Hernando County

Board of County Commissioners

Regular Meeting

~ Minutes ~

July 27, 2010

CALL TO ORDER

The meeting was called to order at 9 a.m. on Tuesday, July 27, 2010, in the John Law Ayers Room, Government Center, Brooksville, Florida.

Attendee Name	Title	Status
John C. Druzbick	Chairman	Present
Rose Rocco	Vice Chairman	Present
James E. Adkins	Second Vice Chairman	Present
David D. Russell Jr.	Commissioner	Present
Jeff Stabins	Commissioner	Present
Garth Coller	County Attorney	Present
Susan Goebel	Interim Public Works Director/County Engineer	Present
Jon Jouben	Assistant County Attorney	Present
Cheryl Marsden	Human Resources Director	Present
Erica Moore	Assistant County Attorney	Present
Ronald Pianta	Planning Director	Present
Jean Rags	Health and Human Services Director	Present
Joseph Stapf	Utilities Director	Present
George Zoettlein	Budget and Administrative Services Director	Present
Jenine Wimer	Secretary	Present

Health and Human Services Director Jean Rags served as Acting County Administrator while County Administrator David Hamilton was on furlough.

Invocation

Pledge of Allegiance

AGENDA

Health and Human Services Director Jean Rags added an update regarding the Hernando Beach Channel Dredging Project under Interim Public Works Director/County Engineer Susan Goebel, and added to Correspondence to Note a letter from the Alexsuk family regarding the prior offer from the County to purchase property from the Alexsuk Family Living Trust for the extension of Corporate Boulevard.

Assistant County Attorney Jon Joeben added to Correspondence to Note a letter from Metro Bay Development, LLC, regarding the County's intent with respect to use of The

Oaks Towne Centre as a Judicial Center. He removed from the Agenda the item relating to the offer from Mr. and Mrs. Roger Rashid to sell various parcels to the County and the item pertaining to an amendment to the Settlement Agreement with Manuel, LLC, associated with the Hernando Beach Channel Dredging Project.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James E. Adkins, Second Vice Chairman
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

PRESENTATION OF RESOLUTIONS/AWARDS

Resolution Recognizing Accomplishment of Spring Hill Dixie Angels Softball Team for Winning State Championship

Comm. Russell read aloud the proposed Resolution.

Motion
To adopt Resolution No. 2010-94.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Jeff Stabins, Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Team coaches were accompanied by youth players as they accepted the Resolution and thanked the Board.

Resolution Recognizing Accomplishment of Spring Hill Dixie Ponytails Softball Team for Winning State Championship

Comm. Rocco read aloud the proposed Resolution.

Motion
To adopt Resolution No. 2010-95.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Team coaches were accompanied by youth players as they accepted the Resolution and thanked the Board.

Resolution Recognizing Accomplishment of Spring Hill Dixie Debs Softball Team for Winning State Championship

Comm. Stabins read aloud the proposed Resolution.

Motion
To adopt Resolution No. 2010-96.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jeff Stabins, Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Manager Louis Fortunato-Caiazzo and Coach James Paino were accompanied by youth players as they accepted the Resolution and thanked the Board.

Mr. Fortunato-Caiazzo, Spring Hill Dixie League Assistant Director, related that the fundraising goal for travel expenses was $10,000, and they were currently $3,000 short. He requested assistance with payment of the electric bill for the lights at the ball field, which was approximately $650.

Chairman Druzbick advised that the matter could be discussed later in the meeting during Commissioners' time.

Employee Service Awards

Human Resources Director Cheryl Marsden recognized County employees who had achieved five years of service.

CITIZENS' COMMENTS

The following citizens commented on various topics/issues during this portion of the meeting: Mrs. Anna Liisa Covell, who submitted a report regarding Hernando County Fire Rescue District response times to the Nobleton area over the past two years and a synopsis of the Constitutional Amendment concerning limitations on property tax assessments; Mr. Steven Langone; Ms. Debby Johnston, who submitted a sample test recently administered to Landfill employees; Mr. James Carter; Mr. Anthony Palmieri; Ms. Susan Wysong, who submitted documents associated with a determination by former Public Works Director/County Engineer Charles Mixson of the boundary line of her property; Mrs. Ana Trinque; and Mrs. Janey Baldwin.

BOARD/STAFF RESPONSES

The Board and/or staff responded to the comments expressed.

Hernando County Fire Rescue District (HCFRD) Assistant Fire Chief Frank DeFrancesco advised that in response to concerns expressed by Mrs. Covell, he would review the statistics regarding response times in the Nobleton area and provide a report to HCFRD Director Michael Nickerson and County Administrator David Hamilton.

In response to Ms. Johnston's remarks, Comm. Rocco requested additional information from Utilities Director Joseph Stapf as to who authorized the customer service training being provided to Landfill employees and the funding source for the training.

Chairman Druzbick requested that Interim Public Works Director/County Engineer Susan Goebel and Code Enforcement Supervisor Robert Stone meet with Mr. Langone to address his concerns involving removal/demolition of homes on Elgin Boulevard associated with the road widening project.

Chairman Druzbick requested that Assistant County Attorney Jon Joeben meet with Ms. Wysong in order to address her questions listed on the documents she submitted.

CONSENT AGENDA

Interlocal Agreement With Pasco County for Continuation of Regional Workforce Board

Renewal of Contract With Malcolm Pirnie, Inc., and Neel Schaffer for Debris Removal Monitoring

Modification #1 to Grant Agreement With State Division of Emergency Management Reinstating and Extending Grant for Community Emergency Response Team

Modification #1 to Grant Agreement With State Division of Emergency Management Reinstating and Extending Grant for Citizen Corps Program

Renewal of Contracts for Debris Removal With Bamaco, Inc., Youngs General Contracting, IED, Inc., Crowder Gulf, Crowder Excavating, D & J Enterprises, Ceres Environmental, Philips and Jordan, and DRC Emergency Services

Resolution Ratifying Board Approval of Petition for Relief for Hardship From Subdivision Regulations for Dawn Bennett-Johnson

This item was removed and voted on separately at the request of Comm. Adkins.

FY 2010 Local Edward Byrne Memorial Justice Assistance Grant Application for Sheriff's Office

Transmittal of Final Recapitulation of 2009 Tax Rolls and List of Certificates of Corrections From Tax Collector Juanita Sikes

Disbursements and Payroll for Week Ending July 2, 2010

Disbursements and Payroll for Week Ending July 9, 2010

Disbursements and Payroll for Week Ending July 16, 2010

Motion
To approve Items F-1 through F-11 minus Item F-6.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	Jeff Stabins, Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Resolution Ratifying Approval of Petition for Relief for Hardship From Subdivision Regulations Requested by Dawn Bennett-Johnson

This item was removed from the Consent Agenda for a separate vote as requested by Comm. Adkins.

Comm. Adkins stressed that he was concerned with allowing 15' easements as it would create problems in the future. He felt the Board needed to address the issue at some point in time to ensure better access to parcels.

Motion
To approve (Resolution No. 2010-97).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James E. Adkins, Second Vice Chairman
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

CORRESPONDENCE TO NOTE

Letter From Hillsborough County Requesting Meeting to Discuss Possible Collaboration Regarding Gulf of Mexico Oil Spill

Notification From Southwest Florida Water Management District of Decision to Allow Expiration of Water Shortage Restrictions

Letters From Wellington at Seven Hills Homeowners Association, Wellington Villa Homeowners Association and Wellington Patio Homeowners Association Boards of Directors Requesting Board Support Change in Current Southwest Florida Water Management District Phase II Water Shortage Restrictions

Transmittal of Resolution From Manatee County Board of County Commissioners Relative to Offshore Oil Drilling

Purchasing Policy Exceptions for June 2010

Notification From Department of Revenue of Review of Budget Request From Property Appraiser

Notification From Department of Environmental Protection of Denial of Grant Application for Kennedy Park Due to Insufficient Florida Recreation Development Assistance Program Funding for FY 2010-11

Letter From Alexsuk Family Living Trust Regarding County Offer to Purchase Property for Right of Way Needed for Corporate Boulevard Extension

Letter From Metro Bay Development, LLC, Requesting Letter of Intent Concerning Use of The Oaks Towne Centre as Judicial Center

PUBLIC HEARINGS

Proofs of publication of Notices of Public Hearing were noted for the scheduled public hearings.

Ex Parte Communications
Chairman Druzbick and Comms. Adkins, Rocco, Russell and Stabins announced that they had had no ex parte communications concerning the quasi-judicial petition being considered at this meeting.

Adoption of Informational Packet
The Agenda packet that was submitted to the Board included written information regarding all cases to be considered which needed to be accepted into evidence for the hearing.

The staff recommended that the Board accept the Agenda packet, including the staff report, into evidence as if read aloud in their entirety.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Variance From Riverine Protection Ordinance Submitted by Lucas A. Johns

The staff recommended approval with the following performance conditions: (1) The requested structure shall not exceed 264 square feet, 24 feet in length, and shall not extend beyond 20 feet into the river; (2) A 20 foot buffer landward of the seawall shall be left in its current vegetated state where no impervious material or structures shall be installed or constructed; (3) A rock-filled trench would be constructed which would extend the length of the back side of the home (44 feet). The trench shall be in close proximity to the home and at least 18 inches wide, 2 feet deep, and filled with hard rock, which would assist in the percolation of stormwater runoff from the roof; and (4) The Mud River is located within the Weeki Wachee Riverine system which is designated an Outstanding Florida Waterway by the Department of Environmental Protection; therefore, best management practices shall be followed, including implementation of the Florida Yards and Neighborhoods principles with minimal use of fertilizers, pesticides and herbicides.

Mr. Johns, under oath, pointed out that the County would benefit from granting the variance, as the riverine buffer would be increased by 400 square feet and the 80 square foot, rock-filled trench would be constructed.

There was no public input.

Motion
To approve (Resolution No. 2010-98).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Ordinance Enacting Year-Round, Non-Emergency Watering Restrictions

Utilities Director Joseph Stapf discussed the recent decline in per capita water use and explained the basis for recommending the once-per-week watering restriction.

The following citizens expressed their opinion regarding the proposed Ordinance: Mr. Bob Budrick; Mr. Dieter Post; Water Resource Coordinator John Burnett; Ms. Marilyn Sue Walsh, volunteer Master Gardener for the County Cooperative Extension Services; Ms. Diana Koontz; and Mrs. Janey Baldwin.

Assistant County Attorney Jon Joeben indicated that he had received an e-mail from Ms. Lois Sorenson, with the Southwest Florida Water Management District (SWFWMD), suggesting non-substantive changes to the proposed Ordinance, none of which he opposed.

Motion
To approve the staff recommendation with the substantive changes (Ordinance No. 2010-15).

In response to Comm. Adkins, Mr. Stapf elaborated on the history of the 150 gallon per day, per capita water use limit imposed by SWFWMD.

Mr. Stapf responded to a query from Chairman Druzbick as to the impact of the use of reclaimed water on per capita water usage.

Ms. Kara Martin, with the SWFWMD Community Affairs Program, answered questions from Comm. Adkins concerning the indicators utilized by SWFWMD in order to make a determination regarding the watering restrictions that would be imposed.

Comm. Rocco commented on the water conservation efforts that had occurred over the past few years, noting that the Withlacoochee Regional Water Supply Authority supported conservation and had provided funding for such activities. She felt the County needed to be proactive and protect this precious commodity.

RESULT:	**ADOPTED [3 TO 2]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Russell Jr.
NAYS:	Adkins, Stabins

FY 2010-11 Final Assessment Rate for Royal Oaks Fire Hydrant Municipal Service Benefit Unit

The staff recommended that the Board approve implementing the Royal Oaks Fire Hydrant Municipal Service Benefit Unit (MSBU) by authorizing the Chairperson's signature on the proposed Resolution adopting the final assessment amount of $223.25 per lot for FY 2010-11.

There was no public input.

Motion
To approve (Resolution No. 2010-99).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	James E. Adkins, Second Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

RECESS/RECONVENE

The Board recessed at 10:50 a.m. and reconvened at 11:00 a.m.

HEALTH AND HUMAN SERVICES DIRECTOR JEAN RAGS

Approved Vendor and Contractor List for Participation in Neighborhood Stabilization Program

The staff recommended that the Board approve the vendor and contractor lists in accordance with the Neighborhood Stabilization Program requirements.

Motion
To approve the staff recommendation.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	James E. Adkins, Second Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Award of Bids to Various Contractors for Rehabilitation Work Under Neighborhood Stabilization Program

The staff recommended that the bids be awarded to the designated contractors in the amounts specified in the bid tabulation submitted to the Board and that change orders of 10% or less be executed by the staff as necessary.

Motion
To approve the staff recommendation.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Purchase of Books From Baker & Taylor, Inc., for Library Services Department/Authorization for Chief Procurement Officer to Approve Future Purchases Within Approved Budget

The staff recommended that the Board approve the purchase requisition to Baker & Taylor, Inc., in the amount of $15,000. Additionally, the staff recommended that the Board grant authority to the Chief Procurement Officer to approve future purchase orders for library materials and electronic resources, including those in total excess of $25,000, as long as the expenditure was within the approved budget for that fiscal year.

Motion
To approve the staff recommendation.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	Jeff Stabins, Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Master Street/Outdoor Lighting Agreement With Withlacoochee River Electric Cooperative, Inc., for New Health Department

The staff recommended that the Board approve the Master Street/Outdoor Lighting Agreement with Withlacoochee River Electric Cooperative, Inc., and authorize the Chairman's signature on same.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James E. Adkins, Second Vice Chairman
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

HOUSING AUTHORITY EXECUTIVE DIRECTOR DONALD SINGER

Subordination Agreement of Mortgage for Lisa G. Parsons Through Homeownership Down Payment Assistance Program

The staff recommended that the Board approve and authorize the Chairperson to sign the Subordination Agreement of Mortgage.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James E. Adkins, Second Vice Chairman
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

UTILITIES DIRECTOR JOSEPH STAPF

Change Order No. 1 to Contract With McKim and Creed, P.A., for Design/Construction Services for Hexam Road Water Treatment Plant Project

The staff recommended approval of Change Order No. 1 to the contract with McKim and Creed, P.A., for a no-cost time extension until December 31, 2010, for design, permitting and construction phase services for the Hexam Road Water Treatment Plant Project.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Task Order No. 12 to Civil-Tech Consulting Engineers, Inc., for Design Services for Berkeley Manor Wastewater Treatment Plant Flow Diversion Project

The staff recommended approval of Task Order No. 12 to Civil-Tech Consulting Engineers, Inc., for design services for the Berkeley Manor Wastewater Treatment Plant Flow Diversion Project.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	Jeff Stabins, Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Phase I, Task Order No. 3 to Civil-Tech Consulting Engineers, Inc., for County Line Road Right of Way/Easement Acquisition Services

The staff recommended that the Board approve Phase I, Task Order No. 3 from the original Scope of Services under the February 9, 2010, Agreement with Civil-Tech Consulting Engineers, Inc., in the amount of $96,830.

Comm. Russell inquired if consideration had been given to mitigating right of way acquisition costs through discounted connection fees.

Utilities Director Joseph Stapf anticipated that that arrangement would be part of the negotiations with property owners.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	James E. Adkins, Second Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Change Order No. 1 to Contract With HDR Engineering, Inc., for Various Utilities Department Projects

The staff recommended that the Board approve Change Order No. 1 to the contract with HDR Engineering, Inc., to extend their services for various Utilities Department projects until September 28, 2010, in the amount of $38,560.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

PLANNING DIRECTOR RONALD PIANTA

Comprehensive Plan Amendment and Development of Regional Impact Submitted by Brooksville Quarry, LLC, for Quarry Preserve

The staff recommended that the Board continue the public hearing on the Quarry Preserve Comprehensive Plan Amendment and Development of Regional Impact to August 31, 2010.

Motion
To approve the staff recommendation.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Proposed Changes to Parks and Recreation Department Fee Schedule

The staff recommended that the Board review the proposed fee schedule changes and impacts to the FY 2010-11 budget and direct the staff accordingly.

Planning Director Ronald Pianta provided a presentation regarding the proposed fee schedule changes.

Comm. Stabins felt that the proposed fees were the fairest method to ensure low property taxes and continued maintenance of parks.

Mr. Wayne Dukes disagreed with charging fees in order to retain employees. He felt the Board needed to consider a leaner, more efficient government.

Mrs. June Ester noted that Jenkins Creek Park was frequently used by citizens who fished to provide food for their family and she requested that an entrance fee not be imposed for use of this park.

Mr. Pianta responded to a query from Mr. David Green regarding the budget for the SR 50 Trailhead maintenance.

Mr. Pianta clarified that the proposed fee for Jenkins Creek Park was only for use of the boat launch and entrance to the park would remain free to all visitors.

Upon inquiry by Comm. Adkins, Mr. Pianta detailed how the new fees would be collected at the various parks. He confirmed that an honor system would be used, and if a significant problem occurred, enforcement actions would have to be considered. He assured Comm. Adkins that the staff was sensitive to ensuring the most cost effective approach to collect fees.

Comm. Adkins desired that an honor system be utilized as much as possible.

In response to concerns expressed by Chairman Druzbick regarding charging fees for reserving bocce/tennis courts at parks due to potential conflicts, Mr. Pianta noted that the Recreation Division currently accepted reservations for use of the courts and according to Recreation Manager Harry Johnson, conflicts did not often occur.

INTERIM PUBLIC WORKS DIRECTOR/COUNTY ENGINEER SUSAN GOEBEL

Task Order No. 11 to AECOM for Engineering Services Related to Dauson Property Located on Martin Luther King, Jr., Boulevard Associated With South Brooksville Master Drainage Plan

The staff requested issuance of Task Order No. 11 to Boyle Engineering (AECOM), under the provisions of the Continuing Engineering Services Contract, for South Brooksville drainage issues relating to the Dauson property located at 509 Martin Luther King Jr., Boulevard.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	James E. Adkins, Second Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Task Order to Cardno TBE for Bidding and Additional Design Services for Sunshine Grove Road Widening Project

The staff recommended that a new Task Order for bidding and additional design services for the Sunshine Grove Road Widening Project be awarded to Cardno TBE through the General Engineering Services Contract because of their previous work on the project.

Interim Public Works Director/County Engineer Susan Goebel informed Comm. Adkins that construction services were not included in the contract and the staff was still evaluating the need for those services based on proposed staffing changes at the Department of Public Works. She added that should those services be deemed necessary, the request would be brought to the Board.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Task Order No. 20 to Cardno TBE for Remedial Action Plan and for Bidding and Construction Administrative Services for Former Department of Public Works/Fleet Maintenance Complex Cleanup Project

The staff recommended that the Board issue Task Order No. 20 to Cardno TBE in the amount $102,777 to expand the Remedial Action Plan for the former Department of Public Works/Fleet Maintenance Complex Cleanup Project and provide bidding and administrative construction services.

Comm. Adkins expressed his opposition to use of the site for recreational purposes, regardless of whether cleanup of the site occurred, and he requested that that use be eliminated as a possibility.

Assistant County Attorney Erica Moore stressed that no decisions had been made about the future use of the site; however, the community, specifically a local Pastor who operated recreational programs, was very positive about use of the site for recreational purposes. She noted that a park would not be located on the site; rather the area would be paved to meet the needs of the proposed recreational uses.

Interim Public Works Director/County Engineer Susan Goebel replied to Comm. Russell that once the site was capped with asphalt, a majority of the site monitoring that was proposed would be eliminated.

Ms. Moore clarified that the staff requested permission for the consultant to develop at least three options for use of the site for future consideration by the Board.

Ms. Goebel confirmed for Chairman Druzbick that the staff would come back to the Board for a decision on which option to be utilized.

Comm. Adkins agreed to consider the uses when submitted to the Board in the future.

Motion
To approve the staff recommendation.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	James E. Adkins, Second Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Final Pay Request to Goodwin Bros. Construction, Inc., for North Avenue Resurfacing Project

The staff recommended that the Board approve the Final Pay Request to Goodwin Brothers, Inc., in the amount of $11,283.35 for the 5% retainage remaining for the North Avenue Resurfacing Project.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James E. Adkins, Second Vice Chairman
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Update Regarding Preliminary Digital Flood Insurance Rate Mapping

Water Resource Specialist John Burnett provided a detailed presentation on the Preliminary Digital Flood Insurance Rate Mapping Project.

Update Regarding Hernando Beach Channel Dredging Project

Interim Public Works Department/County Engineer Susan Goebel announced that on July 20, 2010, the Department of Environmental Protection (DEP) issued the County a letter stating that its application for a permit for the Hernando Beach Channel Dredging Project was complete. She related that DEP had up to 90 days to issue the permit, but had offered to expedite the process.

BUDGET AND ADMINISTRATIVE SERVICES DIRECTOR GEORGE ZOETTLEIN

Budget Amendment Realigning Funds to Cover Unanticipated Expenses for Active Military Combat Duty Grant Program

The staff recommended that the Board approve the Budget Amendment realigning $3,000 within the Board of County Commissioners' budget to cover unanticipated expenditures in the Active Military Combat Duty Grant Program.

Motion
To approve the staff recommendation.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	Jeff Stabins, Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Monthly Year-To-Date Operating Report for June 2010

The monthly year-to-date operating report for June 2010 was submitted to the Board.

Response to Request for Clarification of Proposed FY 2010-11 Jail Operations Budget

Comm. Stabins recalled that the staff was so confident that the Judiciary would implement the ankle bracelet monitoring program that the costs savings had been factored into the budget. He believed that if the Board decided to include the additional funding, the source should not be at the expense of Board departments; rather, the funds should be derived from the Judicial Reserve Fund.

Comm. Stabins clarified for Comm. Russell that he intended that the funds be taken from the Capital Improvement Account of the Judicial Fund, which consisted of funds originally derived from the County's savings.

Motion
To approve a Jail budget of $10,897,898 supplemented by Judicial funds of approximately $280,896.

The Motion died for lack of a second.

Comm. Stabins questioned whether a conflict would exist with the amount included in the Interlocal Agreement with the Sheriff's Office if the Board approved the final amount requested by the Sheriff's Office.

Assistant County Attorney Jon Joeben explained that the Interlocal Agreement did not contain a dollar value; rather, it provided for the amount allocated for the current fiscal year. He explained that the Board could establish any budget amount it desired, provided it did not fall below the level established in the Interlocal Agreement.

Budget and Administrative Services Director George Zoettlein replied to Comm. Stabins that the current deficit for the FY 2010-11 General Fund budget was approximately $2.6 million.

Comm. Stabins stated that if the Board did not wish to tap the Judicial Fund or agree to a partial millage roll-up, other ideas were needed to reduce the budget.

Chairman Druzbick noted that County Administrator David Hamilton planned to present a proposed County structure reorganization and associated cost reductions on August 10, 2010, and he also planned to present ideas for additional reductions.

Later in the meeting following Board of County Commissioners' time, County Judge Donald Scaglione expressed concern with previous comments by the Board that the Judiciary was responsible for the lack of implementation of an ankle bracelet monitoring program. He emphasized that it was not the Judiciary's responsibility to create the program; the Judges could only utilize a program that was made available to them.

Comparison of General Fund Budget to County Growth For 2000 Through 2010

Comm. Stabins stated that the Board had maintained their spending in line with the population growth rate. He felt that the increase in spending for law enforcement was staggering and that it was reasonable to believe that further reductions could be made.

In response to Chairman Druzbick, Budget and Administrative Services Director George Zoettlein stated that the increase in spending for the Sheriff's Office declined to 98% with the elimination of the budgets for the Emergency Management Department and the Emergency Operations and Communications Center, for which the Sheriff's Office had assumed responsibility in the past few years.

Comm. Russell felt the comparison made it clear that the County had over-collected taxes in recent years.

Increase in Employee Health Insurance Premium

The staff requested that the Board discuss the increase in the employee health insurance premium to determine how the staff should proceed.

Human Resources Director Cheryl Marsden reviewed a chart denoting the current premium costs and the additional costs to employees if the Board did not cover the cost of the increase. She noted that the Board had not yet decided whether employees would be required to take furloughs in FY 2010-11, however, should furloughs not be required, employees would receive approximately 4.5% to 4.6% more in their paychecks which could help offset the cost of a premium increase.

Comm. Adkins suggested that at least one-half of the difference between the existing premium and the increased premium be borne by employees.

Comm. Stabins suggested that the employees pay the premium increase but with the understanding that employees would not be required to take furloughs.

Comm. Rocco agreed.

Motion
To have no increase on the insurance with the caveat that there would be no furloughs or reduced hours.

Budget and Administrative Services Director George Zoettlein clarified for Comm. Adkins that the savings to the County would be $642,000, of which $164,000 applied to the General Fund.

Comm. Adkins asked Comm. Stabins if that was part of his Motion.

Addition to Motion
Comm. Stabins agreed.

RESULT:	**ADOPTED AS AMENDED [4 TO 1]**
MOVER:	Jeff Stabins, Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Rocco, Adkins, Russell Jr., Stabins
NAYS:	Druzbick

Chairman Druzbick explained that he did not wish to eliminate options for further reducing the budget deficit. He pointed out that if the budget deficit could not be addressed, employee layoffs would occur and he desired to save jobs. He asserted that the Board could no longer utilize reserve funds to balance the budget; rather, the Board had to make difficult decisions to reduce the budget.

Mr. Zoettlein informed Comm. Russell that the proposed parks fees discussed earlier in the meeting were not factored into the current budget deficit; however, if the Board approved the proposed fee schedule, it was estimated that an additional $680,000 in revenue would be generated.

Motion
To push them forward at this point in time.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James E. Adkins, Second Vice Chairman
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Comm. Stabins stated that he would be willing to consider Chairman Druzbick's suggestions for reductions, if he wished to offer them at this time.

Chairman Druzbick remarked that it depended upon the proposed ideas to be presented by County Administrator David Hamilton. He elaborated on his concerns with the manner in which health benefits were provided to employees, as well as the issue of furloughs.

Comm. Stabins asked if the Board was willing to consider additional reductions in Constitutional Officers' budgets. He related that every 1% reduction in the Constitutional Officers' budgets yielded $490,000.

Comm. Russell suggested discussing the possibility later in the meeting when the tentative millage rate was determined.

Comm. Stabins agreed.

Use of Transportation Trust Funds as Match to Mass Transit Grant and Contribution to Transportation Disadvantaged Program

The staff recommended that, if the County Attorney's Office found the use of Transportation Trust Funds as a match for the mass transit grant to be legal, both the Mass Transit budget and contribution to the Transportation Disadvantaged Program be reinstated into the FY 2010-11 budget.

Comm. Russell noted that the Department of Transportation and the Tampa Bay Area Regional Transportation Authority (TBARTA) had concerns about maintaining the County's transit system. He reported that it appeared that TBARTA had identified an alternative funding source for the County's portion of the costs to operate The Hernando Express Bus and the Transportation Disadvantaged Program. He explained that the parties were working on securing the funds at this time, and he requested that funds be allocated from the Transportation Trust Fund for FY 2010-11 to maintain and improve the service.

Motion
To approve.

Comm. Russell requested that an update be provided at the next Metropolitan Planning Organization meeting regarding preliminary discussions held involving potential regional coordination with the Citrus County mass transit system.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Jeff Stabins, Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Use of Environmentally Sensitive Lands Funds for Parks Maintenance

The staff recommended that, if the County Attorney's Office found the use of the Environmentally Sensitive Lands (ESL) funds for parks maintenance to be legal, the revised budget for the ESL Program be incorporated into the FY 2010-11 budget.

Mrs. Janey Baldwin recalled that the use of the funds was approved by the citizens in a referendum, and asked how the use could be changed by adoption of an Ordinance. She felt the issue should be required to be on the ballot.

Chairman Druzbick mentioned that clarification would be provided later in the meeting when the request to schedule a public hearing was considered.

Tentative Millage Rates for FY 2010-11

The staff recommended that the Board discuss the tentative millage rates and direct the staff to notify the Property Appraiser of their decision prior to the August 4, 2010, deadline.

Comm. Russell requested that the millage rate for the Spring Hill Fire Rescue and Emergency Medical Services District (SHFR&EMSD) Municipal Service Taxing Unit (MSTU) be voted on separately.

Motion
To approve all but the SHFR&EMSD, and leave them at the current rate.

RESULT:	**ADOPTED [4 TO 1]**
MOVER:	James E. Adkins, Second Vice Chairman
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Rocco, Adkins, Russell Jr., Stabins
NAYS:	Druzbick

Budget and Administrative Services Director George Zoettlein advised that based on the Board's earlier actions, the budget deficit was now approximately $1.5 million.

Chairman Druzbick commented that depending upon County Administrator David Hamilton's proposed reductions, a deficit of approximately $1 million would still exist, which was the reason he did not wish to eliminate a millage rollup. He stressed that every effort should be made to eliminate the deficit before a millage rollup was approved.

Comm. Russell remarked that in light of the fact that the SHFR&EMSD Board of Fire Commissioners was a sovereign board elected by the citizens of Spring Hill, he felt that the Board should approve the decision made by the Fire Board to impose the maximum millage allowed of 2.5 mills.

Motion
To approve the 2.5 mill for the SHFR&EMSD MSTU.

Mr. Anthony Palmieri asserted that the present SHFR&EMSD Board was incapable of operating the district. He related that he had submitted to the SHFR&EMSD a proposed budget utilizing the current millage rate, which provided sufficient funds to properly operate without sacrificing service.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Mr. Zoettlein requested that in the absence of County Administrator David Hamilton, the Board authorize Health and Human Services Director Jean Rags to sign the documents notifying the Property Appraiser's Office of the tentative millage rates.

Motion

Comm. Russell moved to have her sign the document in the interest of expediting the paperwork. (Note: There was no second to the Motion, nor was a vote taken.)

Comm. Stabins questioned the Board's opinion with regard to requesting the Constitutional Officers to further reduce their budgets.

Comm. Rocco felt the Constitutional Officers should make additional reductions to their budgets.

Chairman Druzbick asked the Board whether a specific percentage decrease should be required.

Discussion ensued regarding the suggestion that the Constitutional Officers be required to reduce their budgets by an additional 3%.

Brief discussion ensued regarding the deadline for the revised budgets to be submitted.

The Board agreed that a diplomatic approach was best in which the Constitutional Officers would be given the opportunity to determine the reductions they felt could be made from their budgets.

Chairman Druzbick stated that the Constitutional Officers were aware that the Board desired a 3% decrease in their budgets.

Motion

To have the Constitutional Officers relook at their budgets and bring it back to the Board and have them in Mr. Zoettlein's hands on August 16, 2010, with a report from Mr. Zoettlein on August 31, 2010.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Rocco, Vice Chairman
SECONDER:	Jeff Stabins, Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

COMMISSIONER DAVID D. RUSSELL, JR.

Request From Department of Transportation for Grant Applications for Projects Eligible for County Incentive Grant Program Funding

Comm. Russell commented that he had instructed Interim Public Works Director/County Engineer Susan Goebel to work with the Department of Transportation (DOT) on projects that were currently included in the Work Program.

Ms. Lee Royal, with DOT, indicated that local governments were being solicited for projects on which this special funding could be utilized.

CHAIRMAN JOHN C. DRUZBICK

Letter From Sheriff Richard Nugent Relative to Jail Transition and Inventory Issues

Chairman Druzbick noted that a letter had been sent to Assistant County Attorney Jon Jouben from Attorney Thomas S. Hogan, Jr., representing Clerk of Circuit Court Karen Nicolai in her role as asset manager for the County, recommending that the County immediately seek a Circuit Court Injunction, as Corrections Corporation of America (CCA) was attempting to remove all equipment they believed was the property of CCA as of July 28, 2010. He expressed concern with how prisoners would be addressed during the period of August 1, 2010, to August 27, 2010, which was the date the Sheriff's Office would assume responsibility for Jail operations.

(Note: This issue was further discussed later in the meeting.)

COUNTY ADMINISTRATOR DAVID HAMILTON

Appointment of Thomas E. Beisacher as Citizen Member to Value Adjustment Board

Mr. Beisacher currently served as a member of the Board of Construction & Regulation. Board Policy No. 06-01 stated that "…persons may serve on not more than one board/committee at a time." However, it was within the Board's discretion to appoint Mr. Beisacher to the Value Adjustment Board as a citizen member.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jeff Stabins, Commissioner
SECONDER:	David D. Russell Jr., Commissioner
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Various Correspondence Regarding Jail Asset Management

Assistant County Attorney Jon Jouben advised that Assistant County Attorney Geoffrey Kirk had prepared a response to Corrections Corporation of America (CCA) and the staff sought direction to continue negotiations with CCA through Mr. Kirk and Acting County Administrator Jean Rags. He clarified for Chairman Druzbick that the staff had not sent CCA the proposed Third Amendment to Amended and Restated Contract until Board direction was received.

Chairman Druzbick pointed out that in a letter considered earlier in the meeting, Sheriff Richard Nugent expressed concern for the health, safety and welfare of any individual in the Jail if the equipment was removed. He conveyed that the previous afternoon CCA was willing to negotiate the matter; however, an e-mail was received the previous evening offering the County possession of all equipment if the County held CCA harmless from all other provisions of their contract. He noted that CCA had indicated that the property they believed they owned would be removed as of August 1, 2010, which included security cameras, dishwashers and over 400 beds, with 700 inmates currently incarcerated at the Jail. He contended that that would result in a safety and welfare issue.

Chairman Druzbick explained for Comm. Rocco that an inventory was previously done, but the recordkeeping was not accurate.

In response to Comm. Rocco, Mr. Joeben remarked that, while he did not suggest discussing potential litigation in a public setting, there were serious doubts about the viability of any action that could be filed at this point. He explained that seeking an Injunction was the first step in a lawsuit, so the County would have to file suit against CCA and at this point, the County had not identified a cause of action for which to sue them.

Comm. Russell contended that if CCA removed even one security camera, it compromised the integrity of the service they provided.

Discussion ensued.

Chairman Druzbick felt that an Injunction should be sought, noting that the Board had the option of submitting the proposed Third Amendment document to CCA.

Motion
Comm. Russell moved to proceed with an Injunction and have Chairman Druzbick ride roughshod over it.

Mr. Joeben inquired if the intent was to file suit against CCA.

Comm. Russell replied affirmatively, on the basis of the correspondence received that day and if that was necessitated in order to obtain an Injunction.

The Motion failed for lack of a second.

Mr. Joeben requested a Motion allowing the staff to send the proposed Third Amendment to Agreement to CCA and to continue negotiations, but if, in the interim between this meeting and the next meeting, negotiations were fruitless, that the staff had permission to file suit for inequitable accounting.

Motion
For the Joeben/Kirk document to move forward as soon as possible.

Sheriff's Office Major Michael Page emphasized his concern with assuming responsibility for Jail operations with missing or inadequate equipment. He noted that the Sheriff's Office needed to ensure the safety of those present at the Jail. He encouraged the Board to take appropriate and swift action to ensure the facility was secure and operable.

Major Page outlined for Comm. Stabins the consumables and some small machinery that had already been purchased for operation of the Jail, noting that he was delaying the purchase of the majority of items until the inventory issues were resolved.

In response to Comm. Stabins, Mr. Jouben requested that the Board establish a 24- to 48-hour time frame for CCA to indicate whether they would agree to the Third Amendment.

Comm. Russell recommended that July 28, 2010, be established as the deadline, pursuant to correspondence from CCA dated July 22, 2010, which indicated that if the County did not notify CCA of any concerns regarding ownership of this property by the close of the business day on July 28, 2010, CCA would proceed with the removal of such property from the facility.

Motion Restated
Chairman Druzbick summarized that the Motion was for this agreement to go forward with a time line of July 28, 2010, at 5 p.m., Eastern Standard Time, for an answer back.

In response to Comm. Adkins, Mr. Joeben verified that should CCA not agree to the Third Amendment, the County would file suit against CCA.

RESULT:	**ADOPTED AS AMENDED [3 TO 2]**
MOVER:	Jeff Stabins, Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Rocco, Adkins, Stabins
NAYS:	Druzbick, Russell Jr.

COUNTY ATTORNEY GARTH COLLER

Request to Schedule Public Hearing to Consider Ordinance Clarifying Use of Environmentally Sensitive Lands Funds

The staff recommended that the Board authorize advertising for the proposed Ordinance amendment regarding use of Environmentally Sensitive Lands funds and set a public hearing for August 10, 2010, at 10 a.m.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Request to Schedule Public Hearing to Consider Ordinance Amendment Relating to Assessment of Additional Court Costs for Criminal Cases

The staff recommended that the Board authorize advertising for the proposed Ordinance amendment relating to assessment of additional Court costs for criminal cases and set a public hearing for August 10, 2010, at 10 a.m.

Motion
To approve.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David D. Russell Jr., Commissioner
SECONDER:	Rose Rocco, Vice Chairman
AYES:	Druzbick, Rocco, Adkins, Russell Jr., Stabins

Post-Termination Name-Clearing Hearing for Former Department of Public Works Director/County Engineer Charles Mixson

Attorney Robert Bruce Snow, representing Mr. Charles Mixson, former Public Works Director/County Engineer, discussed the purpose of a name-clearing hearing. He reviewed Mr. Mixson's qualifications, and the community and professional accolades received by Mr. Mixson. He discussed at length the circumstances involved with several major County projects associated with the justification for Mr. Mixson's termination. He respectfully submitted that when the Board heard the response, a conclusion would be drawn that perhaps the termination was not justified, and at least the reasons set forth in the Notice of Termination had been factually challenged with the rebuttal provided by Mr. Mixson. He requested that the exhibit list submitted to the Board and a transcript of this hearing be placed in Mr. Mixson's personnel file. He respectfully suggested that the Board make a determination that there was no basis factually to support the most stigmatizing comments placed in Mr. Mixson's personnel file. He requested that Mr. Mixson affirm the factual accuracy of the matters included in the presentation.

Mr. Mixson so affirmed.

BOARD OF COUNTY COMMISSIONERS

Comm. Rocco presented a Certificate of Recognition from the Brooksville City Council and the City Beautification Board to the County for improvements and beautification of the South Brooksville Community Office Substation.

ADJOURNMENT

The meeting was adjourned at 3:45 p.m.