

The Board of County Commissioners of Citrus County, Florida, met in regular session on the above date at the Lecanto Government Building, 3600 Sovereign Path in Lecanto.

Commissioners: Gary Bartell, Chairman; Jim Fowler, First Vice-Chairman; Dennis Damato, Second Vice-Chairman; Vicki Phillips and Joyce Valentino

Attorney: Robert B. Battista

Administrator: Thomas H. Dick, Interim

Clerks: Glenda Brown and Theresa Steelfox, Deputy Clerks

The Chairman called the meeting to order, Commissioner Damato gave the invocation, and Commissioner Valentino led the Pledge of Allegiance to the Flag.

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

2-A **OPEN TO THE PUBLIC**

2-A.1 Robert Masters expressed concern about a six-foot chain link fence with three tiers of barbed wire around the Inverness Airport area, which he said was a disfigurement to the neighborhood. He suggested moving the fence closer to the airport and enclosing the remainder of the property with a low impact fence that could be paid by the surplus of tax revenues. He referred to policies in the Land Development Code (LDC) concerning appropriate fencing regulations and asked the Board to address the issue.

Engineering Project Manager Quincy Wylupek explained that the airport property was purchased with 75 percent FDOT (Florida Department of Transportation) dollars, that the FAA (Federal Aviation Administration) and the FDOT funded this project, and that their requirements were specific for the six-foot fence with three tiers of barbed wire for security and for keeping wildlife off the runway.

Mr. Dick mentioned that staff had offered plant materials to the homeowners to help shield the fence from their view. He added that the fence also protected the airport from trespassing, and the Board needed to move forward and abide by the FAA and FDOT requirements or future grant funds might be jeopardized.

Commissioner Valentino questioned if the fence needed to encase the entire piece of property or if it was optional to fence in only the runway area. She stated that the Masters were willing to pay for a fence through special assessments; however, due to time constraints that was not possible. She also stated that the Masters did not find out about the fence until the surveyors were on their property. She added that the Board should do whatever they could to accommodate the residents from being affected by the airport; however, she had no recommendations other than camouflaging the fence with vegetation.

Mr. Wylupek clarified for Commissioner Phillips that the fencing would encase the runway and the entire airport property. Commissioner Phillips stated that she thought the barbed wire fence was offensive and it would take very tall landscaping to shield the area. She also stated that she was concerned that the impacted property owners were not notified in advance. She suggested that the Board authorize the Chairman to send a letter to the FAA asking that an exception be made to the intrusive barbed wire fence to abutting residents.

Commissioner Damato requested that the Board also inquire in the letter if an environmental type fence without barbed wire would be acceptable to the granting agency. Mr. Wylupek pointed out that there was a potential for a DRA (drainage retention area) site from the runway, and FDOT standards required a six-foot fence with barbed wire.

Discussion continued regarding the square footage of fencing, compatibility of the fence around airport property abutting residential property, better communication with the residents, this being the first of many conflicts of the Airport Master Plan encroaching into residential neighborhoods, and so on.

In addition to Commissioner Phillips' suggestion that the Board send a letter to the FAA, the Chairman requested that Mr. Wylupek research other acceptable methods of buffering between the airport and residential property lines.

A motion was made by Commissioner Phillips and seconded by Commissioner Fowler to (1) approve and authorize the Chairman to execute a letter on behalf of the Board to the Federal Aviation Administration and the Florida Department of Transportation outlining the issue and advising them that the fence was in direct conflict with the Citrus County Land Development Code; (2) ask if there was a solution to this issue and explain how close the property was to the fence; (3) determine if there was a compromise that could be met; and (4) direct staff to continue to explore the vegetation buffer.

Mr. Wylupek responded to Mr. Dick's question about the timeline for proceeding if there was no concession by the FAA and FDOT by stating that all documentation was sent to the FAA last week; however, both agencies would have to approve modifying that documentation. Mr. Dick stated that staff would report the findings to the Board.

Mr. Maidhof answered Commissioner Fowler's question about whether the fence was in direct conflict with the LDC by stating that Mr. Masters' references to policies were specific to "Residential" land uses; however, the airport was designated "Transportation Communication Utilities".

Upon amended motion by Commissioner Phillips, seconded by Commissioner Fowler, and carried unanimously, the Board approved and authorized the Chairman to execute a letter to the Federal Aviation Administration advising that the fence was intrusive into a residential neighborhood, that the setbacks from the fence were too close to the properties, and to outline the problems.

2-A.2 David Miller spoke about the County closing the rooms where he taught classes at the Christian Center Church, and the thousands of dollars being assessed in fines every month. He stated that there were conflicting stories about whether it was a permitting issue or a fire safety issue, and that the County was trying to force the church into spending large sums of money to remodel the church with outside stairs to the second floor. He requested that the Board offer some relief to the church, that the fines be deferred, that the church be able to use the classrooms (on the second floor) as they had for 20 years, and that someone other than the Department of Public Safety (DPS) arbitrate to determine if the outside stairs were necessary.

Mr. Dick advised that a meeting had been scheduled with the church's pastor and DPS Director Charles Polisenno tomorrow to review the situation. Mr. Polisenno confirmed that he would meet with Pastor Rooks to look at the facility to make sure that what was reported by the CEB (Code Enforcement Board) was required by the code. He stated that the Fire Prevention Code was mandated at the state and federal level, and that the only portion of the church that could not be used at this time was the upstairs. He added that the fees and fines would continue to accrue, but if compliance was achieved, the owners could request relief from the CEB and ask this Board to forgive those liens, with the exception of re-inspection and administrative cost.

The Chairman informed that he had visited the facility last Friday and considered some of the concerns to be public health safety issues; however, he thought some of the other issues were not.

2-A.3 William Fairchild advised the Board that citizens were upset about a commercial landscaper from Davenport, Florida, who was using the Hernando County Board Ramp to pump water out of the lake and haul to Beverly Hills. He asked the Board to consider having some type of regulation over the boat ramp. Mr. Dick stated that staff would look into the situation from the angle of vehicles obstructing the public boat ramp.

2-C **PROCLAMATION FOR PURPLE HEART RECOGNITION DAY**

Upon motion by Commissioner Fowler, seconded by Commissioner Phillips, and carried unanimously, the Board approved and authorized all Commissioners to execute a proclamation declaring August 7, 2006, "Purple Heart Recognition Day".

2-D **SUPERVISOR OF ELECTIONS SPACE NEEDS**

Susan Gill, Supervisor of Elections, addressed the Board regarding her space needs, particularly with the upcoming 2008 presidential election. She asked the Board to expedite finding space for the Elections Office. She explained the changing technology that was mandated at the state and federal level, the need for secure places for the equipment, separate ballot styles, and so forth. She showed the Board a very complex voter flow chart that required security and space for equipment.

2-B **EMPLOYEE SERVICE AWARDS**

The following employees were recognized for their years of service to the County: **5 Years:** Donna Atwell and Larry Tenner. **10 Years:** Shawna Santin, Kenneth (Ken) Stark, and Darryl Clouse. **15 Years:** Gary Kvanvik. **25 Years:** Glenn Townsend. **30 Years:** Carl Adams.

3- **CONSENT AGENDA**

Upon motion by Commissioner Fowler, seconded by Commissioner Damato, and carried unanimously, the Board pulled (1) item 3-RR (extending the deadline for reassignment of development rights for residential properties in the Chassahowitzka Special Water Assessment District) because it was previously approved by the Board on June 27, 2006; (2) item 3-KK (Beverly Hills DRI (Development of Regional Impact)), 3-AA (Notice of Commencement to Danella Companies), and 3-HH (Homosassa Force Main Cleaning) for discussion; and (3) approved the balance of the following consent agenda items and authorized the Chairman to execute all related documents:

3-A Minutes of the special meetings held on June 19 and June 20, 2006.

3-B County warrants for payroll and accounts payable.

3-C Budget Resolutions:

RESOLUTION NO. 2006-126

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE RETIRED SENIOR AND VOLUNTEER PROGRAM BUDGET FOR FISCAL YEAR 2005-06

WHEREAS, on September 27, 2005, the Citrus County Board of County Commissioners executed a "Statement of Intent to Affiliate" with Points of Light Foundation and Volunteer Centers; and

WHEREAS, as a result of this affiliation, funds have been received from Points of Light Foundation; 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 2005-06; and

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

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

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

ADOPTED, in regular session this 11th day of July 2006, by the Citrus County Board of County Commissioners.

ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Gary Bartell

GARY BARTELL, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	162G-331-695	Points of Light Volunteer Grant	\$1,724
Expenditures	162G-5379G-53002	Points of Light Volunteer Grant Exp.	\$1,724

RESOLUTION NO. 2006-127

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE FEMA - FRANCES BUDGET FOR FISCAL YEAR 2005-06

WHEREAS, during Hurricane Frances in 2004, the County requested assistance from the Southwest Florida Water Management District (SWFWMD); and

WHEREAS, the County has received reimbursement for this assistance from the State of Florida Department of Community Affairs and these funds must be remitted to SWFWMD; 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 2005-06; and

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

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/s/ Gary Bartell

GARY BARTELL, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	121-331-500	FEMA Grant	\$20,564
Expenditures	121-5821-53400	Other Contractual Services	\$20,564

RESOLUTION NO. 2006-128

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE TRANSPORTATION CAPITAL GRANT BUDGET FOR FISCAL YEAR 2005-06

WHEREAS, on November 15, 2005, through Resolution 2005-275 the Citrus County Board of County Commissioners approved an application for financial assistance under Section 5310 of the Federal Transit Act of 1991, as amended, and a contract to undertake a Public Transportation Service Project with the Florida Department of Transportation; and

WHEREAS, on June 13, 2006, the Florida Department of Transportation executed the Notice of Grant Award; 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 2005-06; and

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

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/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Gary Bartell

GARY BARTELL, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	129H-381-004	County Cash Match	\$32,833
Expenditures	129H-7227H-56400	Machinery and Equipment	\$32,833

RESOLUTION NO. 2006-129

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE FEDERAL TRANSIT AUTHORITY SECTION 5309 VEHICLE PROCUREMENT GRANT BUDGET FOR FISCAL YEAR 2005-06

WHEREAS, on February 22, 2005, through Resolution 2005-035 the Citrus County Board of County Commissioners approved an application for financial assistance under the Federal Transit Administration for Federal Transportation Assistance, Inc.; and

WHEREAS, on June 16, 2006, the US Department of Transportation, Federal Transit Administration executed the agreement; 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 2005-06; and

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

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/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Gary Bartell

GARY BARTELL, CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	161-331-420	Federal Grant	111,520
	161-381-004	County Cash Match	27,880
		Total Revenues	\$139,400
Expenditures	161-5863-56400	Machinery and Equipment	139,400
		Total Expenditures	\$139,400

3-D Budget Transfers: **Fire Training Center:** \$4,990 from #051-3225-55120 with \$210 to #-54000, \$129 to #-54400, \$546 to #-54604, \$57 to #-54921, \$1,500 to #-55200, and \$2,548 to #-55201. **Fire Rescue:** \$2,400 from #154-3200-54100 to #-55275. **Fire Impact Fees:** \$25,000 from #620-2814-60050 and \$31,713 from #-61000 to #-56200. **Article V Technology:** \$52,000 from #093-5703-60050 to #-605-53400 and \$2,700 from #-60050 with \$200 to #-685-55270 and \$2,500 to #-56400. **Elections:** \$29,252 from #001-9999-60050 with \$17,214 to #-2441-51306, \$1,439 to #-52100, \$153 to #-52400, \$2,060 to #-54100, \$1,386 to #-55100, \$6,000 to #-55120, and \$1,000 to #-55270. **Solid Waste Management/Long Term Care:** \$7,000 from #401-5212-60050 to #-5216-53400. **Drug Court:** \$1,600 from #040-5750-53400 to #-54300 and \$600 from #-53400 to #-55100. **Development Services:** \$105 from #107-2781-53100 to #-53400 and \$292 from #-55100 to #-54604. **Road Impact Fees District A:** \$13,043 from #662-2831-61000 to #-56400. **Road Impact Fees District B:** \$13,043 from #663-2832-61000 to #-56400. **Road Impact Fees District C:** \$13,043 from #664-1833-61000 to #-56400. **Road Impact Fees District D:** \$13,043 from #665-2834-61000 to #-56400. **Utilities:** \$10,000 from #450-9000-60050 to #-55207, \$3,000 from #-54300 to #-54912, and \$30,000 from #-60050 to #-53426. **Utility Fee Trust:** \$132 from #645-6400-53100 to #-53400. **Community Services Administration:** \$300 from #001-5225-54603 to #-54000, \$50 from #-55100 to #-54921, and \$100 from #-55208 to #-54000. **Capital Improvement Program:** \$49,200 from #001-2140-59100 to #-53100. **Extension Services:** \$500 from #001-6302-54000 to #-55208. **Aquatic Services:** \$5,500 from #150-6304-56400 to #-54603. **Engineering:** \$3,114 from #102-4104-56400, \$1,985 from #-55400, and \$750 from #-54912 to #-55208.

3-E Releases of Liens for special assessments that had been paid in full for George W. and Mergie F. Brandt as recorded in Resolution No. 87-197 reconfirmed by Resolution No. 93-174; Joseph Terry as recorded in Resolution No. 2000-135; and Kathleen and Angelo Flores, Jr., as recorded in Resolution No. 2003-158.

3-F Satisfactions of Judgments for Jimmie Lynn Revels, Case No. 02-03592-TC, and Tina Marie Hamilton, Case No. 1999 CO 000226, formerly 99-226-I.

3-G Routine wire transfers for the month of June 2006.

3-H Deletion of the following items from the County's capital asset list:

Road Maintenance		
Property Number	Description	Condition
8366	Terrain mower	unlocated property
Citrus County Health Department		
14615	Dell GX110 computer	obsolete
14943	Dell GX110 computer	obsolete
13075	Uptech computer	obsolete
12997	IBM Power PC	obsolete
13049	Compaq Notebook	obsolete
15691	Lexmark printer	obsolete
Maintenance Operations		
12250	Viking pressure washer 2500 PSI	not cost effective to repair

Fire Services		
11195	MSA Ultralite 3000 Air Pac	obsolete

3-I Donation of the following assets to the Clerk of the Circuit Court and removal of same from the County's capital asset list:

Property Number	Description	Serial Number
15952	Foundry Fastiron	FB00005348
15953	Foundry Fastiron	FB00005351
15954	Foundry Fastiron	FB00001198

3-J Approve deletion of the following items from the Tax Collector's capital asset list:

Property Number	Description	Condition
114	Mail Machine & Scale	obsolete
231	Dell Computer	not cost effective to repair
225	Dell Computer	not cost effective to repair
223	Dell Computer	not cost effective to repair
221	Dell Computer	not cost effective to repair
222	Dell Computer	not cost effective to repair
228	Dell Computer	not cost effective to repair
226	Dell Computer	not cost effective to repair
229	Dell Computer	not cost effective to repair
239	Powerconnect Switch 48 port	not cost effective to repair
238	Powerconnect Switch 48 port	not cost effective to repair
196	Dell Poweredge Server	not cost effective to repair
200	Dell Poweredge Server	not cost effective to repair
194	Dell Poweredge Server	not cost effective to repair
157	Dell Computer	not cost effective to repair

3-K **(1)** Quit Claim Deed for the North Croft Avenue Improvement Project donated by CSX Transportation, Inc., and **(2)** the Clerk to place the acceptance stamp upon the deed and record in the public records.

3-L Notice of Commencement to AAA Gator Construction to be included in the permit application package for two awning installations at the Courthouse Annex.

3-M Request from Girl Scouts - Heart of Florida Council, Inc., to waive rental fees of \$890 at the Citrus Springs Community Center for their annual meeting and recognition luncheon April 28, 2007.

3-N "In Home Service July 1, 2006 through June 20, 1007 Rate Agreement - Renewal #1" with Ultimate Nursing Care using unit rates established as a result of the Invitation to Negotiate 069-05 under the Community Care for the Elderly Program (CCEP) to eligible elderly residents.

3-O "In Home Services Alzheimer's Disease Initiative July 1, 2006 through June 30, 2007 Rate Agreement - Renewal #1" with NurseTemps using unit rates established as a result of the Invitation to Negotiate 069-05 to eligible Citrus County elderly residents.

3-P "In Home Services July 1, 2006 through June 30, 2007 Rate Agreement - Renewal #1" with NurseTemps as a result of the Invitation to Negotiate 069-05 under the CCEP to eligible elderly residents.

3-Q "In Home Services Alzheimer's disease Initiative July 1, 2006 through June 20, 2007 Rate Agreement - Renewal #1" with Ultimate Nursing Care using unit rates established as a result of the Invitation to Negotiate 069-05 to eligible elderly residents.

3-R Administrative Plan Revisions for the Citrus County Housing Choice Voucher Program.

3-S "In Home Services Alzheimer's Disease Initiative July 1, 2006 through June 30, 2007 Rate Agreement - Renewal #1" with Family Life Care using unit rates established as a result of the Invitation to Negotiate 069-05 to eligible elderly residents.

3-T "In Home Services July 1, 2006 through June 20, 2007 Rate Agreement - Renewal #1" with Family Life Care using unit rates established as a result of the Invitation to Negotiate 069-05 under the CCEP to eligible elderly residents.

3-U Cancellation of the public hearing on Tuesday, July 25, 2006, at 3:00 P.M. to amend Chapter 102 of the Citrus County Code of Ordinances.

3-V A write-off of \$60.90 for a Landfill accounts receivable charge from the Citrus County School Board.

3-W "In Home Services Alzheimer's Disease Initiative July 1, 2006 through June 30, 2007 Rate Agreement - Renewal #1 with RK III - Helping Hands of North Florida using unit rates established as a result of the Invitation to Negotiate 069-05 to eligible elderly residents.

3-X "In Home Services July 1, 2006 through June 30, 2007 Rate Agreement - Renewal #1" with RK III - Helping Hands of North Florida using unit rates established as a result of the Invitation to Negotiate 069-05 under the CCEP to eligible elderly residents.

3-Y **(1)** Supplemental Agreement #1 with Nature Coast Emergency Medical Foundation for the provision of one additional paramedic response vehicle to be used for coverage in the Gospel Island area during the bridge construction project, and **(2)** the related budget transfer: **Administrative Services:** \$36,541 from #001-9999-60050 to #-2101-58207.

3-Z Citrus County Attorney's Office to prepare an injunction against Peter Collins, dealer for Pure Systems Water Treatment Technologies, to cease and desist with the distribution of water softener signs in the County right of way.

3-BB Request from Lyric Services, Inc., for an additional 20 calendar days changing the substantial completion date to July 18, 2006, and the final completion date to August 1, 2006, for the Stovall Building Drainage Retrofit Project.

3-CC Tom Davis, President of Crystal Aero Group, Rick Winkel, Chairman of the Aviation Advisory Board, and Quincy Wylupek, Engineering Project Manager, to serve as steering committee members for the North Central Florida Region of the Continuing Florida Aviation System Planning Process.

3-DD "In Home Health Services 2006/2007 Emergency Alert Response Unit Services Rate Agreement and Specifications - Renewal #1" with Guardian Medical Monitoring using unit rates established as a result of the Invitation to Negotiate 069-05 under the CCEP the Elderly Program to eligible elderly residents.

3-EE "Task Authorization No. 7 to Master Agreement for Solid Waste Engineering, Planning and Environmental Services RFQ 077-04" with SCS Engineers for preparation of the annual financial assurance cost estimates report to the Florida Department of Environmental Protection (DEP) for the Landfill in an amount not to exceed \$4,950.

3-FF "Community Care for the Elderly Food Services Contract from July 1, 2006 through June 30, 2007" with G.A. Food Services of Pinellas County, Inc., using unit rates established as a result of Bid No. 005-06 for home delivered meals to eligible elderly residents.

3-GG "Medicaid Waiver Program Food Services Contract from July 1, 2006 through June 30, 2007" with G.A. Food Services of Pinellas County, Inc., using unit rates established as a result of Bid No. 005-06 for home delivered meals to eligible elderly residents.

3-II "Alzheimer's Disease Initiative 2006/2007 Facility Based Respite Care Developing Options for Seniors" with Developing Options for Seniors, the parent company of Crystal Gem, Sugarmill Manor, and Pleasant Grove Assisted Living Facility.

3-JJ Use of the Historic Courthouse on September 23, 2006, from 10:00 A.M. to 5:00 P.M. as requested by Grace Bonnette, owner of Accents by Grace, for a wedding and formal expo to highlight the variety of available County businesses and resources for wedding and event planning.

3-LL Out of state travel for Richard Stover, Fire Chief, to attend a course entitled "Executive Planning" at the United States Fire Administration's National Fire Academy in Emmitsburg, Maryland, July 24, 2006 through August 4, 2006.

3-MM (1) Water and/or Wastewater Developer's Agreement with Ernestine Dixon-Bartlett agreeing to pay an amount not to exceed \$4,996.42 to extend and install the equivalent of a two inch sewer force main line to her property located at 3550 East Viaduct Lane, Hernando, plus connection fees, and (2) the Clerk to record the agreement in the public records.

3-NN Public workshop on August 22, 2006, at 5:01 P.M., and a public hearing on September 12, 2006, at 5:01 P.M. in the Citrus County Courthouse, 110 North Apopka Avenue in Inverness to consider amendments to the LDC Ordinance No. 90-14, application PDO-06-02, Vista Realty Group, Inc., for George and Cynthia Brannen.

3-OO Appointment of Adelaide Keller to a regular member position on the Special Library District Advisory Board for a term that would expire on September 30, 2006.

3-PP Resolution amending Resolution No. 2006-124 to establish July 11, 2006, as the date upon which the special assessment for the Chassahowitzka Waster Special Assessment District becomes due and payable, to extend the final date payments may be paid without interest or penalty from July 27, 2006 to August 14, 2006, to extend the previously established payment term of ten years to twenty years, and to reduce the ministerial fees from six percent per annum to five percent of the annual installment per year. **RESOLUTION NO. 2006-130**

3-QQ Appointment of Dr. Ed Holland to a member-at-large position and Frances Roberts and Sue Ellen Friddle to accommodations positions on the Citrus County Tourist Development Council for terms that would expire on July 31, 2010.

3-SS Bid/RFP (Request for Proposal) Award Recommendations: (1) **Bid No. 087-06, Road Maintenance Division, Mowing and Trimming of Median/Curbed Roadways with Litter Pick up:** to Citrus County Grass as the only bidder; (2) **Bid No. 001-05, Solid Waste Management (SWM), Transportation of Raw or Treated Leachate:** renewal agreement with A-Able Septic-Sewer Services, Inc., under the same terms and conditions as listed in the bid documents; (3) **Bid No. 003-05, SWM, Transportation and Recycling of Obsolete Electronic Devices:** renewal agreement with Creative Recycling Systems, Inc., under the same terms and conditions as listed in the bid documents; (4) **Bid No. 001-06, SWM, Supply and Delivery of Diesel Fuel:** renewal agreement with Whetstone Oil Co., Inc., under the same terms and conditions as listed in the bid documents; (5) **Bid No. 002-06, SWM, Electrical Maintenance Items:** renewal agreement with Electrical Services, Inc., under the same terms and conditions as listed in the bid documents; (6) **Bid No. 004-06, SWM, Yard Waste Processing:** renewal agreement with Consolidated Resource Recovery, Inc., under the same terms and conditions as listed in the bid documents; and (7) **Bid Waiver Request, Parks and Recreation (P & R) , Network Cabling:** waiving the bid procedures and allowing P & R to use Sun Tech Communications for the installation of fiber feeder cable and the networking cabling for the P & R Administration Building for \$19,250.50.

3-KK **MODIFICATION TO THE BEVERLY HILLS DRI (DEVELOPMENT OF REGIONAL IMPACT)**

Mr. Dick advised that the supporting documentation for this item indicated that the cost to the County would be about \$14,000 for mailing notices to the affected parties; however, Mr. Maidhof had informed him that a legal advertisement in the newspaper would suffice for the notice requirement; therefore, the cost would be \$150.

Upon motion by Commissioner Bartell, seconded by Commissioner Valentino, and carried unanimously, the Board authorized staff to file a modification to the Beverly Hills Development of Regional Impact with the Withlacoochee Regional Planning Council to allow for the construction of a facility on donated property adjacent to the Beverly Hills Skate Park for the Beverly Hills Boys and Girls Club.

3-HH **HOMOSASSA FORCE MAIN CLEANING**

Commissioner Phillips explained that this item was to clear blockage in the Homosassa force main that served customers on the Halls River Road and in Chassahowitzka. She expressed unease that the Board was being asked to approve a bid to the same company (Danella Companies Inc.) that was behind schedule on the sewer project in Homosassa (Halls River Road Sewer Infill Project). She questioned if there were other bidders and if the company was going to be able to complete the project in Homosassa. Before she would consider awarding the bid to Danella Companies, Inc. (Danella), she requested assurance from staff about the company.

Utilities Division Director Bruce Bates confirmed Mr. Dick's response that Danella was the lower of two price quotes received, and although this was the same company hired for the Halls River Sewer Infill Project (Halls River Project), the crew was specialized, and was not associated with that project.

Commissioner Phillips remarked that the contract should contain a penalty clause so the Board would have recourse. The Chairman shared Commissioner Phillips' concerns and stated that the lowest bid was not always the best. Mr. Bates declared that staff would be involved in this project and that the job would be completed within 24 hours on July 25.

Commissioner Damato commented that the preparations and implementations were written by staff, and if the contractor performed to those specifications and the job was inspected by staff, he did not think there would be any problems. Mr. Bates explained that everything would be forced into the County's lift station at Meadowcrest (Wastewater Treatment Plant), and the work would be documented.

Upon motion by Commissioner Valentino, seconded by Commissioner Damato, and carried unanimously, the Board (1) approved and authorized the Chairman to execute the Contract Modification (Change Order) with Danella, Inc., for \$37,188.39, and (2) approved the related budget transfer: Utilities Division: \$45,000 from #450-9000-60080 to #54605.

3-AA NOTICE OF COMMENCEMENT TO DANELLA COMPANIES, INC.

Commissioner Bartell reiterated Commissioner Phillips comments that this company (Danella) was hired for an enormous sewer infill project (Halls River Project), which was now 180 days behind schedule. He stated that staff had worked diligently with the contractor and the citizens to complete the project, and that he had checked on the project every day. He said that due to the lack of progress and the number of citizens' complaints about the roads being in disrepair for six or seven months, and now with the rainy season hampering construction and paving, he did not feel comfortable having this contractor perform the Chassahowitzka Project (Chassahowitzka Area Water and Sewer Project, Phase 01). He recommended that the Board send a certified letter to Danella putting them on notice that they were 180 days behind schedule on the Halls River Project, and that the County would implement the liquidated damages portion of the contract for \$1,000 day. He added that this was a great project and the citizens were 100 percent supportive, but it had turned into a fiasco.

Mr. Dick replied that staff shared the concern about the length of time this project had been delayed and the discomfort and inconvenience to citizens; however, this was a difficult project for any contractor to accomplish, and that was most likely the reason for only one valid bid to perform the work. He stated that it would probably be September before a punch list was created and the system was certified by the DEP.

Commissioner Phillips commented that she could understand extending the time schedule one or two times, but she did not understand why the Board would extend the contract from January to July and not exercise the liquidation damages clause. She stated that the liquidation damages clause protected the County from such situations, and she agreed with Commissioner Bartell about notifying Danella and exercising those rights. She further stated that she had no interest in contracting with this company for another sewer project, and she would vote against awarding the bid to them because the citizens would not be well served.

Mr. Dick informed that based upon the discussions Monday morning, the Public Works Director (Glenn McCracken) had sent a certified letter to Danella indicating that the County was putting them on notice of being 180 days behind schedule and that the County intended to impose liquidated damages for the project back to the stated completion date. He advised that if the Board did not proceed with the Notice of Commencement, funding opportunities could cease for the project.

He responded to Commissioner Phillips' question regarding the CDBG (Community Development Block Grant) by stating that if the contract was awarded to Danella and the contractor did not fulfill his obligations in a timely manner, the \$690,000 grant would be in jeopardy.

He answered Commissioner Damato's question about Danella's reasons for change orders, delays, and time requests by stating that two change orders had been issued for time extensions and another had not been signed bringing the completion date to early April, which would be the time to take action on the liquidated damages. He added

that the Halls River Project was about 90 percent completed, and the biggest issue was installing the last portion of pipe.

Commissioner Damato commented that he had rather have County staff determine the methodology of construction for the Chassahowitzka Project and questioned if enough constraints were in place. Mr. McCracken advised that some controls were in place and staff could make suggestions, but they must be careful about telling contractors how to do their work. He added that additional staff and a project manager were hired for the job, and improvements were made to the bid documents for the water portion of the project; however, he could not assure the Board that there was more control over the bid documents and the methods for the Chassahowitzka Project than the Halls River Project.

Commissioner Bartell mentioned that many citizens had filed claims against the contractor for damages done to their private property, and the County needed to be firm in dictating how the project would be completed. Mr. McCracken replied that the claims he was aware of were being handled by Danella's insurance company.

Mr. Battista responded to Commissioner Fowler's question regarding why he had not recommended taking action concerning the liquidated damages by stating that the County had cooperated with the contractor and the change orders were made in good faith. He stated that the County would have to prove financial damages and the court would not allow levying \$1,000 a day for punitive damages. Mr. McCracken detailed the change orders and confirmed that they were agreed to by the County and were legitimate changes to the contract.

Nick Fiduccia, Operations Manager with Danella, addressed the Board about the problems with the Halls River Project, and stated that weather permitting; the project would be completed within four to six weeks. He explained that Danella had worked all over the state and had never experienced geological problems such as those of Halls River Project, and the streets could not be paved until they were dry. He added that Danella had gone through a learning experience with the dewatering issues of the Halls River Project and steps had been taken to secure areas ahead of time so there would be a place for the water to go without affecting the people during the Chassahowitzka Project. He added that the contractor was working as diligently as possible to finish, but there was still 80 feet of pipe left to install, streets to pave, and lift stations to start up.

Commissioner Fowler expressed appreciation to Mr. Fiduccia for the explanation and Danella's interest in doing the Chassahowitzka Project, and stated that he would not support a motion to deny the contract.

Mr. Fiduccia told the Board that the restoration of the roads and paving should be done within three to four weeks and testing the system could go until the end of August, but September would be a more realistic completion date. He also stated that the design of Chassahowitzka Project was as not as intrusive as the Halls River Project where the sewer mains were in the center of the streets. He relayed various locations in Florida where Danella had installed sewer systems without encountering the unique

dewatering and rock problems of the Halls River area. He told Commissioner Phillips that it would not be appropriate to begin working on the Chassahowitzka Project before finishing the Halls River Project. He added that the Danella's construction workers were tired of meeting obstacles on the Halls River Project and would like to go somewhere else, but the company would not let that happen. He advised that when the last 80 feet of pipe was in the ground, he would provide a schedule to Mr. McCracken for the Chassahowitzka Project.

The Chairman suggested and Mr. Fiduccia was agreeable to postponing action on the Notice of Commencement until the next Board meeting in order for Danella to finish placing pipe in the ground on the Halls River Project.

Commissioner Damato commented that the conditions of the ground on the Halls River Road were extreme, there were right of way constraints, there were a lack of contractors to do both projects, and change orders always increased the costs or the time; therefore, he would expect to have the problems Mr. Fiduccia described. He said that it was obvious Danella made a good effort to move the project along with the problems they encountered, and he thought the Board should work with them to complete the Halls River Project and move forward on the Chassahowitzka Project.

A motion was made by Commissioner Fowler and seconded by Commissioner Damato to (1) approve a Notice of Commencement to Danella Companies, Inc., for the construction of the Chassahowitzka Area Water and Sewer Project, Phase 01, and (2) direct the Clerk to record the document in the public records.

Mr. McCracken clarified that Mr. Fiduccia had cleared some areas for lift stations and had ordered pipe, submitted drawings, and materials were still coming, so there would be activity.

Commissioner Phillips expressed appreciation to Danella for making every effort to bring the project to completion, but that she believed one project should be completed before starting another.

Mr. McCracken explained to Commissioner Damato that Danella had been issued a Notice to Proceed, and the County had received bonds (payment and performance). Mr. Battista added that the Notice of Commencement protected the subcontractors.

Commissioner Fowler declared that the Board would be remiss by not approving the Notice of Commencement when the Notice to Proceed had been issued and materials and services had been ordered. Mr. McCracken advised that the Notice to Proceed allowed the contractor to begin the project and the Notice of Commencement allowed the contractor to start the project after the County had received the bonds and insurance certification. Mr. Battista added that Commissioner Fowler's comments would be well taken and the two processes should be closely dovetailed. Short discussion followed.

Mr. Fiduccia affirmed that if the Board approved the Notice of Commencement today, Danella would perform the pre-mobilization work needed and would not begin the Chassahowitzka Project until the Halls River Project was completed. He added that Danella already had a Notice to Proceed, a contract, a purchase order, and the Notice of Commencement protected Danella's subcontractors and material suppliers.

The Chairman called a question on the motion. Motion Carried. Voting aye: Commissioners Bartell, Fowler, and Damato. Voting nay: Commissioners Phillips and Valentino.

The Chairman recessed the meeting until 3:19 P.M.
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2-G **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT PRESENTATION - MINIMUM FLOWS AND LEVELS**

The Chairman announced that this item would be rescheduled for the August 8, 2006, Board meeting.

2-E **STREAMLINED ANNUAL PUBLIC HOUSING AUTHORITY (PHA) PLAN**

Joe Monroe, Housing Services Division Director, made brief comments and said there were no changes in the plan.

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

Upon motion by Commissioner Phillips, seconded by Commissioner Valentino, and carried unanimously, the Board approved the Streamlined Annual Public Housing Authority (PHA) Plan for Fiscal Year 2006-2007, and authorized the Chairman to execute the PHA Certifications of Compliance.

2-F **SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM (PROGRAM) AND TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING**

Mr. Monroe advised that the Escambia County Housing Finance Authority administered the Program, which enabled lenders to offer mortgages to first time low to moderate-income buyers at below market interest rates.

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

Upon motion by Commissioner Phillips, seconded by Commissioner Damato, and carried unanimously, the Board (1) adopted and authorized the Chairman to execute a resolution authorizing Citrus County to enter into an Interlocal Agreement with the Escambia County Housing Finance Authority (ECHFA) for the purpose of issuing single family mortgage revenue bonds for use within Citrus County, and (2) approved and authorized the Chairman to execute the Interlocal Agreement with ECHFA.

2-H **AA-06-03, SUGARMILL WOODS OAK VILLAGE ASSOCIATION, INC.**

Assistant County Attorney Michelle Lieberman polled the Board for ex parte communications and all Commissioners disclosed that there had been no previous conversations. At the Chairman's request, Ms. Lieberman explained the quasi-judicial process, which she said applied to specific application of policy as opposed to the creation of policy, and that any Comprehensive Plan (COMP) amendment was legislative because it was a policy document. Mr. Maidhof then read the preamble to the ordinance into the record.

Amy Pace, Community Development Division (CDD) Coordinator, gave a description of the property. Margaret A. Beake, AIA, AICP, Senior Planner, CDD, provided the staff report for a major modification to an approved Planned Development (PD) Master Plan from PDR (Planned Residential Development) Single Family Use to PDR Nature Belt Use (community common area) for nine lots and one partial lot in Oak Village, Sugarmill Woods Subdivision. She showed examples of the improvements on a map, which were limited to community signage, lighting, and landscaping located in each entrance to Oak Village from County Road (CR) 480 and US 98. She reported that a COMP amendment was not required because the property was designated Residential Mixed Use on the GFLUM (Generalized Future Land Use Map). She added that staff and the PDRB (Planning and Development Review Board) recommended approval with three conditions, which she read into the record.

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

Upon motion by Commissioner Valentino, seconded by Commissioner Damato, and carried unanimously, the Board adopted and authorized the Chairman to execute an ordinance amending the Atlas of the Land Development Code, Ordinance No. 90-14, by changing the land use designation of certain property located in Sections 19, 20, 29, 32, and 33, Township 20 South, Range 18 East, from Planned Development Residential (PDR), Single Family Use to PDR Nature Belt Use; by providing for repeal of conflicting ordinances; and providing for an effective date, in accordance with Application AA-06-03, Sugarmill Woods Oak Village Association, Inc. ORDINANCE NO. 2006-A11

2-I **LAND DEVELOPMENT CODE CRITIQUE**

Kevin Smith, Interim CDD Director, stated that the LDC was adopted in 1990, shortly after the adoption of the COMP, and since that time, numerous amendments had been made. He also stated that staff had obtained the services of Duncan and Associates, Inc., to review and identify areas of improvement in the LDC, and that Eric Damian Kelly, with Duncan and Associates would make a presentation on the LDC Critique (included in the backup materials). He added that staff would be looking for policy direction on the update to the LDC, and if the Board agreed staff would proceed with a contract amendment with Duncan & Associates to complete the LDC update.

Mr. Kelly stated that Duncan and Associates only profession was to help local governments implement plans. He explained that the analysis of this review was based upon his office, the County's LDC and COMP, meetings with staff, best practices nationally, Florida and constitutional laws, and feedback from the County departments, the Sheriff, and others. He highlighted some of the recommendations for changes to the LDC as follows:

- Separating the COMP and zoning maps
- User friendly format with graphics and tables
- Reorganization of the LDC structure
- Streamlining the development review process
- Additional zoning districts, particularly in commercial districts
- Development and design standards
- Consolidated use table
- Specific standards for certain types of uses
- General development standards
- Sign standards to be more in conformance with the law
- Access and circulation standards
- Resource protection to include integration and blending of groundwater, spring, wellhead protection, and firewise standards
- Minor changes to subdivision regulations dealing with concurrency issues in big developments
- Nonconforming uses
- Violations and enforcement language

Commissioner Damato asked questions regarding mixed-use of retail space with residential above, the points ranking system, and attached or detached "mother-in-law" type quarters that could be associated with affordable housing. Mr. Kelly responded as follows: residential above commercial property was the best method of having mixed use space, and it should be integrated into the LDC; the points or bonus standard was recommended for extras, such as improving the facade, mixing in affordable housing, and so forth; if accessory type dwelling units were allowed, the Board would have to accept that anybody could live there and that parking would be an issue.

Mr. Maidhof pointed out that some of the items Commissioner Damato mentioned were listed on page 13 of the report, and he described some of the benefits of updating the LDC. Mr. Kelly explained that the recommendations listed could be modified to meet the County's needs unless Florida law required exact language be used. After a brief discussion, the Commissioners agreed that an update to the LDC was needed.

A motion was made by Commissioner Phillips and seconded by Commissioner Fowler to approve the Land Development Code (LDC) Critique as policy direction on the update to the LDC, and authorize staff to negotiate an amendment to the Contract/Scope of Work with Duncan & Associates, Inc., for update to the LDC based on the findings of the LDC Critique.

Attorney Clark Stillwell, on behalf of the Citrus County Builders Association (CCBA), stated that the CCBA endorsed the update; however, requested that it be incorporated into the Code of Ordinances so there would be a legislative history of amendments. Mr. Maidhof replied that Mr. Stillwell's concern would be addressed by staff.

The Chairman called a question on the motion and the motion carried unanimously. (4:00 P.M.)

2-J CPA/AA-05-17, CLARK A. STILLWELL FOR MCFARLAND CONSTRUCTION

2-K PDO-06-04, CLARK A. STILLWELL FOR MCFARLAND CONSTRUCTION

Mrs. Pace showed a slide of the proposed amendment areas and advised that both applications were requested to amend the LDC Atlas and the GFLUM and to allow for a master plan of development for an office complex.

Mrs. Beake presented the staff report and stated that both applications were being submitted concurrently comprising three parcels of approximately 3.56 acres located on North Croft Avenue about one-quarter mile south of the intersection of CR 486. She reported that CPA/AA-05-17 was a request to change the land use from Low Density Residential (LDR) on the GFLUM and LDR* (allowing mobile homes) on the LDC Atlas to Professional Services and Office (PSO). She explained that PDO-06-04 was a request to establish a master plan for McFarland Offices, a professional office consisting of two phases, with approval of Phase 1 at this time and Phase 2 to follow resolution of concurrency issues. She added that staff recommended denial of both applications; however, the PDRB recommended approval of both applications.

She stated that the application for CPA/AA-05-17 had been amended several times, but staff continued to recommend denial for the following reasons: the proposal was not concurrent for traffic or utilities on Croft Avenue and redesignation would not be compatible with the adjacent LDR development. She further stated that staff also recommended denial of the PDO, even though it was limited to Phase 1, because of the lack of traffic concurrency and a traffic study as required by the LDC, the lack of sewer concurrency, incompatibility with the surrounding area, inadequate information regarding access management and improvements required to Croft Avenue, and lack of a tree preservation plan. She then listed the conditions of the approval of Phase 1 by the PDRB on May 4, 2006, but stated that the PDRB did not specify a traffic study or a tree preservation plan.

Engineering Services Director Albert McLaurin informed the Board that the Engineering Division could not approve this project due to the lack of a traffic study and sanitary sewer utilities. Walt Eastmond, Engineering Manager, gave a brief history of the road-widening project at the intersection of Croft Avenue and CR 486, and stated that staff was thinking about readjusting the project and not extending it to Hayes Road as originally agreed to because of problems of land acquisition and donation.

Mr. Eastmond and Mr. Maidhof responded to the Commissioners' questions as follows:

- Staff was not anticipating installation of central sewer in this area, but eventually sewer could be connected to CR 486 as development occurred.
- The big issue was the donation of land along the corridor.
- Staff was looking at scaling the improvements much closer to the intersection, because negotiations were unsuccessful for donation of land by the property owners.
- The CIP (Capital Improvement Project) did not extend to this property and the County did not control the right of way; therefore, this project was not concurrent for traffic.
- This application was for a land use change and was separate from the road improvement project.

Discussion continued regarding the project not being concurrent with traffic and sewer, incompatible with the surrounding property of LDR, and so on.

Mr. Stillwell, representing the applicant, advised that there had been no neighborhood objections to this project, including the School Board. He pointed out that County standards allowed office type development on septic tanks, and the second site plan met that standard; however, the real issue was traffic. He stated that a revised application was filed from General Commercial (GNC) District to PSO District, and at the time, Croft Avenue road widening was scheduled to be completed. He further stated that his client recognized the potential for traffic constraints in the middle of Croft Avenue between CR 486 and SR (State Road) 44, that traffic counts were taken in the area and that under the concurrency tests, the improvements would be met within three years at the intersection. He also stated that the McFarland's took the County's design in good faith that traffic would be relieved, so the statutory tests would be met at completion. He stated that the PDO was added to provide assurance that this project would meet concurrency, and the transportation studies indicated that there were only 29 peak hour trips, which did not create a demand for a traffic study. He added that this project was appropriate for the neighborhood and the McFarland's wanted to expand at the intersection in this transitioning area.

He advised that the McFarland's were not notified that the County expected them to donate 50 feet of land at an estimated value of \$40,000 to \$50,000. The Chairman interrupted and stated that this issue should be deferred to legal staff; however, Ms. Lieberman advised that Mr. Stillwell considered this information relevant, and it was the Board's decision to determine the relevancy to this application. Mr. Stillwell continued and stated that negotiations broke down because of the lack of notification by the County, a settlement proposal with no appraisal, informing the McFarland's they needed to donate \$50,000 worth of property to the County plus \$85,000 in impact fees.

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

Attorney Larry Haag, representing the McFarland's and others who were impacted by the subject road project, stated that it was obvious this area would change

when the County widened the road. He discussed the devastation to the 100-year-old oak trees of one property owner, the proposed road to the school that would virtually encircle his property, and the end to his client's peaceful residence. He said the McFarland's were asked to give their land away for free, another landowner was asked to donate his land in return for central sewer being installed down the road, and another property owner had three drainage retention areas going across the front of his property, leaving only a driveway. He declared that once this road project was completed, it would destroy the residential neighborhood, the property owners were expected to donate 60 or more feet of frontage, none of his clients had received any correspondence, appraisals, or offers by the County, and they had been dealing with this issue for one and a half years. He added that the McFarland's were expected to pay \$80,000 in impact fees and the promise for sewer apparently was no longer a discussion. He remarked that it was important to note that this Board had paid the Pennington Law Firm (Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.) \$1,746,941 as of May, and had the property owners been compensated rather than the eminent domain lawyers, the County would have probably obtained most of the land they needed.

Chairman Bartell mentioned that he had discussed the issue with Mr. Battista, and it was a serious problem if the Board had paid that amount of money to the eminent domain lawyers. Commissioner Phillips commented that she was not aware of this information, that the Board did not intend to do business this way concerning eminent domain, and that there should be a discussion another time about the issue.

Mr. Haag remarked that it did not make sense to widen the road without installing the utilities at the same time, and that his clients wanted to be treated the same as the landowners on CR 486 or CR 491.

Commissioner Fowler said that he used to own property on Croft Avenue, but he would have never donated any of it, and asked why the County would think those property owners would donate their property without getting something in return. He questioned why the County would want to expand the west side of Croft Avenue where there would be intrusion on the property owners rather than the east side where no one lived.

The Chairman asked if anyone else wished to speak in favor.

Bill Buchanan spoke in favor of the proposed project. He specified that he had received a letter offering him \$20 and other valuable consideration for his property. He explained that there were good reasons for expanding the east side of Croft Avenue, one being the stacking problems of the school (Hernando Elementary), and that the area would eventually become commercial. He added that he thought staff had misled him and others because they were told that central sewer would be installed when the road was widened.

Dave Gallant spoke in favor of the project and said that he had received a letter from the land acquisition company AIG, but felt deceived by the value placed on his property, and there was no indication that an appraisal had been done.

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

Mr. Maidhof emphasized that this issue was a land use application, the road was not concurrent for traffic, the applicant had not provided a professional traffic analysis that would show concurrency or that improvements proposed at the intersection would create concurrency, and until that documentation was provided, staff's position would be a recommendation of denial. He announced that the public hearing for this application would be August 8, 2006, at 5:00 P.M. He added that this road would not be widened to four lanes until the Board included it in the CIP.

Commissioner Phillips mentioned Senate Bill 360 and confirmed that the Board must comply with concurrency, and that this site surrounded on all four sides by LDR property. (4:43 P.M.)

The Chairman recessed the meeting until 5:05 P.M.

2-L **2006 FIRST CYCLE AMENDMENTS**

Mr. Maidhof stated that this was the public hearing for the EAR (Evaluation and Appraisal Report) based amendments and read the ordinance preamble into the record. Mr. Smith gave the staff presentation and stated that additional public input, information about affordable housing, and text additions and revisions had been included in the information package since the June 27 workshop (filed with the Clerk's agenda). He also mentioned a correction to page 4-44 policy 4.9.3 that should have been shown as a strike through because it was replaced by the revised policy 4.9.17 on page 4-46.

The Chairman opened the hearing to the public and asked if anyone wished to speak in favor.

Thomas E. Clark and Rosemary Rendueles, representing the Homosassa River Alliance, supported the amendments, congratulated staff and the PDRB for their work in the process, spoke about the importance of wetland protection, and that the amendments would allow the County to maintain the reputation as Natures Suncoast, and so on.

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

Clark Stillwell, representing the CCBA and Citrus Mining & Timber, asked that his letters be made a part of the record (filed with the agenda backup). He spoke about the need for a light industrial classification, the affordable housing projects being allowed the density authorized now, removal of the five-mile radius rule, and so on.

Alice Funk, representing the Florida Manufactured Housing Association, spoke in opposition to CPA-06-04 Chapter 4, which required a hurricane shelter in a new manufactured housing community. She stated that this amendment unfairly singled out manufactured housing. She suggested establishing an emergency shelter fund, in which

all developers contributed to retrofit or harden current facilities used for shelters and for communication systems.

Dixie Hollins, owner of Citrus Mining & Timber, expressed concern with the County getting involved with wetland mitigations and requested the removal of the five-mile nuclear radius.

With no further public input, the Chairman closed the public hearing.

Upon motion by Commissioner Philips, seconded by Commissioner Valentino, and carried unanimously, the Board approved and authorized the Chairman to execute an ordinance amending the Comprehensive Plan, Ordinance No. 89-04, as amended, by revising the text of Chapters one through fifteen; providing for severability; providing for inclusion; and providing for an effective date. ORDINANCE NO. 2006-A12

6- **COUNTY ADMINISTRATOR'S REPORT**

6-A **CITRUS COUNTY TRANSIT-NON-EMERGENCY MEDICAL TRANSPORTATION**

Brad Thorpe, Director of Community Services, provided information regarding the non-emergency medical transportation services for Citrus County residents. He stated that this proposal had been presented to the Local Coordinating Board of the Transportation Disadvantaged Program and was approved at their meeting held on May 19, 2006. He explained that due to a decrease in funding from the state agency handling Medicaid transportation and a major rate increase requested from DASH Transport, Inc., staff was proposing that Citrus County Transit take over the provision of services. He added that staff would renegotiate a contract with DASH Transport, Inc., as back up provider.

A motion was made by Commissioner Phillips and seconded by Commissioner Fowler to approve (1) Citrus County Transit taking over the provision of non-emergency medical transportation services for Citrus County residents, (2) a bid waiver to allow Citrus County Transit to purchase vans directly from a distributor who normally had the units in stock, upon the issuance of a Notice of Grant Award under the Department of Transportation Section 5309 Program, and (3) the format of Amendment No. 2 Rate Agreement with Dash Transport, Inc., for non-emergency medical services beginning August 1, 2006, or when executed by both parties, through June 30, 2007.

Shannon Heathcock, representing DASH Transport, stated that his company would continue to provide their best service to the County and applauded staff for finding an alternative.

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

6-B **SEPTIC SYSTEM REGULATION**

Mr. Dick stated that staff had begun researching one of the Board's goals regarding septic system regulation. He explained that staff had identified four counties

with ordinances that provided this type service. He requested Board approval to pursue the Santa Rosa program as the most favorable in terms of implementing a septic system regulation process at the time of sale. He explained that if the Board approved this direction staff would gather more information from Santa Rosa County and bring the information back to the Board.

A motion was made by Commissioner Fowler and seconded by Commissioner Phillips to direct staff to use the Santa Rosa County option to identify and correct substandard septic systems within Citrus County.

Commissioner Damato made suggestions to staff regarding the regulation, such as inspections at time of sale, certifications to both parties at closing, systems meeting the requirements, etc. Mr. Dick stated that staff would also inquire about additional staff needs required by Environmental Health, who would handle violations of the septic systems. Commissioner Phillips stated that staff needed to explore Environmental Health's willingness to enforce this proposed regulation.

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

The Chairman recessed the meeting until 6:06 P.M.
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2-M ***PDO-05-01, RIVERSIDE RESORT***

Ms. Lieberman explained that the Board had received a faxed letter this morning from Carl Bertoch, attorney for the applicant, requesting a formal quasi-judicial hearing.

Mr. Bertoch made brief comments regarding his request and distributed "Applicant's Composite Exhibit A" (filed with the Clerk's agenda). The Board declined his request based on the five-day filing requirement and that they did not want to change procedures during the middle of the process. Ms. Lieberman then explained the procedure for an informal quasi-judicial hearing, and Mr. Maidhof reviewed correspondence that had occurred between Mr. Bertoch and him since the workshop.

Mrs. Pace described the property in this application as approximately 6.20-acres of an 8.93-acre parcel located on the Homosassa River. She showed a slide presentation while Mrs. Beake described each slide. Mrs. Beake explained that this amendment area was located in the Old Homosassa Special Overlay District (Overlay District), that LDC Section 4680 illustrated the height restriction in that district, and that no differentiation was made for commercial and residential heights. She stated that the applicant was proposing redevelopment and development to include 72 motel suites in condominium ownership with 3 floors of motel living space above parking, 15 motel single rooms with 2 motel living floors above retail, and 3,600 square feet of retail space. She referred to a letter of determination from Mr. Maidhof dated June 30, 2006, stating that the application was subject to the standards of LDC Section 4680 and that PDOs may vary from LDC standards with Board approval (filed with the agenda backup). She mentioned that the applicant envisioned an upscale development that would be compatible with the character of Old

Homosassa. She reported that the application did not comply with the LDC height standard for the Overlay District, which allowed for one less floor; however, the applicant proposed the following mitigating design features: lower lot coverage (45 percent) rather than the allowed 70 percent to preserve large trees and open space; parking at grade under the buildings to minimize fill and grading; and new public access to the water, and a nature trail. She explained that because of the proposed mitigating design features, staff proposed two options for the Board's consideration:

Option A: As proposed by the applicant, the buildings shall consist of three living floors above parking, or two living floors above retail, and the ground area coverage shall be less than 45 percent. In lieu of compliance with LDC Section 4680.C.4, Old Homosassa Area Redevelopment Plan, the applicant must demonstrate that the proposal preserves or enhances the existing character of the community by limiting lot coverage and providing green space and thereby meets the intent of this section.

Option B: In compliance with LDC Section 4680.C.4, Old Homosassa Area Redevelopment Plan, the proposed buildings shall be limited to two living floors above parking, or one living floor above retail, and the ground area coverage shall be less than the allowed 70 percent.

She added that the PDRB recommended approval of Option A. She reviewed the conditions and findings of fact, remarked on the number of letters and e-mails received in approval and opposition, and stated that staff recommended approval with 21 conditions. She requested the Board's consideration of Option A or B in condition 5.

She replied to Commissioner Fowler's question regarding the height standard by stating that there were two ways to limit height, one was to limit by the number of stories and the other was to limit by the maximum number of feet.

Mr. Maidhof read the preamble into the record.

Mr. Bertoch made brief comments regarding the history of the property, the future development of the property, and so on. Gail Oakes, applicant, showed a slide presentation (filed with the Clerk's agenda). Mr. Bertoch stated that the presentation addressed the issues discussed at the workshop and that the only debate was with the interpretation of LDC Section 4680.C.4. He mentioned that the amendment met the criteria of the LDC for Coastal High Hazard Areas with the ability to go up to 50 feet and four stories because this application was for three stories over parking at 42.5 feet. He added that the amendment complied with the aesthetic standards of the Old Homosassa Area Redevelopment Plan (Plan).

Commissioners discussed the initial incomplete application, the PDRB actions, the PDO providing flexibility to the applicant, the issues being the height of the buildings and the amount of green space, the design of the project, the LDC being user friendly, and so on.

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

Michael Millsap, Stewart Murphy, David Lawson, John Lawson, Robert Mickey, Alana Rich, Chris Watson, Bob Tsacrios, Gary Cox, Faye DeLoach, Dennis DeLoach, Richard Zimmerman, Maria R. Hilton, Randy Hall, Kathy Skovranek, Lee Greenburg, Chase Palmes, Gary Garland, Sanford Garland, Robbie Anderson, Carol Kemp, and Ralph Rand spoke in favor stating that the project would be a benefit to the area, a positive effect to the environment, preferring the height with more open space, the project being good for tourism, and so on.

The Chairman recessed the meeting until 7:47 P.M.

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

Tom Clark, Rolf Auermann, Tom Sanders, Dan Hillen, Bob Jeeves, Carlis Harman, Kathy Beck, Clyde Rendueles, Winston Perry, Jim Bitter, Ron Miller, Priscilla Watkins, Rosemary Rendueles, William Garvin, Jerome Myers, and Denise Lyn, representing the Save the Homosassa River Alliance, spoke in opposition to the height of the buildings, setting precedence, the possibility of changing the PDO in the future, additional traffic on the river and the roads, violating the Plan, and so on.

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

Mrs. Oakes and Mr. Bertoch made brief comments rebutting public comment on the height issues and the need for clarification in the LDC.

Mr. Maidhof addressed Commissioner Phillips' question regarding the interpretation of the Plan when referring to the number of stories, by stating that his informal interpretation would be Option B. He added that he believed the intent was two floors above parking and before he would make a formal interpretation, he would have to research the issue fully. Commissioners Phillips and Valentino agreed with the Option B interpretation.

A motion was made by Commissioner Fowler and seconded by Commissioner Bartell to adopt and authorize the Chairman to execute an ordinance amending the Atlas of the Land Development Code, Ordinance No. 90-14, by establishing a master plan of development located in Sections 31 and 32, Township 19 South, Range 17 East; by providing for repeal of conflicting ordinances; and providing for an effective date in accordance with PDO-05-01, Riverside Resort, with 24 conditions and Option A as stated above.

Commissioner Damato commented on the history of the property and the Old Homosassa area, redevelopment of the area, and the proposed project. He agreed with the increase in open space and the massing of buildings, which should be considered a

best management practice that everyone should support. He also made suggestions; such as, sidewalks, signage, parking, lighting, landscaping, and drainage retrofits to the existing motel units on the waterfront.

Commissioner Phillips stated that she wanted to support the motion; however, she could not support Option A, that there needed to be consistency with the objectives and policies of the Plan, that four story buildings would not preserve or enhance the area, and so on.

Commissioner Fowler commented on other communities such as Floral City and Citrus Springs, the owner's property rights, and the need for more green space and trees.

Commissioner Bartell stated that the language in the LDC needed clarity before another amendment was proposed, that most people would rather have the green space, that this was a good project for Old Homosassa, and that he would support the motion.

Discussion ensued regarding the green space, there being no guarantee that the green space would always be there, reviewing the existing land uses within a district, and so on.

The Chairman called a question on the motion. Motion carried. Voting aye: Commissioners Bartell, Damato, and Fowler. Voting Nay: Commissioners Phillips and Valentino. ORDINANCE NO. 2006-A13

The Chairman recessed the meeting until 9:35 P.M.

7- **COMMISSIONER GARY BARTELL, CHAIRMAN**

7-A **CITRUS SPRINGS ADVISORY COUNCIL**

Commissioner Phillips nominated Richard D. Windle to fill a regular member position on the Citrus Springs Advisory Council for a term that would expire on September 30, 2007.

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

7-B **EMPLOYMENT AGREEMENT FOR COUNTY ADMINISTRATOR POSITION**

The Chairman explained that this item would address the employment agreement with Charles C. Saddler, III. He expressed concern with the employment start date; however, Mr. Sadler had stated that he would be willing to come to Citrus County weekly to work with senior staff and Mr. Dick.

Commissioner Fowler stated that he had expressed concerns with Mr. Saddler at a previous meeting and assumed that he would have heard from Mr. Saddler or that Mr. Saddler would have attended the meeting today. He said that since Mr. Saddler had not contacted him and was not in attendance, he wondered if he was still interested in this job. He also spoke about a conversation that he had with Mr. Saddler during the interview

process regarding a newspaper article based on a rumor that Mr. Dick was going to be chosen as County Administrator. He advised that Mr. Saddler explained that the rumor was perpetuated by two senior staff members at the social the evening before and that if he were chosen as County Administrator *"he was going to deal with those two senior staff members"*. Commissioner Fowler stated that other candidates had mentioned that the article had been read in the conference room that morning, and Mr. Saddler and another candidate led a discussion in response that if the article had any basis, they should all just get up and leave. He expressed concern with Mr. Saddler possibly terminating those senior staff members and the turnover that had occurred in senior staff recently. He recommended rejecting this applicant and starting negotiations with Mr. Dick as County Administrator.

Commissioner Phillips stated that Mr. Saddler had not expressed anything close to what Commissioner Fowler described, that if staff was involved it was very unprofessional, that Mr. Saddler had met the qualifications, and that she had no concern with Mr. Saddler's employment start date. She also stated that she had the highest respect for Mr. Dick; however, he had not applied for the position.

Discussion ensued regarding not having full disclosure of the candidates, the need for clarification of Mr. Saddler's comments, the position being advertised for \$120,000 to \$130,000, the contract negotiations that had taken place, delaying the process, lack of qualified candidates with Florida experience, hiring the best person for the job, and so on.

The Board concurred that this item should be delayed until Mr. Saddler could meet individually with the Commissioners.

Mr. Dick stated that he had never lobbied for the position and that he did not apply for the job at the time; however, if the Board decided not to hire Mr. Saddler he would reconsider his position.

12- **COUNTY ATTORNEY'S REPORT**

12-A **CONSTRUCTION VARIANCE - HAMPTON HILLS THIRD ADDITION**

Upon motion by Commissioner Fowler, seconded by Commissioner Valentino, and carried unanimously, the Board approved and authorized the Chairman to execute a construction variance for Hampton Hills Third Addition (PLT-06-09) from the drainage easement right-of-way width of 30 feet to 10 feet with a condition that the 10 foot wide drainage easements would be maintained by the homeowners association and never become the responsibility of the County.

12-B **EMERGENCY MANAGEMENT INTERLOCAL AGREEMENT**

Mr. Battista explained that this amended interlocal agreement was a result of the Board requesting staff to work with the Sheriff's Office in order to amend the standing interlocal agreement to provide some clarifications. He advised that the amended interlocal agreement had been executed by the Sheriff and that staff was recommending approval.

A motion was made by Commissioner Bartell and seconded by Commissioner Fowler to approve and authorize the Chairman to execute the Emergency Management Interlocal Agreement with the Citrus County Sheriff, Jeffrey J. Dawsy.

Commissioner Phillips stated that she had an issue with Item 6 of the interlocal agreement, which she had discussed with Sheriff Dawsy. She mentioned that she understood that the language could be amended to be as follows: "The COUNTY and SHERIFF agree that the Sheriff's Office shall maintain responsibility for the budgeting of, and all operating costs associated with, the Division, with updates and information provided to the Citrus County Board of County Commissioners and/or its designee upon request." She said that it was important for the Board to be updated for budgetary reasons and she did not believe that the Board should have to request that information. She added that the Sheriff had also agreed to update the Board annually on the Continuity of Operations (COOP) and Continuity of Government (COG), which was Item 10.

Richard Wesch, representing the Citrus County Sheriff's Office, stated that the Sheriff had executed the amended interlocal agreement in its present form and authorized him to commit to the Board that additional budgetary information would be forthcoming and would become a regular and routine practice. He added that the COOP and COG would be handled by an annual presentation to the Board, possibly in January. He further stated that since the amended interlocal agreement had been executed by the Sheriff and the commitments were now part of the record, he hoped that Commissioner Phillips' concerns had been addressed.

Commissioner Phillips stated that she was satisfied with the commitments being part of the record.

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

There being no other business to come before the Board, the Chairman adjourned the meeting at 10:17 P.M.

ATTEST: _____, Clerk _____, Chairman