

CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING  
COUNCIL C HAMBERS  
201 HOWELL AVENUE

AGENDA

December 7, 2009

7:00 P.M.

- A. CALL TO ORDER
- B. INVOCATION AND PLEDGE OF ALLEGIANCE
- C. SELECTION OF OFFICERS

- 1. Selection of Mayor

- Passing of the gavel to the newly selected 2009-10 Mayor to preside over the rest of the meeting

- 2. Selection of Vice Mayor

- Attachments: Charter Section 2.03

- D. REQUESTS FOR WAIVERS

- 1. Week of the Young Child

- Consideration of waiving fees in the amount of \$480 for the Week of the Young Child (WYC) event at JBCC on Saturday, March 27, 2010.

- Presentation: Director of Parks, Facilities & Recreation

- Attachments: Memo from Director of Parks, Facilities & Recreation dated 11/05/09, Letter from WYC Planning Committee dated 10/02/09, Facility Use Agreement

- 2. Kids Central, Inc. - JBCC Fee Waiver

- Consideration of fee waiver in the amount of \$110.00 for rental of JBCC for a youth resource fair on Tuesday, January 5, 2010.

- Presentation: Director of Parks, Facilities & Recreation

- Attachments: Memo from Director of Parks, Facilities & Recreation dated 11/16/09, Facility Use Agreement

E. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. CCA Hernando County Jail Check Presentation

Check Presentation for The Friends of the Children, Inc. from CCA Hernando County Jail in the amount of \$735.77.

Presentation: Warden Russell Washburn

2. Friends of the Children Check Presentation

Check Presentation for The Friends of the Children, Inc. from the Leadership Hernando Class of 2009 and the Community Foundation of Hernando County in the amount of \$2,500.

Presentation: Leadership Hernando Class of 2009 and Sean Hengesbach of the Community Foundation of Hernando County

3. Downtown Brooksville Metro Bay Judicial Center Overview

Presentation of the proposed Judicial Center by Metro Bay.

Presentation: Bill Rain, Metro Bay Development, LLC

Attachment: Powerpoint slides

F. CITIZEN INPUT

G. CONSENT AGENDA

1. Minutes

November 2, 2009 Regular Meeting

2. Annual Holiday and Meeting Schedule

Review and consideration of proposed meeting and holiday schedule for 2010, including tentative budget workshops and public hearing dates, pursuant to City Code & Policy.

3. City of Brooksville's objection to the Skyland Utilities request to Public Service Commission

Consideration to object to the Skyland Utilities petition and to approve the Objection as already filed with the Public Service Commission.

4. City Hall Air Conditioning Unit

Consideration to approve for City Manager to authorize Energy Systems Group to prepare a preliminary analysis for determining the viability of the use of a "potential guaranteed energy savings performance contract".

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda  
Action: Motion to Approve  
Attachments: 1) Minutes; 2) Memo from City Clerk dated 11/16/09; Schedule; HCBOCC & School Board Calendars; 3) Memo from City Attorney dated 11/17/09; Memo from Interim Public Works Director dated 11/23/09; 4) Memo from City Manager dated 11/30/09

H. PUBLIC HEARINGS

- Entry of Proof of Publication into the Record

1. **Ordinance No. 735-B – Villa Rosa (Underwood Property)**

Consideration of extension of petition for a master plan revision as referenced in Ordinance 735-A to extend time frame stipulation to allow for a two-year extension pursuant to SB 360.

[Continued from November 16, 2009 meeting.]

Presentation: Community Development  
Recommendation: Approval of Ordinance No. 735-B upon **roll call vote** and schedule second reading for December 21, 2009  
Attachments: Memo from City Planner dated 11/16/09; Proposed Ordinance; City Attorney to provide supplemental information prior to meeting

I. REGULAR AGENDA

1. **Withlacoochee Regional Planning Council (WRPC) Board**

Consideration of Council appointment to the WRPC Board for a term beginning December 10, 2009 through December 8, 2010.

Presentation: City Clerk  
Recommendation: Appoint Member  
Attachments: Memo from City Clerk dated 12/07/09; Letter from WRPC Executive Director dated 11/05/09; Email from City of Weeki Wachee dated 11/15/09

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

### CORRESPONDENCE TO NOTE

*Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at [www.cityofbrooksville.us](http://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 352/540-3816.*

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

CITY CHARTER

**ARTICLE II. LEGISLATIVE**

**Sec. 2.03. Mayor; vice-mayor.**

The council shall elect from among its members a mayor and a vice-mayor. Election of the mayor and vice-mayor shall be done annually at the first regular council meeting in December of each year. The mayor shall preside at meetings of the council, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military law, for service of process, execution of contracts, deeds and other documents, and as the city official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The vice-mayor shall act as mayor during the absence or disability of the mayor.



**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: **Week of the Young Child, JBCC Fee Waiver**

DATE: November 05, 2009

**GENERAL SUMMARY/BACKGROUND:**

The Childhood Development Services, Inc. will be celebrating The Week of the Young Child on March 22, 2010. The event has been held at JBCC for the last several years and has always been a huge success for the community. The committee is in hopes that Council would consider waiving the fees in the amount of \$480.

The festival is free and promotes childcare and education while providing a fun-filled day with food, fun and games for the youth. The family event this year is on Saturday, March 27, 2010 from 10am till 2pm.

The security deposit in the amount of \$300.00 and a certificate of insurance listing the city as an additional insured will still be required for the event.

**BUDGET IMPACT:**

The budget impact would be a loss of Park rental income in the amount of \$480.00; this will impact the FY 09/10 budget. To date, Parks/JBCC fees in the amount of \$2131.65 has been waived in the FY 09/10.

Monies have been budgeted in Council FY09/10 budget in the amount of \$7000 for such special events. To date \$6406.99 has been expended.

**LEGAL REVIEW:**

The City Council has the authority to waive the fees that are being requested if deemed appropriate. Council in the past has followed the guidelines of the host agency being a not for profit agency and the event must be free and open to the community.

**STAFF RECOMMENDATION:**

Staff will move forward with the direction given from Council.

*Week of the Young Child*  
Hernando County Interagency Advisor Council on Early Childhood Services

Festival 2010

October 2, 2009

City of Brooksville  
Park & Recreation  
Attn: Mike Walker  
301 Darby Lane  
Brooksville, FL 34601



Dear Mr. Walker:

The National Association for the Education of Young Children nationally recognizes an entire week and works in conjunction with schools to participate in various activities throughout that week. This is ended each year with a celebration for the families of the community. This will be our 21<sup>th</sup> year for providing this to Hernando County.

**The family event this year is to be held on Saturday, March 27, 2010.**

For several years the City of Brooksville, very graciously, allowed us to hold this event at the Jerome Brown Community Center. It has always been a huge success and very much appreciated by the community! The attendance is always well over 2,000 people. This is a non-profit organization. **It is our hope that you will consider and grant a waiver of fees for the usage of the Jerome Brown Community Center.**

The Week of the Young Child is an interagency organization, those organizations involved on the planning committee are: Brooksville Parks & Recreation-JBCC, Devereux Kids, Harbor Behavioral Health Care Institute, Early Learning Coalition of Pasco & Hernando Counties, Hernando County Health Dept., Hernando County Recreation, Hernando County Sheriff's Dept., Hernando County Social Services, Hernando County YMCA, Mid Florida Children Services (Head Start), SEDNET, Suncoast Girl Scouts.

The purpose of the festival is to promote the need for quality childcare and education while providing a fun-filled day for families without financial worry. The entire event is free to the public. Food and beverages are provided for a minimal fee.

Just a few of the *other* organizations that participate the day of the event: Big Brothers Big Sisters, Boys & Girls Club, Brooksville Fire Department, Children's ID Video (Masonic), Florida Kid Care, Heart Literacy, Hernando County Fire Rescue, Hernando County Healthy Start, The Mother's Club, Moton Elementary, The Nurturing Program, Physicians Health Care and many pre-kindergarten and child daycare centers.

Should you have any further questions, I can be reached at 540-6363.

Thank you so very much for this consideration.

Sincerely,  


Penny Oliver  
Member, Planning Committee

11-20-09 10:52 AM

# CITY OF BROOKSVILLE

## PARKS & RECREATION DEPARTMENT

### FACILITY USE AGREEMENT



Jerome Brown Community Center  
  Hall  
  Conference Room  
  Kitchen  
 Other Facility Parking Area - Ballfields

Name of applicant (User): Week of the Young Child

If an organization, name of representative: Penny Oliver

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

Address: 205 E. Fort Dade Ave City: Brooksville State: FL Zip: 34601

Contact person: Penny Oliver Day Telephone: 352-540-6363 Evening: 263-9843

Alternate contact person: Jean Rags Day Telephone: 540-4338 Evening: \_\_\_\_\_

Description of event: Large community event focused on helping families better their lives, education, daycare Anticipated attendance: 1,000

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: 3/27 Ending date: 3/27

Time event begins: 7:00 AM / PM Time event ends: 3:00 AM / PM

Set-up: Date Friday, 3/26, 2010 From 3:30 PM To 5:00 AM / PM

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

Food/merchandise sales\*:  No  Yes Describe: 50¢ per item so as to be

Refreshments served:  No  Yes Describe: affordable to all families

Number of paid security officers (if applicable): 1 Scheduled from 10:00 AM / PM To 2:00 AM / PM

360  
95  
25

**RATES & FEES**

**User Fees:** The base user fee for the requested facility is \$ 480.00 <sup>N/A</sup> (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: Penny Oliver Signature: Penny Oliver Date: 10/15/09  
Applicant/User

Insurance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes; Certificate naming City as "Additional Insured" attached <input 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>480.00</u>	Other \$ <u>300.00</u>	Total Estimated Cost \$ <u>780.00</u>	Total Estimated Deposit \$ <u>300.00</u>
Initial Deposit (minimum 50% of estimated total) \$ _____		Received by _____	Date _____
Application Approved By: _____		Date: _____	
<b>Not valid unless signed by Director of Parks and Recreation or Authorized Agent.</b>			



JB2010

JBCC - Facility Lease Agreements 2009-2010					
ORGANIZATION	PROGRAM	ROOM	DATE	FEE	PAID
Hispanic Scholarship Civic	Multi-Cultural Festival	Hall, Kitchen	04/10, 11/2010	\$450.00	Fees Waived
Children Development Service	Week of the Young Child	Hall, Kitchen	03/26, 27/2010	\$480.00	
Tangerine Tims Committee	New Year's Eve Event	Hall, Kitchen	12/31/2009	\$436.65	Fees Waived
Humane Society of the Nature Coast	Pet Fashion Show	TVP	11/14/2009	\$275.00	Fees Waived
H.C. Intergroup of AA	AA'S Gratitude Dinner	Hall, Kitchen	11/07/2009	\$495.00	Fees Waived
Friends of the Children	Blazing Butts-N-Brisket	TVP	10/17, 18/2009	\$475.00	Fees Waived
<b>TOTAL</b>				<b>\$2,611.65</b>	<b>\$0.00</b>
<b>DIFFERENCE</b>					<b>\$2,611.65</b>
<b>Fees Waived</b>					<b>\$2,131.65</b>



AGENDA ITEM NO. D-2  
12/7/09

## 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: **Kids Central, Inc., JBCC Fee Waiver**

DATE: November 16, 2009

**GENERAL SUMMARY/BACKGROUND:** Kids Central, Inc. is the lead agency selected by the State of Florida to coordinate child protection services in Hernando County. The agency is a non-profit and is committed to promoting the welfare of children through abuse and neglect prevention services, in-home care, foster care, and adoption. Kids Central, Inc. would like to hold a resource fair for the youth on January 5, 2010, from 3:00 pm until 6:00 pm. This resource fair is free and open to the public and will present resources for health, education, financial, housing, government, transportation, public assistance, and career counseling. Vendors will present the youth with vital information they will need to be a successful member of our community. This event is to ensure that our youth are knowledgeable about how to access resources that will eventually be pivotal and the main goal of the Independent Living Program. The agency is asking for the base rent in the amount of \$110.00 to be waived.

The security deposit in the amount of \$200.00 and a certificate of insurance listing the city as an additional insured will still be required for the event.

**BUDGET IMPACT:** The budget impact would be a loss of Park rental income in the amount of \$110.00; this will impact the FY 09/10 budget. To date, Parks/JBCC fees in the amount of \$2266.65 has been waived in the FY 09/10.

Monies have been budgeted in Council FY09/10 budget in the amount of \$7000 for such special events. To date \$6541.99 has been expended.

**LEGAL REVIEW:** The City Council has the authority to waive the fees that are being requested if deemed appropriate. Council in the past has followed the guidelines of the host agency being a not for profit agency and the event must be free and open to the community.

**STAFF RECOMMENDATION:** Staff will move forward with the direction given from council.

sent all paper work to Kim - C/ Clerk  
11-19-09

# CITY OF BROOKSVILLE PARKS & RECREATION DEPARTMENT FACILITY USE AGREEMENT



Jerome Brown Community Center    Hall    Conference Room    Kitchen  
 Other Facility \_\_\_\_\_

Name of applicant (User): Kids Central Inc.

If an organization, name of representative: Danielle Cafiero

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

Address: 2117 SW Hwy 49A City: Ocala State: FL Zip: 34473

Contact person: Danielle Cafiero Day Telephone: 352-598-3385 Evening: \_\_\_\_\_

Alternate contact person: Kara Votta Day Telephone: 352-233-3813 Evening: \_\_\_\_\_

Description of event: Community Connection Fair

Anticipated attendance: 100

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: Jan 5<sup>th</sup> Ending date: Jan 5<sup>th</sup>

Time event begins: 3pm ~~AM~~ ~~PM~~ Time event ends: 6 AM  PM

Set-up: Date 1/5/10 From 1 AM/PM To 2 AM/PM

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

Food/merchandise sales\*:  No  Yes Describe: \_\_\_\_\_

Refreshments served:  No  Yes Describe: chick-fil-A

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

**RATES & FEES** *- set up time*

**User Fees:** The base user fee for the requested facility is \$ 135.00 (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.

Revised 08/20/03

E mail: TO  
Kim 11/19/09  
AM

2

**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: Danielle Cafiero      Signature: [Signature]      Date: 10/26/09  
 Applicant/User

Insurance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes;   Certificate naming City as "Additional Insured" attached <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
Alcoholic Beverage Distribution/Consumption Permit <input type="checkbox"/> No <input type="checkbox"/> Yes (Attach copy of signed permit)			
Base Rent \$	<u>135.00</u>	Other \$	<u>200.00</u>
Total Estimated Cost \$	<u>335.00</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: _____			
<b>Not valid unless signed by Director of Parks and Recreation or Authorized Agent.</b>			



# KIDS CENTRAL, INC.

A COMMUNITY APPROACH TO THE WELFARE OF CHILDREN

*Building Better Lives*

October 26, 2009

City of Brooksville  
Parks & Recreation Department  
306 Darby Lane  
Brooksville, FL 34601

Dear Council Members,

Please accept this letter as a request for donation of the Jerome Brown center's gymnasium for our upcoming resource fair. Kids Central, Incorporated is the not-for-profit lead agency selected by the State of Florida to coordinate child protection services in Citrus, Hernando, Lake, Marion and Sumter Counties (Circuit 5). Our agency develops and manages a comprehensive, community-based system of care for abused, neglected and abandoned children and their families. Kids Central, Inc. is committed to promoting the welfare of children through abuse/neglect prevention services, in-home care, foster care, and adoption.

Together with involvement from the communities we serve, Kids Central, Inc. is truly fostering a better way of life for children and families in our part of the Sunshine State. We are doing so by implementing a new program this year, called Independent Living. Often Certainly, the hope is that the youth in this program will develop skills they can use throughout their adult life; however, the community could be a real beneficiary of the youth's learning experience as well.

In December., Kids Central, Inc. would like to hold a resource fair for the youth that are preparing to transition out of foster care to living independently. This resource fair will present such resources as health, education, financial, housing, government, transportation, public assistance, career counseling, and more. This event is free and open to the public. Each resource will be represented by vendors from various community resources. The vendors will present the youth with vital information they will need to be a successful member of our community. Ensuring that these youth are knowledgeable about how to access resources they will eventually need is pivotal and the main goal of the Independent Living Program.

We, again, request that the Jerome Brown Center be donated for our event and also invite you to attend and see the difference we are making in the lives of many youth have otherwise been forgotten.





# KIDS CENTRAL, INC.

A COMMUNITY APPROACH TO THE WELFARE OF CHILDREN

*Building Better Lives*

With kindest personal regards,

Danielle Cafiero  
Independent Living Community Navigator  
(352) 598-3385



2117 SW Highway 484 ★ Ocala, FL 34473 ★ 352-873-6332 ★ [www.kidscentralinc.org](http://www.kidscentralinc.org)



# CERTIFICATE OF LIABILITY INSURANCE

OP ID DI  
KIDSC-1

DATE (MM/DD/YYYY)

10/26/09

<b>PRODUCER</b> Bouchard-Clearwater 101 Starcrest Drive P O Box 6090 Clearwater FL 33758-6090 Phone: 727-447-6481 Fax: 727-449-1267		<b>THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.</b>	
<b>INSURED</b>  Kids Central, Inc. 2117 SW Highway 484 Ocala FL 34473		<b>INSURERS AFFORDING COVERAGE</b>	<b>NAIC #</b>
		INSURER A: <i>Americure Insurance Company</i>	19488
		INSURER B: <i>Massachusetts Bay Ins Company</i>	
		INSURER C: <i>Lexington Insurance Company</i>	19437
		INSURER D:	
		INSURER E:	

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS		
C		<b>GENERAL LIABILITY</b>	41LX008996001-3	12/08/08	12/08/09	EACH OCCURRENCE	\$ 1,000,000	
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000	
		<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ 5,000	
		<input checked="" type="checkbox"/> PROF LIAB				PERSONAL & ADV INJURY	\$ 1,000,000	
		<input checked="" type="checkbox"/> HIRED/NON OWNED	\$3MIL AGG/\$1MIL EA ACT			GENERAL AGGREGATE	\$ 3,000,000	
		GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	\$ 1,000,000	
		<input type="checkbox"/> POLICY <input type="checkbox"/> PROJ-ECT <input type="checkbox"/> LOC	\$1MILLION			Emp Ben.	1,000,000	
B		<b>AUTOMOBILE LIABILITY</b>	AHJ836727203	06/30/09	06/30/10	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000	
		<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$	
		<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$	
		<input checked="" type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$	
		<input type="checkbox"/> HIRED AUTOS				AUTO ONLY - EA ACCIDENT	\$	
		<input type="checkbox"/> NON-OWNED AUTOS				OTHER THAN AUTO ONLY: EA ACC	\$	
						AUTO ONLY: AGG	\$	
C		<b>EXCESS / UMBRELLA LIABILITY</b>	41UD000794381-1	12/08/08	12/08/09	EACH OCCURRENCE	\$ 3,000,000	
		<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$ 3,000,000	
		<input type="checkbox"/> DEDUCTIBLE					\$	
		<input checked="" type="checkbox"/> RETENTION \$10,000					\$	
A		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>	WC201733405	01/29/09	01/29/10	WC STATU-TORY LIMITS	OTH-ER	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)					E.L. EACH ACCIDENT	\$ 500000
		If yes, describe under SPECIAL PROVISIONS below					E.L. DISEASE - EA EMPLOYEE	\$ 500000
		OTHER					E.L. DISEASE - POLICY LIMIT	\$ 500000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

**CERTIFICATE HOLDER****CANCELLATION**

<b>JEROME BROWN COMMUNITY CENTER</b> 99 JEROME BROWN PLACE BROOKSVILLE FL 34601	<b>JEROME B</b>	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
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ACORD 25 (2009/01)

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## **IMPORTANT**

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## **DISCLAIMER**

This Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



## Consumer's Certificate of Exemption

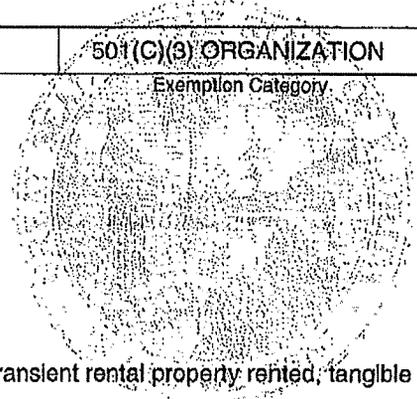
Issued Pursuant to Chapter 212, Florida Statutes

DR-14  
R. 04/05  
06/25/08

85-8012906664C-7	09/10/2008	09/30/2013	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

KIDS CENTRAL INC  
2117 SW HIGHWAY 484  
OCALA FL 34473-7949



is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



## Important Information for Exempt Organizations

DR-14  
R. 04/05

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (FAC).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others by your organization of tangible personal property, sleeping accommodations or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, FAC).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third degree felony. Any violation will necessitate the revocation of this certificate.
6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Central Registration at 850-487-4130. The mailing address is PO BOX 6480, Tallahassee, FL 32314-6480.

JBCC - Facility Lease Agreements 2009-2010						
ORGANIZATION	PROGRAM	ROOM	DATE	FEE	PAID	
Hispanic Scholarship Civic	Multi-Cultural Festival	Hall, Kitchen	04/10, 11/2010	\$450.00	Fees Waived	
Children Development Service	Week of the Young Child	Hall, Kitchen	03/26, 27/2010	\$480.00		
Kids Central, Inc.	Community Connection Fair	Hall, Kitchen	01/05/2010	\$135.00		
Hernando Youth League	Youth Basketball Games	Hall	01/02, 9, 23, 02/13/2010	\$446.00	\$446.00	
Tangerine Time Committee	New Year's Eve Event	Hall, Kitchen	12/31/2009	\$436.65	Fees Waived	
Humane Society of the Nature Coast	Pet Fashion Show	TVP	11/14/2009	\$275.00	Fees Waived	
H.C. Intergroup of AA	AA'S Gratitude Dinner	Hall, Kitchen	11/07/2009	\$495.00	Fees Waived	
Friends of the Children	Blazing Butts-N-Brisket	TVP	10/17, 18/2009	\$475.00	Fees Waived	
<b>TOTAL</b>				<b>\$3,192.65</b>	<b>\$446.00</b>	
<b>DIFFERENCE</b>					<b>\$2,746.65</b>	
Fees Waived					<b>\$2,131.65</b>	

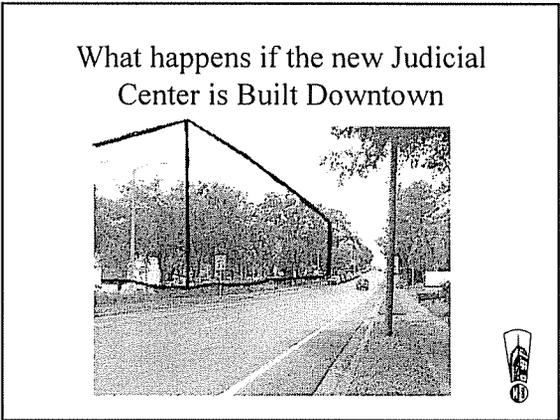
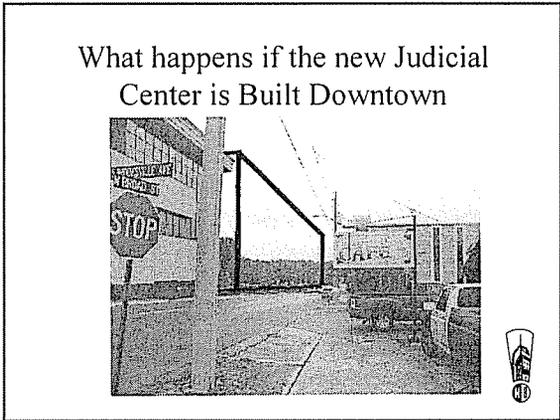
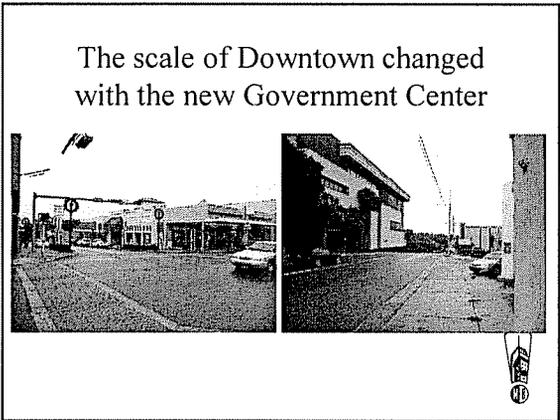
## Downtown Brooksville and the Metro Bay Judicial Center Proposal Overview

December 7, 2009

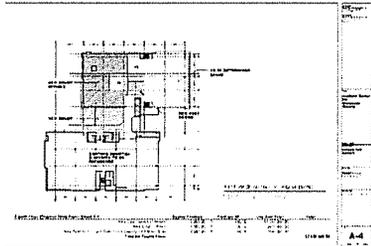


- ### Why should Brooksville care where the Judicial Center is Built?
- The City has stated that you want the Judicial Center located downtown to maintain the support services are located there.
  - Brooksville is the County seat and the beautiful historic Courthouse is located Downtown
- 

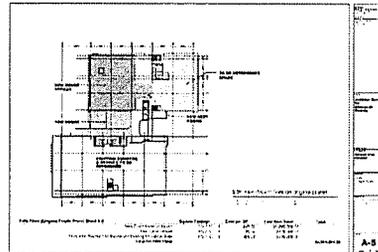
- ### Vision for Downtown
- Scale matters...
  - Re-use existing fabric.
  - New construction should compliment existing structures
  - Brooksville is a quaint downtown
- 
- 



### The Metro Bay Plan



### The Metro Bay Plan



The Best way to predict the  
Future is to create it..

Peter Drucker



### The Metro Bay Plan

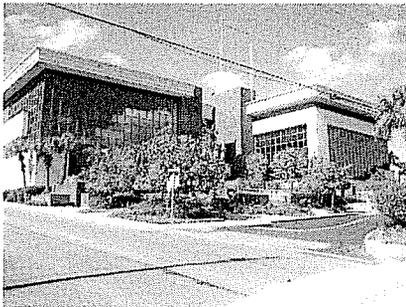
- Move the existing Admin function of the County to the Oaks (60,000 sqft)
- All departments that deal with the public will be located on the first floor storefront for easier access and parking
- After the Admin moves to the Oaks, the existing Admin building will be renovated into Judicial only
- The court function stays downtown with a scale that maintains the existing streetscape



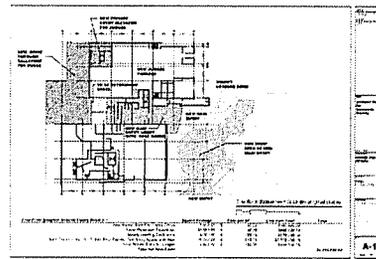
### The Metro Bay Plan



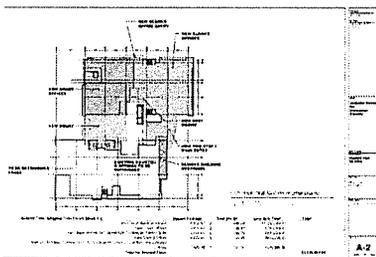
### The Metro Bay Plan



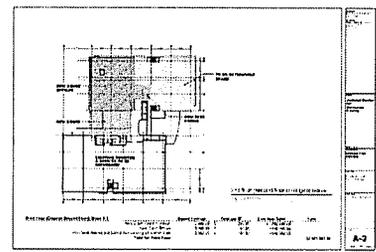
### The Metro Bay Plan



### The Metro Bay Plan



### The Metro Bay Plan



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

November 2, 2009

7:00 P.M.

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

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

**REQUESTS FOR WAIVERS**

**Kiwanis Club of Brooksville – Annual Christmas Parade Fee Waiver**

Consideration of request to partially waive fees in the amount of \$3,822.34 with a commitment from Kiwanis to pay \$1,000 to offset costs to hold the 35<sup>th</sup> Annual Christmas Parade on Saturday, December 12, 2009.

Robert Watts, Committee Chair, addressed Council on behalf of the Kiwanis Club of Brooksville.

**Motion:**

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn for approval. Motion carried 4-0.

**Humane Society of the Nature Coast - 2<sup>nd</sup> Annual Fur Fest**

Consideration of request to waive fees in the amount of \$275 to offset costs to hold the 2nd Annual Fur Fest in Tom Varn Park on Saturday, November 14, 2009.

Emilia Raia, Volunteer Coordinator for the Humane Society of the Nature Coast, addressed Council regarding the waiver and thanked the City of Brooksville for its generosity in letting them use Tom Varn Park. She indicated they are working with Hernando County Animal Services to find homes for homeless pets.

**Motion:**

Motion was made by Council Member Lewis and seconded by Council Member Pugh for approval. Motion carried 4-0.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

**American Indian Heritage Month**

Proclamation in honor of American Indian Heritage Month to be presented to the Weida Liguori, representing the Daughters of the American Revolution.

Mayor Bernardini read the proclamation in its entirety and presented it to Weida Liguori, representing the Daughters of the American Revolution.

REGULAR COUNCIL MEETING MINUTES – NOVEMBER 2, 2009

CONSENT AGENDA

Minutes

August 25, 2009 Budget Workshop

Department of Public Works Surplus Equipment/Vehicles

Consideration to surplus equipment/vehicles that is no longer of use.

Lift Station Telemetry Equipment Purchase

Consideration of sole-source purchase of telemetry system for the amount of \$37,199 plus shipping and applicable taxes.

Purchase of Rear-loader Garbage Truck

Consideration of the purchase of rear-loader garbage truck via from Florida Sheriffs Association, Association of Counties and Fire Chiefs Association Bid List for an amount not-to-exceed \$178,857.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval of Consent Agenda. Motion carried 4-0.

**PUBLIC HEARINGS**

Entry of Proof of Publication into the Record

Mayor Bernardini called for proof of publication. City Clerk Peters indicated Items F1, F2 & F3 were published on Friday, October 23, 2009, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavits for the record.

Ordinance No. 779 - Burn Permits

Consideration of an ordinance to establish and provide necessary requirements for the process of public burning and fireworks displays.

Fire Chief Mossgrove indicated this to be the second reading of the ordinance and clarified the specifics of the ordinance.

Mayor Bernardini asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval.

City Clerk Peters read Ordinance No. 779 by title, as follows:

**AN ORDINANCE PROVIDING FOR PERMITS TO BE REQUIRED FOR PUBLIC BURNING AND FIREWORKS DISPLAYS; ESTABLISHING PENALTIES AND FINES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Abs
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

**REGULAR COUNCIL MEETING MINUTES – NOVEMBER 2, 2009**

**Ordinance No. 780 - Fire Prevention**

Consideration of an ordinance regulating fire prevention and safety matters affecting the health, safety and welfare city residents.

Fire Chief Mossgrove indicated this to be the second reading of the ordinance.

Mayor Bernardini asked for public input; there was none.

**Motion:**

Motion was made by Council Member Lewis and seconded by Council Member Pugh for approval.

City Clerk Peters read Ordinance No. 780 by title, as follows:

**AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES; AMENDING FIRE CODE STANDARD PUBLICATIONS AND EDITIONS; ADOPTING SPECIFIC REFERENCE MATERIALS; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

Motion carried 4-0 upon roll call vote, as follows:

Council Member Lewis	Aye
Council Member Pugh	Aye
Council Member Johnston	Abs
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

**Ordinance No. 772 – Municipal Elections Qualifying Fees**

Consideration of an ordinance amending Section 30-6 Qualifying Fees of the Code.

City Attorney Rey indicated this to be the second reading of the ordinance.

Mayor Bernardini asked for public input; there was none.

**Motion:**

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval.

City Clerk Peters read Ordinance No. 772 by title, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, and CHAPTER 30, "ELECTIONS;" AMENDING SECTION 30-6 QUALIFYING FEES; PROVIDING FOR CODIFICATION, CONFLICTS, REPEALING, SEVERABILITY AND AN EFFECTIVE DATE.**

Motion carried 3-1 upon roll call vote, as follows:

Council Member Lewis	Nay
Council Member Johnston	Abs
Council Member Pugh	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

## REGULAR COUNCIL MEETING MINUTES – NOVEMBER 2, 2009

### REGULAR AGENDA

**\*\* Ordinance No. 781 – Innovators Investment Group, LLC Property Re-Zoning**

Consideration of the re-zoning of a 7.76 acre ± parcel of land located north of Cortez Blvd. (S.R. 50), west of Hale Avenue and east of Mildred Avenue to the classification of Planned Development Project (PDP) with a Special Exception Use for a Combined Planned Development - consisting of General Commercial and residential.

Mayor Bernardini read the Quasi-Judicial Hearings procedures into the record.

Those wishing to give testimony rose and were sworn by City Clerk Peters.

Steve Gouldman, City Planner, having been sworn, reviewed the request for rezoning in detail and entered the entire staff report into the record (Attachment A). He stated that the P&Z Commission, at the October 14, 2009, meeting concurred with staff to recommend that City Council approve an ordinance rezoning the property from County OP-PDP, PDP-R, and R1C to a planned development project with a special exception use approval for a combined use PDP consisting of Highway Commercial and Residential uses subject to a list of conditions as laid out in the report and ordinance. He clarified that there is one exception not listed in the staff report concerning the lighting, which will be required to be either directional or full cut off fixtures.

City Attorney Rey indicated Mr. Gouldman is the City Planner and his credentials are on file. Council may recognize and qualify him as an expert either through consensus or motion. Council recognized and qualified him through consensus.

Mayor Bernardini asked for conflicts of interest disclosure or ex parte communications. There were none.

Council Member Lewis asked if it was stipulated with an exception for a future access road when the property was annexed into the City. Mr. Geiger, having been sworn, replied there was no specific provision but would be required for a future redevelopment plan.

City Attorney Rey indicated Mr. Geiger is the Community Development Director and his credentials are on file and Council may recognize and qualify him as an expert either through consensus or motion. Council recognized and qualified him through consensus.

Mike Gaylor, Gaylor Engineering, having been sworn, indicated he is the engineer of record for the project and briefly reviewed the history of the rezoning request.

Council Member Lewis referred to Tract C (residential) fencing and asked if it would conflict with current code at the front of the property to Mildred Avenue. Mr. Geiger clarified that it would be on the Commercial portion of the property only.

Vice Mayor Bradburn thanked Mr. Gaylor for reviewing the Mildred Avenue portion of the rezoning and commended Steve Gouldman for his work on the petition. She pointed out that the Mildred Avenue property “stair steps” so as not to be an aesthetic hindrance. She also supports the landscape buffer, directional lighting and privacy fencing. She reported that the MPO recently passed a long range plan for frontage roads, including the truck route, which conforms to this plan.

Mayor Bernardini asked for public input of intervening parties.

Jeff Werner, of 1031 South Mildred Avenue, having been sworn, expressed concern for the buffer, the building height and setbacks, (which Bill Geiger, having been sworn, clarified) and lighting.

Mayor Bernardini indicated the Board should vote on whether or not to allow Mr. Werner to intervene as a party.

## REGULAR COUNCIL MEETING MINUTES – NOVEMBER 2, 2009

### **Motion:**

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh to allow the testimony of Jeff Werner as an intervening party. Motion carried 4-0.

Council Member Pugh asked for an explanation of what will happen next should Council approve this Ordinance. Steve Gouldman indicated the next step would be for the petitioner to submit a detailed plan which will be reviewed by staff.

Council Member Pugh indicated he does not support parking off a frontage road and would rather see a connection across the front of the property. His concern is the frontage road being all on one property and not having consideration for another parcel being developed in the future with access. He suggested a cross access agreement instead of a frontage road requirement.

Mr. Gouldman indicated that moving access to the south would encroach on the southeast corner parcel due to the depth and specified it would cause stacking problems with limited distance between State Road 50 and the frontage road.

Council Member Lewis suggested continuing west to east with the access road across Tract A to existing C2 property which is to be redeveloped in the future. His concern is that when the property is developed and a frontage road is constructed, there will never be another frontage road across the other property.

Mr. Geiger clarified that the item before Council is a concept plan. A more detailed plan will be submitted closer to construction of the property. He advised should the southeast corner property be redeveloped first, a shared frontage road on the north end would then be discussed. He assured Council that whenever the tract is redeveloped, a frontage road standard would apply for connectivity and if this project builds first they will be required to provide stub-outs to get to that property.

Vice Mayor Bradburn stated the City was remiss in previous years by not having connectivity in the US 41 area that should have applied. She does not support parking along a frontage road. The County's long range plan is to resume the frontage road program in order to alleviate traffic problems on the major roads. She supports a frontage road in this project as outlined in the conceptual plan that will have connectivity as development occurs.

Mike Gaylor explained the need for parking as proposed since it is a relatively small parcel.

Council Member Lewis supports access off truck by-pass from the westerly corner to the existing property with a stub-out as proposed on the conceptual design.

Council Member Pugh suggested Council needs to have discussion on the frontage road process since the petitioner has the opportunity for a variance that could come before Council. Vice Mayor Bradburn agreed that Council needs a vision for its frontage road system.

### **Motion:**

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of staff recommendation.

City Clerk Peters read Ordinance No. 781 by title, as follows:

**AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT) WITH A SPECIAL EXCEPTION USE FOR A COMBINED USE PLANNED DEVELOPMENT PROJECT (PDP-CU), CONSISTING OF HIGHWAY COMMERCIAL AND RESIDENTIAL USES FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

## REGULAR COUNCIL MEETING MINUTES – NOVEMBER 2, 2009

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Abs
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

### **Resolution No. 2009-12 to Florida Dept. of Transportation (FDOT) – Annual Christmas Parade Route**

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

Richard Radacky, Interim Public Works Director, addressed Council and pointed out there is also a parade detour route included that was approved by staff.

### **Motion:**

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of Resolution No. 2009-12.

Mayor Bernardini asked for public input; there was none.

City Clerk Peters read Resolution No. 2009-12 by title, as follows:

**RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA  
SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET  
AND BROAD STREET BETWEEN MAIN STREET AND BELL  
AVENUE IN DOWNTOWN BROOKSVILLE ON DECEMBER 12,  
2009; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN  
EFFECTIVE DATE.**

Motion carried 4-0 upon roll call vote as follows:

Council Member Pugh	Aye
Council Member Lewis	Aye
Council Member Johnston	Abs
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

*A 2-minute break was taken.*

### **Enrichment Center/Quarry Project Construction & Occupancy Agreement**

Consideration and approval of proposed agreement.

Mike Walker, Director of Parks, Facilities & Recreation reviewed the proposed agreement.

City Attorney Rey reviewed terms of default as well as the sub-grant agreement between the ECI and the State of Florida as referenced on page 1, lines 36 through 39 and on page 9, lines 1 through 10. She asked that it be attached as part of the agreement. She clarified on page 3, lines 1 through 6, refers to an exhibit of the leased land which is yet to be defined; the only diagram is the facility layout that has been provided to Council. The exhibit of leased land will come later when a survey has been done based on proposed construction plans. She referred to the change in paragraph 2 line 4.

## REGULAR COUNCIL MEETING MINUTES – NOVEMBER 2, 2009

Concerning the Exhibit, Attorney Joe Mason would agree to the change in paragraph 2 to read “EXHIBIT to be attached hereto”. He recommended the sub-grant agreement not be attached to the subject agreement, the pros and cons of which were discussed. Council consensus was to attach the sub-grant agreement to the subject agreement and record with the City sharing recording costs.

Mayor Bernardini indicated he does not support the term of 40-years and would rather it be 20-years with three (3) 20-year renewal terms. Attorney Mason is opposed to any term under 30-years since long-term financing would not accept anything less than that. He stated that, even though there is no financing involved in this project, investing the funds for a guarantee of only 20-years is a risk.

Mayor Bernardini referred to page 4, line 36 “Common Space” and asked for clarification on “both all public access points”. Attorney Mason explained there are two (2) items; public access points and hallways, walkways and stairwells. It is not double access point which defines as “both this and that” in other words.

Mayor Bernardini referred to page 5, line 26 “Approval of Future Improvements” and suggested approval come before Council (under Consent Agenda) be written into the agreement. Council Member Lewis stated he would expect the City Manager to bring an item of significance before Council pointing out the agreement states “future improvements are subject to prior written approval by the City Manager”. Attorney Mason indicated that change would cause every mundane issue to come before Council. Council Member Pugh pointed out this section refers to expansion of the building and could affect potential growth within the City for DRA and SWFWMD issues. He also noted this section refers to “structural” as defined as load bearing, exterior doors or windows. City Manager Norman-Vacha pointed out current procedures in the City’s Purchasing Policy states an improvement over \$6,000 would come before Council. She suggested changing the language to read “approved by the City Manager within the limits authorized through City Purchasing Policy otherwise to Council approval”.

Council consensus was to change from “City Manager” to “City Council”.

Mayor Bernardini referred to page 6, line 18 and pointed out there is no waiving fees for insurance. Attorney Mason confirmed ECI has insurance that covers rental fees.

Mayor Bernardini referred to page 7, line 15 “Event set up” and clarified that when the City has an event they are responsible for set up, tearing down and clean up; when ECI has an event they would be responsible for the same. Attorney Mason agreed.

Mayor Bernardini referred to the “Premises Maintenance Fund”, and asked if this fund would cover utilities and maintenance for rental to a third party; and if there is no money in the fund then would the cost would be shared by the City and ECI. Attorney Mason confirmed to both and affirmed any agreement can be amended based on changed circumstances should the City no longer be using the facility, which is improbable, and would not be obliged to cover half the cost.

Mayor Bernardini referred to page 10 “Termination for Cause” and suggested a clause for “Termination for No Cause”. Attorney Mason agreed and stated that has been a concern of ECI all along and the intent of this agreement was to insure both parties got along.

Council consensus noted two (2) changes to the agreement; number 2, page 3 “ECI and City agreement to be attached here unto” and page 5 (H) change the “City Council” from “City Manager”.

Attorney Mason noted the documents to come before Council for signatures will have two (2) non-material, non-subject changes in it; the paragraph numbering will be taken off and there will be notarization added at the end since the agreement will be a recorded document.

## REGULAR COUNCIL MEETING MINUTES – NOVEMBER 2, 2009

### **Motion:**

Motion was made by Council Member Lewis and seconded by Council Member Pugh for approval with stated changes.

Council Member Lewis reported this agreement first came before Council on November 17, 2008 and was completed in approximately one (1) year.

For the record, Mayor Bernardini stated he is opposed to the 40-year agreement.

Nick Morana indicated the Enrichment Center will provide the shovels for the ground-breaking.

Motion carried 4-0.

### **CITIZEN INPUT**

Mayor Bernardini asked for public input.

Walter Reid stated his concern with a tree over a house on MLK Boulevard. Vice Mayor Bradburn indicated the tree is on private property which is in foreclosure and the bank has asked that the City not intervene until they finish their legal process.

#### Sidewalks

Mr. Reid stated his concern for lack of sidewalks from Mitchell Road to US41. Mayor Bernardini suggested Mr. Reid meet with Mr. Geiger to address his concern.

#### Red Light Cameras

Mr. Reid suggested red light cameras be installed at US41 and SR50 and felt the current cameras at Martin Luther King Boulevard to be a trap for senior citizens on fixed income who cannot afford the tickets.

### **ITEMS BY COUNCIL**

#### **Lara Bradburn, Vice Mayor**

##### Sidewalk

She indicated Jefferson Street sidewalks do not connect to Rooster's Café and suggested that be put into the sidewalk plan. Council Member Pugh and Mayor Bernardini supported installing ten (10) feet of sidewalk at that location.

#### **Joe Bernardini, Mayor**

##### Code Enforcement at Dryden Place

He asked when this property will be addressed by Code Enforcement since it attracts vagrants and crime. City Manager Norman-Vacha indicated staff has taken a number of steps and in the process of addressing it further will bring to Council in the near future. Bill Geiger stated USDA is foreclosing on the property and if the process is expedited the City will be able to address it sooner. He indicated there is an adjacent property owner that is interested in making renovations.

##### Impact Fees

Mayor Bernardini asked if the City's Impact Fees would be reduced based on County action. City Manager Norman-Vacha indicated staff has been discussing the issue and it will be brought to the next Council meeting for discussion. There are several legal documents between the City and County that need to be analyzed to formulate where the City could be impacted. The County Commissioners will be meeting on November 10, 2009 to discuss. Vice Mayor Bradburn pointed out the City adopted the County's rate schedule but not as authority over changing the City's rates. City Attorney Rey stated the structure of the agreement will have to be looked at for other terms and

## REGULAR COUNCIL MEETING MINUTES – NOVEMBER 2, 2009

conditions that address this sort of situation. Mr. Geiger specified he was notified by the County today of the proposed change. His recollection of the inter-local agreements was that the City chose to opt into the County Impact Fees when they were introduced initially. The agreements would have to be updated to address current day and time issues unless the City were to set up its own fees. He indicated the fees would be lower due to less roads and lower infrastructure cost in the City.

Vice Mayor Bradburn stated there is no empirical data justifying the County lower the fees in order to have a positive impact on the economy. The facts of the data show building infrastructure, which is funded by Impact Fees, improves the economy. She would welcome the County presenting Council with data to justify lowering the fees. City Manager Norman-Vacha stated the City has an ordinance to follow the County's adopted rate structure but the inter-local agreement will have to be studied further. The County will put in place formal documents sometime in December and Council would determine whether to remain in the current relationship with the County or spend dollars for methodology and justification through a separate study. Vice Mayor Bradburn verified this study would be quite expensive and the City would not be able to afford the cost. She asked for the City Manager and Director Geiger to attend the meetings and voice the City's concern over this issue to the County Commission as to how it will affect the other entities.

Mayor Bernardini indicated he does not support lowering the Impact Fees. Council Member Pugh suggested sending a letter from Council signed by the Mayor addressing the issues and ask that it be read into the record. City Manager Norman-Vacha indicated staff will draft a letter, with copies to each Council member, for the Mayor to sign asking that it be formally read into the record.

### Walk with the Mayor

Mayor Bernardini indicated the walk on December 5, 2009, at 8:00 a.m. at Tom Varn Park is for Breast Cancer/Cancer Research and read the Mayoral Pancreatic Cancer Proclamation in its entirety.

## ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:40 p.m.

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

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

# CITY OF BROOKSVILLE MEMORANDUM



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

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

**From:** Janice L. Peters, CMC, City Clerk

**Subject:** 2010 Holiday/Meeting Schedule

**Date:** November 16, 2009

Pursuant to Section 5.00 of the Personnel Policies, the attached is the list of employee holidays for 2010, together with the regular council meetings, potential workshop meetings, tentative budget workshop/public hearings schedule (all beginning at 6:00 p.m.). The regular council meetings have been scheduled on the first and third Monday's of the month, unless there is a conflict with a holiday in the month, which results in only one regular meeting in the months of January, February, July and September in 2010.

The holiday list is consistent with the employee holidays that are being observed by Hernando County Board of County Commissioners and the School Board through June 2010. (Attachment I)

The budget workshops and public hearing dates are tentative (reflected as beginning at 6:00 p.m. based on comments made during the hearing cycle in 2009).

### **Financial Impact**

The holiday pay and overtime compensation have been budgeted.

### **Legal Impact**

The meeting and holiday schedule meets code and policy requirements.

### **Staff Recommendation**

Council approval of these schedules or amendments thereto.

# City of Brooksville

## 2010 Meeting & Holiday Schedule

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

- January**
- 1 New Year's Day
  - 4 Council Meeting 7:00 pm
  - 11 Potential Workshop
  - 18 MLK, Jr., Day

- July**
- 4 Independence Holiday\*\*
  - 5 Independence Holiday\*
  - 12 Potential Workshop
  - 19 Council Meeting 7:00 pm
  - 27 Potential Budget Workshop

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

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

- February**
- 1 Council Meeting 7:00 pm
  - 8 Potential Workshop
  - 15 President's Day

- August**
- 2 Council Meeting 7:00 pm
  - 10 Budget Workshop 6:00 pm
  - 16 Council Meeting 7:00 pm
  - 24 Budget Workshop 6:00 pm

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

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

- March**
- 1 Council Meeting 7:00 pm
  - 15 Council Meeting 7:00 pm

- September**
- 1 1st Budget Hearing 6:00 pm
  - 6 Labor Day
  - 15 Final Budget Hearing 6:00 pm
  - 20 Council Meeting 7:00 pm

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

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

- April**
- 2 Good Friday
  - 5 Council Meeting 7:00 pm
  - 12 Potential Workshop
  - 19 Council Meeting 7:00 pm

- October**
- 4 Council Meeting 7:00 pm
  - 18 Council Meeting 7:00 pm

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

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

- May**
- 3 Council Meeting 7:00 pm
  - 17 Council Meeting 7:00 pm
  - 31 Memorial Day

- November**
- 1 Council Meeting 7:00 pm
  - 8 Potential Workshop
  - 11 Veteran's Day
  - 15 Council Meeting 7:00 pm
  - 25 Thanksgiving Holiday
  - 26 Thanksgiving Holiday

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

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

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

- December**
- 6 Council Meeting 7:00 pm
  - 20 Council Meeting 7:00 pm
  - 23 Christmas Holiday\*
  - 24 Christmas Holiday
  - 25 Christmas Holiday\*\*
  - 31 2011 New Year's Holiday\*

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

# ATTACHMENT I

County Calendar & School Board Calendar

## 2010 County Calendar

New Year's Day	Friday, January 1
Martin Luther King, Jr., Day	Monday, January 18
President's Day	Monday, February 15
Good Friday	Friday, April 2
Memorial Day	Monday, May 31
Independence Day	Monday, July 5
Labor Day	Monday, September 6
Veteran's Day	Thursday, November 11
Thanksgiving Day	Thursday, November 25
Day after Thanksgiving Day	Friday, November 26
Christmas Eve Day	Thursday, December 23
Christmas Day	Friday, December 24

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# The School Board of Hernando County

# School Calendar for 2009 - 2010

Students - 180 days

<b>JULY 2009</b>	<b>AUGUST 2009</b>	<b>SEPTEMBER 2009</b>	<b>OCTOBER 2009</b>
S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
<b>NOVEMBER 2009</b>	<b>DECEMBER 2009</b>	<b>JANUARY 2010</b>	<b>FEBRUARY 2010</b>
S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28
<b>MARCH 2010</b>	<b>APRIL 2010</b>	<b>MAY 2010</b>	<b>JUNE 2010</b>
S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

First day for instructional staff .....	Aug. 13, 2009 .....	Thursday
District Inservice .....	Aug. 13 - 14 .....	Thursday-Friday
PreSchool .....	Aug. 17 - 21 .....	Monday-Friday
First day of school for students .....	Aug. 24 .....	Monday
Labor Day .....	Sept. 7 .....	Monday
End of first grading period (38 days) .....	Oct. 15 .....	Thursday
Professional Day – Students not in attendance .....	Oct. 16 .....	Friday
Veterans Day .....	Nov. 11 .....	Wednesday
Thanksgiving Break .....	Nov. 25 - 27 .....	Wednesday - Friday
Semester Exams (early release days) .....	Dec. 21 - 23 .....	Monday - Wednesday
Winter Break .....	Dec. 24, 2009 - Jan. 8, 2010 .....	Thursday - Friday
End of second grading period (48 days) .....	Jan. 14 .....	Thursday
Professional Day – Students not in attendance .....	Jan. 15 .....	Friday
M.L. King Day .....	Jan. 18 .....	Monday
FCAT Writing .....	Feb. 9 - 11 .....	Tuesday - Thursday
Presidents' Day .....	Feb. 15 .....	Monday
FCAT .....	March 9 - 19 .....	Tuesday - Friday
End of third grading period (47 days) .....	March 25 .....	Thursday
Professional Day – Students not in attendance .....	March 26 .....	Friday
Spring Break .....	April 2 - 9 .....	Friday - Friday
Memorial Day Holiday .....	May 31 .....	Monday
Early release days .....	June 8 - 10 .....	Wednesday - Thursday
Last day of school for students (End of fourth grading period - 47 days) .....	June 10 .....	Thursday
Post School .....	June 11 & June 14 .....	Friday & Monday
Last day for instructional staff .....	June 14, 2010 .....	Monday

Pre & Post School:	Teacher Professional Days:	Paid Teacher Holidays:	Paid Holidays 12-Month Employees:	Paid Holidays Less than 12-month:	Hurricane Make-Up Days Less Than 12-Month Employees:	Hurricane Make-Up Days 12-Month Employees:
Aug. 17, 2009	Oct. 16, 2009	Sept. 7, 2009	July 4, 2009	Sept. 7, 2009	Nov. 25, 2009	Nov. 25, 2009
Aug. 18, 2009	Jan. 15, 2010	Nov. 11, 2009	Sept. 7, 2009	Nov. 11, 2009	Jan. 8, 2010	Nov. 25, 2009
Aug. 19, 2009	Mar. 26, 2010	Jan. 18, 2010	Nov. 11, 2009	Nov. 27, 2009	Jan. 7, 2010	April 9, 2010
Aug. 20, 2009		Feb. 15, 2010	Nov. 26, 2009	Dec. 25, 2009	Jan. 6, 2010	April 8, 2010
Aug. 21, 2009	District Inservice	May 31, 2010	Dec. 25, 2009	Jan. 18, 2010		April 7, 2010
June 11, 2010			Jan. 1, 2010			
June 14, 2010	Aug. 13 & 14, 2009		Jan. 18, 2010			
			Feb. 15, 2010			
			April 2, 2010			
			May 31, 2010			



**CONSENT  
AGENDA ITEM  
MEMORANDUM**

**TO:** HONORABLE MAYOR AND CITY COUNCIL

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

**FROM:** JENNIFER C. REY, ESQ.  
THE HOGAN LAW FIRM, LLC  
AS CITY ATTORNEY

**SUBJECT:** SKYLAND UTILITIES/PUBLIC SERVICE COMMISSION  
APPLICATION

**DATE:** NOVEMBER 17, 2009

**GENERAL SUMMARY:** On November 12, 2009 we were advised by the County Attorney's Office that there was petition filed with the Public Service Commission by Skyland Utilities for authorization to start a private utility system. Neither the Firm nor the City received any prior notice of this matter. Objections to the petition had to be filed with the Public Service Commission no later than Sunday, November 15, 2009.

The petition includes areas within a five-mile radius of the City's First Right to Serve Utility Service Area. Since we were unable to obtain prior direction from the City Council as to its desire (or not) to object to the petition, in consultation with the Mayor and the City Manager it was determined to proceed with filing objection which could later be withdrawn if the City Council so desired.

Attached as "Attachment 1" is a staff memorandum prepared by Richard Radacky, Interim Public Works Director that discusses some of the specific water concerns for the City of Brooksville and potential utility/business impact.

Also, attached, as "Attachment 2," is a copy of the correspondence and objection that has been filed on behalf of the City and the Proximity Map.

Since that filing, an informal meeting has been established between Public Service Commission staff, parties, and interested persons to discuss the objections raised in the docket regarding the Skyland Utilities request. The meeting has been scheduled to take place on Thursday, December 10, 2009, between 3:00 p.m. to 5:30 p.m.

**BUDGET NOTE:** Financial impact is undetermined as in objection and/or an active role in pursuing legal action could result in attorney fees associated with the objection. Also, should the petition of Skyland Utilities be granted there could be a future loss of utility revenues with the addition of a private utility located just outside the City limits/First Right to Serve area.

**LEGAL REVIEW:** The City Council is authorized to act on this matter pursuant to Fla. Stat. Ch. 180 Municipal Public Works and Fla. Stat. Ch. 367 Water and Wastewater Systems.

**STAFF RECOMMENDATION:** Staff recommends that the City Council object to the Skyland Utilities petition and to approve the Objection as has already been filed with the Public Service Commission.

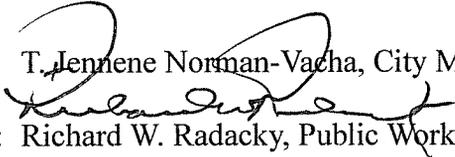
**ATTACHMENTS:** Staff memorandum from Interim Public Works Director Richard Radacky  
The City Of Brooksville's Objection to Application of Skyland Utilities,  
LLC and Request for Formal Administrative Hearing  
Proximity Maps

# **Attachment 1**

# CITY OF BROOKSVILLE

## MEMORANDUM

To: T. Jennene Norman-Vacha, City Manager

From:  Richard W. Radacky, Public Works Director

Re: Skyland Utilities, LLC.

Date: November 23, 2009

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There are major reasons why Skyland Utilities, LLC., should not be granted state approval as a private utility. These reasons are for environmental, public health and safety, and legal reasons.

Skyland would be a private, for-profit entity that could sell bulk water to the highest bidder. For the past half century, the counties and cities to the south have looked to the counties to the north to meet its water needs.

If Skyland is granted approval by the Florida Public Service Commission, they could and probably would; export bulk water to the south. The cities and counties to the south need all the water they can get. If this occurs; Skyland would be in effect “mining” water. They would be taking water from one groundwater basin and sending it to another. This water, once removed, can never be returned to its original basin as recharge. Water should not be removed from one groundwater basin to benefit another basin.

Declining water levels from over pumpage results in widespread environmental damage. Declining water levels caused cypress trees in cypress domes on the Barthle Ranch and surrounding areas to fall and crumble like old newsprint. It is not uncommon to find pine trees growing in what was once cypress heads. Declining water levels caused many private water wells to be redrilled in and around the Masaryktown area.

Groundwater flow in Hernando County is generally northwest. Skyland's proposed water withdrawal areas would be “upstream from the City of Brooksville wells and could interfere with; if not restrict, our future supply of water. (One of the conditions of being granted a water use permit by the SWFWMD is that withdrawals may not interfere with withdrawals from another legal water user). Once a water use permit is granted, it would be difficult, if not impossible, to have it rescinded, as water is essential for public health and safety. Pasco County found it difficult to site well fields in its own county due to draw downs from wellfields owned and operated by cities and counties to their south.

Lastly, Skyland would be taking water from one water supply authority area to another (Withlacoochee Regional Water Supply Authority to The Tampa Bay Water Supply Authority). Hernando County has for many years as the next supplier of water to the south and the Withlacoochee Regional Water Supply Authority was created to protect water supplies in our groundwater basin.

If further direction or action is needed, please advise.

# **Attachment 2**

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

IN RE: APPLICATION OF SKYLAND  
UTILITIES, LLC, TO OPERATE A WATER  
AND WASTEWATER UTILITY IN HERNANDO  
AND PASCO COUNTIES, FLORIDA

Case No.:090478-WS

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**THE CITY OF BROOKSVILLE'S OBJECTION TO APPLICATION OF  
SKYLAND UTILITIES, LLC  
AND REQUEST FOR FORMAL ADMINISTRATIVE HEARING**

1. The City of Brooksville, an incorporated municipality located within the boundaries of Hernando County, Florida ("Brooksville"), pursuant to Sections 367.045 and 365.171, Florida Statutes and Rule 25-30.031, Florida Administrative Code, hereby files its Objection to the *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* filed by Skyland Utilities, LLC (the "Application").

2. Brooksville further requests that a formal administrative hearing be held on the Application in accordance with Sections 120.569 and 120.57, Florida Statutes.

3. Brooksville hereby attaches as Exhibit "A", joins in and incorporates by reference as if stated herein *in haec verba* Hernando County's Objection to Application of Skyland Utilities, LLC and Request for Formal Administrative Hearing ("Hernando's Objection"), specifically those provisions relevant or applicable to Brooksville, including, but not limited to, Identifying the Parties, The Total Proposed Utility Territory, The Proposed Utility Area within the boundaries of Hernando County, The Proposed Utility Operation, the Funding of the Proposed Utility Operation, the Technical Experience of Skyland to Operate the Proposed Utility and other provisions stated therein as applicable.

4. Brooksville also objects to the noticing of this matter as no notice was sent to a City of Brooksville official or the City's acting counsel, the Hogan Law Firm (the undersigned). The Hogan Law Firm was notified of this issue by the Hernando County Attorney's office on November 12, 2009, and was denied an extension of time to object on November 13, 2009 by the Public Service Commission. This objection was due on Sunday, November 15, 2009.

5. Brooksville requests the same "Relief Requested" in Section V of Hernando's Objection as incorporated herein.

6. The City Limits of Brooksville are within five (5) miles of the proposed utility's service area as described in the Application, so Brooksville has standing to bring

this objection. Moreover, the proposed utility may interfere or unfairly compete with Brooksville's First Right to Serve Area concerning potable water.

7. In light of the late and possibly deficient notice granted Brooksville to respond to the Application, Brooksville asks that this filing be accepted as a placeholder in the event that any substantive or procedural defects are noted, so that Brooksville may be allowed to amend this objection by a date certain.

Submitted November 13, 2009.

**s/Derrill Lee McAteer**

Derrill Lee McAteer (FBN 0628972)

Hogan Law Firm

City Attorney

20 South Broad Street

Brooksville, FL 34601

Phone (352) 799-8423

Fax: (352) 799-8294

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent to the following this 13<sup>th</sup> day of November, 2009, by electronic filing (to the Clerk of the PSC) and U.S. Mail to all others listed below.

**s/Derrill Lee McAteer**

Joseph D. Richards  
Senior Assistant County Attorney  
Pasco County  
7530 Little Road Suite 340  
New Port Richey, FL 34654

Director, Division of Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Caroline Klancke

Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Michael Milton, Esq.  
Dean, Mead, Minton and Zwerner  
1903 South 25<sup>th</sup> Street, Suite 200  
Fort Pierce, FL 34947

Ronald Edwards, Manager  
Skyland Utilities, LLC  
660 Beachland Boulevard, Suite 301  
Vero Beach, FL 32963

J.R. Kelley, Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399

Garth Coller  
Hernando County Attorney  
20 N. Main Street  
Brooksville, FL 34601

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

IN RE: APPLICATION OF SKYLAND  
UTILITIES, LLC, TO OPERATE A WATER  
AND WASTEWATER UTILITY IN  
HERNANDO AND PASCO COUNTIES,  
FLORIDA

Case No.: 090478-WS

---

**HERNANDO COUNTY'S OBJECTION TO APPLICATION OF  
SKYLAND UTILITIES, LLC AND  
REQUEST FOR FORMAL ADMINISTRATIVE HEARING**

Hernando County, a political subdivision of the State of Florida, through counsel and pursuant to §§ 367.045, 365.171, Fla. Stat., and Rule 25-30.031, Fla. Admin. Code, hereby files its Objection to the *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* ("Application")<sup>1</sup> filed with the Public Service Commission ("PSC") by Applicant, Skyland Utilities, LLC ("Skyland").

Pursuant to § 367.045(4), Fla. Stat., Hernando County, a governmental authority, further requests that a formal administrative hearing be held on this Application in accordance with §§ 120.569 and 120.57(1), Fla. Stat.

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<sup>1</sup>/ The Application will be referred to as "**App. at p. \_\_\_**" and the page number(s) shall correspond to the page number(s) of the Application as found online at the PSC's online Docket in this matter (<http://www.psc.state.fl.us/dockets/cms/docketList.aspx?docketType=openWater>). Parenthesized material after **App. at p. \_\_\_** will describe the document or exhibit.

## I. KEY FACTS

### A. The Parties

1. Hernando County is a political subdivision of the State of Florida in accordance with Art. VIII, § 1, FLA. CONST., and Chapter 125, Florida Statutes. Hernando County has adopted laws regarding the regulation of land use, water and wastewater. Hernando County is a non-jurisdictional county for purposes of Chapter 367, Fla. Stat.
2. Skyland is the entity that has filed the subject Application. **App. at p. 1 *et seq.*** According to the Florida Department of State, Division of Corporation's website, Skyland filed its formation papers on or about June 11, 2009.
3. Skyland is a wholly owned subsidiary of Evans Utilities Company, Inc. **App. at p.6** (Application at p. 2); *and* **App. at p. 32** (Application, Exhibit I).
4. In turn, Evans Utilities Company, Inc. is wholly owned by Evans Properties, Inc. **App. at p. 32** (Application, Exhibit I).
5. Evans Properties, Inc. ("Evans") owns all of the land inside of the service boundaries of the proposed utility. **App. at p. 17** (Application, Exhibit A at ¶ 2).
6. Evans and Skyland are affiliated/related entities. **App. at 17** (Application, Exhibit A at ¶ 2).
7. To sum up their inter-relationships in their own words: "Evans owns and controls Evans Utilities Company, Inc., which owns and controls 100% of the [Skyland

Utilities, LLC] Utility and is the sole managing member of the Utility.” **App. at p. 591** (Application, Appendix – *Funding Agreement* at p. 1). As described later, Evans will be providing the land for the Utility’s operations and will be providing all of the funding for the proposed Utility.

#### **B. The Total Proposed Utility Territory**

8. All of the land owned by Evans as specifically referenced in the subject Application shall hereinafter be referred to as the “Land” or the “Total Proposed Utility Territory” as these terms may be used interchangeably. The portion of the Land situated in Hernando County shall be referred to as the “Proposed Hernando Utility Territory” and the portion of the Land situated in Pasco County shall be referred to as the “Proposed Pasco Utility Territory”.

9. The Total Proposed Utility Territory consists of approximately 4,089 acres. **App. at p. 62** (Application, Appendix – *Development Phases – Draft*) and is situated primarily in rural northeastern Pasco County and rural southeastern Hernando County.

10. A portion of the Land will be leased from Evans to Skyland so that Skyland can conduct its utility operations. “Skyland will not own any of the land where the Utility’s water facilities will be located. Instead, the Utility will lease the land from the Landowner, Evans Properties, Inc.” **App. at 26** (Application, Exhibit E). Similarly, “Skyland will not own any of the land where the Utility’s wastewater facilities will be

located. Instead the Utility will lease the land from the Landowner, Evans Properties, Inc.” **App. at 31** (Application, Exhibit H).

11. An executed Water Lease Agreement between Evans and Skyland dated October 1, 2009 is attached to the Application. **App. at pp. 556-569** (Application, Appendix – *Water Lease Agreement*). The lease was signed by Ronald L. Evans, as President of Evans Properties, Inc., and counter-signed by Ronald L. Evans, as Manager, Skyland Utilities, LLC. **App. at 567** (Id.). A similar agreement dated October 1, 2009 is also provided for wastewater facilities. **App. at pp. 578-590** (Application, Appendix – *Wastewater Lease Agreement*).

### **C. The Proposed Hernando Utility Territory**

12. The Proposed Hernando Utility Territory consists of approximately 791 acres. **App. at p. 62** (Application, Appendix – *Development Phases – Draft*).

13. With the exception of one small area designated ‘Conservation,’ all of the Proposed Hernando Utility Territory is designated ‘Rural’ on the Future Land Use Map (“FLUM”) of Hernando County’s adopted Comprehensive Plan (“Comp Plan”). **App. at p. 19** (Application, Exhibit B at ¶ 4).

14. Pursuant to the Comp Plan, the only uses allowed under the ‘Rural’ FLUM designation are: agricultural, agricultural commercial, recreation, and residential development with densities no greater than 1 unit per 10 acres, except in designated preexisting rural communities. (Comp Plan, Section D).

#### D. The Proposed Utility Operation

15. Pursuant to its Application, Skyland “proposes to provide potable and non-potable water and wastewater services to bulk exempt, bulk non-exempt, intensified agribusiness, residential and general service customers from the service territory described in this application.” **App. at 17** (Application, Exhibit A at ¶ 1).

16. Specifically, as part of its proposed operations, Skyland indicated that it is “also **considering selling bulk water.**” **App. at 620** (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study*) (emphasis added).

17. The proposed utility operation is planned over five phases. **App. at p. 17** (Application, Exhibit A at ¶ 3); *and see App. at 610* (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study*).

##### (i) Phase 1

18. Wastewater treatment and disposal for Phase 1 “will be pre-engineered wastewater treatment plants utilizing an extended aeration/MLE treatment process with percolation ponds.” **App. at p. 9** (Application at p. 5). However, Skyland states that “[t]he full extent of treatment required for future Phases has not yet been determined.” *Id.* (emphasis added).

19. According to Skyland’s Application:

“In Hernando County, Phase 1 utility services are planned for ID 2 [see Map, App. at 62] that can serve the equivalent of developing the approximately 349 acres with an allowed density of 1 dwelling unit per 10 acres or approximately 35 ERCs [Equivalent Residential Connections].

Potable water service will be provided by modifying an existing well. The existing structures will continue to utilize on-site septic systems while the remaining 33 ERCs wastewater service will be provided by the use of a low-pressure wastewater collection system and a 10,000 gallon per day (gpd) wastewater package plant utilizing Extended Aeration (EA)/Modified Ludzack-Ettinger (MLE) treatment for nitrogen removal.”

**App. at p. 21** (Application, Exhibit C at ¶ 1); *and see App. at pp. 28-29* (Application, Exhibit F, Types of Treatment and Capabilities of Facilities).

20. Skyland projects that the “[n]eed for Phase I utility services are anticipated to occur from 2010 to 2015, with 80% capacity reached in 2015. For this filing 2015 will be the Test Year.” **App. at 23** (Application, Exhibit D at ¶ 2).

21. Reuse of effluent is not part of Phase 1. **App. at 30** (Application, Exhibit G).

22. During the first five years, Skyland projects providing potable water supply to twenty (20) ERCs in year 1; twenty (20) ERCs in year 2; twenty-four (24) ERCs in year 3; twenty-seven (27) ERCs in year 4; thirty-one ERCs in year 5; and thirty-three (33) ERCs in year 6. **App. at 24** (Application, Exhibit D, Table D-2); *accord App. at 610* (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study* at p. 1).

23. It is noted by Skyland – that as of the time of filing of its Application – “there were not appropriate power sources from Florida Power & Light (FP&L) to run the water and wastewater facilities” and that discussions with FP&L were ongoing. **App. at 611** (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study* at p. 2).

(ii) Future Phases

24. “The future phases will begin upon the completion of Phase 1.” **App. at 23** (Application, Exhibit D at ¶ 2).

25. However, according to the Application, “Phases II through V have not been conceptually designed at this time . . . .” **App. at 23** (Application, Exhibit D at ¶ 2).

Similarly, the *Cost of Service Study*, which is a portion of the Application, states:

“It is anticipated that the future phases will be utilized in the order indicated on the proposed service area map in Appendix I and as discussed in more detail in Exhibit A. **There have been no conceptual plans developed as of this time for future development phases.** Where units and/or consumption have been assumed in future phases in this filing, the maximum permitted dwelling units have been used without consideration of any restrictive issues.”

**App. at 610** (Application, Appendix – *Skyland Utilities, LLC Cost of Service Study* at p. 1) (emphasis added).

(iii) Future Phases – Physical Interconnection Traversing Hernando and Pasco Counties

26. Finally, “[p]hysical interconnections will occur that traverse county lines [between Hernando and Pasco Counties] **during future phases.**” **App. at p. 22** (Application, Exhibit C at ¶ 1, last sentence).

27. It is further noted that the two contiguous parcels that are owned by Evans and which “*could*” connect Hernando and Pasco Counties are not planned for any development as part of Phase I. *See App. at 62* (Application, Appendix – *Development Phases – Draft*) (Map depicting parcels owned) and referencing text.

### **E. Funding the Proposed Utility Operation**

28. Evans will “provide the Utility with the funding necessary to build and operate the Utility System.” **App. at 32** (Application, Exhibit I, at ¶ 2); **App. at 35** (Application, Exhibit K); *and see App. at 591* (Application, Appendix – *Funding Agreement*).

29. However, Skyland freely states in its Application that “Skyland has not yet begun operations and thus does not have a detailed balance sheet, a statement of financial condition, or an operating statement.” **App. at 34** (Application, Exhibit J).

### **F. Technical Experience of Skyland to Operate the Proposed Utility**

30. According to the Application: “The related landowner, Evans, owns all of the land and has overseen all of the water resources within the proposed service territory. Evans has vast experience in water management through its agricultural oversight . . . .” **App. at 32** (Application, Exhibit I at ¶ 3). However, notably absent from the Application is any experience of Evans or Skyland in running a proposed multi-county ‘utility system’. Instead, “Evans will contract the day-to-day operations of the Utility System to a qualified company.” **App. at 33** (*Id.*).

### **G. Notice**

31. This matter was not ‘flagged’ by staff for Hernando County until receiving telephone notification of this Application from Pasco County. It appears that a copy of the ‘required’ notice was sent to the Clerk’s Office without cover letter. No

individualized notice – even as a courtesy if not statutorily required – was provided to David Hamilton, the County Administrator, Joseph Stapf, the County Utilities Director, or Garth Coller, the County Attorney. By all actions to date, it appears, perhaps, that Skyland was hoping that its Application would stay off of Hernando County’s radar screen until the thirty-day objection period had expired.

#### **H. Hernando County’s Comprehensive Plan – Relevant Objectives and Policies**

32. The following goals, objectives and policies of Hernando County’s Comp Plan are relevant to the subject Application:

##### **Chapter 1: Future Land Use**

**POLICY 1.01B(6):** Allow new development within the Rural Land Use Category which is compatible with the level of public services provided. The County will not provide water, sewer, transportation, or other infrastructure to support urban development in the Rural Land Use Category so that urban development can be directed into those areas which are planned to receive such services.

**POLICY 1.01B(7):** The County shall establish a procedure to evaluate the potential conversion of agricultural lands to non-agricultural uses which incorporate a site assessment process that considers the following:

- a. Adjacent land uses;
- b. Viability of adjacent parcels for continued or future agricultural use;
- c. Compatibility of proposed use with existing land characteristics;
- d. Comprehensive development plans;
- e. Available infrastructure;

f. Viability of the subject site including soils

POLICY 1.01T(1): Limit the potential for urban sprawl by establishing services in areas adjacent to concentrated growth.

POLICY 1.01T(2): Provide infrastructure for future development within areas of facility availability and investment in accordance with long range plans by the County for providing potable water, sanitary sewer, transportation and other facilities at planned levels of service and timing. Infrastructure for future development will be provided within the Residential, Commercial, Industrial, and Planned Development District Category areas indicated on the Future Land Use Map. The County may manage the timing of infrastructure availability within these areas to influence the timing and location of development.

POLICY 1.01T(4): Hernando County shall discourage the urban sprawl development pattern characterized as functionally unrelated to or integrated with other surrounding development. The following are representative characteristics of the urban sprawl development pattern:

- a. Leap frog development which is not contiguous to, or in close proximity to, existing urban infrastructure which requires costly public investments to provide such urban services for development.
- b. Linear or strip development that expands along major roadways beyond urban infrastructure causing the degradation of roadway capacity and incompatibility of adjoining land uses.
- c. Single dimensional development lacking supportive services.

POLICY 1.01T(8): Planning for water and sewer facilities will be consistent with the areas planned for urban development and designated on the Future Land Use Map.

OBJECTIVE 1.01U PROVIDE FOR THE DEVELOPMENT OF MECHANISMS TO LOCATE PUBLIC FACILITIES IN SUCH A MANNER AS TO EFFECTIVELY AND EFFICIENTLY SERVE EXISTING AND

PROJECTED DEVELOPMENT AND MINIMIZE THE FACILITIES' IMPACT ON NEARBY NATURAL RESOURCES AND EXISTING LAND USES.

POLICY 1.01U(1): The location of major public facilities shall be approved only after adequate opportunity has been provided for public review and comment.

POLICY 1.01U(2): As part of the major public facility locational review process, a statement of impact shall be prepared for new facilities describing the current condition of adjacent natural resources and land uses, the projected impact of the proposed facility on these adjacent areas and how the projected impact will be mitigated or minimized.

**Chapter 5: Sanitary Sewer**

OBJECTIVE 4.01A: THE COUNTY SHALL CONTINUE TO DEVELOP A WASTEWATER SERVICE PLAN FOR A TWENTY (20) YEAR PERIOD AT FIVE (5) YEAR INTERVALS TO BE UPDATED ANNUALLY WHICH EVALUATES THE DEMANDS AND SUPPLY OF WASTEWATER TREATMENT FACILITIES AND ESTABLISHES CRITERIA AND COSTS FOR THE DEVELOPMENT OF SERVICE AREAS WHICH DISCOURAGES URBAN SPRAWL.

POLICY 4.01A(2): The County will initiate the construction of wastewater treatment facilities based on the Wastewater Service Plan as required in Objective 4.01A.

POLICY 4.01A(5): All future wastewater collection and treatment systems within Hernando County should be owned and operated by or under contract with Hernando County, the Hernando County Water and Sewer District, or a municipality within Hernando County.

**Chapter 8: Potable Water**

OBJECTIVE 4.11G THE COUNTY SHALL PLAN FOR BUILDING NEW WATER SUPPLY FACILITIES OVER AT LEAST A TEN YEAR PLANNING PERIOD AS NECESSARY TO SERVE EXISTING AND NEW DEVELOPMENT.

POLICY 4.11G(1): The County shall utilize the following work plan in meeting this objective:

- a) The Hernando County Utilities Department or other appropriate agency shall prepare, and update as necessary, water supply plans to project and meet the needs of existing and new development within the urban growth areas designated by the Residential, Commercial, Industrial, and Planned Development District categories on the Future Land Use Map.
- b) The Water Resources Assessment Project (WRAP) model will be regularly calibrated and utilized to evaluate the impacts of development and provide guidance for development of water supply facilities.
- c) The Capital Improvements Element and Capital Improvements Plan as updated annually will be utilized to plan and program water supply facility projects and expenditures utilizing a five year planning period.
- d) Water supply planning will consider and coordinate with the Southwest Florida Water Management District's adopted water management plan, or regional water supply plan, should a regional water supply plan be adopted for that portion of the district which includes Hernando County.
- e) The demands of natural systems will be considered.
- f) Water supply planning conducted by the County will utilize a public participation process.

POLICY 4.11G(2): Water supply plans developed and updated hereunder, along with the adopted Capital Improvement Plan, shall be utilized to guide the location and timing of land development requiring potable water service.

POLICY 4.13A(1): Public Facility Zoning Approval shall be required prior to the construction of any major potable water well fields to review the

impacts on surrounding and proposed land uses and the aquifer and require mitigation of significant negative impacts.

POLICY 4.13A(4): With the exception of cities within Hernando County, the County will be the sole franchiser of water production or supply.

POLICY 4.13B(6): Hernando County shall provide for the development of water supplies to meet the demands of existing and projected populations within the County. Development of water supplies will be in accordance with the statutorily mandated Minimum Flows and Levels established by the Southwest Florida Water Management District to protect the water resources of the citizens of Hernando County.

## II. GOVERNING LAW

33. This matter is governed by Chapters 120, 125, 163 (Part II), and 367, Fla. Stat., Rule Chapters 25-22 and 25-30, Fla. Admin. Code, Florida decisional law, and established principles of statutory interpretation.

## III. OBJECTIONS TO APPLICATION OF THE PROPOSED UTILITY

34. Paragraphs 1 thru 33 above are incorporated herein by reference as if fully set forth herein.

### **A. Siting of Skyland Utility Where Proposed in Hernando County is Inconsistent with Hernando County's Adopted Comprehensive Plan**

The Proposed Hernando County Utility Territory is in a rural and largely undeveloped region of the County. The siting of a public water and/or wastewater utility system in this region violates the 'Rural' FLUM designation assigned to the Evans' properties.

Additionally, the proposed Utility violates numerous other objectives and policies of the Comp Plan as listed in Section I.H. above, without limitation.

**B. Proposed Utility will be in Competition with and/or Duplication of an Existing Utility Operated by Hernando County Water and Sewer District**

Currently, the Proposed Hernando Utility Territory is wholly within the service district of the Hernando County Water and Sewer District ("HCWSD"). HCWSD is governed by the locally elected Board of County Commissioners, a public body politic. The geographic service area and jurisdiction of HCWSD is clearly established and codified at Chapter 28 of the Hernando County of Ordinances.

Conversely, Skyland has not adequately demonstrated that its current needs over the next six year planning horizon (this was the time period it used in its Application and *Skyland Utilities, LLC Cost of Service Study*) could not be satisfied by HCWSD and/or existing permitting policies for private wells, septic and package treatment plant systems.

**C. Approving the Proposed Utility is NOT in the Public Interest**

First, just based on the four corners of the Application, the proposed utility cannot be cost effective or efficient by providing centralized utility service to houses with a density of less than one unit per ten (10) acres and to non-contiguous parcels. Of the 791 acres in Hernando owned by Evans, Skyland proposes only approximately 155 connections in the first five or six years of operations. Public interest is promoted by cost effective and efficient utility systems. Public interest is not served if persons residing in a certain geographic area of the county, *i.e.* southeastern Hernando County, who are

subjected to the future jurisdiction of the proposed Utility must pay higher water and wastewater rates due to lack of cost effectiveness, inefficiency, lack of economies of scale and/or the inexperience of the owner. (See facts set forth in Sections I.D, I.E and I.F, *supra*).

Second, the Proposed Hernando Utility Territory is wholly within the service district of the HCWSD, therefore, it is not in the public interest to duplicate or overlap utility service providers.

Third, as previously stated, it is not in the public interest to violate the goals, objectives and policies of Hernando County's adopted Comp Plan.

Fourth, it is not in the public interest to promote "urban sprawl" by encouraging new development and growth to occur prematurely in an area that is presently rural and largely undeveloped and without proper planning and infrastructure in place including roads, utility network, urbanized services and adequate electric power, without limitation. The presence of centralized water and sewer would encourage other development to occur in a leap frog and unplanned manner.

Fifth, it is not in the public interest to delete or reduce the service territory of the Hernando County Water and Sewer District if the geographic area being deleted was contemplated as being served in connection with bonds that have been issued or planned and the potential impact to the bondholders resulting from diminution of the secured interests.

Sixth, the public is currently served by an elected group of public officials who oversees HCWSD and they have local input into rates and regulations. It is not in the public interest to reassign a rural geographic segment of Hernando County to a private utility – with no known utility experience – to provide service. Especially since there has been no public demand for such service. Conversely, the person or entity (Evans) that is requesting private service from Skyland is the same entity that wholly owns the entity that wholly owns Skyland. Evans will also be leasing the land to Skyland to run the proposed utility system and Evans will be funding Skyland.

Lastly, adequate potable water supply is an important and valuable commodity to Hernando County and its residents. The possibility of this commodity being sold in bulk and pumped out of Hernando County violates the public interests of Hernando County and its residents and violates the doctrine of ‘local sources first’. (See facts set forth in Sections I.D, I.E and I.F, *supra*).

**D. Proposal by Skyland is Not a Utility Providing Service to the “The Public” “For Compensation” as Required by Chapter 367, Fla. Stat.**

Here, the entity/person requesting the utility service is the same entity which owns the proposed utility, which is the same entity leasing the land to Skyland and which is the same entity that will be funding Skyland. (See facts set forth in Section I.B and I.E., *supra*). Chapter 367 defines ‘Utility’ to mean “a water or wastewater utility . . . who is providing, or proposes to provide, water or wastewater service to the public for compensation.” § 367.021(13), Fla. Stat. (emphasis added). The term “for

compensation” also begs the question as to who is paying whom when one examines the inter-relationships between Evans Properties, Inc., Evans Utilities, Inc. and Skyland Utilities, LLC. In this regards, it is noted that the proposed Funding Agreement (**App. at p. 591**) was signed by Ronald L. Evans, as President of Evans Properties, Inc., and counter-signed by Ronald L. Evans, as Manager, Skyland Utilities, LLC. Accordingly, the term “the public” envisions a broader base than oneself (or a closely related/affiliated entity or alter ego) and “for compensation” envisions something more than shifting balance sheets among related entities. Skyland has not adequately demonstrated that it will be serving the “the public” “for compensation”.

**E. Mere Speculation to Provide Cross-County Service does Not Constitute “Transversing” for purposes of § 367.171(7), Fla. Stat. – PSC Lacks Jurisdiction over Hernando County, a Non-Jurisdictional County**

As explained in Hernando County’s *Motion to Dismiss* dated November 13, 2009 as separately filed in this matter (the content and arguments contained therein are incorporated into this pleading by reference as if fully set forth herein), the PSC lacks jurisdiction to grant the relief requested in Skyland’s Application. No infrastructure owned or controlled by Skyland currently traverses any border between Hernando County and Pasco County. The actual existence – and transversing – of such infrastructure is a prerequisite to the exercise of jurisdiction by the PSC over a water or wastewater utility situated in a non-jurisdictional county.

Moreover, the actual transversing of lines between Hernando and Pasco Counties is extremely speculative including when and how it might occur. Skyland admits in its application that no planning, design or exact timing has been planned for future phases (*see* facts set forth in Section I.D., *supra*). Skyland further admits that any transversing of county boundaries will not occur until some future phase. *Id.* Surely the PSC should not use the weight of the State to override Hernando County's primary jurisdiction based upon the mere recitation of Skyland that it intends to transverse County lines at some point after the 2015 year as part of a Phase not yet planned or designed and for which the number of users or capacity demands have not been calculated.

Accordingly, the PSC lacks the necessary jurisdiction to grant Skyland's application as pertaining to Hernando County. *See Hernando County v. Public Service Commission*, 685 So.2d 48, 51-52 (Fla. 5<sup>th</sup> DCA 1996).

#### **F. OBJECTIONS RAISED BY PASCO COUNTY**

Hernando County hereby incorporates by reference, as if fully set forth herein, all objections timely raised by Pasco County and any other objector in this matter to the extent applicable to Hernando County.

#### **IV. REQUEST FOR FORMAL ADMINISTRATIVE HEARING INVOLVING DISPUTED ISSUES OF MATERIAL FACT**

In the event the PSC does not dismiss Skyland's Application for lack of jurisdiction over Hernando County or, in the alternative, summarily deny Skyland's

Application, then Hernando County makes demand for a formal administrative proceeding in accordance with §§ 120.569 and 120.57(1), Fla. Stat.

A. The affected agency is the Florida Public Service Commission.

B. The name, address and telephone number of the Applicant, Skyland Utilities, LLC, is set forth in the Application. **App. at 1 et seq.** The name address of Hernando County and other parties entitled to notice are set forth in the signature block and certificate of service at the end of this document.

C. Petitioner, Hernando County, received notice as described in Section I.G.

D. In the event that the PSC does not dismiss, or summarily deny, Skyland's Application, then the following issues of material fact are in dispute:

- (i) Whether Skyland's Application comports with all of the requirements set forth in § 367.045, Fla. Stat. and Rule 25.30.033, Fla. Admin. Code;
- (ii) Whether the siting of the Utility where proposed by Skyland will violate Hernando County's adopted Comprehensive Plan;
- (iii) Whether the siting of the Utility where proposed by Skyland will encourage "urban sprawl" in southeastern Hernando County;
- (iv) Whether the Utility proposed by Skyland will compete with and/or duplicate the services of the Hernando County Water and Sewer District;

- (v) Whether the Utility proposed by Skyland is in the Public Interest or, in the alternative, whether the proposed Utility violates the Public Interest;
- (vi) Whether the Utility proposed by Skyland will impact any existing or contemplated bond as issued by Hernando County and/or the Hernando County Water and Sewer District;
- (vii) Whether the Utility proposed by Skyland will be serving “the public” for purposes of Chapter 367, Fla. Stat., if the provider and intended user are related or affiliated entities or alter egos;
- (ix) Whether the Utility proposed by Skyland will be operating “for compensation” for purposes of Chapter 367, Fla. Stat., if the provider and intended user are related or affiliated entities or alter egos;
- (x) Whether an applicant’s mere *statement of intent* to “transverse” pipes across county lines at some undefined point in the future – in connection with some future Phase of development not yet conceptualized, planned or designed – is sufficient for the Public Service Commission to usurp the jurisdiction of a sovereign non-jurisdictional county under the guise of § 367.171(7), Fla. Stat.; and,

(xi) All disputed issues of material fact timely raised by Pasco County and any other objector to this proceeding.

E. Hernando County restates and incorporates by reference, as ultimate facts, all facts and matters set forth in Section I above (Paragraphs 1 thru 32) as if fully set forth herein.

F. This matter is governed by Chapters 120, 125, 163 (Part II) and 367, Fla. Stat., Rule Chapters 25-22 and 25-30, Fla. Admin. Code, Florida decisional law, and established principles of statutory interpretation.

G. Petitioner, Hernando County, seeks the relief requested immediately below.

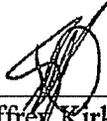
#### V. RELIEF REQUESTED

WHEREFORE, Hernando County prays for the entry of an Order:

1. Dismissing Skyland's *Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges* for lack of jurisdiction pursuant to § 367.171, Fla. Stat.; or,
2. Alternatively, if jurisdiction is rendered, deny the Application; or,
3. If the PSC will not dismiss or summarily deny the Application, then PSC is requested to refer this matter to formal administrative hearing pursuant to §§ 120.569 and 120.57(1), Fla. Stat.; and,
4. Granting such other and further relief as the Public Service Commission deems just and proper consistent with the foregoing.

**Dated: November 13, 2009.**

Respectfully submitted,



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Geoffrey Kirk, Esq. (FBN 861626)  
Jon A. Jouben, Esq. (FBN 149561)  
Garth Coller, Esq. (FBN 37849)  
County Attorney  
20 N. Main Street, Suite 462  
Brooksville, FL 34601  
(352) 754-4122  
(352) 754-4001 Fax  
Counsel for Hernando County

### **CERTIFICATE OF SERVICES**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent, in the manner stated below, to all persons listed below, this 13<sup>th</sup> day of November, 2009.



---

Geoffrey T. Kirk, Esq.

Joseph D. Richards  
Senior Assistant County Attorney  
Pasco County  
7530 Little Road, Suite 340  
New Port Richey, Florida 34654  
(by U.S. Mail)

Director, Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
(by filing original with Clerk *via* hand delivery)

Caroline Klancke  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399  
(by hand delivery)

Michael Milton, Esq.  
Dean, Mead, Minton & Zwemer  
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Fort Pierce, Florida 34947  
(by U.S. Mail)

Ronald Edwards, Manager  
Skyland Utilities, LLC  
660 Beachland Blvd., Suite 301  
Vero Beach, FL 32963  
(by U.S. Mail)

J.R. Kelly, Public Counsel  
Office of Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(by U.S. Mail)



AGENDA ITEM NO. G-4  
12/7/09

## CONSENT AGENDA ITEM MEMORANDUM

**TO:** HONORABLE MAYOR AND CITY COUNCILMEN

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

**SUBJECT:** CITY HALL AC/HEATING UNIT ANALYSIS

**DATE:** NOVEMBER 30, 2009

**GENERAL SUMMARY/BACKGROUND:** As you are aware, staff has been working to find solutions/alternatives for the replacement of the antiquated AC/Heating unit at City Hall. As directed by Council, staff has continued discussions with TECO People's Gas to explore the viability of a "natural gas" solution for City Hall's unit.

Our TECO People's Gas representatives have introduced us to one of their "energy partners," Energy Systems Group (ESG) in Clearwater to look into the possibility of using a "guaranteed energy savings performance contract" to totally fund the new unit for City Hall.

In order to determine whether the City has the potential to be a viable candidate for a "guaranteed energy savings performance contract," ESG has requested that the City authorize them to complete a preliminary survey.

The authorization letter (Attachment 1) indicates that there are two (2) additional steps beyond the preliminary survey: (1) investment grade energy audit agreement and (2) a guaranteed energy savings performance contract. Prior to entering into an investment grade energy audit agreement and/or an energy savings performance contract, will comply with competitive bidding and/or purchasing requirements.

The preliminary survey's findings will be presented to City Council at a future meeting to discuss appropriate procedures to move forward.

**BUDGET IMPACT:** At this point in the process, there is no "monetary" budget impact. Impact will involve staff time/resources.

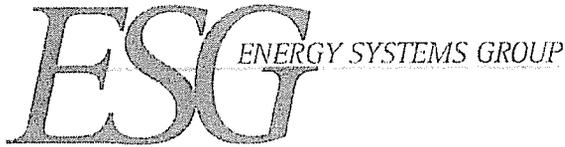
**LEGAL REVIEW:** The City Council has home-rule authority (Art. VIII, 2(b), Fla Const/Section 166.011, F.S.) to consider matters of fiscal and intergovernmental benefit; and pursuant to the City Charter Section 1.03 and 2.01 the City Council has the authority to conduct municipal government, perform municipal functions and render municipal

Brooksville City Council  
RE: City Hall AC/Heating Unit Analysis  
November 30, 2009  
Page 2 of 2

services to include issues involving municipal structures and buildings of which this matter would be one.

**STAFF RECOMMENDATION:** Staff recommends that the City Council authorize City Manager to sign the enclosed authorization letter with ESG to authorize preparation of the preliminary analysis/report to determine the viability or project potential for energy savings for the City Hall project.

# Attachment 1



17757 US Highway 19 North  
Suite 210  
Clearwater, FL 33764-6592  
Tel 727-533-0403  
Fax 727-533-0723

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

September 21, 2009

Mrs. Norman-Vacha:

We are very excited that City of Brooksville has selected ESG as its energy services partner in your efforts to develop and energy savings performance contract. The development of this type of program will require significant commitments from both of our organizations, and we look forward to working closely with you through the process. As our next step, we have already begun to collect some basic information regarding your operations and energy consumption to evaluate the feasibility of potential programs or projects.

To complete our preliminary report, ESG will need to analyze your current utility bills, conduct walkthroughs of your facilities, and interview members of your staff. Our intent is to use this information to uncover genuine, self-funding energy and operations improvements that make economic sense to your organization.

Although there is no direct cost for this analysis, the process will require a commitment of time and resources on your behalf. Over the next 30 to 60 days, ESG will work with your team to review your facility, plant operations, and utility consumption to develop a comprehensive list of possible project opportunities.

Once we have completed our preliminary report, ESG will schedule a meeting with you and other appropriate members from your staff to review the results, refine the study's focus, and discuss the next steps in the process. If our analysis reveals the anticipated project potential, we will ask City of Brooksville to enter into an investment grade energy audit agreement to more formally develop the potential guaranteed energy savings performance contract. With your support, ESG will invest the additional engineering and project development resources necessary to produce the formal investment grade audit which will formalize the project's scope and financials.

In signing this letter, ESG is demonstrating a commitment to help identify opportunities within the City of Brooksville to fund infrastructure improvements through energy and operational savings. The City of Brooksville, in signing this letter, is demonstrating a good faith commitment to assist in these efforts with the intent to ultimately develop a project that meets the goals and objectives of both organizations.



17757 US Highway 19 North  
Suite 210  
Clearwater, FL 33764-6592  
Tel 727-533-0403  
Fax 727-533-0723

Sincerely,

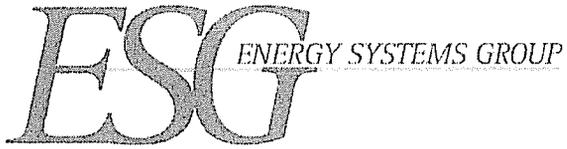
A handwritten signature in black ink, appearing to read 'Chris Summers', with a long horizontal flourish extending to the right.

Chris Summers P.E., C.B.C., CEM  
Regional Director  
Energy Systems Group

Executed on behalf of City of Brooksville:

\_\_\_\_\_  
Signature  
Jennene Norman-Vacha  
City Manager

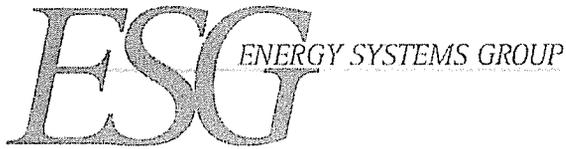
\_\_\_\_\_  
Date



*17757 US Highway 19 North  
Suite 210  
Clearwater, FL 33764-6592  
Tel 727-533-0403  
Fax 727-533-0723*

**Project Development Timeline:**

- Introductory Presentation
- Feasibility Analysis Agreement
- Presentation of Findings to City of Brooksville
- Selection
- Investment Grade Audit Agreement
- Presentation of Findings to City of Brooksville
- Submission of Final Audit Report
- Secure Financing
- Contract Negotiation and Approval
- Contract Execution



17757 US Highway 19 North  
Suite 210  
Clearwater, FL 33764-6592  
Tel 727-533-0403  
Fax 727-533-0723

**Information Request:**

The following is the list of items we will require to begin the Preliminary Survey.

**Contact Information**

- Facility management contact
- Budget department contact
- Other administration contacts
- Site contacts

**Financial Information (all accounts)**

- 24 month electrical bill history
- 24 month billing history on all other pertinent utilities including gas, oil and water.
- 24 month history on facility maintenance costs
- 24 month history on all facility breakdown or repair costs
- 24 month history on all major equipment replacements
- Appropriated capital improvement projects over next 12 months
- Desired capital improvement projects over the next 24 months

**Facility Information**

- List of all facilities to be studied
- Address of each facility
- Square footage
- Occupancy schedule
- Floor plans of each building.

**MEMORANDUM**

<b>To:</b>	Honorable Mayor & City Council
<b>Via:</b>	T. Jennene Norman Vacha, City Manager <i>[Signature]</i>
<b>Via:</b>	Bill Geiger, Community Development Director <i>[Signature]</i>
<b>From:</b>	Steve Gouldman, AICP, City Planner <i>[Signature]</i>
<b>Subject:</b>	Extension of Development Order – Planned Development Project (PDP) with a Special Exception Use for a Residential Planned Development Project (RPDP) – Amendment to Ordinance 735-A
<b>Petitioner:</b>	Ty Underwood
<b>Location:</b>	South side of North Avenue, between Zoller Street and Stafford Avenue
<b>Date:</b>	November 16, 2009

**Introduction & Background Information:**

The petition is a request to allow a two-year extension to the date required for submission of a final Planned Development Project Plat/Master Plan.

Located on the south side of North Avenue, between Stafford Avenue and Zoller Street, the subject property is approximately 9.33 acres in size. On February 12, 2007, City Council approved Ordinance No. 735, rezoning the property from C-4 (Neighborhood Commercial District) to PDP (Planned Development Project), with a special exception use for a Residential Planned Development Project (RPDP), with conditions that included a reduction in density from the original request. The master plan approved in conjunction with the zoning ordinance enabled the development of up to 128 units, consisting of one, two and three story townhouses with garages and outside parking. Following approval of the request, on March 17, 2008, the City Council approved Ordinance No. 735-A. Ordinance No.735-A amended the original ordinance to allow the development of an age restricted (senior) residential apartment complex. The proposed development will consist of a clubhouse and one-hundred (100) individual units within a single, two-story building situated on the site. The individual residences will include fifty (50) one bedroom/one bath units approximately seven-hundred-twenty-five (725) square feet per unit, and fifty (50) two bedroom/two bath units approximately nine-hundred-sixty-five (965) square feet per unit. All residences will be accessed through an internal hallway system, with elevators providing mobility between floors.

As noted above, the request is to grant a two-year extension to the date required for submission of a final Planned Development Project Plat/Master Plan. Presently, Condition 1.a. of Ordinance 735-A states that “Within eighteen months of the Council’s approval of Ordinance No. 735-A, the petitioner/developer will need to submit a final Planned Development Project Plat/Master Plan that reflects the City’s standards and conditions approved in conjunction with this zoning/special exception use approval. Otherwise, this SEU approval becomes null and void.”

SB 360, which became effective July 1, 2009, states that “any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit.” The legislation provides that the holder of a

APPROVED BY BROOKSVILLE

CITY COUNCIL  
ON 11/16/09 INITIALS *[Signature]*  
for continuance to the  
12/07/09 MTC.

*Extension of Development Order  
Ty Underwood  
South side of North Ave., between Zoller St. and Stafford Ave.  
Page 2 of 2*

valid permit or authorization eligible for the two-year extension shall notify the authorizing agency in writing no later than December 31, 2009, and identify the authorization for the extension. The petitioner notified the Community Development Department of the extension request on October 15, 2009 and the development order expired September 17, 2009.

**Staff Recommendation:**

Staff recommends that City Council consider approving the petitioner's request to grant a two-year extension to the date required for submission of a final Planned Development Project Plat/Master Plan. The new date required for submission of a final Planned Development Project Plat/Master Plan would be September 17, 2011.

- Attachments: 1) Petition Letter  
2) Draft Ordinance No. 735-B

Bill Geiger  
Community Development Director  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601  
352-544-5430 (phone)  
352-544-5429 (fax)

Re: PDP Ordinance 735/North Avenue

Mr. Geiger:

I hope you've been well. We were told to send you a letter regarding this request.

Please accept this letter of request to extent ordinance Number 735 (2 additional years) as per Senate Bill 360. The current expiration date of this project is February 13, 2010.

I've attached a copy of the ordinance for review.

Please let us know if you'd like us to do anything else for you regarding the above project or this request.

As always, we appreciate your time.

With Best Regards,



Ty Underwood

678-595-7523

CC: Mitchell Brannen, Fain Hicks

ORDINANCE NO. 735-B

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 735-A PERTAINING TO THE REZONING OF CERTAIN PROPERTY FROM C-4 (COMMERCIAL DISTRICT) TO PLANNED DEVELOPMENT PROJECT (PDP) DISTRICT WITH A SPECIAL EXCEPTION USE (SEU) FOR A RESIDENTIAL PLANNED DEVELOPMENT PROJECT (RPDP) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN, SPECIFICALLY PROVIDING FOR AMENDMENTS TO THE CONDITIONS STATED IN SECTION 1, SUB-SECTION 1.a. MODIFYING THE TIME PERIOD FOR COMPLIANCE; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1.** B- That the property in the City of Brooksville, Florida described as:

The West 460 feet, more or less, of the North 540 Feet, more or less, of the Northeast 1/4 of the Northwest 1/4 of Section 22, Township 22 South, Range 19 East, Hernando County, Florida; and the East 445 feet, more or less, of the North 390 feet, more or less, of the Northwest 1/4 of the Northwest 1/4 of Section 22, Township 22 South, Range 19 East, Hernando County, Florida

**Location:** South side of North Avenue, between Stafford Avenue and Zoller Street.

**Petitioner:** Ty Underwood

1. The property described herein is hereby zoned Planned Development Project (PDP) with a Special Exception Use for a Residential Planned Development Project (RPDP), and the zoning map of the City of Brooksville shall be amended accordingly. The Special Exception Use (SEU) consideration for a Residential Development Project is subject to the following conditions.
  - a. ~~Within eighteen months of the Council's approval of Ordinance No. 735-A~~ On or before September 17, 2011, the petitioner/developer will need to submit a final Planned Development Project Plat/Master Plan that reflects the City's standards and conditions approved in conjunction with this zoning/special exception use approval. Otherwise, this SEU approval becomes null and void.
  - b. The petitioner/developer must obtain all permits and meet all applicable land development regulations, for future construction or use of the property.
  - c. The maximum number of age-restricted (Senior) housing units permitted with this Zoning/SEU approval is one hundred (100) units.
  - d. The perimeter building setbacks shall be a minimum of 25 feet and the maximum building height shall not exceed two (2) stories.
  - e. Unless specifically addressed to the contrary by conditions referenced herein, City ordinance regulations which apply with regard to zoning district classification shall apply to this PDP as if they are zoned R3.
  - f. The petitioner shall provide adequate buffers around the perimeter of the property that are consistent with or are better than City adopted standards. At a minimum, a Type "B" buffer is required around the north, east and west

perimeter sides of the property, and the balance of requirements as prescribed and defined in Chapter 109, City of Brooksville Code, must be adhered to. A twenty (20) foot buffer that includes a minimum six (6) foot high decorative wall is required along the southern boundary of the property.

- g. Pursuant to an interlocal agreement between the City, County and the Hernando County School Board, the developer is required to coordinate with the Hernando County School District to determine if adequate school capacity exists for each school level based on the number of residential units to be constructed by the development. If adequate capacity does not exist, the developer may propose and the school district may accept a proportionate share mitigation settlement to address any identified deficiency. School concurrency issues related to a proposed development shall be resolved prior to the City taking final action on a PDP final plat/Master Plan.
- h. The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District. The proposed stormwater plan associated with this project must comply with all applicable federal, state and local standards. To ensure the maintenance of stable subsurface conditions in areas where ponds or drainage retention areas are located or being proposed, the developer is required to have geophysical/geotechnical investigations conducted and the findings of such shall be incorporated into the final design.
- i. The developer will be required to coordinate with the City's Department of Public Works and Community Development to properly plan for and address drainage and pedestrian improvements around the perimeter of the site. Public sidewalks are to be installed along the public rights-of-way and design should provide for cross walks and underground drainage where appropriate.
- j. The developer will be required to successfully negotiate a utility service agreement with the City prior to permitting.
- k. The developer will be required to provide a site lighting plan to ensure that the lights do not disturb the neighboring single family residential development adjacent to this project.
- l. The residential community entrances may incorporate appropriate signage, consistent with community standards and subject to approval by the City Manager or the City Manager's designee.
- m. Primary and secondary access points should be from either Zoller Street or Stafford Avenue. A traffic access analysis must be completed and submitted to the City prior to or in conjunction with final planned development project plat submittal. The analysis will be used to help determine appropriate access requirements and off-site right-of-way improvements that may be required for site development.
- n. Building and site design must be consistent and compatible with the historic character of Brooksville. Architectural standards and review shall be applied to this project consistent with the guidelines adopted within the City's Community Revitalization Plan.

- o. A minimum of 1.5 parking spaces per unit is required, subject to approval by the administrative official.
- p. Prior to the issuance of a permit for this project, the developer is required to provide a copy of the recorded restrictive covenants, or other such legally binding document(s), that demonstrate a fifty (50) year minimum, long-term commitment for this facility to maintain its age-restricted status.

**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.

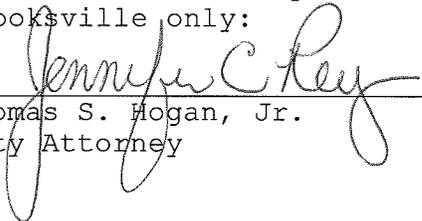
**CITY OF BROOKSVILLE**

Attest: \_\_\_\_\_  
 Janice L. Peters  
 City Clerk

By: \_\_\_\_\_  
 Mayor

PASSED on First Reading \_\_\_\_\_  
 PUBLIC NOTICE PUBLISHED \_\_\_\_\_  
 PASSED on Second & Final Reading \_\_\_\_\_

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

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

**VOTE OF COUNCIL:**

Bernardini \_\_\_\_\_  
 Bradburn \_\_\_\_\_  
 Johnston \_\_\_\_\_  
 Lewis \_\_\_\_\_  
 Pugh \_\_\_\_\_

*City Attorney to provide supplemental  
information prior to City Council's meeting  
of December 7, 2009*



# Memorandum

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

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

**From:** Janice L. Peters, CMC, City Clerk *Jan Peters*

**Subject:** Withlacoochee Regional Planning Council (WRPC) Council Representative Member

**Date:** December 7, 2009

The WRPC annually requests one elected official from among the municipalities in a county to serve as the municipal representative on the board for a one year term. Joe Johnston is the current representative for Hernando County municipalities and his term expires December 9, 2009. The WRPC Board meets on the 3<sup>rd</sup> Thursday of each month at 7:00 pm at the Board Office in Ocala (Executive Committee Meetings begin at 6:00 pm immediately preceding, when necessary).

We are planning on presenting the overall Council Board Representation appointments on the December 21<sup>st</sup> agenda, but since the WRPC's annual meeting is December 10<sup>th</sup>, they need this information prior to that Council Meeting date (See Attachment I).

Weeki Wachee Mayor Robyn Anderson relinquished this appointment to the City of Brooksville to co-represent them on the WRPC Board (See Attachment II).

## **Financial Impact**

No budgetary impact other than travel reimbursement costs for the monthly meetings.

## **Legal Impact**

No legal impact, as long as the only other municipality in the County is in agreement for the City to serve as the representative on the Board.

## **Staff Recommendation**

Staff is recommending Council appoint a Municipal Representative to serve on the WRPC for a term of December 10, 2009 through December 8, 2010

# Attachment I

MICHAEL R. MOEHLMAN  
EXECUTIVE DIRECTOR

1241 S.W. 10th Street  
OCALA, FLORIDA 34471-0323

Telephone 352-732-1315  
FAX 352-732-1319  
email: mailbox@wrpc.cc  
http://www.wrpc.cc



OFFICERS

RONALD ALLEN  
CHAIR

JOSEPH JOHNSTON, III  
VICE - CHAIR

BARBARA FITOS  
SECRETARY

November 5, 2009

The Honorable Mayor Joe Bernardini  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601-2041

Dear Mayor Bernardini:

It is necessary for municipal officials within your County to select one elected official to represent the municipalities of your county on the **Withlacoochee Regional Planning Council** for a term beginning December 10, 2009 and ending on December 8, 2010.

**Your current representative is Councilman Joseph E. Johnston, III of the City of Brooksville.**

**You need to contact other municipalities and towns in your County to select a representative for the coming year.** An appointment needs to be made as soon as possible, as new appointments are eligible to be sworn in at the December 10, 2009 Annual Meeting.

When you have agreed on an individual, please send the name of your representative.

If you have any further questions, please contact me.

Sincerely,

Michael R. Moehلمان  
Executive Director

MRM:gr

cc: City of Weeki Wachee

## Attachment II

## Janice Peters

---

**From:** Sarah Tenison [cityofweekiwachee@yahoo.com]  
**Sent:** Sunday, November 15, 2009 10:43 PM  
**To:** Janice Peters  
**Subject:** Re: WRPC Board Municipal Representation  
**Attachments:** image001.jpg

Hi Jan,  
Yes, I would appreciate if your council member could again represent the City of Weeki Wachee.  
Thank you very much.  
Robyn

--- On **Thu, 11/12/09**, **Janice Peters** <[JPeters@ci.brooksville.fl.us](mailto:JPeters@ci.brooksville.fl.us)> wrote:

From: Janice Peters <[JPeters@ci.brooksville.fl.us](mailto:JPeters@ci.brooksville.fl.us)>  
Subject: WRPC Board Municipal Representation  
To: [weekiweiss@aol.com](mailto:weekiweiss@aol.com)  
Cc: [cityofweekiwachee@yahoo.com](mailto:cityofweekiwachee@yahoo.com)  
Date: Thursday, November 12, 2009, 2:43 PM

Robyn,

It is that time of year again to choose a representative for the cities in the County for representation on the WRPC Board. In the past the City of Brooksville has elected one Council Member to represent the City of Brooksville and Weeki Wachee. Please advise if Weeki Wachee would like to have the City of Brooksville represent for the next fiscal year.

Thank You



---

*Janice L. Peters, CMC, City Clerk*

City of Brooksville  
201 Howell Avenue  
Brooksville, Florida 34601-2041  
Ph.: 352-540-3853

Fax: 352-544-5424  
[www.cityofbrooksville.us](http://www.cityofbrooksville.us)

# **CORRESPONDENCE-TO-NOTE**

## **REGULAR COUNCIL MEETING – December 7, 2009**

1.     **TYPE:**                     Letter  
       **DATE:**                 September 3, 2009  
       **SENT TO:**             Mike Walker, Parks, Facilities & Recreation Director  
       **SENT BY:**             Stacy Frank, Collier Enterprises  
       **SUBJECT:**             Developing wireless communications towers on public lands
  
2.     **TYPE:**                     Grant Adjustment Notice  
       **DATE:**                 October 1, 2009  
       **RECEIVED FROM:**     Clayton H. Wilder, Office of Criminal Justice Grants, FDLE  
       **ADDRESSED TO:**     City of Brooksville  
       **SUBJECT:**             Patrol Vehicle Replacement Program, Recovery Act Edward  
                                      Byrne Memorial JAG Program – Revise Performance Section Question
  
3.     **TYPE:**                     Letter  
       **DATE:**                 November 11, 2009  
       **RECEIVED FROM:**     Florida Coca-Cola Bottling Company  
       **ADDRESSED TO:**     Mayor Joe Bernardini  
       **SUBJECT:**             Warn Act Notice
  
4.     **TYPE:**                     Letter  
       **DATE:**                 November 12, 2009  
       **RECEIVED FROM:**     Florida Department of Law Enforcement  
       **ADDRESSED TO:**     Mayor Joe Bernardini  
       **SUBJECT:**             Contract No. 2009-JAGC-HERN-1-T7-094
  
5.     **TYPE:**                     Letter  
       **DATE:**                 November 16, 2009  
       **RECEIVED FROM:**     Joseph A. Califano, Jr., The National Center on Addiction and Substance  
                                      Abuse at Columbia University  
       **ADDRESSED TO:**     Mayor Joe Bernardini  
       **SUBJECT:**             Letter of Appreciation for proclamation “Family Day - A Day to Eat Dinner  
                                      with Your Children”

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



Collier  
Enterprises II

September 3, 2009

Mike Walker  
City of Brooksville Parks & Recreation Director  
306 Darby Lane  
Brooksville, FL 34601

Dear Mr. Walker,

Our firm, Collier Enterprises II, LLC, is a tower development company that specializes in developing wireless communications towers on public lands in partnership with local governments. We recently learned that the City of Brooksville is considering the development of a wireless communications tower on a city park site. We would appreciate the opportunity to discuss with you our company's experience in developing tower facilities on public lands.

Currently, we are developing wireless tower facilities in partnership with the School District of Hillsborough County on school sites and this program has proven successful. To date we have developed nine tower sites generating a base annual rent for the school district of approximately \$150,000.00, at no cost to the school district. This amount is guaranteed for a minimum term of ten years, will grow annually at a rate of three percent and will increase as wireless carriers are added to each tower.

We recognize that you are considering a wireless communications tower for only one of your park sites. We are confident, however, that our company's unique revenue program may offer your city a greater revenue opportunity. We look forward to meeting with you this coming Wednesday, September 9, 2009, at 10:00 a.m. and thank you in advance for taking the time to meet with us.

Sincerely,

Stacy Frank

Cc: T. Jennene Norman-Vacha  
City Manager  
201 Howell Ave.  
Brooksville, FL 34601

Marilyn Mullen Healy  
Ruden McClosky  
401 East Jackson Street, Ste. 2700  
Tampa, FL 33602

CTM  
12-07-09  
JTW

www.collierii.com

received  
10-27-09

Office of Criminal Justice Grants  
Florida Department of Law Enforcement  
2331 Phillips Road  
Tallahassee, Florida 32308

Recovery Act Edward Byrne Memorial JAG Program

**GRANT ADJUSTMENT NOTICE**

SUBGRANTEE: City of Brooksville

TITLE OF PROJECT: PATROL VEHICLE REPLACEMENT PROGRAM

GRANT NUMBER: 2010-ARRC-HERN-2-W7-031      ADJUSTMENT NUMBER: 4

NATURE OF ADJUSTMENT: Revise Performance Section Question

TO SUBGRANTEE:

Pursuant to your request of 10/01/2009 the following change, amendment, or adjustment in the above grant project is approved subject to such conditions or limitations as may be set forth below:

Clayton H. Wilder      10-1-09  
Authorized Official      Date  
Clayton H. Wilder  
Administrator

In order for the Office of Criminal Justice Grants to be in compliance with the Recovery Act Reporting Requirements of Section 1512, we had to modify the Performance Section Question regarding the physical address of your primary performance location. This requires no action on your part.

NOTE: Retain this Grant Adjustment Notice as part of official project records.

CTN  
12-07-09  
JW

# Application for Funding Assistance

Florida Department of Law Enforcement  
American Recovery Act - JAG Countywide

## Section 3 - Performance

### General Performance Info:

Performance Reporting Frequency: Quarterly

Federal Purpose Area: 001 - Law Enforcement Programs

State Purpose Area: E - Equipment Supplies - Purchase Equipment/Supplies

### Activity Description

Activity: Equipment and Supplies

Target Group: Equipment and Supplies

Geographic Area: Citywide

Location Type: Police Department

Address(es) :

Brooksville Police Department  
87 Veterans Avenue  
Brooksville , FL 34601

### Objectives and Measures

**Objective:** 25.E.SI - Amount of funds expended on equipment and/or supplies

Measure: Part 1

Amount of funds to be expended to purchase equipment and/or supplies

Goal: \$150,956.00

**Objective:** 26.E.SI - Types of equipment and/or supplies purchased with JAG funds

Measure: Part 4

Purchase equipment and/or supplies other than court supplies, computer software, or firearms

Goal: Yes

**Objective:** 27.E.SI - Number of units to directly benefit from equipment and/or supplies purchased with JAG funds

Measure: Part 1

Number of units that expended grant funds to purchase equipment or supplies

Goal: 1

Measure: Part 2

Number of units that will directly benefit from equipment and/or supplies purchased with JAG funds

# Application for Funding Assistance

Florida Department of Law Enforcement  
American Recovery Act - JAG Countywide

## Section 3 Performance

Goal: 1

**Objective:** 52.E.SI - Number of equipment items purchased with JAG funds by type of equipment

Measure: Part 11  
How many in-car camera systems will be purchased?

Goal: 4

Measure: Part 14  
How many license plate readers will be purchased?

Goal: 1

Measure: Part 16  
How many other pieces of equipment will be purchased?

Goal: 8

**State Purpose Area:** REC - Recovery Act Measures

---

### Activity Description

**Activity:** Recovery Act  
**Target Group:** Recovery Act  
**Geographic Area:** City  
**Location Type:** Police Department  
**Address(es) :**

**Brooksville Police Department**  
87 Veterans Avenue  
Brooksville , FL 34601

---

### Objectives and Measures

**Objective:** RC - Number of jobs created or saved (by type) due to Recovery Act funding

Measure: Part 1  
Number of jobs to be prevented from being eliminated with Recovery Act funding

Goal: 0

Measure: Part 2  
Number of jobs that were eliminated within the last 12 months that will be

# Application for Funding Assistance

Florida Department of Law Enforcement  
American Recovery Act - JAG Countywide

## Section 3 - Performance

reinstated with Recovery Act funding

Goal: 0

Measure: Part 3

Number of jobs to be created with Recovery Act funding

Goal: 0

# Application for Funding Assistance

Florida Department of Law Enforcement  
American Recovery Act - JAG Countywide

## Section 3 Performance

### Section Questions:

Question: If "other" was selected for the geographic area, please describe.

Answer: N/A

Question: If "other" was selected for location type, please describe.

Answer: N/A

Question: What is the physical address of your primary performance location? This is a physical location, not a mailing address. If your physical location is confidential, enter the address of the next highest level of your organization. Enter only one address.

Answer: AgencyName: Brooksville Police Department  
Address1: 87 Veterans Avenue  
Address2:  
City: Brooksville  
State: FL  
Zip: 34601-3214  
CongressionalDist: 05

# Florida Coca-Cola Bottling Company

A *Coca-Cola Enterprises* BOTTLER

JACKSONVILLE BRANCH

P.O. Box 37619  
Jacksonville, FL 32236-7619  
904-786-2720

November 11, 2009

## VIA FEDERAL EXPRESS

The Honorable Joe Bernardini  
Mayor of Brooksville  
201 Howell Avenue  
Brooksville, Florida 34601

**RE: WARN ACT NOTICE**

Dear Mr. Bernardini:

This notice is to inform you that the following positions at Coca-Cola Enterprises Inc.'s facility located at 23091 Cortez Blvd., Brooksville, Florida will be eliminated permanently beginning January 9, 2010:

- **1 Sales Center Manager**
- **1 Office Manager**
- **1 Sales Center Administrator**
- **1 Route Process Administrator**
- **1 Territory Account Manager**
- **1 Distribution Supervisor**
- **1 Merchandising Supervisor**
- **2 Lead Warehouse General Laborers**
- **1 Warehouse Forklift Operator**

Employees who are in the positions described above will have the opportunity to apply for any open positions within the Company. Please note that no bumping rights will exist.

We regret having to make these eliminations and have attempted to do so in such a way as to minimize the impact on our employees and our community. If you have any questions or need any further information, please contact me at (904) 693-4276.

Sincerely,

Theresa Malbert  
HR Business Partner – Director  
Florida Sales Operations



CTN  
12-07-09  
JTW



Florida Department of  
Law Enforcement

Gerald M. Bailey  
Commissioner

Office of Criminal Justice Grants  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
(850) 617-1250  
www.fdle.state.fl.us

Charlie Crist, Governor  
Bill McCollum, Attorney General  
Alex Sink, Chief Financial Officer  
Charles H. Bronson, Commissioner of Agriculture

NOV 12 2009

The Honorable Joe Bernardini  
Mayor  
City of Brooksville  
201 North Howell Avenue  
Brooksville, FL 34601-2042

Re: Contract No. 2009-JAGC-HERN-1-T7-094

Dear Mayor Bernardini:

This letter confirms our receipt and acceptance of all financial and programmatic reports applicable to the referenced project. While this concludes active administration of the subgrant agreement by the Florida Department of Law Enforcement, you are reminded that all supporting records must be maintained for a period of not less than three years from termination date for audit and examination. An audit performed in accordance with OMB Circular No. A-133 must also be conducted and submitted to the Office of Criminal Justice Grants, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

All non-expendable property acquisitions must be accounted for and maintained for as long as the equipment is in service. The Department must be notified prior to any disposition of non-expendable property and must be advised immediately of any lost or stolen items.

Committed to  
Service • Integrity • Respect • Quality

CTM  
12-07-09  
JMV  
Re: State Department  
Chief of Grants Team

The Honorable Joe Bernardini  
Page Two

Any further inquiries relative to this project should be directed to your grant manager  
at 850/617-1250.

Sincerely,

  
Clayton H. Wilder  
Administrator

CHW/JP/jj

cc: null null



The National Center on  
Addiction and Substance Abuse  
at Columbia University

November 16, 2009

633 Third Avenue  
New York, NY 10017-6706

phone 212 841 5200  
fax 212 956 8020  
www.casacolumbia.org

Hon. Joe Bernardini  
Mayor of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601-2041

Dear Mayor Bernardini:

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*Founder and Chairman*  
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Clyde C. Tuggle

Thank you for issuing a proclamation designating the fourth Monday in September, September 28th in 2009, as *Family Day – A Day to Eat Dinner with Your Children™*. I am delighted that you joined the President, 49 Governors and the Mayors and Chief Executives of more than 1,000 cities and counties in proclaiming or supporting the fourth Monday in September as *Family Day*.

I appreciate your support of this important national initiative that reminds parents that dinner makes a difference and promotes regular family dinners and parental engagement as simple, yet effective ways to prevent substance abuse in America's youth.

I hope we can count on you to proclaim the fourth Monday in every September as *Family Day – A Day to Eat Dinner with Your Children™*. Please note that next year *Family Day* will be celebrated on September 27, 2010.

Sincerely,

Joseph A. Califano, Jr.

*Directors Emeritus*

James E. Burke (1992-1997)  
Mary Fisher (1996-2005)  
Betty Ford (1992-1998)  
Douglas A. Fraser (1992-2003)  
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Handwritten notes: C/T/V, 12-07-09, JWH