

The Board of County Commissioners met in special session on the above date for the purpose of conducting regular business. Commissioner Wooten led in the Invocation and the Pledge of Allegiance to the United States' Flag. The meeting was called to order by the Clerk of the Circuit Court.

Commissioners:	Roger Batchelor, District I; Gary Bartell, District II; Vicki Phillips, District III; Jim Fowler, District IV ; and Josh Wooten, District V
Attorney:	Robert B. Battista
Administrator:	Richard Wm. Wesch
Clerks:	Betty Strifler, Clerk; Theresa Steelfox and Glenda Brown, Deputy Clerks

#1- **REORGANIZATION**

#1-B **OATH OF OFFICE**

Betty Strifler, Clerk of the Circuit Court and Clerk to the Board of County Commissioners, administered the Oath of Office to Commissioners-Elect Jim Fowler, District IV and Gary Bartell, District II. (1-91/1:04 P.M.)

#1-C **SELECTION OF CHAIRMAN**

The Clerk called for nominations for Chairman of the Board. Commissioner Phillips nominated Commissioner Bartell and Commissioner Wooten nominated Commissioner Fowler.

Upon motion by Commissioner Batchelor, seconded by Commissioner Phillips, and carried unanimously, the Board ceased nominations.

The Commissioners proceeded to vote as follows:

<i>Nominee:</i>	<i>Vote cast by:</i>
Commissioner Bartell	Commissioners' Bartell and Phillips
Commissioner Fowler	Commissioners' Batchelor, Fowler, and Wooten

Commissioner Fowler was chosen as Chairman by majority vote.

#1-D **SELECTION OF FIRST VICE-CHAIRMAN**

The Chairman called for nominations for First Vice-Chairman. Commissioner Phillips nominated Commissioner Bartell.

Upon motion by Commissioner Batchelor, seconded by Commissioner Phillips, and carried unanimously, the Board ceased nominations.

Commissioner Bartell, by unanimous acclamation, was chosen as First Vice-Chairman.

#1-E SELECTION OF SECOND VICE-CHAIRMAN

The Chairman called for nominations for Second Vice-Chairman. Commissioner Batchelor nominated Commissioner Wooten and Commissioner Bartell nominated Commissioner Phillips.

Upon motion by Commissioner Batchelor, seconded by Commissioner Bartell, and carried unanimously, the Board ceased nominations.

Nominee:	Vote cast by:
Commissioner Phillips	Commissioners' Bartell and Phillips
Commissioner Wooten	Commissioners' Batchelor, Fowler, and Wooten

Commissioner Wooten was chosen as Second Vice-Chairman by majority vote.

(I-245/1:09 P.M.)

#1-F MEETING DAYS AND TIMES; BOARD SEAL

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board set regular meeting days, times and place; and adopted the Board Seal used during the previous year as the official Board of County Commissioners of Citrus County seal. (Clerk's note: Board Administration to prepare a schedule of meetings for Board approval on a future agenda).

#1-G SALARIES, MILEAGE, TRAVEL

Upon motion by Commissioner Phillips, seconded by Commissioner Batchelor, and carried unanimously, the Board set Board salaries as provided by Florida Statutes; set out-of-county mileage at 29 cents per mile; set in-county travel at \$100 per month per Commissioner, with the Chairman to receive an additional \$50 per month.

#1-H SIGNATURE CARDS AND COUNTY WARRANTS

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board authorized the Chairman, Vice Chairmen, and the County Clerk to sign bank signature cards and county warrants for all Board accounts.

#1-I NEWSPAPER OF RECORD


Mr. Wesch stated that the submitted proposals were rated on circulation, advertising costs, and subscription costs. He advised that based on those factors, staff recommended the Citrus County Chronicle.

Upon motion by Commissioner Bartell, seconded by Commissioner Wooten, and carried unanimously, the Board selected the Citrus County Chronicle as the official newspaper for publication of Board notices, and to be designated to publish delinquent tax sale notices and other legal advertising of the Board.

(I-332/1:12 P.M.)

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

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

 Lee Cloward welcomed the triumvirate Commissioners, and stated that the voters had spoken and there would be at least two more years of three-two votes.

#3- **CONSENT AGENDA**

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board pulled Item #3-L (Florida Film Commission Local Contact) to be brought back at a later date, and approved the balance of the Consent Agenda, as follows:

#3-A There were no minutes for Board approval.

#3-B Approved the following warrants: Payroll registers dated 11/13/02 at \$433,876.89 and dated 11/14/02 at \$31,497.34. Accounts Payable register dated 11/18/02 at \$2,580,350.85.

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

RESOLUTION NO. 2002-262

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE CRYSTAL RIVER AIRPORT EXTEND ROADWAY BUDGET FOR FISCAL YEAR 2002/2003

WHEREAS, on October 8, 2002 the Citrus County Board of County Commissioners executed a Joint Participation Agreement with the State of Florida Department of Transportation; and

WHEREAS, on October 29, 2002 the State of Florida Department of Transportation executed the agreement providing funds to extend Airport Road at the Crystal River 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 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 19th day of November 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

<i>EXHIBIT "A"</i>			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
<i>Revenues</i>	060-334-410	State Grant – Airport Development	200,000
	060-381-001	Transfer from General Fund	50,000
		Total Revenues	\$250,000

<u>Expenditures</u>	060-5773-53100	Professional Services	50,000
	060-5773-56300	Improvements other than Buildings	200,000
		Total Expenditures	\$250,000

RESOLUTION NO. 2002-263

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE INVERNESS AIRPORT SPRAY FIELD RELOCATION BUDGET FOR FISCAL YEAR 2002/2003

WHEREAS, on October 8, 2002 the Citrus County Board of County Commissioners executed a Joint Participation Agreement with the State of Florida Department of Transportation; and

WHEREAS, on October 29, 2002 the State of Florida Department of Transportation executed the agreement providing funds to relocate the spray fields at the Inverness Airport; and

WHEREAS, a portion of the cash match is available in the current fiscal year and the remainder will be budgeted in the next fiscal year; 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 19th day of November 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>	063-334-410	State Grant – Airport Development	312,000
	063-381-001	Transfer from General Fund	78,000
		Total Revenues	\$390,000
<u>Expenditures</u>	063-5774-53100	Professional Services	100,000
	063-5774-56300	Improvements other than Buildings	290,000
		Total Expenditures	\$390,000

RESOLUTION NO. 2002-264

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE CRYSTAL RIVER AIRPORT PARKING APRON BUDGET FOR FISCAL YEAR 2002/2003

WHEREAS, on October 8, 2002 the Citrus County Board of County Commissioners executed a Joint Participation Agreement with the State of Florida Department of Transportation; and

WHEREAS, on October 29, 2002 the State of Florida Department of Transportation executed the agreement providing funds to construct a parking apron at the Crystal River 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 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 19th day of November 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>	069-334-410	State Grant – Airport Development	320,000
	069-381-001	Transfer from General Fund	80,000
		Total Revenues	\$400,000
<u>Expenditures</u>	069-5775-53100	Professional Services	40,000
	069-5775-56300	Improvements other than Buildings	360,000
		Total Expenditures	\$400,000

RESOLUTION NO. 2002-265

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE FLORIDA GAS REFORESTATION COMPENSATION BUDGET FOR FY 2002/2003

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 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 19th day of November 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>		Cash Carry Forward	\$3,000
<u>Expenditures</u>	008-5765-55200	Operating Supplies	\$3,000

#3-D Approved the following budget transfers: **HSD/SHIP:** \$743 from #133A-5304A-54926, \$15,000 from #-54927, and \$60,000 from #-58201 to #-54928. **CITRUS SPRINGS MSBU:** \$1,875 from #730-8200-53400 to #-56300 and \$1,000 from #-55100, and \$1,105 from #-56400 to #-56200.

#3-E Approved and authorized the Chairman to sign Satisfactions of Judgment for Michael J. Nelson, Case No. 2002-1924-MM; Raymond G. Bell, Case No. 2002-2484-MM; and Jeffrey Walker Weaver, Case No. 1986-114-MM.

#3-F Approved and authorized the Chairman to sign Records Disposition Document No. 372 (Traffic/Misdemeanor), No. 377 (Juvenile), and No. 378 (Felony) for disposition of records that had met their assigned retention standards and were ready for destruction.

#3-G Approved and authorized the Chairman to sign a Release of Lien for a special assessment that had been paid in full: Resolution No. 2001-149, 2001-186, and 2001-229: William O. Sr., and Nancy S. Madison, AK #2621737, and Ida Pauline Carter, AK #2390778.

#3-H Accepted the completed Supervisor of Elections / Coca Cola Building Project, and approved release of retainage at \$1,607.50 to Charles Couture Roofing.

#3-I Accepted the completed Roadway Resurfacing Project, and approved final payment at \$13,676.99 and release of retainage at \$29,897.29 to Pave Rite, Inc.

#3-J Authorized staff to negotiate and purchase property from Sandra Eastwood for a lift station site and future expansion of the Chassahowitzka Water Quality Project at a purchase price not to exceed \$3,000 and closing costs not to exceed \$500.

#3-K Approved and authorized the Chairman to sign Modification #2 to the Flood Mitigation Assistance Agreement #02FM-39-05-19-15-011 with the Florida Department of Community Affairs (FDCA), Division of Emergency Management, extending the completion date to June 30, 2003.

#3-M 1) Adopted and authorized the Chairman to sign a Resolution to ensure the County's obligation for co-payment of its statutory share for environmental site

rehabilitation at the Lecanto Fuel Site, and **2)** approved and authorized the Chairman to sign the Agreement for Petroleum Cleanup Participation Program with the Florida Department of Environmental Protection (FDEP) for continuation of the site cleanup at the Lecanto Fuel Site. **RESOLUTION NO. 2002-266**

#3-N Approved the request by the Director of Museum Services and coordinators of the Old Courthouse Heritage Museum for use of property and equipment at the Courthouse Square on Thursday, September 11, 2003, to celebrate America's Freedoms: A Day of Remembrance.

#3-O Approved and authorized the Chairman to sign an agreement with the Citrus County Fair Association, Inc., for a booth to distribute information of services provided to the public by the Board of County Commissioner's during the week of the Fair, March 17 - 22, 2003.

#3-P Approved and authorized the Chairman to sign Task Authorization No. 4 to Master Agreement for Solid Waste Engineering, Planning and Environmental Services with SCS Engineers in an amount not to exceed \$17,500 for landfill gas monitoring services through calendar year 2003.

#3-Q Approved travel arrangements for the County Administrator to attend the 2003 Florida Association of Counties (FAC) Legislative Conference December 4 - 6, 2002, in Walton County.

#3-R Awarded a plaque to Robert Pippin, a retired member of the Construction Licensing and Appeals Board, who served from January 1996 to November 2002, and authorized staff to forward the plaque to Mr. Pippin in Ludington, Michigan.

#3-S Approved and authorized the Chairman to sign an Indemnity Agreement with the Floral City Heritage Council to allow for the placement of temporary signs, barricades, and luminaries in the rights-of-way for the upcoming Floral City Heritage Days, December 6 and 7, 2002.

#3-T Approved and authorized the Chairman to sign an Indemnity Agreement with Unity of Citrus County, Inc., for the installation of a 6" waterline in the County right-of-way known as Woodview Lane.

#3-U Approved and authorized the Chairman to sign a Customer Service Support Agreement with Call Processing Systems, Inc., and approved the following budget transfer: \$6,537 from #066-3445-247-200 to #-54615.

#3-V Approved staff recommendation for ranking and submittal of the Southwest Florida Water Management District 2004 Cooperative Funding Application Forms as outlined below:

1. Florida Yards & Neighbors	5. Sediment Removal
2. Water Quality Monitoring	6. Moccasin Slough

a. Coastal Region b. Tsala Apopka Lake Chain	
3. Topographic aerial Mapping – Citrus County	7. Feasibility Study (Maint. Dredging Conveyance Canals)
4. Davis Lake	8. Morrison Pool

#3-W Approved and authorized the Chairman to sign a Danka Equipment Maintenance Agreement for a Minolta SF3000 copy machine located in the Human Resources Office at \$64.78 monthly from October 1, 2002, to September 30, 2003.

#3-X Set a public hearing on December 10, 2002, at 3:00 P.M. in the Masonic Building, 3rd Floor, 111 West Main Street, Inverness on an ordinance amending the Citrus County Code, Chapter 30, Article II, entitled "Emergency Management".

#3-Y 1) Approved and authorized the Chairman to sign a General Release concerning a 2001 vehicle accident involving a school bus and a fire truck, and 2) acknowledged receipt of \$19,908 from the School Board, which was compensation of 80% of the County's repair cost for the fire truck.

#3-Z Approved and authorized all Commissioners to sign Public Official Bonds for Commissioners' Bartell and Fowler.

#3-AA Approved the following Bid Committee Report: 1) ITB No. 048-03, HSD, home repairs, awarded FTB 02-021 at the base bid plus alternate bid at \$11,648 to Donle Enterprises as the lowest bidder, and RHB 2002-022 at the base bid plus the alternate bid 2 at \$13,345 to John W. Clark as the lowest bidder; 2) Bid Waiver Request, SSD software, waived bid procedures for the purchase of Silver Penny Software at \$10,655; which would separate billing and track meals between CCE, MSWP, C1, and C2; and 3 & 4) Piggyback Request, DDS & RMD, purchase of replacement copier, approved piggybacking the University of Florida's State Contract with Lanier Worldwide, Inc., for the purchase of Lanier Copiers, Model LD075 at \$14,409 and Model LD060 at \$10,379. (I-398/1:14 P.M.)

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

#6-A **FLORIDA WATER SERVICES (FWS) UTILITY SYSTEM**

Mr. Wesch stated that at a recent meeting, the Board authorized staff to begin a dispute resolution process as contained in Florida Statute Chapter 164 with the Cities of Gulf Breeze and Milton (Cities) in regard to the proposed sale of the FWS Utility System. He added that the purpose of the dispute resolution was to determine if certain criteria could be agreed upon regarding said sale to render it acceptable to the County. He reviewed and requested approval of the eleven conditions identified by staff as the minimum criteria to be agreed upon and adhered to by the Cities.

Upon motion by Commissioner Fowler, seconded by Commissioner Bartell, and carried unanimously, the Board approved the eleven minimum conditions to commence Florida Statutes Chapter 164 Dispute Resolution discussions with the Cities of Gulf Breeze and Milton. (I-449/1:15 P.M.)

#6-B FWS UTILITY ASSETS

Mr. Wesch requested Board direction on the course of action concerning FWS assets, and the need to decide whether the County should participate with the Florida Governmental Utility Authority (FGUA) in a future acquisition of the FWS assets by the deadline date of December 2, 2002. He referred to an analysis prepared by Robert Knight, Director of Utility Regulation, which evaluated the alternatives of the FGUA acquisition or acquisition by eminent domain. He advised that Mr. Knight indicated that the acquisition by the FGUA would be far more cost effective. He recommended that the Board adopt a resolution opting into the FGUA acquisition subject to a modified Interlocal Agreement with the FGUA to allow the County's Utility Rate Authority Board to have local rate regulation over any system located within Citrus County.

Motion by Commissioner Fowler, seconded by Commissioner Batchelor, to endorse the acquisition of Florida Water Services assets by the Florida Governmental Utility Authority (FGUA) by the deadline date of December 2, 2002, conditional upon appropriate modification of the Interlocal Agreement with the FGUA to allow for local rate regulation.

Commissioner Bartell agreed that the acquisition by the FGUA would be more beneficial to the users of the service; however, was concerned that this action might be premature due to there not being a willing seller already under contract. He questioned if the contract with Florida Water Services Authority (FWSA) took place and this Board had endorsed the FGUA, would that show bias by the County and give legal reason for the FWSA to back out of Condition No. 1 ("FWSA will consent to regulation by the Citrus County Water and Wastewater Authority Board with rate determination based upon system cost within the County"), previously approved under Item 6-A?

Mr. Battista concurred that the endorsement of the FGUA acquisition could cause the FWSA to question if the endorsement was predetermined; however, it did not seem to be a legal infirmity.

Mr. Wesch replied to Commissioner Bartell's question by stating that it was the FGUA's position, that should the FWSA acquisition fail, the FGUA as the only other offer would be in a position to close the transaction in a short period of time. He advised that the FGUA wanted a commitment of the jurisdictions by the December 2, 2002, deadline. He added that the Board was asking the FWSA to adhere to the same conditions that the FGUA would have to adhere to.

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

(I-833/1:27 P.M.)

#6-C 2003 LEGISLATIVE ISSUES

Mr. Wesch made brief comments regarding the following 2003 Legislative Policy Statement issues, which were submitted by the Departments and Office Directors:

Funding Requests

- Homosassa Area Wastewater Collection System Project Funding
- Chassahowitzka Area Water Distribution System Project
- Funding for Recycling and Education, Litter and Marine Debris Prevention, and Waste Tire Programs
- Creation of a dedicated funding source for Surface Water Body Restoration
- Creation of a dedicated funding source for Aquatic Plant Control Programs
- Funding of public libraries and public library construction grants
- Historic Hernando School

Environmental Enhancement

- Citrus County Reclaimed Water System - Phase 1
- Lake Tsala Apopka Restoration Project and Council - Expediting Minimum Flow Study

Support Services

- Medicaid County Billing

Legal

- Florida Association of County Engineers and Road Supervisors (FACERS)
No mandatory road acceptance

Article V

- Funding for State Attorney and Public Defender as well as Court related costs

Public Safety

- Mental Health Crisis

The Commissioners suggested the addition of the following items: the Indian Waters Wastewater Project, the South Dunnellon Water System, more emphasis for the Legislative Delegation to accept their responsibility for Revision 7 of Article V in order to relieve local governments from the financial responsibility, and additional verbiage to encourage the legislature not to shift the cost of the Medicaid County Billing from the state to the local level.

Mr. Wesch replied to Commissioner Phillips' question by stating that the Legislative Delegation's Policies and Procedures required the Board's official legislative issues to be adopted via public notice meeting; however, did not prevent any individual commissioner or the Board to bring forth additional issues at a subsequent date.

Upon motion by Commissioner Batchelor, seconded by Commissioner Wooten, and carried unanimously, the Board accepted the amended list of 2003 Legislative Policy Statement issues to be presented to the Legislative Delegation on Thursday, December 5, 2002. (I-1053/1:33 P.M.)

2-B **PRESENTATION OF PLAQUES - VETERANS SERVICE OFFICE**

Kenneth Thie, Department Service Officer from the Veterans of Foreign Wars, presented the "Service Office of the Year" award to J.J. Kenney, County Veterans Service

Officer, John Dudas, Assistant County Veterans Service Officer, and Virginia Lorenzi, Veterans Services Senior Secretary, of the Citrus County Veterans Service Office in recognition and appreciation of outstanding service to the veterans and their families.

Mr. Kenney acknowledged his staff and thanked the Commissioners and other County staff for all of their support. (I-1186/1:37 P.M.)

#7- **COMMISSIONER FOWLER, CHAIRMAN**

#7-A **TOURIST DEVELOPMENT COUNCIL**

Commissioner Batchelor nominated Shay Baranowski to fill a position on the Tourist Development Council for a term that would expire on July 31, 2005.

Upon motion by Commissioner Wooten, seconded by Commissioner Bartell, and carried unanimously, the Board ceased nominations.

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

#12-A **INDEMNITY AGREEMENT WITH JIM FOWLER ENTERPRISES, INC.**

Commissioner Fowler recused himself from this issue and left the meeting (Notice of Voting Conflict filed with the Clerk's Agenda).

Upon motion by Commissioner Batchelor, seconded by Commissioner Bartell, and carried unanimously, the Board approved and authorized the Chairman to sign an Indemnity Agreement with Jim Fowler Enterprises, Inc., for the installation of a sanitary sewer connection in the County right-of-way known as West Grover Cleveland Boulevard and South Ohio Avenue. (I-1258/1:38 P.M.)

Commissioner Fowler returned to the meeting.

#12-B **SOUTH DUNNELLON WATER SUPPLY ASSOCIATION (ASSOCIATION)**

Motion by Commissioner Bartell, seconded by Commissioner Wooten, to approve and authorize the Chairman to sign Amendment #1 to the Agreement dated October 8, 1985, with the South Dunnellon Water Supply Association to terminate water service upon notice by the County that wastewater bills were sufficiently delinquent, effective October 1, 2002.

Mr. Battista replied to Commissioner Wooten's question by explaining that the County provided the wastewater side of the water/wastewater provisions within the South Dunnellon area, and that before this amendment the Association collected both the water and wastewater bills. He advised that the Association requested that the County start collecting the wastewater bills; however, had agreed to turn off the water supply upon notice by the County that a wastewater payment became delinquent.

The Chairman called a question on the motion, and the motion carried unanimously. (I-1363/1:42 P.M.)

#2-C CERTIFICATE OF APPRECIATION - ANDREA K. KNUTSON

Upon motion by Commissioner Bartell, seconded by Commissioner Fowler, and carried unanimously, the Board approved and authorized all Commissioners to sign a Certificate of Appreciation to Andrea K. Knutson for ten years of loyal service.

The Chairman presented the certificate to Ms. Knutson and Joe Monroe, Housing Services Director, made brief comments regarding her dedication and service to the County. (I-1460/1:44 P.M.)

#13- EMERGENCY MATTERS NOT ON THE BOARD'S AGENDA**#13-A TIME WARNER ENTERTAINMENT COMPANY, L.P. VS. RON SCHULTZ**

Mr. Battista presented information regarding a final judgment in the case of Time Warner Entertainment Company, L.P. vs. Ron Schultz. He advised that the awarded cost was \$102,683.96, that he was not aware if the case would be appealed, and that there might be a future order awarding attorneys fees. He mentioned that there was a recently bankrupt cable company, which had ongoing litigation with the same issue, and they might seek costs and fees later.

Mr. Wesch stated that a memo would be going to Mr. Schultz asking for his comment on those matters and any budgetary impacts he or the Board might expect. He replied to the Commissioners' questions by stating the Board was ultimately responsible for those costs, and that staff was researching the County's insurance concerning this matter. (I-1619/1:49 P.M.)

The Chairman recessed the meeting and reconvened at 2:02 P.M.

#2-D 2002 SMALL SCALE CYCLE #5 AMENDMENT**CPA/AA-02-25, MICHAEL ROOKS FOR DONALD BALL**

Gary Maidhof, Director of Development Services (DDS), made brief comments, Mr. Battista polled the Board for ex parte communications, and each Commissioner replied that he/she had no previous communications concerning this item. He administered the oath to staff, applicants, agents, and witnesses who would provide testimony.

Ian McDonald, AICP, Senior Planner, Community Development Division (CDD) summarized the following staff report:

<i>Applicant Name/Number:</i>	CPA/AA-02-25, Michael Rooks for Donald Ball
<i>Land Use:</i>	Generalized Future Land Use Map (GFLUM): from Low Intensity Coastal & Lakes District (CL) to General Commercial District (GNC) and Land Development Code Atlas (LDCA): from Mixed Use District (MXU) to GNC.
<i>Property Data:</i>	6.73 ± acres of the 14 ± total acres in parcel 42400 generally located in the SE 1/4 of the NW 1/4 of Section 22, Township 19S, Range 17E.
<i>Staff/Planning Department Review Board (PDRB)</i>	Denial

Recommendation:	
Public Hearing:	December 17, 2002

He mentioned that staff requested the MXU designation remain on this parcel due to the site being problematic for development (rocky soil, high water table, A-11 flood zone, coastal high hazard area), and that the MXU designation allowed for a variety of commercial uses. He stated that the applicant had no plan of development proposed at this time, and currently there were no concurrency issues with the site. He advised that the high water table and fill required would create water quality issues, that lined stormwater ponds would be necessary due to the site being rocky, that there was an adequate amount of commercial property in the area, etc. He also advised that the front portion of the property had 800 feet of highway frontage on US-19 and was already designated commercial. He read the findings of fact into the record and stated that staff was recommending denial. He mentioned that staff had received two telephone calls from neighbors in the mobile home park, concerned about increasing the intensity on the site.

Mr. Rooks stated that Mr. Ball had owned the property for a long time, and was concerned with the MXU designation and the possible down zoning changes that would affect him. He distributed a zoning map, a site plan, and an aerial map (filed with the Clerk's agenda), showing the land use designations surrounding the applicant's property. He said the proposed change would make this property compatible to the surrounding properties. He added that there were no environmental constraints or wetlands on site, that it was an easily developable site, etc. He commented that staff would have the same concerns regarding the amount of fill and drainage retention required no matter what type of development was on this property.

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

Commissioner Bartell stated that he had some questions of staff and the Chairman reopened the public hearing.

Mr. McDonald replied to Commissioner Bartell's questions by stating that this application was for the back portion of the parcel, which had access through the front portion fronting US-19, and that access was not an issue. He stated that a small-scale commercial project such as a medical office, a professional office, or a small restaurant could be put on an MXU designated land use as amended. He added that the MXU portion could also be used as part of a parking lot or stormwater retention. He advised that this was a small-scale amendment of the Comprehensive Plan (COMP) and would be transmitted to FDCA.

Commissioner Bartell expressed concern with staff's decision to deny this application when staff had approved the Hall's River Retreat Project, which had many similarities. He added that there were many issues being cited according to the COMP and many policies recommending denial in this application; however, staff recommended approval on a more environmentally sensitive project under MXU. Mr. Maidhof explained

that there were two distinct differences between this application and the Halls River Retreat Project: **1)** there was new MXU ordinance criteria within the Land Development Code (LDC), which tied it more distinctly to the underlying GFLUM land use; and **2)** this application was a COMP amendment and would be reviewed in regard to furtherance of the COMP. He added that the Hall's River Retreat Project was an LDCA amendment proposing a Planned Development Overlay (PDO) that was strictly done at the Atlas level and pursuant to the LDC criteria.

Commissioner Bartell agreed with the two differences stated by Mr. Maidhof; however, compared the other policies cited with the Hall's River Retreat Project. He asked staff why this particular application was recommended for denial when the same standards were approved on the Hall's River Retreat Project. Mr. McDonald stated that this application was increasing the intensity of the site in a sensitive area where staff preferred not to increase intensity.

Commissioner Bartell explained to the Chairman that he was trying to determine why this application was being denied when it had three sides of commercial or industrial designated land uses around it. He added that the policies being cited out of the COMP were not representing this application and if those conditions did exist, they should exist fairly and uniformly.

Commissioner Phillips read Policy 17.2.7: "The County shall guide future development to the most appropriate areas, as depicted on the GFLUM, specifically those with minimal environmental limitations and the availability of necessary services." She stated that currently the GFLUM designated this property as CL, which was low intensity, and if this application were approved, the designation of GNC would be for the most intense development. Mr. Maidhof concurred.

Mr. Rooks stated that there was high intensity development all around this parcel, that this was not a sensitive site from a wetland standpoint, and that this parcel would provide a large site for commercial development.

Mr. Maidhof stated that the public workshop could be closed at this point, and asked if the Board needed any additional information from staff. Commissioner Bartell asked staff to provide a full set of the PDRB minutes, and Commissioner Phillips asked for a list of uses that could be developed on MXU and GNC designated land uses.

(11-2633/2:24 P.M.)

#2-E 2002 EXEMPT CYCLE AMENDMENT - CPA-02-02, DDS

Mr. McDonald gave the staff report as follows:

Applicant Name/Number:	CPA-02-02, DDS
Description:	Update to the Capital Improvement Element from the 2001-2005 planning period to the current five-year planning period.
Staff PDRB Recommendation:	Approval
Transmittal Hearing:	December 10, 2002

He stated that this was an update to the Capital Improvement Element of the COMP and was exempt from the twice-yearly limitation on the text amendments. He further stated that the projects listed were only those projects that fostered the adopted levels of service in the COMP and the Aviation Element.

The Chairman opened the public workshop for public comment, and asked for anyone to speak in favor or in opposition. With no public comment, the Chairman closed the public portion of the public workshop. (II-2739/2:26 P.M.)

The Chairman recessed the meeting and reconvened at 2:37 P.M.

#2-F FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FIVE YEAR TENTATIVE WORK PROGRAM



Lee Royal, FDOT District Community Liaison Administrator, presented a draft of the FDOT Five Year Tentative Work Program for fiscal years 2003/04 through 2007/08 and a map (filed with the Clerk's agenda), noting some of the changes as follows:

PROJECT	CHANGE
Gospel Island Bridge Replacement	Moved construction to 2006
SR-200	Moved design from 2003 to 2005, added right-of-way to 2007
SR-44/Kensington	No change, but FDOT was looking at an alternate funding source that would fast-track the project
US-19 from CR-490 to CR-44	Resurfacing in 2005
US-19 from Green Acres to Jump Ct.	Added preliminary engineering to 2003, Design activities to start in 2004
US-19 from Fort Island Trail to NE 1st Terr.	Added preliminary engineering to 2003, Design activities to start in 2004
US-19 and SR-200 Right-Of-Way Reserve	Added right-of-way to 2008
CR-486 from Essex Ave. to N. Annapolis	Landscape project in 2004

She invited the Board and the public to the FDOT public hearings, which were scheduled for 5:00 P.M. to 7:00 P.M. December 3, 2002, at the District Office in Tampa, and 5:00 P.M. to 7:00 P.M. December 5, 2002, at the County Government Center in Brooksville.

Joanne Hurley, Community Relations Coordinator for Florida's Turnpike, distributed the Turnpike Enterprise, Tentative Work Program, FY 2003/04-2007/2008 (filed with the Clerk's agenda). She advised that there were funds tentatively identified for engineering and right-of-way of the Suncoast Parkway II Project in FY 2008.

The Commissioners requested Ms. Royal to look into the following issues:

-  The timing of the light or need for turn lanes at the intersection of SR-44 and CR-486;
-  The need for a traffic study at the intersection of SR-44 and CR-491 and SR-44 and CR-490 where traffic stacks up attempting to turn on;

- 🔊 A flashing beacon at SR-200 and US-491;
 - 🔊 Improvement and landscaping to the intersection of SR-200 and US-41 in Hernando;
 - 🔊 Through traffic in the extreme right hand lanes on Rock Crusher and SR-44, and SR-44 and CR-490; and
 - 🔊 Adjustment of the traffic light at the intersection of US-44 and Turkey Oak Dr.
- (II-208/2:56 P.M.)

#13-B **CRYSTAL RIVER CHRISTMAS PARADE**

Upon motion by Commissioner Bartell, seconded by Commissioner Phillips, and carried unanimously, the Board approved the request from the City of Crystal River to temporarily close a portion of CR-495 (Citrus Avenue) from Crystal Street to US-19 on December 7, 2002, from approximately 6:00 P.M. until 10:00 P.M. for the Crystal River Christmas Parade.

There being no other business to come before the Board, the Chairman adjourned the meeting.

(II-248/3:00 P.M.)

ATTEST: _____, Clerk _____, Chairman