

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

Attorney: Robert B. Battista

Administrator: Richard Wm. Wesch

Deputy Clerks: Glenda Brown and Theresa Steelfox

The Chairwoman called the meeting to order, Commissioner Fowler gave the invocation, and Commissioner Bartell led the Pledge of Allegiance to the Flag.

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

2-A **OPEN TO THE PUBLIC**

2-A.1 Al Grubman spoke about his concerns regarding the replacement of the Gospel Island Bridge, particularly with the emergency medical services. He mentioned that over 300 people had signed a petition signifying their concerns (petition filed with the Clerk's agenda). He wanted to know why the bridge needed to be replaced and how the Department of Transportation (DOT) had assuaged all of Mr. Wesch's concerns as was quoted in yesterday's newspaper.

The Chairwoman advised that the DOT would be discussing this matter at 3:00 P.M. and she hoped that his questions and concerns would be addressed at that time.

3- **CONSENT AGENDA**

Upon motion by Commissioner Fowler, seconded by Commissioner Damato, and carried unanimously, the Board approved the following consent agenda items and authorized the Chairwoman to execute all related documents:

3-A Minutes of the regular meeting held on September 27, 2005.

3-B Payroll registers dated October 11, 2005, for \$574,134.20 and dated October 13, 2005, for \$31,113.30. Accounts Payable registers dated October 21, 2005, for \$4,576,945.80 and dated October 25, 2005 for \$161,654.64.

3-C Budget Resolutions:

RESOLUTION NO. 2005-241

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE EAST CITRUS COMMUNITY CENTER BUDGET FOR FISCAL YEAR 2005-06

WHEREAS, the East Citrus Community Center was scheduled to have the parking lot repaved and striped in fiscal year 2004-05; and

WHEREAS, due to unforeseen repairs needed to the septic system the project was not completed by year end; 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 25th day of October 2005, by the Citrus County Board of County Commissioners.

ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Vicki Phillips

VICKI PHILLIPS, CHAIRWOMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	196-400-200	Cash Carry Forward	\$22,312
Expenditures	196-5393-56300	Improvements other than Building	\$22,312

RESOLUTION NO. 2005-242

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE TITLE III C2 BUDGET FOR FY 2005-06

WHEREAS, on October 26, 2004, through Resolution 2004-262 the Citrus County Board of County Commissioners approved an application for financial assistance under the Older Americans Act, Title III C2 Program and a contract to provide services with the Mid-Florida Area Agency on Aging, Inc.; and

WHEREAS, on September 27, 2005, the Citrus County Board of County Commissioners executed Amendment #1 to the contract; and

WHEREAS, on September 29, 2005, the Mid-Florida Area Agency on Aging, Inc. executed the amendment providing additional funds under the contract; and

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

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ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Vicki Phillips

VICKI PHILLIPS, CHAIRWOMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	184F-331-693	USDA Title III Grant	\$34,072
Expenditures	182F-5348F-55221	Meals	\$34,072

RESOLUTION NO. 2005-243

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

WHEREAS, on March 22, 2005, through Resolution 2005-064 the Citrus County Board of County Commissioners approved a transportation disadvantaged service project and a contract for financial assistance with the Florida Commission for the Transportation Disadvantaged; and

WHEREAS, on October 1, 2005, the Florida Commission for the Transportation Disadvantaged executed the Planning Grant 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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BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Vicki Phillips

VICKI PHILLIPS, CHAIRWOMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	118F-334-492	Transportation Disadvantaged	18,722
		Total Revenues	\$18,722
Expenditures	118F-5322F-51200	Regular Salaries and Wages	11,684
	118F-5322F-52100	FICA Taxes	894
	118F-5322F-52200	Retirement Contributions	915
	118F-5322F-52300	Life and Health Insurance	2,571
	118F-5322F-52400	Workers Compensation	118
	118F-5322F-54000	Travel and Per Diem	525
	118F-5322F-54100	Communication Services	440
	118F-5322F-54160	Postage	250

	118F-5322F-54300	Utility Services	550
	118F-5322F-54676	Copier Maintenance	75
	118F-5322F-54921	Advertising	75
	118F-5322F-55100	Office Supplies	400
	118F-5322F-55400	Dues, Books, Subscriptions	50
	118F-5322F-55417	Training	175
		Total Expenditures	\$18,722

RESOLUTION NO. 2005-244

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE LIBRARIES BUDGET FOR FY 2005-06

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

WHEREAS, these funds will be used to purchase books, DVDs and auto repair manuals; 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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BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Vicki Phillips

VICKI PHILLIPS, CHAIRWOMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	131-400-200	Cash Carry Forward	\$15,000
Expenditures	131-6212-56600	Library Books - Publications	\$15,000

RESOLUTION NO. 2005-245

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, AMENDING THE LIBRARIES BUDGET FOR FY 2005-06

WHEREAS, the Division of Library Services received State Aid to Libraries Funds in excess of the amount budgeted; and

WHEREAS, these funds need to be appropriated and will be used to purchase books; 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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BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Vicki Phillips

VICKI PHILLIPS, CHAIRWOMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	131-334-710	Aid to Libraries	\$14,583
Expenditures	131-6212-56600	Library Books - Publications	\$14,583

RESOLUTION NO. 2005-246

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE FLORIDA YARDS AND NEIGHBORHOODS GRANT BUDGET FOR FISCAL YEAR 2005-06

WHEREAS, the Citrus County Board of County Commissioners fiscal year ended on September 30, 2005; and

WHEREAS, the Citrus County Board of County Commissioners was awarded A Florida Yards and Neighborhood grant whose contract ends after September 30, 2005; and

WHEREAS, proper budgeting procedures require that this grant be re-appropriated for fiscal year 2005-06; 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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BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Vicki Phillips

VICKI PHILLIPS, CHAIRWOMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	013C-334-900	Other State Grant	30,541
	013C-381-001	Transfer – General Fund	1,874
	013C-400-200	Cash Carry Forward	28,668
		Total Revenues	\$61,083
Expenditures	013C-5756C-51200	Regular Salaries and Wages	21,878
	013C-5756C-51306	Casual Labor	1,482
	013C-5756C-52100	FICA Taxes	1,787

	013C-5756C-52200	Retirement Contributions	1,851
	013C-5756C-52300	Life and Health Insurance	5,111
	013C-5756C-52400	Workers Compensation	4,293
	013C-5756C-53400	Other Contractual Services	1,300
	013C-5756C-54000	Travel and Per Diem	1,217
	013C-5756C-54160	Postage	1,200
	013C-5756C-54700	Printing and Binding	512
	013C-5756C-54800	Promotional Activities	1,400
	013C-5756C-54921	Advertising	3,400
	013C-5756C-55100	Office Supplies	1,729
	013C-5756C-55120	Office/Non-Cap Equipment	1,304
	013C-5756C-55200	Operating Supplies	2,000
	013C-5756C-55208	Fuel and Lubes	664
	013C-5756C-55210	Miscellaneous Supplies	2,000
	013C-5756C-55275	Computer Software	500
	013C-5756C-55400	Dues, Books, Subscriptions	1,040
	013C-5756C-55417	Training	615
	013C-5756C-56300	Improvements other than Buildings	5,800
		Total Expenditures	\$61,083

RESOLUTION NO. 2005-247

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, ADOPTING THE SECTION 8 RENTAL ASSISTANCE PROGRAM BUDGET FOR FISCAL YEAR 2005-06

WHEREAS, the Housing Services Division applied to the U.S. Department of Housing and Urban Development for continuation of the Section 8 Housing Assistance Payments Program; and

WHEREAS, the U.S. Department of Housing and Urban Development subsequently executed the requisition to provide assistance to low income residents of the county; 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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BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Vicki Phillips

VICKI PHILLIPS, CHAIRWOMAN

EXHIBIT "A"			
	ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT
Revenues	166G-331-571	Administrative Fee	13,907
	166G-331-573	Rental Assistance Payments	108,876

	166G-400-200	Cash Carry Forward	93,039
		Total Revenues	\$215,822
Expenditures	166G-5366G-51200	Regular Salaries and Wages	9,510
	166G-5366G-52100	FICA Taxes	728
	166G-5366G-52200	Retirement Contributions	703
	166G-5366G-52300	Life and Health Insurance	1,437
	166G-5366G-52400	Workers Compensation	74
	166G-5366G-53000	Operating Expenses	99,353
	166G-5366G-53200	Accounting and Auditing	140
	166G-5366G-53400	Other Contractual Services	150
	166G-5366G-54000	Travel and Per Diem	150
	166G-5366G-54012	Travel – Outreach	350
	166G-5366G-54160	Postage	300
	166G-5366G-54615	Software Maintenance	406
	166G-5366G-54918	Housing Assistance Payments	100,050
	166G-5366G-54921	Advertising	25
	166G-5366G-55100	Office Supplies	375
	166G-5366G-55275	Computer Software	1,278
	166G-5366G-55400	Dues, Books, Subscriptions	150
	166G-5366G-55417	Training	275
	166G-5366G-56400	Machinery and Equipment	368
		Total Expenditures	\$215,822

3-D Budget Transfers: **Geographic Information System:** \$48,817 from #001-2151-55275 with \$25,000 to #-53100, \$4,000 to #-54000, \$8,817 to #-54615, and \$11,000 to #-55417. **Low Income Home Energy Assistance Program:** \$46 from #167F-5373F-54922, \$50 from #-54923, and \$188 from #-55100 to #-54924. **Section 8 HUD Program:** \$300 from #166G-5366G-53000 to #-54000. **Fire Rescue:** \$2,000 from #154-3200-54604 to #-54400.

3-E Releases of Liens for special assessments that had been paid in full: Resolution No. 80-12 and reconfirmed by Resolution No. 93-171 for Michael and Iris Nystrom, Alternate Key (AK) No. 1823854 (A); Resolution No. 2000-135 for Timmy Torres, AK No. 1642973 (OB); and Resolution No. 2003-158 for Dessie S. Prescott Inter Vivos, AK No. 1872251 (3E) and William and Candace Booth, AK No. 1872260 (3E).

3-F Receipt of the Final Millage Resolution for fiscal year 2005-2006 and Final Budget Resolution for fiscal year 2005-2006 from the Homosassa Special Water District.

3-G Construction Cost Lien Agreement by and between the Citrus County Municipal Service Benefit Unit for Water and Wastewater Utility Services and Fernando and Mary Ebhardt.

3-H Administrative Regulation (AR) No. 10.11 entitled Policies and Procedures for Release and Forgiveness of Code Enforcement Liens.

3-I Code Enforcement Section to make all reasonable repairs and boarding up of the structure on property located at 1848 West Test Court Dunnellon, owned by Joyce Ann Dixon Est. and Willie Cleveland III, regarding Code Enforcement Case No. 0403-133.

3-J All Commissioners and the County Administrator to attend the Florida Association of Counties 2006 Legislative Conference November 30 through December 2, 2005, in Stuart, Florida.

3-K Settlement and payment of \$10,000 regarding Claim No. 010100-000569-AB due to an automobile accident on November 2, 2004, that caused bodily injury to James Maney.

3-L Water and/or Wastewater Developer's Agreements between the Citrus County Municipal Service Benefit Unit and the following citizens for their residences located on West Flight Path Court in Crystal River for estimated costs plus connection fees to extend and install a two-inch water line: Betty E. Abel, Timothy and Judith Smith, Marvin and Teana Williams, Loree Hinely, Gregory and Colleen Floyd, and Gulf to Lakes Associates, Inc.

3-M Request by the Citrus County Historical Society to waive the Citrus County Auditorium rental fees of \$139.74 for a fund raising event on November 5, 2005.

3-N Letter of Agreement with Central Florida Community College for computer instruction courses (minimum of 15 instructional hours per week and minimum of 20 weeks before October 1, 2006) for \$146 per three-hour instructional block not to exceed \$22,500.

3-O Agreement between the Citrus County Library System and MailWise, LLC to provide Internet e-mail filtering services beginning November 1, 2005, and ending October 1, 2006, for \$2,052.

3-P Use of the Historic Courthouse grounds December 10, 2005, from 9:00 A.M. until 4:30 P.M. for the City of Inverness annual "Holiday on the Square" to be held in conjunction with the Chamber of Commerce Christmas Parade.

3-Q Rate Agreement between the Department of Juvenile Justice and Citrus County Drug Court for drug screening beginning October 1, 2005, and ending September 30, 2006.

3-R Rate Agreement between Act II and Citrus County Drug Court for drug screening and/or confirmations beginning October 1, 2005, and ending September 30, 2006.

3-S Rate Agreement between Hernando County Drug Court and Citrus County Drug Court for drug screening and/or confirmations beginning October 1, 2005, and ending September 30, 2006.

3-T Rate Agreement between Therapeutic Health Endeavors, Inc., and Citrus County Drug Court for drug screening and/or confirmations beginning October 1, 2005, and ending September 30, 2006.

3-U Rate Agreement between the Salvation Army Probation and Citrus County Drug Court for drug screening and/or confirmations beginning October 1, 2005, and ending September 30, 2006.

3-V **(1)** Waste Disposal Account Agreement with Citrus Memorial Hospital for disposal fees up to \$200, **(2)** termination of the Waste Disposal Account Agreement with Citrus Memorial Hospital dated August 24, 2004, **(3)** Waste Disposal Account Agreement with Pave-Rite, Inc., for disposal fees up to \$1,200, and **(4)** termination of the Waste Disposal Account Agreement with Pave-Rite, Inc., dated September 16, 2004.

3-W Replat/Substantially Similar Plat of Rich Subdivision and that the plat be recorded in the public records.

3-X State-Funded Subgrant Agreement with the State of Florida, Department of Community Affairs (DCA) to be eligible for a grant of \$17,075.13 to provide financial assistance in development and execution of an interlocal agreement for the public school facilities element, school concurrency, and local intergovernmental coordination.

3-Y Public hearings set as follows at the Citrus County Courthouse, 110 North Apopka Avenue in Inverness for a 2005 Small Scale Amendment to the Generalized Future Land Use Map (GFLUM) and the Land Development Code (LDC):

Date and Time	Amendment/Applicant
Workshop: November 15, 2005, at 3:00 P.M.	CPA/AA/PDO-05-12, Leeds Holding Southeast, Inc., a/k/a Allen Plantation
Hearing: December 6, 2005, at 5:01 P.M.	

3-Z Administrative Plan Update for the Citrus County Housing Choice Voucher Program (Section 8 Rental Assistance) in accordance with HUD (Housing and Urban Development) regulations.

3-AA Division of Housing Services' request that the Affordable Housing Advisory Committee and the Board provide temporary housing without consideration of income to current participants in the Section 8 Rental Assistance Program who were evacuees of Hurricanes Katrina and Rita.

3-BB Sheriff's Office request to close specific roads in Citrus Springs in order to conduct employee driver training from 2:00 P.M. to 10:00 P.M. on October 26 and 27, November 2 and 3, November 9 and 10, and November 16 and 17.

3-CC Resolution establishing a dental clinic fee schedule to be charged and collected by the Citrus County Health Unit.

RESOLUTION NO. 2005-248

3-DD Comprehensive Customer Service Agreement with EGP, Inc., for maintenance on the Kyocera, Model KM3035 Copier, Serial No. K3080811, located in the Site Review Section of the Community Development Division (CDD) beginning October 1, 2005, and ending September 30, 2006, for \$270.

3-EE United States of America Federal Aviation Administration Amendment No. 2 to Grant Agreement for Project No. 3-12-0157-001-2003 for the installation of apron lighting ramp lighting, installation of perimeter fencing, and preparation of the environmental assessment for the Inverness Airport Runway 01-19 Extension Project.

3-FF Appointment of Barbara Wheeler to a member-at-large position on the Affordable Housing Advisory Committee for a term that would expire April 25, 2006.

3-GG **(1)** Letter requesting a time extension for the Citrus County FY2002 CDBG NR DCA Contract 03DB-1A-05-19-01-N13, and **(2)** Modification No. 2 to Grant Agreement with DCA to modify DCA Contract Number 03DB-1A-05-19-01-N13, reflecting an expiration date of February 27, 2007.

3-HH AR 10.10 entitled "Policies and Procedures for Expedited Code Enforcement Action when Health, Safety, and Welfare are at Risk".

3-II Release of Lien in Code Enforcement Case No. 0402-207 (a/k/a 04-294) filed against Paul Hoffman on property described as Dixie Shores Unit 1, Replat of Lot 73.

3-JJ Resolution setting a public hearing on November 15, 2005, at 3:20 P.M. at the Citrus County Courthouse, 110 North Apopka Avenue in Inverness for Street Vacation SV-05-02 as petitioned by O. C. Cook. **RESOLUTION NO. 2005-249**

3-KK Indemnity Agreement with the Citrus County Builders Association for the placement of temporary signs in County rights-of-way for their upcoming Home and Outdoor Show.

3-LL Indemnity Agreement with the Homosassa Civic Club, Inc., for the closure of a portion of Mason Creek Road, Creek Lane, Woodland Place, and Division Avenue, and the placement of temporary signs, barricades, and banners in County rights-of-way for the upcoming Homosassa Arts, Crafts, and Seafood Festival to be held November 11 through 13, 2005.

3-MM Department of Environmental Protection's (DEP) proposed settlement letter dated October 11, 2005, regarding the Halls River Road Sewer Project, OGC File No. 05-2374 noncompliance matter, and payment of \$2,500 to DCA for civil penalties, which would be reimbursed to the County by the contractor for the project.

3-NN Extension of business hours at the County Health Department in Crystal River to Monday through Friday from 7:00 A.M. to 6:00 P.M.

3-OO (1) Ranking of firms for engineering services for the County Road (CR) 486 Widening Project from State Road (SR) 44 to Forest Ridge Boulevard and to negotiate a contract with the top ranked firm, Professional Engineering Consultants, and (2) to negotiate with the second and third ranked firms (HDR and CH2MHILL), respectively, if negotiations failed with Professional Engineering Consultants.

3-PP Revisions to AR No. 9.01-8 entitled Purchasing Policy.

3-QQ Revisions to AR No. 9.01.07-04 entitled Sole Source Purchases.

3-RR Revisions to AR No. 9.05-01 entitled Emergency Disaster Purchasing Card Policy.

3-SS Bid/RFP (Request for Proposal) Award Recommendations: (1) **Bid No. 016-06, Parks & Recreation, Herbicides, Pesticides & Turf Maintenance Chemicals**: on a split bid basis to Helena Chemical Company, UAP Timberland, Pro-Source One, Lesco Inc., Univar USA, Southeastern Turfgrass and Howard's Fertilizer as the lowest bidders meeting the specifications; (2) **Bid No. 003-06, Solid Waste Management (SWM) Management of Waste Tires**: contract with Ridge Generating Station L.P. as the only bidder meeting the specifications; (3) **Bid No. 095-03, Fire Services, Purchase of Fire Trucks**: negotiated price adjustment totaling \$68,655 per truck for the purchase of brush trucks under the five-year bid to American LaFrance on July 22, 2003, and the purchase of the options adding a LED and an electric primer motor at \$1,270 per truck; (4) **Bid Waiver Request, Community Support Services Division (CSSD), Counseling Services**: waiving bid procedures and utilizing Act II to provide drug counseling for Drug Court; (5) **Emergency Bid Waiver, SWM, Land Clearing Services**: waiving bid procedures and utilizing Bennett's Clear All for land clearing services in the Withlacoochee State Forest at a per-day price of \$1,075; and (6) **Bid No. 00-115, Engineering, Cold Mix Open Graded Asphalt Contract**: material price adjustment to Florida Highway Products in accordance with the contract documents.

6- **COUNTY ADMINISTRATOR'S REPORT**

6-A **SECTOR ANALYSIS REPORT**

Mr. Wesch stated that Clark Stillwell, representing Citrus Mining & Timber, Inc., was requesting a waiver of the acreage threshold for a conceptual long-range planning of his client's property holdings (1,550 acres more or less) located in the northwest portion of Citrus County, pursuant to Florida Statutes, Chapter 163.3245. He advised that this section of the statutes allowed a property holder to develop a long-range utilization plan for their property holdings; however, the process was only available to land holdings of 5,000 acres or more unless the Board granted a waiver on the acreage threshold.

Gary Maidhof, Development Services Director, advised that this tract of land was located north of the Barge Canal and south of West River Road. He added that the property was currently utilized as a mine with some industrial properties. He explained that the intent was to develop a long-term plan, and that there would be several public

workshops and hearings with the Regional Planning Council, the Planning and Development Review Board (PDRB), and the Commissioners.

Commissioner Phillips mentioned that the process would be very similar to the DRI (Development of Regional Impact) process and that the statutes stated that the local government would make the application for the waiver; however, the application would not commit the Board to the outcome of the long-term plan. Mr. Maidhof concurred and added that local government was required to do growth management, and that Mr. Stillwell had identified to his client that the sector analysis approach was ideal for this particular property. He stated that having a long-term plan for a large segment of the community, being able to address all of the issues upfront, and everyone knowing what the property would evolve to was a good approach.

Mr. Maidhof agreed with Commissioner Fowler's comment that the Board was only approving the application to lower the threshold from 5,000 acres to 1,500 acres.

Upon motion by Commissioner Bartell, seconded by Commissioner Valentino, and carried unanimously, the Board directed staff to send a formal request for waiver of the statutory acreage threshold from the Department of Community Affairs in order to undertake a sector analysis of the Citrus Mining & Timber, Inc., property in northwest Citrus County.

6-B ***JAIL EXPANSION PLANS***

Mr. Wesch advised that earlier this year the Board entered into an extension of the operating agreement with the Corrections Corporation of America (CCA), who had agreed to fund and construct a 360-bed expansion and other improvements to the existing Citrus County Detention Facility. He stated that within the agreement, the County reserved the right to review and approve the plans for the expansion. He explained that the area designated as the courtroom facility should not be considered today because the judiciary had some unresolved issues. He advised that a CCA representative stated that they could move forward with the balance of the construction project and leave the courtroom construction for the later phases. He added that staff would bring the courtroom plans back for final Board approval within 30 to 45 days, and that CCA's new preferred design was consistent with facilities they were building elsewhere in the country with two persons per cell as opposed to the pod system in the existing facility.

Upon motion by Commissioner Bartell, seconded by Commissioner Damato, and carried unanimously, the Board approved the plans for the proposed addition and renovations to the Citrus County Detention Facility to include 360 additional beds and renovations to the medical, kitchen, laundry, visitation, and recreation areas.

6-C ***CITRUS COUNTY CAREER FIREFIGHTERS***

Charles Polisenno, Public Safety Director, reported the status of the career firefighters over the past six months. He expressed the importance of having one team (volunteer and career firefighters) approaching fire rescue and fire response in the County. He stated that the volunteer firefighters would continue to be a major part of the

organization. He reviewed the duties of the career firefighters; such as, commercial building reviews, pre-fire planning of commercial buildings, equipment inspections, maintenance records, and so on. He also reviewed the increases in response times since the implementation of the career firefighters and the training requirements for volunteer and career firefighters.

The Chairwoman agreed that the County depended on volunteer firefighters and would continue to depend on them for many years. Mr. Poliseno replied to the Chairwoman's request to explain the qualifications of becoming a volunteer firefighter by stating that volunteers must be at least 18 years of age, must have completed high school, and have a valid driver's license. He added that the volunteers would have a medical screening and background check, and that the County provided free training (160 hours of basic firefighter training along with other training requirements). (1:36 P.M.)

2-B **CERTIFICATE OF RECOGNITION - DORTHA CHAPMAN**

Upon motion by Commissioner Fowler, seconded by Commissioner Bartell, and carried unanimously, the Board approved and authorized all Commissioners to execute a certificate of recognition to Dortha Chapman for being selected "2005 Florida Department of Elder Affairs Older Worker of the Year." (1:37 P.M.)

2-C **PRESENTATION - PHYSICIAN RECRUITMENT**

Clark Stillwell spoke about an earlier discussion with the Board regarding the potential impacts of high transportation impact fees on physician recruitment and other impacts to the medical community such as, the medical malpractice crisis, physicians having to rely more and more on Medicare and Medicaid reimbursement, and so on. He advised that all of those issues had triggered a further reduction of the availability of physician services in the County. He stated that during the 2004/2005 impact fee discussions, Commissioner Bartell presented an idea that perhaps there could be a special funding mechanism through licensing fees to pay the impact fees of qualified physicians. He mentioned that he had written a letter to Mr. Maidhof regarding that discussion, which was forwarded to the Economic Development Council (EDC) for review; however, the EDC was not interested. He requested that Mr. Wesch agenda this today because the need was real and further discussion was necessary.

Joyce Brancato, CEO, Seven Rivers Regional Medical Center, Ryan Beatty, CEO, Citrus Memorial Hospital, and Paul Weigel representing Citrus Cardiology and Citrus Medical Associates expressed their concerns as follows: that the Independent Needs Analysis supported the need for more physicians and the Federal Website listed Citrus County as a medically underserved area, that 27 primary care (family practice and internal medicine combined) and specialists were needed, that the County's medical staff was aging, the challenges in attracting new physicians, the uniqueness of this County, their willingness to work with staff to develop a viable program, and so on.

Commissioners discussed Citrus County being a medically underserved community, the Medicare/Medicaid reimbursement issues, other counties being concerned with the same issues, impact fees not being the only issue, and so on.

Mr. Stillwell asked the Board for the opportunity to offer a program that was not available elsewhere.

Commissioner Bartell agreed with Commissioner Fowler's suggestion to offer this program on a trial basis. Commissioner Bartell explained that during the discussions of impact fees, he had said that he would be willing to use the mechanism already in place through the EDC; however, he would not be willing to set up another funding mechanism to address the issue. He stated that when he followed the correspondence between the EDC, Mr. Maidhof, and Mr. Stillwell, it was obvious that the EDC did not feel comfortable making that decision at their level and needed Board direction. He also stated that he believed there were two criteria that had to be met prior to the Board moving forward; which were a documented need and that this was a public, health, and safety issue for all citizens. He supported in concept establishing a set criteria with the medical community and using money already dedicated through occupational license fees to promote physicians. He added that he could not think of a better organization or better investment of the County's money that would affect the whole community rather than just the development or business community.

A motion was made by Commissioner Fowler and seconded by Commissioner Bartell to direct staff to notify the Economic Development Council of this discussion and inform them that the Board would be establishing a criteria to implement a program on a trial basis to promote physicians.

Commissioner Valentino expressed concerns with who would decide which physicians qualified for the program, having enough money in the EDC budget to promote enough doctors, the EDC having funding available to assist in their other obligations, and so on. Mr. Wesch stated that he understood the motion was that staff would notify the EDC of the Board's decision to move forward with this program, and that staff would develop the program and bring it to the Board for approval. He suggested that staff work with the two hospital administrators to identify the County's needs and prioritize those needs, and that the money be offered on a first come first serve basis and when the money was expended, the program would end for that year.

Commissioner Phillips clarified that the \$400,000 was in a fund within the County's budget for occupational licenses and that the EDC was contracted by the Board and paid through that fund. She added that the final decisions and appropriation of those funds would be made by the Board, and the EDC could only be charged with evaluating the applications.

Mr. Wesch concurred with Commissioner Phillips' statements and reiterated that staff would only notify the EDC of the Board's intent to embark on this program, that staff would administer the program, and bring back completed funding requests to the Board for final action. Commissioner Fowler stated that his intent in notifying the EDC was a courtesy gesture. Mr. Wesch agreed with Commissioner Phillips that the notification to the EDC would state that the Board would now be utilizing funds from the Occupational License Fee Account for payment of impact fees for recruiting physicians. He clarified that

through the Occupational License Fee Ordinance, the Board set and collected those fees and the Board had the authority to spend that money on any valid purpose, such as allocating or setting aside money for use in this program.

Commissioner Phillips explained that she knew how important it was to be able to recruit physicians; but the proposed program would not address the shopping needs, the age of the population, and so on. She stated that she was concerned about setting precedence by waiving fees for one profession when the Board was not willing to waive the fees for other public health and safety professions, such as nurses, ex-ray technicians, lab technicians, teachers, and paramedics. She commented that she voted on impact fees with the philosophy that those that come to Citrus County would pay their fair share of the impact to the infrastructure for which they would utilize, and she would not support waiving impact fees for any area.

Discussion continued about unique circumstances requiring unique solutions, the occupational license fee funds being used as an aid in helping reduce impact fees, performing an analysis similar to the water and wastewater connection fees, using an existing funding mechanism, public health and safety issues, setting the program up on a trial basis, the need to try new ideas, benefiting the community as a whole, and so on.

The Chairwoman asked if there was any public comment.

Jim Bitter stated that the occupational license fees were a good source of money for many things, that recruiting physicians was a national and state problem, and so on.

Commissioner Damato suggested that the Board look at this idea as a partnership with the medical community. He stated that he did not believe anyone should have their impact fees paid at 100 percent, that he agreed with the social component of this issue, and that there would be economic impacts with the hiring of employees and construction of buildings.

Commissioner Bartell agreed that the entire Board had reservations on this issue; however, the motion only directed staff to set up a procedure, and that no money would be expended if the incentive program did not work. He reiterated that this was not a new funding mechanism, that this mechanism had been in place for three years, and that the Board needed to look at the medical community and their request.

Commissioner Phillips agreed that employees would be hired if new physicians came to the County; however, those employees would have to pay their full impact fees for their new homes. She added that any money spent on this program would come from the small business people who paid their occupational license fees for the furtherance of economic development.

Commissioner Fowler called a question on the motion. Motion carried.
Voting aye: Commissioners Bartell, Damato, and Fowler. Voting nay:
Commissioners Phillips and Valentino. (2:44 P.M.)

The Chairwoman recessed the meeting and reconvened at 3:05 P.M.

2-D **PROCLAMATION - VETERANS APPRECIATION WEEK**

Upon motion by Commissioner Fowler, seconded by Commissioner Valentino, and carried unanimously, the Board approved and authorized all Commissioners to execute a proclamation declaring November 11, 2005, "Veterans Day" and October 31 through November 13, 2005, "Veterans Appreciation Week".

2-G **PROCLAMATION - NATIONAL HOSPICE/PALLIATIVE CARE MONTH**

Upon motion by Commissioner Bartell, seconded by Commissioner Fowler, and carried unanimously, the Board approved and authorized all Commissioners to execute a proclamation declaring the month of November 2005 "National Hospice/Palliative Care Month".

2-H **STREET VACATION SV-05-01, FIRST BAPTIST CHURCH, INC.**

Joanna Coutu, Senior Planner, CDD, reviewed a petition to vacate a portion of the platted right-of-way of Yulee Avenue lying adjacent to Block 87, Town of Homosassa. She explained that the original Yulee Avenue was not constructed where it was platted, and that the County prepared a prescriptive road plat; however, did not vacate the original plat of Yulee Avenue. She added that the church was trying to clear their title because the old plat was running through the center of their property. She advised that there had been no objections to this street vacation and that the Plat Review Team, the PDRB, and staff recommended approval.

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

Terry Davenport, representing First Baptist Church, Inc., made brief comments and reiterated that they were trying to clear the title to their property.

The Chairwoman then asked if anyone wished to speak in opposition. With no further public input, the Chairwoman closed the public hearing.

Upon motion by Commissioner Bartell, seconded by Commissioner Damato, and carried unanimously, the Board adopted and authorized the Chairwoman to execute a resolution approving Street Vacation SV-05-01 as petitioned by the First Baptist Church of Homosassa, Inc. **RESOLUTION NO. 2005-250**

At the meeting of the Board of County Commissioners of Citrus County, Florida, held in the County Commission Chambers, Citrus County Courthouse, 110 North Apopka Avenue, Inverness, Florida 34450, at 2:30 P.M. on the 25th day of October 2005, Commissioner Bartell introduced and moved for the adoption of the following:

RESOLUTION NO. 2005 – 250

WHEREAS, a Petition was presented to the Board of County Commissioners by the First Baptist Church of Homosassa, Inc., which purports to be the owner of a portion of the platted right-of-way of Yulee Avenue adjacent to Block 87, Town of Homosassa, (Section 32, Township 19 South, Range 17 East), more fully described in Exhibit "A" of the Petition which is attached hereto and made a part hereof by reference; and

WHEREAS, said Petition requested the Board to vacate, abandon and discontinue the above-described portion of the platted right-of-way of Yulee Avenue adjacent to Block 87, Town of Homosassa (Section 32, Township 19 South, Range 17 East), more fully described in Exhibit "A" which is attached hereto, and made a part hereof by reference; and

WHEREAS, the Board adopted a Resolution calling for a public hearing to determine the advisability of closing, vacating, abandoning and discontinuing the previously described portion of Yulee Avenue, Town of Homosassa, to be held in the County Commission Chambers, Citrus County Courthouse, 110 North Apopka Avenue, Inverness, Florida 34450, at 2:30 P.M. on the 25th day of October, 2005; and

WHEREAS, Notice of such hearing was published in accordance with the law at the expense of the Petitioner; and

WHEREAS, a hearing has been held in accordance with such Resolution, Notice, and the law pertaining thereto; and

WHEREAS, this Board has determined that the portion of the platted right-of-way of Yulee Avenue adjacent to Block 87, Town of Homosassa, (Section 32, Township 19 South, Range 17 East), more fully described in Exhibit "A" of the Petition which is attached hereto and made a part hereof by reference, should be closed, vacated, discontinued and abandoned, and any right of Citrus County and the public in and to any lands delineated on said recorded plat, as said portion of the street and alleyway should be renounced and disclaimed.

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

1. That the above-described portion of the platted right-of-way of Yulee Avenue adjacent to Block 87, Town of Homosassa, (Section 32, Township 19 South, Range 17 East), more fully described in Exhibit "A" of the Petition which is attached hereto and made a part hereof by reference, be and the same is hereby closed, vacated, abandoned and discontinued, and any right of Citrus County or the public in and to the same, or in and to the lands delineated on said recorded plat of the same, is hereby renounced and disclaimed.
2. That this Resolution shall be spread upon the Minutes of this Board meeting.
3. That this Resolution shall be signed by the Chairperson of this Board, attested by the Clerk of this Board, and the seal of this Board shall be affixed hereto.
4. That notice of the adoption of this Resolution shall be published in a weekly newspaper authorized by law to publish legal notices in Citrus County, Florida, within thirty (30) days from this date.
5. That the proof of publication of the notice of public hearing, the resolution as adopted, and the proof of publication of the notice of the adoption of such resolution shall be recorded in the deed records of the County.
6. That the Clerk of the Board is hereby directed to forward a certified copy of this Resolution to the petitioner and all abutting property owners.

Motion was seconded by Commissioner Damato and carried for adoption by the Board on the 25th day of October 2005.

ATTEST:

/s/ Betty Strifler

BETTY STRIFLER, CLERK

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

/s/ Vicki Phillips

VICKI PHILLIPS, CHAIRWOMAN

Exhibit "A"

All that portion of the unnamed street bounded on the west by South Chamberlain Pool Avenue; on the south by the northern boundaries of Lots 1, 2, 3, 4, and 5, Block 87; on the east by a line between the northeast corner of Lot 1, Block 87 and the southeast corner of Lot 9, Block 89; and on the north by the southern boundaries of Lots 6, 7, 8, and 9, Block 89; all aforementioned described lots being located in the Town of Homosassa as recorded in Plat Book 1, Page 6, public records of Citrus County, Florida.

Mr. Battista polled the Board for ex parte communications regarding items 2-I and 2-J. All Commissioners replied that they had no previous communications concerning those applications.

2-I **2005 SMALL SCALE CYCLE NO. 4**
CPA/AA/PDO-05-19, MCKEAN FOR COLLINS

Mr. Maidhof made brief comments, Rhonda Lake, CDD Coordinator, displayed a slide of the subject property, and Margaret Beake, AIA, AICP, Senior Planner, CDD, provided the staff report as follows:

Application Number/Name:	CPA/AA/PDO-05-19, Paul Furman of McKean & Associates for Craig K. Collins (Color Country Nursery)
Land Use:	GFLUM: From: MDR (Medium Density Residential) District To: GNC (General Commercial) District LDC Atlas: From: MDR* (allowing mobile homes) To: GNC with PDO (Planned Development Overlay)
Property Data:	Section 2, Township 19 South, Range 18 East; further described as Parcels 1A391, Parcel 1A340-0011, Parcel 1A340-0020, and Parcel 1A340-0030, located on the north side of SR 44 at South Easy Street behind the existing nursery in the Lecanto area. Approximately 5.3 acres of approximately 9.09 acres under ownership
Staff/PDRB Recommendation:	Approval with nine conditions as listed in the backup materials
Public Hearing:	November 15, 2005, 5:15 P.M.

Mrs. Beake reviewed a previous application (CPA/AA-05-08) that was approved in part by the Board for an area south of this subject property; however, the Board considered the redesignation of the subject property to be a potential encroachment into a residential area with future incompatible uses. She added that the Board allowed the applicant to resubmit the land use change request for the subject property with a PDO that would address the encroachment issues. She explained that the submitted PDO Master Plan would limit impact on the surrounding neighborhood by restricting use of the subject property to plant material, equipment storage, and green houses. She further explained that there would be no retail or office uses proposed in order to limit traffic in the residential area. She advised that a 20-foot wide type D landscape buffer was proposed on all sides of the subject property in order to screen the view from neighboring residential properties. She stated that staff had added conditions of approval to the PDO to address

neighborhood concerns regarding unsightly equipment, traffic, dust, and noise, and that there was no public concern at the PDRB workshop or hearing.

Mrs. Beake explained to Commissioner Valentino that condition 6 (no truck traffic shall enter or depart from the South Easy Street driveway between the hours of 7:00 P.M. to 7:00 A.M.) was a proposal from the PDRB and could be limited further; however, it was unlikely that the business would be operating after 5:00 P.M. Commissioner Valentino suggested eliminating the time from condition 6, and Mrs. Beake stated that some truck traffic was necessary in order to access the storage area, that this would be a bark mulch driveway with minimal traffic, and that the neighbors had objected to the use of semi trailers and trucks for storage, which had been eliminated. The Chairwoman stated that the hours only applied to the mulch driveway to be used from Easy Street, which was in close proximity to an existing residential property.

Mr. Furman made brief comments regarding the Board's direction to prepare a Master Plan for this property. He advised that the proposed Master Plan was prepared to allow the owner some flexibility; however, staff recommended conditions to further define the allowable uses. He addressed the truck traffic on Easy Street by stating that the owner explained at the PDRB meeting that he received tractor-trailer truck deliveries approximately twice a month and that his smaller trucks would probably use that driveway only to access SR 44. He told Commissioner Bartell that he concurred with the nine conditions.

The Chairwoman stated that she appreciated the applicant having the PDO prepared because it addressed the Board's concerns with the transition from commercial to residential properties. She then opened the workshop for public comment. With no public comment, the Chairwoman closed the public portion of the workshop. (3:24 P.M.)

2-J **ATLAS AMENDMENT AA-05-13, NEAL FOR COUNTY SCHOOL BOARD**

Mrs. Lake made brief comments and displayed a slide of the subject property, and Joanna Coutu, AICP, Senior Planner, CDD, provided the following staff report:

Application Number/Name:	AA-05-13, James A. Neal, Jr., for Citrus County School Board
Land Use:	From: PDR (Planned Residential Development), single-family residential and park To: PDR, school facility and public recreation
Property Data:	Sections 24 and 25, Township 17 South, Range 18 East, a portion of Citrus Springs Unit 24, approximately 119.58 acres
Staff/PDRB Recommendation:	Approval
Public Hearing:	November 1, 2005, 3:15 P.M.

Mrs. Coutu explained that the Citrus Springs Master Plan in this area designated lots as single-family residential and a park tract, and the applicant was proposing to amend the property to school facility and a future recreation use parcel similar in size to the park tract. She advised that the applicant had provided a letter from the DCA, which indicated

that this proposal was not a significant change to the original binding letter for Citrus Springs. She mentioned that a plat vacation application would be presented at the next meeting, and if approved, would eliminate the paper roads and lots in that area so that it would be one tract of land for development for the school.

Mr. Neal stated that his client was requesting that approximately 120 acres be converted from residential use to school use in order to build an elementary school closest to Citrus Springs Boulevard, with no immediate plans for the balance of the property. He said that this proposal would reduce the number of homes built in Citrus Springs and provide a school facility that would service residents of that area. He requested that the Board approve this application in conjunction with the plat vacation at the next Board meeting. He then mentioned two issues regarding the plat vacation (cul-de-sacs that needed to be platted and an existing drainage retention area (DRA) for lots outside of the subject property). He advised that when Sylvan Hills sold Citrus Springs Unit 24, they sold the subject property to the School Board and the balance to a developer, who had since sold to another developer. He added that a condition in the contract to the first developer was that they would not oppose the use of the vacation of this portion of Unit 24 for school facilities, which meant that they would not have use of the DRA for those lots outside of the subject property. He further stated that the School Board would do whatever the Commissioners suggested in order to get the application approved. He recommended that the School Board deed the cul-de-sac areas to the County with reversion language that when the balance of Unit 24 was developed, if the property was not needed for cul-de-sacs, the property would revert to the School Board; however, if the cul-de-sacs were needed, the School Board would construct them at that time. He also suggested that the owners of Unit 24 be required to find off site drainage on their own property when they decided to develop those lots. He requested direction from the Commissioners on those two issues.

Commissioner Phillips stated that those issues were not part of this application and recommended that staff review them and advise the Board. Mr. Maidhof made general comments about the issues and stated that staff would continue to work with Mr. Neal. He explained that the plat vacation would make the roads disappear within the boundary of the property; however, the concern was that roads would dead end, and unless there were cul-de-sacs, there would be no room for emergency vehicles to turn around. He mentioned the following issues: not knowing if the cul-de-sacs were within the School District's controlled property or outside their boundary, when the platting and construction would occur, and who would be responsible for the construction costs.

Albert McLaurin, Engineering Services Director, stated that if the northern half of the off-site property remained as originally platted, the developer would need the DRA; however, the DRA could be moved further north out of the area where the future facility would be built.

Commissioner Phillips stated that she felt it would be the School Board's responsibility for that drainage. Mr. McLaurin explained that staff had discussed the options with the School Board, which would be to relocate the drainage or that the

developers would take care of the drainage per the agreement that Mr. Neal spoke about earlier. Mr. Maidhof stressed that the concern was to make sure the School Board did not create an unsafe situation or a deficit in regards to the drainage, and that staff and Mr. Neal would research the drainage issue further and bring a resolution to the Board on November 1.

The Chairwoman opened the public portion of the workshop and asked for public comment.

Mr. Maidhof addressed Robert Bennett's question regarding the purchase of this property by stating that this was property purchased by the School District for school facility locations; however, there was no intent through this application to build a high school on this property. Mr. Maidhof also advised Mr. Bennett that the FGUA (Florida Governmental Utility Agency) had a long-term master plan for improving their water and wastewater and it was the intent of the applicant to be served by that system. He added that the FGUA had long-term plans regarding lines and capacity, and should the FGUA choose to locate one or more production wells in this general area, the water management district and the FGUA would do extensive geological analysis to make sure that a large production well would not result in sink holes or damage. He mentioned that when the School District began the engineering and design for a school they would conduct the same type of due diligence engineering on this property to make sure the school was not at risk to structural damage. He advised the Board that he would contact the FGUA to find out if they had ownership of sites relative to this property and provide that information to them at the November 1 meeting.

With no further public comment, the Chairwoman closed the workshop. (3 47 P.M.)

2-E **UNIVERSITY OF FLORIDA IFAS EXTENSION 2006 CALENDAR**

Katherine Allen, Extension Services Director, presented a University of Florida IFAS (Institute of Food & Agricultural Sciences) Cooperative Extension Service 2006 calendar to each Board member. She advised the Board of the statewide goals and the many projects that were accomplished in the past year.

2-F **PROCLAMATION - ANIMAL SHELTER APPRECIATION WEEK**

Upon motion by Commissioner Bartell, seconded by Commissioner Damato, and carried unanimously, the Board approved and authorized all Commissioners to execute a proclamation declaring November 6 through 12, 2005, "Animal Shelter Appreciation Week".

2-K **GOSPEL ISLAND BRIDGE**

Scott W. Collister, Director of Transportation Development for the Florida DOT, stated that he was responsible for the planning and design function and that John R. Escobio, DOT Project Manger, had been associated with the Gospel Island Bridge Project since the beginning.

He proceeded with a PowerPoint presentation entitled "Gospel Island Bridge (C.R. 470) Over Henderson Lake". He stated that the bridge was constructed by the DOT in 1951, transferred to Citrus County in 1975, and met criteria for the Local Government Bridge Replacement Program in 2000 due to the deficiency of the structure, and was adopted for replacement in 2001. He mentioned that there were 63 funded bridge replacement projects and a backlog of 185 bridges needing replacement statewide. He talked about the project development and stated that in 2003 the previous Chairman of the Board requested that the DOT reconsider the bridge height; however, the federal program allowed replacement of the structure in-kind, and that no state funds were given to change or alter the design of the current bridge structure. He advised that an additional one foot would cost \$1,400,000 and delay the project. He detailed the bridge design, and pointed out that the DOT revised the vertical profile of the bridge to have a vertical curve increasing the center height from 1.3 feet to 2.5 feet.

Mr. Escobio stated that in addition to a new bridge, the DOT would be constructing roadway approaches on the east and west side of the bridge (160 feet each), which would include shoulders, sidewalks, and other features that would enhance the aesthetic value and safety. He discussed the design features of the new bridge with 11-foot travel lanes, 5-foot paved shoulders, concrete crash worthy barrier walls, 5-foot concrete sidewalks on both sides of the bridge, and aluminum handrails.

He stated that the DOT had been in contact with the Citrus County Fire Rescue, Citrus Memorial Hospital, Nature Coast EMS (Emergency Medical Services), Emergency Operations Center (EOC), Aero-Med, and Citrus County Transit. He spoke about the detour route for emergency response from Pritchard Island along US 41, US 44, and around on CR 470 (16.7 miles to Citrus Memorial Hospital), which was an additional 14 miles from the current route. He noted that the detour route was in the center of the Med-1 Emergency Response Area, and that response time to the east side of the County was about a 24-minute round trip compared to the 20-minute round trip for Pritchard Island residents.

He advised that the detour route would add about 9 miles and 20 minutes to the current bus routes of Citrus High School and Inverness Middle and Primary Schools, and that details would need to be worked out with the school officials. He informed that the detour route would affect local traffic by adding an additional distance of 6.7 miles and 10 to 15 additional minutes into Inverness.

Mr. Collister detailed the design features of the bridge as follows: 160 foot length, 10 feet longer than the existing bridge; fewer spans; substructure would be prestressed concrete piles versus timber; unique design of precast/prestressed concrete slabs with cast-in-place topping to expedite construction; aluminum handrail; crash standard traffic barrier; sidewalks to comply with ADA standards; and greater buffer from traffic.

He discussed the project schedule of the current design approach using the temporary detour with construction duration of eight months beginning in July 2006 and ending February 2007 versus the design of a temporary acrow bridge with a much longer

construction period of about 18 months. He mentioned that the DOT had scheduled a community awareness meeting on November 3, 2005, at the Citrus County Auditorium to answer questions about the project. He summarized the benefits of the design approaches of the temporary detour as opposed to a temporary bridge, including less time and overall costs. He added that the DOT was experiencing a significant increase in construction costs due to the high growth in Florida and the effect of China pulling cement and steel away from the United States. He talked about temporary bridge right-of-way costs, a new roadway having to be constructed in someone's front yard, and the destruction of many trees.

He provided the following DOT recommendations:

- Emergency Response: utilize Point O Woods Community Center, Citrus County Volunteer Fire Station, and coordinate with local emergency agencies
- Schools: coordinate bus routes with schools
- Transit: coordinate routes with Citrus Public Transit

He added that DOT would try to begin construction in June, that \$200,000 had been allocated in incentive funds to allow contractors to finish ahead of schedule, that there would be a public meeting to inform the community of the exact start date and bridge closing, and that the City (Inverness) and the County would be advised of the progress of the project. He concluded by stating that the new bridge would be significantly higher and safer for the community. He clarified for Commissioner Damato that the increased height of 30 inches was above the existing bridge.

Commissioner Fowler questioned if the DOT was singling out Citrus County or would they be making modifications for every bridge project in their construction schedule because of the economy and growth factors, and had the DOT met with Representative Charlie Dean about this final decision. Mr. Collister replied that Citrus County had not been singled out for this particular project, and that there was a significant challenge statewide to manage costs and deliver projects in the most effective manner possible. He said that Representative Dean had been advised on October 11, and that the DOT recognized that the project would cause disruption to the community; however, the intent was to encourage the contractor to complete construction early.

Commissioner Fowler commented on the wonderful relationship between the County and the DOT District 7; however, he mentioned that people living in the area were extremely disappointed that representation was made (for a temporary bridge) and was not being delivered. Mr. Collister said that the DOT had made representations on the two different design approaches at a public meeting in November 2002 where the public was asked for their input, and that he understood how the perception was now that the DOT had said one thing and was doing something else.

Commissioner Valentino was concerned about the public safety and health issues of the detour route. She questioned the additional fuel expenses of emergency

response vehicles and if the construction could be done sooner. Mr. Collister stated that it was highly probable that the bridge could be replaced within six months; however, he could not commit until entering into a contractual relationship, but he would commit to completion in less than eight months.

Mr. Collister responded to Commissioner Bartell's question about using the federal funds to build a temporary bridge rather than bridge replacement by stating that if the current design approach were changed, the replacement project would be delayed. He added that he would never advocate not replacing the bridge, but he could not give a definitive answer today. He explained that the District bridge staff inspected the structure annually, and in addition to settlement there were other areas of damage; however, he had not been advised of a significant safety concern.

Commissioner Bartell commented that he was worried about losing the funding or the ability for the DOT to replace the bridge. He mentioned a DOT project in the Floral City area that had still not been started, and Commissioner Fowler added that the project was to construct four lanes through Floral City, that a consensus could not be reached, and that the DOT used those funds somewhere else.

Commissioner Phillips thanked the DOT representatives for explaining that circumstances of time and money dictated the change in the design plans. She expressed appreciation for the DOT's offer of a \$200,000 incentive to the contractor for completing the project in less than eight months, and for communicating with the County and citizens in respect to emergency response and the schools. Mr. Collister thanked the Board and stated that he would return anytime to update on the progress of the project.

Inverness City Manager Frank DiGiovanni expressed appreciation to the DOT for their accessibility to the Inverness City Council, for the due diligence on the project, for the presentation today, and for conducting a workshop on November 3. He stated that this was a difficult situation, and that the first discussions with DOT were for a temporary structure; however, the realities were that there was no control over escalating costs, weather events, or the economy. He also stated that this project was not being funded locally; therefore, local government was at the mercy of the state legislators who manage the federal resources, and DOT was doing their best with this project.

Inverness City Council members Sophia Diaz Fonseca and Ken Hinkle made brief comments and were supportive of the DOT and the project.

The Chairwoman asked if anyone from the public wished to address the issue. Al Grubman spoke against the project unless a temporary bridge could be built because of emergency response time. Jan Grubman remarked that the project was not very well organized if it was supposed to begin in June and details had not been discussed with the affected agencies.

Commissioner Bartell commented that there was a consensus of this Board to work with DOT regarding ambulance and fire services, and he asked that those issues be

expedited prior to the November 3 workshop. The Chairwoman mentioned that preliminary discussions had already occurred between the City of Inverness, the County Administrator, and DOT. (4:56 P.M.)

6-D **PURCHASE OF LAND AT INVERNESS AIRPORT**

Mr. Wesch stated that the Board previously directed staff to obtain appraisals and proceed with negotiations with the City of Inverness (City) for the purchase of approximately 73 acres of land beside the Inverness Airport, and that staff had negotiated a Purchase/Sale Agreement with the City for \$811,000, the lower of two appraisals. He mentioned that the land was the present site of the Inverness spray fields; however, the spray fields would cease to be used in the future as the Inverness Wastewater Treatment Plant (WWTP) was upgraded to a reuse system. He said that this joint effort between the City and County would assist in establishing a basis for the future east side sewer project. He specified that the DOT would fund 75 percent of the purchase price (\$608,250) and the County's share would be 25 percent (\$202,750).

Quincy Wylupek, Engineering Project Manager, displayed a map of the subject property and stated that the area would be used for expansion of the airport and development of a business park. He explained that the DOT initially reviewed a possible exchange of property; however, the County decided to keep the land due to future growth of the airport and the need for a runway protection zone. Mr. Wesch further explained that the primary purpose of the acquisition was to progress with the Inverness Airport Master Plan and relocate the related facilities currently close to SR 41 further away from the Royal Oaks neighborhood. He pointed out that the Inverness City Council voted to approve the sale of the property at their last meeting and staff was requesting that the Board approve the purchase.

Mr. Wylupek clarified for Commissioner Valentino that the land initially proposed for trade by the DOT was owned by the County, and that there would be no encroachment on the fairgrounds property.

Commissioner Valentino stated that it seemed to be a win-win situation; however, if the County had not received grant funds for a business park and expansion of the airport, the City would be funding the entire cost of upgrading the WWTP. She further stated that this was too much money for the County to spend, and she believed the City should have deeded the property to the County for \$1. Mr. Wylupek answered her question about the \$45,710 lease agreement with the City by stating that it would be in effect until the WWTP was upgraded by the fall of 2007.

Mr. Wesch specified that this was a complex multi-faceted joint effort dealing with the issues of the WWTP, the Inverness Airport business plan and facility relocation, and the future east side sewer project. He pointed out that without the agreement with the City, the County would have to locate, construct, and fund a WWTP on the east side. He added that the City could meet the DEP requirements without attaining a reuse system; therefore, staff would agree with Commissioner Valentino's previous comment that this was a win-win situation.

Commissioner Valentino remarked that she appreciated the County's relationship with the City and supported the upgrades to the WWTP, but she was not convinced that a business park and extension of the Inverness Airport was in the best interest of the citizens.

A motion was made by Commissioner Fowler and seconded by Commissioner Damato to (1) approve and authorize the Chairwoman to execute the Purchase/Sale Agreement with the City of Inverness for the acquisition of approximately 72.97 acres of land for \$811,000 and authorize issuance of a check for \$765,290 for the County's portion of the purchase, and (2) accept a deed from the City of Inverness for the purchase of approximately 72.97 acres of land and authorize the Clerk to place the acceptance stamp upon the deed and record in the public records.

Commissioner Phillips commented that she would support the motion because she had always supported the relocation of the spray fields and expansion of the WWTP. Commissioner Bartell stated that he would also support the motion because water quality was a priority and because of the great partnership between the DOT, the City, and the County. Commissioner Fowler remarked that this was the key to water quality on the east side of the County, it would provide reuse water for the Inverness Golf and Country Club, economic development at the airport, opportunities for workers, competition with other counties, and ensure that the County would not have to return any grant money. Commissioner Valentino reiterated that she was in favor of upgrading the WWTP and protecting environmentally sensitive areas, but she was reluctant to support the motion.

Commissioner Phillips advised that the Engineering Division had been providing a spreadsheet listing the JPAs (Joint Participation Agreements), which she found to be very beneficial, and requested that staff continue to provide that data.

Commissioner Damato stated that when the County could spend \$202,750 combined with \$608,250 from the state to provide wastewater treatment, it was a win for the County, the City, and the citizens on the east side of the County.

Tom Davis, representing Crystal Aero Group, Inc., made brief comments about the Inverness Airport Master Plan and spoke in favor of the land purchase for further development of the airport and facilities.

The Chairwoman called a question on the motion. Motion Carried. Voting aye: Commissioners Bartell, Damato, Fowler, and Phillips. Voting nay: Commissioner Valentino. (5:14 P.M.)

7- **COMMISSIONER VICKI PHILLIPS, CHAIRWOMAN**

7-A **PLANNING AND DEVELOPMENT REVIEW BOARD (PDRB)**

7-A.1 Commissioner Phillips nominated Walter Pruss for a District 3 position on the PDRB for a term that would expire November 30, 2008.

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

7-A.2 Commissioner Bartell nominated Miles Blodgett for a District 5 position on the PDRB for a term that would expire November 30, 2008.

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

7-B **WATER AND WASTEWATER AUTHORITY BOARD**

Mr. Wesch responded to Commissioner Bartell's question about the nominees listed on the agenda by stating that staff had verified the candidates' qualifications for technical member positions.

Commissioner Bartell nominated Walter C. Averill, MD for a technical member position on the Citrus County Water and Wastewater Authority Board for a term that would expire November 1, 2006.

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

The Chairwoman recessed the meeting and reconvened at 5:36 P.M.

12- **COUNTY ATTORNEY'S REPORT**

12-A **FLORIDA GOVERNMENTAL UTILITY AUTHORITY (FGUA)**

Mr. Battista stated that the Board directed him at the October 11 meeting to provide information on the possibility of acquiring the FGUA Citrus County Utility System (system). He advised that John Jenkins with Rose, Sundstrom & Bentley, LLP (RSB) was recommended by several persons to be an excellent choice as a team leader in this effort. He summarized the packet of information supplied by RSB (included in the backup materials) detailing their qualifications and experience, various utility acquisitions, and a letter of engagement (agreement) outlining services and costs, beginning with Phase 1, which would determine whether to proceed with the acquisition.

He informed that RSB recommended the rate consultant firm of Burton & Associates to review the financial data and impact on the current FGUA ratepayers, and the engineering firm of Holland and Knight to participate as bond counsel. He advised that Phase 1 services would be completed within 45 days for \$40,000; \$20,000 each to RSB and Burton & Associates; however, RSB recommended that the Board set aside \$50,000 for potential costs. He added that the money would come from the Contingency Fund, but if the Board decided to proceed beyond Phase 1, that money would be included in the financing of the system and could be paid back into the General Fund over an appropriate period. He specified that the RSB packet also included a letter from the Board to the FGUA requesting that the FGUA delay the operations contract with U.S. Water/Wade Trim for 60 days in order to give the County time to consider the acquisition and advise the FGUA accordingly. He stated that Mr. Jenkins thought the acquisition could be done

within 120 to 180 days of the Notice of Intent to the FGUA, after which there would be further studies regarding the amount of money the FGUA felt would be owed above the initial purchase price for capital improvement costs and funds expended.

Commissioner Fowler stated that he thought Mr. Battista was going to present a scope of work to be done, not a recommendation for an outside law firm to determine the legal aspects, which he said were contained in the interlocal agreement with the FGUA. He remarked that a scope of work was needed to perform due diligence in determining the condition of the system and the financial, operational, capital improvements, planning, and funding of the system. He added that he thought staff should advertise a RFP (Request for Proposal) from qualified firms, rank those firms, and then the Board would decide which firm would perform the examination of the system. Mr. Battista explained that it was not necessarily the legal aspect, but an overall view of the transaction, and that the intent of the first 30 days of the Phase 1 services was to provide data so the Board could make an informed decision as to whether to proceed with the acquisition. He specified that an RFP was not necessary, that the RFP process was more time consuming and costly, and with the acquisition of a new operations team for the FGUA and impending assessments in Citrus Springs, this entire project would become more expensive. He further explained that the bond debt would be the original price of the system when it was purchased by the FGUA, regardless of its existing condition, plus improvements made by the FGUA since the time of purchase. He indicated that the Board would probably have to issue new debt and make payments over time; however, more in-depth examination by the financial and bond counsel would occur within the 30 to 45 day timeframe.

Commissioner Fowler commented that this was such a major issue in areas of customer billing, service, staffing, and multiple permitting issues, and he did not think the system could be analyzed within 120 or 150 days. He stated that the analysis should include a comparison between the system under the FGUA with twice as many customers and the County with a smaller customer base. He expressed concern that the Board would use a law firm they had no experience with, and reiterated that the Board should select a rate consultant to perform due diligence on the system.

Mr. Battista advised that Phase 1 would report the impact on the current FGUA customers, and it was perceived that the Board would operate the system separately from the current Citrus County Utility System until the Board could transition with management and operations. He explained that the Board would conceptually assume the current operations agreement of the system and that GSG (Government Services Group) would continue providing billing, so it was possible to acquire the system within 120 to 150 days. He stated that the Board had indicated on October 11 that the affected homeowners' associations would be involved in the process, so they would understand the cost and rate base if the County acquired the system.

Commissioner Fowler was concerned about the Board's requirements for financing the system. He questioned if the County would have exposure or liability with the new operator (U.S. Water/Wade Trim), if there would be a transition time between the current and new operators of the system, and what would happen to the system's

employees. Mr. Battista replied that the County's ability to pay would be based upon the ability of the system to satisfy the debt services. He reiterated that the proposed letter from the Board would request that the FGUA delay the system's new operations contract for 60 days; however, the FGUA was not mandated to comply with that request. He stated that the current operator had agreed to continue operating the system until U.S. Water/Wade Trim took control, and that the Board could make a decision on the acquisition within 30 to 45 days, well within the 60-day timeframe, if the FGUA complied with the request. He further stated that the only employees involved would be the current operator, and it would be feasible to attain GSG employees to continue the billing for an interim period.

At Commissioner Fowler's request Robert Sheets, Assistant Manger of the FGUA, addressed the Board about the accountability concern of the system's customers and rumors about the FGUA receiving commission on bond issues. Mr. Sheets stated that the FGUA would cooperate with the County on any matter. He also stated that the FGUA had learned from their mistakes and believed the creation of a utility advisory board consisting of representatives from Sugarmill Woods, Pine Ridge, and Citrus Springs (70 percent of the customers served by the FGUA) would help address the accountability issue. He detailed the compensation of GSG, and stated that they would receive less than five percent of the total Citrus County system revenue in 2006 (\$350,000). He also stated that the fee to oversee and manage capital improvement programs had been less than three percent since 1999, but there would be a request this year for an increase due to inflation. He added that engineers and experts prepared the capital improvement budget, and that the numbers appeared in two public documents each year, as a line item in the budget and in the annual comprehensive financial report.

Commissioner Damato asked if there were any legal or financial fees collected by other entities that helped the FGUA operate the system. Mr. Sheets advised that the FGUA Board had contracts with their general counsel, utility counsel, rate consultant, various other contracts for risk management, insurance, and so on.

Commissioner Phillips questioned if there were any conflicts of interest between the firms operating with the FGUA. Mr. Sheets stated that none of the firms had ownership or interest in GSG and GSG did not own interest in any of the affiliated firms. He acknowledged that Bob Nabors did own individual stock in Nabors, Giblin, and Nickerson, P.A. (FGUA's bond counsel); however, he did not think there was a conflict of interest because the bond counsel worked for the FGUA Board.

Commissioner Phillips thanked Mr. Battista for assembling a team of experts to guide the Board through the process. She stated that Phase 1 services were well outlined and that Commissioner Fowler's questions went beyond what Phase 1 would entail. She stated that the value of the system was established when FGUA performed due diligence, which was the amount the County would pay for the system. She added that this outline would be a preliminary review of the financial condition of the FGUA, the fund revenues, financial impacts on the utility system and customers, among other things. She quoted specific financial services summarized by Burton & Associates and stated that RSB would

offer pros and cons and make recommendations for a professional transition team if the Board chose to proceed with the acquisition. She pointed out that Phase 2 would require a professional financial evaluation of the FGUA's information to determine if the \$7,500,000 debt added to the system would be bondable. She specified that the estimated cost of the entire process would be \$300,000, and that Phase 1 would cost approximately \$40,000. She added that although she appreciated Mr. Sheets' answers to the Board's questions, accountability was lost when the FGUA raised the assessment rates because according to the interlocal agreement, the rates should not have been increased for five years. She added that this Board would be remiss if they did not at least consider the acquisition and find out how it would affect the ratepayers and if it would better serve the citizens.

Mr. Battista told Commissioner Bartell that Mr. Jenkins had raised other issues he felt the Board should be aware of in Phase 1, and given his reputation and expertise in dealing with this type of issue, he was convinced that adequate data would be provided in order for the Board to make an informed decision.

A motion was made by Commissioner Bartell and seconded by Commissioner Phillips to proceed with Phase 1 as proposed by the County Attorney (engage the services of John Jenkins from Rose, Sundstrom & Bentley, LLP for legal counsel and Burton & Associates for the financial analysis regarding the possible acquisition of the Florida Governmental Utility Authority Citrus County Utility System).

Commissioner Damato reiterated that it was important that Phase 1 contain the condition of the entire system, including the financial situation and the affect the rate structure would have on the customers.

Mr. Battista explained to Commissioner Fowler that the interlocal agreement gave the County authority to purchase the system, as it exists; however, if the FGUA were willing, the County could negotiate a purchase price. He added that the system needed to be evaluated, particularly, the capital improvements claim made since the FGUA acquisition. Short discussion followed regarding the necessity of examining the system so it would be acceptable to the bond market.

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

A motion was made by Commissioner Phillips and seconded by Commissioner Fowler to direct Mr. Wesch to pay the \$50,000 costs for Phase 1 services from the Contingency Fund.

Commissioner Phillips confirmed Commissioner Damato's comment that the \$50,000 would be included in the purchase price of the system and that the Contingency Fund would be reimbursed that amount. Commissioner Bartell pointed out that although the motion was for \$50,000, if the costs were less, the remainder would be returned to the Contingency Fund.

The Chairwoman called a question on the motion and the motion carried unanimously. (6:30 P.M.)

12-B **SETTLEMENT AGREEMENT - HUGHES FOR CARUTH ESTATE VS CITRUS COUNTY**

Mr. Battista informed that this was a proposed Settlement Agreement (agreement) for a claim against Citrus County by the personal representative of the W.W. Caruth, Jr. Estate pursuant to the Bert Harris Act (Section 70.001, Florida Statutes). He stated that the claim was based upon a Mixed Use (MXU) property issue emanating in April 2002 when the Board changed the MXU density requirements on the LDC to correspond with the GFLUM. He advised that Robert Williams with the law firm of Fowler White Boggs Banker, representing the County, and Attorney Clark Stillwell, representing the W.W. Caruth, Jr. Estate, and the owner's representative Vester T. Hughes, Jr., were in the audience to discuss the case.

He stated that there had been negotiations and numerous communications, followed by mediation in which various items were finalized in the proposed agreement. He also stated that if the Board approved the agreement, it would proceed to court with a proposed order that would settle the case.

Mr. Williams advised that he did not normally meet with clients in a public recorded session, so it would be difficult to answer some questions; however, County staff and Mr. Battista felt this proposal would be acceptable to the Board. He made brief comments about the negotiations and mediation that had taken place between the parties, which resulted in a site plan with a developer's agreement and a settlement agreement. He indicated that if the Board approved the agreement, it would proceed to court, Mr. Maidhof would testify to the different aspects of the site plan, and the judge would determine if the plan was in the public's best interest and if the agreement was legal. He requested that the Board either accept the agreement with or without changes or direct him to litigate the case.

Mr. Maidhof advised that the previous MXU District had allowed a combination of commercial and higher intensity residential use on the subject property. He said that staff and the owner discussed a residential development that addressed issues of consistency as well as provided public safety and environmental protection. He reported that the development proposal was for one acre tracts or larger and would include the following: paved roadways; central water system; consistency with the Manatee Protection Plan; site built homes specific to size and in compliance with the LDC; 50-foot setback from water; height limitation; flood plain compliance; performance based wastewater system; a large conservation easement; protection of the tree canopy area; and commitment to wetland setbacks and jurisdictional boundary lines. He added that the proposed development would be similar to the Crystal Manor Subdivision and bordering properties in Levy County along the Withlacoochee River. Mr. Williams interjected to inform that he had spoken to a couple from Inglis today who lived directly across the river from the proposed development, and they had indicated that this site plan was preferable to what had been anticipated and they felt it was consistent with the neighborhood.

Mr. Maidhof responded to Commissioner Phillips' concern about notifying adjoining property owners of the proposed settlement and development agreement by stating that notification was not required by law, but staff did have the ability to do an abutter notification if the Board desired. Mr. Stillwell added that the largest and most directly affected property owner to the south, Harvey Goodman, had no objections to the proposed development. He specified that if the Board approved the agreement, he would publish a legal ad in the newspaper that would provide notice beyond the requirement, so anyone could intervene or file a consistency challenge. Mr. Williams added that because this lawsuit was filed some time ago, he thought persons would have intervened already if they were going to do so, and he did not believe notification to neighbors was a legal concern.

Mr. Stillwell gave a brief summary of the previous owners and beneficiaries of the Caruth Estate, and stated that the administrator, as a fiduciary of the estate with beneficiaries had an obligation to protect their proprietary interest. He specified that the administrator of the estate did not want the monetary award, only the right to develop their property in a reasonable manner. He stated that this site plan with 50 units and one-acre size lots was compatible to the surrounding neighborhoods, addressed environmental issues, had shared dockage, and would maintain the character of the community. He noted that the proposal met statute requirements of proving that the inordinate burden would be relieved, that it would be in the public's best interest by reducing density, and that no tax dollars would be at risk. He pointed out that the language in the agreement specified that execution of the document represented set no legal precedent as to any other properties. He requested that the Board approve the agreement, and mentioned that the agreement would be recorded in the public records and would be included in every sales contract for third party lot buyers.

Commissioner Damato stated that he was pleased that the agreement was compatible with the community on both sides of the river; that it addressed best management practices for roads, sewer, water, storm water, drainage, conservation easement, size and height of housing, property setbacks with no variances, impervious surface ratios of 50 percent, wetland impacts, tree protection, shared docks, and environmental aspects; and that it would improve the County's tax base.

A motion was made by Commissioner Fowler and seconded by Commissioner Phillips to accept and authorize the Chairwoman to execute the proposed Settlement Agreement and Citrus County Development Agreement regarding Vester T. Hughes, Jr., as Personal Representative of the W.W. Caruth, Jr. Estate, Plaintiff, vs. Citrus County as protecting the public interest and as the appropriate relief necessary to prevent the governmental regulatory action from having inordinately burdened the Plaintiff's property.

Commissioner Bartell expressed concerns with the process because the MXU District was removed from the Comprehensive Plan (COMP) in 1997 through the EAR (Evaluation and Appraisal Report) based amendments; however, the County chose to

leave the MXU designation on the LDC until 2002. He questioned the 365-day timeframe for filing a Bert Harris type claim when the MXU was removed from the COMP in 1997.

Mr. Williams stated that Judge Springstead's order (Halls River Retreat litigation) was very explicit that the MXU designation was ineffective at the time of the EAR (1997); however, staff continued to issue permits, which he believed was the way it should have been handled, and that the judge's order was wrong. He further stated that he thought it would be difficult for any judge to tell a landowner that the MXU never existed on his property during the five or seven years it continued to exist on the LDC. He explained that the Bert Harris Act tried to address government regulation of private property rights, and that what otherwise would not be a taking, must now be compensated. He remarked that he was willing to dispute the fact that the issue reverted to the beginning (1997), but that it would be arguable at best, and he did not think it would be a "slam-dunk" for the County. He stated that the issue was very confusing when the judiciary changed the rules mid-stream, and although he understood the reason behind the judge's order, he thought the earliest date for the Bert Harris claim was when the ordinance was adopted.

Commissioner Bartell asked if it was Mr. Williams' legal opinion that the timeline for filing a Bert Harris type lawsuit was when the MXU was removed from the LDC, not when it was removed from the COMP five years earlier. Mr. Williams replied that he was willing to assert that the timeline was in 1997; however, he was not sure he could win the case. He added that it was more likely when the MXU was removed from the LDC in 2003, but the statute of limitations was a controversial issue and the results were questionable and difficult to answer.

He answered Commissioner Bartell's question about the agreement having to comply with the COMP by stating that a judge would decide that issue because any agreement that might result in potential derogation of any state statute must be reviewed by a judge. He replied to his comment about the density now being one unit per 20 acres in the COMP and LDC by stating that it (development plan) would be an increase from the current density; however, under the Bert Harris Act the question would be, was there an inordinate burden on the property.

Mr. Stillwell responded to Commissioner Bartell's question regarding the COMP policy of residential areas being no closer than five miles from a nuclear power plant by stating that he had calculated from an aerial photograph that the distance was about five miles. He stated that there was no five-mile radius language in the current COMP only that there would be no increase in any new residential density. He discussed the statute of limitations and stated that the County changed the COMP in 1997, but continued to issue permits contrary to that position, so the County's conduct contributed to the situation. He then talked about Bert Harris lawsuits and stated that if the Board approved this agreement, the parties involved would have to prove to the judge that the evidence was legal, that the inordinate burden was lifted, and that it was in the public's best interest.

Commissioner Bartell disclosed that he would not support the settlement and development agreements because he disagreed with some of the assumptions, but he understood and appreciated the concept.

Discussion ensued regarding the options of settling or litigating the case, the statute of limitations had expired, there being no other pending cases regarding the MXU properties, treating all property owners fair and equal, and so on.

Dixie Hollins, owner of Citrus Mining & Timber, Inc., and a large landowner abutting this property, stated that he was pleased that two members of opposite teams were working together for hopefully a win-win scenario for all parties involved. He added that he believed this development would be compatible with the surrounding areas, it would be a good economic project, there would be no wetland impacts, and he was supportive of the compromise.

The Chairwoman called a question on the motion. Motion Carried. Voting Aye: Commissioners Damato, Fowler, Phillips, and Valentino. Voting Nay: Commissioner Bartell.

(7:21 P.M.)

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

13-A ***Upon motion by Commissioner Fowler, seconded by Commissioner Phillips, and carried unanimously, the Board agreed to discuss a matter involving a dangerous situation for bicycle riders on the Rails to Trails intersection at County Road 486.***

Commissioner Fowler referred to a letter (filed with the Clerk's agenda) written to the Board from Kenneth Spilios, president of the Rails to Trails of the Withlacoochee (RTW) requesting a pedestrian overpass at the RTW intersection of CR 486 in Hernando due to safety concerns of bicyclists. He questioned how the Board would initiate this request with the state (DOT).

Mr. Wesch advised that he had sent a letter to Mr. Spilios (filed with the Clerk's agenda) indicating the County's request to discuss the issue on behalf of the residents. He suggested that the Board allow staff to try to deal with the issue, and if necessary, report to the Board for further action in terms of a resolution supporting the RTW's request.

Commissioners Phillips and Valentino stated that they had previously asked Mr. Wesch to address the issue as well.

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

(7 25 P.M.)

ATTEST: _____, Clerk _____, Chairwoman