

FEBRUARY 13, 2007  
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 13th day of February, A.D. 2007, at 5:35 p.m. The following members were present: Mayor P.H. 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 and Executive Assistant Chris Chandler.

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

The minutes of the January 9, 2007 regular City Commission meeting were approved as individually read. The minutes of the January 23, 2007 regular City Commission meeting were distributed.

OLD BUSINESS

The following memorandum dated February 8, 2007 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Laura L. Beagles, Director of Administrative Services  
**Subject:** Acceptance of Rails to Trails  
(Entire memorandum can be found in the City Clerk's file)

A motion was made by Commissioner Penix to accept the Dade City "Rails to Trails" project and financial responsibility for future maintenance. 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."

Resolution No. 2007-0934 was read in its entirety by City Clerk James D. Class, the title of which is as follows:

RESOLUTION NO. 2007-0934

RESOLUTION BY THE CITY COMMISSION OF THE CITY OF DADE  
CITY, FLORIDA ESTABLISHING THE NAME FOR THE RAILS-TO-TRAILS  
LINEAR PARK.

Commissioner Black moved to adopt Resolution No. 2007-0934 to name the Rails-To-Trails linear park "**The Hardy Trail**" in appreciation for the contributions of Roy T. and Martha B. Hardy. The motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously. Commissioners Black, Brock, Hernandez, Penix, and Van Gorden voted "AYE," with no one voting "NAY." (Resolution No. 2007-0934 in its entirety is on file in the City Clerk's office.) Roy T. Hardy appeared before the Commission to accept a copy of Resolution No. 2007-0934.

## CONSENT

On recommendation of staff, Commissioner Hernandez moved to approve the application for the Florida Department of Law Enforcement Justice Assistance Grant, as part of the consent agenda. The motion was seconded by Commissioner Van Gorden and on a vote the motion passed unanimously.

On recommendation of staff, Commissioner Hernandez moved to approve and authorize the Mayor's execution of the Modification to Highway Landscape Reimbursement and Maintenance Memorandum of Agreement, as part of the consent agenda. The motion was seconded by Commissioner Van Gorden and on a vote the motion passed unanimously.

## OLD BUSINESS

On behalf of the Recreation Board, Commissioner Van Gorden gave a report on the YMCA service overview for 2006. He said that membership had increased from 2005 and that the YMCA will be making significant steps forward with some of their programs. The successful Pee Wee Basketball program will continue this summer, James Irvin Center will be opened for ping pong and board games, softball will continue, and a part time Recreation Director will be hired. Programs will also be planned using Pasco High School's adult education program. City Manager Harold Sample reported that Clark Heter, Executive Director of East Pasco YMCA, has resigned and that Mr. Wiggins, Clark's supervisor, will be acting in the interim. Mr. Wiggins also said they are in the process of recruiting a local person to be involved with programs in Dade City.

Mayor Brock gave an update on the Citrus Ridge project near Tank Hill. Forty foot lots will be eliminated, another access route is being investigated, and traffic analysis and overall number of units has not been resolved. Updates will be given to the Commission by Mayor Brock as they are received.

## PUBLIC HEARING

The following memorandum dated February 7, 2007 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, City Attorney  
**Subject:** Proposed Ordinance Amendment – CBD Zoning District/Special Exceptions  
(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. 2007-0946, amending Zoning Ordinance No. 361, the ordinance was read by title only by the City Clerk, as follows:

ORDINANCE NO. 2007-0946

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA AMENDING ZONING ORDINANCE NO. 361, THE CENTRAL BUSINESS DISTRICT, TO ALLOW FOR EXPANSION OF EXISTING PERMITTED USES FROM AN ADJACENT NON-RESIDENTIAL DISTRICT AS A SPECIAL EXCEPTION; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

City Attorney Karla Owens reviewed the ordinance. She advised that on January 29, 2007 the Land Development Regulation Committee met to discuss the proposed amendment and recommended additional language and the consensus of the Committee was to recommend approval of the Ordinance. Commissioner Hernandez spoke in opposition to the proposed ordinance, stating that she thought it was not in the best interest of the City and that the space would be better used for retail and restaurants by visionaries who are coming into the City. Public comment regarding the ordinance came from Celestine Bush, who spoke in opposition to the Ordinance, and Leroy Hauff, who asked for Commissioners' support of the ordinance. After discussion, Commissioner Van Gorden moved to adopt Ordinance No. 2007-0946 with the changes recommended by the Land Development Regulation Committee. The motion was seconded by Commissioner Black, and on a vote the motion passed. Commissioners Black, Brock, Penix, and Van Gorden voted "AYE," with Commissioner Hernandez voting "NAY." (Ordinance No. 2007-0946 in its entirety is on file in the City Clerk's office.)

**INTRODUCTION OF PROPOSED ORDINANCES**

The following memorandum dated February 8, 2007 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, Community Development Director  
**Subject:** Proposed Ordinance Amendment/RV Parking 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 :

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA SUBSTANTIALLY REWRITING AND AMENDING SECTION 5.14 AND SECTION 5.15 OF THE DADE CITY ZONING ORDINANCE NO. 361 REGARDING PARKING AND STORAGE OF RECREATIONAL VEHICLES, UNLICENSED VEHICLES, AND UTILITY TRAILERS WITHIN RESIDENTIAL DISTRICTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEVERABILITY, MODIFICATION, CODIFICATION, REPEALER AND AN EFFECTIVE DATE.

City Attorney Karla Owens reviewed the proposed ordinance amending Zoning Ordinance No. 361. A motion was made by Commissioner Van Gorden to introduce this ordinance rewriting

Section 5.14 (2)(b) and to authorize advertisement for a public hearing on March 13, 2007. The motion was seconded by Commissioner Hernandez and on a vote the motion passed. Commissioners Black, Brock, Hernandez, Penix, and Van Gorden voted "AYE," with no one voting "NAY."

The following memorandum dated February 7, 2007 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, Community Development Director  
**Subject:** Proposed Ordinance Amendment/Fire Prevention Code  
 (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 :

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA AMENDING CHAPTER 46, SECTION 46-41 OF THE DADE CITY CODE TO REMOVE THE MANDATORY ESTABLISHMENT OF A CITY FIRE DEPARTMENT; AMENDING CHAPTER 46, SECTION 46-81 OF THE DADE CITY CODE TO REFERENCE THE CURRENT EDITION OF THE LIFE SAFETY, FIRE PREVENTION, AND FLORIDA BUILDING CODES; PROVIDING FOR SEVERABILITY, MODIFICATION, CODIFICATION, REPEALER AND AN EFFECTIVE DATE.

City Attorney Karla Owens reviewed the proposed ordinance amending Chapter 46 of the Dade City Code of Ordinances. A motion was made by Commissioner Black to introduce this ordinance and to authorize advertisement for a public hearing on March 13, 2007. The motion was seconded by Commissioner Van Gorden and on a vote the motion passed. Commissioners Black, Brock, Hernandez, Penix, and Van Gorden voted "AYE," with no one voting "NAY."

The following memorandum dated February 7, 2007 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, Community Development Director  
**Subject:** Proposed Ordinance Amendment/Property Maintenance 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 :

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, PROHIBITING THE GENERAL OPEN AND OUTSIDE STORAGE OF PUBLIC NUISANCE ITEMS; PROVIDING FOR RECITALS AND TITLE; PROVIDING FOR SEVERABILITY, INCLUSION IN CODE, REPEALER AND AN EFFECTIVE DATE.

City Attorney Karla Owens reviewed the proposed ordinance amendment providing for prosecution of a violation for accumulation of trash or debris. A motion was made by Commissioner Hernandez to introduce this ordinance and to authorize advertisement for a public hearing on March 13, 2007. The motion was seconded by Commissioner Van Gorden and on a vote the motion passed. Commissioners Black, Brock, Hernandez, Penix, and Van Gorden voted "AYE," with no one voting "NAY."

### OLD BUSINESS

City Manager Harold Sample gave an update on the Sprint/Nextel cell tower lease. The Wilson Street site is not suitable so they are looking for an alternative site on the extreme west end of the percolation pond at Sumner Lake Road which would not hinder the City's future use of the property. Sprint/Nextel is moving ahead with a due diligence analysis for the alternative site.

City Manager Harold Sample reported that 51 ballots from The Pines Subdivision homeowners were received in opposition to an assessment for the costs to maintain the operation of the park area. A recommendation regarding the park will be presented at the next Commission meeting.

City Manager Harold Sample reported that a biodiesel plant will open in the Dade City Business Park which will attract attention nationally.

### NEW BUSINESS

City Manager Harold Sample discussed the right-of-way use permit policy as it relates to proposed construction of a second floor outside dining area over the sidewalk in a building owned by ANPM Enterprises, LLC located at Pasco Avenue and 7th Street. A permit could not be issued until the City assumes ownership and perpetual maintenance of 7th Street. Commissioner Hernandez excused herself from the discussion since her husband is the owner.

The following memorandum dated February 8, 2007 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Karla S. Owens, City Attorney/Community Development Director  
**Subject:** Request to Satisfy Lien/Habitat for Humanity  
(Entire memorandum can be found in the City Clerk's file)

City Attorney Karla Owens stated that East Pasco Habitat for Humanity requested that liens in the amount of \$1,300 plus interest be waived if they obtain the property at 14643 8th Street. A motion was made by Commissioner Black to approve the satisfaction of the code enforcement lien contingent on conditions stated and also contingent on demolition of the existing structures within 90 days of the date of closing. 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 following memorandum dated February 8, 2007 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Jim Class, City Clerk/Finance Director  
**Subject:** Resolution No. 2007-0933 – Amending the FY 2006-2007 Budget  
 (Entire memorandum can be found in the City Clerk's file)

The following resolution was read by title only by the City Clerk, as follows:

RESOLUTION NO. 2007-0933

A RESOLUTION OF THE CITY COMMISSION OF DADE CITY, FLORIDA,  
 AMENDING RESOLUTION NO. 2006-0919 BY REVISING THE 2006-2007  
 FISCAL YEAR BUDGET TO ADD FUNDING FOR UTILITY TASK  
 ORDERS; AND PROVIDING FOR AN EFFECTIVE DATE.

After discussion, a motion was made by Commissioner Black to approve Resolution No. 2007-0933 amending the FY 2006-2007 budget. The motion was seconded by Commissioner Van Gorden and on a vote the motion passed unanimously. Commissioners Black, Brock, Hernandez, Penix, and Van Gorden voted "AYE," with no one voting "NAY."

The following memorandum dated February 3, 2007 was noted:

**To:** Honorable Mayor and Members of the City Commission  
**From:** Jim Class, City Clerk/Finance Director  
**Subject:** Investment Summary Reports – September 30, 2006  
 (Entire memorandum can be found in the City Clerk's file)

After discussion, a motion was made by Commissioner Van Gorden to accept the Investment Summary Reports. 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."

COMMISSIONER ITEMS

Commissioner Van Gorden requested a workshop on the proposed landfill near Dade City.


Commissioner Hernandez discussed evaluations and grievance procedures.

Commissioner Black requested that a letter be written for Ms. Beagles to be included on County greenways committee.

PUBLIC COMMENT

Individuals appearing before the Commission during the public comment portion of the meeting were: Cynthia Baker, who provided information on the proposed landfill; Celestine Bush, who discussed Pond Avenue between 5th and 6th Streets; Nancy Hazelwood, who spoke about the proposed landfill; and Chief Thompson, who reported on minority hiring by the police department.

There being no further business before the Commission, on motion the meeting adjourned at 7:35 p.m.

  
MAYOR

ATTEST:

  
CLERK