

MAY 23, 2006  
REGULAR CITY COMMISSION MEETING

The City Commission of Dade City, Florida, met in the City Hall Annex Commission Chambers in a regular City Commission meeting on this 23rd day of May A.D. 2006, at 5:30 p.m. The following members were present: Mayor P. Hutchison Brock and Commissioners Scott Black, Camille Hernandez, Eunice Penix, and Steve Van Gorden. City staff members present included City Manager Harold R. Sample, City Clerk/Finance Director James D. Class, City Attorney Karla Owens, Police Chief P. A. Thompson, Safety Services Director J. P. Wubben, Administrative Services Director Laura Beagles, and Executive Assistant Chris Chandler.

The meeting was called to order by Mayor P. H. Brock, and invocation was given by Scott Black, followed by the Pledge of Allegiance to The Flag.

A presentation was made by Kathy Britton, representing the Greater Dade City Chamber of Commerce, to Eunice Penix for her service through the Chamber.

A proclamation for World Elder Abuse Awareness Day was noted by the Mayor.

The minutes of the regular City Commission meeting of April 25, 2006, were approved as individually read. The minutes of the City Planning Board and the regular City Commission meetings of May 9, 2006, were distributed.

PUBLIC HEARINGS

As this was the time and place for the advertised public hearing on Ordinance No. 2006-0925 for the establishment of the Highland Lakes Community Development District, the ordinance was read by title only by the City Clerk, as follows:

ORDINANCE NO. 2006-0925

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, ESTABLISHING THE HIGHLAND LAKES COMMUNITY DEVELOPMENT DISTRICT WITHIN A PARCEL OF LAND LYING IN SECTIONS 1 AND 2, TOWNSHIP 25 SOUTH, RANGE 21 EAST PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Persons appearing regarding this ordinance were Mark Straley, attorney for the developer. After further discussion and with no one else wishing to be heard, Commissioner Black moved to approve Ordinance No. 2006-0925. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously. Commissioners Black, Brock, Hernandez, Penix, and Van Gorden voted "AYE," with no one voting "NAY." (The ordinance in its entirety is on file in the City Clerk's office.)

As this was the time and place for the advertised public hearing on Ordinance No. 2006-0926 for a zoning change on the Maconi-Pashley property, the ordinance was read by title only by the City Clerk, as follows:

ORDINANCE NO. 2006-0926

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA AMENDING THE DADE CITY ZONING ORDINANCE TO CHANGE THE ZONING ON LAND HEREINAFTER DESCRIBED FROM ZONING CATEGORY RG-2 (MEDIUM TO HIGH DENSITY RESIDENTIAL) TO ZONING CATEGORY PD-H2 (PLANNED UNIT DEVELOPMENT) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (MACONI-PASHLEY)

On recommendation of staff, this agenda item was withdrawn as it was unnecessary for a second hearing. Commissioner Van Gorden moved to affirm the previous action taken on the staff recommendation at the May 9, 2006, meeting to approve Ordinance No. 2006-0926. The motion was seconded by Commissioner Black, and on a vote the motion passed unanimously. Commissioners Black, Brock, Hernandez, Penix, and Van Gorden voted "AYE," with no one voting "NAY." (The ordinance in its entirety is on file in the City Clerk's office.)

Georgeanne Ratliff of Wilson Miller gave a presentation on the comprehensive plan evaluation and appraisal report preparation. A public input meeting will be held at the June 13, 2006, commission meeting.

CONSENT AGENDA

On recommendation of staff, Commissioner Black moved approval to accept the revised Hold Harmless Agreement and Release executed on May 12, 2006, by the Church of God in Christ. The motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously. (This item was approved as part of the consent agenda.)

On recommendation of staff, Commissioner Black moved approval to waive the formal bid requirement by declaring a sole source purchase and authorize a purchase order to FilterONE USA, LLC for wastewater treatment plant repairs. The motion was seconded by Commissioner Van Gorden and on a vote the motion passed unanimously. (This item was approved as part of the consent agenda.)

On recommendation of staff, Commissioner Black moved approval of an Intergovernmental Agreement designating the Sheriff of Pasco County, or his designee, to act on the City's behalf in negotiations with Nextel for the conversion of the City's 800 Mhz. radio equipment. The motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously. (This item was approved as part of the consent agenda.)

On recommendation of staff, Commissioner Black moved approval to accept the quote from Martin Electric, Inc. for the installation of the generator and transfer switch at the Fleet Maintenance Facility. The motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously. (This item was approved as part of the consent agenda.)

#### INTRODUCTION OF PROPOSED ORDINANCES

The following memorandum dated May 2, 2006 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, Community Development Director/City Attorney  
**Subject:** Perfection Partners/Proposed Annexation (Parcel No. 1)  
 Parcel I.D. No.: 34-24-21-0000-16300-0000  
**(Entire memorandum can be found in the City Clerk's file)**

The following proposed ordinance was introduced by the City Attorney and read by title only by the City Clerk, as follows :

#### ORDINANCE NO.: 2006-0929

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY PURSUANT TO THE REQUEST OF THE OWNERS OF SUCH LANDS AND IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED. (PERFECTION US 301 PARCEL #1).

City Attorney Owens appeared and reviewed the proposed ordinance for annexation of the Perfection Partners property and stated that this ordinance is being introduced for first reading. After discussion, a motion was made by Commissioner Black to introduce this ordinance and to authorize advertisement for public hearing. The motion was seconded by Commissioner Hernandez, and on a vote the motion passed unanimously. (The ordinance in its entirety is on file in the City Clerk's office.)

The following memorandum dated May 2, 2006 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, Community Development Director/City Attorney  
**Subject:** Perfection Partners/Proposed Annexation (Parcel No. 2)  
 Parcel I.D. No.: 03-25-21-0000-00100-0000  
**(Entire memorandum can be found in the City Clerk's file)**

The following proposed ordinance was introduced by the City Attorney and read by title only by the City Clerk, as follows :

## ORDINANCE NO.: 2006-0930

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY PURSUANT TO THE REQUEST OF THE OWNERS OF SUCH LANDS AND IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED. (PERFECTION US 301 PARCEL #2).

City Attorney Owens appeared and reviewed the proposed ordinance for annexation of the Perfection Partners property and stated that this ordinance is being introduced for first reading. After discussion, a motion was made by Commissioner Van Gorden to introduce this ordinance and to authorize advertisement for public hearing. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously. (The ordinance in its entirety is on file in the City Clerk's office.)

The following memorandum dated May 2, 2006 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, Community Development Director/City Attorney  
**Subject:** Perfection Partners/Proposed Annexation (Parcel No. 3)  
 Parcel I.D. No.: 02-25-21-0000-01300-0000  
**(Entire memorandum can be found in the City Clerk's file)**

The following proposed ordinance was introduced by the City Attorney and read by title only by the City Clerk, as follows :

## ORDINANCE NO.: 2006-0931

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY PURSUANT TO THE REQUEST OF THE OWNERS OF SUCH LANDS AND IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED. (PERFECTION US 301 PARCEL #3).

City Attorney Owens appeared and reviewed the proposed ordinance for annexation of the Perfection Partners property and stated that this ordinance is being introduced for first reading. After discussion, a motion was made by Commissioner Black to introduce this ordinance and to authorize advertisement for public hearing. The motion was seconded by Commissioner Hernandez, and on a vote the motion passed unanimously. (The ordinance in its entirety is on file in the City Clerk's office.)

The following memorandum dated May 2, 2006 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, Community Development Director  
**Subject:** Perfection Partners Parcel No.: 1/ Proposed Rezoning and FLUMA  
Parcel I.D. No.: 34-24-21-0000-16300-0000  
**(Entire memorandum can be found in the City Clerk's file)**

The following proposed ordinance was introduced by the City Attorney and read by title only by the City Clerk, as follows :

ORDINANCE NO.: 2006-0928

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR THE TERRITORY HEREINAFTER DESCRIBED FROM COUNTY FUTURE LAND USE MAP DESIGNATION RES-6 (RESIDENTIAL 6 du/ga)) TO CITY FUTURE LAND USE MAP DESIGNATION GC (GENERAL COMMERCIAL), CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE ADOPTED COMPREHENSIVE PLAN, AS REQUIRED BY THE GROWTH MANAGEMENT ACT OF 1985; AMENDING THE DADE CITY ZONING ORDINANCE TO CHANGE THE ZONING ON LAND HEREINAFTER DESCRIBED FROM COUNTY ZONING CATEGORIES C-2 (GENERAL COMMERCIAL), R-3 (MEDIUM DENSITY RESIDENTIAL), AND AC (AGRICULTURE) TO CITY ZONING CATEGORY CG (GENERAL COMMERCIAL) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE (PERFECTION PARTNERS NO. 1).

City Attorney Owens appeared and reviewed the proposed ordinance for the rezoning and FLUMA of the Perfection Partners property and stated that this ordinance is being introduced for first reading. After discussion, a motion was made by Commissioner Van Gorden to introduce this ordinance and to authorize advertisement for public hearing. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously. (The ordinance in its entirety is on file in the City Clerk's office.)

The following memorandum dated May 17, 2006 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, City Attorney

**Subject:** Proposed Amendment to Noise Ordinance  
**(Entire memorandum can be found in the City Clerk's file)**

The following proposed ordinance was introduced by the City Attorney and read by title only by the City Clerk, as follows :

ORDINANCE NO.: 2006-0923

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, AMENDING SECTIONS 42-31 THROUGH 42-33 OF THE DADE CITY CODE OF ORDINANCES TO SUBSTANTIALLY REWRITE REGULATIONS PERTAINING TO NOISE; PROVIDING DEFINITIONS AND FINDINGS; PROVIDING FOR GENERAL PROHIBITIONS, EXCEPTIONS, NON-CONFORMING USES, AND WAIVERS; PROVIDING FOR THE PROHIBITION OF SPECIFIC ACTS AND NOISES; PROVIDING FOR MAXIMUM NOISE LEVELS IN INDUSTRIAL, COMMERCIAL AND RESIDENTIAL ZONES; PROVIDING FOR NOISE WITHIN PUBLIC PARKS; PROVIDING FOR OCTAVE BAND SOUND LEVEL LIMITS; AMENDING SECTION 5.26 OF THE DADE CITY ZONING ORDINANCE, PERFORMANCE STANDARDS, TO DELETE SUBSECTIONS B AND C; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

After discussion, the ordinance was not introduced and a workshop was set for July 25, 2006, at 4:00 p.m.

Commissioners were asked to look at their schedules for June through September and notify the City Manager's office with available dates for workshops and budget meetings.

OLD BUSINESS

An appointment to the Pasco County Library Board replacing Fay McKean was discussed. Commissioner Hernandez had several people interested, but asked Harold Sample if the 9 a.m. meeting time could be changed to the evening. Harold Sample will call Linda Allen at the Library Board. The appointment will be discussed at the next meeting.

Planning Board appointments were discussed. Commissioner Hernandez designated Kent Ellsworth and Commissioner Black designated John Finnerty. Commissioners reviewed applications for the two at-large seats and discussed other potential members. Commissioner Van Gorden moved to close nominations. The motion was seconded by Commissioner Hernandez and on a vote the motion passed unanimously. Commissioner Black moved to designate Monica Russ for one of the at-large seats. Commissioner Penix seconded the motion and on a vote the motion passed unanimously. Commissioner Van Gorden moved to designate Davis Hendley for the second at-large seat. Commissioner Black seconded the motion and on a vote the motion passed unanimously.

The appointment to the Fire Pension Board will be discussed at the next meeting.

The INCODE management Information System Update was withdrawn.

Building Division staffing was discussed. After discussion, Commissioner Black moved approval of staff recommendation to fill the position with a building official instead of the previously approved second residential inspector. The motion was seconded by Commissioner Van Gorden and on a vote the motion passed unanimously.

The City Manager reported on the developer meeting that was held on the morning of May 23, 2006.

### NEW BUSINESS

The cemetery expansion acquisition and appraisal was discussed. After discussion, Commissioner Van Gorden moved to accept staff recommendation to pursue expansion and authorize an appraisal. The motion was seconded by Commissioner Black and on a vote the motion passed unanimously.

The following memorandum dated May 17, 2006 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Laura L. Beagles, Director of Administrative Services  
**Subject:** Position Reclassification – Engineering Technician  
**(Entire memorandum can be found in the City Clerk’s file)**

After discussion, Commissioner Van Gorden moved approval of the staff recommendation to reclassify the Staff Assistant II position to Engineering Technician. The motion was seconded by Commissioner Black and on a vote the motion passed unanimously.

The following memorandum dated May 17, 2006 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Harold R. Sample, City Manager  
**Subject:** Inter-local Agreement – Pasco County Board of County Commissioners –  
Tommytown Utilities Infrastructure Improvements  
**(Entire memorandum can be found in the City Clerk’s file)**

After discussion, Commissioner Black moved to accept staff recommendation to approve and authorize the Mayor’s signature on the Inter-local Agreement. The motion was seconded by Commissioner Van Gorden and on a vote the motion passed unanimously.

Commissioner Van Gorden moved to consider the Street Narcotics Apprehension Program (S.N.A.P.) Memorandum of Understanding as an emergency item. The motion was seconded by Commissioner Black and on a vote the motion passed unanimously. The following memorandum dated May 22, 2006 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Harold R. Sample, City Manager  
**Subject:** Street Narcotics Apprehension Program (S.N.A.P.) Memorandum of Understanding  
**(Entire memorandum can be found in the City Clerk's file)**

After discussion, Commissioner Black moved to accept the staff recommendation to continue to participate in the program and to approve and authorize signature of the S.N.A.P. Memorandum of Understanding. The motion was seconded by Commissioner Hernandez and on a vote the motion passed unanimously.

#### COMMISSIONER ITEMS

Mayor Brock noted an email he received from Len Johnson on the Mulji hotel project.

Commissioner Penix moved to nominate Commissioner Black for the Florida League of Cities E. Harris Drew award. Commissioner Van Gorden seconded the motion and on a vote the motion passed unanimously.

The Historic Preservation Board minutes of April 20, 2006 were noted.

No one spoke during the public comment portion of the meeting.

There being no further business before the Commission, on motion the meeting adjourned at 7:07 p.m.

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MAYOR

ATTEST:

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CLERK