

The Board of County Commissioners of Citrus County, Florida met in regular session on the above date at the Citrus County Courthouse in Inverness.

Present: Gary Bartell, First Vice-Chairman; Dennis Damato and Joyce Valentino

Attorney: Robert B. Battista

Administrator: Richard Wm. Wesch

Clerks: Glenda Brown, Deputy Clerk

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

3- **CONSENT AGENDA**

Upon motion by Commissioner Bartell, seconded by Commissioner Damato, and carried unanimously, the Board pulled item 3-MM (Settlement of Claim Involving Jeffrey A. Smith) and item 3-VV (Crystal River Airport Master Plan) for discussion, approved the balance of the following consent agenda items, and authorized the Vice-Chairman to execute all related documents:

3-A Minutes of the regular meeting held on May 24, 2005.

3-B Payroll registers dated June 21, 2005, for \$577,944.03, dated June 23, 2005, for \$30,717.57 and for \$1,015.70. Accounts Payable register dated June 24, 2005, for \$4,537,801.66.

3-C Budget Resolutions:

RESOLUTION NO. 2005-108

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
CITRUS COUNTY, FLORIDA, AMENDING THE LIBRARY IMPACT FEES
BUDGET FOR FISCAL YEAR 2004-05

WHEREAS, the Division of Library Services will be performing an upgrade to the library automation system (Integrated Library System-ILS) which provides centralized access to better serve the public; and

WHEREAS, funds will need to be appropriated to cover the additional cost associated with this upgrade; 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 2004-05; 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 28th day of June 2005, by the Citrus County Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

ATTEST:

/s/ Betty Strifler

/s/ Gary Bartell

BETTY STRIFLER, CLERK

GARY BARTELL, VICE-CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	622-400-200	Cash Carry Forward	\$28,600
Expenditures	622-2816-55275	Computer Software	\$28,600

RESOLUTION NO. 2005-109

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE TITLE III C-1 BUDGET FOR FISCAL YEAR 2004-05

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

WHEREAS, funds are available from the close of the prior year grant that are available to be carried forward; and

WHEREAS, this was not included in the original budget process; therefore, it is necessary for the Board to amend the budget for fiscal year 2004-05; 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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OF CITRUS COUNTY, FLORIDA

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/s/ Gary Bartell

BETTY STRIFLER, CLERK

GARY BARTELL, VICE-CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	181F-400-200	Cash Carry Forward	3,200
		Total Revenues	\$3,200
Expenditures	181F-5362F-53400	Other Contractual Services	700
	181F-5362F-55120	Non Capital Equipment	2,500
		Total Expenditures	\$3,200

RESOLUTION NO. 2005-110

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE ROAD IMPACT FEES BUDGET FOR FISCAL YEAR 2004-05

WHEREAS, the Board of County Commissioners approved a contract with Tindale Oliver for an Impact Fee update study; and

WHEREAS, additional funds need to be appropriated to cover the costs created due to the research required for issues raised during the public hearing; 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 2004-05; 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, VICE-CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
ROAD IMPACT FEES – DISTRICT A			
Revenues	662-400-200	Cash Carry Forward	\$3,750
Expenditures	662-2831-53100	Professional Services	\$3,750
ROAD IMPACT FEES – DISTRICT B			
Revenues	663-400-200	Cash Carry Forward	\$3,750
Expenditures	663-2832-53100	Professional Services	\$3,750
ROAD IMPACT FEES – DISTRICT C			
Revenues	664-400-200	Cash Carry Forward	\$3,750
Expenditures	664-2833-53100	Professional Services	\$3,750
ROAD IMPACT FEES – DISTRICT D			
Revenues	665-400-200	Cash Carry Forward	\$3,750
Expenditures	665-2834-53100	Professional Services	\$3,750

RESOLUTION NO. 2005-111

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE TITLE III E BUDGET FOR FISCAL YEAR 2004-05

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

WHEREAS, funds are available from the close of the prior year grant that are available to be carried forward; and

WHEREAS, this was not included in the original budget process; therefore, it is necessary for the Board to amend the budget for fiscal year 2004-05; and

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

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BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Gary Bartell

GARY BARTELL, VICE-CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	184C-400-200	Cash Carry Forward	\$1,625
Expenditures	184C-5326C-53400	Other Contractual Services	\$1,625

RESOLUTION NO. 2005-112

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE SHERIFF'S OFFICE GENERAL OPERATING BUDGET FOR FISCAL YEAR 2004-05

WHEREAS, the Citrus County Sheriff's Office has received funds for insurance reimbursements, auction proceeds, various donations, and a FEMA reimbursement; and

WHEREAS, these funds will be used for operating expenditures, and capital outlay; 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 2004-05; 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, VICE-CHAIRMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	001-369-900	Miscellaneous Revenue	164,412

		Total Revenues	\$164,412
Expenditures	001-3101-53000	Operating Expenditures	117,807
	001-3101-56000	Capital Outlay	46,605
		Total Expenditures	\$164,412

3-D Budget Transfers: **Beverly Hills Fire MSBU (Municipal Services Benefit Unit):** \$2,000 from #155-3215-56300 to #-55208. **Circuit Court/Article V Technology:** \$37,366 from #093-5703-605-51200, \$3,000 from #-53100, \$5,000 from #-55100, and \$1,249 from #-55417 with \$11,000 to #-55275, \$34,115 to #-56400, and \$1,500 to #-55210. **Homosassa Wastewater Phase 3:** \$6,080 from #359-5762-53100 to #-56300. **Library Services:** \$79,496 from #131-6212-56400 with \$55,100 to #-53100, \$1,847 to #-55270, and \$22,549 to #55275. **Chassahowitzka River Campground:** \$1,100 from #108-6150-54921 with \$800 to #-51306, \$100 to #-55100, and \$200 to #-55200 and \$500 from #-54600 to #-54603. **Community Services:** \$70 from #001-5225-55400 to #-54921, \$100 from #-54160 to #-54921, and \$400 from #-54603 to #-54605. **Public Works Administration:** \$2,000 from #102-4103-56400 with \$300 to #-54600 and \$1,700 to #-54603. **Road Maintenance:** \$1,057 from #102-4102-56300 to #-4120-56200. **Administrative Services:** \$24,000 from #001-9999-60050 to #-2101-53405. **Property Appraiser:** \$1,852 from #001-2211-60050 to #-54904.

3-E Satisfaction of Judgment for Angela Hart, Case No. 2001 MM 001975.

3-F Receipt of Citrus County Mosquito Control District's Tentative Resolution No. 1 2005-2006.

3-G Releases of Liens for special assessments that had been paid in full: **Resolution No. 80-12 reconfirmed by Resolution No. 93-171:** Richard and Alexis Boehning, Alternate Key (AK) No. 1809959 (A); **Resolution No. 86-29 reconfirmed by Resolution No. 93-216:** Mary M. Alvarez, AK No. (H) 2771461, Victor L. and Karen K. Lecouris, AK No. (H) 2795581, and Mark H. and Angela McBride, AK No. (H) 1160472; **Resolution No. 99-099:** Mary Jean Jones, AK No. (Z) 1573955; **Resolution Nos. 2002-142 and 2002-141:** Crystal River Realty, Inc., AK No. 2012609 (2A); and **Resolution No. 2003-156:** Herman H. and Martha A. Taylor, AK No. 2335351 (3D).

3-H Bond debt service payments due July 1, 2005, and letters authorizing wire transfers by Mercantile Bank to SunTrust Bank of Central Florida at \$928,523.58 for Capital Improvement Revenue Bonds, Series 2003-A, and to Wachovia Bank N.A. at \$429,678.13 for Capital Improvement Revenue Bonds, Series 1996.

3-I → K Public hearings set as follows in the Citrus County Courthouse, 110 North Apopka Avenue in Inverness to consider amendments to the Citrus County Land Development Code (LDC) Atlas, Ordinance No. 90-14:

Date and Time	Application
<u>Workshop:</u> July 12, 2005, at 3:30 P.M.	Atlas Amendment AA-05-06, Donald McFarland of McFarland Construction, Inc.
<u>Hearing:</u> August 9, 2005, at 5:45 P.M.	

<p><u>Workshop:</u> July 12, 2005, at 3:40 P.M. <u>Hearing:</u> August 9, 200, at 5:50 P.M.</p>	<p>AA-05-08 Lindhorst Construction Inc. for Sisk, Pluot, Schaefer, and. Gapszynski</p>
<p><u>Workshop:</u> July 12, 2005, at 3:45 P.M. <u>Hearing:</u> August 9, 2005, at 5:55 P.M.</p>	<p>Ordinance Amendment OA-05-05 Department of Development Services (DDS)</p>

3-L Settlement and payment of \$6,100 for a workers compensation claim involving claimant Donald King.

3-M "Amendment No. 2 with SCS Engineers Task Authorization No. 11 - Preparing Application for Operational Permit Renewal" and Change Order No. 1.00 at \$5,000 for additional information requested by the FDEP (Florida Department of Environmental Protection) relating to the Central Landfill operations permit.

3-N Master Agreement Contract and Agreement for Utility Engineering, Planning, and Design Utility Services with **(1)** C & D Engineering, Inc., **(2)** CH2M Hill, **(3)** Hoyle, Tanner & Associates, Inc., **(4)** Jones, Edmunds & Associates, Inc., and **(5)** Professional Engineering Consultants, Inc., for any of the task areas defined in the Request for Qualifications (RFQ); and with **(1)** Public Resources Management Group, Inc., and **(2)** R. W. Beck for the task areas of utility economic analyses and development of business model and rates.

3-O A joint meeting with the Citrus County School Board on August 26, 2005, at 9:00 A.M. in Room No. 166 at the Lecanto Government Building, 3600 West Sovereign Path in Lecanto to discuss growth management within the County, future joint projects, and roadway construction.

3-P **(1)** Permanent Reassignment of Development Rights Agreement with Larry L. and Carol A. Stake, DVR 2005-006, AK No. 3210172, for residential properties within MSBUs for installation of water and wastewater systems for Chassahowitzka Water Quality Assessment District, and **(2)** that the agreement be recorded in the public records.

3-Q Grant Application with One Stop Workforce Connection requesting reimbursement of an estimated \$30,175.88 for firefighter training.

3-R In Home Services July 1, 2005, through June 30, 2006, Rate Agreement with A+ Healthcare Specialists, Inc., to provide respite care, personal care, and homemaker services to eligible elderly residents under the Community Care for the Elderly (CCE) Program at rates established under the Invitation to Negotiate (ITN) 069-05.

3-S Medicaid Waiver Program Food Services Contract from July 1, 2005, through December 31, 2005, with G.A. Food Services of Pinellas County, Inc., to provide a maximum of 5,700 meals to eligible 60 plus residents.

3-T Alzheimer's Disease Initiative 2005/2006 Facility Based Respite Care with Developing Options for Seniors, the parent company of Sugarmill Manor and Pleasant

Grove Assisted Living Facility to provide facility based respite services to Title III E Family Caregiver Program clients beginning July 1, 2005, and ending June 30, 2006.

3-U In Home Services July 1, 2005, through June 30, 2006, Rate Agreement with Accumed Health Services, LP, dba A+ Healthcare Specialists, Inc., to provide in home respite care to eligible elderly residents under the Alzheimer's Disease Initiative (ADI) Program at rates established under the ITN 069-05.

3-V In Home Services July 1, 2005, through June 30, 2006, Rate Agreement with Family Life Care for in home services under the ADI Program to eligible elderly residents at rates established under the ITN 069-05.

3-W In Home Services July 1, 2005, through June 30, 2006, Rate Agreement with Ultimate Nursing Care, Inc., for in home services under the ADI Program to eligible elderly residents at rates established under the ITN 069-05.

3-X In Home Services July 1, 2005, through June 30, 2006, Rate Agreement with A+ Nursetemps, Inc., for in home services under the ADI Program to eligible elderly residents at rates established under the ITN 069-05.

3-Y In Home Services July 1, 2005, through June 30, 2006, Rate Agreement with Family Life Care for in home services under the CCE Program to eligible elderly residents at rates established under the ITN 069-05.

3-Z In Home Services July 1, 2005, through June 30, 2006, Rate Agreement with Ultimate Nursing Care for in home services under the CCE Program to eligible elderly residents at rates established under the ITN 069-05.

3-AA Community Care for the Elderly Food Services Contract from July 1, 2005, through December 31, 2005, with G.A. Food Services of Pinellas County, Inc., to provide a maximum of 4,600 meals to eligible 60 plus residents

3-BB In Home Services July 1, 2005, through June 30, 2006, Rate Agreement with A+ Nursetemps for in home services under the CCE Program to eligible elderly residents at rates established under the ITN 069-05.

3-CC In Home Health Services 2005/2006 Emergency Alert Response Unit Services Rate Agreement and Specifications with Guardian Medical Monitoring for in home services under the CCE Program to eligible elderly residents, beginning with the execution of the agreement and ending June 30, 2006, at rates established under the ITN 069-05.

3-DD In Home Health Services 2005/2006 Emergency Alert Response Unit Services Rate Agreement and Specifications with Lifeline Systems for in home services under the CCE Program to eligible elderly residents, beginning with the execution of the agreement and ending June 30, 2006, at rates established under the ITN 069-05.

3-EE Release of Lien in Code Enforcement Board (CEB) Case No. 03-382 filed against Wayne H. Moore, Jr., and Lori Moore for \$17,983.66.

3-FF Release of Lien in CEB Case No. 03-574 filed against Emanuel Nola and Angela Tucker for \$2,631.61.

3-GG Release of Lien in CEB Case No. 04-720 (AKA 0411-147), filed against Gary Queen for \$900.

3-HH Receipt of the annual audit of the Southwest Florida Water Management District for fiscal year ending September 30, 2004.

3-II & JJ **(1)** Substantially Similar Plats of Ryan Subdivision and Villages of Inverness, and **(2)** that the plats be recorded in the public records.

3-KK Satisfaction of Demolition Lien that had been paid in full on property previously owned by J. D. Sailor and Addie Lee Robinson for removal of an unsafe/abandoned structure, which was deemed a nuisance and necessitated demolition and removal.

3-LL **(1)** Total Cost Equipment Purchase Agreement with Highland Tractor Company for the purchase of a John Deere 672D Motor Grader at \$80,000 with guaranteed total cost of repairs, maintenance, and buy-back price for 5 years or 5,000 hours, whichever came first, and **(2)** that the Clerk remove equipment No. 9233 from the County's fixed asset list and release documents for the equipment to be used as a trade-in for \$18,000.

3-NN Settlement and payment of \$3,500 for Claim No. 010100-000491-GD-01 concerning property damage that occurred on October 10, 2002, involving claimants State Farm, Thomas Jackson, and Barbara Jackson.

3-OO Agreement with the Homosassa Lions Club granting the County use of the premises for 100 hours per contract year at no cost.

3-PP Satisfaction of Demolition Lien that had been paid in full on property previously owned by Alma J. Wasden for removal of an unsafe/abandoned structure, which was deemed a nuisance and necessitated demolition and removal.

3-QQ Agreement with Daly & Zilch (Bid No. 060-05) for \$225,000 and the corresponding Notice of Commencement for the Citrus Springs MSBU Entrance Improvement Project.

3-RR Release of Lien in CEB Case No. 04-395 (AKA 0404-139) filed against Blue Stone Real Estate for \$2,296.42, which was paid in full on June 13, 2005, after the CEB denial of forgiveness.

3-SS Release of Lien in CEB Case No. 0408-084, for \$1,517.55 filed against property owned by David and Ruth Mary Croft Family Trust et al.

3-TT Software Evaluation Agreement with Environmental Systems Research Institute, Inc., (ESRI) to accept the limited license for use of the software, data, and documentation for a term of 90 days from the date of delivery or keycode issuance, whichever was later.

3-UU Release of Lien in CEB Case No. 04-002 for \$150 that was filed in error against property owned by William Desser.

3-WW Bid Committee Report: **(1) Bid No. 068-05, Utilities, electric motor repairs:** awarded to Tampa Armature Works as the only bidder meeting the specifications, and **(2) Bid No. 060-05, Public Works, Citrus Springs entrance improvements:** awarded Alternate No. 1 for \$15,300 to Daly & Zilch (Florida) Inc., to furnish and install one double sided entrance sign and structure, including exterior finishes and sign lettering.

3-MM **SETTLEMENT OF CLAIM INVOLVING JEFFREY A. SMITH**

Dave Conant had comments and questions regarding this item, which was to approve a \$3,500 payment to Jeffrey A. Smith for injury to his hand when it was caught between the glass security doors at the courthouse. The Vice-Chairman verified that Mr. Smith was an attorney with the State Attorney's Office, and explained that the total settlement of \$15,000 included \$3,500 from the County, \$4,000 from the manufacturer (Gunnebo Omega), and \$7,500 from Security One Systems and Dooley & Mack Constructors, Inc. Mr. Conant questioned if a regular citizen would have received this much money, and indicated that Mr. Smith might have an advantage because of his position in the State Attorney's Office.

Mr. Battista stated that he did not think the settlement was due to Mr. Smith's position, that any individual could file a similar lawsuit, that there had been negotiations with the parties involved, and that the attorneys thought the amount (\$3,500) was an appropriate share for the injury.

Upon motion by Commissioner Damato, seconded by Commissioner Valentino, and carried unanimously, the Board approved and authorized payment of \$3,500 for Claim No. 010100-000477-GB-01 concerning an incident that occurred on January 9, 2003, involving claimant Jeffrey A. Smith. (1:03 P.M.)

3-VV **CRYSTAL RIVER AIRPORT PLAN UPDATE**

Commissioner Valentino stated that she had no objections to staff's ranking of firms for the Crystal River Airport Master Plan Update; however, she wanted the public to know that she did not support expansion of the Crystal River Airport.

Upon motion by Commissioner Damato, seconded by Commissioner Valentino, and carried unanimously, the Board (1) approved the ranking of firms for the Crystal River Airport Master Plan Update (Request for Qualifications No. 077-05), and staff's request to negotiate with the top ranked firm, Hoyle, Tanner & Associates, and (2) to negotiate with the second and third ranked firms, The LPA Group and Wilbur Smith Associates, respectively if negotiations failed with Hoyle, Tanner & Associates. (1:04 P.M.)

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

2-A **OPEN TO THE PUBLIC**

2-A.1 George Van Teslaar, a resident of the Pine Ridge Subdivision in Beverly Hills, expressed concern about a letter he received from the FGUA (Florida Governmental Utility Authority) stating that effective September 1 he would be assessed \$6,571 for water services. He distributed letters dated in 2003 (filed with the Clerk's agenda) that he had received from Robert Knight (Utilities Regulatory Director), one of which indicated that the FGUA would continue to honor Florida Water System's charge of \$446 for water connections in Beverly Hills; however, he had paid \$1,718. He informed the Board that he spoke with an employee of FGUA this morning who told him that the \$6,500 assessment would be charged even on vacant lots that had water connected before January 1, 2004. He stressed that he could not afford this enormous charge at one time and that paying \$800 annually over a period of 20 to 30 years was outrageous. He emphasized that he had no problem paying impact fees to move into a new area, but he was distressed and did not understand why he had to pay \$1,718 rather than \$446 for water connections and had to pay another \$6,500 by September 1, plus a monthly water bill.

The First Vice-Chairman asked Mr. Wesch, the County's representative member to the FGUA, to address Mr. Van Teslaar's comments. Mr. Wesch advised that a public workshop would be held by the FGUA in July and many questions would be answered. He explained that the FGUA had decided to fund the water line extensions and maintenance by a special assessment as opposed to incorporating the cost into the rate base; however, he would be happy to provide names of FGUA management staff to Mr. Van Teslaar so he could obtain answers to his specific questions.

Mr. Van Teslaar indicated that the FGUA was not charging the assessment to those who had lived in the area many years. He stated that it should not cost \$6,500 to connect water to his property and that there would be little or no maintenance because PVC material would last over 100 years. He proposed that the line maintenance fee be added to the water bill over a period of years.

Commissioner Bartell remarked that Mr. Van Teslaar had raised some very interesting points, and that he had read in the newspaper about a legal matter coming forward on the issue. Mr. Battista explained that the Citrus County Water and Wastewater Authority (WWA) had asked for a legal opinion as to their power to regulate certain issues based on the interlocal agreement with the FGUA, but if there were any differences regarding interpretation of that agreement, the matter would come before this Board. Commissioner Bartell specified that his presumption was that the WWA had full supervision over the FGUA concerning any increases in rates. Mr. Van Teslaar pointed out that the FGUA had already established the assessment and that people must pay \$6,500 by September 1 or after that date, the charge would be \$7,805.

Commissioner Bartell asked Mr. Wesch why a notice was sent to citizens before the issue of jurisdiction was official. Mr. Wesch stated that this topic would be the focus of the legal opinion that would be coming forward, that the FGUA's opinion was that the special assessment program being contemplated was the fairer way of extending water

lines throughout the Pine Ridge Subdivision, and that the alternative would be to increase the base rate, which would affect existing residents. He added that the two amounts (\$6,500 and \$7,805) were the difference in paying the assessment at one time or financing over a period of years. He explained that the \$6,500 amount could be a combination of line extension as well as line maintenance charges, which might or might not be applicable in Mr. Van Teslaar's case. He also stated that the line extension charges were due to the rapid growth in the Pine Ridge and Citrus Springs Subdivisions.

After further discussion, Commissioner Bartell requested staff to prepare an agenda item for the next meeting for a presentation by the FGUA regarding their intentions. Mr. Wesch affirmed that he would try to schedule the presentation.

2-A.2 John Lepore, a neighbor of Mr. Van Teslaar, stated that he moved into his house December 14, 2004, six months prior to Mr. Van Teslaar. He stated that he had not heard anything about the issue until he read Mr. Knight's article in the newspaper. He advised that he received the same notice yesterday concerning the \$6,500 assessment and voiced his objections to the imposition as well.

Commissioner Bartell stated that the Board and the citizenry affected by this situation had a right to know what was happening and apologized for not being apprised of the information. He added that he appreciated Mr. Van Teslaar and Mr. LePore bringing this issue to the Board's attention, and offered them assurance that Mr. Wesch would report the FGUA's proposal to the Board.

2-A.3 Don Francisco protested the recently approved gas tax increase and thanked Commissioner Valentino for voting against it. He stated that he realized the gas tax was approved partly because the County was late in applying for a grant and because of growth. However, he thought impact fees should pay for growth and a moratorium should be placed on construction and road repairs rather than making the working people and those living on social security pay for the County's mistakes and growth problems. He declared that the gas tax was wrong and that it should be repealed.

2-A.4 Rodie Kennedy read a letter into the record, which he had submitted to the Chronicle newspaper regarding an article written by Jim Hunter, May 28, 2005, on code violations. Mr. Kennedy expressed concern that Scott Adams, whom he believed to be an honest and successful person, was being fined \$24,500 when others were not being fined for code violations. He criticized Gary Maidhof (DDS Director) for allowing illegal parking of semi-trailer trucks at Eden Gardens Subdivision, and the Sheriff's Office for lack of enforcement and for lost code violation records.

He discussed the illegally built two-story semi-garage on Irene Street and the large building on Pineaire Street in the Highlands. He mentioned that there was a possibility that the same trucking business (Lane's Trucking) was operating out of both buildings. He requested that the County fine the owner of the semi-garage on Irene Street and destroy the building, post and enforce a "keep out" sign at the entrance of Eden Gardens prohibiting semi-trailer trucks from the subdivision, and reopen the issue about

the semi-garage on Pineaire Street. He also agreed with Mr. Francisco that the gas tax should be repealed. (1:34 P.M.)

2-B **CERTIFICATES OF RECOGNITION**

Upon motion by Commissioner Valentino, seconded by Commissioner Damato, and carried unanimously, the Board approved and authorized all Commissioners to execute certificates of recognition to Central Landfill employees Sammie Walker Jr., Eric Heath, and Aaron Lake for their participation and success in the 2005 Florida SWANA (Solid Waste Association of North America) Road-E-O. (1:35 P.M.)

7- **COMMISSIONER GARY BARTELL, VICE-CHAIRMAN**

7-A **AVIATION ADVISORY BOARD**

Upon motion by Commissioner Valentino, seconded by Commissioner Damato, and carried unanimously, the Board accepted with regret the resignation of William Stephenson and announced a vacancy for a District 4 regular member position on the Aviation Advisory Board for a term that would expire on September 30, 2006. (1:37 P.M.)

12- **COUNTY ATTORNEY'S REPORT**

12-A **CODE ENFORCEMENT CASES (CEB)**

Mr. Battista advised that the CEB had sent a letter requesting that the Board give the County Attorney's Office permission to file an injunction in a code enforcement case against MARPAD, Inc., involving the Inverness Villages platted subdivision, which had dedicated right of ways to the County that were accepted in 1976. He stated that the CEB found MARPAD guilty of cutting trees without permits and putting up barbed wire fencing for cattle; however, an agent for MARPAD had indicated to the CEB that they would proceed regardless of the code enforcement action. He advised that a \$24,250 lien had been placed on all of the MARPAD property on June 15, which would affect the sale of lots in that subdivision. He requested permission to proceed as requested by the CEB for inappropriate use of MDR (Medium Density Residential) property, to add a cause of action for use of County right of ways without a utilization agreement, and to include Van Der Valk Construction, Inc., as an additional party because they were occupying the property and had probably removed the trees.

Mr. Battista responded to Commissioner Damato's questions about removal of the barbed wire fence and the County's potential for liability by stating that the injunction would ask for a "freeze" on the development activity. He mentioned that MARPAD could have requested a conditional use to allow cattle on the property and a variance for the fence; however, they chose not to because their opinion was that the development activity was allowable under the greenbelt exemption. He stated that the County needed to enjoin the occupation of the right of way without a utilization agreement, the destruction of trees, and the ongoing construction until appropriate mechanisms were in place. He specified that although County right of ways were public property, they were not for public use, that the fence across County right of ways was a potential liability, and that the injunction would help.

Upon motion by Commissioner Bartell, seconded by Commissioner Damato, and carried unanimously, the Board directed staff to proceed with the request from the Citrus County Code Enforcement Board to expedite enforcement action for Case Nos. 0410-045 and 0410-045B (MARPAD, Inc), add a cause of action for the use of County right of ways without a utilization agreement, and include Van Der Valk Construction, Inc., as an additional party in the enforcement action. (1:43 P.M.)

12-B **APPROVAL OF MISCELLANEOUS ITEMS RECEIVED AFTER THE CLOSE OF AGENDA DEADLINE**

12-B.1 **APPEAL OF REALTICORP MINOR SUBDIVISION**

Mr. Battista explained that on June 10, the City of Crystal River's (City) version of the County's Planning and Development Review Board (PDRB) approved the Realticorp minor subdivision application that was under appeal in the City's annexation issue. He mentioned that the Board should have received a copy of a letter from Mr. Maidhof to Realticorp informing the City that the County found the approval to have been invalid, primarily because the court found the occupation of that territory by the City inappropriate. He stated that as a cautionary course of action, DDS was asking the Board to authorize a "level one" appeal to the County's PDRB concerning the City's decision. He added that the action of the City's PDRB was invalid by virtue of Judge Weinberg's order regardless, and he cited a similar circumstance concerning the Pinecrest decision on the Gold Coast in 2001, in which the developer was ordered to tear down a single-family condominium development next to a single-family home complex.

Commissioner Bartell commented that after reviewing all the documents relating to this item, he believed the entire process of the proposal from Realticorp was fundamentally flawed from the beginning and should be quashed. He stated that Realticorp should be required to file an application in the appropriate jurisdiction pursuant to the LDC. He further stated that the criterion was not even closely followed by the City and Realticorp, and that regulations were excluded. He signified that he would support Mr. Battista's request to preserve the ability to appeal, but hoped that a strong message would be sent to Realticorp demanding that it was their responsibility to submit an application to the proper jurisdiction and abide by County regulations. Commissioners Valentino and Damato agreed.

A motion was made by Commissioner Valentino and seconded by Commissioner Damato to authorize the First Vice-Chairman to execute the "level one" appeal application to the Planning and Development Review Board of the City of Crystal River's decision with regard to the Realticorp minor subdivision pursuant to Section 2500 of the Citrus County Land Development Code.

Assistant County Attorney Michele Lieberman confirmed for Commissioner Bartell that she had contacted Clark Stillwell (the applicant's attorney) informing him that this issue would be discussed today; however, she had not heard from him and he was not at the meeting.

First Vice-Chairman Bartell called a question on the motion and the motion carried unanimously. (1:50 P.M.)

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

13-A **BILLBOARDS**

Commissioner Valentino discussed the billboard issue with regard to public safety and aesthetic concerns. She stated that rapid growth would necessitate the acquisition of right of ways for future road projects and because there were an excessive number of billboards, the issue should be addressed, so there would not be a proliferation of nonconforming billboards and public safety concerns in the future.

A motion was made by Commissioner Valentino to direct staff to research the billboard issue, the economic impact for future road projects, address options to limit, restrict, and prohibit the placement of future billboards to the maximum extent provided by law, and report the information at the next Board meeting.

Mr. Wesch advised that staff would undertake the study, but it might not be accomplished by the next Board meeting. He stated that he would first need to consult with the County Attorney's Office to determine the extent of the County's ability to regulate billboards because the state was inclined to allow and encourage them. He added that staff would then evaluate the economic impacts and placement of billboards in projected road paths.

Commissioner Valentino stated that her main concern was the costs and problems it could cause the County in the future for the acquisition of right of ways. Commissioner Bartell asked if the motion could be amended to have staff address the legal matters of the billboards at the next meeting because Mr. Wesch was correct, the state legislature preempted many things counties could do with local regulations.

Upon amended motion by Commissioner Valentino, seconded by Commissioner Bartell, and carried unanimously, the Board directed the County Attorney's Office to research the legal matters to determine the County's ability to regulate billboards and report the information at the next Board meeting. (1:54 P.M.)

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

14-A **COVERING DEBRIS HAULED ON ROADWAYS**

Commissioner Valentino stated that she had asked Mr. Battista to review the issue of covering debris in trucks and trailers when hauling it to the landfill. She also stated that she was aware that Mr. Battista, Susan Metcalfe (Solid Waste Management Director) and the "Keep Citrus Beautiful" organization had been working on the problem, and requested that Mr. Battista provide an update, so the public would know that the County was concerned and was working toward resolving this issue.

Mr. Battista informed that state law required loads of debris to be appropriately secured for transport on the roads; however, the loads did not have to be covered. He advised that local Sheriff's deputies' interpretation was that if the debris was not seen

falling off, then it was secured well enough. He stated that the County did not have the authority to demand that people cover their loads, but that staff had discussed a possible change to the ordinance concerning the operation of the landfill, which would require that loads of debris be covered before being accepted at the landfill. He added that most people would cover the loads before they left their homes thereby eliminating much of the litter on the roads caused by flying debris. Discussion ensued regarding rules for commercial haulers, noncommercial haulers causing most of the problems of unsecured loads; contractors being exempt from covering loads during hurricane season and other emergencies; liability issues; providing brochures to haulers without covers; having an incentive, such as a lower fee for covered loads of debris, and so on. (2:03 P.M.)

14-B EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES

Commissioner Bartell commented that the United States Supreme Court rendered a horrendous decision last week regarding eminent domain for economic development purposes. He stated that although there were stringent laws in Florida prohibiting that type of activity, the legislature needed to tighten the loopholes. He advised that the state of Florida allowed that type of activity only for blight reasons; however, the Supreme Court decision for the state of California was due to a private developer needing an elderly woman's house. He recommended that the County adopt a resolution, send a letter to the Legislative Delegation, or some other method that would assure the citizens that this County would never attempt that type of eminent domain activity. Commissioners Damato and Valentino both agreed that this was an excellent suggestion. Short discussion followed about the purpose of eminent domain. (2:06 P.M.)

14-C CITIZEN COMMENTS - FRANK YETNER

Frank Yetner expressed gratitude to the Board for opposing the Supreme Court's decision on eminent domain. He spoke about keeping the waters clean, and remarked that billboards could be considered pollutants, such as the one on County Road 486 that stated, "Eternity in hell is a long time." He requested that the billboard either be replaced with something more copasetic or taken down.

There being no other business to come before the Board, the Vice-Chairman adjourned the meeting. (2:09 P.M.)

ATTEST: _____, Clerk _____, Chairwoman