


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; Vicki Phillips, Second Vice-Chairman; Josh Wooten and Roger Batchelor
Attorneys:	Robert B. Battista and Michele Slingerland, Assistant
Administrator:	Richard Wm. Wesch
Deputy Clerks:	Theresa Steelfox and Glenda Brown

#2- **PUBLIC HEARINGS - WORKSHOPS - PERSONS TO APPEAR**

#2-A **OPEN TO THE PUBLIC**

 Dave Conant stated that he was pleased that the Board continued the procedure of saying a prayer and the Pledge of Allegiance before Board meetings. (I-60/1:06 P.M.)

#3- **CONSENT AGENDA**

Upon motion by Commissioner Batchelor, seconded by Commissioner Bartell, and carried unanimously, the Board approved the Consent Agenda with the amendment to the June 25, 2002 minutes (filed with the Clerk's agenda), as follows:

#3-A Approved the minutes of the regular meeting held on June 25, 2002.

#3-B Approved the following warrants: Payroll registers dated 06/25/02 at \$435,797.03, and dated 06/27/02 at \$32,258.37. Accounts Payable register dated 07/08/02 at \$3,552,345.29. Emergency check register dated 07/09/02 at \$2,187.50

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

RESOLUTION NO. 2002-131

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE FLORIDA GAS REFORESTATION COMPENSATION BUDGET FOR FY 2001/2002

WHEREAS, on May 28, 2002 the Citrus County Board of County Commissioners approved a \$20,000 settlement proposed by Florida Gas Transmission Company; and

WHEREAS, this settlement will be used to fund reforestation efforts, including trees and landscaping, on public projects; 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 2001/2002; 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 9th day of July 2002, 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
<u>Revenues</u>	008-369-910	Florida Gas Reforestation	\$3,000
<u>Expenditures</u>	008-5765-55200	Operating Supplies	\$3,000

RESOLUTION NO. 2002-132

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE COMMUNITY CARE FOR THE ELDERLY BUDGET FOR FISCAL YEAR 2001/2002

WHEREAS, on December 18, 2001 through Resolution 2001-320 the Citrus County Board of County Commissioners approved an application for financial assistance under the Community Care for the Elderly Program and a contract to provide services with the Mid-Florida Area Agency on Aging, Inc.; and

WHEREAS, on May 30, 2002 the Citrus County Board of County Commissioners executed Amendment #5 to the contract; and

WHEREAS, on June 10, 2002 the Mid-Florida Area Agency on Aging, Inc. executed the amendment decreasing the amount of funding available under the contract; 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 2001/2002; 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
<u>Revenues</u>	183B-334-691	State Grant	(\$19,973)
		Total Revenues	(\$19,973)
<u>Expenditures</u>	183B-5345B-53481	Contract Services – Day Care	(62)
	183B-5345B-53483	Contract Services – Homemaker	(2,236)
	183B-5345B-53484	Contract Services – Personal Care	(2,632)
	183B-5345B-53485	Contract Services – Respite Care	(11,848)

	183B-5345B-53486	Contract Services – Meals	(3,195)
		Total Expenditures	(\$19,973)

RESOLUTION NO. 2002-133

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE DRUG COURT BUDGET FOR FISCAL YEAR 2001/2002

WHEREAS, the Citrus County Drug Court collects samples for drug testing from the adult and juvenile programs; and

WHEREAS, these funds will be used to pay for the collection of the samples and the drug testing; 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 2001/2002; 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
<u>Revenues</u>	040-342-900	Drug Court Lab Fees	26,880
		Total Revenues	\$26,880
<u>Expenditures</u>	040-5770-53400	Other Contractual Services	22,530
	040-5770-54000	Travel and Per Diem	650
	040-5770-54300	Utility Services	1,200
	040-5770-54400	Rentals and Leases	2,500
		Total Expenditures	\$26,880

RESOLUTION NO. 2002-134

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE BEVERLY HILLS FIRE DEPARTMENT BUDGET FOR FISCAL YEAR 2001/2002

WHEREAS, the Beverly Hills Fire Department is requesting the purchase of a Ford F450 cab and chassis, steel flat bed and the associated equipment for retro-fit into a brush truck; and

WHEREAS, cash carry forward funds are available to fund the purchase price; 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 2001/2002; 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
<u>Revenues</u>		Cash Carry Forward	\$35,000
<u>Expenditures</u>	155-3215-56400	Machinery and Equipment	\$35,000

RESOLUTION NO. 2002-135

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE INVERNESS AIRPORT LIGHTED WIND CONE BUDGET FOR FISCAL YEAR 2001/2002

WHEREAS, on November 13, 2001 the Citrus County Board of County Commissioners approved the execution of a Joint Participation Agreement with the State of Florida Department of Transportation; and

WHEREAS, on December 3, 2001 the State of Florida Department of Transportation executed the agreement providing funds for the design and construction of a lighted wind cone at the Inverness Airport; 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 2001/2002; 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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BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<u>Revenues</u>	012-334-410	State Grant	8,000
	012-381-001	County Cash Match	5,000
		Total Revenues	\$13,000

<u>Expenditures</u>	012-5757-53100	Professional Services	3,000
	012-5757-56300	Improvements other than Buildings	10,000
		Total Expenditures	\$13,000

RESOLUTION NO. 2002-136

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE LIBRARIES BUDGET FOR FY 2001/2002

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

WHEREAS, these donations will be used to purchase books and other reading materials for the Coastal Region Library Youth Room; 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 2001/2002; 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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BETTY STRIFLER, CLERK

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

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<u>Revenues</u>	131-366-907	Donations – Friends of the Library	\$1,646
<u>Expenditures</u>	131-6212-56600	Library Books and Publications	\$1,646

#3-D Approved the following budget transfers: **ACD:** \$23,140 from #001-5106-55275 with \$20,790 to #-2150-56400, \$1,000 to #-55270, and \$1,350 to #-54604. **BEVERLY HILLS VFD:** \$1,000 from #155-3215-56400 to #-55211. **DPS:** \$2,000 from #001-3340-54100, \$500 from #-55120, \$500 from #-55400, and \$500 from #-54000 to #-54603. **SSD:** \$937 from #183B-5345B-53481, \$950 from #-53483, \$950 from #-53484, \$1,095 from #-53485, and \$950 from #-53486 with \$737 to #-52300, \$2,000 to #-53488, \$750 to #-54005, \$700 to #-54100, and \$695 to #54300, and \$200 from #016A-5754A-54005 to #-54000. **LSD:** \$66 from #131-6212-55100 to #-56600 and \$60 from #6212-55100 to #-54700. **AVIATION:** \$5,000 from #001-7201-54604 to #-2105-59100.

#3-E Approved and authorized the Chairman to sign Satisfactions of Judgment for Jeffery Adam Williams, Case No. 1998-MM-102 01 and 1998-MM-102 02; Cheryl A. Demeritt, Case No. 2000-3333-MM; Otto W. Kotal, Case No. 2001-2943-TC; and Michael Young, Case Nos. 1997-3674-I, 2000-3531-I and 2000-3648-I.

#3-F Acknowledged receipt of the Citrus County Mosquito Control District's Tentative Resolution #1 2002-2003.

#3-G Authorized the Chairman to sign a letter to the Department of Revenue (DOR) stating that Citrus County was a Political Subdivision, which would accompany the Board's renewal application to the DOR.

#3-H Approved and authorized the Chairman to sign the Second Amendment to Lease Agreement with Crystal Square, Inc., for the Crystal River office location.

#3-I Set a public hearing on August 13, 2002, at 2:20 P.M., in the Masonic Building, 3rd Floor, 111 West Main Street, Inverness on an ordinance amending Chapter 102 of the Citrus County Code entitled Utilities by amending Section 102-36, Definitions; by amending Section 102-44, System Requirements and placement of fire hydrants; by amending Section 102-81, Definitions; by amending Section 102-138, Meters; providing for severability; providing for inclusion in the Code; and providing an effective date.

#3-J Approved and authorized the Chairman to sign the Impact Fee Interlocal Agreement with the City of Inverness, which was developed to update and consolidate the collection and expenditure of all impact fees with the City of Inverness.

#3-K Approved and authorized the Chairman to sign the Development Agreement for Water and Wastewater Line Extension with Wal-Mart Stores East, Inc.

#3-L Approved and authorized the Chairman to sign Change Order No. 3 to Bid No. 038-01 with R. E. Graham Contracting, Inc., for the Citrus Springs Community Center at \$18,271.73.

#3-M Approved and authorized the Chairman to sign the Florida Department of Transportation (FDOT) Traffic Signal Maintenance & Operation Request Order No. 02-C-23 for a school entrance warning flasher at US-41 and Middle School Drive.

#3-N Approved and authorized the Chairman to sign the FDOT Traffic Signal Maintenance & Operation Order No. 02-C-24 for a stop sign flasher at SR-200 and CR-491 intersection.

#3-O Approved extending Bid No. 00-107 (micro-surfacing) with Florida Highway Products, Inc., for a third and final year to begin October 1, 2002.

#3-P Approved and authorized the Chairman to sign a Release of Lien with the Code Enforcement Board (CEB) Case No. 93-01 filed against Larry and Barbara Foellmi, and decreased the \$1,850 fine to \$150.

#3-Q Accepted a Special Warranty Deed for Parcel 111 from LTC Properties, Inc., for the CR-491 Road Improvement Project, and authorized the Clerk to place the acceptance stamp upon same and record in the public records.

#3-R Accepted a Conservation Easement from S.M.G., Inc., due to public concern regarding CPA/AA-02-05, and directed the Clerk to place the acceptance stamp upon same and record in the public records.

#3-S Approved and authorized the Chairman to sign the Florida Department of Elder Affairs (FDEA) Standard Contract No. X1003, and adopted and authorized the Chairman to sign a resolution authorizing the contract for funding with the FDEA, which provided the Senior Companion Program services beginning July 1, 2002, and ending June 30, 2003.

RESOLUTION NO. 2002-137

#3-T **1)** Approved and authorized the Chairman to sign a 2002/2003 Retired and Senior Volunteer Program (RSVP) Application for Federal Assistance, and other related documents; and **2)** adopted and authorized the Chairman to sign a resolution for the RSVP for the recruitment and placement of senior volunteers in works stations throughout the County at \$57,599. County cash match of \$24,804, interest, donations and reimbursement from other grants at \$1,194 would provide a total working budget of \$83,597.

RESOLUTION NO. 2002-138

#3-U Re-appointed Sue Ellen Friddle, Dr. Edwin Holland and Frances Roberts to fill positions on the Tourist Development Council for terms that would expire on July 31, 2006.

#3-V Authorized staff to proceed with engineering design and installation of a traffic signal at Roosevelt Boulevard and Forest Ridge Boulevard.

#3-W **1)** Approved and authorized the Sheriff's Office to complete the 2002 Local Law Enforcement Block Grant (LLEBG) on-line application; **2)** acknowledged the assurances and certifications contained within the application; and **3)** authorized a designee from the Sheriff's Office to serve as the local representative with regard to the grant and to act in conjunction with the application and required information.

#3-X Approved the following Bid Committee Report: **1)** Bid No. 01-004, SWM, powered activated carbon for the leachate treatment facility; renewed the current bid with US Filter/Zimpro Products, Inc., for a two-year period under the same terms and conditions stated in the bid documents and authorized the Chairman to sign the renewal letter; **2)** Bid No. 01-002, SWM, roll-off boxes and unloading services, renewed the current bid with Sandland of Florida Enterprises for fiscal year 2002-2003 under the same terms and conditions stated in the bid documents and authorized the Chairman to sign the renewal letter; **3)** Bid No 00-085, SWM, purchase and transportation of scrap metal, renewed the current bid with All-American Recycling for fiscal year 2002-2003 under the same terms and conditions stated in the bid documents and authorized the Chairman to sign the renewal letter; **4)** Bid No. 050-01, SWM, leachate collection and transfer system and stormwater lift station facilities, renewed the current bid with SCS Field Services for fiscal year 2002-2003 under the same terms and conditions stated in the bid documents and authorized the Chairman to sign the renewal letter; **5)** Bid No. 100-01, SWM, mowing for the closed landfill site, renewed the current bid with Denise Hamilton Tractor Service for fiscal year 2002-2003 under the same terms and conditions stated in the bid documents and authorized the Chairman to sign the

renewal letter; **6)** Bid No. 119-01, SWM, transportation of leachate, renewed the current bid with AAA White's Septic for Fiscal Year 2002-2003 under the same terms and conditions stated in the bid documents and authorized the Chairman to sign the renewal letter; **7)** Bid No. 119-01, SWM, transportation of leachate, renewed the current bid with AAA White's Septic for fiscal year 2002-2003 under the same terms and conditions stated in the bid documents and authorized the Chairman to sign the renewal letter; and **8)** Bid No. 00-095, Utilities, well pump/motor repairs, renewed the current bid with Citrus Well Drilling for fiscal year 2002-2003 under the same terms and conditions stated in the bid documents. (I-100/1:08 P.M.)

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

#6-A **JUDICIAL FACILITY ENTRY DESIGN REVISION**

Mr. Wesch requested Board direction on the revision to the entry of the new Judicial Facility, and the exterior color of the building.

Tom Williford, County Architect, advised that there were three schemes to choose from, which were included in the backup material. He explained that the only difference in the schemes was the shape of the monument to be placed between the columns of the entry walkway used to impede the passage of a vehicle into the building. He added that all three schemes showed a 3.5 foot high planter on a curved footing, which would replace the existing screen wall. He also mentioned that the Judicial Facility would be painted and the band on the first floor level of the existing Courthouse would be duplicated on the Judicial Facility at the same elevation. He explained that the outer curved planters could have live plants, if the Board wished, and suggested that the middle monument be solid.

Commissioner Phillips agreed that the middle monument should be solid with no plants and preferred Scheme C. She added that she was adamantly opposed to painting over the brick of the existing Courthouse, and suggested painting the Judicial Facility to match the existing Courthouse.

Mr. Williford replied to Commissioner Bartell's questions by stating staff had received a cost estimate for the new entry redesign and was currently negotiating that price with the contractor. He estimated the cost, including any credited or added costs, at approximately \$65,000 and hoped to have the exact figure by next week.

Short discussion followed regarding the planters, painting the exterior of the Judicial Facility, making the Judicial Facility blend in with the existing Courthouse, etc.

Motion by Commissioner Phillips, seconded by Commissioner Wooten, to authorize staff to proceed with negotiating a contract using the Proposed Entry Scheme C as submitted by Dooley & Mack Constructors, Inc., and painting the exterior of the Judicial Facility to match the existing Courthouse with the duplicated band around the building.

Commissioner Wooten suggested that when it was time to paint the Sheriff's building it should match the other government facilities.

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

#6-B 2002 PRECINCT CHANGES

Susan Gill, Supervisor of Elections, provided a map showing the precincts for 2002 (filed with the Clerk's agenda) and made brief comments regarding the reapportionment. She advised that there would now be 41 precincts, with 16 precincts changed due to the reapportionment. She added that all voters would be receiving a new voter registration card by the end of the month showing their new districts and precincts. She encouraged everyone in the County that had an address change to notify the Election's office in order to get his or her ballot.

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board approved Phase 2 of the 2002 Precinct Changes as requested by Susan Gill, Supervisor of Elections (prior to the vote, Commissioners thanked Ms. Gill for the great job she was doing). (I-626/1:23 P.M.)

#7- COMMISSIONER JIM FOWLER, CHAIRMAN

#7-A LAKE TSALA APOPKA BASIN RECREATION & WATER ADVISORY BOARD

The Chairman nominated Barry M. Johnson to fill a Member-at-Large position on the Lake Tsala Apopka Basin Recreation & Water Advisory Board for a term that would expire on September 30, 2003.

Upon motion by Commissioner Batchelor, seconded by Commissioner Phillips, and carried unanimously, the Board ceased nominations. (I-655/1:25 P.M.)

#12- COUNTY ATTORNEY'S REPORT

#12-A PRESCRIPTIVE PLAT OF NORTH NORTHCUT AVENUE

Upon motion by Commissioner Bartell, seconded by Commissioner Batchelor, and carried unanimously, the Board approved and authorized the Chairman to sign the Prescriptive Plat of North Northcut Avenue and directed the Clerk to record the Plat in the public records.

#12-B PLAT OF SKYVIEW VILLAS I

Upon motion by Commissioner Phillips, seconded by Commissioner Batchelor, and carried unanimously, the Board approved and authorized the Chairman to sign the Plat and Improvement Agreement of Skyview Villas I (PLT-02-02), the Addendum to Water and Wastewater Developer's Agreement with Hampton Hills, accepted the easement for a sewer line from Hampton Hills, and directed the Clerk to record the Plat and related documents in the public records. (I-709/1:27 P.M.)

#12-C PLAT OF CHEROKEE TRACE

Motion by Commissioner Fowler, seconded by Commissioner Batchelor, to approve and authorize the Chairman to sign the Plat and Improvement Agreement of Cherokee Trace (PLT-02-07) with Irrevocable Letter of Credit, and directed the Clerk to record the Plat and related documents in the public records.

Mr. Battista and Mr. Wesch responded to Commissioner Bartell's question by stating that Cherokee Trace would be required to hook up to the central sewer system as soon as it was available.

The Chairman called a question on the motion. Motion carried. Voting Aye: Commissioners' Bartell, Batchelor, and Fowler. Voting Nay: Commissioners' Phillips and Wooten. (I-778/1:28 P.M.)

#12-D ***CITRUS SPRINGS MUNICIPAL SERVICE BENEFIT UNIT (MSBU)***

Mr. Battista stated that the Citrus Springs Advisory Council (Council) requested an amendment to Resolution No. 2002-084, which would require members of the Council to live in the Citrus Springs community.

Commissioner Phillips stated that there had been extensive discussion on this matter when the MSBU was originally set up. She explained that it was decided then that a person would be allowed to sit on the Council if they were Citrus County residents who paid ad valorem taxes in Citrus Springs. She added that she preferred to leave the MSBU as it was.

Commissioner Bartell agreed with Commissioner Phillips, and stated that there was better representation this way, and did not want to set precedence for any future MSBUs.

Commissioner Wooten also agreed with Commissioner Phillips. (I-897/1:32 P.M.)

#2-B ***EMPLOYEE SERVICE AWARDS***

The following staff was recognized for their years of service to the County: **5 YEARS:** Gary P. Cromwell and Paul E. Yetton. **10 YEARS:** Anna Blinn and Janice Thompson. (I-983/1:34 P.M.)

#2-C ***CERTIFICATE OF RECOGNITION - GEORGE DIRSCHERL***

Upon motion by Commissioner Bartell, seconded by Commissioner Wooten, and carried unanimously, the Board approved and authorized the Chairman to sign a Certificate of Recognition to George Dirscherl, Bus Driver, Division of Support Services, who provided emergency assistance to a client in need. (I-1044/1:36 P.M.)

#2-D ***CERTIFICATE OF RECOGNITION - FRANK POLICASTRO, JR.***

Mr. Wesch stated that Mr. Policastro could not attend the meeting and requested the item be pulled and rescheduled for a future date.

#2-E ***CERTIFICATE OF RECOGNITION - DOROTHY ZIPPERER***

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized the Chairman to sign a Certificate of Recognition to Dorothy Zipperer for receiving the Homosassa Springs Chamber of Commerce 2001 Humanitarian Award. (I-1150/1:38 P.M.)

#2-F PROCLAMATION - C. J. BRYANT

Upon motion by Commissioner Phillips, seconded by Commissioner Batchelor, and carried unanimously, the Board approved and authorized the Chairman to sign a proclamation recognizing C. J. Bryant for attaining the rank of "Eagle Scout."

(I-1234/1:40 P.M.)

#2-G PROCLAMATION - CLIFF BRYANT

Upon motion by Commissioner Phillips, seconded by Commissioner Batchelor, and carried unanimously, the Board approved and authorized the Chairman to sign a proclamation recognizing Cliff Bryant for attaining the rank of "Eagle Scout."

(I-1294/1:42 P.M.)

#2-H PROCLAMATION - JEFFREY SCOTT STEES

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized the Chairman to sign a proclamation recognizing Jeffrey Scott Stees for attaining the rank of "Eagle Scout."

(I-1369/1:44 P.M.)

#2-I PROCLAMATION - MATTHEW DAVID WHETZEL

Upon motion by Commissioner Batchelor, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized the Chairman to sign a proclamation recognizing Matthew David Whetzel for attaining the rank of "Eagle Scout."

The Chairman made brief comments and Mr. Whetzel repeated the Boy Scout oath.

(I-1479/1:48 P.M.)

#12-E CONSTRUCTION VARIANCE REQUEST - CONNEMARA ESTATES

Mr. Battista advised that Connemara Estates (PLT-02-04) was requesting a construction variance for cul-de-sac length from the maximum of 1,500 feet to 2,114 feet. He added that the Department of Public Safety (DPS) and Fire Services Division (FSD) objected to the proposed cul-de-sac length variance, and Engineering Division (ED) supported the objection; therefore, staff recommended denial.

Charles Polisenio, Director of Public Safety, requested the construction variance be denied due to the excessive distance to the cul-de-sac causing a public safety concern.

Motion by Commissioner Bartell, seconded by Commissioner Phillips, to deny a variance request by the developers of Connemara Estates (PLT-02-04) for cul-de-sac length from the maximum of 1,500 feet to the requested 2,114 feet.

Jenette Collins, Senior Planner, DDS, stated that there was a second part to the variance for rights-of-way on section and quarter lines. She advised that this was also part of Appendix A of the Land Development Code (LDC), which was an industry standard for engineering and that there were no objections to this item.

Amended motion by Commissioner Bartell, seconded by Commissioner Phillips, to deny a variance request by the developers of Connemara Estates (PLT-02-04) for cul-de-sac length from the maximum of 1,500 feet to the requested 2,114 feet, and to approve a variance request for rights-of-way on section and quarter lines.

The Chairman called a question on the motion, and the motion carried unanimously. (I-1587/1:49 P.M.)

#13- EMERGENCY MATTERS NOT ON THE BOARD'S AGENDA

#13-A TED WILLIAMS

Mr. Wesch advised that staff had taken research steps on the Board's behalf in regard to a possible memorial service for Ted Williams. He explained that Eric Abel, the family attorney, stated that the family had requested that no memorial services be held.

(I-1633/1:52 P.M.)

The Chairman recessed the meeting and reconvened at 2:01 P.M.

#2-J PROCLAMATION - KEY TRAINING CENTER "RUN FOR THE MONEY"

Upon motion by Commissioner Bartell, seconded by Commissioner Batchelor, and carried unanimously, the Board approved and authorized the Chairman to sign a proclamation declaring July 22 - 27, 2002, as Key Training Center Run for the Money Week.

(I-1754/2:04 P.M.)

#2-K AA-02-05, CPA/AA-02-17, AND PDO-02-01 CLARK A. STILLWELL, ESQUIRE, ON BEHALF OF ARTHUR KOBLISH, TRUSTEE AND WILLIAM PODKOWA (REALTICORP)

Mr. Wesch announced that due to an unresolved issue, the public hearings for these applications would be postponed to a future date.

#2-L CPA/AA-02-19, CANDY M. DUCHARME FOR MICHAEL D. HAMBY (44 EAST INVESTMENTS)

Gary Maidhof, Director of Department of Development Services (DDS), read the ordinance preambles into the record and Kevin Smith, AICP, Planning Manager, Community Development Division (CDD), gave the following staff presentation:

Applicant Name/Number:	CPA/AA-02-19, Candy M. Ducharme for Michael D. Hamby (44 East Investments)
Land Use:	General Future Land Use Map (GFLUM) and Land Development Code (LDC) Atlas from PSO, Professional Services/Office District to GNC, General Commercial District
Property Data:	Lots 127 and 94 of Lecanto Acres, Unit #2, Section 5, Township 19 South, Range 18 East, located between SR-44 and Roselyn Way, west of the SR-44 and CR-491 intersection
Staff/PDRB Recommendation:	Denial/Approval
Proposed Project:	Office and warehouse building

He stated that there were no concurrency limits on the application; however, the request would go against policies to reduce strip commercial development patterns along SR-44. He added that the application would impose some incompatibility problems with nearby residential development located to the rear of the property. He advised that there was already an excess of commercially designated land use in the immediate area.

The Chairman opened the public portion of the public hearing and asked for anyone to speak in favor.

Ms. Ducharme made brief comments regarding the purpose of the application, and the business that she would relocate. She distributed photographs and a map of the surrounding area (filed with the Clerk's agenda). She explained that she needed the lot on Roselyn Way because most of the property on the SR-44 lot had been taken when the road was widened. She advised that she had reviewed the objections from the homeowners in the area and explained that their major concern was the traffic impacts on Roselyn Way. She stated that there would be no impact on Roselyn Way because during pre-application meetings with the Building Department she was told that she would only be allowed one driveway on and off of the property, which she would locate on SR-44.

The Chairman then asked for anyone to speak in opposition. With no other public comment, the Chairman closed the public portion of the public hearing.

Commissioner Batchelor stated that there were several residents along Roselyn Way that would be effected by this change and he would not support the request.

Mr. Maidhof replied to Commissioner Wooten by stating the Stipulated Settlement Agreement with the Florida Department of Community Affairs (FDCA) designated this area PSO and that there was a concession from FDCA to recognize all existing commercial and industrial designated properties. He added that the lot on SR-44 was 141 feet deep due to the SR-44 widening.

Motion by Commissioner Phillips, seconded by Commissioner Batchelor, to deny application CPA/AA-02-19, Candy M. Ducharme for Michael D. Hamby (44 East Investments).

Discussion ensued regarding compatibility issues, concerns if a new owner took possession of the property, the pre-existing designations, etc.

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

#2-M **2002 FIRST CYCLE COMPREHENSIVE PLAN (COMP) AMENDMENTS**

#2-M.1 **CPA/AA-02-06, LECANTO SANDHILLS**

Mr. Smith summarized the staff report as follows:

Applicant Name/Number:	CPA/AA-02-06, Lecanto Sandhills
Land Use:	Redesignation from Low Density Residential (LDR) and PSO to Conservation (CON) on the GFLUM, and from LDR* (allowing mobile homes) and PSO to CON on the LDC Atlas on certain parcels of land acquired by the State. Located on CR-490 approximately one mile north of Rock Crusher Road, in Sections 7, 8, 17, 20, and 21 of Township 19S, Range 18E. Total acreage under this application: approximately 1,857 acres.
Proposed Project:	This purchase was part of the Annutteliga Hammock CARL project and was referred to as the Lecanto Sandhills.
Staff/PDRB Recommendation:	Approval

He added that there were no objections by FDCA, the property was owned by the Board of Trustees of the Internal Improvement Trust Fund (TIITF), and would become part of the Withlacoochee State Forest and managed by the Florida Division of Forestry.

Mr. Smith replied to Commissioner Bartell's question by stating the backup material contained several letters regarding the Suncoast Parkway issue and the amendment having no adverse impacts.

The Chairman opened the public portion of the public workshop and asked for anyone to speak in favor.

Joyce Valentino, representing Heatherwood Community Homeowners Association spoke in favor.

The Chairman then asked for anyone to speak in opposition.

Sumner Waite wanted to make sure that the letters regarding the Suncoast Parkway were made part of the public record.

With no further public comment, the Chairman closed the public portion of the public workshop. (I-2479/2:21 P.M.)

#2-M.2 CPA/AA-02-08, LAFARGE NORTH AMERICA

Mr. Smith reviewed the staff report as follows:

Applicant Name/Number:	CPA/AA-02-08, LaFarge North America
Land Use:	Redesignation from Extractive (EXT) to Rural Residential (RUR) on the GFLUM and LDC, for certain parcels of land located on CR-581 about 1/2 mile north of the Hernando County line, in Section 12 of Township 21S, Range 19E, and Section 7 of Township 21S, Range 20E. Total acreage under this application was approximately 440 acres.
Proposed Project:	Single-family residential home sites
Staff/PDRB Recommendation:	Approval
Public Hearing:	July 23, 2002

He stated that General Portland Cement, who went through several mergers and became LaFarge North America, Inc., originally used this parcel for mining activities. He added that the property consisted of rolling, vacant pastureland with some isolated wooded areas. He advised that the applicant wished to develop residential home sites instead of a mining operation, that the redesignation to RUR would be appropriate, and would permit a division of land up to one unit per ten acres. He added that the amendment was consistent with the COMP, and FDCA had no objection to the application.

The Chairman opened the public portion of the public workshop and asked for anyone to speak in favor.

Mrs. Valentino spoke in favor and requested the Board's approval.

The Chairman then asked for anyone to speak in opposition. With no further public comment, the Chairman closed the public portion of the public workshop.

(1-2628/2:23 P.M.)

#2-N *SV-01-04, CLARK STILLWELL OBO CRYSTAL RIVER LIMITED PARTNERSHIP*

Mrs. Collins reviewed a request by Mr. Stillwell, on behalf of Crystal River Limited Partnership to vacate a 40 foot right of way of North Crystal Terrace (f/k/a Crystal Park Drive) lying between Lots 19, 20, 25, and 26, and adjacent to Lots 23 and 24 of Crystal Park Acres. She advised that this would vacate the remaining balance of North Crystal Terrace. She stated that the property owner of Lots 19 and 20 did not wish to access directly onto US-19 and was opposed to the vacation request. She explained that the requested easement for the City of Crystal River had been included in the backup material. She added that an additional driveway apron onto US-19 would be inconsistent with the proposed US-19 Access Management Plan. In addition, she stated that the applicant's suggestion of an easement to those lots would conflict with Policy 10.4.2 of the COMP that stipulated that access not be diminished and therefore staff recommended denial.

The Chairman opened the public hearing for public comment, and asked for anyone to speak in favor.

Mr. Stillwell stated that an agreement had been made with the owner of property objecting to the vacation, Una Peters, to provide her with a nonexclusive access easement ingress and egress to her property if the plat vacation was approved. He added that this was the only access issue that had been addressed. He advised that Ms. Peters had signed the easement agreement, a copy was sent to the County Attorney, and the original was sent to his client for signature.

Mr. Battista stated that he had reviewed the easement agreement to Ms. Peters and it was an unlimited access to her property and satisfied the requirements of the Administrative Regulation. He proposed that the resolution and easement with the City of Crystal River be held until Ms. Peters' easement agreement was returned from Mr. Stillwell's client and then all three documents be recorded at the same time.

The Chairman then asked for anyone to speak in opposition. With no further public comment, the Chairman closed the public portion of the public hearing.

Upon motion by Commissioner Wooten, seconded by Commissioner Bartell, and carried unanimously, the Board approved SV-01-04, to vacate a portion of North Crystal Terrace (f/k/a Crystal Park Drive), as petitioned by Clark A. Stillwell, Esquire, obo Crystal River Limited Partnership, contingent upon receipt of Ms. Peters' easement agreement.

RESOLUTION NO. 2002-139 (I-3040/2:31 P.M.)

At the meeting of the Board of County Commissioners of Citrus County, Florida, held in the County Commissioners' Board Room on the third floor of the Masonic Building located at 111 West Main Street, Inverness, Florida, at 2:25 P.M. on the 9th day of July, 2002, Commissioner Wooten introduced and moved for the adoption of the following:

RESOLUTION NO. 2002 – 139

WHEREAS, a Petition was presented to the Board of County Commissioners by Clark A. Stillwell, Esquire, on behalf of Crystal River Limited Partnership, which purports to be the owner of lands lying between Lots 19, 20 and 25 and 26, and lying adjacent to Lots 23 and 24 of Crystal Park Acres (Section 34, Township 18 South, Range 17 East); and

WHEREAS, said Petition requested the Board to close, vacate, abandon and discontinue said portion of North Crystal Terrace (f/k/a Crystal Park Drive), lying between Lots 19, 20 and 25 and 26, and lying adjacent to Lots 23 and 24 of Crystal Park Acres, as recorded in Plat Book 2, Page 126, public records of Citrus County, Florida (Section 34, Township 18 South, Range 17 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 same, to be held in the County Commissioners' Board Room, on the third floor of the Masonic Building, 111 West Main Street, Inverness, Florida, at 2:25 P.M. on the 9th day of July, 2002; and

WHEREAS, Notice of such hearing was published in accordance with the law at the expense of the Petitioner; 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 a portion of North Crystal Terrace (f/k/a Crystal Park Drive), as previously described herein, 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 or alleyways should be renounced and disclaimed.

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

1. That a portion of North Crystal Terrace (f/k/a Crystal Park Drive), lying between Lots 19, 20 and 25 and 26, and lying adjacent to Lots 23 and 24 of Crystal Park Acres, as recorded in Plat Book 2, Page 126, public records of Citrus County, Florida (Section 34, Township 18 South, Range 17 East), more fully described in Exhibit "A" which is attached hereto and made a part hereof by reference, be and the same are 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 the City of Crystal River, Florida, does hereby reserve an easement across the lands described in Exhibit "A", attached hereto and made a part hereof by reference, to install operate and maintain in perpetuity or until the use thereof is abandoned, such facilities as may be

necessary or desirable for providing water, wastewater, irrigation and recycled gray water and other such items necessary to and for the operation of the central water and wastewater distribution and collection and distribution system lines.

3. That this Resolution shall be spread upon the Board's Minutes of this meeting.

4. That a copy of 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, and the same furnished to Petitioner to be recorded in the public records of Citrus County, Florida.

5. 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 (30) thirty days from this date at the expense of the Petitioner.

Motion seconded by Commissioner Bartell and carried.

ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS

OF CITRUS COUNTY, FLORIDA

/s/ Jim Fowler

JIM FOWLER, CHAIRMAN

EXHIBIT "A"

THAT PART OF NORTH CRYSTAL TERRACE, F/K/A CRYSTAL PARK DRIVE, LYING ADJACENT TO LOTS 19, 20, 23, 24, 25, AND 26 OF CRYSTAL PARK ACRES AS RECORDED IN PLAT BOOK 2, PAGE 126, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF SAID LOT 23; THENCE EAST 20.00 FEET TO THE CENTERLINE OF SAID NORTH CRYSTAL TERRACE; THENCE SOUTH, ALONG SAID CENTERLINE, 248.43 FEET; THENCE EAST 20.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 21; THENCE SOUTH ALONG THE WEST BOUNDARY OF SAID LOTS 19 AND 20, 200.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19; THENCE WEST 40.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 26; THENCE NORTH, ALONG THE WEST BOUNDARY OF SAID LOTS 23, 24, 25 AND 26, 448.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.30 ACRES, MORE OR LESS.

The Chairman recessed the meeting and reconvened at 2:40 P.M.

#2-O AA-02-09 JIM EYSTER OBO THE NADEN DEVELOPMENT CO., LLC (PELICAN VILLAGE), MARY GABER AND ELIZABETH BUCKLEY

Mrs. Collins gave the staff report as follows:

Applicant Name/Number:	AA-02-09, Jim Eyster obo The Naden Development Co., LLC. (Pelican Village), Mary Gaber and Elizabeth Buckley
Proposed Project:	Major modification of the approved Master Plan of Development for Phase IV (only) of Pelican Village (f/k/a Pelican Cove), Section II, thereby effectively amending Ordinances 89-A72 (Z89-46), and 90-A28 (Z-90-11). Establish a Master Plan of Development for Phase IV effectively amending Ordinance No. 90-A18
Property Data:	Section 18, Township 18 South, Range 17 East. Further described as Phase IV as shown on the Master Plan of Development for

	Pelican Cove Section II (Parcel 44400), and located on a cul-de-sac off of North Cove Harbor Drive located south of West State Park Drive, Crystal River. 1.85 acres ±
Staff/PDRB Recommendation:	<p>Approval with four conditions as follows:</p> <ol style="list-style-type: none"> 1. <u>(Minimum) Setbacks for Phase IV-Attached Duplex</u> <ul style="list-style-type: none"> Front setback: 10 feet Side setback: 10 feet between buildings 0 feet from lot lines Waterfront setback: 40 feet from the mean high water line Jurisdictional wetland setback: <ul style="list-style-type: none"> As established within Southwest Florida Water Management District (SWFWMD) Permit No. 402491-04 approved March 14, 1991, buildings are not to encroach into the jurisdictional buffer line. 2. The Master Plan of Development for Phase IV of Pelican Village is hereby amended as depicted in Exhibit "A" with legal description, as attached hereto and made a part hereof by reference. 3. A copy of the SWFWMD Permit No. 402491-04 shall be submitted with the building permit application and the permit shall note that the reduced jurisdictional wetland setback shall only apply to Phase IV of the project based on the unique circumstances including the previously approved building footprint in relation to wetlands and the SWFWMD Permit as approved on March 14, 1991. 4. All other conditions of Ordinances 89-A72 and 90-A18 shall remain in full force and effect, except as herein amended.
Public Hearing:	July 23, 2002

She stated that the overall project was unique in that it contained a substantial area of jurisdictional wetland preservation and compensation areas as negotiated by the applicant with the SWFWMD in 1991. She added that the applicant made the request to amend the set back conditions for Phase IV to reflect the unique conditions that were determined by the SWFWMD permit for the subject property. She noted that the original footprint of Phase IV within Pelican Cove Section II delineated three four-plex buildings, whereby the applicant was now proposing three duplexes, which would be a reduction of six units for the specified area. She advised that the proposal was consistent with the COMP, was in accordance with the 1991 SWFWMD Permit, required no change to density, and would not impact existing levels of service for water, sewer, traffic, solid waste, drainage, or recreation. She read the conditions into the record.

Mr. Eyster representing the applicant made brief comments and distributed a picture showing the proposed buildings (filed with the Clerk's agenda).

The Chairman opened the public workshop for public comment, and asked for anyone to speak in favor, then opposed. With no public comment, the Chairman closed

the public portion of the public workshop.(1-3724/2:52

P.M.)

#2-P **QUASI-JUDICIAL PROCEEDINGS**

Mrs. Slingerland made opening statements regarding the proposed ordinance.

The Chairman opened the public portion of the public hearing and asked for anyone to speak in favor.

Mr. Conant stated he was in favor of the procedure as presented. Mrs. Slingerland replied to Mr. Conant's questions by stating that if the ordinance was adopted, ex parte communications would be considered non-prejudicial; however, that would not change the legal staff's view or recommendation to the Board that ex parte communications were not advisable. She added that if a communication should occur, the burden was shifted to the party saying that the communication was prejudicial. Mr. Conant believed that educating the citizens was going to be important and necessary.

The Chairman then asked for anyone to speak in opposition.

Mrs. Valentino expressed her concern with citizens not being able to represent themselves, the citizens not understanding the procedure, the need for education, etc.

With no further public comment, the Chairman closed the public portion of the public hearing.

Mrs. Slingerland stated the courts felt that public access and not having ex parte communications protected all parties involved because they would get a fair and impartial decision-maker. She added that the public would still be able to speak at the hearings, and would be very important to the quasi-judicial proceedings, especially when evidence or information was brought before the Board.

Commissioner Phillips explained that the proposed ordinance would put a formal procedure in place, and that the quasi-judicial procedure and ex parte communications was something she had operated under since she became Commissioner. She expressed concern with Section 2-53 Ex parte communication; presumptions, which stated that you could have oral communication, written communication, investigations and site visits as long as they were disclosed. She explained that although the ordinance looked as though ex parte communications were allowed, the case law still existed and prohibited them. She added that if the ordinance was adopted the public must be educated on the process.

Mr. Battista explained that in 1995, the Florida Supreme Court changed land use decisions from a legislative act to a quasi-judicial act and then the issue of ex parte communications came into effect. He added that the Board had observed this act since 1995, that this was not a unique process, that many hours had been spent on the procedure, etc. He advised that handouts would be available to the public, a workshop would be completed with the PDRB, and amendments could be added as needed.

Commissioner Phillips stated that she appreciated staff's efforts and believed this was a workable procedure.

Commissioner Bartell stated that it was important to know that the law had not changed, but standards had been set up so that every application could be handled the same way. He suggested holding scenarios and workshops with key civic leaders in order to educate them on the procedure. He also suggested the Board being notified at the PDRB level that a quasi-judicial application was coming forward. He requested that Section 2-49 (c) be changed to have public input at the beginning of the meeting also.

Mr. Battista explained that the procedure, if adopted, would exist all the time but would generate the quasi-judicial type hearing only if a party came forward as an independent expert or party in opposition.

Discussion continued regarding the oath that the Commissioners took, the Board being polled at the beginning of the hearing about communications that would need to be disclosed, handouts and information provided to the public at the application stage, all information brought forward earlier in the process so that the Board could review it, educating the public, legal staff possibly visiting the Editorial Boards, the procedures followed at the Hall's River Retreat hearing, etc.

Upon motion by Commissioner Phillips, seconded by Commissioner Bartell, and carried unanimously, the Board adopted and authorized the Chairman to sign an ordinance to amend Chapter 2, of the Citrus County Code, Article II, by adding Division 3 entitled "Quasi-Judicial Proceedings" with the amendment to paragraph 2-49 (c) as follows: "Members of the public wishing to speak at the beginning end of a board of county commissioners meeting...". **ORDINANCE NO. 2002-A18** (II-2361/3:54 P.M.)

The Chairman recessed the meeting and reconvened at 4:06 P.M.

#2-Q **MICHAEL R. GOLDSTEIN OF GUNSTER YOAKLEY, ATTORNEYS AT LAW, OBO WAL-MART STORES EAST, INC.**

Mr. Maidhof stated that Mr. Goldstein on behalf of Wal-Mart Stores East, Inc., was requesting a designation as a "Brownfield Site" for the purpose of rehabilitation and redevelopment in order to qualify for federal and state assistance. He explained that Brownfields were industrial or commercial properties that were abandoned, idled, or underused where redevelopment was complicated by actual or perceived environmental contamination. He added that in 1997 Florida enacted legislation to encourage the clean up and redevelopment of Brownfield properties in the "Brownfield Redevelopment Act". He added that no local assistance or incentives had been requested other than to help facilitate this procedure. He advised that the property was formerly the Carroll Contracting/Sunshine Material site which was purchased by Wal-Mart in 1999. He explained that Wal-Mart had submitted a Contamination Assessment Plan to the Florida Department of Environmental Protection (FDEP) in December of 2000, FDEP approved that plan in February 2001, and then Wal-Mart utilized a Site Assessment Report in August

2001. He read the resolution title into the record and reviewed the public notices that had occurred.

Mr. Maidhof stated that staff had reviewed the requirements for Brownfield Area designation as specified in Florida Statute Section 376.80(2)(b), and read the criteria into the record as follows:

1. Wal-Mart Stores East, Inc. must agree to rehabilitate and redevelop the Brownfield Site.
2. The rehabilitation and redevelopment of the proposed Brownfield Site would result in economic productivity of the area, along with the creation of at least 10 permanent jobs.
3. The redevelopment of the proposed Brownfield Site would be consistent with the COMP and would be permissible under the LDC regulations.
4. Notice of the proposed rehabilitation of the Brownfield Site had been provided to neighbors and nearby residents, and the opportunity for comments and suggestions about rehabilitation by those receiving notice had been provided.
5. Wal-Mart Stores East, Inc., must provide reasonable assurance that it had sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment plan.

Mr. Maidhof replied to the Chairman's question by stating that the property owner was responsible for the clean up, and FDEP would provide the oversight that the cleanup was done to their satisfaction.

Mr. Maidhof explained that staff was making a recommendation to the Board that the site met the definition of a Brownfield and the designation was appropriate. He replied to Commissioner Bartell that staff was ratifying what a state agency, FDEP, scientifically had already proved.

Discussion continued regarding the commitment of the applicant to clean up the property, that the cleanup could occur during the redevelopment, FDEP overseeing the cleanup process, responses from owners within 500 feet, the applicant being subject to penalties from the FDEP if the property was not cleaned correctly, etc.

Mr. Goldstein explained that the federal, state and local environmental statutes allowed the cleanup process to occur simultaneously with the development, redevelopment, or the day to day operations notwithstanding the Brownfield designation. He advised that if Wal-Mart did not comply with the obligations and the rehabilitation agreement, they would lose the liability limitation protection under the Brownfield Program and the tax incentives, and would become subject to environmental enforcement. He stated that the Brownfield designation did not provide less environmental protection; however, it was an expediting of the process and an ability to negotiate up front the responsibilities of the redeveloper. He reiterated that the FDEP would oversee the process from beginning to end.

Mr. Goldstein replied to the Chairman's question by stating if during the cleanup process the levels of contaminants in the monitoring wells increased, the FDEP would notify Wal-Mart that the cleanup proposal needed to be revisited. He added that if contaminants were found after receiving the certification from FDEP, the process would be

reopened until the levels had decreased below what was acceptable. He stated that all of the environmental data that had been developed for Wal-Mart was submitted to the FDEP and was public record. He agreed to provide copies to the County of results of the monitoring plan that would be submitted to the FDEP.

Mr. Goldstein remarked that Wal-Mart was completing their assessment now and once the FDEP agreed with that assessment, a mediation plan would be put together. He added that he could not tell the Board what type of mediation would occur or what the timeline would be because the FDEP hadn't agreed that they were at the process where that could be discussed.

The Chairman opened the public portion of the public hearing and asked for anyone to speak in favor.

Frank Yetner, Vice-President of Keep Citrus County Beautiful, spoke in favor, and stated that the property currently was an eyesore and the pollutants needed to be cleaned up.

The Chairman then asked for anyone to speak in opposition.

Jim Bitter spoke in opposition due to the Board not knowing anything about the Brownfield designation. He added that even if the site wasn't designated a Brownfield, Wal-Mart would clean it up because they were morally and legally responsible. He was against Wal-Mart looking for tax dollars to pay for the work that they were responsible for doing themselves.

Janet Masaoy agreed with Mr. Bitter and stated that it was Wal-Mart's responsibility to clean up the contamination.

With no further public comment, the Chairman closed the public portion of the public hearing.

Commissioner Bartell explained that he had a problem with the County being the designee for this particular site fitting the criteria for a Brownfield. He recommended getting information from FDEP before the resolution was approved. He added that he had not seen any information to make the determination that this property was a Brownfield.

Mr. Goldstein advised the Board that Wal-Mart had already committed substantial resources to assessing the extent of the contamination on the site. He submitted a copy of the Site Assessment Report dated January 31, 2001 and an Addendum to the Site Assessment Report dated April 10, 2002 (filed with the Clerk's agenda). He explained that the application did not seek any tax dollars from the County and a letter was submitted promising that Wal-Mart would not seek local tax dollars for cleanup. He reviewed the statutory criteria stated in the proposed resolution and assured that Wal-Mart had complied to that criteria.

Commissioners' Batchelor and Wooten agreed that the property needed to be cleaned up, that this was an opportunity to get the cleanup started and help the environment, and supported designating the property a Brownfield site.

Motion by Commissioner Wooten, seconded by Commissioner Batchelor, to approve and authorize the Chairman to sign a resolution designating 2461 East Gulf to Lake Highway, being Parcel 11000, located in Section 10, Township 19 South, Range 19 East, (fka Sunshine Material, Inc. facility), as a Brownfield area within unincorporated Citrus County for the purpose of environmental rehabilitation and economic development

Discussion ensued regarding the role of the FDEP, the County being required to designate the site as a Brownfield, the information not provided to the Board, the cleanup being in compliance within 12-24 months, FDEP acknowledging the contamination on the site, other properties that might need to be designated a Brownfield, etc.

Mr. Maidhof explained that the FDEP criteria for identifying contamination, facilitating cleanup, monitoring that cleanup, and confirming it had been done was standard no matter if the site was a Brownfield site or any other site. He stated that the Brownfield Program was to establish an incentive to both local governments and to the private sector to bring about those cleanups in a faster fashion, and was a program that had great potential in the County. He advised that the reason the backup was not provided was that this was FDEP's responsibility and he didn't want to confuse the issue. He added that the intent was to allow Wal-Mart to utilize this process, and if the Board wanted local monitoring and assurance that the process was being done correctly, he could make it a part of the development permit.

Commissioner Fowler agreed with Mr. Maidhof's suggestion. He stated that he would support the motion because the property needed to be cleaned up; however, thought the Brownfield designation should have been applied for prior to the purchasing of the property.

The Chairman called a question on the motion. Motion carried. Voting Aye: Commissioners' Batchelor, Fowler and Wooten. Voting Nay: Commissioners' Bartell and Phillips. RESOLUTION NO. 2002-140 (III-1384/5:10 P.M.)

The Chairman recessed the meeting and reconvened at 5:25 P.M.

#2-R **PRESENTATION - CITRUS COUNTY TRANSIT SYSTEM**
The Chairman announced that this item would be rescheduled for a future date.

#2-S **2002 LIMEROCK ROAD PAVING PROGRAM (LLRPP)**
Mr. Saunders advised that this year's LLRPP included 18 roads, totaling 4.45 miles of paving and would benefit 765 property owners. He read the titles to the resolutions into the record. He also read the list of roads that would be paved as follows:

Street Name	Street Name
South Alligator Place	West Larchwood Street
West Bavarian Street	East Marcia Street
East Bennett Street	East Mimosa Lane
South Elm Avenue	West Misty Rose Street
South Elmhurst Point	East Rogers Street
North Elwyn Point	East Rosehill Drive
East Johnson Place	North Silverbell Terrace
South Kings Avenue	East Smoketree Place
West La Parade Loop	West Southern Street

The Chairman opened the public hearing, and asked for anyone to speak in opposition.

Ruth Wedeman stated that she did not object to paving the road, but questioned why only a portion of her lot would be paved on West La Parade Loop.

Jenni Gail Adams, Land Section Chief, explained that Ms. Wedeman's lot extended 20 feet into a right of way, which was previously solicited for approval from the three property owners; however, two of the property owners voted against paving that portion of the road. She added that the original petition stopped short of her lot, and that Ms. Wedeman was notified after the first public hearing.

Commissioner Bartell further explained that the original request was to pave only a segment of the road, and at the last workshop, there was another request to pave the remainder of the road, but that the requests were reviewed separately, rather than collectively.

The Chairman questioned the road paving process and stated that he thought the petition would include the entire road. Mrs. Adams replied that it was the petitioner's decision as to how much of the road to pave. She noted that the two property owners who were opposed to paving the road faced West Miss Maggie Drive and were already adjacent to a paved right of way. She reported that out of the twelve properties adjacent to the right of way, there were four "no" votes and seven "yes" votes, which was a majority for paving all of the right of way, but that the petitions were submitted separately.

Commissioner Phillips pointed out that this whole issue could have been avoided if the policy to petition road paving included the entire road, and not just a portion. Ms. Adams replied that it would require a change to the Administrative Regulation.

Mr. Saunders advised that the 20-foot right of way could be paved at Ms. Wedeman's expense, and that an apron could be added to protect the pavement that was already there at no extra cost.

Ms. Wedeman stated that she was willing to pay for paving the 20-foot right of way, but that it would not solve the problem of dirt blowing onto her property from the portion that was not paved.

Ms. Adams stated that the section of the street that would not be paved was approximately 125 feet deep and would cost \$3.75 a foot to pave. Commissioners' Fowler and Wooten stated that the entire road should be paved.

Commissioner Phillips expressed concern that the Board would be setting a precedent by paving the additional segment of the road, and not assessing the property owners. She agreed that the entire road should be paved, but that in fairness to all the property owners, she felt West La Parade Loop should go back through the road paving process.

Discussion ensued regarding the issue of fairness, maintenance problems of the unpaved portion of the road costing taxpayers more than paving, deviating from the road paving process, oversight in the road paving petitioning process, paving the remaining section of the road, ensuring that this problem never happened again, there being no direct benefit to the property owners of the remaining segment of road, etc.

Motion by Commissioner Wooten, to approve paving the remaining segment of West La Parade Loop, due to there being no direct benefit to the property owners facing West Miss Maggie Drive.

Mr. Saunders interjected that there was \$125,000 in the Capital Improvement Projects (CIP) fund to be used in situations such as this.

Amended Motion by Commissioner Wooten, seconded by Commissioner Bartell, to approve paving the remaining segment of West La Parade Loop, utilizing CIP funds, due to there being no direct benefit to the property owners facing West Miss Maggie Drive.

Commissioner Bartell suggested that the motion include that due to extenuating circumstances, a precedent would not be set, and that the other property owners would receive no direct benefit from the paved road except for increased property value.

Amended Motion by Commissioner Wooten, seconded by Commissioner Bartell, to approve paving the remaining segment of West La Parade Loop utilizing CIP funds, due to there being no direct benefit to the property owners facing West Miss Maggie Drive, and extenuating circumstances.

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

At the Chairman's request, Mr. Saunders read the list of roads again, omitting West La Parade Loop.

With no further public comment, the Chairman closed the public portion of the public hearing.

Upon motion by Commissioner Wooten, seconded by Commissioner Bartell, and carried unanimously, the Board adopted and authorized the Chairman to sign a resolution relating to the 2002 Limerock Road Paving Program, confirming and adopting the assessment roll for said project; establishing August 31, 2002 as the date upon which special assessments shall become due and payable; and establishing an interest rate of 6% per annum plus an administrative fee of 4% per annum for installment payments. **RESOLUTION NO. 2002-141**

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board adopted and authorized the Chairman to sign a resolution adopting and certifying a non-ad valorem assessment roll for the 2002 Limerock Road Paving Program pursuant to Section 197.3632, Florida Statutes, and providing an effective date. **RESOLUTION NO. 2002-142**

There being no other business to come before the Board, the Chairman adjourned the meeting. (III-2613/5:50 P.M.)

ATTEST: _____, Clerk _____, Chairman