

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

September 8, 2010

6:30 P.M.

Brooksville City Council met in regular session with Mayor Lara Bradburn, Vice Mayor Richard E. Lewis and Council Members Joseph E. Johnston, III, Joe Bernardini and Frankie Burnett present. Also present were Jennifer Rey, 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.

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

**PUBLIC HEARING**

Entry of Proof of Publication into the Record

Mayor Bradburn called for proof of publication. City Clerk Peters indicated Item C1 was published on Wednesday, September 1, 2010, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavit on file for the record.

**Hampton Ridge/GreenPointe Communities LLC Development Agreement**

Proposed Amended and Restated Development Agreement between the City of Brooksville and GreenPointe Communities, LLC (As an assignee of Hampton Ridge Developers, LLC).

**[First Hearing 08/24/10]**

City Attorney Jennifer Rey advised this is the second public hearing for the agreement. She stated a red-lined copy of the proposed agreement has been furnished to Council. She indicated this agreement is a relief of stay from the bankruptcy granted by the courts which allows the City to proceed in declaring default on the obligations under the existing development agreement, as well as being able to make demand on the surety bonds that are securing certain public improvements associated with this project.

Bill Geiger, Director of Community Development, advised that modifications had been made to the agreement since the first hearing, which he reviewed as follows:

Page 11 Paragraph 3C(iii) - Land to "Lands"; and in the last sentence deleted "the" before Reclaimed and changed "for resumed" to "to resumed".

Page 13 Paragraph 3D(vii) - Added "vii" to the beginning of the paragraph with extensive additions and corrections therein to provide for general design description identical to the original agreement. He advised the City and the developer is currently working on a paragraph that will secure the construction of Governor Boulevard by a certain date.

Page 13 Paragraph 3E - Added language to clarify vesting for school concurrency along with an acknowledgement that impact fee credits accrued under the original agreement and assigned to the developer or CDD remain in full force and effect and are eligible for use for reimbursement to the developer or CDD or their assignees. Also, a statement regarding issuance of permits for temporary use structures was clarified.

APPROVED BY BROOKSVILLE  
CITY COUNCIL  
ON 3/7/11 INITIALS JH

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He pointed out that primary changes to the version received this afternoon deal primarily with earned water and sewer impact fees, based on future development, would be paid back to the developer on a quarterly basis with additional language for transportation that provides for the developer to be reimbursed for impact fee credits earned on a quarterly basis as well, and additionally includes provisions for the developer to ensure the future construction of Governor Boulevard.

Council Member Johnston referred to Page 13, impact fee credits, and asked how the credits are earned. Director Geiger indicated that to earn the credits it has to be constructed and the cost associated with it certified. That information is then presented to City Council to accept and approve the credit.

Cliff Manuel, Engineer and President of Coastal Engineering, Inc., representing GreenPointe Communities, LLC, indicated everyone is in agreement that the construction has to be completed, certified and accepted by the City in order to be eligible for an earned credit.

Council Member Bernardini referred to School Concurrency on Page 16 and asked for further clarification of impacts. Director Geiger clarified this section is vesting the original 999 units in Southern Hills Plantation from having to comply with School Concurrency because of the approvals already received for Land Use, Development Agreement and through the zoning processes. He indicated approximately 75% of the subdivision is platted, however, there are still quite a few units that would be subject to School Concurrency as undeveloped lands and 164 units are going through Comprehensive Plan Amendment processes at this time.

Amber Wheeler, Hernando County Schools, indicated this issue has been discussed extensively with Mr. Geiger and has been reviewed by the County Attorney and all are in agreement that it acts as a Development Order.

Emory Pierce indicated overall it is a good agreement for the benefit of the City.

Cliff Manual thanked City staff and Council for taking the time to work out this agreement with the applicant and supports staff recommendations for a long term investment.

Roger Postlethwaite of GreenPointe Communities thanked City staff, City Attorney and Council for helping achieve a development agreement for a mutual long-term vested interest in Southern Hills.

Mayor Bradburn commended the GreenPointe team for their part as she believes this will be a high quality development that will aid the City's future. She stated she did not support the original agreement but in hard economic times bankruptcy demands that Council reassess their approach on certain matters. She pointed out that the City is getting assurance that Governor Boulevard will be built, sewer and water will be built as planned and the opportunity through this agreement to eliminate the impact fee credit system based on the entire quadrant. The developer will get a 95% return on their investment for the completion of Governor Boulevard. She is hopeful that the courts favor the City in recovering the bond to enable building a reuse component for this area. She commended the City Manager, Director Geiger and the City Attorney for their part in this agreement.

Mayor Bradburn asked for public input.

Margaret Bloomquist, of 4475 Hickory Oak Drive, indicated many residents of Southern Hills are present and asked them to stand. She indicated they are here to ask that Council approve and support the Restated and Amended Agreement as the purchase with GreenPointe will help with the future progress and development of Southern Hills Plantation.

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**Motion:**

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval of the development agreement with non-substantive corrections.

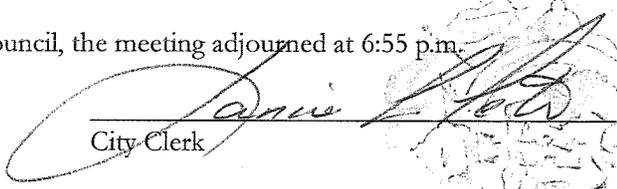
Council Member Bernardini agreed with the Mayor's comments and with Mr. Pierce's comment that to do nothing is not acceptable.

Director Geiger asked that Council approve the amendment with non-substantive corrections.

Motion carried 5-0.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting adjourned at 6:55 p.m.

  
City Clerk

Attest:

  
Mayor