



The Board of County Commissioners of Citrus County, Florida, met in regular session on the above date at the Citrus County Courthouse in Inverness. The Chairman called the meeting to order, Commissioner Fowler gave the invocation, and Commissioner Batchelor led the Pledge of Allegiance to the Flag.

Commissioners:	Josh Wooten, Chairman; Vicki Phillips, First Vice-Chairman; Roger Batchelor, Second Vice-Chairman; Gary Bartell and Jim Fowler
Attorneys:	Robert B. Battista, and Michelle Slingerland, Assistant
Assistant County Administrator:	Kenneth E. Saunders, Jr.
Clerks:	Betty Strifler, Clerk; and Glenda Brown, Deputy Clerk

#2- PUBLIC HEARINGS - WORKSHOPS - PERSONS TO APPEAR

#2-A OPEN TO THE PUBLIC

 Sam Lyons, representing the Kings Bay Association, gave the Commissioners a "Bay Mayday Hang-Up - Do Not Disturb (Our Ecosystem)" attached to an entry form for a chance to win dinner for two at Sal's Restaurant (filed with the Clerk's agenda). He stated that this was a project funded by the Southwest Florida Water Management District (SWFWMD) to provide information on taking care of yards and protecting water resources. He mentioned that the "hang-ups" had been distributed throughout the Central Ridge area, and that the Chronicle had inserted them in their newspapers.

 Ruth Locklear asked the Board if the County would quitclaim a deed to her for some property (roads and alleys) in Homosassa, which was not being used by the public. Chairman Wooten explained that there was a process for vacating easements, and Margaret A. Beake, AIA, AICP, Senior Planner, Community Development Division (CDD), advised that the total cost for a street vacation was approximately \$500, which included the application fee, advertising, recording, and postages fees. (1:12 P.M.)

#3- CONSENT AGENDA

Upon motion by Commissioner Batchelor, seconded by Commissioner Fowler, and carried unanimously, the Board approved the Consent Agenda, as follows:

#3-A Approved and authorized the Chairman to execute the minutes of the regular meeting held on April 13, 2004.

#3-B Approved the following warrants: Payroll registers dated April 14, 2004, at \$485,009.57, and dated April 28, 2004, at \$524,052.60. Accounts Payable register dated May 7, 2004, at \$2,272,567.19. Emergency check register dated May 11, 2004, at \$18,336.68.

#3-C Adopted and authorized the Chairman to sign the following budget resolutions:

RESOLUTION NO. 2004-089

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE TRANSPORTATION CAPITAL BUDGET FOR FISCAL YEAR 2003-04

WHEREAS, the Citrus County Board of County Commissioners received a grant to purchase four (4) transit buses and radios for the buses; and

WHEREAS, cash match is available to fund the lettering of the buses; and

WHEREAS, this was not included in the original budget process; therefore, it is necessary for the Board to amend the budget for fiscal year 2003-04; and

WHEREAS, Section 129.06(d), Florida Statutes, provides that the Board may amend its budget by resolution spread upon its minutes to appropriate and expend funds from a source not anticipated in the Board's regular budget; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Citrus County, Florida as follows:

1. The Board does hereby amend its budget to include the estimated revenues and expenditures listed in Exhibit "A" attached hereto and made a part hereof by reference.
2. The Clerk of the Board is hereby directed to spread this resolution upon the minutes of the meeting held this date.

ADOPTED, in regular session this 11th day of May 2004, by the Citrus County Board of County Commissioners.

ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Josh Wooten

JOSH WOOTEN, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	129E-381-004	County Cash Match	\$3,500
Expenditures	129E-7227E-56400	Machinery and Equipment	\$3,500

RESOLUTION NO. 2004-090

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGETS FOR FISCAL YEAR 2003-04

WHEREAS, the Citrus County Board of County Commissioners received Community Development Block Grants for the Futronix and Inverness Wal-Mart projects; and

WHEREAS, administrative funds received as part of these grants will be used to offset costs incurred using water quality funds; and

WHEREAS, this was not included in the original budget process; therefore, it is necessary for the Board to amend the budget for fiscal year 2003-04; and

WHEREAS, Section 129.06(d), Florida Statutes, provides that the Board may amend its budget by resolution spread upon its minutes to appropriate and expend funds from a source not anticipated in the Board's regular budget; and

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ATTEST:
/s/ Betty Strifler
BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA
/s/ Josh Wooten
JOSH WOOTEN, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
CDBG – FUTRONIX			
Revenues	346-331-540	CDBG – Homosassa Sewer	\$3,750
Expenditures	346-5744-59100	Transfer to Other Fund	\$3,750
CDBG – INVERNESS WAL-MART			
Revenues	351-331-535	CDBG – Wal-Mart Sewer	\$3,750
Expenditures	351-5118-59100	Transfer to Other Fund	\$3,750

RESOLUTION NO. 2004-091

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE LIBRARIES BUDGET FOR FY 2003-04

WHEREAS, the Division of Library Services has received donations from the Friends of the Coastal Region Library, Friends of the Lakes Region Library, and Friends of the Central Ridge Library; and

WHEREAS, these funds will be used to purchase library books, book supports, and for the manager to attend the Florida Library Association conference; and

WHEREAS, this was not included in the original budget process; therefore, it is necessary for the Board to amend the budget for fiscal year 2003-04; and

WHEREAS, Section 129.06(d), Florida Statutes, provides that the Board may amend its budget by resolution spread upon its minutes to appropriate and expend funds from a source not anticipated in the Board’s regular budget; and

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/s/ Betty Strifler
BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA
/s/ Josh Wooten
JOSH WOOTEN, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	131-366-907	Donations – Friends of the Library	2,515
		Total Revenues	\$2,515
Expenditures	131-6212-54000	Travel and Per Diem	165
	131-6212-55200	Operating Supplies	100
	131-6212-56600	Library Books – Publications	2,250
		Total Expenditures	\$2,515

#3-D Approved the following budget transfers: **General Fund/Capital Improvement Program (CIP):** \$46,174 from #001-2140-56200 to #-56400. **Department of Public**

Works (DPW)/ADA: \$100 from #001-2140A-53100 to #-54160. **Department of Public Safety (DPS)/Animal Control:** \$4,000 from #001-5106-51200 to #-51306. **Community Support Services Division (CSSD)/Transportation Disadvantaged:** \$895 from #068D-5413D-55417 with \$616 to #-54000 and \$279 to #-54160. **Parks and Recreation (P&R):** \$1,500 from #001-6102-54100 to #-54603 and \$311 from #-6120-56200 to #-56100. **Library Services Division (LSD):** \$75 from #131-6212-55200 to #-56600. **Citrus Springs Municipal Service Benefit Unit (MSBU):** \$500 from #730-8200-59162 to #-54000. **CSSD/Citrus Springs Community Center:** \$1,000 from #730-8225-56200 to #-56300.

#3-E Approved and authorized the Chairman to execute Satisfactions of Judgments for Gordon Leo Ball, Case No. 03-001255-CT; Bernard Eugene Graham, Case No. 02-03523-TC; Dawn Dorothy Groom, Case No. 02-02625-MM; Dana Aimorie Myers, Case No. 03-000753-MM; Rodney Shane Vasquez, Case No. 02-2888-MM; Denise J. Young, Case No. 03-000630-MM; Patrick Z. Zyskowski, Case No. 02-03685-MM; and Ronald Alford Curington, Case No. 1996 CF 000063.

#3-F Approved and authorized the Chairman to execute a Satisfaction of Lien filed by and on behalf of the Citrus County Municipal Service Taxing Unit for water and wastewater utility services with Lorraine Watson.

#3-G Approved and authorized the Chairman to execute a Release of Lien for a special assessment that had been paid in full: Resolution No. 2001-202: Donald J. Costello, Alternate Key (AK) No. 1986788 (1D).

#3-H Approved and authorized the Chairman to execute Records Disposition Document No. 453 (Board of County Commissioners) for disposition of records that had met their assigned retention standards and were ready for destruction.

#3-I Acknowledged receipt of (1) Tax Deed File No. 1997-199, Property Identification No. 1569117 located in Sunny Farm Estates, and (2) Tax Deeds on the following lands located in the Citrus Springs area:

TAX DEED FILE NO.	PROPERTY IDENTIFICATION NO.
1997-111	2676957
1997-112	2676949
1997-113	2676965
1997-114	2676981
1997-115	2677015
1997-116	2677007
1997-117	2676990

#3-J Approved the following wire transfers:

Heritage Consultants, Inc.	\$ 11,087.56	04/14/04
Heritage Consultants, Inc.	\$ 17,385.96	04/28/04
Preferred Governmental Claims Solutions	\$ 10,794.55	04/02/04

Preferred Governmental Claims Solutions	\$ 9,501.80	04/12/04
Preferred Governmental Claims Solutions	\$ 6,230.40	04/16/04
Preferred Governmental Claims Solutions	\$ 7,301.36	04/26/04
Bank of America	\$ 55,933.99	04/15/04
Wright Express	\$ 10,679.59	04/23/04
US Postal Service	\$ 13,000.00	04/05/04
Florida Department of Revenue	\$ 2,406.18	04/16/04
American Title Services of Citrus Co	\$ 714.88	04/07/04
Citrus Land Title	\$ 4,023.27	04/07/04
Advance Title and Settlement Services	\$ 3,152.20	04/07/04
Southern Security Title Services, Inc.	\$ 5,500.00	04/21/04

#3-K Approved and authorized the Chairman to execute the Certificate of Acceptance of Subgrant Award No. 04-CJ-2H-05-19-01-247 at \$74,793 for a project entitled Intoxilyzer 8000 - Phase I - Circuit 5 from April 1, 2004, through September 30, 2004, for the mid-year residual Bryne Grant funding left over from the initial 2003-2004 allocations.

#3-L Approved and authorized the Chairman to execute the Purchase Product to Own Equipment Agreement with Florida Fleet Services, Inc., for 144 machine product kits over a 24-month period at \$459 per month.

#3-M **(1)** Approved and authorized the Chairman to execute Permanent Reassignment of Development Rights Agreements for residential properties within the MSBU for installation of water and wastewater systems for Halls River Road Wastewater Assessment District with Ernest R. Cervis, DVR No. 2004-008, AK No. 1141443, and Burgess R. and Deborah L. Newcomb, DVR No. 2004-011, AK No. 1140714, and **(2)** directed the Clerk to record the agreements in the public records.

#3-N Approved and authorized the Chairman to execute the Indemnification Agreement with Work Loss Management, Inc., for medical review officer services.

#3-O Approved and authorized the Chairman to execute a Release of Lien for Code Enforcement Board (CEB) Case No. 03-031 filed against property previously owned by John P. McKelvey and Calvin T. Matthewson, which was paid by the new property owner Jeff Connley.

#3-P **(1)** Approved and authorized the Chairman to execute a Permanent Reassignment of Development Rights Agreement for residential properties within the MSBU for installation of water and wastewater systems for Halls River Road Wastewater Assessment District with Gordon W. and Emma L. Allen, DVR No. 2004-010, AK No. 2233150, and **(2)** directed the Clerk to record the agreement in the public records.

#3-Q **(1)** Accepted Permanent Utility and Access Easement Deeds from Paul and June Heater, Barry T. and Sharon E. Webb, Christopher J. Capogna, Michael J. Capogna, Alan D. Capogna, Stephani R. DeMaio, Myra A. Hoover and Rounette Altman, Ronald L. and Carolyn F. Callahan, Ernest Cervis, Newton Lyle, William J. and Terry A. Houle Jr., P. Jeanne Morris, William F. and Patricia R. Hyde, John Cameron and Thomas and Kim E. Rudd, Bonnie B. Gauthier, Louis Gauthier, Lucian F. and Betty R. Stephens, Beatrice Lent,

Molly S. Trisel and Arlene J. Crumpler (Estate of Lucy Karafit), Russell F. and Donna J. De Meritt, Richard J. Carter and Carol J. Griffin, J. Randolph Getz, James and Annabelle Hines, H. Lamar and O. Annette Taylor, Raymond and Linda W. Kraves and Jack W. Rainford, Robin C. and Nancy Jean Reynolds, Tom E. and Angela B. Davis, James C. and Michelle F. Lewis, Bryan W. and Shirley A. Lott, Ernie Lee and Marlene M. Mullins, Ronald R. and Patricia A. Collins, Jerry K. Lewis, Amos L. Davis, Irene Call, Robert E. and Deidre Batson, Martin Montana, Elizabeth H. Darr, W. Clyde and Doris Daniel, Robert E. and Lian W. Sargent, James A. and Christine Y. Glass, William E. and Julia F. Russell, Franklin D. Rogers and Ruth R. Tuggle, Arthur A. Matusiak, Ernest T. Peterson, Robert and Patricia A. Eckmier, and Homosassa River Club, LLC, who had joint ownership of South Capecove Loop, West Port Court and West Twin River Lane, (private roads) for the proposed Halls River Road Wastewater Assessment District, which would allow the County to install and maintain the wastewater lines, and **(2)** directed the Clerk to place the acceptance stamp upon the deeds and record in the public records.

#3-R Approved the purchase and installation of a 10 by 14 foot storage shed and associated items at \$900 for the Beverly Hills Community Building to house an emergency generator to be used by the Beverly Hills Civic Association during emergencies.

#3-S **(1)** Authorized the Chairman to accept notification of termination and release of original bond to surety, Federal Insurance Company Security Bond No. 8154-88-02 at \$207,200, and **(2)** authorized the Chairman to accept a replacement bond from Bond Safeguard Insurance Company, Bond No. 5010030 at \$207,200, to be made a part of Waste Management, Inc. of Florida's Waste Disposal Account Agreement dated February 25, 2003.

#3-T Approved a request by the County Attorney and the Assistant County Attorney to attend the Annual Florida Municipal Attorneys Association Seminar in Marco Island, July 15 through 17, 2004.

#3-U Approved a request authorizing J. J. Kenney, County Veterans Officer, to attend the 2004 National Association of County Veterans Officers 14th Annual Training Conference and Business Meeting in Rapid City, South Dakota, from May 23 through 28, 2004, with all charges and fees reimbursed to the County by the Florida County Veterans Association.

#3-V **(1)** Approved and authorized the Chairman to execute the Application for Funding with Mid-Florida Area Agency on Aging; Assurance of Compliance with the Department of Health and Human Services (HHS), under Title VI of the Civil Rights Act of 1964; and the Assurance of Compliance with the Department of HHS Section 504 of the Rehabilitation Act of 1973 as amended, and **(2)** adopted and authorized the Chairman to execute a resolution authorizing signatories for the contract effective July 1, 2004, through June 30, 2005, at \$13,994.50. **RESOLUTION NO. 2004-092**

#3-W Approved and authorized the Chairman to execute Work Authorization No. 2004-07 with C&D Engineering, Inc., at \$11,480 for professional engineering services for the Citronelle Park Improvements.

#3-X Approved and authorized the Chairman to execute a Notice of Commencement with Clay Cassels Fire Sprinklers to be included in the permit application package for the Sheriff's Administration Building to upgrade the fire suppression standpipe system.

#3-Y Approved and authorized the Chairman to execute the Substantially Similar Plat of Rainbow Terrace, formerly known as Montaltos Estates, (PLT-04-04), and directed the Clerk to record the plat in the public records.

#3-Z Set the following public workshops for the DPS, Animal Control Division, to discuss and obtain public input on the proposed revisions to the Animal Control Ordinance 97-02, Chapter 14:

Date	Location	Time
May 12, 2004	County Courthouse, 110 North Apopka Avenue, Room 102, Inverness	6:00 P.M.
May 13, 2004	Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto	6:00 P.M.

#3-AA Approved and authorized the Chairman to execute a Release of Lien in CEB Case Nos. 03-292 and 03-404 filed against Theresa E. Wetzel.

#3-BB Approved and authorized the Chairman to execute a Release of Lien in CEB Case No. 03-184 filed against Crystal River Lodge #2013, Loyal Order of Moose, Inc.

#3-CC Approved and authorized the Chairman to execute a Release of Lien in CEB Case No. 02-235 filed against Sugarmill Homes, Inc. / Sugarmill Square Associates.

#3-DD Approved and authorized the Chairman to execute a Release of Lien in CEB Case No. 03-294 filed against Joseph A. Vissicchio.

#3-EE Approved the sole sourcing of DSM Law Enforcement Products for the Sheriff's Office Evidence Remodel Project through United Business Systems, Inc., and directed staff to proceed with incorporating this system into the construction bid documents for the security system installation at an amount not to exceed \$19,792.

#3-FF Set public hearings as shown below at the Citrus County Courthouse, 110 North Apopka Avenue, Room 102, in Inverness to consider amendments to the Citrus County Land Development Code (LDC) Ordinance No. 90-14:

Date and Time	Application
Workshop May 25, 2004 at 2:00 P.M.	OA-04-01, Department Of Development Services
Hearing July 13, 2004 at 2:00 P.M.	

#3-GG (1) Awarded Bid No. 044-04 to Mac Johnson Roofing, Inc., as the lowest responsive bidder at \$55,790, (2) authorized the transfer of funds from the Hernando

School Restoration Project account and from the County Historical Grant Match account to assist in the repair of the Historic Hernando School roof, and **(3)** approved the following budget transfer: **CIP:** \$11,981 from #001-9999-60050 and \$30,000 from #-2140-59180 to #-56200.

#3-HH Approved the following Bid Committee Report: **(1)** Bid No. 053-01, Office of Management and Budget (OMB), dumpster services, renewed the current bid with Waste Management Services and FDS Disposal for an additional three year period under the same terms and conditions of the initial award, and **(2)** Maintenance Operations Division (MOD), piggyback bid request, playground equipment, allowed the MOD to piggyback the Saint John's County Bid No. 03-43 with Playstructure Services for the purchase of a playground system for Citronelle Park at \$34,807.95. (1:12 P.M.)

#6- **COUNTY ADMINISTRATOR'S REPORT**

#6-A **CABLE RATE JURISDICTION**

Utilities Regulatory Director Robert Knight advised that the County had jurisdiction over land-based cablevision companies concerning quality, service issues, and County right of ways; however, the County no longer had any jurisdiction over the review or setting of cablevision rates. He explained that Time Warner, now known as Bighthouse, had filed a "Petition for Determination of Effective Competition in Citrus County, Florida" to the Federal Communications Commission (FCC), and that on May 12, 2000, the FCC determined that there was sufficient competition in Citrus County to regulate rates; thereby, removing any jurisdiction the County had.

He responded to Chairman Wooten's question concerning competition by stating that three different cablevision companies served many parts of the County.

Commissioner Bartell questioned if the County had the ability to discuss rates at the time of franchising. Mr. Knight replied that the County could discuss how much the cable franchise would contribute to the County in return for their use of right of ways; however, the County had no control over the rates.

Commissioner Bartell indicated that it was his request to schedule this item on the Board's agenda due to the discussion and phone calls received regarding the issue. He asked Mr. Battista if he concurred with Mr. Knight's findings. Mr. Battista said that he had reviewed the "order", and that Mr. Knight's findings were accurate. Mr. Knight then submitted a copy of the Memorandum Opinion and Order for the record (filed with the Clerk's Agenda).

Mr. Knight replied to Chairman Wooten's question regarding customer complaints by stating that his office forwarded all complaints in writing to the cable companies and had been successful in obtaining refunds for interrupted service and untimely repairs.

Commissioner Bartell stated that even the legislative officials' responses to this issue had not been clear, and he expressed appreciation to Mr. Knight for the extensive research. (1:19 P.M.)

#6-B DEPARTMENT OF VETERANS AFFAIRS (VA) MARKET STUDY

Mr. Saunders advised that the VA had advertised for sites to accommodate a new VA community based outpatient clinic, and that the Board had executed a purchase and sale agreement for the acquisition of the Brown School facility. He added that if the Board approved, a market survey of the site would be submitted to the VA for consideration.

Motion by Commissioner Phillips, seconded by Commissioner Bartell, to approve submission of a market survey to the Department of Veterans Affairs.

Commissioner Phillips requested that Community Services Director Brad Thorpe, and County Administrator Richard Wesch review the document for any deficiencies prior to transmittal to the VA by the deadline on May 20.

The Chairman called a question on the motion, and the motion carried unanimously.

(1:21 P.M.)

#6-C ANNEXATION BY THE CITY OF CRYSTAL RIVER (CITY)

Ms. Slingerland stated that in recognition of potential long-term impacts to County interests of the proposed annexation by the City, and pursuant to the Board's direction on February 10, 2004, the County Attorney's Office, along with County staff members would give a presentation that was put forth before the City Council (Council). She added that after the presentation, she would address the Board regarding any legal action that could be taken if the Board chose to take that direction.

CDD Director Chuck Dixon began the presentation by stating that there were a large number of issues to cover at the Council meeting; however, staff's presentation was limited to about two minutes for each speaker. He pointed out that the purpose of annexation into unincorporated areas was to ensure sound urban development, not promote urban development in unsuitable areas, accelerate growth, or provide urban services to areas that could otherwise receive such services without the benefit of annexation. He advised that the total area of annexation was approximately 520 acres located south of the City. He displayed a map and described the annexation area in detail, and noted that only a small portion was contiguous to the City limits. He stated that the annexation specifically created six enclaves or pockets of residential areas by ignoring fingers of lands platted for residential use and lands currently used for residential purpose, through a serpentine pattern of extensions southward to reach large vacant parcels of land. He also stated that if the proposed area was annexed it would be subject to the County's Comprehensive Plan (COMP) and Land Development Code (LDC) until the City's COMP was amended. He added that he had provided copies of the County's COMP and LDC to the City.

(1:26 P.M.)

Jenette Collins, AICP, Principal Planner, CDD, informed the Board that staff was particularly concerned that the annexation had resulted in the creation of six enclaves, pockets, or fingers. She directed the Board's attention to a display map and illustrated the six enclaves, West May Drive, West Sue Lane, West Lopez Lane, Crystal Park Acres Lots

16 through 20, Crystal Park Acres Lot 12, and an out parcel at Crystal River Plaza. She stated that the annexation deliberately created the enclaves, that all six of the enclave areas met the requirements for annexation, and that there was no basis for excluding those areas. She added that the enclaves should have been included as part of the annexation to ensure compactness and allow the property owners to participate in the process.

She responded to Commissioner Fowler's question regarding why the City was so selective in the areas they chose by stating that she assumed it was because the excluded areas were predominately residential and the property owners would be involved in the voting process. Ms. Slingerland explained that residents living within a proposed area of annexation would be required to vote on the annexation. She added that the City had made a determination that there were no valid residents within the area of annexation, and based their approval of the annexation ordinance upon a subsection within Florida Statutes that allowed annexation based upon 50 percent consent of the land area and 50 percent consent of the landowners.

Ian McDonald, AICP, Senior Planner, CDD, discussed the urban nature and appropriateness of the lands in question and their relation to the requirements of Florida Statutes. He stated that several large parcels to the south were predominately undeveloped, that there were no proposals for development at this time, and that according to statute, 60 percent of the areas currently used for urban purposes must be subdivided into small parcels. He further stated that 60 percent of the boundaries of the proposed annexation were not contiguous to an existing urban area or an area proposed for urban development as required by statute. He added that there were minor incorrect assumptions and definitional problems in the annexation report, and that his analysis was that the annexation did not meet the statutory criteria and was premature. (1:34 P.M.)

He responded to Commissioner Fowler's question regarding the initiation of the annexation by stating that to the best of his knowledge the citizens of Crystal River did not instigate the annexation. Ms. Slingerland added that the idea was proposed by Realticorp who owned large tracts of property south of the City where Wal-Mart was seeking to develop.

Walt Eastmond, Engineering Manager, expressed concerns with the proposed annexation of lands as it related to the Crystal River Airport. He stated that the annexation report did not address the annexation and its proximity to the airport. He noted the runway protection zone and obstacle free areas on the display map, which must meet certain developmental criteria to be reviewed by the County, the Florida Department of Transportation (FDOT), and the Federal Aviation Administration (FAA). He pointed out that should the annexation go outside the development criteria, the County would be subject to forfeit development funding for the airport from the FAA and the FDOT, as well as possible reimbursement of any federal funds. He stated that while the existing structures were grandfathered in, any future development that would obstruct the runway protection zone would be prohibited. He also stated that the County was under obligation to Crystal Aero Group to operate the airport and aviation business, and should something

adversely affect the runways, the County would be breaking their contract with Crystal Aero Group. (1:38 P.M.)

Mr. Eastmond answered Commissioner Phillips' question regarding reimbursement of federal funds by stating that the County would soon receive approximately \$1.2 million in federal funds for airport improvements, which the County would have to reimburse if there was an obstruction in the runway protection zone.

Discussion ensued as follows: the County had cleared trees and acquired property to protect the runway protection zone; the land previously requested for construction of a Ryan's Steakhouse (Willis/Talley property) was eliminated from the annexation due to legal issues; some parcels were removed on the west side to avoid annexing vacant land without runway protection areas; concerns for the lack of standards for grandfathered in parcels; the vast majority of land along Venable Street was vacant; the City could apply their own development standards if the annexation was approved, which could interfere with airport funding from the FAA and the FDOT, and so forth. (1:44 P.M.)

Ken Frink, P.E., Public Works Director, continued the presentation regarding solid waste disposal, streets, drainage, flood control, and parks and recreation. He stated that the City explained how they would provide collection of waste within the area; however, the City made a statement that sufficient capacity existed at the Citrus County Landfill, which had not been substantiated by County staff. He mentioned that the annexation report stated that the City would provide streets, drainage, and flood control services, but the outline of the annexation boundary skipped over a couple of roads, one being Penn Drive. He stated that the City limits would be on either side of Penn Drive, and the County would be removed from any type of concurrency management of that road. He advised that there would be a potential of over 1,000 homes constructed off Penn Drive, which might necessitate four-laning the road at an estimated \$4 million to the County. He stated that the City also failed to mention how they would maintain concurrency regarding parks and recreation. He further stated that according to the figures in the annexation report, the number of homes would increase by 55 percent, which would significantly affect the parks. (1:46 P.M.)

Ms. Slingerland answered Commissioner Bartell's question concerning the roads by stating that County roads and US-19 were not included in the annexation. She explained to Chairman Wooten that the statute allowed "jumping over" other governmental property in the annexation process. Chairman Wooten expressed concern regarding the potential costs to taxpayers as the result of the annexation "jumping over" Penn Drive.

Mr. Knight addressed issues regarding utility water and wastewater. He stated that the annexation report did not contain plans for the provision of water, water piping drawings, scheduled dates, or plans for financing water and sewer into the area. He advised that Ozello Water charged \$39 compared to the City's charge of \$29.33 for 10,000 gallons of water, and that the report did not address how the City would cover the difference. He specified two methods in which the City could service the area of annexation on the same basis as they served their own customers, (1) rebate the difference to Ozello Water, which would cost the City about \$125,000 per month, or (2) raise existing customer rates by 34 percent.

He stated that there were several misrepresentations in the annexation report, such as, "Annexation will have no financial impact on the Ozello Water services." He also stated that the County supplied 100 percent of the water to Ozello Water, and if the annexation took place, a water storage and re-pumping facility would be required at a cost of \$250,000. He further stated that Ozello Water had confirmed in writing that they had no plans to service the subject areas within the next five years. He reported that the County would be signing and submitting permits for expansion of Ozello Water, and that to date neither Ozello Water nor the County had been approached in the matter of providing water to the proposed area of annexation. He said that the report was erroneous by stating that Ozello Water would serve the area of annexation because two vicinities were within the County's service territory. He mentioned that the City's Mayor Ronald Kitchen had written a letter labeling him a lower echelon County employee and had threatened a lawsuit regarding the service territories.

He stated that the proposed annexation would be detrimental to the County's water use permit, adding approximately 16 gallons to the calculated 258 gallons capita per day, which would be a violation of the permit. He also stated that the annexation report failed to address how the \$1.2 million would be paid for sewer upgrades outside of the annexed territory. He mentioned that the City discussed recovering those costs through assessments from the City's sewer in-fill customers at \$1,700 per lot to service the annexed area, which he felt was inappropriate. He added that he had offered to work with the City in identifying the real costs and achieving solutions to those matters. (1:56 P.M.)

Ms. Slingerland asked Mr. Knight to clarify an issue regarding the City being able to extend five miles out and not require Ozello Water services. Mr. Knight replied that it would be difficult for the City to annex within five miles and take over Ozello Water because it was not contiguous to their service territory. He stated that he was not aware if the City had the capacity to serve five miles out; however, no presentation had been made to provide any water service to the vicinity of annexation.

He answered Commissioner Phillips' question regarding who would be responsible for establishing the assessment of sewer in-fill customers by stating that he thought the City had asked the County to assist in the creation of the assessment. He remarked that in his opinion, the upgrade costs to service the annexed area should be recovered from the annexed customers.

Commissioners Batchelor and Bartell discussed the interlocal agreements the County had with the City and Ozello Water regarding water and sewer services to the annexation areas.

Mr. Knight advised that there was confusion in the interlocal agreement regarding the location of the boundary line at the southern end of the Realticorp property. He explained that the last plan proposed for the Super Wal-Mart site illustrated that the front 10 percent of the building would fall into the City's service territory for sewer and Ozello Water for water service, and that the back 90 percent would be in the County's service territory.

Ms. Slingerland explained that the "consents" for the annexation signed by the property owners were irrevocable and specified that the City would provide the water and sewer services. She also reported that Florida Statutes required that all municipal services provided to the City must be provided to the annexed areas.

Mr. Knight explained to Commissioner Bartell that he had not received any answers to the issues discussed today. (2:02 P.M.)

Ms. Slingerland then summarized the County's specific concerns of the annexation as follows:

1. Contiguity and compactness as required by statute was lacking.
2. Several pockets or enclaves were created within the annexed area.
3. The annexation area failed to meet legal requirements for being urban in character.
4. The continued viability of the Crystal River Airport might be jeopardized by a lack of controls within the City's code.
5. Significant concerns existed regarding the true cost of water to the annexed area.
6. The deficiency in utility revenue and the annexation area included some of the County's service territory, and although the City had the ability to serve five miles outside of their city limits per Florida Statute, this did not automatically allow the extension of service into other territories.
7. The adopted Urban Service Annexation Report failed to address issues regarding solid waste disposal, street drainage, flood control, and parks and recreation, and did not meet the requirement set forth in Florida Statute for such a report.
8. An attorney who had represented Realticorp noted some deficiencies that were not addressed, specifically stating that the report lacked in numerous areas in meeting those requirements.

She pointed out that the current legal description did not match the map publicized by the City, which took into account a large portion of land that was not included in the legal description. She stated that the parcels left out of the annexation met all statutory requirements described for annexation by municipalities; therefore, they could not be legally excluded. She also stated that there were concerns regarding the City providing appropriate and adequate due process to the County and its citizens. She explained that should the Board wish to take action based on the information heard today, the County Attorney's Office would recommend filing a petition for writ of certiorari and a companion de novo case that would allow a court to hear and determine the facts anew. She also requested that the Board begin conflict resolution procedures, which could be initiated with or without legal action. She informed the Board that if the conflict resolution was fruitful, any legal action could be dismissed, and should it not be successful, the County would not have lost its ability to file certain causes of action. She indicated that the Board could **(1)** take no action, **(2)** initiate the conflict resolution process without preservation of legal rights, or **(3)** initiate the conflict resolution process in conjunction with filing certain causes of action to preserve legal rights of the County and its citizens. She added that she had drafted a conflict resolution for the Board's approval and would insert a "whereas" clause

stating the Board's actions today, and whether or not the Board chose to initiate the process with or without legal action.

Motion by Commissioner Bartell, seconded by Commissioner Batchelor, to authorize the County Attorney's Office to take any legal action necessary to preserve its legal rights and that of its citizens, and authorize the Chairman to sign any documentation necessary to effect any such causes. (2:09 P.M.)

Commissioner Batchelor commented that although he seconded the motion, he preferred solving the problems without legal action.

Commissioner Phillips stated that she thought Commissioner Bartell's motion would protect the County's legal standing, but that the Board should still initiate a conflict resolution in a separate motion.

Chairman Wooten said that he wanted it made clear that this was not a battle over Wal-Mart. He explained that Wal-Mart submitted an application to the County to build on a large parcel of land that was now included in the annexation; however, they chose not to build on that parcel due to certain County requirements.

Ms. Slingerland clarified that Commissioner Bartell's motion would allow the County Attorney's Office to file a petition for writ of certiorari and a de novo action in circuit court, and that a motion for stay would be filed simultaneously requesting that the court hold those actions in abeyance until the County had completed the conflict resolution process. She reiterated that if the conflict resolution process was fruitful, those causes of action could be dismissed, and if not, the County would not have lost the ability to utilize those court actions. (2:15 P.M.)

Commissioner Phillips remarked that she felt the Board should take both actions due to the information heard today concerning water, the airport, roads, landfill capacity, and other things that would affect the County. She added that the Board had a responsibility to use every avenue to protect the interest of all citizens of the County; however, she sincerely hoped that the situation would be resolved through the conflict resolution process and without legal action.

Mayor Kitchen stated that he was astonished that staff's presentation began with an untruth regarding the time allowed them to speak at their joint meeting. Mr. Dixon clarified that the City was very courteous in allowing staff all the time they needed to make their presentations. Mayor Kitchen then refuted the statement that none of staff's questions was answered. He declared that the City attorney answered every question after staff's presentation and that it was in the public record.

He expressed concern with the Board's decision to file court actions, and said that he had hoped the County and the City could work through the issues. He stated that according to the City attorney, the annexation was lawful. He also stated that he did not write a letter that referred to lower level employees and further requested that the letter be introduced into evidence today. He stated that one of the big issues was that the annexed area would become a massive development, which had also been a concern when the

Crystal River Mall was constructed; however, that had not happened. He explained that the annexation would take in some undeveloped property, but it would also include the Home Depot, Chili's Restaurant, and a bank. He reported that the majority of the Council voted for the annexation, and that everyone he had spoken to was in favor of the annexation. He asked that the Board review the official public report. He said that the issue seemed to be about land development, and the City would like the right to express an opinion about how development would occur. He remarked that staff's presentation was very one-sided and his personal character had been insulted. He requested that emotions be set aside and that only the issues be considered. He added that he did not perceive any harm in the annexation to any County citizen, and that the continued spending of City and County staff's time was a waste of taxpayers' money.

He told Chairman Wooten that the City manager and City attorney approached him and mentioned that some landowners had requested the annexation. He answered his question regarding the annexation boundary lines by stating that it was probably based on those who wanted to be annexed into the City.

Discussion ensued regarding the residential properties excluded from the annexation, the matter could not be settled without a judicial review, the filing of lawsuits being a misuse of taxpayers' money, the Board had not heard the answers to the questions that were on record, and so forth. (2:31 P.M.)

Commissioner Bartell mentioned that the questions asked by staff could have been answered; however, he stated that those answers might not have been sufficient, particularly concerning the CUP (Consumptive Use Permit) with the SWFWMD. He explained that his motion would merely set in place the ability to exercise the County's rights within the statutes to challenge the decision the Council made, and that he would make a second motion for the conflict resolution. He stated that he would like to invite the City's staff to meet with County staff, review all the issues, and produce a written response to the Board. He explained that County staff did exactly what this Board asked them to do, which was to preserve the rights of the County and its citizens in the annexation issue. He added that he was not opposed to annexation, unless it was driven by a source other than the City.

Mayor Kitchen reiterated that the majority of the Council voted for this annexation, and that the Council had the same concerns as the County, which had been addressed.

Discussion followed regarding the Board's respect for staff, the Board making the final decision on the annexation after staff's presentation, examining the Council's response to staff's questions, issues raised by staff were also raised by the Council prior to their presentation, the annexation becoming a long drawn-out process involving the use of taxpayers' money, preserving the County's rights under any circumstances, the issues being resolved outside of court, and so on.

Ms. Slingerland clarified again that the motion would allow the County Attorney's Office to file a petition for writ of certiorari and file a de novo action in circuit court. She

added that the second motion would allow the County Attorney's Office to request a stay and initiate a conflict resolution.

The Chairman called a question on the motion, and the motion carried unanimously.

Motion by Commissioner Bartell, seconded by Commissioner Phillips, to adopt a resolution finding the action taken by the City of Crystal River, Florida to be in conflict with the laws of the state of Florida and the citizens of Citrus County; authorizing the initiating of conflict resolution procedures pursuant to Florida Statute 164; and providing for an effective date. **RESOLUTION NO. 2004-093**

Ms. Slingerland stated that she would add a "whereas" clause to the conflict resolution stating that on this date the Board voted unanimously to file a cause of action, a petition for writ of certiorari pursuant to Florida Statutes, Chapter 171, as well as a de novo cause of action in the circuit court regarding the annexation, and that the Board requested the initiating of a conflict resolution.

The Chairman called a question on the motion, and the motion carried unanimously. (2:40 P.M.)

The Chairman recessed the meeting and reconvened at 3:03 P.M.

#2-B EMPLOYEE SERVICE AWARDS

The following employees were recognized for their years of service to the County.

5 Years: Tony Miller, Lori Olson Wilborn (absent). **10 Years:** Anthony Justice. **15 Years:** Kenneth Henry (absent), Frederick (Fritz) Smith (absent), and Kenneth (Ken) Saunders. **25 Years:** Gloria Cuyler. (3:08 P.M.)

#8- COMMISSIONER VICKI PHILLIPS, FIRST VICE-CHAIRMAN

#8-A CITRUS COUNTY VETERANS COALITION RESOLUTION

Commissioner Phillips explained that the Citrus County Veterans Coalition, Inc., (Coalition) was an organization formed to establish, maintain, operate, and promote many different issues that would benefit veterans throughout the County. She stated that the Coalition had a wonderful beginning and should be commended for their efforts. Mr. Saunders then read the resolution into the record.

Upon motion by Commissioner Phillips, seconded by Commissioner Fowler, and carried unanimously, the Board adopted and authorized the Chairman to execute a resolution providing for the support of veteran healthcare issues for area veterans; providing for the support of the Citrus County Veterans Coalition; providing for the recognition of the Veterans Coalition's role in the expansion of the Veterans Clinic; and providing an effective date. **RESOLUTION NO. 2004-094** (3:11 P.M.)

#2-C SV-04-01, JOSEPH M. AND EDITH K. MOREIRA

Mrs. Beake reviewed a petition by Joseph M. and Edith K. Moreira to vacate a 200-foot portion of North Bennington Terrace lying south of East Allegrie Drive, Cambridge

Greens of Citrus Hills, First Addition. She reported that this portion of the right-of-way was vacant and no longer provided potential access to any parcel of land due to the platting of the area to the south (Shenandoah Subdivision). She added that there were no objections from any County division or utility company, that the Plat Review Team recommended approval on January 21, 2004, the Planning Development and Review Board (PDRB) recommended approval on March 4, 2004, and staff had determined that the request was consistent with the COMP.

Mrs. Moreira addressed the Board and stated that she and her neighbor wished to clean up the lot.

The Chairman opened the public hearing for public comment and asked if anyone wished to speak in favor or in opposition. With no public comment, the Chairman closed the public portion of the public hearing.

Upon motion by Commissioner Wooten, seconded by Commissioner Fowler, and carried unanimously, the Board adopted and authorized the Chairman to sign a resolution approving Street Vacation SV-04-01, petitioned by Joseph M. and Edith K. Moreira. **RESOLUTION NO. 2004-095** (3:16 P.M.)

At the meeting of the Board of County Commissioners of Citrus County, Florida, held in the County Commission Chambers, Room 102, Citrus County Courthouse, 110 North Apopka Avenue, Inverness, Florida 34450, at 1:35 P.M. on the 11th day of May 2004, Commissioner Wooten introduced and moved for the adoption of the following:

RESOLUTION NO. 2004-095

WHEREAS, Joseph M. and Edith K. Moreira purport to be the owners of that portion of North Bennington Terrace lying south of East Allegrie Drive, of Cambridge Greens of Citrus Hills First Addition, as recorded in Plat Book 14, Pages 66 to 70, public records of Citrus County, Florida (Section 4, Township 19 South, Range 19 East), more fully described in Exhibit "A" which is attached hereto and made a part hereof by reference; and

WHEREAS, said Petition requested the Board to vacate, abandon and discontinue the above-described portion of North Bennington Terrace lying south of East Allegrie Drive, of Cambridge Greens First Addition (Section 4, Township 19 South, Range 19 East), more fully described in Exhibit "A" which is attached hereto, and made a part hereof by reference; and

WHEREAS, the Board adopted a Resolution calling for a public hearing to determine the advisability of closing, vacating, abandoning and discontinuing the previously described portion of North Bennington Terrace, to be held in the County Commission Chambers, Room 102, Citrus County Courthouse, 110 North Apopka Avenue, Inverness, Florida 34450, at 1:35 P.M. on the 11th day of May, 2004; and

WHEREAS, Notice of such hearing was published in accordance with the law at the expense of the Petitioners; and

WHEREAS, a hearing has been held in accordance with such Resolution, Notice, and the law pertaining thereto; and

WHEREAS, this Board has determined that the portion of North Bennington Terrace lying south of East Allegrie Drive, of Cambridge Greens of Citrus Hills First Addition, as recorded in Plat Book 14, Pages 66 to 70, public records of Citrus County, Florida (Section 4, Township 19 South, Range 19 East), more fully described in Exhibit "A" which is attached hereto and made a part hereof by reference, should be closed, vacated, discontinued and abandoned, and any right of Citrus

County and the public in and to any lands delineated on said recorded plat, as said portion of the street and alleyway should be renounced and disclaimed.

IT IS, THEREFORE, RESOLVED by the Board of County Commissioners of Citrus County, Florida, as follows:

1. That the above-described portion of North Bennington Terrace lying south of East Allegrie Drive, of Cambridge Greens of Citrus Hills First Addition, as recorded in Plat Book 14, Pages 66 to 70, public records of Citrus County, Florida (Section 4, Township 19 South, Range 19 East), more fully described in Exhibit "A" which is attached hereto and made a part hereof by reference, be and the same is hereby closed, vacated, abandoned and discontinued, and any right of Citrus County or the public in and to the same, or in and to the lands delineated on said recorded plat of the same, is hereby renounced and disclaimed.
2. That this Resolution shall be spread upon the Minutes of this Board meeting.
3. That this Resolution shall be signed by the Chairman of this Board, attested by the Clerk of this Board, and the seal of this Board shall be affixed thereto.
4. That notice of the adoption of this Resolution shall be published in a weekly newspaper authorized by law to publish legal notices in Citrus County, Florida, within thirty (30) days from this date.
5. That the proof of publication of notice of public hearing, the resolution as adopted, and the proof of publication of the notice of the adoption of such resolution shall be recorded in the deed records of the county.
6. That the Clerk of the Board is hereby directed to forward a certified copy of this Resolution to the petitioner and all abutting property owners.

Motion seconded by Commissioner Fowler and carried for adoption by the Board on the 11th day of May 2004.

ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Josh Wooten

JOSH WOOTEN, CHAIRMAN

EXHIBIT "A"

That portion of North Bennington Terrace lying south of East Allegrie Drive, as per plat of Cambridge Greens of Citrus Hills, First Addition, recorded in Plat Book 14, Pages 66 to 70, public records of Citrus County, Florida.

#2-D CERTIFICATE OF ACHIEVEMENT IN FINANCIAL REPORTING

Lynda Flynn, Office of Management and Budget Director of Osceola County, and the Florida State Representative for the Government Finance Officer's Association of the United States and Canada, presented the "Certificate of Achievement for Excellence in Financial Reporting" to Citrus County. She gave a brief history of the program and stated that this certificate was the highest form of recognition available to governmental accounting and financial reporting. She also stated that its attainment was a significant achievement, and it was impressive that this County had received the award five times. She added that in order to receive this certificate, the County's Comprehensive Annual Financial Report (CAFR) must comply with strict standards, which required that the CAFR efficiently and effectively communicate information about the financial status of the County. She added that it reflected the endorsement and support of the Clerk of Court, the Board, and management staff.

Mrs. Strifler thanked Ms. Flynn for the award, and recognized the Clerk's Finance Director Sarah Koser and Assistant Finance Director Susan Sullivan for their dedication

and leadership. She also acknowledged the assistance of the external auditors, Williams, McCrannie & Sutton, P.A. (3:20 P.M.)

#2-E 2004 SECOND CYCLE AMENDMENTS

Mr. Dixon stated that this workshop was the transmittal phase of the 2004 Second Cycle Amendments to the Generalized Future Land Use Map (GFLUM) and the LDC Atlas.

The Chairman requested that this item be postponed until later in the meeting due to the possibility of a lengthy discussion. (3:21 P.M.)

#2-H CERTIFICATE OF RECOGNITION - CHRISTINE BROWN

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized all Commissioners to execute a certificate of recognition to Christine Brown, Recreation Supervisor, Parks and Recreation, for her award of a plaque from the Crystal River Little League recognizing her outstanding customer service. (3:23 P.M.)

#2-I FITNESS IN CITRUS CHALLENGE

Rebecca Martin, Co-Chairman, Citrus County's Community Health Promotion and Education Coalition, thanked the Board for their support of the community-wide cardiovascular health effort. She presented a certificate of appreciation to the Board along with "Fitness in Citrus" magnets. She informed the Board that there were almost 600 participants in the program, and she read some of the encouraging comments received from participants about the program. She also introduced representatives from the top three of 52 teams: Joan Chipkar of the Healthy Strides; Judy Ramsey of the Happy Hoofers; and Arnold and Mary Ann Virgilio of the Virgilio's Team. (3:27 P.M.)

#2-J PROCLAMATION - NATIONAL TOURISM WEEK

Upon motion by Commissioner Batchelor, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized all Commissioners to execute a proclamation declaring May 8 through 16, 2004, as National Tourism Week. (3:29 P.M.)

#2-K PROCLAMATION - POPPY WEEKEND

Upon motion by Commissioner Bartell, seconded by Commissioner Batchelor, and carried unanimously, the Board approved and authorized all Commissioners to execute a proclamation declaring May 28 and 29, 2004, as "Poppy Weekend". (3:31 P.M.)

#2-E. 2004 SECOND CYCLE AMENDMENTS - CONTINUED

#2-E.1 CPA-04-02, DEPARTMENT OF DEVELOPMENT SERVICES (DDS)

Ian McDonald, AICP, Senior Planner, CDD, stated that this request was to amend the text of the Capital Improvements Element to update information pertaining to capital projects and costs. He also stated that it was required by Florida Statutes to review and modify the Capital Improvements Element on an annual basis. He mentioned that over the next five years, \$12.2 million would be allocated to aviation facilities for both

airports, and that a large amount of funding would be obtained from FDOT and FAA grants. He advised that there would be no other changes in the policies, goals, or objections, and that this amendment would merely update the tables and text to reflect the current fiscal years and would then be reviewed by the Department of Community Affairs (DCA).

The Chairman opened the public workshop for public comment and asked if anyone wished to speak in favor or in opposition. With no public comment, the Chairman closed the public portion of the public workshop.

Mr. Dixon advised that the transmittal hearing for this amendment would be held on June 8, 2004. (3:34 P.M.)

#2-E.2 CPA-04-03, DDS

Mr. McDonald explained that this amendment was to revise text to the Conservation Element, Coastal, Lakes and River Management Element, Utility Element, Future Land Use Element, and Capital Improvements Element. He stated that the amendments were predominately concerned with some definitional changes and inconsistencies between the LDC and the COMP. He added that additional changes focused on the Coastal High Hazard Area (CHHA) and the allowed development standards within those areas. He advised that staff would now use the state language rather than the Federal Emergency Management Agency language (FEMA) to define the CHHA. He detailed the proposed changes and specific policies for each element. He added that he would review any questions regarding the recommended changes or specific policies and bring the information back to the Board on June 8, 2004.

Mr. Dixon pointed out that in August, staff would present the companion LDC text amendment to identify the standards in the land development regulations and adopt a parcel specific map of the CHHA. (3:48 P.M.)

The Chairman opened the public workshop for public comment and asked if anyone wished to speak in favor.

Priscilla Watkins voiced support for all amendments of each element, and stated that the changes corresponded with the work of the Homosassa River Alliance and in protecting the entire coastline.

The Chairman then asked if anyone wished to speak in opposition.

Attorney Clark Stillwell advised that he represented the Citrus County Builders Association, the Citrus County Chamber of Commerce, and the Citrus County Realtor's Association, in addition to several property owners who owned vacant acreages lying east of US-19, which had central water and wastewater, and that had no environmental constraints. He voiced objection to the public hearing condition in the CHHA concerning new construction or expansion of multifamily residential units subject to a conditional use east of US-19. He explained that under the LDC, a traffic study was required anyway, which would answer the questions of whether the location would create "choke points" or

impede evacuation. He also discussed the residential design densities that required all Planned Developments (PD) and new subdivisions in the CLR to preserve 80 percent of the gross site as permanent open space and required cluster development areas for all development in excess of two units. He suggested that the threshold be higher than two lots, and stated that the 80 percent open space should apply west of US-19 to larger subdivisions, but that it should not apply to very small subdivisions. He asked the Board to keep in mind that this text would be applied to the future CHHA map and should be consistent with the LDC. (4:00 P.M.)

Mr. Dixon addressed his concern regarding the multifamily housing issue by stating that the statutory requirement for protection in the CHHA discouraged high densities of residential development in hurricane evacuation areas. He explained that multifamily housing would be prohibited west of US-19 because most of those areas had only one point of ingress and egress. He added that in areas east of US-19, multifamily housing would be subject to a conditional use, and staff would specifically review evacuation as an issue in deciding whether to recommend approval.

He replied to Commissioner Bartell's question regarding the multifamily development process requiring a transportation study by stating that traffic concurrency and evacuation would be major issues, as well as compatibility and other matters. He added that the LDC still had to be amended and that many concerns would be addressed and reviewed at that time.

Mr. Stillwell responded to Mr. Dixon's comments by stating that there were high-density parcels east of US-19 that had been allowed a density of eight to ten units without a public hearing before the land use was changed to CHHA. He remarked that now those parcels would require a public hearing process for development with regard to compatibility. He stated that he thought the property owners would be willing to prove that they would not have "choke points" and could evacuate the area in a timely manner.

Chairman Wooten questioned if traffic studies would give staff the answers regarding "choke points", then what were the appropriate uses for property designated CHHA. Mr. Dixon answered that those properties would probably be Low Density Residential (LDR) and Medium Density Residential (MDR) Districts, which would allow single-family homes. He added that as a conditional use, the property owners could prove how their proposal would address evacuation and compatibility through a public hearing process. He added that staff was proposing to make any multifamily unit a conditional use east of US-19, and prohibit multifamily use west of US-19, which was a reasonable compromise.

Mr. Stilwell agreed that the compromise between east and west was very reasonable, and he understood the traffic and evacuation aspect. He reiterated concerns about the public hearing process for multifamily development in the Central Ridge area east of US-19 because the issue had already been discussed for property zoned MDR when the LDC was adopted in 1990.

Discussion ensued as follows: multifamily housing required a conditional use in most land use districts; multifamily housing had standard caveats from federal and regional agencies in the state that encouraged keeping high-density land uses out of the CHHA; staff looking 50 years into the future by creating permanent open space that would preclude more development and protect the quality of life requested by citizens; the 80 percent open space was a requirement of the CLR area, not the CHHA; problems with cluster housing in new and re-developed subdivisions west of US-19; the difference between density and parcel size; the 80 percent open space not applying to re-platted subdivisions, and so on.

Commissioner Phillips asked if the language in the amendment could be modified to state that the 80 percent open space would not apply to re-plats. Mr. Dixon replied that in his opinion, the amendment already addressed the issue because it allowed for current density and intensity; however, he would review the matter and report to the Board at the next scheduled hearing.

Chairman Wooten recommended that all concerned parties continue to discuss the issues with staff.

Dixie Hollins distributed an aerial map depicting the Citrus Mining and Timber Property, Cemex Mining Leasehold, Georgia-Pacific Timber, and the SunCruz Casino Boat sites (filed with the Clerk's agenda). He commended staff for their cooperation in answering questions regarding property he owned north of the Cross Florida Barge Canal (Canal). He indicated that some areas in the northwest part of the Canal shown on the conceptual map should not have been included in the CHHA, especially on the LDC parcel specific map. He added that he had discussed this discrepancy with staff.

The Chairman recessed the meeting due to technical difficulties and reconvened at 4:38 P.M.

Mr. Hollins approached the Board again and mentioned that there was the possibility of road expansion, four-laning the bridge over the Canal, and the expressway coming through that area. He explained that his company owned 1.3 miles of water frontage on the Canal, which was a good place for recreational type facilities, such as hotels, boat storage, restaurants, RV parks, and other related uses. He had questions concerning height restrictions and boat storage. Mr. McDonald assured him that the 50-foot height restriction had been eliminated and that an area could be designated for boat storage on an RV site.

Mr. Hollins requested that staff consider lowering the 80 percent open space requirement for residential development on his CHHA property, and asked if he could use the existing mining lake for open space. Mr. Dixon explained that the mining lake or any available land would be allowed for open space in a single-family PD project; however, property in the CHHA west of US-19 would preclude multifamily development under the proposed ordinance. He added that an RV Park would be a good use in the CHHA because it was a commercial designation, it was not intended to be a permanent facility, and it could be evacuated.

Mr. Hollins then asked if condominiums around a marina type facility west of US-19 would be allowed in the future. Mr. Dixon explained that Mr. Hollins' property contained only a small portion of land that was not included in the CHHA and that under the current COMP, condominiums were not allowed in the CHHA. He specified that the idea would be a legislative issue, and he had no way of knowing whether condominiums would ever be an allowed use in the CHHA.

The Chairman closed the public portion of the public workshop. Mr. McDonald announced that this application would come before the Board again on June 8. (4:49 P.M.)

Commissioner Fowler left the meeting during this discussion and did not return.

#2-E.3 CPA/AA-04-11, DDS

Ms. Slingerland polled the Board for ex parte communications regarding CPA/AA-04-11, CPA/AA-04-13, and CPA/AA-04-14. All Commissioners replied that they had no previous communications on any of the applications.

Mr. Dixon advised that this request was to assign new land use designations to the Mixed Used (MXU) properties. He reported that three land use districts had been created, Mobile Home Park (MHP), Recreational Vehicle Park (RVP), and Coastal and Lakes Commercial (CLC) for reassignment of some MXU properties. He mentioned that there were detailed maps in the room showing the specific areas and parcels with the new designations.

Kevin Smith, AICP, CDD Assistant Director, showed a PowerPoint presentation of maps illustrating the 16 areas that staff had identified for re-designation of land use. He specified that areas 1 through 15 were adjustments to the MXU category, that area 16 was a large tract of state-owned land in the Chassahowitzka swamp area, which would be assigned to the Conservation category, and that the total area in this application was approximately 6,425 acres. He stated that Florida Statutes required that densities and intensities of permitted uses assigned to the LDC Atlas be consistent with the designations shown on the GFLUM. He also stated that the MXU category was eliminated from the GFLUM in 1997; however, the MXU category had remained on the LDC Atlas. He reported that the MXU category had been deemed invalid by the courts, and that this amendment would remove the remaining MXU designations from the LDC Atlas to ensure consistency with the GFLUM. He stated that staff had reviewed over 500 parcels with the MXU designation, and that the land uses assigned under this process were the most appropriate categories consistent with the policies of the COMP and the GFLUM and compatibility to surrounding areas. He explained each change in the various land use categories. He stated that no concurrency issues were identified on public facilities, that the application was consistent with the applicable policies of the GFLUM, and that no agencies comments had been received to date. He also stated that notices were sent to affected property owners, and that several telephone calls and comments had been received from the public on various parcels. He mentioned that he had distributed additional public correspondence (filed with Clerk's agenda). He pointed out that after the staff report was prepared, a number of parcels were in the proposed Crystal River annexation and would not be included in the final adoption ordinance. He stated that the

PDRB recommended approval with changes on April 15, 2004, and that since the PDRB meeting, the parcel known as the Cove Campground was recommended for re-designation from MXU to CLC. He pointed out that the parcels were grouped into 15 general areas on the maps for discussion if necessary, and that staff recommended approval with the changes as noted.

Mr. Dixon explained to Commissioner Phillips that all affected property owners were notified by regular mail and that notices had been published in the local newspaper. He added that a few letters were returned as "undeliverable."

Chairman Wooten announced that Item #2-F (North Central Florida Health Planning Council), Item #2-L (25-Year Transportation Master Plan), and Item #2-M (Utilities Division Audit Presentation) would be rescheduled for the next meeting.

Chairman Wooten opened the public workshop and asked for comments on the changes to the following areas: (4:59 P.M.)

Area 1: Mr. Stillwell referenced two parcels east of US-19. He commented that Citrus Condos owned one of the parcels and was supportive of the land use change to RVP. He objected to the land use change involving 70 acres of waterfront property owned by the W.W. Caruth Estate due to the down zoning causing diminution in value. He noted that a Bert Harris Act had been filed due to the land use amendment. He remarked that staff should mitigate the damages and reinstate the previous land use designation.

Area 2: There was no public comment. Commissioner Bartell questioned if this area was the one involved in the City's annexation. Mr. Dixon replied that any parcels involved in the annexation would not be changed. Ms. Slingerland explained that the City would inherit the MXU designation, and if the annexation did not take place those parcels could be re-designated.

Area 3: Mr. Stillwell pointed to the display map and voiced concern with one of the parcels (10-19-17 NW) designated CL. He said that only 200 feet should have been designated CL and the remainder of the property should have been designated some other land use. Chairman Wooten directed staff to review this area.

Area 4: There were no comments.

Area 5: Fred Reeves, representing Halls River Development, Inc., objected to the change due to the substantial down zoning and diminution in value of the property. He advised that a Bert Harris Claim had been filed. He indicated that the impact to the MXU property owners and his client, including the loss of property rights was a direct result of the mistakes and omissions of this Board in 1997 when it adopted a COMP and GFLUM that was inconsistent with the LDC. He proposed that the County take all measures necessary to preserve the property rights and development rights of the affected property owners under the MXU designation. He added that his client and he looked forward to assisting the County should they so choose; however, he objected to the Board approving this amendment, specifically in Area 5.

Areas 6, 7, and 8: There were no comments.

Area 9: Mr. Stillwell referred to property owned by Linda Goodman and stated that he had informed the PDRB that the MDR classification was not consistent with the surrounding land areas designated General Commercial (GNC), Industrial (IND), Transportation Communication Utilities (TCU), and Extractive (EXT). Mr. Smith advised that the memorandum he prepared reflected that the PDRB agreed to changing the parcel to GNC on the northern portion and Professional Services/Office District (PSO) on the southern portion, and that the map would be changed when the ordinance was adopted.

Areas 10, 11, and 12: There were no comments.

Area 13: Mr. Stillwell expressed appreciation on behalf of the Cove Restaurant for the CLC land use designation, which he believed was the appropriate category for that property.

Areas 14, 15, and 16: There were no comments.

With no further comments, the Chairman closed the public portion of the public workshop. Mr. Dixon announced that there would be another hearing on this application June 8. (5:15 P.M.)

#2-E.4 CPA/AA-04-13, KEY TRAINING CENTER

Mr. Smith presented the following staff report:

Application Number/Name:	CPA/AA-04-13, Key Training Center
Land Use:	LDC Atlas and GFLUM: from MDR and LDR Districts to Public/Semi-Public/Institutional (PSI) District
Property Data:	Parcel 31200 in Section 30, Township 18 South, Range 18 East. Approximately 42.3 acres
Staff/PDRB Recommendation:	Approval with Area 2 withdrawn
Proposed Project:	To allow for expansion of the Key Training Center facilities located at the corner of North Van Nortwick Road and West Safari Lane in Lecanto
Transmittal Hearing:	June 8, 2004

Mr. Dixon distributed a letter from the applicant stating that Area 2 had been withdrawn from the proposed amendment (filed with the Clerk's agenda).

Mr. Smith advised that the application had been divided into three separate areas, and that Phase I had been granted a conditional use for the development of a recreational facility and group home, which was approved on February 19. He added that there were no concurrency issues, that the application appeared to be consistent with policies of the COMP, and that the amendment areas were adjacent to the existing Key Training Center (Center), most of which were already designated PSI. He reported that there had been no agency comments, and that one letter had been received from nearby

residents concerning the existing traffic conditions. He advised that potential impacts from future development areas would depend on the specific projects proposed, and that traffic impacts from additional PSI areas would be reviewed at the time of permitting of the future development sites.

He stated that Area 2, which had been withdrawn, was 1.5 acres in size located at the corner of North Van Nortwick Road and West Safari Lane, and that the applicant had agreed to prepare a PD Overlay for Area 1. He pointed out that a revised locator map was included in the agenda backup material.

Jack White, construction administrator for the Center, explained that Area 1 had 11.24 acres and that a six-bedroom, six-bath group home for the extremely handicapped had already been approved and was under construction, as well as plans for a 16,000 square foot recreational facility with a cafeteria and basketball court. He advised that the Center would install a 50-foot buffer around the entire residential area to address complaints of some of the neighbors, that provisions had been taken to maintain flooding, and that the Center had agreed to a PD showing passive use for recreation on the balance of the property. He stated that traffic flow would be limited, lighting would be directed away from the neighborhood, and that a 50-foot buffer would be maintained. He added that the Center was also asking to change 30 acres of undeveloped land east to PSI to allow for future expansion.

The Chairman opened the public workshop for public comment and asked if anyone wished to speak in favor or in opposition. (5:24 P.M.)

Barbara Gardner, a resident in the neighborhood of Area 1, opposed the zoning change from MDR to PSI due to the integrity of the neighborhood. She also expressed concern for a resident who had suggested a PD Overlay in Area 3; however, the PD was placed on Area 1. She questioned the need for the change, and asked what would happen to the conditional agreement with the MDR when it was changed to PSI.

Mr. Dixon explained that at the PDRB meeting, residents expressed concerns about impacts around Area 1, but not Area 3. He stated that the Center offered to attach a PD Overlay to Area 1 after the application came back from the DCA and had gone through the adoption process, which would include locked in land use for that area. He advised that the already approved conditional use for Area 1 would not change and there would be no additional development approved as a result of the PD Overlay.

Ms. Gardner expressed concerns regarding the future of the neighborhood, property values, and other allowable uses under the PSI designation.

With no further comments, the Chairman closed the public portion of the public workshop. (5:30 P.M.)

#2-E.5 CPA/AA-04-14, CLARK A. STILLWELL FOR RICHARD T. AND MARION CARROLL, CO-TRUSTEES

Mrs. Beake gave the following staff report:

Application Number/Name:	CPA/AA-04-14, Clark Stillwell for Richard T. and Marion Carroll, Co-Trustees
Land Use:	LDC Atlas and GFLUM: from IND to GNC
Property Data:	Parcel 11100 in Section 10, Township 19 South, Range 19 East, South Croft Avenue in Inverness
Staff/PDRB Recommendation:	Approval
Proposed Project:	To provide for consistency with historical changes in the surrounding land uses
Public Hearing:	June 8, 2004

Mrs. Beake stated that the IND property designation for the amendment area was incompatible with surrounding land use designations and development. She also stated that the site was previously part of a concrete plant and that the remainder had been re-designated from IND to GNC, which had been developed as a shopping center and a large retail store. She advised that the amendment area was located within the Planned Service Area (PSA). She stated that there was one concurrency concern regarding the level of service at the Croft Avenue intersection and SR-44, which would have to be resolved prior to future development when traffic estimates could be determined. She added that the proposed amendment was approximately 17 acres and was consistent with the goals, objectives, and policies of the COMP.

Mr. Stillwell commented that the applicant also owned the vacant residential lots that would be affected most by the amendment. He addressed the concurrency issue regarding the level of service at Croft Avenue and SR-44 by stating that the County acquired the land from the previous Wal-Mart, that the County received \$42,000 from Lowe's this week, and that \$2 million was designated in the CIP for the upgrade of Croft Road and SR-44.

The Chairman opened the public workshop for public comment and asked if anyone wished to speak in favor or in opposition. With no public comment, the Chairman closed the public portion of the public workshop. (5:34 P.M.)

#14- **ANY OTHER BUSINESS OR PERSONS WISHING TO ADDRESS THE BOARD**

#14-A **LETTER FROM CITY OF CRYSTAL RIVER MAYOR RONALD KITCHEN**

Mr. Saunders submitted a copy of the letter from Mayor Kitchen referred to by Mr. Knight during the presentation on the City's annexation (filed with the Clerk's agenda). Ms. Slingerland stated that Mayor Kitchen had requested that staff find a copy of the letter and make it a part of the record in this proceeding. She added that the Commissioners and the press had received copies of the letter, and that it would be faxed to Mayor Kitchen in the morning.

#2-G **REVISED FEES FOR SOLID WASTE MANAGEMENT (SWM)**

Mr. Saunders advised that the SWM \$2 per visit transaction fee had been revised to include disposal of up to four bags/cans of household waste or yard waste or any combination thereof.

The Chairman opened the public hearing for public comment and asked if anyone wished to speak in favor or in opposition. With no public comment, the Chairman closed the public portion of the public hearing.

Commissioner Bartell stated that he thought the Board had also discussed the price of the annual pass and charging a transaction fee for bulky waste. Mr. Saunders confirmed Chairman Wooten's statement that the Board had directed staff to review those issues and present them to the Board during the budget process.

Upon motion by Commissioner Wooten, seconded by Commissioner Bartell, and carried unanimously, the Board adopted and authorized the Chairman to execute a resolution revising the fees for Solid Waste Management for fiscal year 2003-2004.
RESOLUTION NO. 2004-096 (5:37 P.M.)

#7- **COMMISSIONER JOSH WOOTEN, CHAIRMAN**

#7-A **AFFORDABLE HOUSING ADVISORY BOARD**

The Chairman announced the expiration of terms for five positions on the Affordable Housing Advisory Council.

#7-B **CONSTRUCTION LICENSING AND APPEALS BOARD**

The Chairman announced the expiration of terms for three positions on the Construction Licensing and Appeals Board. (5:39 P.M.)

#13- **ANY OTHER COUNTY BUSINESS - ACCEPTED BY MOTION ONLY**

#13-A **CITRUS SPRINGS TASK FORCE (TASK FORCE)**

Commissioner Phillips stated that she was sure the Commissioners had read the newspaper and had received letters and phone calls regarding the funding problems of the Citrus Springs Community Center (Center). She reviewed the history of the Citrus Springs MSBU by reading excerpts from various minutes of the Citrus Springs Advisory Council (Council) from July 27, 1993, through March 13, 2002. The minutes revealed the discussions regarding the creation and adoption of a resolution for the MSBU, the Center's location, site plans, estimated costs, "wish list," amenities, completion date, rules and regulations, staffing, budget, and other matters. She informed the Board that she had presented this information so that residents moving into the community would understand what was happening, and so that citizens would not think the County was just arbitrarily taking over or telling them how to operate and manage the facility. She stated that by Florida law, the County had to own the building. She explained that the MSBU was established to enhance what the County normally provided for all County residents. She advised that the Task Force approved a motion at their meeting held on April 29, 2004, recommending that the County fund both Center buildings, "A" and "B," and that the MSBU would continue to fund general community services. She announced that the Task Force would meet on May 13, 2004, at 6:00 P.M. to inform residents of what was taking place.

She stated that the funding issue was a result of the Donnelly vs. Marion County lawsuit. She suggested that the County assume full responsibility for the operation and maintenance of both Center buildings "A" and "B;" however, she did not recommend that

the County assume operations at the same level the community was now accustomed to (\$260,000 per year). She mentioned that there were similar facilities throughout the County, but none could compare to the one in Citrus Springs. She added that she felt the County could operate the facility in a manner similar to the other facilities that would be sufficient and acceptable to the Citrus Springs community.

Motion by Commissioner Phillips, seconded by Commissioner Wooten, to authorize the County to assume full responsibility and maintenance of both Citrus Springs Community Center Buildings "A" and "B," but the County would not assume operations of the facility at the same level of service. (5:52 P.M.)

Chairman Wooten agreed with Commissioner Phillips' comments and recommendations. He stated that there had been some misconstrued information regarding the Center; however, the real problem was the funding mechanism. He mentioned that the Citrus Springs residents had voted to tax themselves for the \$1 million Center to make their community a nicer place. He stated that since the rules had changed, the community wanted to give the Center back to the County, and that the community would still operate building "B" through volunteers. He envisioned one employee overseeing both buildings. He stated that even though the location was not as desirable as Lecanto, this recommendation would work and would be a good source of revenue.

Commissioner Phillips said that she thought the Center was conveniently located, and that people did not mind driving to the facility. She indicated that volunteers could run the Center, and if the community wanted the facility open five days a week and some nights, they could coordinate with the Parks and Recreation Department for volunteer workers. She stated that the larger building would be the sole responsibility of the County; however, by reworking the fee schedules, she believed the building could be managed quite well.

Commissioner Bartell stated that although he appreciated Commissioner Phillips' research on the history of the Center, he was concerned about the costs. Commissioner Phillips offered to amend her motion to recommend that the County take responsibility for the Center's operations and maintenance, and to direct staff to provide budget details.

Commissioner Bartell suggested that the Board direct staff to continue to pursue the issue next year with the legislature due to the financial problem created by the Donnelly vs. Marion County court case. He added that he would support the motion if staff would let the Board know where the funds would come from. He pointed out that in order to be fair and equitable to the 2,300 property owners in Citrus Springs, the County had no choice other than taking over the Center.

Commissioner Phillips said that the citizens should be proud of their accomplishments involved with the Center. She agreed with Commissioner Bartell that staff should come back with the budgetary impacts, and stated that the County would not assume the responsibility of the Center until October 1, 2004.

Commissioner Batchelor suggested delaying action today until staff could provide funding details to the Board. Mr. Saunders stated that staff would try to provide the information to the Board by June 8. Commissioner Phillips then withdrew her motion.

Commissioner Bartell stated he thought there was a consensus of the Board to follow Commissioner Phillips' direction; however, since this was a funding issue as well as a policy decision, he wanted a report from staff regarding the financial aspect. He also said that he thought the Board's decision should be discussed with the Council as well. Short discussion followed regarding misinformation on the matter, the Board having no other alternative, and this being the best option.

Chairman Wooten withdrew his second to Commissioner Phillips' previous motion.

Motion by Commissioner Phillips, seconded by Commissioner Wooten, to direct staff to develop a budget that did not include an MSTU and would place the County in a position of assuming the responsibility of operations and maintenance of the Citrus Springs Community Center to become effective October 1, 2004, and to report the information back to the Board for a final decision.

Chairman Wooten reiterated that the staffing levels at the Center would not remain as they were now.

The Chairman called a question on the motion, and the motion carried unanimously.

(6:10 P.M.)

#12- **COUNTY ATTORNEY'S REPORT**

#12-A **FINAL PLAT - ARBOR LAKES UNIT III (PLT-03-01)**

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized the Chairman to execute the final plat of Arbor Lakes Unit III (PLT-03-01), and directed the Clerk to record the plat in the public records.

(6:11 P.M.)

#14-B **FLORIDA ASSOCIATION OF COUNTIES (FAC) SPECIAL MEETING**

Commissioner Bartell informed the Board of two extremely important issues raised at a special conference of the FAC Board of Directors, **(1)** "Constitutional Petition Initiative to Double Homestead Exemption," an issue to double homestead exemption from \$25,000 to \$50,000, and **(2)** "Sales Tax Reform Constitutional Amendment."

He explained that Karen Sauls, a candidate for the U.S. Congress, and her husband Jeffery had initiated and funded the petition, and that sufficient signatures had been obtained to proceed to the Supreme Court. He said this action would be devastating to local governments, and that the FAC was committed to fighting this issue. He stated that if this amendment were approved, there would be a potential millage cap of 9.0583 for Citrus County with some counties going over the 10-mill cap. He added that he had suggested to the FAC Board of Directors that the FAC create and provide a resolution to all 67 counties and 450 cities, so they could respond to this matter.

He spoke in favor of the "Sales Tax Reform Constitutional Amendment" because it would require a legislative review of sales tax exemptions every ten years.

There being no other business to come before the Board, the Chairman adjourned the meeting. (6:15 P.M.)

ATTEST: _____, Clerk _____, Chairman