

AUGUST 8, 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 8th day of August, A.D. 2006, at 5:35 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, Administrative Services Director Laura Beagles, Safety Services Director J. P. Wubbena and Executive Assistant Chris Chandler.

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

The minutes of the budget workshop of July 13, 2006 and regular City Commission meeting of July 11, 2006, were approved as individually read. The minutes of the workshop of July 25, 2006, and the regular City Commission meeting of July 25, 2006, were distributed.

PUBLIC HEARING

The following memorandum dated August 4, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Karla S. Owens, City Attorney
Subject: Transportation Impact Fee Ordinance Amendment
(Entire memorandum can be found in the City Clerk's file)

As this was the time and place for the advertised public hearing on Ordinance No. 2006-0935 to evaluate and update the current transportation impact fee ordinance, the ordinance was read by title only by the City Clerk, as follows:

ORDINANCE NO.: 2006-0935

AN ACT TO BE ENTITLED AN ORDINANCE SUBSTANTIALLY AMENDING AND REWRITING THE DADE CITY CODE OF ORDINANCES, CHAPTER 2, ARTICLE VII, SECTIONS 2471 THROUGH 2-483 ; TO ADOPT TRANSPORTATION IMPACT FEES TO BE IMPOSED ON NEW DEVELOPMENT; PROVIDING A PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING RULES OF CONSTRUCTION; PROVIDING FINDINGS; PROVIDING FOR THE ADOPTION OF IMPACT FEE STUDIES; PROVIDING REVIEW PROCEDURES; PROVIDING GENERAL PROVISIONS AND APPLICABILITY; PROVIDING PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF TRANSPORTATION IMPACT FEES; PROVIDING FOR AN INDEPENDENT TRANSPORTATION IMPACT FEE STUDY PROCEDURE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR THE PAYMENT AND COLLECTION OF TRANSPORTATION IMPACT FEES; PROVIDING

FOR CITY ENFORCEMENT OF THE TRANSPORTATION IMPACT FEE ORDINANCE; PROVIDING AN APPEAL PROCEDURE; PROVIDING FOR THE ESTABLISHMENT OF TRANSPORTATION IMPACT FEE FUNDS, PROVIDING FOR THE APPROPRIATION OF IMPACT FEE FUNDS AND REFUNDS; PROVIDING FOR CONFLICT; PROVIDING FOR THE EFFECT OF THE TRANSPORTATION IMPACT FEE ORDINANCE ON OTHER REGULATIONS AND DEVELOPMENT ORDERS; PROVIDING FOR INCLUSION INTO THE DADE CITY CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF THE NEW DEVELOPMENT FAIR SHARE CONTRIBUTION FOR ROAD IMPROVEMENTS ORDINANCE NO. 586, AS SUBSEQUENTLY AMENDED; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION OF THE ORDINANCE AT PUBLIC HEARING.

City Attorney Karla Owens appeared and noted the following amendments: page 13, Sec. 2-479, effective date; page 15, Sec. 2-482, impact fee manual; pages 19-20, Sec. 2-486, impact fee fund; page 21, Sec. 2-488, refunds, and page 23, Sec. 2-490E, impact fee manual.

After further discussion and with the public hearing held at the last meeting, Commissioner Van Gorden moved approval of Ordinance No. 2006-0935. 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.)

The following memorandum dated August 4, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Karla S. Owens, City Attorney/Community Development Director
Subject: Cumbee-Henderson Property/
 Proposed Rezoning and FLUMA
 Parcel I.D. NO.: 34-24-21-0000-07400-0000

(Entire memorandum can be found in the City Clerk's file)

As this was the time and place for the advertised public hearing on Ordinance No. 2006-0933 for the proposed rezoning and FLUMA, the ordinance was read by title only by the City Clerk, as follows:

ORDINANCE NO.: 2006-0933

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 (6 du/ga) TO CITY FUTURE LAND USE MAP DESIGNATION R/O (RESIDENTIAL OFFICE), 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 CATEGORY I-2 (HEAVY INDUSTRIAL) TO CITY ZONING CATEGORY RIO (RESIDENTIAL, INSTITUTIONAL, OFFICE) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE (CUMBEE/HENDERSON PROPERTY).

City Attorney/Community Development Director Karla Owens appeared and stated that a portion of this parcel was annexed on August 13, 2002 as part of an inter-local agreement with Pasco County and that the Planning Board recommended adoption of this ordinance at a public hearing held on August 2, 2006. Mr. Leonard Johnson, who represents the owner, appeared and asked if a new structure could be built for use as a machine shop. Karla Owens said that it would be allowed. After further discussion and with no one from the public wishing to be heard, Commissioner Black moved approval of Ordinance No. 2006-0933. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously. Commissioners Black, Hernandez, Penix, and Van Gorden voted "AYE," with no one voting "NAY." Mayor Brock declared a conflict and abstained from voting since his law partner represents the owner. (The ordinance in its entirety and Form 8B, Memorandum of Voting Conflict, are on file in the City Clerk's office.)

The following memorandum dated August 4, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Karla S. Owens, Community Development Director
Subject: Lynan, Inc./Proposed Rezoning
 Parcel I.D. No.: 33-24-21-0000-02600-0000
 (Entire memorandum can be found in the City Clerk's file)

As this was the time and place for the advertised public hearing on Ordinance No. 2006-0934 for the proposed rezoning, the ordinance was read by title only by the City Clerk, as follows:

ORDINANCE NO.: 2006-0934

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA AMENDING THE DADE CITY ZONING ORDINANCE TO CHANGE THE ZONING ON LAND HEREINAFTER DESCRIBED FROM COUNTY ZONING CATEGORY AC (AGRICULTURAL) TO ZONING CATEGORY PD-H1 (PLANNED UNIT DEVELOPMENT) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (FOX HILL PUD)

Community Development Director Karla Owens appeared and stated that the current owner, William Adair, is in the process of grading the property for construction of a water line for future

development as Phase II of the existing KB Home subdivision. The Planning Board held a public hearing on August 2, 2006 and recommended adoption of Ordinance No. 2006-0934. After further discussion and with no one from the public wishing to be heard, Commissioner Van Gorden moved approval of Ordinance No. 2006-0934. The motion was seconded by Commissioner Hernandez, 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.)

The following memorandum dated August 8, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Karla S. Owens, Community Development Director/City Attorney
Subject: William Adair-SR 52/Annexation
 Parcel I.D. Nos.: 04-25-21-0020-00000-0030 and 04-25-21-0020-00000-0050
 (Entire memorandum can be found in the City Clerk's file)

As this was the time and place for the advertised public hearing on Ordinance No. 2006-0938 for the proposed annexation, the ordinance was read by title only by the City Clerk, as follows:

ORDINANCE NO.: 2006-0938

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. (ADAIR-SR 52 PARCEL).

Community Development Director Karla Owens appeared and stated that it is the intention of the current owner, William Adair, to use this property for a paved entryway for Phase II of the proposed Abbey Glen Subdivision. Mr. Adair appeared and answered questions. After further discussion and with no one from the public wishing to be heard, Commissioner Black moved approval of Ordinance No. 2006-0938. 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.)

The following memorandum dated August 4, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Karla S. Owens, Community Development Director/City Attorney
Subject: William Adair-SR 52/Proposed Rezoning and FLUMA
 Parcel I.D. Nos.: 04-25-21-0020-00000-0030 and 04-25-21-0020-00000-0050
 (Entire memorandum can be found in the City Clerk's file)

As this was the time and place for the advertised public hearing on Ordinance No. 2006-0939 for the proposed rezoning and FLUMA, the ordinance was read by title only by the City Clerk, as follows:

ORDINANCE NO.: 2006-0939

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 LDR (LOW DENSITY RESIDENTIAL), 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 CATEGORY R1-MH (RESIDENTIAL MOBILE HOME) TO CITY ZONING CATEGORY RG-1 (GENERAL RESIDENTIAL) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE (ADAIR-SR 52).

Community Development Director Karla Owens appeared and stated that it is the intention of the current owner, William Adair, to use this property for a paved entryway for Phase II of the proposed Abbey Glen Subdivision. Mayor Brock requested that the ordinance be amended to prohibit development on the east portion of the property. After further discussion and with no one from the public wishing to be heard, Commissioner Black moved approval of Ordinance No. 2006-0939 with the condition to prohibit development on the east portion of the property. The motion was seconded by Commissioner Hernandez, 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.)

CONSENT AGENDA

On recommendation of staff, Commissioner Black moved to approve the execution of Amendment Two (#2) Revision to Work Activity Plans, Dade City C.D.B.G. #05DB-2Q-08-61-02-N44. 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 to approve authorization to declare 1999 Ford Crown Victoria, 1989 Ford LTD and a 1992 Freightliner Truck as surplus property. 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 to approve authorization to declare the City Fire Training Tower as surplus. 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.)

OLD BUSINESS

City Attorney Karla Owens appeared and stated she is still collecting information on the scope of work for the committee and the use of a facilitator and will report back to the Commission. Harold Sample reported that all the Charter Review Committee members have been contacted.

NEW BUSINESS

Commissioner Hernandez made a motion to nominate Rick Anderson as an alternate member to the Recreation Board replacing Gary Manning. Commissioner Black nominated Russ Rosenbauer. Commissioner Van Gorden seconded the motion to nominate Rick Anderson, and on a vote the motion passed unanimously. Commissioner Black will contact Russ Rosenbauer and if he is willing to serve, he could be appointed and Commissioner Van Gorden, who is also on the Recreation Board, could step down and act as an ex-officio member.

The following memorandum dated August 2, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Jim Class, City Clerk / Finance Director
Subject: Resolution No. 2006-0913 – Amending the FY 2005-2006 Budget
 (Entire memorandum can be found in the City Clerk’s file)

RESOLUTION NO. 2006-0913

A RESOLUTION OF THE CITY COMMISSION OF DADE CITY, FLORIDA,
 AMENDING RESOLUTION NO. 2005-0883 BY REVISING THE 2005-2006
 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS FOR ITEMS
 PREVIOUSLY APPROVED BY THE CITY COMMISSION; AND
 PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Black moved approval of Resolution No. 2006-0913. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously. Commissioners Brock, Black, Hernandez, Penix, and Van Gorden voted “AYE,” with no one voting “NAY.” (The resolution in its entirety is on file in the City Clerk’s office.)

City Manager Harold Sample asked the Commission to make a motion to receive and file the proposed FY 2006-2007 Budget that was distributed to Commissioners during the workshop preceding the Commission meeting. Commissioner Van Gorden made a motion to receive and file the proposed FY 2006-2007 budget. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously.

City Manager Harold Sample requested an emergency item to declare one foot of the road frontage of the lot owned by the City on Clinton Avenue at Carmen Avenue as surplus property and initiate an intergovernmental transfer to Pasco County for road right-of-way. A motion was made by Commissioner Black to introduce the emergency item. The motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously. A motion was made by Commissioner Van Gorden to declare the property as surplus. The motion was seconded by Commissioner Hernandez, and on a vote the motion passed unanimously. A motion was made by Commissioner Van Gorden to authorize the Mayor's signature on the transfer of land at no cost to the County. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously.

COMMISSIONER ITEMS

Commissioner Hernandez requested a follow-up from City Manager Harold Sample on the bid for electrical and instrumentation repairs at the 6th and Pond lift station which was on the Consent Agenda during the July 11, 2006 Commission meeting.

Commissioner Van Gorden asked about the Youth Council. Laura Beagles has the applications prepared and the amended ordinance will be introduced at the August 22 Commission meeting. He also asked about volunteer recognition. Laura Beagles said the next reception is scheduled for April 2007.

Commissioner Black commended Garry Gilbert, Billy Fretz and Mike Barthle on the remodeling of the former Commission Chambers.

Commissioner Penix corrected the name of Levater Holt as her nominee to the Charter Review Committee at the July 25 Commission meeting. She also commended staff on the improved condition to the James Irvin building which has been cleaned up and painted by Public Works employees.

PUBLIC COMMENT

Individuals appearing before the Commission during the public comment portion of the meeting were: Phyllis Smith regarding the award for the Kumquat Festival and the Main Street newsletter.

There being no further business before the Commission, on motion the meeting adjourned at 6:34 p.m.

MAYOR

ATTEST:

CLERK