing the uses described would generate 588 P.M. Peak Hour trips. The total number of P.M. Peak Hour trips that could be generated under the scenario described could therefore exceed 594. As required by ordinance, the developer will 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:

If developed with 40,000 square feet of non-residential floor space and one single-family dwelling, the daily demand for potable water in gallons per day is estimated at approximately 7,450. The potential development scenario presented above would result in 1,500 gallons of water consumed per day by the residential uses and 9,428 gallons per day by the non-residential component. Total potable water consumption for the combined uses could therefore be 10,928 gallons per day. The estimates are based on the assumption that one single-family dwelling consumes 250 gallons per day and 0.18 gallons per day per square foot are consumed by non-residential uses. The quantity of water required for both the proposed uses and the hypothetical scenario is currently available and would not result in the City exceeding its allowable maximum consumption of 2.24 million gallons per day.

Sewer:

If developed as proposed with 40,000 square feet of commercial floor space and one single-family dwelling, the project would generate 6,200 gallons of sanitary sewer effluent per day. The potential development scenario presented above would result in 1,200 gallons of effluent generated per day by the residential units and 7,857 gallons per day by the non-residential component. Total sanitary sewer effluent generated overall by the project could therefore be

9,177 gallons per day. The estimates are based on the assumption that one single-family dwelling generates 200 gallons per day and 0.15 gallons per day per square foot are generated by non-residential uses. The addition of the quantity of sanitary sewer effluent generated by both the proposed uses and the hypothetical scenario can be accommodated by the City's 3.0 million gallons per day sewer treatment system capacity.

Drainage:

The subject site is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. No wetlands have been identified within the site. Development of the site will be subject to SWFWMD 40D-4 permitting requirements, as well as the City's Comprehensive Plan policies relating to stormwater retention and conveyance.

Recreation Facilities:

A variety of City and County parks and recreation facilities are located in close proximity to the subject site, including several parks, trails and the City's golf course. Due to the limited number of residential development proposed or that could be constructed, it is anticipated that no significant impact on the existing facilities will occur.

Consistency with the Comprehensive Plan:

This plan amendment represents a small-scale amendment permitted under state law [as defined in Section 163.3187(1)(c), F.S.]. The proposed land use designations provide for the ability to develop uses that are compatible with existing and anticipated development in the area. Additionally, the proposed amendments are consistent with the following policies of the Comprehensive Plan:

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

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

Policy 2-4: High density and intensity growth shall not be permitted in conservation areas, or those areas best suited for continued low density and intensity development.

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

Policy 2-7: Protect residential areas from incompatible commercial and industrial uses. [9J-5.006(3)(c)2]

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 2-12: Approve the location of new development on the basis of the lands ability to support such uses without adversely affecting the natural environment through the use of proper site plan review procedures and appropriate mitigation measures.

Policy 2-14: Promote development of commercial areas which are convenient to the public, and well integrated into the transportation system, and surrounding land uses.

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(1)(c), F.S.

Planning and Zoning Commission/Staff Recommendation:

At their meeting on August 13, 2008, the Planning and Zoning Commission concurred with the staff recommendation to find the proposed Future Land Use Map Amendments CPA 2009-S1 and CPA 2009 S-2 consistent with the City's Comprehensive Plan, and recommended 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 Amendments. 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 amendments, and authorize the Mayor to sign the transmittal letter to send the Comprehensive Plan Amendments to the appropriate agencies as required by Statute.

Two owners of property in the area of the subject site spoke in opposition to the petition at the Planning and Zoning Commission meeting on August 13, 2008. Concerns cited by these individuals include the impact of additional traffic on Mildred Avenue, the proximity and buffering of commercial property adjacent to existing residential units, the intrusion of commercial development into an existing residential neighborhood and the impact of future non-residential development on their property values. No citizen input or testimony was given during the September 15, 2008 LPA public hearing or during the City Council's review of the petitions and first reading of Ordinance No. 768.

As previously noted, City Council, on September 17, 2008 and October 6, 2008, heard and approved the subject petitions through enactment of Ordinance Number 768. Staff recommends that City Council hold a public hearing to take action on Ordinance Number 768A to adopt the Plan amendments, and authorize the Mayor to sign the transmittal letter to send the Comprehensive Plan Amendments to the appropriate agencies as required by Statute.

- Attachments:
- (1) DCA Transmittal Checklist
 - (2) Forms RPM-BSP-Small Scale-1, RPM-BSP-Small Scale-2
 - (3) Draft Submittal Letters prepared pursuant to Section 9J-11.015(1), F.A.C.
 - (4) Ordinance No. 768A
 - (5) CITY OF BROOKSVILLE PROPOSED FUTURE LAND USE MAP AMENDMENTS - CPA 2009-S1 & CPA 2009-S2
 - (6) Petition (As submitted by Innovators Investment Group)

9J-11 TRANSMITTAL REQUIREMENTS FOR THE SUBMISSION OF ADOPTED SMALL- SCALE COMPREHENSIVE PLAN AMENDMENTS

APRIL 2006

NUMBER OF COPIES TO BE SUBMITTED: Please submit within ten working days after adoption, one copy of all plan amendment materials, which may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy each to the appropriate Regional Planning Council and any other local government or governmental agency in the state of Florida that has filed a written request with the local government.

SUBMITTAL LETTER REQUIREMENTS: Please include the following information in the transmittal cover letter transmitting the adopted small-scale amendment (9J-11.015(1), F.A.C.):

A statement indicating that the local government is submitting the adopted small-scale amendment in accordance with Section 163.3187(1)(c), F.S.;

A statement identifying the number of acres of the small-scale amendment;

A statement identifying the cumulative total number of acres for small-scale amendments the local government has approved for the calendar year;

A statement identifying whether the amendment involves the same property that was granted another change within the prior 12 months.

A statement identifying whether the amendment involves the same owner's property within 200 feet that was granted a change with the prior 12 months.

A statement identifying whether the proposed amendment involves a text change.

A statement identifying whether the amendment is within an area of critical state concern.

A statement indicating the residential land use density before and after the adopted change if the land use change contained a residential land use category

A statement indicating the that the amendment has been submitted to the appropriate Regional Planning Council, the Office of Tourism, Trade and Economic Development (if amendment is being adopted pursuant to Section 163.3187(1)(c)4, F.S.) and any other local government or governmental agency in the state of Florida that has filed a written request with the local government.

The name, title, address, telephone and fax number of the local contact person.

ADOPTION: The amendment package must include the following (see 9J-11.015(1), (2), F.S.):

One copy of the executed ordinance(s) adopting the small-scale development amendment (Rule 9J-11.015(1)(b)2, F.A.C.);

AMENDMENTS EXEMPT FROM STATE AND REGIONAL REVIEW

1. Name of Local Government City of Brooksville

Person completing this form Bill Geiger

Phone Number (352) 544-5430

Name of Newspaper in which notice of amendment was published Tampa Tribune-Hernando Today

Date Publication Noticed: September 26, 2008 & October 3, 2008

(Please attach copy of notice)

2. Please indicate type of amendment being submitted:

√ a. a map amendment directly related to proposed small scale development activities that meet the criteria of Section 163.3187(1)(c), F.S.;

 b. a map amendment solely to property within an urban service boundary that meets the criteria of Section 163.3184(17), F.S.;

 c. a map amendment solely to property within a designated urban infill and redevelopment area pursuant to Section 163.3184(18), F.S.;

 d. a plan amendment associated with an area certified pursuant to Section 163.3246, F.S.

Please complete the following information if amendment is submitted under 2(a):

3. If amendment contains a residential land use category indicate:

density allowed prior to change 5.4 dwelling unit(s) per acre.

density allowed after change 7.0 dwelling unit(s) per acre.

4. Number of acres of small scale development amendments contained in package:

a. Within Urban Infill, Urban Redevelopment or Downtown Revitalization as defined by Section 163.3164, FS 0

b. Within Transportation Concurrency Exception Area pursuant to Section 163.3180(5), FS 0

c. Within Regional Activity Centers or Urban Central Business Districts pursuant to Section 380.06(2)(e), FS 0

d. Within a Rural Area of Critical Economic Concern pursuant to Section 163.3187(1)(c)4, FS 0

(Please attach certifying letter to OTTED)

e. Outside categories a., b, c. and d. 5.76

5. Cumulative total number of acres of small scale development amendments for the calendar year:

a. Categories listed in Item 4 a, b, c and d. above 0

b. Categories listed in Item 4 e above 5.76

6. Total number of acres of small scale development amendments in this package that are located within the coastal high hazard area as identified in the comprehensive plan 0

Pursuant to Rule 9J-11.015(1)(b)5, Florida Administrative Code, this form must be mailed with all amendments as defined by Section 9J-11.015(1)(a) Florida Administrative Code to:

DEPARTMENT OF COMMUNITY AFFAIRS
PLAN PROCESSING SECTION
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850) 488-4925

AMENDMENTS EXEMPT FROM STATE AND REGIONAL REVIEW

1. Name of Local Government City of Brooksville

Person completing this form Bill Geiger

Phone Number (352) 544-5430

Name of Newspaper in which notice of amendment was published Tampa Tribune-Hernando Today

Date Publication Noticed: September 26, 2008 & October 3, 2008

(Please attach copy of notice)

2. Please indicate type of amendment being submitted:

√ a. a map amendment directly related to proposed small scale development activities that meet the criteria of Section 163.3187(1)(c), F.S.;

 b). a map amendment solely to property within an urban service boundary that meets the criteria of Section 163.3184(17), F.S.;

 c). a map amendment solely to property within a designated urban infill and redevelopment area pursuant to Section 163.3184(18), F.S.;

 d). a plan amendment associated with an area certified pursuant to Section 163.3246, F.S.

Please complete the following information if amendment is submitted under 2(a):

3. If amendment contains a residential land use category indicate:

density allowed prior to change 5.4 dwelling unit(s) per acre.

density allowed after change 0 (Commercial) dwelling unit(s) per acre.

4. Number of acres of small scale development amendments contained in package:

a. Within Urban Infill, Urban Redevelopment or Downtown Revitalization as defined by Section 163.3164, FS 0

b. Within Transportation Concurrency Exception Area pursuant to Section 163.3180(5), FS 0

c. Within Regional Activity Centers or Urban Central Business Districts pursuant to Section 380.06(2)(e), FS 0

d. Within a Rural Area of Critical Economic Concern pursuant to Section 163.3187(1)(c)4, FS 0

(Please attach certifying letter to OTTED)

e. Outside categories a., b, c. and d. 5.76

5. Cumulative total number of acres of small scale development amendments for the calendar year:

a. Categories listed in Item 4 a, b, c and d. above 0

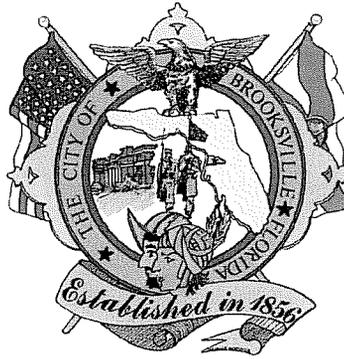
b. Categories listed in Item 4 e above 5.76

6. Total number of acres of small scale development amendments in this package that are located within the coastal high hazard area as identified in the comprehensive plan 0

Pursuant to Rule 9J-11.015(1)(b)5, Florida Administrative Code, this form must be mailed with all amendments as defined by Section 9J-11.015(1)(a) Florida Administrative Code to:

DEPARTMENT OF COMMUNITY AFFAIRS
PLAN PROCESSING SECTION
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850) 488-4925

City of Brooksville



(352) 544-5400 (Phone)

(352) 544-5424 (Fax)

(352) 544-5420 (TDD)

May 5, 2009

Mr. D. Ray Eubanks, Planning Manager
Florida Department of Community Affairs
Bureau of Local Planning
Plan Processing Team
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

MAILED VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Submittal of Adopted Small-Scale Amendment to the Future Land Use Map of the City's
Comprehensive Plan (Ref. No. Brooksville CPA 2009-S1)

Dear Mr. Eubanks:

Please find enclosed, in accordance with Sections 163.3187(1)(c), Florida Statutes and Rule Section 9J-11.015(1), Florida Administrative Code, 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 September 15, 2008, October 6, 2008, April 20, 2009 and May 4, 2009 after public notice was issued as required. At the May 4, 2009 public hearing, the City Council adopted the amendment and authorized its submittal to the State and Regional Planning Council. Copies of the public notice(s) for the public hearings are enclosed.

The amendment involves property totaling 0.95 acres +/- in size. The cumulative total number of acres for small-scale amendments that the City of Brooksville has approved for calendar year 2009, including this amendment, is 5.76 acres +/-.

The proposed amendment does not involve a property that was granted a land use change, nor does it involve the same owner's property within 200 feet of where a change was granted in the last twelve months.

The proposed amendment does not involve a text change.

The proposed amendment is not subject to 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 exempt from the twice per year limitation on the adoption of comprehensive plan amendments.

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

Page 2

Mr. D. Ray Eubanks, Planning Manager
CPA 2009-S1

All of the applicable items required by Rule 9J-11.015(1)(2), F.A.C. are enclosed with this submittal. The City has also enclosed the Comprehensive Plan Citizen Courtesy Information List which was made available at the public hearings to anyone who expressed an interest in being advised of the Department's Notice of Intent determination. No individual provided information on the form.

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) 544-5430 (fax number 352-544-5429), or by email at bgeiger@ci.brooksville.fl.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,

Joe Bernardini
Mayor

Enclosures

xc: Michael R. Moehlman, Executive Director, Withlacoochee Regional Planning Council
Ronald F. Pianta, Planning Director, Hernando County Local Planning Agency,
Hernando County School Board
File

City of Brooksville



(352) 544-5400 (Phone)

(352) 544-5424 (Fax)

(352) 544-5420 (TDD)

May 5, 2009

Mr. D. Ray Eubanks, Planning Manager
Florida Department of Community Affairs
Bureau of Local Planning
Plan Processing Team
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

MAILED VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Submittal of Adopted Small-Scale Amendment to the Future Land Use Map of the City's
Comprehensive Plan (Ref. No. Brooksville CPA 2009-S2)

Dear Mr. Eubanks:

Please find enclosed, in accordance with Sections 163.3187(1)(c), Florida Statutes and Rule Section 9J-11.015(1), Florida Administrative Code, 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 September 15, 2008, October 6, 2008, April 20, 2009 and May 4, 2009 after public notice was issued as required. At the May 4, 2009 public hearing, the City Council adopted the amendment and authorized its submittal to the State and Regional Planning Council. Copies of the public notice(s) for the public hearings are enclosed.

The amendment involves property totaling 4.81 acres +/- in size. The cumulative total number of acres for small-scale amendments that the City of Brooksville has approved for calendar year 2009, including this amendment, is 5.76 acres +/-.

The proposed amendment does not involve a property that was granted a land use change, nor does it involve the same owner's property within 200 feet of where a change was granted in the last twelve months.

The proposed amendment does not involve a text change.

The proposed amendment is not subject to 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 exempt from the twice per year limitation on the adoption of comprehensive plan amendments.

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

Page 2

Mr. D. Ray Eubanks, Planning Manager
CPA 2009-S2

All of the applicable items required by Rule 9J-11.015(1)(2), F.A.C. are enclosed with this submittal. The City has also enclosed the Comprehensive Plan Citizen Courtesy Information List which was made available at the public hearings to anyone who expressed an interest in being advised of the Department's Notice of Intent determination. No one provided information on the form.

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) 544-5430 (fax number 352-544-5429), or by email at bgeiger@ci.brooksville.fl.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,

Joe Bernardini
Mayor

Enclosures

xc: Michael R. Moehlman, Executive Director, Withlacoochee Regional Planning Council
Ronald F. Pianta, Planning Director, Hernando County Local Planning Agency,
Hernando County School Board
File

ORDINANCE NO. 768A

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

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, 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 by ordinance; and

WHEREAS, application numbers CPA 2009-S1 and CPA 2009-S2, to amend the Future Land Use Map of the Comprehensive Plan, has been filed with the City; 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 amendments, as described herein, to the Future Land Use Map and Element 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 amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan, and endorsed the approval of said applications for amendment, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on September 15, 2008 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 applications 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 Amendments Report concerning said applications 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 goals, 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 below, 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 amendments to the City of Brooksville Comprehensive Plan are hereby approved:

Future Land Use Map Amendments

File No.	Existing Designation	Proposed FLU MAP Designation	Location	Acreage	Petitioner
CPA 2009-S1	Residential (County)	Single-Family Residential (City)	North of Cortez Blvd. (S.R. 50) west side of Hale Avenue and east side of Mildred Avenue	0.95 +/-	Innovators Investment Group
CPA 2009-S2	Residential (County)	Commercial (City)	North of Cortez Blvd. (S.R. 50) west side of Hale Avenue and east side of Mildred Avenue	4.81 +/-	Innovators Investment Group

CPA 2009-S1

Pursuant to an application, CPA 2009-S1, by Innovators Investment Group, LLC, to amend the Future Land Use Map of the City's Comprehensive Plan, by amending the future land use classification on the following described property, and as shown on Exhibit "A," from RESIDENTIAL (County) to SINGLE FAMILY RESIDENTIAL (City):

LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, GO THENCE N.88°38'58"W. ALONG THE ¼ SECTION LINE A DISTANCE 847.04 FEET, THENCE S.01°50'32"W. A DISTANCE OF 666.67 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE S.01°50'32"W. A DISTANCE OF 125.00 FEET, THENCE S.87°24'58"E. A DISTANCE OF 353 FEET, THENCE N.01°50'32"E. A DISTANCE OF 125.00 FEET, THENCE N.87°24'58"W. A DISTANCE OF 353 FET TO THE POINT OF BEGINNING. LESS THE WESTERLY 40 FEET THEREOF TO BE USED FOR ROAD RIGHT-OF-WAY PURPOSES. SAID LANDS LYING IN AND BEING PART OF THE SOUTHWEST ¼ OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA. CONTAINING 0.95 ACRES MOL.

CPA 2009-S2

Pursuant to an application, CPA 2009-S2, by Innovators Investment Group, LLC, to amend the Future Land Use Map of the City's Comprehensive Plan, by amending the future land use classification on the following

described property, and as shown on Exhibit "A," from RESIDENTIAL (County) to COMMERCIAL (City):

LEGAL DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, THENCE RUN S.00°42'18"E. ALONG THE EASTERLY BOUNDARY OF SAID NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ A DISTANCE OF 546.28 FEET, THENCE RUN N.89°13'57"W. A DISTANCE OF 119.34 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HALE AVENUE AND THE POINT OF BEGINNING, THENCE RUN S.00°34'34"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 434.52 FEET, THENCE RUN S.89°53'26"W. ALONG THE NORTHERLY BOUNDARY AND THE EXTENSION THEREOF THAT CERTAIN PARCEL OF LAND DESCRIBED IN O.R. BOOK 118, PAGE 260, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA A DISTANCE OF 364.80 FEET TO THE NORTHWEST CORNER OF SAID PARCEL, THENCE RUN N.00°49'2"W. A DISTANCE OF 25.15 FEET, THENCE RUN N8913'50"W. A DISTANCE OF 322.89 FEET, THENCE RUN N.001'32"W. A DISTANCE OF 150 FEET, THENCE RUN S.8913'50"E. A DISTANCE OF 313.14 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, THENCE RUN N.0003'53"W. ALONG THE EASTERLY BOUNDARY AND THE EXTENSION THEREOF OF SAID PARCEL A DISTANCE OF 265.00 FEET TO THE SOUTHERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN O.R. BOOK 1367, PAGES 672 AND 673, THENCE RUN S.8913'57"E. ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 379.93 FEET TO THE SOUTHEAST CORNER OF SAID PARCELS AND THE POINT OF BEGINNING. SAID LANDS LYING IN A PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA. CONTAINING 4.81 ACRES MOL.

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 Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendments to Comprehensive Plan. Proposed amendments to the Future Land Use Map of the City of Brooksville's Comprehensive as described hereto, are hereby adopted by the City of Brooksville.

Section 4. 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 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter 163.3184(9), Florida

Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE, FLORIDA

Attest: _____
Janice L. Peters
City Clerk

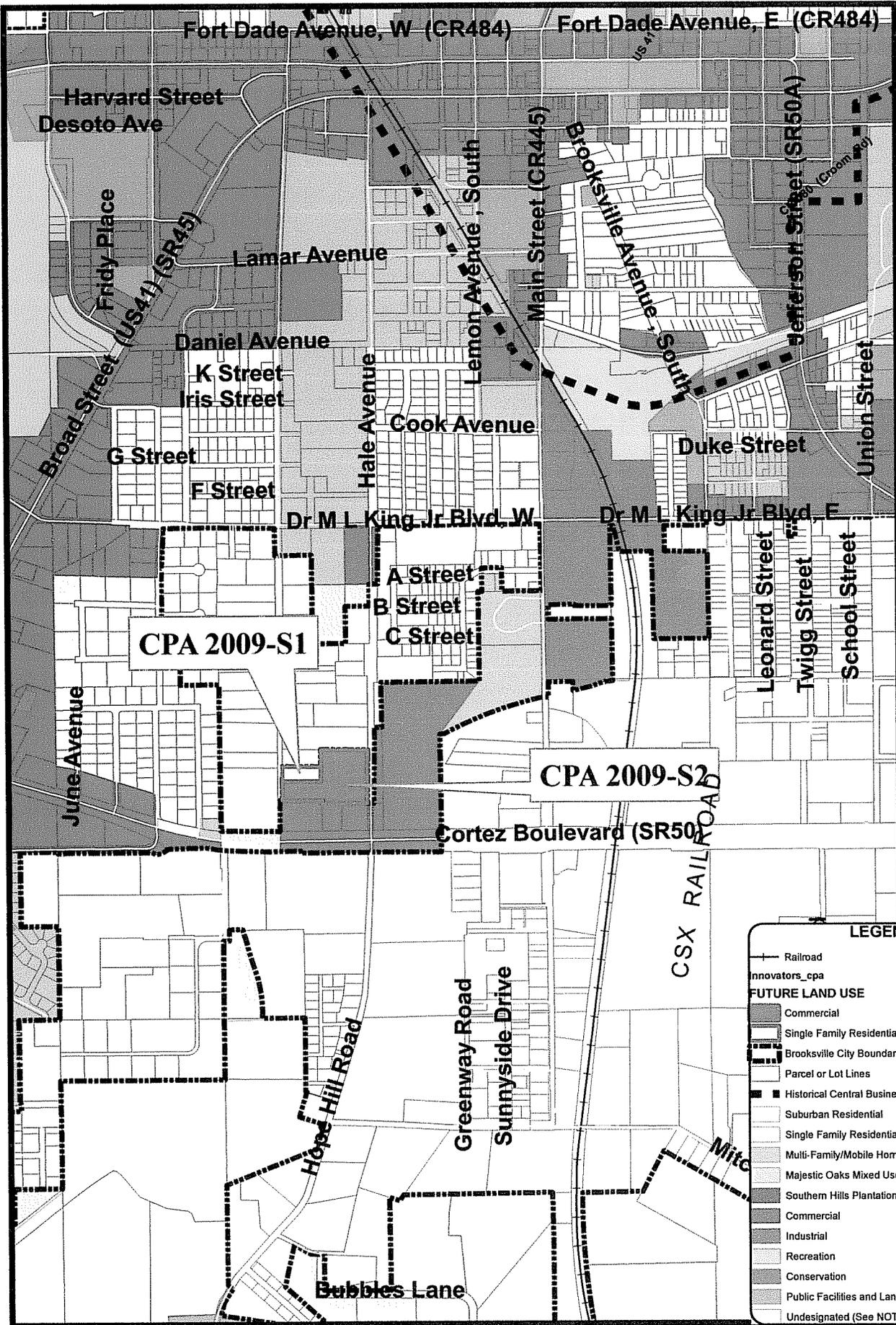
By: _____
Joe Bernardini
Mayor

PASSED on First Reading April 20, 2009
NOTICE Published on _____
PASSED on Second & Final Reading _____

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

VOTE OF COUNCIL:
Bernardini _____
Bradburn _____
Johnston _____
Lewis _____
Pugh _____

Thomas S. Hogan, Jr.
City Attorney



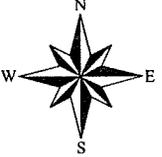

**Map I-2
 Future Land
 Use Map
 (zoomed for
 CPA processing)**

 EXHIBIT "A" to
 Ordinance No. 768

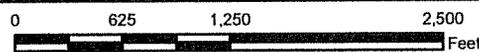
 CITY OF
 BROOKSVILLE,
 FLORIDA

LEGEND

-  Railroad
-  innovators_cpa
- FUTURE LAND USE**
-  Commercial *Subject Parcel (Commercial)*
-  Single Family Residential
-  Brooksville City Boundary (02-21-08)
-  Parcel or Lot Lines
-  Historical Central Business/Residential District
-  Suburban Residential
-  Single Family Residential
-  Multi-Family/Mobile Home Residential
-  Majestic Oaks Mixed Use
-  Southern Hills Plantation Mixed Use
-  Commercial
-  Industrial
-  Recreation
-  Conservation
-  Public Facilities and Land
-  Undesignated (See NOTE below)

Source(s): Hernando County Property Appraiser - parcel data, April, 2007;
 City of Brooksville Community Development Dept. - future
 land use data, July 2008

File: f:\Esri\ArcMap Projects\Innovators CPA07292008.mxd



Prepared by the City of Brooksville Community Development Department
 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.

NOTE: "Undesignated" areas are areas
 annexed into the City of Brooksville that have not
 been assigned a Future Land Use designation.
 DISCLAIMER: For the April, 2007 Hernando County Property Appraiser's
 'parcel data' was used for the base map image on this map. This map was
 prepared by this office to be used as an aid in land parcel location and
 identification only. All land locations, right-of-way widths, acreages, and
 utility locations are subject to field survey or other appropriate verification.
 Map reflects parcels and boundaries as they existed the date of publish."



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 _____

Date received: _____ Amount Paid: \$ _____

Tentative dates of Hearings: _____

Property Owner

Name: INNOVATORS INVESTMENT GROUP, LLC/ BROOKSVILLE HOTEL & OFFICE PARK,
LLC/ DAN PITTS AND ROBERT NELSON

Address: P.O. BOX 671

City: LUTZ State: FL Zip: 33548 Phone/Fax: 813-909-8393 FAX 813-909-8373

Applicant

Name: INNOVATORS INVESTMENT GROUP, LLC/ BROOKSVILLE HOTEL & OFFICE PARK,
LLC/ DAN PITTS AND ROBERT NELSON

Address: P.O. BOX 671

City: LUTZ State: FL Zip: 33548 Phone/Fax: 813-909-8393 FAX 813-909-8373

Agent

Name: MICHAEL J. GAYLOR, P.E./ GAYLOR ENGINEERING

Address: OSPREY COVE PROFESSIONAL PARK/ 21764 STATE ROAD 54

City: LUTZ State: FL Zip: 33549 Phone/Fax: 813-949-5599 FAX 813-949-0818

General Information

Property Location and/or Address: MILDRED AVENUE WEST OF HALE ROAD AND NORTH OF S.R. 50

Legal Description: SEE ATTACHED Exhibit "B"

Tax Parcel #: R27 222 19 3580 0000 0020 Parcel Key #: 00150491
R27 422 19 0000 0270 0000 00358231

Site Acreage: 5.76 ACRES
(a) Incorporated Area: 5.76 ACRES
(b) Unincorporated Area:
(c) TOTAL ACREAGE 5.76 ACRES

Existing and Proposed Land Use & Zoning Information

Present Zoning/Land Use Map Designation: SINGLE FAMILY AND LOW DENSITY RESIDENTIAL PER COUNTY NONE PER CITY

Proposed Zoning/Land Use Map Designation: PLANNED DEVELOPMENT PROJECT/ COMMERCIAL AND RESIDENTIAL.

Land Use Map Amendment Required: Yes No From _____ To _____

For All Development:

Flood Zone: C Base Elevation Required: N/A

Residential Development:

Total # Units: Single Family: 1 Multi-Family: _____

Non Residential Development:

Total Non-Residential Floor Area: 40,000

Commercial 10,000 Professional 30,000 Industrial N/A

Mixed Use N/A

Description of Existing Land Uses on the subject property:

MOSTLY VACANT WITH ONE SINGLE FAMILY HOUSE, AND ONE GARAGE.

Description of Existing Land Uses surrounding the subject property:

NORTH – VACANT AND RESIDENTIAL
EAST – VACANT
WEST – VACANT
SOUTH – CORTEZ BOULEVARD/S.R. 50

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

PROFESSIONAL OFFICES AND RETAIL SALES AND ONE RESIDENCE (EXISTING).

Maximum allowable density under adopted future land use map designation:
N/A

Maximum allowable density under proposed future land use map designation:
N/A

Analysis of Soils and topography on the site:
THE SITE SOILS ARE WACHULA AND BLICHTON. TOPOGRAPHY CONSISTS OF A RIDGE RUNNING NORTH AND SOUTH AND SLOPING EAST AND WEST.

Analysis of flood prone areas on the site:
NONE

Analysis of vegetation and natural resources on the site:
THE SITE HAS A SIGNIFICANT NUMBER OF PINE AND OAK TREES ALONG WITH A MEDIUM COVER OF INDERSTORY BRUSH.

Analysis of historical/archeological resources on the site:
NONE LISTED OF KNOWN.

Analysis of the relationship of the amendment to adopted population projections:
DEVELOPMENT WILL NOT INCREASE POPULATION.

Analysis of the impact of amendment on levels of service:

Traffic: ITE 820 GENERAL COMMERCIAL $155.09 \times 10 = 1551$
710 GENERAL OFFICE $22.6 \times 30 = 678$
TOTAL TRIPS PER DAY 2,229

Potable Water: $10,000 \times 35/100 \text{ SF.} = 3,500$
 $30,000 \times 15/100 \text{ SF.} = \underline{4,500}$
8,000 GPD

Sanitary Sewer: 8,000 GPD

Drainage: ONSITE RETENTION WITH PREDEVELOPMENT RUNOFF

Solid Waste: 984 POUNDS/ DAY

Parks and Recreation: NO IMPACT DUE TO COMMERCIAL NATURE OF PROJECT

Submittal Requirements

*The following **MUST** be furnished with this application:*

- Signed and sealed survey
- Application Form
- Justification for analysis responses (computations, copies of original analyses)
- Proof of Ownership (Warranty Deed, Title Certification, etc.)

Application fee(s):

Comprehensive Plan Amendments:	
Text Amendment (\$500 + Administrative Costs).....	\$500.00
Map Amendment (\$500+ Administrative Costs).....	\$500.00
Voluntary Annexation.....	\$ <u>N/A</u>
Advertising Fee (to be billed to petitioner by newspaper).....	\$
Certified Letters @\$4.92 each	\$

AFFIDAVIT

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. We certify that MICHAEL J. GAYLOR, P.E. is duly designated as the agent for the owner, that the agent is 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.

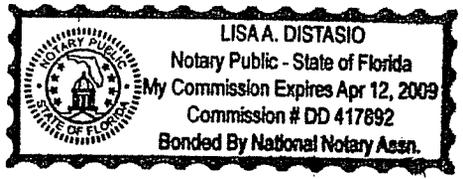
Date: 8/1/08
Date: 8/1/08
Date: _____

Title Holder: [Signature]
Title Holder: [Signature]
Title Holder: _____

State of Florida
County of POSCO

The foregoing instrument was acknowledged before me this 01 day of August, A.D. 2008 by DAN PITTS AND ROBERT NELSON, who are personally known to me or who has produced _____ as identification and who did not take an oath.

[Signature]
Notary Public – LISA A. DI STASIO



FOR: INNOVATORS INVESTMENT GROUP

THAT PARCEL OF LAND PROPOSED FOR LAND USE CHANGE TO COMMERCIAL MORE PARTICULAR DESCRIBED:

DESCRIPTION:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, THENCE RUN S.00°42'18"E. ALONG THE EASTERLY BOUNDARY OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 546.28 FEET, THENCE RUN N.89°13'57"W., A DISTANCE OF 119.34 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HALE AVENUE AND THE POINT OF BEGINNING, THENCE RUN S.00°34'34"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 434.52 FEET, THENCE RUN S.89°53'26"W. ALONG THE NORTHERLY BOUNDARY AND THE EXTENSION THEREOF OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN O.R. BOOK 118, PAGE 260, PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA A DISTANCE OF 364.80 FEET TO THE NORTHWEST CORNER OF SAID PARCEL, THENCE RUN N 0°49'2" W A DISTANCE OF 25.15 FEET, THENCE RUN N 89°13'50" W A DISTANCE OF 322.89 FEET, THENCE RUN N 0°1'32" W, A DISTANCE OF 150.00 FEET, THENCE RUN S 89°13'50" E. A DISTANCE OF 313.14 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, THENCE RUN N.00°03'53"W. ALONG THE EASTERLY BOUNDARY AND THE EXTENSION THEREOF OF SAID PARCEL A DISTANCE OF 265.00 FEET TO THE SOUTHERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN O.R. BOOK 1367, PAGES 672 AND 673, THENCE RUN S.89°13'57"E. ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 379.93 FEET TO THE SOUTHEAST CORNER OF SAID PARCELS AND THE POINT OF BEGINNING. SAID LANDS LYING IN AND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA. CONTAINING 4.81 ACRES MOL.

THAT PARCEL OF LAND PROPOSED FOR LAND USE CHANGE TO RESIDENTIAL MORE PARTICULAR DESCRIBED:

(O.R. BOOK 1635, PAGE 220)

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA, GO THENCE N.88°38'58"W. ALONG THE 1/4 SECTION LINE A DISTANCE OF 847.04 FEET, THENCE S.01°50'32"W., A DISTANCE OF 666.67 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE S.01°50'32"W., A DISTANCE OF 125.00 FEET, THENCE S.87°24'58"E., A DISTANCE OF 353.00 FEET, THENCE N.01°50'32"E., A DISTANCE OF 125.00 FEET, THENCE N.87°24'58"W., A DISTANCE OF 353.00 FEET TO THE POINT OF BEGINNING. LESS THE WESTERLY 40 FEET THEREOF TO BE USED FOR ROAD RIGHT-OF-WAY PURPOSES. SAID LANDS LYING IN AND BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 19 EAST, HERNANDO COUNTY, FLORIDA. CONTAINING 0.95 ACRES MOL

Gaylor Engineering

CERTIFICATE OF
AUTHORIZATION NO.
26186

21764 STATE ROAD 54
LUTZ, FLORIDA 33549

PH. (813) 949-5599

FAX (813) 949-0818

MICHAEL J. GAYLOR P.E.
P.E. NO. 13098

Prepared by:
Fuentes and Kreisler Title Co.
1407 West Busch Boulevard
Tampa, Florida 33612

File Number: 07-583-L

8/3

OFFICIAL RECORDS
BK: 2458 PG: 1647

Doc# 2007042326
Hernando County, Florida
06/25/2007 12:01PM
KAREN NICOLAI, Clerk
RECORDING FEES \$ 18.50
DEED DOC STAMP \$ 2,458.66
06/25/2007 Deputy Clk

General Warranty Deed

Made this June 22, 2007 A.D. By **Michael F. Gamba and Laura G. Gamba, husband and wife**, hereinafter called the grantor, to **Innovators Investment Group, LLC**, whose post office address is: 2623 Cabot Road, Land O' Lakes, Florida 34639, hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Hernando County, Florida, viz:

See Attached Exhibit "A"

Parcel ID Number: R27 422 19 0000 0270 0000

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2006.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Carol Cahill
Witness Printed Name: CAROL CAHILL

Michael F. Gamba (Seal)
Michael F. Gamba
Address: 1039 S. Mildred Avenue, Brooksville, Florida 34601

Heather Manson
Witness Printed Name: Heather Manson

Laura G. Gamba (Seal)
Laura G. Gamba
Address: 1039 S. Mildred Avenue, Brooksville, Florida 34601

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 22nd day of June, 2007, by Michael F. Gamba and Laura G. Gamba, husband and wife, who is/are personally known to me or who has produced drivers licenses as identification.

Carol Cahill
Notary Public
Print Name: CAROL CAHILL
My Commission Expires: _____



Exhibit "A"

Commencing at the Northeast corner of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, go thence North 88°38'58" West along the 1/4 section line a distance of 847.04 feet; thence South 01°50'32" West, a distance of 666.67 feet to the Point of Beginning; thence continue South 01°50'32" West, a distance of 125.0 feet; thence South 87°24'58" East, a distance of 353.00 feet; thence North 01°50'32" East, a distance of 125.00 feet; thence North 87°24'58" West, a distance of 353.00 feet to the Point of Beginning.

LESS the Westerly 40 feet thereof to be used for road right-of-way purposes. Said lands lying in and being a part of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

AND

Commencing at the Northeast corner of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, thence North 88°38'58" West along the 1/4 section line, a distance of 847.04 feet, thence South 1°50'32" West, a distance of 791.67 feet to the Point of Beginning; thence continue South 1°50'32" West, a distance of 150.0 feet; thence South 87°24'58" East, a distance of 353.0 feet; thence North 1°50'32" East, a distance of 150.0 feet; thence North 87°24'58" West, a distance of 353.00 feet to the Point of Beginning.

LESS the West 20 feet thereof and also less the East 20 feet of the West 40 feet thereof reserved for road right-of-way purposes. Said lands lying in and being a part of the Southwest 1/4 of Section 27, Township 22 South, Range 19 East, Hernando County, Florida.

Return to: Rhonda Chilson
Name: Gulf Coast Title, LLC
Address: 111 North Main Street
Brooksville, Florida 34601

R

Doc# 2007017913
Hernando County, Florida
83/15/2007 6:04AM
KAREN MICHALI, Clerk

RECORDING FEES 10.50
DEED DOC STAMP 5,688.88
83/15/2007 Deputy Clk

OFFICIAL RECORDS
BK: 2414 PG: 148

This Instrument Prepared By:
Rhonda Chilson
Gulf Coast Title, LLC
111 North Main Street
Brooksville, Florida 34601
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
R27 222 19 3580 0000 0020
Grantec(s) S.S.#(s):
File No:20070004

WARRANTY DEED

This Warranty Deed Made the 9th day of March, 2007, by Charles Kasper, a single person,
hereinafter called the grantor, whose post office address is: 2803 Wilson Circle, Lutz, Florida 33548

to Brooksville Hotel & Office Park, LLC, a Florida limited liability company, whose post office
address is: 5911 Sheldon Road, Tampa, Florida 33615, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable
considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases,
conveys and confirms unto the grantee, all that certain land situate in Hernando County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The property is not the homestead of the Grantor(s).

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor
has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and
will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except
taxes accruing subsequent to 2006, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

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 Signature: Wendy McClellan
Printed Name: Wendy McClellan

Charles Kasper
Charles Kasper

Witness Signature: Rhonda Chilson
Printed Name: Rhonda Chilson

Witness Signature: _____
Printed Name: _____

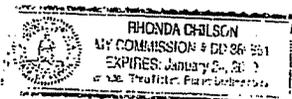
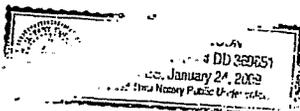
Witness Signature: _____
Printed Name: _____

STATE OF FLORIDA
COUNTY OF Hernando

The foregoing instrument was acknowledged before me this 9th day of March, 2007 by
Charles Kasper, a single person, who is/are personally known to me or who has/have produced driver license(s) as
identification.

My Commission Expires:

Rhonda Chilson
Printed Name:
Notary Public
Serial Number



18.50 P
5600.00 P

EXHIBIT "A"

Commence at the Northeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 27, Township 22 South, Range 19 East, Hernando County, Florida, thence run South $00^{\circ}42'18''$ East along the easterly boundary of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ a distance of 546.28 feet, thence run North $89^{\circ}13'57''$ West a distance of 119.34 feet to the westerly right-of-way line of Hale Avenue and the POINT OF BEGINNING,

Thence run South $00^{\circ}34'34''$ West along said westerly right-of-way line a distance of 434.52 feet,

Thence run South $89^{\circ}53'26''$ West along the northerly boundary and the extension thereof of that certain parcel of land described in OR book 118, page 260, public records of Hernando County, Florida a distance of 364.80 feet to the Northwest corner of said parcel,

Thence run South $00^{\circ}49'09''$ East along the westerly boundary of said parcel a distance of 217.44 feet to a point on the northerly right-of-way line of Cortez Boulevard (S.R. 50),

Thence run along said right-of-way line South $89^{\circ}34'09''$ West a distance of 346.06 feet,

Thence run North $00^{\circ}03'53''$ West a distance of 249.76 feet to the southerly boundary of a parcel described in OR book 74, pages 620 through 635, of said public records,

Thence run South $89^{\circ}13'57''$ East along the southerly boundary of said parcel a distance of 333.00 feet to the Southeast corner of said parcel,

Thence run North $00^{\circ}03'53''$ West along the easterly boundary and the extension thereof of said parcel a distance of 415.00 feet to the southerly boundary of that certain parcel of land described in OR book 1367, pages 672 and 673,

Thence run South $89^{\circ}13'57''$ East along said southerly boundary a distance of 379.93 feet to the Southeast corner of said parcels and the POINT OF BEGINNING. LESS that portion deeded to the State of Florida in OR book 1152, page 1802, public records of Hernando County, Florida.

SUBJECT TO an easement to Florida Power Corporation recorded in OR book 749, page 1721, public records of Hernando County, Florida.

MEMORANDUM

To:	Honorable Mayor & City Council
Via:	T. Jennene Norman-Vacha, City Manager
From:	Bill Geiger, Community Development Director
Subject:	RZ2009-01; Petition Request for a Rezoning from R-1A Single-Family Residential District with a Special Exception Use for a Educational Facility (Child's Day Care Center) to C-1 (Pedestrian Commercial District)
Petitioner:	Roberto & Rosa Chamizo
Location:	801 W. Dr. M. L. King, Jr., Boulevard - Located on South side of Dr. M. L. King, Jr. Boulevard between U.S. Hwy 41 South (South Broad Street) and Buena Vista Avenue (The legal description for the subject site is given in full in the petition packet). Ref. Hernando County Property Appraiser Key Numbers 358669.
Date:	April 9, 2009

Introduction & Background Information:

The subject property related to this petition is .86 acres \pm , and is located on the south side of W. Dr. M. L. King, Jr., Blvd., approximately 555' east of U. S. Hwy 41 South (S. Broad St), and 251' west of Buena Vista Avenue.

The petitioner is requesting that the City re-zone this property from the existing R-1A (Single Family Residential designation with a special exception use for an educational facility) to C-1 (Pedestrian Commercial). The petitioners have expressed their desire in potentially converting this building into a bicycle shop at some time in the future.

The subject property is directly adjacent to residentially zoned and occupied parcels on the south, west and northeast. Professionally zoned properties are located to the east and commercially zoned properties are located to the north and northwest of the subject site. A zoning map is attached that provides an overview of the zoning in the area. The City's current "Future Land Use Map" (FLUM) designation for the subject parcel is "Commercial." Parcels northwest, west, south and east of the subject site have a FLUM designation of "Commercial." Properties located northeast of the subject site have a FLUM designation of "Single-Family Residential."

DATA & ANALYSIS

Natural Resources and Features:

The subject site is an existing, developed parcel of land. The property was initially a single-family residence that was built in 1951. The house and property were upgraded in 1991 and approved for use as a day care center. Vegetative buffering is located around the south, west and eastern perimeters of the property. The site is not located within a well head protection area.

Compatibility with Surrounding Area:

The owner has indicated that the day care center will continue to operate as long as it is financially stable. If in the future the day care center is not profitable, then the owners want to convert the use on the property into a bicycle shop. Given the location and proximity of this property to commercial, professional office and residential uses on W. Dr. M. L. King, Jr. Boulevard, it would appear that the proposed pedestrian commercial zoning district would be compatible between the different types of existing uses. Appropriate buffers will be required between any future intensified use of the subject property and existing residential properties, and the subject property would be required to meet all applicable performance conditions as required for the zoning district.

Public Facilities and Level of Service:

This property is currently being served by City water and sewer services.

RZ2009-01

Chamizo

801 W. Dr. M. L. King Jr., Blvd.

Page of 2 of 2

Access to the site is via W. Dr. M. L. King Jr. Blvd. This is a two-lane collector road running between SR 50-A and US 41. It may be noted that Day Care Centers typically have their highest daily vehicle trip counts during peak hour periods, while specialty retail and service uses are blended more throughout the day.

Police, fire and sanitation collection services are also provided by the City.

At the time when a change of use is proposed for this property, the plans will be subject to concurrency, impact fee assessment (if it is an increase over existing vested use) and applicable performance standards of the zoning district.

Drainage:

The subject site is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. No wetlands are located on the site. At this time there are no proposed changes regarding the layout of the present site.

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

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

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

Planning & Zoning Commission & Staff Recommendation:

At their meeting on April 8, 2009, the Planning & Zoning Commission concurred with Staff to recommend that City Council approve the rezoning of this property from R-1A (Single Family Residential) to C-1 (Pedestrian Commercial), subject to the following note of record:

Future re-development/construction plans or change of use for this property will be analyzed for any additional impact to roads, utilities, drainage, public services, the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements. At the time when a change of use is proposed for this property, the plans will be subject to concurrency, impact fee assessment (if it is an increase over existing vested use) and applicable performance standards of the zoning district.

- Attachments:
- 1) Rezoning Petition
 - 2) Letter from Roberto & Rosa Chamizo dated March 17, 2009
 - 3) Draft Re-zoning Ordinance
 - 4) Site Location Map

March 17, 2009

City of Brooksville
201 Howell Avenue
Brooksville, Fl 34601

To: City Council
Brooksville, Florida

City Council Members,

The undersigned, Roberto Chamizo and Rosa Chamizo, owners of the property located at 801 W. Dr. M.L. King Jr. Blvd Brooksville, Florida 34601 request your consideration to change from present R-1A zoning to C-1 zoning. The building presently houses ABC Child Development Center. ABC is a childcare center. Given the present uncertain economy, as property and business owners, we would like to have flexibility in the future with regard to start a different kind of business if the need arises. Roberto Chamizo is a USA Cycling licensed member. A bicycle shop will be the business to be considered.

Respectfully submitted.


Rosa Chamizo


Roberto Chamizo

CITY OF BROOKSVILLE ZONING AMENDMENT PETITION

Date: 10-8-07

Print or Type All Information.

Applicant: ABC Child Development Center, LLC by Rosa Chamizo
Mailing Address: 801 W. Dr. M. L. King Jr Blvd
Brooksville, Florida 34601
Daytime Telephone: (352) 585-2283 (Mobile)

Representative: N/A
Mailing Address: _____
Daytime Telephone: _____

Legal Description: Section: 27 Township: 22 Range: 19

Size of Area Covered by Application: 37,500.00 Square feet

Highway & Street Boundaries: W. Dr. M. L. King Jr Blvd & Roberta Avenue

Future Land Use Designation: Day Care Center (COMMERCIAL)

Current Land Use Designation: Day Care Center

Current Zoning Classification: (R1A) Residential with Special Exception (Edu. Facility)

Zoning Classification Desired: Commercial (~~C-2~~) C-1

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

ACKNOWLEDGMENT

I, Rosa I. Chamizo / Roberto Chamizo, hereby state and affirm that all answers to the questions in said application and all sketches and data attached to and made part of this application are honest and true to the best of my knowledge.

I am the owner of the property covered under this application.

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

[Signature]
Signature
FLDL CS20729688450

[Signature]
Signature

FLDL
CS20720680950

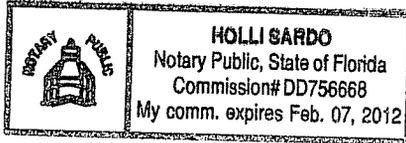
STATE OF FLORIDA, COUNTY OF Hernando

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8 DAY OF January, 192009 BY THE ABOVE PERSON(S) Rosa / Roberto Chamizo WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED AS IDENTIFICATION AND WHO (DID) (DID NOT) TAKE AN OATH.

[Signature]
SIGNATURE OF NOTARY

Holli Sardo
PRINTED NAME OF NOTARY

C:\nbolt\boards\pet_form\zo_petit
Rev 09/14/97



OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Rosa I. Chamizo, being duly sworn, hereby depose and say
Rosa I. Chamizo is the owner of the herein described property to-wit:

(Insert Legal Description Below)

That Part of W 1/2 of NW 1/4 N of Brooksville
Andote Rd and S of Hospital Rd
Orb 35 PG 266 ORB 328 PG 661

ORDINANCE NO. 773

AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO C-1 (PEDESTRIAN HIGHWAY COMMERCIAL) FOR THAT CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. -

That the property in the City of Brooksville, Florida as shown on Attachment "A", described as:

Parcel Key No. 00358669

Beginning at an iron pipe located at the Intersection of the Northerly margin of Brooksville-Anclote Road and the East boundary of a parcel described in O.R. 322, Page 122, of the Public Records of Hernando County, Florida; thence go N 00°27'30" West along the East boundary of said O. R. book 322, Page 122 a distance of 197.70 feet to a concrete monument located 352.73 feet east and 54.87 feet South of the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 27, Township 22 South, Range 19 East; thence go S 87°13'55" East along the Southerly right of way of Summit Road (Old Hospital Road) a distance of 272.38 feet to a iron pipe; thence go S 55°41'44" West along the Northerly margin of said Brooksville-Anclote Road s distance of 327.44 feet to the Point of beginning; LESS and EXCEPT the Easterly 30 feet for road right of way;

LESS and EXCEPT the following described property: Commence at the West 1/4 corner of Section 27, Township 22 South, Range 19 East, thence run north along the West line of said Section 27, a distance of 909.00 feet, thence continue S 86°59'35" East along the North boundary of Town and Country Subdivision, Unit #1, as recorded in Plat Book 7, Page 44 of the Public Records of Hernando County, Florida, a distance of 815.15 feet, thence N 03°10'01" East, 398.35 feet, thence N 87°32'44" West 139.24 feet to the Point of Beginning; thence continue S 63°40'48" West, 92.1`3 feet to a concrete marker, thence due North to the South boundary of State Road 581-A, thence run Southeast along said road right of way to the Point of Beginning.

AND

That portion of the North 1/2 of the vacated Brooksville/Anclote Road abutting the above described property.

Location: 801 W. Dr. M. L. King, Jr. Blvd.

Petitioner: Roberto & Rosa Chamizo

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

The property described herein is hereby rezoned from R-1A (Single Family Residential) to C-1 (Pedestrian Highway Commercial), and the zoning map of the City of Brooksville shall be amended accordingly.

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

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

CITY OF BROOKSVILLE

By: _____
Joe Bernardini, Mayor

Attest: _____
Janice L. Peters, City Clerk

PASSED on First Reading _____
NOTICE Published on _____
PASSED on Second & Final Reading _____

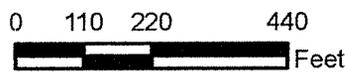
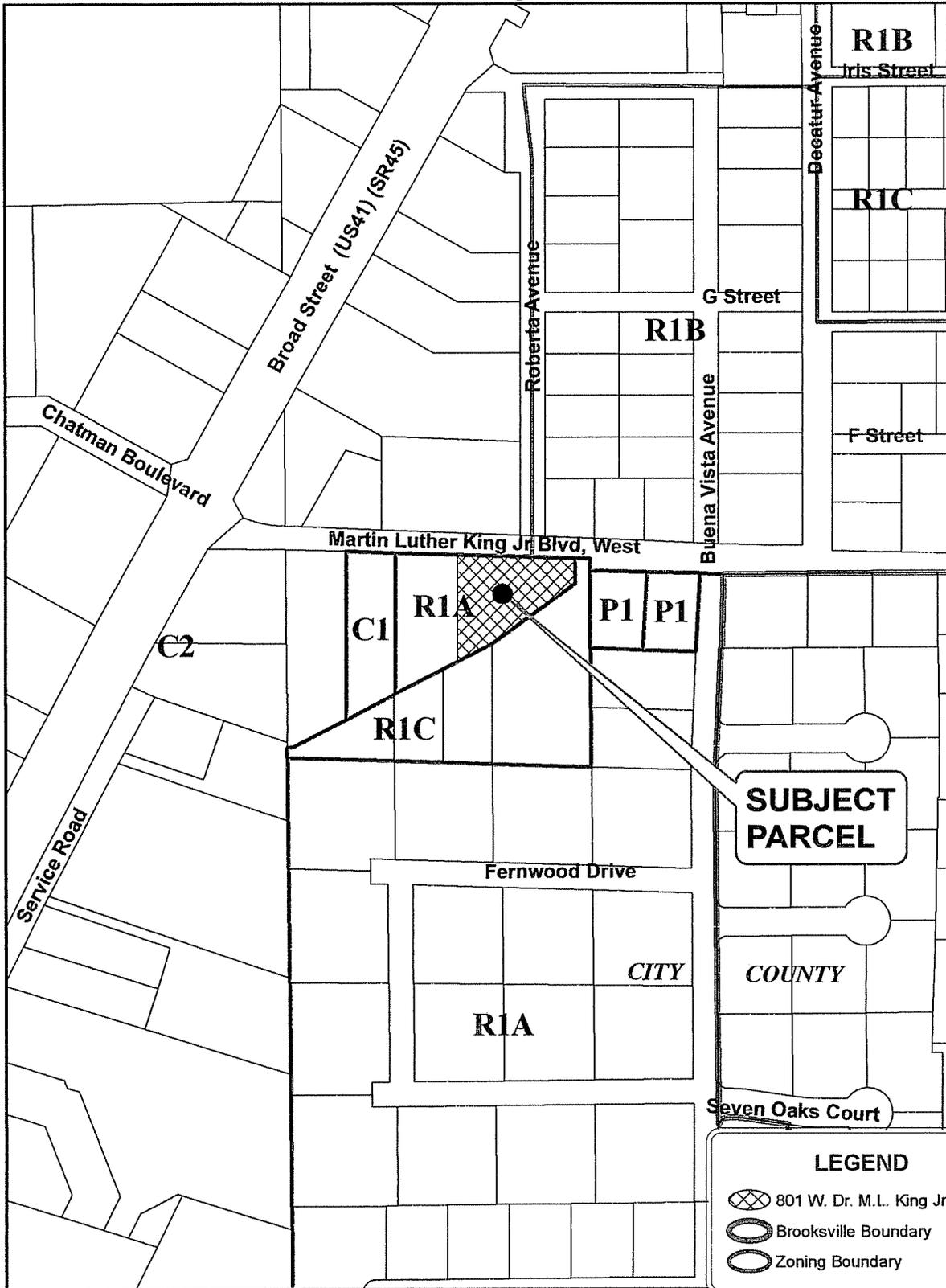
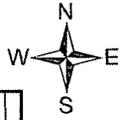
Approved as to form and content
for the reliance of the City of
Brooksville only:

VOTE OF COUNCIL:
Bernardini _____
Bradburn _____
Johnston _____
Lewis _____
Pugh _____

Thomas S. Hogan, Jr., City Attorney



Attachment "A" to Ord. No. 773
 RZ2009-01 Chamizo Rezoning Application
 801 W. Dr. M. L. King Jr. Boulevard



LEGEND

- 801 W. Dr. M.L. King Jr. Blvd.
- Brooksville Boundary
- Zoning Boundary

*Base map information provided by the Hernando County Property Appraiser's office.
 Map created by the Brooksville Community Development Department
 Disclaimer: This map is intended for planning purposes only, and should not be used to determine the precise location of any feature shown thereon.
 F:\Esr1\ArcMap Projects\chamizo zoning 03272009.mxd



**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL
VIA: T. JENNENE NORMAN-VACHA *T. J. Vacha*
CITY MANAGER
FROM: JENNIFER REY, ESQ. *JRE*
THE HOGAN LAW FIRM, LLC
AS CITY ATTORNEY
SUBJECT: PERSONNEL POLICIES AND PROCEDURES; IDENTIFICATION & LICENSURE; PERSONNEL RECORDS; AND GROUP INSURANCE PLAN.
DATE: APRIL 7, 2009

GENERAL SUMMARY: Staff has initiated a comprehensive review of the City’s existing personnel policy manual. As a result, a variety of personnel policies will be researched, revised and updated over the course of the coming year. These proposed policies, if approved, shall apply to all employees except those employees in collective bargaining units unless the union waives its right to bargain on these policies, the union has approved these policies, or as provided in a collective bargaining agreement. The following policies are proposed for Council’s approval:

- **Section 1.14 Identification & Licensure.** The proposed policy replaces Section 1.14 – Licenses and Certifications of the City’s current policy manual. It sets forth the City’s policy with respect to Employees maintaining current valid licenses, certifications, and other credentials when such items are requirements of the Employee’s current job.
- **Section 2.05 Personnel Records.** The proposed policy replaces Sections 2.05 of the current policy manual. This policy sets forth the policy and procedure with respect to the establishment of, maintenance of and access to employee personnel records.
- **Section 7.03 Group Insurance Plan.** This proposed policy is an entirely new policy addressing the City’s provision of a Group Insurance Plan for employees. It formalizes eligibility criteria. Two versions of this policy are being proposed for Council’s consideration: one is without the opt-out payment provision and there sets forth requirements for employees’ eligibility for group medical opt-out payments.

BUDGET IMPACT: There is no budget impact as a result of the policy changes proposed in Section 1.14 or 2.05. Section 7.03 Group Insurance Plan with the Opt-out Provision has been budgeted by City Council so there is no change in the budget by adopting the proposed policy.

LEGAL REVIEW: Council has the legal authority to set policy for operations and management of its employees. With respect to collective bargaining units, in the absence of a negotiated collective bargaining agreement, the proposed policies will not apply to members of the collective bargaining units until such time as the policies are approved by the union, the union waives its right to bargain on the policy, or until a collective bargaining agreement is in place.

STAFF RECOMMENDATION: Staff recommends approval and adoption of the personnel policies Section 1.14 Licenses and Certifications and Section 2.05 Personnel Records. Staff also recommends approval and adoption of the personnel policy Section 7.03 Group Insurance Plan with the Opt-Out Payment Provision or, in the alternative, Section 7.03 Group Insurance Plan without the Opt-Out Payment Provision.

ATTACHMENTS: Section 1.14 Licensure & Identification
Section 2.05 Personnel Records
Section 7.03 Group Insurance Plan (with Opt-out Payment)
Section 7.03 Group Insurance Plan (without Opt-out Payment)

Chapter I – General Provisions
Section 1.14 Identification and Licensure
(Replaces Section 1.14 Licenses and Certifications)

I. POLICY

Employees are issued official identification to be carried with the Employee or worn by the Employee while on duty. As a requirement of employment, an Employee must obtain, hold, and keep valid all licenses, certifications or other credentials that are required to be qualified for the position in which the Employee is currently employed.

II. PROCEDURE

- A. City Identification Card/Badge. Employees are issued a City Identification Card/Badge. These cards are issued at the time of hire and must be worn while on duty. Should an Employee's City Identification Card/Badge become lost or damaged, he or she is to immediately contact his or her Department Director, or designee, to make arrangements for a replacement. Employee may be responsible for replacement costs of the Identification Card/Badge.
- B. Credential Requirements. Employees are solely responsible for obtaining the minimum required licenses, certifications and other credentials for the Employee's current job and for keeping the license, certification and other credential current and valid.
1. Employees shall notify his or her Department Director of any change in the status of his or her license, certification or credential.
 2. Employees are required to provide copies of their updated and renewed licenses, certifications or credentials to Human Resources for inclusion in the Personnel File.
 3. Employees shall not operate equipment or a motor vehicle or engage in job functions without an appropriate license or certification, if one is required.
 4. Failure to maintain and carry a current and valid license, certification or other required credential may result in disciplinary action up to and including termination of employment for failing to qualify for the job the Employee is employed.

Chapter II Organization for Personnel Administration
Section 2.05 Personnel Records
(Replaces Section 2.05 Personnel Records)

I. POLICY

The City maintains a personnel record for employees of the City. The City will comply with all federal and state regulations regarding recordkeeping and public access to the City's personnel records.

II. PROCEDURE

A. Personnel File. Employee Personnel Files will be maintained by Human Resources. The following information may be maintained in the Employee's personnel file:

1. Contact Information. Home address, telephone number and emergency contact information.
2. Background Documentation. Employment application, a resume, other material provided at time of application, background reference checks (personal and prior employment), certificates, diplomas, transcripts, other educational records, arrests and/or convictions, driver's license information, and employment by City of other relatives.
3. Employment Related Documentation. Commendations, written disciplinary documents, job description, payroll documents (wage increases, W-4, wage garnishments, etc.), Personnel Manual receipt, drug-free workplace statement.

B. Employee Responsibilities. All Employees are responsible for:

1. Becoming aware of and familiar with all Policies and Procedures which govern their employment with the City including those contained in this Personnel Manual, any Department Operating Procedures, and all updates and/or revisions to same.
2. Maintaining updated and accurate information contained in his or her personnel file, such as: name, address (actual place of residence and mailing address), home phone number, emergency contact, beneficiary designations, dependents eligible for family coverage of insurance, copies of certificates, diplomas, transcription, other educational records, arrests and/or convictions, driver's license status, employment by City of relatives, and any/all other information previously provided to City (e.g., information in job application). This includes providing

documents/copies of certifications, drivers' licenses, and all other required documents for the position that the Employee must maintain and hold to assure continued employment.

- C. Liability for Accurate Personnel Records/Files Information. Employees are encouraged to review their Personnel File periodically to verify current information is on file. Reviews shall be coordinated through Human Resources. The City will not be liable for incorrect withholding, erroneous beneficiary designations, loss of Employee benefits or loss of promotional opportunity resulting from an Employee's failure to keep personnel records/files current.
- D. Access to and Examination of an Employee's Personnel File.
1. Access Generally. Access to and inspection of an Employee's Personnel File is permitted at any time by the City Manager, Human Resources, Department Director, or the designee of any of these.
 2. Access by the Employee. Access shall be granted to the Employee by coordinating such access and examination through Human Resources.
 3. Public Records Requests. Persons making a public records request under Florida Statutes Chapter 119 shall be granted access to review personnel records at specific times during regular City administration office hours.
 4. Subpoenas and Other Government Requests. The City will cooperate with federal, state and local government agencies or any agency with the legal right investigating an Employee if the investigators furnish proper identification and proof of legal authority to investigate.
 5. Employment References. Requests for information from Employee Personnel Files received from outside persons or companies, including requests for references on Employees, shall be directed to the City Manager or his or her designee and shall be handled in accordance with Florida Statutes Chapter 119. Other Employees are prohibited from providing personal or employment references on Employees or former Employees.
- E. Confidential Records/Medical Files. Pursuant to Florida Statutes §112.08(7), medical records and medical claims in the custody of the City relating to Employees are exempt from public records as required under Florida Statutes Chapter 119. Therefore, in addition to the Employee's personnel file a separate confidential/medical file will be maintained.

1. Contents. Contents of the confidential/medical file will include drug testing results, medical insurance forms, disability information, accommodation information, family and medical leave documentation, physicals, post-job offer/pre-employment medical questionnaire, active grievance process documentation and other related information.
 2. Access. Access to the confidential/medical files is restricted to the Employee, City Manager, or his or her designee, and Human Resources.
 3. Release of Information. Medical information will be released only upon written authorization of the Employee or upon proper request from persons or agencies that have legal rights to the information. The City will comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) with regard to access to Protected Personal Health Information.
- F. Employee Notice. The City has no obligation to notify the Employee when his or her Personnel File is reviewed or accessed; however, the City may advise the Employee when the Employee's Personnel File has been requested to be reviewed by any person other than those person's identified in D.1 and E.2.

Chapter VII Employee Relations
Section 7.03 Group Insurance Plan with Opt-Out Provisions
(New Policy That Does Not Exist in the Current Personnel Manual)

I. POLICY

All eligible City Employees may participate in the group insurance plan. Employees are eligible for coverage the first of the month following sixty (60) days of employment. The City's Group Insurance Plan may include, but is not limited to, Group Health Insurance, Group Dental Insurance, Group Life Insurance, Health Reimbursement Program, and Supplemental Insurance. The types of coverage and level of benefits provided or covered under the City's Group Insurance Plan, and the City's funding of the Plan, are subject to change each plan year or at any time during the plan year at the discretion of the City Council. The City of Brooksville Group Insurance Plan year is October 1st through September 30th.

II. DEFINITIONS

- A. Eligibility Waiting Period is defined as completion of sixty (60) calendar days of full time employment. The eligibility waiting period may be waived for Key Employees as determined by the City Manager or designee.
- B. Effective Date of Insurance is defined as the 1st of the month following the completion of the Eligibility Waiting Period or a Family Status Change.
- C. Family Status Change is defined as any change in family status, i.e. birth of child, marriage, divorce, death of a spouse or dependent, dependent ceasing eligibility under the plan, elimination of plan, etc., which allows an Eligible Employee to modify or change type of coverage or covered dependents based on the terms and conditions of individual plans.
- D. Full-time Employee is defined as an Employee who is regularly scheduled to work for more than thirty (30) hours per workweek.
- E. Active Employee is defined as an Employee who is regularly scheduled to work and is not in an unpaid or non-pay status.
- F. Opt-Out Provision Payment is defined as the designated benefit dollar amount an eligible Employee receives in lieu of electing coverage under the plan when electing to opt-out of the City's group medical plan.

III. PROCEDURE

- A. Eligibility. Active, full-time Employees who have completed the Eligibility Waiting Period are eligible to participate in the City's Employee Group Insurance Coverages as of the Effective Date of Insurance.

B. Medical and Dental Insurance.

1. Employees may select employee and dependent coverage options and plan requirements as offered by the City. Details of the options are available for employees through Human Resources.
2. Changes to employee, dependent and supplemental coverages, after the Employee's initial Effective Date of Insurance, can only be made during the City's annual Open Enrollment Period or with a qualified event that allows for a Family Status Change.
3. If an Employee's spouse or parent is also a City Employee and currently enrolled as a dependent, the Dependent Employee will be required to enroll under his or her own identity number. This coverage will be paid through payroll deductions made on a 24 bi-weekly basis (the first two pay periods of each month).

C. Payment of Employee Elected Premiums.

1. Employees are responsible for payment of any/all elected coverage that requires payment of premiums not otherwise paid/covered by the City, i.e. dependent coverage, supplemental policies, etc. Typically payment is made through payroll deduction from the employee's regular pay.
2. When an Employee is in an unpaid/no-pay status the payment of employee elected premiums (for employee and/or dependent elected plans/policies) must continue to be paid, the Employee is responsible for paying all monies due for any/all elected coverage by the first of the month for that month's coverage. A fifteen (15) calendar day grace period is given in which to make payment. If payment is not made timely, insurance coverage will be cancelled.

D. Medical Plan Opt-Out Provision. Employees eligible for Group Medical and Dental Insurance benefits have the option of choosing to opt-out of the plan by participating in the City's Opt-Out Provision.

1. Employees electing the Opt-Out Provision will receive a designated benefit dollar amount in lieu of Medical Plan Coverage.
2. The Opt-Out provision is subject to the terms and conditions of the City Group Health Plan and budgetary constraints.
3. Employees electing the Opt-Out Provision are ineligible and forfeit any right to participate in Health Reimbursement Account benefits.

4. To Elect the Op-Out Provision.
 - a. Employees must be eligible for City of Brooksville Group Medical Insurance; and,
 - b. Employees must provide written verification of major medical coverage under another group coverage plan (military, retiree, or spousal insurance) – NOTE: individual policies/plans are not accepted; and,
 - c. Employees must agree to maintain other group medical coverage for the duration of their participation in the Opt-Out provision; and
 - d. Employees must sign the Medical Coverage Opt-Out Provision Employee Election and Certification Form and agree to the requirements set forth.
 - e. Once an Employee Opts-Out of the City's coverage, the Employee will not be able to change their coverage and/or be covered by the City's policies/plan except during the City's annual Open Enrollment Period or with a qualified event that allows for a Family Status Change.
5. Payment Summary. When an Employee chooses the Opt-Out Provision, the Employee will receive a designated benefit amount that will be determined at the beginning of each plan year based on insurance premiums and budget constraints. Opt-Out Provision Payments will be paid the first two pay periods each month and will be subject to appropriate withholding and FICA taxes. Opt-Out Provision Payments are not considered salary and are not eligible for the pension programs contributions.
6. Auditing and Repayment.
 - a. Annually in conjunction with Open Enrollment Period in the City's Group Insurance Plan or when an Employee participating in the Opt-Out Provision terminates his or her employment with the City, the City may audit an Employee's participation in the Opt-Out Program and require the Employee to demonstrate through written documentation that the Employee maintained coverage as required for each month in which an Opt-Out Payment was received.
 - b. In the event it is determined that the Employee was ineligible in any month to receive the Opt-Out Payment, the Employee is obligated to repay the City any amount the Employee was not eligible to receive. The City is authorized to deduct any amount for which the Employee was ineligible from the Employee's last paycheck or any other monies due to the Employee from the City.

- E. Group Life Insurance and/or Accidental Death & Disability Benefits. The amount of life insurance provided by the City to its employees is stipulated by the insurance schedule. Accidental Death & Dismemberment Benefits are available only to eligible Employees and cannot be extended to other Employees or retirees.

- F. Supplemental Insurance. The City may offer other supplemental insurance programs through payroll deductions. Plans may offer supplemental benefits for cancer, accident, disability, hospitalization, intensive care, and whole life policies. Plans are available for eligible Employees and eligible dependents based on the terms and conditions of individual plan documents and required payment of premiums.

City of Brooksville
Medical Coverage Opt-Out Provision
Employee Election and Certification

I, _____, am refusing, and voluntarily electing to opt-out of, all medical or health coverage offered by the City's Group Medical or Health Insurance Plan for both me and any eligible dependents I might have for the _____ Plan Year which begins October 1st of said year. I understand that I cannot "opt-back-in" the City's Plan during the Plan Year without a qualified event, i.e. elimination of other group policy/plan, that allows for a Family Status Change.

I certify that I have received a copy of the City of Brooksville's Opt-out Provision Policy and I acknowledge that I have read and understand the terms and conditions set forth in the policy. I acknowledge and understand that the Opt-out Provision Payments are neither salary nor wages and are not eligible for pension program contributions; however, such payments will be subject to applicable withholding and other taxes.

I do hereby certify and confirm that I have other Group Medical or Health Insurance coverage provided under another group plan (military, spousal or retiree insurance) and have attached written verification of this insurance including a letter from the other insurance company or other medical carrier evidencing coverage period and coverage rates and copy of my current insurance card.

Opt-out Provision Payments are paid to me the first two (2) pay-periods of each month through the Plan Year. If my employment is terminated for any reason or if I become ineligible for the City's Group Medical or Health Insurance Plan, all Opt-out Provision Payments will cease as of the date of my termination or ineligibility. I further acknowledge and certify that I must maintain my coverage under the existing plan in order to continue to receive Opt-out Provision Payments. In the event my coverage under such other plan terminates, I will immediately notify the City and I acknowledge and understand that Opt-out Provision Payments will immediately cease, effective as of the date of termination of my other plan.

I further understand that I am responsible for repayment of any Opt-out Payment that I am not entitled to under this program. By signing this Certification, I authorize the City to deduct from my paycheck or any other monies owed to me by the City, any balance of Opt-out Payments I received for which I was not qualified or eligible to receive.

Signature

Date

Print Name

Witness

Print Name

Chapter VII Employee Relations
Section 7.03 Group Insurance Plan

(New Policy That Does Not Exist in the Current Personnel Manual)

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E. Supplemental Insurance. The City may offer other supplemental insurance programs through payroll deductions. Plans may offer supplemental benefits for cancer, accident, disability, hospitalization, intensive care, and whole life policies. Plans are available for eligible Employees and eligible dependents based on the terms and conditions of individual plan documents and required payment of premiums.

CORRESPONDENCE-TO-NOTE
REGULAR COUNCIL MEETING – APRIL 20, 2009

1. **TYPE:** Letter
 DATE: March 20, 2009
 RECEIVED FROM: R. Alexander Glenn, Progress Energy
 ADDRESSED TO: Joe Bernardini, Mayor
 SUBJECT: Petition for Rate Increase of Progress Energy Florida, Inc. – Docket No.
 090079

2. **TYPE:** Letter
 DATE: March 31, 2009
 RECEIVED FROM: Duane L. Chichester, Hernando Progress, Inc.
 ADDRESSED TO: Joe Bernardini, Mayor
 SUBJECT: 2009 Hernando County Community Summit “Preparing the
 Way”/Hernando Youth Initiative (HYI)

3. **TYPE:** Letter
 DATE: April 2, 2009
 RECEIVED FROM: Brighthouse Networks
 ADDRESSED TO: T. Jennene Norman-Vacha, City Manager
 SUBJECT: Implementation of new digital video deliver technology known as
 Switched digital Video.

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



03-20-2009 11:05 AM

Writer's Direct Dial No. 727-820-5587

R. ALEXANDER GLENN
General Counsel - Florida

March 20, 2009

Mayor Joe Bernardini
City of Brooksville
201 Howell Ave.
Brooksville, FL 34601

Re: Petition for Rate Increase of Progress Energy Florida, Inc. - Docket No. 090079

Dear Mayor Bernardini:

In accordance with Rule 25-22.0406(2), F.A.C., I am enclosing for your information Progress Energy Florida's petition for a base rate increase, which the Company filed with the Florida Public Service Commission on March 20, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Alexander Glenn".

R. Alexander Glenn

Enclosure
RAG:cas

Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, FL 33733

cc: Conner
Giblin
Egan
TMM



HERNANDO PROGRESS, INC.

Helping Hernando County Become a World Class Place to Live and Work

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SUNTRUST
Jim Kimbrough
Chairman & CEO

TECO
Leroy Sullivan
Manager, External Affairs

WITHLACOCHEE RIVER
ELECTRIC COMPANY
Billy Brown
General Manager

March 31, 2009

Mr. Joe Bernadini
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601

Dear Joe:

Our 2009 Hernando County Community Summit "Preparing The Way" was a success with over 90 business professionals, government officials and community activists in attendance. The success of the Community Summit would not have been possible without you. Thank you for your commitment of time and your involvement this year in this very important event to our community.

We have tallied all of the votes and recorded the charges for our new committees. Below is a list of the priorities by rank that were established by our survey and the participants in the Summit. If you would like more detail on the charges please obtain a copy of the Hernando Today, March 20th issue.

1. Business Development
2. Growth Management
3. Quality of Life/Safety and Security
4. Transportation

Since the Education Committee has been transformed into a whole new summit of it's own we encourage you to support and participate where possible in the Hernando Youth Initiative (HYI). If you are interested in being involved with any of the committees between now and the next Summit please let my assistant Denise Nohejl know. Her telephone number is 352-544-5206 or you can email her at dnohejl@hernandotoday.com.

Our next Community Summit will be held in March of 2011. Thank you again for your time, commitment and participation.

Kindest regards,

Duane L. Chichester
Co-Chair - Hernando Community Summit

cc: Council
CM
PTW

1004 U.S. Highway 92 West
Auburndale, FL 33823

tel 863.965.7733
fax 863.288.2299



April 2, 2009

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

Dear Ms. Norman-Vacha,

Bright House Networks is continuing its commitment to bring new technology and advanced digital services to our community. To that end, we are implementing a new digital video delivery technology known as Switched Digital Video (SDV). SDV is a robust bandwidth-management system that makes it possible to offer more digital video programming services than before, including new HD channels.

In order to offer more new video services, Bright House Networks will be moving some existing programming services to the SDV system as well as adding new programming on the SDV system. Beginning on or after Wednesday, May 6, 2009, the following services will be delivered on the SDV system (remaining on the same channel number):

SUR	Channel 901
CNN En Espanol	Channel 902
Discovery En Espanol	Channel 903
Fox Sports En Espanol	Channel 904
History En Espanol	Channel 908
Caracol TV Internacional	Channel 910
Sorpresa	Channel 911
Cine Latino	Channel 912
GOL TV	Channel 913
TVE Internacional	Channel 914
Fox College Sports Atlantic	Channel 800
Fox College Sports Central	Channel 801
Fox College Sports Pacific	Channel 802
NBA TV	Channel 803
Tennis Channel	Channel 804
Outdoor Channel	Channel 805
Fuel	Channel 806
NHL Network	Channel 808
Big Ten	Channel 809
YES Network	Channel 811

CTN
4.20.09
JNV