

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

Commissioners: Vicki Phillips, Chairman; Brad Thorpe, First Vice Chairman; Roger Batchelor, Second Vice Chairman; Jim Fowler and Gary Bartell
Attorneys: Larry M. Haag; Richard W. Wesch, Assistant
Administrator: Gary Kuhl
Clerk: Joanne B. Mishou and Elicia Kuhl, Deputy Clerks

#3- **CONSENT AGENDA**

Upon motion by Commissioner Fowler, seconded by Commissioner Batchelor, and unanimously carried, the Board voted to approve the Consent Agenda:

#3-A Approve the minutes of the regular meeting held on April 6, 1999.

#3-B Approve general warrants dated 04/12/99 at a total of \$3,800,612.83. Approve emergency warrants dated 04/13/99 at \$1,758.81 (Riverhaven). Approve the payroll registers dated 04/02/99 at \$382,790.32 and dated 04/07/99 at \$34,386.45.

#3-C Approve budget transfers: **DDS:** \$2,800 from #107-2781-51306 to #-56400, \$1,000 from #107-2781-51200 to #-55270. **Support Svcs:** \$950 from #176-5350-51200, with \$800 to #-54000 and \$150 to #-55400.

#3-D Appoint Sheree Monroe to the Library Advisory Board for an unexpired term to expire on September 30, 1999 and James E. Stanina to the Affordable Housing Advisory Board for a term that will expire on April 25, 2001.

#3-E Accept the completed Crystal River Airport Improvements project and approve final payment of \$6,016.82 to Pave-Rite, Inc.

#3-F Accept the completed Sheriff's Administration Building Re-Roofing project and approve final payment of \$11,422 to Quality Roofing, Inc.

#3-G Approve and authorize the Chairman to sign a Satisfaction of Judgment for Loubbertha Young, Case No. 95-768-CF.

#3-H Approve wire transfers: **CIS:** \$8,772.14 and \$10,883.53. **ISAC:** \$11,447.83, \$992.09, \$2,471.79, \$4,533.51, \$2,289.74, and \$2,261.12.

#3-I Authorize the Chairman to sign the Local Government Finance Report for FY 97/98.

#3-J Approve and authorize the Chairman to sign Releases of Liens for special assessments that have been paid in full: Resolution 90-76 reconfirmed by 93-183: David H. & Janice A. Warren, AK #1092761. Resolution 85-105: John & Irene Celentano, AK #1105072. Resolution 86-29 reconfirmed by 93-216: Yolande M. Nantz, AK #1043638. Resolution 95-87: H. E. Collier, AK #2489464.

#3-K Approve and authorize the Chairman to sign an Indemnity Agreement with the Citrus County Art League for installation of a fire hydrant on North Annapolis Avenue.

#3-L Approve and authorize the Chairman to sign an Agreement with Springstead Engineering for design services on Forest Drive and Pleasant Grove Road at \$36,620; and

authorize staff to acquire construction improvements through standard County procedures for Forest Drive, Washington Avenue, Crystal Boulevard, and Pleasant Grove Road.

#3-M.1&2 1) Terminate prior agreements and then 2) approve and authorize the Chairman to sign new revised Solid Waste Disposal Agreements with: Beverly Hills Waste Management Corporation; Edward E. Calkins Trash Removal; Citrus Recycling and Roll-off Service, Inc.; Florida Disposal Services; Majestic Disposal; and Waste Management of Central Florida, Inc.

#3-M.3 Approve and authorize the Chairman to sign a Solid Waste Disposal Agreement with Nature Coast Recycling Service.

#3-N Approve improvements and repairs at Felburn Park: Mowing of the existing trails, replacement of an entrance gate and perimeter signage at \$2,950, and approve a budget transfer from the **General Fund** at \$2,950 from #001-247-200 to #001-2670-54605.

#3-O Accept a Permanent Drainage Easement Deed from Philip Steinhauer and Sandra Ende to help improve a drainage problem on West Kuhns Avenue; authorize Clerk to place the Board's acceptance stamp thereon and record same in the Public Records.

#3-P Set a public hearing on April 27th at 3:00 P.M., in the Commission Room, Masonic Building, 111 West Main Street, Inverness, to receive citizens' views/input for El Nino Disaster Recovery FY-99 Community Development Block Grant (CDBG) funding eligibility for disaster recovery needs that have not been met in the community.

#3-Q Set the first public hearing on April 27th at 3:05 P.M., in the Commission Room, Masonic Building, 111 West Main Street, Inverness, to receive citizens' views/input for a Small Cities CDBG concerning housing, economic and other community development needs.

#3-R Approve and authorize the Chairman to sign a Satisfaction of Lien for Construction Licensing & Appeals Board Citation #0109, against Oliver Avis, at \$100.

#6- **COUNTY ADMINISTRATOR, GARY KUHL**

#6-A **F & H ELECTRICAL CONTRACTORS/COMANCO ENVIRONMENTAL CORP.
FOR BID NO. 99-053, LANDFILL**

Mr. Kuhl pulled this item and advised it will be placed on the agenda for April 27th.

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

#13-A **NATIONAL DAY OF PRAYER**

Upon motion by Commissioner Batchelor, seconded by Commissioner Fowler, and unanimously carried, the Board voted to approve and authorize all commissioners to sign a Proclamation joining the Nation in recognizing May 6, 1999, as a "National Day of Prayer"; and authorize use of the Old Courthouse grounds on May 6th from Noon until 1:00 P.M. for a public gathering.

#13-B **PROFESSIONAL SECRETARIES' DAY**

Upon motion by Commissioner Bartell, seconded by Commissioner Thorpe, and unanimously carried, the Board voted to approve and authorize all commissioners to sign a Proclamation declaring April 21, 1999 as "Professional Secretaries' Day".

#13-C **NATIONAL COUNTY GOVERNMENT WEEK**

Upon motion by Commissioner Thorpe, seconded by Commissioner Batchelor, and unanimously carried, the Board voted to approve and authorize all commissioners to sign a Proclamation declaring April 18 through 24, 1999, as "National County Government Week."

#13-D **INVERNESS FUEL SITE**

Upon motion by Commissioner Bartell, seconded by Commissioner Batchelor, and unanimously carried, the Board voted to approve a Change Order with Tampa Bay Engineering at \$17,827 for additional repairs and upgrades required by FDEP to the Sheriff's Jet-A fuel tank at the Inverness fuel site. (Mr. Hutman clarified that the fuel tanks would have to be replaced after December 31, 2008.)

#13-E **LOW WATER PRESSURE IN CITRUS HILLS**

Mr. Kuhl discussed the recent low water pressure problems experienced due to a line break in the newly constructed water main extension into the Belmont Hills Subdivision, and recognized the water pressure problems during other peak demand periods. He outlined staff's on-going course to alleviate these problems:

- ⇒ a request for additional water consumption allocations from the Southwest Florida Water Management District;
- ⇒ a water and sewer rate study to include an inverted rate structure to enhance water conservation; and
- ⇒ continued implementation of the Five-year Capital Improvement Program for water main installation projects.

Discussion of this item was postponed by the Chairman until after Item #2-A.

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

#2-A **EDWIN CHEN, SUNCOAST SPELLING BEE CHAMPION**

Upon motion by Commissioner Batchelor, seconded by Commissioner Fowler, and unanimously carried, the Board voted to approve and authorize all commissioners to sign a Proclamation honoring Edwin Chen, Crystal River Middle School, for winning the Suncoast Spelling Bee and a trip to the National Spelling Bee in Washington, D.C.

#13-E (Cont.) Discussion was held, with Commissioner Bartell stating it would be beneficial for citizens to receive additional information, other than what is normally distributed.

#13-F **FUNDING FOR WATER / WASTEWATER PROJECTS**

Mr. Kuhl presented information on the status for funding assistance for the County's water and wastewater projects: \$1,000,000 federal grant application approved; preliminary approval for \$801,000 from SWFWMD; and \$500,000 being requested from the State (in Committee at this time).

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

#12-A **HOMOSASSA SPECIAL WATER DISTRICT**

Upon motion by Commissioner Bartell, seconded by Commissioner Batchelor and unanimously carried, the Board voted to approve and authorize the Chairman to sign Interlocal Agreements with the Homosassa Special Water District: 1) for the Sale and Purchase of Bulk Water, and 2) for the provision by Citrus County of wastewater services within the territorial area of the Homosassa Special Water District.

#12-B **CENTRAL RIDGE DISTRICT PARK**

Upon motion by Commissioner Fowler, seconded by Commissioner Bartell and unanimously carried, the Board voted to adopt and authorize the Chairman to sign a resolution authorizing and approving the borrowing of \$215,000 from the Bank of Inverness to finance improvements at the Central Ridge District Park; pledging of District 2 Community Park Impact Fees for payment of the Certificate of Obligation; determining that a negotiated sale of the Certificate of Obligation is in the best interest of the taxpayers of Citrus County; authorizing the proper officers of the County to sign the necessary Certificate of Obligation and other closing documents on behalf of the Board; and providing an effective date.

RESOLUTION NO. 99-047

(I-617/1:25 P.M.)

The Chairman recessed the meeting, and then reconvened it at 2:00 P.M.

#2-B **INVERNESS AIRPORT CONCEPTUAL MASTER PLAN**

Commissioner Fowler stated that during the Goal Setting Session the Board asked staff to develop a conceptual plan for the Inverness Airport to include extension of the runway, development of a business park, and improvement to entrance at Holden Park, all of which protect the funds that have been expended by the Florida Department of Transportation (FDOT) and the County .

Ken Frink, DPW Assistant Director, presented the Inverness Airport Conceptual Master Plan which included:

- ✍ History of the airport and surrounding areas
- ✍ Update Airport Master Plan (obtain approval from FFA and FDOT)
- ✍ Extend and Widen Runway
- ✍ Business Park Infrastructure Phase I
- ✍ Purchase Holden Property; initiate Comprehensive Plan Amendment
- ✍ Address U.S. 41 Moratorium Issue
- ✍ Relocate City of Inverness' Sprayfields
- ✍ FBO Building
- ✍ Park modifications; construct second entrance road to Holden Park
- ✍ Total projected costs for Phase I: \$5,235,000
- ✍ Funding Sources: County, FDOT, Economic Development Council, Community Development Block Grant-Economic Development, etc.

Mr. Saunders introduced persons who were present to provide additional information: Jim Wermg, Zephyrhills Airport; Harry Reed and Jim Speckman, FDOT; Brian Lally and Ed Bossert, Hoyle, Tanner, & Associates, Inc.; and Frank DiGiovanni, City of Inverness Manager.

Tom Davis, Crystal Aero Group, read a letter into the record. Letters were also received from the Citrus Aviation Association and Citrus County Aviation Advisory Board. Commissioner Fowler read into the record letters from the Royal Oaks of Citrus Homeowners Association Inc., The Patio Homes of Royal Oaks Association, Inc., and Homeowners Association of the Glens of Royal Oaks, Inc. in support of the conceptual plan. (Letters filed with Clerk's agenda.) Discussion ensued.

Upon motion by Commissioner Fowler, seconded by Commissioner Batchelor, the Board moved to proceed with the development of an updated Inverness Airport Master Plan. (The following issues were discussed prior to the vote on the motion:

- ↪ Construction of U.S. 41
- ↪ Funding sources
- ↪ Timeline of the different aspects of the project
- ↪ Purchase of the Holden property
- ↪ Comprehensive Plan Amendment/Planned Development Overlay
- ↪ Input from the Inverness Highland citizens, etc.

Mr. Kuhl stated that May 4th would be a better date for further discussion on this issue, and that in order to secure funding from FDOT it would be important for the Board to approve moving forward on the Airport Master Plan update. Mr. Reed, FDOT, stated that funds are available at this time, the end of the fiscal year for the FDOT was September, and that he would not be able to guarantee available funds in the next fiscal year.)

The Chairman called a question on the motion and the motion carried unanimously. (Bernard Solomito was against further development of the airport.)

(II-977 at 3:37 P.M.)

The Chairman recessed the meeting and reconvened it at 5:01 P.M.

#2-C.1 **AA-99-01, CLARK A. STILLWELL FOR SUNSHINE MATERIALS, INC., FROM IND TO GNC WITH PDO OVERLAY (WAL-MART SUPERCENTER)**

Following introductory remarks by Mr. Wesch regarding the atlas amendment Mr. Dixon presented the staff's summation on AA-99-01, a follow-up to CPA/AA-98-03, the large-scale Comp Plan amendment for the Wal-Mart Super Center adjacent to the Citrus Center in Inverness. He noted the Comp Plan amendment was adopted with the understanding that a Planned Development Overlay (PDO) would follow to address the Croft Avenue/SR-44 intersection and other design issues. He stated the Planning and Development Review Board (PDRB) considered the PDO last month and voted to recommend approval with eleven development conditions to address items such as maximum building size, out parcels, parking lot design, access requirements, central sewer, signage, buffering, right-of-way dedication for the improvement of Croft Avenue, and entrance improvements.

1. The commercial planned development is approved specifically for a 222,000-square foot Wal-Mart Store with associated improvements and four commercial outparcels identified as Tracts 2 through 5:
 - a. Development of Tract 2 shall be limited to a 3,000-square foot commercial building with associated improvements.
 - b. Development of Tract 3 shall be limited to a 6,000-square foot commercial building with associated improvements.
 - c. Development of Tract 4 shall be limited to a 6,000-square foot commercial building with associated improvements.
 - d. Development of Tract 5 shall be limited to a 6,000-square foot commercial building with associated improvements.
2. Outparcels must be created via the land subdivision process pursuant to Land Development Code provisions prior to development of the outparcels.
3. Parking lot design for the Wal-Mart Store, including the size of spaces, general traffic circulation plan, and proposed seasonal sales location, shall be provided in accordance with the approved Master Development Plan. Parking lot design for the out parcels shall be in accordance with the provisions of the Land Development Code.
4. Access shall be required as follows:
 - a. Wal-Mart shall construct an access point on the Wal-Mart property to the Wal-Mart/Citrus Center property line prior to issuance of a Certificate of Occupancy.

- The project shall comply with Section 4221.E of the Land Development Code regarding frontage roads and interconnecting parking lots prior to issuance of a Certificate of Occupancy.
- b. Legal access to adjacent property to the west shall be provided for connection to future commercial development.
The project shall comply with Section 4221.E of the Land Development Code regarding frontage roads and interconnecting parking lots prior to issuance of a Certificate of Occupancy.
 - c. No access to Dawson Street to the north shall be allowed.
 - d. Outparcels shall gain access from the internal access system only and not from SR-44.
5. A bus drop-off location shall be incorporated into the project design and located to serve the Wal-Mart Store. The bus drop-off location will include at least one pedestrian bench and signage indicating the drop-off location.
 6. The project shall be served by an approved sewage treatment plant and hook up to central sewer when it becomes available.
 7. Signage for the Wal-Mart parcel shall be designed and installed in accordance with the Signage Plan included as part of the Master Development Plan.
Signage for the outparcels shall comply with Land Development Code Standards in effect at the time of permitting.
 8. Vegetative buffering is required along the rear (north side) of the project as well as within the parking areas for the Wal-Mart store and the outparcels as follows:
 - a. A Class "D" Vegetative Buffer, or equivalent buffer, shall be placed along the rear (north side and northwest corner) of the project in order to screen the loading area and the back of the building from the neighborhood to the north and northwest.
 - b. A Class "A" Vegetative Buffer/ landscaped strip shall be required between development on the outparcels and the SR-44 right-of-way as well as between all parking areas and access drives.
 - c. In addition to landscaping on the perimeter of the parking areas, landscaped islands shall be provided in the interior of the parking areas for the Wal-Mart Store and the parking areas to service the outparcels. This interior landscaping shall include one tree per 400 square feet of landscaped area.
The outparcels shall be developed in accordance with Land Development Code standards for parking lot design and landscaping.
 9. Wal-Mart agrees to dedicate to the County, for right-of-way to widen Croft Road (aka North Croft Avenue), a minimum of 30 feet of the property it owns adjacent to Croft Road (aka North Croft Avenue). The exact amount of property to be dedicated shall be determined prior to approval of the Master Development Plan or prior to issuance of a development order.
 10. Should a traffic signal at the entranceway to SR-44 be warranted or justified the cost shall be borne by the applicant.
 11. A revised Master Development Plan shall be submitted and kept on file to reflect the development conditions as stated.

Mr. Dixon advised of a letter received this date from Margaret Bowles, attorney for Wal-Mart, stating that Wal-Mart will commit to a 50' right-of-way when a C.O. for the project is issued (Condition 10).

The Chairman opened the workshop and asked for anyone in favor. (II-1063)

Mr. Stillwell, representing the applicant/owner, presented information regarding:

- ✓ the subject parcel being GNC on the GFLUM while the LDC Atlas maps show it as IND with a PDO;
- ✓ the applicant's desire, for the record, to include with the application all subsequent amendments and filings that have been made with Mr. Maidhof's office as well as the PDRB report and the staff report prepared by Mr. Dixon;
- ✓ the Croft Avenue level of service (LOS) situation;
- ✓ the bifurcation of the application with the Plan amendment being sent to FDCA to review the LOS issue;
- ✓ the FDCA approval after finding that a change from IND to COM was consistent with all state, regional, and local plans;
- ✓ the PDO having been filed coupled with a LDC Atlas amendment;
- ✓ the application having met the terms and conditions of the LDC;
- ✓ the FDOT determination that there is no LOS issue and that it is a local issue;
- ✓ the discussions on the County's desire for a permanent Croft/SR-44 intersection improvement and while both transportation studies reflect that although the project impacts Croft Avenue, in and of itself, it does not warrant the type of major improvement that the County would seek;
- ✓ the agreement by Wal-Mart to donate 50' for right-of-way purposes on the west side of Croft Avenue.

Timothy H. Powell, with the law firm of Margaret E. Bowles, P.A., thanked the staff for its assistance in working through technical and site plan issues, and explained they had tried to meet or exceed the code in each area. (II-1365/5:12 P.M.)

With no others in favor, the Chairman asked for anyone opposed, and the following persons presented their thoughts:

Dianna Marcum, adjacent property owner, stated she was not opposed but was concerned about an interconnection between Wal-Mart and her property, and whether it would be a frontage road or merely a connection in the parking lots. Mr. Dixon explained the Code requirement for interconnection, and discussion ensued. (II-2640/5:43 P.M.)

Janet Masoay opined that the 25' connecting road should be 50', was concerned about parking in front of Golden Corral, etc., and Mr. Dixon explained that the interconnection is 25' paved, is not a county road, is merely an access aisle and meets requirements, etc.

With no other public comment, the Chairman closed the public workshop. Mr. Wesch noted the final hearing is set for April 27th. (II-3085/5:51 P.M.)

#2-C.2 **AA-99-02, DDS, CHANGE TO BRING THE LDC ATLAS INTO CONSISTENCY WITH THE GFLUM & REFLECT OTHER IDENTIFIED CHANGES NEEDED IN VARIOUS AREAS**

Mr. Maidhof presented the staff report for AA-99-02, noting the amendment is the fourth of a series to reflect changes to the Generalized Future Land Use Map (GFLUM) resulting from the Evaluation and Appraisal Report (EAR) based amendments, for changes identified by staff that are necessitated by existing or proposed land use activities in the public or private sector. Categories included:

1. Properties of less than ten acres currently under the CL* which should be more appropriately designated CLR*;
2. Properties greater than ten acres and/or agriculturally used which currently are CLR* but should be CL*;
and
3. Properties that have been acquired by Southwest Florida Water Management District (SWFWMD) and added to their Save Our Rivers holdings.

The Chairman opened the workshop and asked for anyone in favor. With no one for or against, the Chairman closed the public workshop. (II-3194/5:53 P.M.)

#2-C.3 **AA-99-03, DDS, CHANGE TO BRING THE LDC ATLAS INTO CONSISTENCY WITH THE GFLUM & AND REFLECT OTHER IDENTIFIED CHANGES NEEDED**

Mr. Maidhof presented a staff review for AA-99-03, noted the application was the fifth in the series resulting from the EAR amendment, as previously noted, that the properties consist of those acquired under the CARL/P2000 land acquisition program as well as properties acquired by SWFWMD for their Save Our Rivers holdings. (Clerk's Note: Staff and PDRB recommended approval.)

The Chairman opened the workshop and asked for anyone in favor. With no public comment, the Chairman closed the public workshop. (II-3261/5:54 P.M.)

#2-D **CPA/AA-99-12, FRATERNAL ORDER OF EAGLES (FOE), FROM CLR to GNC**

Alison Anderson, Planning, reviewed the staff report on CPA/AA-99-12, a small scale amendment that will allow the FOE to expand its facility, that both staff and the PDRB recommended approval. (III-02)

The Chairman opened the workshop and asked for anyone in favor.

Walt Wilson advised that the FOE seeks only to change two of the back lots in order to expand their meeting room and build a kitchen; noted they raise funds for charities. **Jack Ruggiero** presented information on the FOE and its activities, advised the change being sought is vital to their continued operations. Others speaking in favor were **Sue Vaughn** and **Sheryl Richards**, members of the FOE women's auxiliary. (III-320/6:08 P.M.)

With no others in favor, the Chairman asked for anyone opposed.

Opposed were **George A. Radloff** (opposed changing the zoning to GNC, felt that it was tantamount to spot zoning, etc.), **Howard Henry** (concerned about the possibility of the property being sold in the future and felt their objective could be met through just a variance), **Barbara Arnold** (commented on spot zoning, etc.), **Patricia A. Radloff** (objected to the GNC if the FOE ever moved and sold the property), and **Jean Henry** (advised there was no other GNC property in the vicinity, etc.).

With no other public comment, the Chairman closed the public workshop. Mr. Wesch advised the next hearing would be held on April 27th. (III-720/6:21 P.M.)

Board discussion ensued regarding the lack of a site plan, the issue of compatibility (application is compatible), there being no safeguards to prohibit objectionable uses on the property if it is ever sold, etc.

CONSENSUS: Attach a PD overlay to the amendment in order to provide for a level of approval by the Board, specifically designate the uses for which the property could be used, and no other use absent an amendment of the PDO without Board approval.

Authorize staff to work with the applicant between now and the public hearing and if discussions prove fruitful, to delay the final hearing to allow the PDO to go through the normal process. (III-908/6:26 P.M.)

The Chairman recessed the meeting, and then reconvened it at 6:34 P.M.

#2-E **CPA/AA-99-14, ROOKS FOR WALDRON, FROM PSO TO GNC**

Ms. Anderson gave the staff report on CPA/AA-99-14, a small scale amendment requested from PSO to GNC for the purposes of: 1) allowing development of a greenhouse on Lot 514 and 2) redesignating Lot 513 to make it compatible with the current use and the neighborhood. She noted there were no concurrency issues, that connection to regional water/sewer would be required when it is available, etc., and that the staff and PDRB recommended approval.

The Chairman opened the workshop and asked for anyone in favor.

Michael Rooks, applicant, and **Marie Witt**, owner of Crystal River Orchid Supplies, explained the desire to build a 2400' greenhouse to support the existing business.

With no others in favor and no opposition, the Chairman closed the public workshop. Mr. Wesch advised the adoption hearing was set for April 27th. (III-1110/6:39 P.M.)

#2-F **OA-99-01, PROPOSED AMENDMENT TO LDC AS IT RELATES TO PLATTING & SUBDIVIDING REGULATIONS**

Ms. Collins reviewed the staff report on OA-99-01, a third major staff-initiated LDC amendment pursuant to goals to improve land development regulations, noted it will provide for an amendment to Chapter 2, specifically to the platting criteria for subdivisions to make the regulations consistent with recent legislative changes in Florida Statute 177. She reviewed the various changes that will provide for the rewrite and clarification of:

- Preliminary and Final Plats standards to assure compliance/consistency with procedural and substantive requirements of FS 177 as recently amended by HB 3323;
- Lot Reconfiguration and Lot Line Adjustment standards;
- Minor Subdivision standards;
- Large Lot Rural Subdivision standards (i.e., easement requirements); and
- Guarantees and Sureties for proposed divisions of land.

Ms. Collins advised the staff recommended approval, and the PDRB found the application to be consistent with the Comp Plan and LDC and recommended approval.

CONSENSUS: Authorize staff to prepare a fee resolution to increase fees to offset various costs associated with platting and minor subdivision/lot reconfigurations and have it ready in time for adoption at the next public hearing.

The Chairman opened the public workshop and asked for anyone in favor and opposition. With no public comment, the workshop was closed. (III-1374/6:46 P.M.)

#2-G **OA-99-02, PROPOSED LDC AMENDMENT AS IT RELATES TO SOLID WASTE, RECYCLING, AND REUSE RELATED DEVELOPMENT REGULATIONS**

Mr. Maidhof presented the staff report on a proposed LDC amendment to provide for revisions to the solid waste, recycling, and reuse related development regulations. Changes included:

- 1) Relocation, consolidation, and language clarification of the County's solid waste, recycling, and reuse related development regulations, i.e., inspections at recycling areas will be daily rather than twice weekly;
- 2) Relocation of the County's junkyard operations section;
- 3) Restructuring and modification to the construction and demolition (C&D) disposal regulations, i.e., new owners must provide detailed information on their capabilities of operating the facility, there would be a mechanism for tracking materials rejected at C&D sites; and
- 4) Relocation of the hazardous and/or biohazardous waste facilities section, i.e., such facilities may only be located in EXT and IND land use areas, and the size must be at least 80 acres.

Discussion ensued regarding the issue of elevation and the desire to retain visual aesthetics. Mr. Maidhof explained that elevation could be addressed through the "best management practices" section, and suggested that if and when FDEP notified DDS of any requests, his department can in turn present them to the Board with an appropriate recommendation, and appeal it if necessary. He advised that trees in buffers must survive more than one year or be replaced at the owner's expense.

The Chairman opened the public workshop and asked for anyone in favor. With no one in favor, she asked for anyone opposed. **Joyce Valentino** voiced the opinion that a 200' buffer was insufficient. (III-1975/7:01 P.M.)

With no other public comment, the Chairman closed the public workshop.

#2-H **DRI-99-01, PARADISE OF PORT RICHEY, INC., (SunCruz) CRUISE SHIP DOCKING FACILITY**

Mr. Dixon presented a staff review for DRI-99-01, a DRI submitted pursuant to FS 380.06, for construction of a cruise ship docking facility on 7.8 acres, with a dock, parking for 220 vehicles, sewage treatment and vessel pump-out facility, ticket office, and restrooms, 800 square feet of waiting area. He advised:

...that the project was considered by both the Withlacoochee Regional Planning Council (WRPC) and the PDRB;

...that issues with regional impact included traffic and protection of natural resources;

...that the potential for traffic impact had been addressed in the Development Order on pages 8 through 11; that the potential wastewater impacts were addressed by the provisions on pages 7 and 8 (will require operators to provide the Health Department with certifiable documents as to daily amounts of wastewater being generated by the vessel and land base and processed through the on-land water facility and to demonstrate verifiable methods that

wastewater from the vessel is disposed of within the approved on-site system); and

...that building permit issues had been addressed;

...that new language to address the wastewater issue was received today (shown on gold page) which specifies that the cruise ship will be required to use the on-land wastewater treatment facility (no wastewater will be dumped in waterbodies); and

...that staff recommended approval of the Development Order based on the amended Development Order, *with the amended language*.

The Chairman opened the hearing and asked for anyone in favor. (III-2126)

Mr. Stillwell reviewed the SunCruz Developmental Regional Impact (DRI), noted that the Port section of Chapter 380 says all ports are DRIs and the DRI process is triggered by the fact that the boat is over 50' in length and commercial in nature, that in looking at the ADA and regional issues you focus on jurisdictional issues with local impact. He advised that the issues of traffic and natural resources had been addressed.

He explained that the client is allowed to discharge wastewater in international waters; however, SunCruz has agreed to voluntarily and unequivocally commit to disposing of it in the land-based facility; as a result, language had been drafted within the revised Development Order. Mr. Stillwell advised that Linda Sloan of WRPC had submitted the following recommended change to the Development Order:

Page 7 of the Development Order (DO), Condition A.1, last sentence, change from "No use..." to the more affirmative language: "No wastewater discharge from the vessel (or any subsequent or replacement vessel or vessels) shall occur from this facility in local, state, federal, or international waters." (III-2613)

He advised his clients were amenable to the change.

Commissioner Fowler commented on the lack of a penalty clause. Mr. Stillwell explained fines are provided for in the FDEP Regulatory Order, in Chapter 380, as well as through the Code Enforcement Board (CEB). Discussion was held on enforcement, penalties, recourses available, due process, etc.

The following persons spoke in favor of the proposal:

Bruce Day, WRPC (advised WRPC recommended approval with conditions as presented); **Dixie Hollins** (supported the recommended change to the Development Order, etc.); and **Paul Raby** (suggested including a specific fine amount if the company is found to be in violation).

Discussion was held by Board members and staff on "what ifs" and the possibility of asking the CEB to establish a specific fine if the company is not in compliance on the 31st day after approval of the Development Order. Commissioner Bartell suggested language be promulgated to provide for revocation of the Development Order if there was proof of a blatant violation. Mr. Wesch explained the legal avenues available in the event of a violation. (IV-320)

Mr. Stillwell referred the Board to page 6 of the DO, the second paragraph of Paragraph 3 ("Other Permits and Approvals") which spoke to the fact that Exhibit "D" of the DO is a local development order whereas the entire document is a "regional development order" and FS 380.06 prescribes what should be in the document. He suggested that the place to do this is Exhibit "D" which would basically say that we take the 30-day covenant from the DO and put it into the local development permit and then say in the local development permit that the vessel's authority to operate under that local development order shall cease if not in place. He explained this would give the Board an open and shut case in a court of law. (V-478)

Linda Sloan, WRPC Executive Director, suggested other options that might be considered.

Further discussion, with the Board members expressing approval of Mr. Stillwell's suggestion (Exhibit "D") on assurance of compliance.

DIRECTION FOR STAFF: Mr. Maidhof advised that the staff will:

- a) make a presentation to the CEB to assure they are aware of what actions take place with the DRI Development Order and that the CEB takes appropriate action to establish a per-day fine in the event of non-compliance;
- b) amend the local development permit with language that would both bind the applicant to bring into compliance as agreed upon in the existing DRI Development Order.

With no others in favor, the Chairman asked for those opposed. (IV-875/7:57 P.M.)

Joyce Valentino, Citrus County Council President, advised that the Council opposed SunCruz; however, noted they were unaware of new developments in the agreement. Additionally, she commented on past actions of SunCruz, the need for the company to earn citizens' trust, etc. (IV-1065/8:02 P.M.)

Helen Spivey presented objections to the traffic situation on the two-lane highway and bridge, and asked who would pay for traffic signalization if it is found by a future traffic study to be needed. The Chairman referred her to the DO which addresses traffic (Page 10, item 3). Discussion was held on the issue of traffic studies.

Cathy Abelsizer asked the Board to remember past practices of SunCruz throughout the state—noting the company has a history of ignoring fines, etc.—and suggested a fine of \$100,000 a day.

With no other public comment, the Chairman closed the public hearing. (IV-1365)

Upon motion by Commissioner Thorpe, seconded by Commissioner Fowler, and carried unanimously, the Board moved to adopt and authorize the Chairman to sign a resolution of the Board approving a Development of Regional Impact (DRI-99-01) Development Order per FS 380.06, for the Cross Florida Barge Canal Cruise Ship Dock, located in 10/17/16, Citrus County, Florida; providing findings of fact; providing conclusions of law; providing conditions and restrictions; and providing general requirements; AND as modified to incorporate the language into Exhibit "D" as discussed this date.

RESOLUTION NO. 99-048

(IV-1410/8:11 P.M.)

With no other business, the Chairman adjourned the meeting.

ATTEST: _____, Clerk

_____, Chairman