


The Board of County Commissioners of Citrus County, Florida, met in regular session on the above date. The Chairman called the meeting to order and Commissioner Wooten led in the Invocation and the Pledge of Allegiance to the U.S. Flag.

Commissioners:	Jim Fowler, Chairman; Gary Bartell, First Vice-Chairman; Josh Wooten, Second Vice-Chairman; Roger Batchelor; and Vicki Phillips
Attorney:	Robert B. Battista
Administrator:	Richard Wm. Wesch
Clerks:	Theresa Steelfox and Glenda Brown, Deputy Clerks

#2 PUBLIC HEARINGS - WORKSHOPS - PERSONS TO APPEAR

#2-A OPEN TO THE PUBLIC

 Dave Conant questioned Item 3-VV regarding the additional \$15,000 for the Florida Water Services Authority matter. He asked if there were a check and balance regarding the correct amount of time for the dollars spent.

He also stated that he had read in the backup material that a July 8, 2003, public hearing was advertised as being held in the new Commission Board Room in the Citrus County Courthouse.

Mr. Wesch said that he would verify the July 8, 2003, hearing and if a correction was needed, staff would re-advertise. He added that the Board was not scheduled to accept those new facilities until September of 2003. (I-100/1:07 P.M.)

#3- CONSENT AGENDA

Upon motion by Commissioner Wooten, seconded by Commissioner Fowler, and carried unanimously, the Board pulled Item #3-OO (Tsala Apopka Lake System), Item #3-VV (Florida Water Services Authority), and Item #3-LL (Florida Municipal Attorneys Association), and approved the balance of the Consent Agenda, as follows:

#3-A Approved the minutes of the regular meeting held on April 22, 2003.

#3-B Approved the following warrants: Payroll registers dated 04/30/03 at \$449,337.96 and dated 05/01/03 at \$30,792.11. Accounts Payable registers dated 05/01/03 at \$250 and dated 05/12/03 at \$4,397,770.74.

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

RESOLUTION NO. 2003-085

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE 2003 CAPITAL PROJECTS BUDGET AND AMENDING CERTAIN DEBT SERVICE BUDGETS FOR FY 2002/2003

WHEREAS, as part of the 2003 Capital Improvement Refunding Revenue Bonds, the lending institution removed the debt service reserve fund requirement that was part of the 2001A and 2001B Capital Improvement Bonds; and

WHEREAS, the funds that were previously held in reserve will be used for construction of the Extension Services office and improvements to the Lecanto Senior Center; 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 2002/2003; 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, in regular session on the 13th day of May 2003, 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.

ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS

OF CITRUS COUNTY, FLORIDA

/s/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
2003 CAPITAL PROJECTS			
<i>Revenues</i>	370-381-000	Transfer	523,930
<i>Expenditures</i>	370-5779-56200	Buildings	523,930
2001B BONDS			
<i>Revenues</i>		Cash Carry Forward	72,310
<i>Expenditures</i>	225-2119-59100	Transfer	72,310
2001A BONDS			
<i>Revenues</i>		Cash Carry Forward	430,020
<i>Expenditures</i>	226-2128-59100	Transfer	430,020
COMMUNITY PARK 2 IMPACT FEES			
<i>Revenues</i>		Cash Carry Forward	2,818
<i>Expenditures</i>	627-2821-59100	Transfer	2,818
PUBLIC UTILITIES			
<i>Revenues</i>		Cash Carry Forward	18,782
<i>Expenditures</i>	450-9000-59100	Transfer	18,782

RESOLUTION NO. 2003-086

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE LIMEROCK ROAD PAVING PROGRAM BUDGET FOR FISCAL YEAR 2002/2003

WHEREAS, on January 28, 2003 the Citrus County Board of County Commissioners issued debt for the 2002 Limerock Road Paving Program; and

WHEREAS, the required debt service payments must be appropriated; 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 2002/2003; 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, in regular session on the 13th day of May 2003, as follows:

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ATTEST:

/s/ Betty Strifler
 BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
 OF CITRUS COUNTY, FLORIDA

/s/ Jim Fowler
 JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>	710-363-000	Special Assessments	8,275
		Total Revenues	\$8,275
<i>Expenditures</i>	710-7102-57100	Debt Service – Principal	6,250
	710-7102-57200	Debt Service – Interest	2,025
		Total Expenditures	\$8,275

RESOLUTION NO. 2003-087

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE LAKE TSALA GARDENS SPECIAL ASSESSMENT BUDGET FOR FISCAL YEAR 2002/2003

WHEREAS, on January 28, 2003 the Citrus County Board of County Commissioners issued debt for the Lake Tsala Gardens Water Main Extension; and

WHEREAS, the required debt service payments must be appropriated; 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 2002/2003; 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, in regular session on the 13th day of May 2003, as follows:

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ATTEST:

/s/ Betty Strifler
 BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
 OF CITRUS COUNTY, FLORIDA

/s/ Jim Fowler
 JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>	719-363-000	Special Assessments	14,375
		Total Revenues	\$14,375
<i>Expenditures</i>	719-7129-53109	Fees and Costs	1,250
	719-7129-57100	Debt Service – Principal	8,475
	719-7129-57200	Debt Service – Interest	4,650

	Total Expenditures	\$14,375
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RESOLUTION NO. 2003-088

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE MEDICAID WAIVER PROGRAM BUDGET FOR FISCAL YEAR 2002/2003

WHEREAS, on April 23, 2002 through Resolution 2002-079 the Citrus County Board of County Commissioners approved an application for financial assistance under the Medicaid Waiver Program and a contract to provide services with the Mid-Florida Area Agency on Aging, Inc.; and

WHEREAS, on April 8, 2003 the Citrus County Board of County Commissioners sign d Amendment #3 to the contract; and

WHEREAS, on April 14, 2003 the Mid-Florida Area Agency on Aging, Inc. sign d the amendment providing the third quarter allocation; 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 2002/2003; 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, in regular session on the 13th day of May 2003, as follows:

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ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>	117C-346-900	Medicaid Waiver Fees for Services	20,000
	117C-346-901	Assisted Living Facility Waiver Fees	10,000
		Total Revenues	\$30,000
<i>Expenditures</i>	117C-5311C-51200	Regular Salaries and Wages	10,894
	117C-5311C-52100	FICA Taxes	834
	117C-5311C-52200	Retirement Contributions	628
	117C-5311C-52400	Workers Compensation	144
	117C-5311C-53486	Contract Services – Meals	7,500
		Total Expenditures Dept 5311C	20,000
	117C-5401C-51200	Regular Salaries and Wages	8,245
	117C-5401C-52100	FICA Taxes	631
	117C-5401C-52200	Retirement Contributions	483
	117C-5401C-52400	Workers Compensation	241
	117C-5401C-54100	Communications Services	100
	117C-5401C-55100	Office Supplies	300
		Total Expenditures Dept 5401C	10,000
		Total Expenditures	\$30,000

RESOLUTION NO. 2003-089

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE COMMUNITY PARK 1 IMPACT FEES BUDGET FOR FISCAL YEAR 2002/2003

WHEREAS, additional funds are needed for the Fort Island Trail Pier roof due to an increase in the height of the roof; and

WHEREAS, impact fees are available to fund the additional cost; 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 2002/2003; 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, in regular session on the 13th day of May 2003, as follows:

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ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>		Cash Carry Forward	\$1,500
<i>Expenditures</i>	625-2819-56300	Improvements other than Buildings	\$1,500

RESOLUTION NO. 2003-090

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE TITLE III B BUDGET FOR FY 2002/2003

WHEREAS, on October 22, 2002 through Resolution 2002-234 the Citrus County Board of County Commissioners approved an application for financial assistance under the Older Americans Act Title III Program and a contract to provide services with the Mid-Florida Area Agency on Aging, Inc.; and

WHEREAS, funds are available from the close of the prior year grant that are available to be carried forward; 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 2002/2003; 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, in regular session on the 13th day of May 2003, as follows:

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ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>		Cash Carry Forward	10,238
		Total Revenues	\$10,238
<i>Expenditures</i>	180D-5341D-54615	Software Maintenance	336
	180D-5341D-55120	Non-Capital Equipment	6,102
	180D-5341D-55270	Computer Accessories	1,600
	180D-5341D-56400	Machinery and Equipment	2,200
		Total Expenditures	\$10,238

RESOLUTION NO. 2003-091

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE TITLE III C-1 BUDGET FOR FY 2002/2003

WHEREAS, on October 22, 2002 through Resolution 2002-234 the Citrus County Board of County Commissioners approved an application for financial assistance under the Older Americans Act Title III Program and a contract to provide services with the Mid-Florida Area Agency on Aging, Inc.; and

WHEREAS, funds are available from the close of the prior year grant that are available to be carried forward; 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 2002/2003; 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/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>		Cash Carry Forward	9,110
		Total Revenues	\$9,110
<i>Expenditures</i>	181D-5362D-55221	Meals	8,000
	181D-5362D-56300	Improvements other than Buildings	1,110
		Total Expenditures	\$9,110

RESOLUTION NO. 2003-092

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE TITLE III C-2 BUDGET FOR FY 2002/2003

WHEREAS, on October 22, 2002 through Resolution 2002-234 the Citrus County Board of County Commissioners approved an application for financial assistance under the Older Americans Act Title III Program and a contract to provide services with the Mid-Florida Area Agency on Aging, Inc.; and

WHEREAS, funds are available from the close of the prior year grant that are available to be carried forward; 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 2002/2003; 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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BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>	182D-366-908	March for Meals	190
		Cash Carry Forward	24,682
		Total Revenues	\$24,872
<i>Expenditures</i>	182D-5351D-54100	Communications Services	2,000
	182D-5351D-54615	Software Maintenance	750
	182D-5351D-55120	Non-Capital Equipment	3,000
	182D-5351D-55221	Meals	8,000
	182D-5351D-55231	Meals – March for Meals	190
	182D-5351D-55275	Computer Software	832
	182D-5351D-55417	Training	2,500
	182D-5351D-56400	Machinery and Equipment	7,600
		Total Expenditures	\$24,872

RESOLUTION NO. 2003-093

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE EMERGENCY MEDICAL SERVICES GRANT BUDGET FOR FISCAL YEAR 2002/2003

WHEREAS, on January 28, 2003 the Citrus County Board of County Commissioners approved a Florida Emergency Medical Services Grant Award application; and

WHEREAS, on April 10, 2003 the Florida Department of Health signed the grant award letter; 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 2002/2003; 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/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>	061D-334-200	Emergency Medical Services Grant	18,269
		Total Revenues	\$18,269
<i>Expenditures</i>	061D-5418D-55106	Medical Supplies	2,559
	061D-5418D-55275	Computer Software	1,250
	061D-5418D-55400	Dues, Books, Subscriptions	365
	061D-5418D-55417	Training	2,595
	061D-5418D-56400	Machinery and Equipment	11,500
		Total Expenditures	\$18,269

RESOLUTION NO. 2003-094

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE CITRUS SPRINGS COMMUNITY CENTER BUDGET FOR FISCAL YEAR 2002/2003

WHEREAS, on April 2, 2003 the Citrus Springs MSBU Board approved additional funds to be allocated to the Community Center to purchase a commercial refrigerator and a defibrillator; and

WHEREAS, the original budget resolution adopted by the Board of County Commissioners on April 22, 2003 was not for the entire amount required; 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 2002/2003; 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/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>		Cash Carry Forward	\$400
<i>Expenditures</i>	730-8225-56400	Machinery and Equipment	\$400

RESOLUTION NO. 2003-095

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE EMERGENCY HOME ENERGY ASSISTANCE FOR THE ELDERLY GRANT BUDGET FOR FY 2002/2003

WHEREAS, on April 22, 2003 through Resolution 2003-081 the Citrus County Board of County Commissioners approved an application for financial assistance under the Emergency Home Energy Assistance for the Elderly Program and a contract to provide services with the Mid-Florida Area Agency on Aging, Inc.; and

WHEREAS, on April 30, 2003 the Mid-Florida Area Agency on Aging, Inc. signed the contract providing funds to benefit elderly residents of the county; 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 2002/2003; 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/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>	188D-331-590	Federal Grant	\$17,000
<i>Expenditures</i>	188D-5331D-54300	Utility Services	\$17,000

#3-D Approved the following budget transfers: **ADMIN. SERVICES:** \$8,550 from #001-2101-53401 to #53405. **2003 BONDS:** \$6,115 from #207-247-141 to #2118-57200, and \$30,708 from #210-247-200 to #2826-57200. **CIRCUIT COURT JUDGE:** \$1,200 from #001-2322-605-54600 to #617-54901. **ELECTIONS:** \$2,200 from #001-2440-54700 with \$1,000 to #54603 and \$1,200 to #55208. **SSD/LECANTO SENIOR CTR:** \$500 from #194-2501-54300 to #55216. **SSD/COMMUNITY CARE FOR THE ELDERLY:** \$1,420 from #183C-5338C-55275 to #56400. **MOD:** \$2,100 from #001-2670-53100 to #55417, and \$500 from #53410 to #54000. **SWM:** \$8,400 from #401-5212-R247200 to #56300. **WATER QUALITY:** \$1,500 from #062-247-260 to #5415-56100, and \$1,000 from #54000 to #56100. **LSD:** \$125 from #131-6212-56200 to #54921. **ESD:** \$200 from #001-6302-54000 to #55208. **CITRUS SPRINGS MSBU:** \$100 from #730-8200-54626 to #54921, and \$1,500 from #54626 to #55203.

#3-E Approved the Floral City Fire Station corrected final payment amount of \$6,552.62.

#3-F Approved and authorized the Chairman to sign the Tampa Housing Authority, Assisted Housing Department, Direct Deposit Authorization form.

#3-G Approved the following items for deletion from the County's fixed asset list:

Fire Services		
7863	Scott Airpack	Obsolete
Housing Services		
00006	Precinct Trailer	Antiquated/Disposed
10938	Minneapolis Blower Door w/ Pressure gauge	Obsolete
13326	Compaq Armada Laptop Computer	Not Cost Effective to Repair
11515	Energy Efficiency Test Kit	Obsolete
Health Dept		
1613	IBM Selectric Typewriter	Non-Repairable

#3-H Approved the following wire transfers: **HERITAGE CONSULTANTS, INC.** \$15,251.74 dated 04/21/03. **PGCS:** \$4,701.62 dated 3/28/03, \$12,989.34 dated 4/11/03, \$209,351.64 dated 04/17/03, \$5,899.79 dated 04/28/03, and \$4,256.78 dated 04/04/03. **BANK OF AMERICA:** \$21,912.42 dated 04/16/03. **USPS:** \$13,000 dated 04/04/03. **AMERICAN TITLE:** \$12,928.91 dated 04/07/03 and \$4,521.27 dated 04/28/03.

#3-I Approved and authorized the Chairman to sign Satisfactions of Judgement for Ronald Coletti, Case No. 2000 MM 001020; James Derek Davis, Case No. 2002 MM 003229; Russell Kenneth Petrie, Case No. 2002 MM 003212; James Edwin Henick, Case No. 2002 MM 003198; Phyllis Karen Kuruc, Case No. 02-03780-TC; Michael Andrew Florian, Case No. 03-00139-TC, Donna Jean Haist; Case No. 02-01746-TC, Michael S. Kinder; Case No. 01-03343-TC; Patrick Joseph Higgins, Jr., Case No. 02-02435-MM; Darrell Starkey, Case No. 02-03380-MM; Monte Wynn Powell, Case No. 02-03299-TC; Jason Jesus Linaje, Case No. 01-03377-MM; Eric C. Milot, Case No. 02-03469-MM; Charles Edward Hurn, Case No. 85-00450-CF; James Herman Rucker, Case No. 02-00890-TC; Maurice Tyrone Ruiz, Case No. 01-03530-TC; Rebecca Lee Brundon, Case No. 02-01619-MM; Chad E. Johansen, Case No. 02-03597-TC; Thomas M. Culvard, Case No. 03-00209-MM; Ryan Andrew Avery, Case No. 03-00175-MM; James Cole Immuelson, Case No. 02-02850-MM; Charles J. Bullock, Case No. 02-00414-MM; Christopher Michael Johnson, Case No. 02-01271-MM; Daniel F. Bullock, Case No. 02-02812-TC; George H. McVey, Case No. 02-02452-TC; Demetrius Latrelle Canley, Case No. 02-00092-TC; William D. Smart, Case No. 02-03613-TC; Kathryn Craft, Case No. 01-02961-MM; Anthony Richard Cardoza, Case No. 02-03225-TC; Sarah Jean Dugan, Case No. 03-00121-TC; Stephanie Jobe Billick, Case No. 02-02633-MM; Johnny Leo Edge III, Case No. 02-02955-TC; Arthur William Bond, Case No. 02-02328-MM; Brian Jermain Floyd, Case No. 02-02385-MM; Janie Burton, Case No. 02-02672-MM; Patrick W. Ganley, Case No. 00-03254-MM; Julie Lynn Dempsey, Case No. 02-03672-MM; Marian Theresa Gargaro, Case No. 02-01261-TC; Thomas Lee Drake; Case No. 03-00127-TC; Brandy S. Gillette, Case No. 02-02532-MM; Henry James Folsom, Case No. 02-02811-MM; Tami L. Grant, Case No. 02-02779-MM; Raimund Joachin Ponce, Case No. 02-02291-MM; Shawn D. LaPointe, Case No. 03-00057-MM; Patrick Dewayne Robinson, Case No. 02-03116-MM; Grace Elizabeth Little, Case No. 02-00425-TC; Joshua Evan Shiver; Case No. 02-01501-MM; Thomas Anthony Lugo, Case No. 02-00336-MM; Jeremiah Joseph Conaway, Case No. 02-01141-TC; Jacob Andrew Mayeu, Case No. 02-03085-TC; Joseph P. Mains, Case No. 02-00693-MM; Michael Ambrose McClellan, Case No. 02-03237-TC; Mindy Lynn Huff,

Case No. 02-00948-TC; Emily Marie Miller, Case No. 02-01429-MM; Harry Daniel Mathuse, Case No. 02-02213-TC; Terri A. Moore, Case No. 02-02448-TC; Sean Joseph O'Brien, Case No. 01-03472-MM; John Pascarella, Case No. 02-03854-MM; Jason Christopher Quinones, Case No. 02-02587-MM; Thomas Timothy Romanchak, Case No. 02-02644-TC; Brenda Sue Sills, Case No. 02-00565-MM; James Allen Swesey, Case No. 02-02654-MM; Michael J. Teachman, Case No. 02-03728-MM; Fernando Luis Velez, Case No. 02-03083-TC; Leska Paulette Denoncourt, Case No. 03-00069-MM.

#3-J Approved the request of the Inverness and Crystal River Drivers License Offices to use Lakes Region Library and Coastal Region Library, respectively, to continue minimal necessary operations in the event of an emergency evacuation of a Drivers License facility.

#3-K Set the following public hearings in the Masonic Building, 3rd Floor, 111 West Main Street, Inverness to consider amendments to the Citrus County Comprehensive Plan (COMP) Ordinance No. 89-04 as amended:

<i>Date and Time</i>	<i>Application</i>
<u>Transmittal Workshop</u> June 10, 2003, 2:15 P.M.	CPA-03-01 (DDS – Old Homosassa Waterfront Plan)
<u>Transmittal Hearing</u> July 8, 2003, 5:01 P.M.	CPA-03-02 (DDS – Water Supply Work Plan)

#3-L Approved and authorized the Chairman to sign a contract with Advance Construction Services, Inc., pursuant to Bid No. 071-03, at \$5,461,837 for the Phase II landfill construction, contingency for field change orders, and alternates 1 through 8 for soil stockpile removal.

#3-M **1)** Accepted a Temporary Construction Easement signed by Gail Oaks, Managing Member of Homosassa Riverside Resort, LLC, to construct a gravity wastewater line from the existing lift station to the County's main line on Cherokee Drive, Homosassa, and **2)** directed the Clerk to place the acceptance stamp thereon and record in the public records.

#3-N Approved and authorized the Chairman to sign a Lease Agreement with Dr. Stephen W. Alcorn for land at the Inverness Airport at \$77.45 per month for two years.

#3-O Approved and authorized the Chairman to sign an Assignment of Lease on Hangar H-2 at the Inverness Airport from Little M. Crowell, Jr. to the Citrus County Mosquito Control District, for a term of five years commencing on May 28, 2002.

#3-P Set a public hearing on July 8, 2003, at 2:20 P.M. in the Masonic Building, 3rd floor, 111 West Main Street, Inverness on the adoption of a resolution adopting and certifying a non-ad valorem assessment roll for the Castle Lake Park Municipal Service

Street Lighting Unit (MSSLU) pursuant to Section 197.3632, Florida Statutes, and providing an effective date.

#3-Q Approved and authorized the Chairman to sign an Indemnity Agreement with Judith Wilson, William Vic Huntley, Leslie Huntley, and Denise Ruff for the clearing of trees and brush on an unimproved right-of-way to access properties on North Fernandina Avenue.

#3-R 1) Adopted and authorized the Chairman to sign a resolution approving the preliminary assessment roll and reported costs for the 2003 Limerock Road Paving Program and setting the final public hearing on July 8, 2003, at 5:15 P.M., and 2) set a public hearing on July 8, 2003, at 5:15 P.M. in the Masonic Building, 3rd floor, 111 West Main Street, Inverness to receive public comment on adoption of a resolution adopting and certifying a non-ad valorem assessment roll for the 2003 Limerock Road Paving Program pursuant to Section 197.3632, Florida Statutes, and providing an effective date.

RESOLUTION NO. 2003-096

#3-S→U 1) Adopted and authorized the Chairman to sign resolutions approving the preliminary assessment roll and reported costs for the East River Road and East Stokes Ferry Road, High Ridge Estates, and Suburban Acres Municipal Service Benefit Units (MSBUs) for the 2003 Private Road Construction and Perpetual Maintenance Program, and setting the final hearing on July 22, 2003, at 5:00 P.M., and 2) set a public hearing on July 22, 2003, at 5:00 P.M. in the Masonic Building, 3rd floor, 111 West Main Street, Inverness to receive public comment on adoption of the resolutions adopting and certifying non-ad valorem assessment rolls for the East River Road and East Stokes Ferry Road, High Ridge Estates, and Suburban Acres MSBUs for the 2003 Private Road Construction and Perpetual Maintenance Program pursuant to Section 197.3632, Florida Statutes, and providing an effective date. **RESOLUTION NOS. 2003-097 - 099, RESPECTIVELY**

#3-V Approved and authorized the Chairman to sign a Lease Agreement with Philip Lanzarone for land at the Inverness Airport at \$86.85 per month for two years.

#3-W 1) Accepted a General Warranty Deed for a future well site from Margaret R. Dyer for Lot 11, Block B, Fort Apache, and 2) directed the Clerk to place the acceptance stamp thereon and record in the public records.

#3-X Authorized staff to negotiate and purchase property from Martha Blanche Yandle, Trustee, for a lift station site and future expansion of the Chassahowitzka Water Quality Project at a purchase price not to exceed \$4,500 plus attorney fees at \$500, and closing costs not to exceed \$500.

#3-Y Approved and authorized the Chairman to sign an Equipment Maintenance Agreement with Atlantic Coast Copiers for the Cannon C250D copier, located in the Traffic Control Section, at \$240 per year for 12,000 copies with an additional charge of \$.02 for overage rate.

#3-Z Adopted and authorized the Chairman to sign a resolution setting a public hearing on Tuesday, June 10, 2003, in the Masonic Building, 3rd Floor, 111 West Main Street, Inverness, at 2:30 P.M. for Street Vacation SV-03-01, as petitioned by the Department of Development Services (DDS) for the Division of Library Services (LSD).

RESOLUTION NO. 2003-100

#3-AA Acknowledged receipt of amendments dated January 31, 2003, and March 31, 2003, for Annual Contributions Contract FL-147 VO with the U. S. Department of Housing and Urban Development (HUD).

#3-BB 1) Accepted a Corporate Warranty Deed from Arcas Enterprises, Inc., for a 30' x 30' lift station site on part of the southeast corner of Parcel 24300-0050, in Section 26, Township 20 South, Range 17 East, for the Chassahowitzka Water Quality Project, 2) accepted a Temporary Construction Easement from Arcas Enterprises, Inc., for construction of a lift station site on part of Parcel 24300-0050, in Section 26, Township 20 South, Range 17 East, for the Chassahowitzka Water Quality Project, and 3) directed the Clerk to place the acceptance stamp upon both documents and record in the public records.

#3-CC 1) Approved and authorized the Chairman to sign a Release of Easement to Joseph R. and Debra A. Barney for Lot 8, Ferris Groves Lakeshore Estates, Unit 2, and 2) accepted a Permanent Drainage Easement Deed signed by Joseph R. Jr. and Debra A. Barney, for a portion of Lot 8, Ferris Groves Lakeshore Estates, Unit 2, and directed the Clerk to place the acceptance stamp upon same, and 3) directed the Clerk to record both documents in the public records.

#3-DD Appointed William Stephenson to fill an unexpired Members-at-Large position on the Aviation Advisory Board for a term that would expire on September 30, 2004.

#3-EE Approved and authorized the Chairman to sign two Internal Revenue Service Forms 8038-G, Information Return for Tax-Exempt Governmental Obligations and two Internal Revenue Service Forms 8038-GC, Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales to report debt obligations entered into by the Sheriff.

#3-FF Approved the request of the County Attorney and the Assistant County Attorney to attend the Florida Municipal Attorneys Association - 22nd Annual Seminar, July 10 through 12, 2003.

#3-GG Approved and authorized the Chairman to sign the State of Florida-Hazard Mitigation Grant Program Mitigation Planning Application to update the Local Mitigation Strategy (LMS) and bring it into compliance with the Disaster Mitigation Act of 2000 at a total project cost of \$26,660.

#3-HH Authorized Community Support Services (CSS) to participate in the Citrus Memorial Hospital Automated External Defibrillator Challenge Grant Application.

#3-II Ratified the Chairman's signature on the Federal Aviation Administration (FAA) Application for Federal Assistance with matching funds from the County and State for the Inverness Airport.

#3-JJ Ratified the Chairman's signature on the FAA Application for Federal Assistance with matching funds from the County and State for the Crystal River Airport.

#3-KK Approved and authorized the Chairman to sign the amended Equal Employment Opportunity Plan cover page with the plan expiration date of September 20, 2004.

#3-MM Approved the adoption of new metes and bounds for Districts 5 and 3, which was consistent with the original parameters accepted by the Board in 2000.

#3-NN Approved and authorized the Chairman to sign a Release of Lien in Code Enforcement Case No. 01-188 (CEB-03-033) filed against First Federal Savings Bank of Lake County (Angelia K. Naves).

#3-PP Approved and authorized the Chairman to sign a Joint Participation Agreement (JPA) FPN: 404878-19401, Contract No. AN-544 at \$75,000, which would fund the development of Jet A-1 fuel capability at Inverness Airport.

#3-QQ Approved and authorized the Chairman to sign an Interlocal Agreement authorizing the Clerk, through Myfloridacounty.com, to utilize credit/debit card acceptance services.

#3-RR Set a public workshop on May 27, 2003, at 2:15 P.M. and a public hearing on June 10, 2003, at 2:40 P.M. in the Masonic Building, 3rd floor, 111 West Main Street, Inverness to consider amendments to the Land Development Code (LDC) Ordinance No. 90-14, Application OA-03-02.

#3-SS Approved settlement and authorized payment at \$20,000 for a claim concerning an injury that occurred on July 5, 2000, involving the claimants Marie and Joseph Morse.

#3-TT Approved settlement and authorized payment at \$20,000 for a claim concerning a car accident that occurred on September 21, 2000, involving the claimant, Catherine Leigh Davis and a Citrus County vehicle.

#3-UU Approved and authorized the Chairman to sign Supplemental Agreement No. 2 with Corrections Corporation of America (CCA) pertaining to the application for an ORI number in order for CCA to conduct background checks on employees as required by their Management Services Contract.

#3-WW→-XX Set the following public hearings in the Masonic Building, 3rd floor, 111 West Main Street, Inverness to consider amendments to LDC, Ordinance No. 90-14:

<i>Date and Time</i>	<i>Application</i>
<p><u>Workshop</u> June 10, 2003, at 2:00 P.M.</p> <p><u>Hearing</u> June 24, 2003, at 5:01 P.M.</p>	<p><u>D-03-01</u>, Avis Craig for The Villages of Citrus Hills</p>
<p><u>Workshop:</u> May 27, 2003, at 2:25 P.M.</p> <p><u>Hearing:</u> June 24, 2003, at 5:01 P.M.</p>	<p><u>AA-03-06</u>, Richard Stafford for Bernard Hernandez, et.al</p>

#3-YY Approved the following Bid Committee Report: **1)** ITB No. 072-03, ASD, boat docks and fishing pier projects, awarded to The Deck Docktors, Inc., as the lowest bidder for the construction of the Eden Drive Park Fishing Pier at \$24,188.36; **2)** ITB No. 081-03, MOD, design/build – close in end bay at Fleet Maintenance Building, awarded to John Rife Corporation, the only bidder, at \$34,636; **3)** ITB No. 083-03, SSD, janitorial services for the senior centers, awarded to Coverall of North Central Florida, the second lowest bidder; **4)** ITB No. 086-03, RMD, mowing of Canterbury Lake Estates, awarded to Canterbury Lake Estates Property Owners Association as the lowest bidder meeting all specifications; **5)** ITB No. 079-00, MOD, janitorial services, extended the contract with Southern Maintenance Systems, Inc., to include the cleaning of the Lecanto Health Department and the Stovall Building as stated in Paragraph 5e, Changes in Area/Services for a total contract change cost of \$42,005.75 for the two locations; **6)** ITB No. 076-01, MOD, fire alarm and suppressions systems, renewed the current contract with A-1 Alarm Systems for an additional one-year period with modifications; **7)** ITB No. 059-02, UD, purchase of portable generators, renewed the current contract with CJ's Sales & Services, Inc., for an additional one-year period under the same terms and conditions stated in the bid documents; **8)** Bid Waiver Request, MOD, urecoat system, waived bid procedures for the purchase and installation of a urecoat system (sprayed application) for the roof of the existing courthouse from Commercial Concrete Restoration Services, Inc., at \$56,750; and **9)** Piggyback Request, DPS, fire vehicles, allowed DPS to piggyback the Lake County contract with Pierce Manufacturing, Inc., for the purchase of one fire vehicle at \$212,204.24.

#3-OO **TSALA APOPKA LAKE SYSTEM**

Commissioner Wooten stated that Aquatic Services Director Mark Edwards and he attended the Lake Tsala Apopka Basin Recreation & Water Advisory Board meeting where the prioritized list of "Issues and Concerns" for the Tsala Apopka Lake System passed unanimously. He advised that the list would be forwarded to the United States Army Corps of Engineers for their evaluation.

Upon motion by Commissioner Wooten, seconded by Commissioner Bartell, and carried unanimously, the Board approved the prioritized list of "Issues & Concerns" for the Tsala Apopka Lake System from the Lake Tsala Apopka Basin Recreation & Water Advisory Board, and authorized staff to transmit this list to the United States Army Corps of Engineers for evaluation within the Continuing Authority Program.

#3-VV **FLORIDA WATER SERVICES AUTHORITY**

Commissioner Bartell asked Mr. Battista to reply to Mr. Conant's earlier question regarding this item.

Mr. Battista explained that at an earlier Board meeting, the Board had approved \$20,000 for the firm of Fowler White to proactively look at avenues in which the County could intervene at some level in the Florida Water Services/Florida Water Services Authority issue. He added that the recent billing from Fowler White was additional fees for the proactive stance the County was taking and fees for the two ongoing defense cases with Florida Water Services. He replied to Commissioner Bartell's question by stating that as the defense cases progress, additional fees would be received.

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board approved an additional \$15,000 for expenditures in the Florida Water Services Authority matter.

#3-LL **FLORIDA MUNICIPAL ATTORNEYS ASSOCIATION**

Commissioner Bartell questioned if Mr. Wesch's employment contract addressed the Board paying fees for his continued education as an attorney, even though he was employed as the County Administrator. He said that he had asked Mr. Battista to review the contract and advise if this was a prudent expenditure for the Board.

Mr. Battista read a paragraph of the employment contract regarding continuing education and stated that if the subject matter of the seminar would benefit Mr. Wesch as County Administrator, this would be a legal expenditure.

Mr. Wesch summarized the areas in the seminar brochure that he felt were directly relevant to his job as County Administrator; i.e., Government in the Sunshine, Election Law, and Compatibility Standards as Relates to Land Use Matters. He added that he would not have asked for approval of this item if he did not feel that it had relevance to his job as County Administrator.

Mr. Wesch replied to Commissioner Phillips' question by stating that the seminar would go toward his continuing education requirements for the Florida Bar; however, the seminar also offered exposure to the issues that he had previously addressed.

Discussion ensued regarding policy, the seminar being beneficial, continuing education being important for everyone, etc.

Upon motion by Commissioner Wooten, seconded by Commissioner Fowler, the Board approved a travel request for the County Administrator to attend the Florida Municipal Attorneys Association - 22nd Annual Seminar, July 10 through 12, 2003. Motion carried. Voting Aye: Commissioners Batchelor, Fowler, Phillips, and Wooten. Voting Nay: Commissioner Bartell. (I-580)

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

#6-B **CRYSTAL RIVER AIRPORT**

Mr. Wesch discussed the results of the meeting held May 1, 2003, with the FAA, the Florida Department of Transportation (FDOT), Bill Byrd representing Ryan's Steakhouse, and County staff regarding the construction of a building within the runway protection zone (RPZ) at the Crystal River Airport.

He stated that the potential closure of the grass runway was addressed as a solution to the RPZ issue. He advised that representatives from the FDOT and the FAA made it clear that the closure of the airport runway was not a Board decision, that the Board could apply to the FAA, and that the FAA would decide if the runway should be closed or not. He added that the FAA stated that the grass runway should be preserved because it was one of the few grass runways available in this area and it was viewed as a training facility for pilots. He mentioned another possible solution was to move Ryan's Steakhouse closer to US-19, and both the FAA and the FDOT responded that while the facility may be out of the flight path, it would still be within the RPZ. He advised that the FAA and the FDOT stated that there could be a detrimental effect on future funding availability for both the Inverness and the Crystal River Airport if the Board issued a development order for the Ryan's Steakhouse within the RPZ.

Mr. Wesch added that late Friday afternoon, he received a fax stating that the representatives of Ryan's Steakhouse had decided to look at an east west orientation of the facility, which would require a set back variance issued by the Planning Development and Review Board (PDRB), a curb cut request onto US-19 issued by the FDOT, and still require the closure of approximately 35 feet of runway. He reiterated the earlier statements from the FDOT and the FAA regarding closing or otherwise affecting the runway and the impact that it would have on future grant opportunities.

He advised of the following options: **1)** the application currently being reviewed required a letter of no objection by the FAA, which would not be forthcoming; therefore, the County would not be able to issue that development order; **2)** approach the FAA and the FDOT to make a 35-foot contraction of the runway, which could influence future funding; and **3)** the possibility of the County purchasing the property since it laid within the RPZ. He stated that representatives from the FAA and the FDOT asked if the County had ever considered purchasing that property and that both agencies advised that they had resources available to devote to the County should they decide to pursue acquisition.

Mr. Wesch replied to Commissioner Batchelor's question by stating that consideration of a contraction of the runway would be a three-month review process with

the FAA and the FDOT. He added that in addition there would be the issue of the curb cut onto US-19 with the FDOT. Gary Maidhof, Director of Development Services, reviewed the two possibilities for the applicant to acquire the use permit and added that the variance process could take 30 to 45 days.

Mr. Byrd stated that the applicant did not want to go through the whole submittal process and have the application rejected again by the FAA. He advised that if the FAA issues could be resolved they would resubmit all the documents again for approval. He replied to Commissioner Bartell's question by stating that originally he did not believe the reorientation would work because it created a traffic flow problem. He added that regardless of how the building was oriented on the property it was still in the RPZ.

Discussion ensued regarding the Board deciding if they wanted to amend the master plan, being fair to the property owners by deciding what to do with the runway, asking the FAA to send a letter to the Board concerning the possible contraction of the 35 feet from the runway, the FAA having the final decision in closing the runway, jeopardizing future funding, possibly acquiring the property as noted on the master plan, the airports being federally obligated, etc.

Motion by Commissioner Wooten, seconded by Commissioner Phillips, to direct the County Administrator to send a letter to the Federal Aviation Administration stating that the master plan mentioned abandoning the grassy runway in 2007, and that if the Board requested the runway to be shortened by 35 feet, how would that affect the airport. (Short discussion followed among the Commissioners.)

Tom Davis spoke against shortening the airport runway, and stated that the Board needed to look at expanding the airport. He added that the airport would be affected operationally and if the runway were shortened, there could be safety issues.

Sumner Waite urged the Commissioners to listen to staff's opinion that even a request to the FAA to shorten the airport runway could jeopardize future funding.

Joe Mason, representing the owners of the property, expressed concern with the master plan suggesting that the County acquire the property and the property being zoned for commercial uses. He advised that the property contract with Ryan's Steakhouse would expire the end of this month, and the representatives from Ryan's Steakhouse stated that they would be willing to extend the contract if there was a way to get this facility approved on that property. He made several suggestions to the Board regarding the situation.

Darrell Steinke, Citrus Aviation Association President, expressed concern with safety issues from a pilot's standpoint.

Rob Willis Jr. and Walter Talley, Jr., property owners for the proposed Ryan's Steakhouse, made comments regarding the airport not being an issue during eight months of due diligence, the property owners not being invited to the meeting with the FAA and the

FDOT as instructed by the Commissioners on April 22, the letter to the FAA not being necessary, the COMP stating that the airport runway was to be closed in 2007 and that staff was to look for a regional airport site by 2005, the current airports having safety issues, the FAA taking control of the Board's decisions without the right to do so, etc.

The Chairman called a question on the motion. Motion carried. Voting Aye: Commissioners Bartell, Batchelor, Phillips, and Wooten. Voting Nay: Commissioner Fowler. (I-2968/2:21 P.M.)

#2-B **EMPLOYEE SERVICE AWARDS**

The following employees were recognized for their years of service to the County: **5 Years:** Elizabeth A. (Betty) Fisher. **15 Years:** Larry Brock and David L. (Dave) Streicher. Rebecca (Becky) Ear and Jerome (Jerry) Schaaf were not present. (I-3096/2:23 P.M.)

Commissioner Bartell left the meeting.

#2-C & D **SOLID WASTE ASSOCIATION OF NORTH AMERICA (SWANA)**

Mr. Wesch stated that two County employees, Henry Kaminski and Robert Henson, participated in the 2003 Annual Florida Chapter SWANA Landfill Road-e-o in Punta Gorda on Saturday, April 12. He further stated that Mr. Kaminski placed third in the Self-Loading Scraper Event, and Mr. Henson participated in the Front-End Loader Event.

Upon motion by Commissioner Wooten, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized all Commissioners to sign Certificates of Recognition honoring Henry Kaminski for placing third in the Self-loading Scraper Event, and Robert Henson for his participation in the Front-end Loader Event at the 2003 Annual Florida Chapter Solid Waste Association of North America Landfill Road-e-o. (I-3171/2:24 P.M.)

#2-E **PRESENTATION - CRYSTAL RIVER LITTLE LEAGUE**

Upon motion by Commissioner Fowler, seconded by Commissioner Batchelor, and carried unanimously, the Board presented a plaque from the Crystal River Little League to Bob Glancy, Parks Foreman for Maintenance Operations and his crew, in appreciation for an outstanding job maintaining the parks and ball fields. (I-3301/2:27 P.M.)

Commissioner Bartell returned to the meeting.

#2-F **CERTIFICATE OF RECOGNITION - SUE REXFORD**

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized all Commissioners to sign a Certificate of Recognition to Sue Rexford, Vice-President and Chair of Ways and Means, Friends of Central Ridge Library, as recipient of the Outstanding Citizens Library Award by the Florida Library Association. (I-3418/2:28 P.M.)

#2-G **CERTIFICATES OF APPRECIATION - CODE ENFORCEMENT BOARD**

Upon motion by Commissioner Wooten, seconded by Commissioner Bartell, and carried unanimously, the Board 1) approved and authorized all Commissioners to sign Certificates of Appreciation to the following for dedicated service to the Code Enforcement Board: Jerry Zielinski serving from January 2000 to November 2002, and Charles S. Homadue serving from September 1997 to November 2001; and 2) approved a plaque to be presented to L. Richard Koenig in appreciation for dedicated service to the Code Enforcement Board from November 1996 to November 2001. (Mr. Zielinski was not present to receive his certificate.) (I-3520/2:30 P.M.)

#2-H **PROCLAMATION - FLORIDA STATE PARKS MONTH**

Upon motion by Commissioner Batchelor, seconded by Commissioner Bartell, and carried unanimously, the Board approved and authorized all Commissioners to sign a proclamation recognizing May 2003, as Florida State Parks Month in Citrus County. (I-3656/2:32 P.M.)

The Chairman recessed the meeting and reconvened at 2:56 P.M.

#2-M **CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING**

Tom Klinker, Financial Services Director for Osceola County and past president of the Florida Government Finance Officers Association presented Certificates of Achievement for Excellence in Financial Reporting to Betty Strifler, Clerk to the Board of County Commissioners, and the Clerk's Finance Department for the award-winning Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2001.

Sarah Koser, Finance Director, accepted the award on behalf of Mrs. Strifler. She stated that this was the fourth year the Clerk's Office had participated in the program and the fourth year that they had been awarded the certificate. She thanked the Clerk's Finance Department for their hard work and dedication, and recognized Susan Sullivan, Assistant Finance Director, who was in the audience. She also thanked the constitutional officers, Board staff, and the public accounting firm of Williams, McCranie & Sutton, who assisted in the preparation of the report. (II-156/3:02 P.M.)

#2-K **CERTIFICATES OF RECOGNITION - 4-H LIVESTOCK JUDGING TEAM**

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized all Commissioners to sign Certificates of Recognition to 4-H Livestock Team Members Tana Dennis, Haidee Olson, Heather Olson, and Valerie Rinnier, and to 4-H Livestock Alternate Team Members Holly Borrmann, Carrie Kreisle, and Nocona Rooks for placing 1st in the Florida State 4-H Livestock Team Judging Contest held on April 5, 2003, at the University of Florida. (II-351/3:07 P.M.)

#2-I **SV-01-05, RANDALL L. AND DEBORAH L. FOTI**

Mr. Battista stated that there appeared to be no one present regarding this application. He explained that there had been some miscommunication alleged and therefore, in fairness to the Foti's the item had been placed back on the agenda today. He advised that staff's recommendation had not changed since the March 11, 2003, meeting and there had been no new input from the applicant or their representative. He recommended that the Board accept the action taken on March 11, 2003, which was denial of the application.

Motion by Commissioner Bartell, seconded by Commissioner Phillips, to accept the action, which was taken on March 11, 2003, to deny application SV-01-05, as petitioned by Randall L. and Deborah L. Foti.

The Chairman opened the public hearing for public comment. With no public comment, the Chairman closed the public portion of the meeting.

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

(II-412/3:10 P.M.)

#2-N **LAW ENFORCEMENT APPRECIATION WEEK**

Upon motion by Commissioner Bartell, seconded by Commissioner Wooten, and carried unanimously, the Board 1) approved and authorized all Commissioners to sign a proclamation declaring May 11 through 17, 2003, as National Law Enforcement Appreciation Week, and 2) directed staff, in observance of "Law Enforcement Memorial Day", May 15, 2003, to fly the United States Flag at half-staff on all County buildings.

(II-525/3:13 P.M.)

#2-L **PROCLAMATION - NATIONAL TOURISM WEEK**

Upon motion by Commissioner Phillips, seconded by Commissioner Wooten, and carried unanimously, the Board approved and authorized all Commissioners to sign a proclamation recognizing May 10 through 18, 2003, as National Tourism Week in Citrus County.

The Chairman presented the proclamation to Commissioner Wooten; Mary Craven, Tourism Development Manager; and Shay Baranowski, member of the Tourist Development Council. Commissioner Wooten made brief comments and dedicated the proclamation to the volunteers on the Tourist Development Council.

(II-607/3:16 P.M.)

#2-O **HERNANDO HERITAGE COUNCIL**

Sophia Diaz Fonseca, Hernando Heritage Council (Council), addressed the Board on the accomplishments of the Historic Hernando School Project in the past four years, and projected goals for 2003-2004. She stated that the Council would like to solidify a partnership with the County on this project and requested that the Board consider the following proposals:

- 1) That the County maintains the grounds and trees (Council volunteers would continue to weed and trim the beds).
- 2) That the County help separate the electric services between the two buildings so that the non-profits in the 1974 building could be billed separately from the 1940s building (Council would continue to pay the electric bill on the 1940s building)
- 3) That the County donates financially and/or in-kind services at \$25,000 over 21 months (Council would match this amount with \$10,000 cash) for a new parking area, sidewalks, paving, signage, playground, or interior work in the old school.

She replied to Commissioner Fowler's request by stating that the 1970's building was occupied by the Family Resource Center, Early Head Start, Friends of the Library, and an after school program.

Discussion ensued regarding the outstanding job the Council had done, the Council's contribution to the community, etc.

Motion by Commissioner Wooten, seconded by Commissioner Fowler, to assist the Hernando Heritage Council on the following: 1) include the maintenance of the grounds and trees at the Historic Hernando School as part of the County bid next year; 2) assist in the separation of the electrical services between the two buildings, and 3) support the concept of donating financially and/or in-kind services at \$25,000 over 21 months, and direct staff to analyze the needs at the Historic Hernando School and bring the information to the Board for approval.

Commissioner Phillips asked if the motion could be amended to include the County maintaining the grounds and the trees until the bidding process in September, due to the rainy season approaching.

Mr. Wesch replied to Commissioner Wooten's question by stating that the maintenance of the Historic Hernando School could be added to the existing bid or be maintained by County employees.

Amended motion by Commissioner Wooten, seconded by Commissioner Fowler, to assist the Hernando Heritage Council on the following: 1) County staff would either maintain the grounds at the Historic Hernando School or include the maintenance of the grounds and trees at the Historic Hernando School as part of the County bid next year; 2) assist in the separation of the electrical services between the two buildings, and 3) support the concept of donating financially and/or in-kind services at \$25,000 over 21 months, and direct staff to analyze the needs at the Historic Hernando School and bring the information to the Board for approval.

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

(II-1117)

#2-J **PRESENTATION - DAVIS LAKE PROJECT**

Mr. Edwards gave a Power Point presentation on the Davis Lake Project, including expenditures, which consisted of the removal of dense aquatic vegetation (tussocks) that had closed off nearly 90% of the entire lake. He stated that approximately 5.9 million pounds of vegetation had been removed, and that 75 acres of debris was removed by mechanical means using County employees and a contractor in a 2 1/2 month period. He also advised that the Army Corps of Engineers study and the Feasibility Study with the Water Management District were ongoing.

Discussion ensued regarding identifying the material in Davis Lake, dating and studying the material, using mechanical means as well as herbicides in controlling vegetation, looking for long-term solutions in controlling vegetation, etc. (II-1639/3:45 P.M.)

#6-A **COOPERATIVE AGREEMENT PROGRAM (CAP)**

Mr. Wesch stated that his office had been contacted recently by the Immigration and Naturalization Service (INS), now known as the Bureau of Immigration and Customs Enforcement (BICE) regarding the County's participation in CAP for the construction of additional secured beds at the Citrus County Detention Facility. He advised that INS continued to face a critical need for bed space, and in an effort to assist in locating and maintaining such bed space, the federal government created CAP. He stated that under this program, INS would fund 100% of the construction costs of a 256-bed expansion of the current jail facility. He added that within that expansion there would be the following: an enclosed recreation area; additional laundry and kitchen equipment; attorney and contact visitation areas; additional space for property storage, files, and commissary; a new segregation unit; and an improved medical office/exam area. He explained that the County would negotiate a daily rate chargeable to INS for each inmate housed within the facility, which would be utilized to buy down the \$9.3 million funding until such funding was satisfied, typically 10 to 20 years. Thereafter, the facility would become the sole property of, and directed by, the County. In addition to the CAP funds available, he said that INS would pay CCA a daily rate to house those inmates, and at the current rate of \$6 per day, that would generate approximately \$565,000 in annual revenue. He also stated that INS would work with the County to accommodate local prisoner needs; however, the pay period for the construction fund could be extended. He requested Board discussion on the issue, and if appropriate, authorize the Chairman to sign a Letter of Interest to INS regarding the County's participation in the program.

Commissioner Bartell supported discussion of this issue if the term of the buy down funding was closer to 10 years to avoid the County being responsible for repairs or demolition of an obsolete facility in 20 years.

Commissioner Phillips supported the concept of CAP; however, she wanted a guarantee that County inmates would take precedence over INS or United States Marshall Service (USMS) inmates. She also agreed with Commissioner Bartell that the term should be less than 20 years.

Mr. Wesch replied to her question regarding the problem of segregating sick inmates by stating that the medical office would be redesigned into the new area for more functionality.

Motion by Commissioner Fowler, seconded by Commissioner Batchelor, to approve and authorize the Chairman to sign a Letter of Interest regarding the County's participation in the Cooperative Agreement Program.

Mr. Wesch confirmed for Commissioner Bartell that this facility would be integrated into the current facility where common areas could be utilized.

Mr. Wesch responded to Commissioner Wooten's question by stating that he had contacted Sheriff Jeff Dawsy, who had no objections to the proposed expansion, provided that violent criminal offenders would not be housed within the facility. He added that CCA and INS agreed that housed inmates would be nonviolent offenders and deportees awaiting hearing or deportation.

He explained that the County would select the contractor for the construction, that CCA indicated an interest in assisting in the design, and that a negotiated agreement would be a man-day rate credited to the County for every day an INS or USMS inmate was housed within the facility. He further explained that if an inmate of the County occupied a bed, the County would not be credited with the man-day rate, and would have a net effect of extending the term of the agreement; thereby, eliminating a debt credit. He reiterated that not only would the County benefit from the construction dollars, but there was also the potential of generating approximately \$565,000 in annual revenue.

Commissioner Bartell remarked that due to INS funding this facility, he thought they would have first right of refusal for the beds.

Mr. Wesch stated that he had expressed to INS that the County's goal was to expand its own bed space, and that INS explained that it would be a sliding scale based on the man-day rate. He added that, although INS would like the guarantee of 256 beds 365 days per year, they would work with the County if the need arose.

Warden Carlos Melendez of CCA estimated that there would be 20 to 30 new employee positions for CCA. He stated that due to the addition of 100 offenders, INS would also build a site not included in the \$9.3 million, which would employ 20 to 30 federal jobs, 18 of which would be law enforcement positions that would work on site with CCA.

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

(II-2326/4:00 P.M.)

#6-C **FORT ISLAND TRAIL FISHING PIER**

Motion by Commissioner Batchelor, seconded by Commissioner Bartell, to approve and authorize the Chairman to sign a proposal with Schippers Marine Construction, Inc., for additional work at the Fort Island Trail Fishing Pier to include a 300-foot boardwalk at a cost of \$37,425.

Commissioner Batchelor commented that work was already underway on the pier and that the boardwalk would be a beautiful nature trail on a wooded area north and west of the beach.

Jim Bitter remarked that \$125 per linear foot seemed expensive, and wondered if it was a competitive bid.

Mr. Wesch replied that a cost comparative was performed, that pressure treated lumber was used in the construction, and that staff was confident in representing the dollar cost of the contract to the Board.

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

(II-2501/4:05 P.M.)

#6-D **ECONOMIC DEVELOPMENT UTILITY EXPANSION GRANT/LOAN PROGRAM (PROGRAM)**

Mr. Maidhof explained that the Program was designed in response to the Board's 2003 Goal Setting Session to designate a portion of the Occupational License Fee Fund to businesses for the extension of central water and sewer service. He stated that the Economic Development Council (EDC) would receive, review, and evaluate applications for potential businesses that could not afford the cost of utility service expansion. He added that if the EDC approved an application, it would be presented to the Board for authorization to release the funds, which would be used for engineering and construction of the system. He indicated that normal connection fees and regulations would apply, that money for off-site improvements would be used to reimburse the fund, and as vacant properties developed, those off-site connection fees would revert back into the Program. He specified that the Program was a "grant/loan" due to the difficulty of speculating who would be involved on vacant properties, plus issues regarding permitting and engineering costs, and not knowing if there would be a 100 percent recovery. He added that the intent was to utilize this money to help expand municipalities' master plans for water and sewer and link it directly to new or expanding businesses that met the EDC review criteria.

Commissioner Bartell questioned why it was a "grant/loan" fund. He stated that he thought the issue was originally discussed as a loan. He further stated that he had rather the Program be devised as a "payback loan" with a small interest rate to replenish that portion of the Occupational License Fee Fund so that money would be available to other applicants.

Mr. Maidhof said that the "grant/loan" was established to provide a financial bridge to new or expanding businesses to help those who could not afford water or sewer installation, and that pay back would result from normal connection fees. He stated that the Program could be adjusted to a loan; however, the burden of paying back the loan would either be the responsibility of the landlord, property owner, or the tenant, and he did not think there would be that much interest. He added that the Program would be directly tied to the EDC review and would involve expansion as opposed to new businesses.

He answered Commissioner Bartell's question regarding private utilities by stating that there was a risk in offering the Program to the private sector due to those systems being small and for profit, and not being able to handle long term capacity needs. He stated that the Program could be expanded to include private utilities; however, the EDC thought this would be a good first step due to the municipalities and the County having established master plans. He anticipated Citrus County Utilities, the Cities of Crystal River and Inverness, Homosassa Special Water District, Ozello Water Association, and the Floral City Water Association as the six qualifying systems.

Commissioner Bartell supported the theory, but reiterated that he thought the Program should be in the form of a loan rather than a grant so the funds would be replenished and available to other businesses.

Commissioner Batchelor remarked that this Program was not new, that in the past, funds were granted based on the number of new positions a business created. He questioned that once the application had gone through the review and evaluation process by the EDC, would it be presented to the Board for approval, and could it be reviewed as a grant or loan depending on the situation.

Mr. Maidhof replied that the Board would make the final decision, that the EDC would determine the cost benefit, number of jobs created, impact on other businesses, etc. He stated that the financial aspect would be unique to each project, and that the timeline would fall into three categories: **1)** the applicant would pay the connection fees at the time service was provided; **2)** property owners located in between the installations could connect to the service immediately or within 365 days as required by the ordinance; and **3)** the value of vacant properties would increase, which could compel quick development.

Commissioner Phillips stated that she supported the concept of the Program; however; the Program and the application should be rewritten due to issues that had not been addressed or resolved. She pointed out that although the Program was called a "grant/loan", the word loan was omitted from the application, and there was no reference made to private utilities or provisions for funding. She agreed with Commissioner Bartell that the funds should be replenished so that other businesses could have the opportunity to the funds. She suggested that the funds be derived partially from a loan and partially from a grant.

Commissioner Wooten clarified that he initiated this suggestion at the Goal Setting Session because a person informed him that his company wanted to create 50 jobs, but could not afford \$150,000 installation cost of a water line. He stated that he did not think the fund would be replenished at 100 percent; however, he never discussed a grant and he thought everyone should pay for the service. (II-3651)

Mr. Maidhof stated that because it could not be determined what was to be built on vacant property, there was no guarantee that money would be recovered. He explained that this Program would be a partnership between the County, the utility, and the business. He added that if the Board wanted the fund to be solely a loan, the applicant or the utility would need to guarantee the return of the funding.

Discussion ensued regarding the funding process and whether it should be a loan or grant, discrepancies in total payment being returned, the fairness issue of a grant versus a loan, depletion of the fund, etc.

The Chairman predicted that by offering this service, property values and taxes would increase and would be paid to the County forever. He added that there might not be a 100 percent recovery in every instance and that certain situations should be decided on an individual basis. He stressed that the Board should have a stronger motivation and recognize that it might require an investment on the part of County government in order to help the community and environment, and make the water and sewer business into a viable, revenue profit producing enterprise.

Mr. Wesch recommended postponing the Program today, so that staff could draft language to achieve the Board's goals, and present the Program at a future date.

Commissioner Wooten remarked that this was a simple program to assist a development due to a lack of funds for water and sewer, not a master plan for the County, which was a separate issue. He suggested changing the wording from "total amount of grant funds requested to total amount of grant/loan funds". He added that Board approval would still be required.

Discussion continued as follows: that this was not a new program; that occupational license fees had been used for infrastructure expansion for years; the problem not being the funding source but whether it should be in the form of a grant or loan; history of the previous program and that it was eliminated when the money was depleted; the need for specific criteria and a checklist for the Program; focus on expansion of existing businesses; the EDC performing the research; partial grant and partial loan, etc.

Commissioner Bartell responded to Mr. Maidhof's question by stating that the property owner should be responsible for the payment of the loan. The Commissioners concurred.

In response to Mr. Maidhof's question of whether staff or the EDC should develop the criteria for evaluating applications, Commissioner Bartell replied that staff could develop the criteria and present it to the EDC, then the EDC could review and make the final recommendation to the Board. Commissioner Phillips added that staff had the historical perspective of previous experiences with the Occupational License Fee Fund.

Mr. Maidhof proposed that staff would develop specific criteria by the end of June. (III-651)

Commissioner Bartell left the meeting.

#13-B **COMMUNITY EMERGENCY RESPONSE TEAM GRANT**

Deputy Wayne King, Citrus County Sheriff's Office Grant Coordinator, stated that the Florida Department of Community Affairs (DCA), Division of Emergency Management, awarded the County Emergency Management \$12,000 for use in supplying and staffing the Community Emergency Response Team (CERT) to train and volunteer during emergency situations. He requested Board approval and acceptance of the grant.

Upon motion by Commissioner Wooten, seconded by Commissioner Batchelor, and carried unanimously, the Board approved and authorized the Chairman to sign the Community Emergency Response Team Contract showing the Board's acceptance of the grant. (III-697/4:50 P.M.)

Commissioner Bartell returned to the meeting.

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

#12-A **BEAR REAL ESTATE INVESTMENTS, INC.**

Mr. Battista stated that pursuant to discussions that were held in an executive session, an offer of settlement was made for \$2,000 plus reasonable attorney's fees and cost, and accepted by the plaintiff in this case. He outlined the cost invoices and attorney time records as follows: \$4,887.50 attorney's fees, \$169.50 filing fee, \$25 service of process, \$275 boundary survey, and \$195 soil boring analysis for a total of \$7,552 to be remitted to Brannen, Stillwell & Perrin, P.A. He added that he reviewed the fees and determined them to be reasonable.

Motion by Commissioner Phillips, seconded by Commissioner Bartell, to authorize the issuance of a warrant at \$7,552 as settlement of the lawsuit Bear Real Estate Investments, Inc. vs. Citrus County, Case No. 2002-CA-615.

Commissioner Bartell remarked that he was disappointed that Dooley & Mack did not submit a change order for a deduction in their contract for that amount. Mr. Battista said that Mr. Wesch and he would proceed through an internal process with Dooley & Mack.

The Chairman called a question on the motion. Motion carried. Voting Aye: Commissioners Bartell, Batchelor, Fowler, and Phillips. Voting Nay: Commissioner Wooten. (III-787)

#12-B **WOODVIEW VILLAS II**

Upon motion by Commissioner Bartell, seconded by Commissioner Batchelor, and carried unanimously, the Board 1) approved and authorized the Chairman to sign the plat of Woodview Villas II, an Improvement Agreement, and an Addendum to Water and Wastewater Developers Agreement with Hampton Hills, a Florida general partnership; and 2) directed the Clerk to record the plat and related documents in the public records. (III-816/4:50 P.M.)

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

#13-A **HALLS RIVER RETREAT**

Mr. Battista advised that his office had received orders from the Fifth District Court of Appeals on the two Petitions for Writ of Certiorari (Writ) submitted by Citrus County in the Halls River Retreat matter. He stated that Robert Williams with the law firm of Fowler White, who was representing the Board in the companion and de novo cases to the two Writs, was studying the legal impact of the orders. He requested approval to advertise and schedule a closed executive session of the Board with Mr. Williams to discuss the pending litigation in the Halls River Retreat cases.

Upon motion by Commissioner Phillips, seconded by Commissioner Bartell, and carried unanimously, the Board set an attorney/client session on May 20, 2003, at 8:00 A.M. in the Masonic Building, 3rd floor, 111 West Main Street, Inverness to discuss the Halls River Retreat litigation.

Mr. Battista distributed copies of the Circuit Court orders issued by Judge Springstead (filed with the Clerk's agenda). He then read the orders of the Fifth District Court of Appeals into the record, which denied both Writs filed by the County on December 6 and 8, 2002, against Judge Springstead's orders.

Assistant County Attorney, Michelle Slingerland, stated that the appeals were denied with no written opinion of the judge, which quashed the decision of the Board's approval of the Halls River Retreat, Application AA-00-12, as if the application was never heard or voted on by the Board. She explained that if the applicant (F. Blake Longacre) wished to continue the process, he could proceed again with the original application that was approved by the Board on February 12, 2002. However, she advised that since the Halls River Retreat Project was exempt from the ordinance amending the text of the LDC in regard to MXU, which was adopted by the Board April 23, 2003, a new application would be required if any changes had been made to the Project. She advised that the options available to the County were to: **1) appeal the District Court's denial to the Supreme Court, which she felt had little chance of success due to there being no written order of the Appellate Court for the Supreme Court to review; 2) file a motion for rehearing and a written opinion within 15 days of the Appellate Court's order (May 15) for the purpose of**

bringing to the Court's attention law or facts that the Court had overlooked or misapprehended in its decision; however, she felt that a grant of such a motion would be unlikely; and **3)** do nothing and allow the Fifth District Court of Appeals orders to become final. She explained that should the Board choose Option 3, the County Attorney's office would assist staff with the interpretation of the court orders in regard to any pending and future development orders received by staff.

Commissioners' Bartell and Phillips selected Option 3.

Commissioner Wooten stated that he would choose Option 3 if this court order was site specific to the Halls River Retreat Project; however, he was concerned that it might affect other property owner's land who were not involved with this issue.

Mrs. Slingerland stated that the Circuit Court orders might have ramifications beyond that of the Halls River Retreat Project, that some of the general language was problematic, and the potential for litigation remained open. She reiterated that her office would assist staff in interpreting the orders in a manner that would affect the least possible number of property owners.

Mr. Battista stated that he had received opinions and heard comments on this court order anywhere from, it was site specific to the Halls River Retreat Project and would not set a precedent, to it would have a wide range impact on the current land use. In his opinion, he thought the impact would be somewhere in between those two scenarios. He explained that he was not sure his office could advise staff or the Board at this time on whether or not those orders would impact particular parcels. He pointed out that any advise he would give in reviewing subsequent applications would be based on what he thought the outcome would be if the issue were challenged in court. He added that there were some statements in Judge Springstead's order that were subject to interpretation.

He responded to the Chairman's question by stating that he would not necessarily advise staff to change the County regulations in order to be consistent with Judge Springstead's court order. He advised that staff would be meeting with the DCA to discuss and determine disconnects between the COMP and the LDC.

Mr. Maidhof answered the Chairman's question by stating that the problems he anticipated were more procedural regarding the inconsistencies of land use between the LDC and the COMP. He explained the four land use designations on the LDC Atlas that was not reflected on the Generalized Future Land Use Map (GFLUM). He specified that the County Attorney's office and staff would review all applications regarding land use on the GFLUM and the LDC Atlas. He stated that if staff determined by test criteria that a submitted application for a project would fall under Judge Springstead's order because the land use was different on the LDC from the GFLUM, then the allowable uses would be based on the GFLUM. He added that staff was working with the County Attorney's office to develop test criteria and should have something completed by the end of the week.

Commissioner Wooten commented that he would support Option 3 if the County was willing to view Judge Springstead's ruling as applying only to the Halls River Retreat, and that the County should be careful in determining land uses in the coastal high hazard areas. He added that if this ruling applied to property owners who had owned their land for years and wanted to expand a small business, then he thought the County was in danger.

Commissioner Phillips remarked that the properties affected were only those where the land use designation was different on the LDC Atlas and the GFLUM. She thought the only alternative was to accept the judge's ruling as law, have staff work on the problematic issues, and work with the DCA to change the inconsistencies.

The Chairman agreed that the law must be obeyed, but stated that judges did make bad laws, and the County's legal staff thought this was a bad law. He was concerned with the ramifications on other land use issues, actions that had been taken in the past, and future actions.

Discussion ensued as follows: the protection of property rights; denial of land use; government imposing rules, regulations, and changes on properties without consulting with the people; accepting Judge Springstead's orders; creating a hardship on other applications; there being more complications on land development than eight years ago; continued growth, etc.

Motion by Commissioner Phillips, seconded by Commissioner Bartell, to 1) accept Option 3, to do nothing, and allow Judge Springstead's orders to stand, and 2) to direct staff to meet with the Department of Community Affairs to continue working out the inconsistencies in the Comprehensive Plan to try to avoid conflicting land use issues as much as possible in the future.

Commissioner Bartell stated that he disputed those 26,000 parcels that would be affected by this order, and requested that staff provide a list of those parcels. He reminded everyone that 85 percent of land use designations classified as MXU were in the environmentally sensitive areas in Homosassa. He stressed that the Board needed to move forward with strength, learn from this lesson, be consistent in discussions and deliberations on other land issues, and instruct staff to begin implementing the laws that were already made as well as this ruling. He advised that Florida Statute Chapter 163 Administrative Code clearly defined what local government's responsibilities were in regard to the COMP. He agreed that staff should meet with the DCA to make sure the LDC was consistent with the COMP, to close the gap with a specific set of rules and regulations that were fair and equal and that everyone could understand. In addition to staff meeting with the DCA, he requested that staff also consult with land use attorneys in an attempt to build consensus on issues and share the results of both meetings with the Board. He further stated that he did not think Judge Springstead's order was in the best interest of the County; however, it was now the law, and must be accepted by the County.

He responded to the Chairman's question by stating that he did not believe staff circumvented the law; however, he thought staff made a decision and recommendation to the Board on the Halls River Retreat Project that was contradictory to other recommendations under similar circumstances.

Discussion ensued as follows: the need for consistency and fairness on similar land use situations, Commissioners not always agreeing on every issue and not always agreeing with staff or the PDRB; support for the Halls River Retreat Project was due to staff's recommendation that it was consistent with the COMP after changes had been made; moving forward, reviewing the LDC, and making it consistent with the GFLUM; other issues to be dealt with in the future; applicants should protect themselves by performing due diligence investigations on property before finalization of the purchase, etc.

Attorney Denise Lynn, representing the Homosassa River Alliance, asked the Board to remember that F. Blake Longacre, developer of the Halls River Retreat Project, was denied his application before he bought the property. She remarked that the Board was focusing on Judge Springstead's order; however, within that order was the Pinecrest Lakes decision, which stated that the LDC must be consistent with the COMP. She addressed comments made regarding property rights by stating that government always had the right to enact zoning regulations for the public's health, safety, and welfare. She specified that this was not a new issue, that the first time the COMP was enacted, property rights were affected. She added that she had tried to protect her client's property rights throughout this issue and that neighbor's property rights should be considered as well as Mr. Longacres. She mentioned issues in the orders the Board had not discussed today were cross-examination of witnesses, and that Planned Development (PD) was not allowed in the Coastal High Hazard Zone. She advised that with regard to the MXU designation, the COMP stated that MXU would be available to those parcels that continue in their existing use. She also stated that the County's code defined MXU as a mixture of uses; therefore, if there was no development on a piece of property, there was no mixed use.

Commissioner Bartell requested that the issues of Coastal High Hazard areas, PD, and PD Overlay be defined when staff met with the DCA. (III-3641)

Clerk's Note: Due to technical difficulties, there was no tape recording during the first part of the following speaker's comments.

Jim Bitter stated that the misunderstanding was due to the inaccurate depiction of facts regarding the property in the original Halls River Retreat Project application. He alleged that staff did not practice due diligence in this case, and when those inaccuracies and inconsistencies were pointed out, the Board should have questioned staff. He added that by practicing due diligence and doing the right thing, the flaw could be corrected.

The Chairman called a question on the motion, and the motion carried unanimously. (IV-51)

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

#14-A **FLORIDA ASSOCIATION OF COUNTIES (FAC) ALERT**

Commissioner Phillips stated that the FAC alerted counties that most legislative issues would be decided by May 21, 2003. She encouraged each Commissioner to contact the legislative delegation and other representatives to remind them that the State should solve their own budgetary problems without utilizing county dollars. She added that Medicaid, Juvenile Justice, and other issues would be back on the table, which could be cost shifted and cause huge budgetary impacts to counties.

#13-C **THE CITRUS TARIFF**

Commissioner Batchelor stated that the Commissioners had recently received requests from several county commission boards throughout the state in regard to the removal of the tariff on imported citrus juice from South America. He also stated that those counties had adopted resolutions opposing the elimination of the citrus tariff due to the devastating effect on domestic citrus producers in the state. He requested that the Board instruct staff to draft a resolution and support the counties concerned about the actions of the United States Trade Commission Representative to eliminate tariff on citrus juice.

The Chairman agreed and stated that a copy of the resolution should be mailed to the counties that had contacted this Board.

Mr. Wesch recalled that one of the counties had attached a copy of their resolution, which staff could use as a basis.

Upon motion by Commissioner Batchelor, seconded by Commissioner Phillips, and carried unanimously, the Board instructed staff to draft a resolution opposing the removal of the tariff on imported citrus juice, and authorized the Chairman to sign said resolution. **RESOLUTION NO. 2003-101**

RESOLUTION NO. 2003-101

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY SUPPORTING NO REDUCTION IN THE CURRENT UNITED STATES TARIFF ON IMPORTED CITRUS PRODUCTS

WHEREAS, Florida citrus has been an integral part of the State of Florida since its existence, and the preservation of this industry not only affects Florida's citrus growers, but many affiliated businesses and local government entities throughout the state; and

WHEREAS, Florida and Brazil produce over 90% of all processed orange products in the world and loss of Florida production would result in a monopoly for the Brazilian citrus industry; and

WHEREAS, lowering of citrus tariffs does not create the benefits of "Free Trade" because it neither increases competition, reduces consumer prices, nor results in increased trade; and

WHEREAS, it is a proven fact that the unsubsidized Florida citrus industry employs approximately 90,000 people and has an economic impact to our state of \$9.1 billion; and

WHEREAS, Florida citrus growers have worked diligently over the years in all international trade negotiations, and now with the World Trade Organization and Free Trade Area of the

Americas to retain the citrus tariff on processed citrus products entering the United States to enable Florida to compete on a level playing field with Brazil; and

WHEREAS, it is clearly demonstrated that any material reduction in processed citrus tariff schedules will have a devastating result on the citrus industry as it exists today in Florida with accompanying catastrophic effects upon the 800,00 acres of citrus that provide numerous environmental benefits to the community and state; and

WHEREAS, there is nowhere in the world, other than Brazil, where land and climatic conditions permit processed orange juice in quantities sufficient to compensate for losses in Florida production; and

WHEREAS, Florida citrus growers require few services but provide employment, tax revenue, economic stability, water recharge, aesthetic beauty, and a way of life that has existed for more than one hundred years.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA that:

- Section 1. Citrus County supports "no reduction in the current United States tariff on imported citrus products."
- Section 2. The Citrus County Board of County Commissioners requests that other County Commissions support this Resolution and to so notify the Governor and their Legislative and Congressional Delegations.
- Section 3. A copy of this Resolution shall be spread upon the Minutes of this meeting and copies sent to the Governor, the Citrus County Legislative and Congressional Delegations, and all other Florida County Commissions.
- Section 4. This Resolution shall be effective upon adoption.

DONE AND RESOLVED this 13 day of May, 2003, in regular session of the Board of County Commissioners, Citrus County, Florida.

ATTEST:
/s/ Betty Strifler
BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA
/s/ Jim Fowler
JIM FOWLER, CHAIRMAN

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

There being no other business to come before the Board, the Chairman adjourned the meeting. (V-230/6:05 P.M.)

ATTEST: _____, Clerk _____, Chairman