

**CITY OF TEMPLE TERRACE, FLORIDA  
MAYOR AND CITY COUNCIL  
MINUTES**

**Regular Meeting  
Tuesday, August 17, 2010  
Council Chambers-City Hall**

Having been duly advertised as required by law, the regular meeting of the Mayor and City Council of the City of Temple Terrace, Florida, was held on Tuesday, August 17, 2010, in the Council Chambers at City Hall.

**PRESENT WERE:** Mayor Joe Affronti, Sr., and Council Members Alison Fernandez, Ron A. Govin, Ken Halloway, and Mary Jane Neale, City Manager Kim Leinbach, City Clerk Lisa Small, and City Attorney Mark Connolly. **ABSENT WAS:** Council Member Mark A. Knapp.

**ALSO PRESENT WERE:** Public Information Officer Michael Dunn, Human Resources Director Woody Hubbard, Code Compliance Director Joe Gross, Leisure Services Director James Chambers, Finance Director Diane Reichard, Public Works Director Joe Motta, Deputy Police Chief Patricia Powers, Deputy Public Works Director – Water & Sewer Mike Darrow, Senior Planner Brad Parrish, GIS Specialist Gitfah Niles, Joyce McKenzie, Joe Bell, Steven Dutch, Barbara Sparks-McGlinchy, Judy A. Govin, Ken Small, and several other persons.

Mayor Affronti called the meeting to order at 6:05 p.m., after which he led the Pledge of Allegiance to the flag and offered a brief invocation.

**Proclamations, Recognitions, and Special Presentations:**

**1. Proclamation – “Florida Water Professionals Week.”**

Mayor Affronti presented a Proclamation to Mike Darrow, Deputy Public Works Director - Water & Sewer, proclaiming the week of August 16-20, 2010, as Florida Water Professionals Week in Temple Terrace, noting that the organization is committed to protecting the health of Florida citizens and Florida’s resources. Mr. Darrow expressed appreciation for the Proclamation, stating there are about 26 employees who work with the City’s water and sewer operation.

**2. Special Presentation - “Census 2010.”**

Mayor Affronti stated the City recently received a letter, along with a plaque, from George Grandy, Jr., Atlanta Regional Director of the U.S. Department of Commerce, Economics and Statistics Administration, U. S. Census Bureau, expressing appreciation for the City’s “contributions and unparalleled efforts” in helping the U.S. Census Bureau achieve a complete and accurate census count in 2010. He continued that Mr. Grandy noted in the letter that conducting the decennial census is a massive and vitally important undertaking to ensure the City is accurately represented in Congress and the State of Florida, particularly in terms of funding allocations for community programs, services and facilities.

Mayor Affronti commented that as the City’s GIS (Geographic Information Systems) Specialist, Gitfah Niles dedicated a significant portion of her time over the last year to the Census project to ensure the City’s boundaries were accurately reflected and all annexations included to ensure an accurate count for Temple Terrace; therefore, Mayor Affronti said it was fitting that Gitfah Niles receive the plaque on behalf of the City in recognition of her dedication and diligence on this project. Ms. Niles expressed her thanks to the Mayor and City Council.

**Minutes of Previous Meetings:**

**1. Minutes of the August 3, 2010, City Council Meeting.**

Upon motion of Council Member Halloway, seconded by Council Member Govin, and unanimously carried (Council Member Knapp was ABSENT and did not vote), the **MINUTES** of the August 3, 2010, City Council Meeting were **APPROVED**.

**Public Hearings:**

**1. Land Development Code Text Amendment – Presenter: Brad Parrish, Senior Planner, Community Development Department.**

Mayor Affronti opened the Public Hearing and called on Community Development Department Senior Planner Brad Parrish to present the topic of the Public Hearing.

Senior Planner Parrish informed the Council that this is the second required Public Hearing regarding the text amendment to amend and update Chapter 25 of the City's Land Development Code, specifically Articles IV, V, and VII, which include land uses, zoning, and design standards. He briefly reviewed the four parts of this text amendment which include:

1. Update to the City's Land Development Code land use section to make it consistent with the recently adopted Comprehensive Plan, including an Urban Mixed Use-25 land use category and several new land use overlays;
2. Introduction of a new Preservation (PRS) zoning district; if adopted it will be applied to several properties purchased using Florida Community Trust funds;
3. Addition of a Public/Quasi-Public zoning district to be applied to the TECO substation property, located on Davis Road, and the City-owned property on the southeast corner of Interstate 75 and Fowler Avenue; and
4. The application of existing signage criteria to the new zoning districts and two existing zoning districts, Light Industrial and Agricultural-Urban.

Senior Planner Parrish stated that staff received no comments or questions from the public concerning this text amendment.

Mayor Affronti called for comments from the public or Council. There being no questions or comments, Mayor Affronti closed the Public Hearing and announced that Second and Final Reading of the Ordinance would take place later in the meeting.

**There were no persons wishing to be heard on items NOT listed on the Agenda. There was no Correspondence, Communications, or Petitions for Council's consideration and action.**

**Presentations:**

Ken Small, Financial Technical Resources Manager for the Florida League of Cities, presented an explanation of the Taxpayer Bill of Rights (TABOR), a proposed Constitutional Amendment, and possible impacts on services currently provided by local governments.

Mr. Small began by stating the title to the proposed Constitutional Amendment is very misleading. He explained the individuals pushing this proposed amendment include Senator Haridopolos, the incoming Senate President, who had worked to get the measure on the ballot this November; however, several term-limited Senators, including Senator Victor Crist, who were moderates, believed this proposal went way too far; therefore, they were not going to let it go through during their “watch.” He mentioned that most of those term-limited Senators will be gone next Legislative Session and the Session thereafter; therefore, Senator Haridopolos will be trying his best to get TABOR on the ballot in time for the November, 2012, election.

Mr. Small explained that the handout he provided was taken from Senator Haridopolos’ proposed legislation filed last Session, noting two years should be added to all of the dates mentioned in the handout, to come up with the new enacting dates.

Mr. Small continued that the “sound bite” for those pushing this Amendment takes about 15 to 20 seconds, since they simply have to say, “Vote ‘yes’ for the TABOR Amendment; government should be able to live within its means and be able to fund its operations on costs that are based on the change in inflation and population growth” – it is that simple. He expressed concern that to explain what this amendment means and how it would affect the citizens of Florida would take much longer than the time allotted at this meeting. Mr. Small continued that after several years of massive cutbacks in all different forms of government, reducing property tax revenues, cutting operating and capital budgets, along with no raises or possibly furlough days or pay cuts to employees, cutting back law enforcement, cutting back fire service staffing, cutting library hours, closing pools and reducing recreation programs, cutting teachers and education programs, etc., this proposal would come in at basically what is envisioned as the *bottom* of the recession, or right *after* the bottom of recession, just as improvement is beginning, in Fiscal Year 2012-2013; the cap would come in and this would be the “base year” and the City could only grow from there with the change in population and the change in inflation. He explained that he used the term “change” and not “increase,” because if it was said to be an increase and population dropped or inflation went “negative,” it would not be able to go below zero; therefore, their proposal is based on the change.

Mr. Small stated TABOR is a very complex amendment, pointing out that this proposal does not affect just cities and county governments; this is designed for all types of governments, including cities, counties, all special taxing districts that levy property taxes, K-12 education, and community colleges and universities, such as the University of South Florida.

Mr. Small explained that when the proposal talks about revenues, it talks about basically *all* revenues, including taxes, fees, assessments, licenses, fines, and charges for services that would be imposed by government on an individual, business, or on another government. He said the term does not include a variety of things, such as the proceeds from a bond issuance. He noted one of the key provisions *not* included in the TABOR proposal is the sale of property.

Mr. Small commented that a key provision the proponents tried to use to gain support was to state there is a voter approval provision to exceed these limits; however, thinking about all of the different kinds of governments there are, there could be a massive number of special elections. He mentioned his understanding that a special election in Temple Terrace would cost about \$25,000 to \$35,000. He continued that when they look at the State and consider all the different things that would have to go before the voters, it is almost unbelievable. Before citing examples, Mr. Small noted that when the proposal speaks of rate of change of population and inflation, it is based on a two-year average. He explained that means if inflation or the population had a dramatic increase, it would take two years before those numbers would be calculated into the budget. He mentioned another interesting aspect of the proposal is that there would be a budget stabilization fund, which caps out at 3% of the last completed fiscal year's revenue collection; beyond that, any extra revenues collected could not be spent without voter approval. He said those monies would be set aside for the first or second year after the collection of those excess revenues, making it difficult to accumulate reserve funds.

Mr. Small noted that the proposal also talks about an advance approval by a two-thirds vote of the electors from within the State of Florida or within the local jurisdiction, depending on who is proposing to levy the new revenue. He continued that it is defined to include any new tax, fee, assessment, or even a charge for services. He gave the example that even creating a charge not already in existence for a bad check would require going to the voters and receive a two-thirds approval in order to establish the charge.

Mr. Small remarked that Senator Haridopolos is a "card-carrying member" of the organization of a gentleman named Grover Norquist, which is called Americans for Tax Reform. He commented the organization has a taxpayer protection pledge, which Senator Haridopolos has signed and which he understands the incoming Speaker of the House has also signed; the organization's goal is to cut taxes wherever possible. He noted that Mr. Norquist is said to have a famous quote that they will shrink government so small that they can drown it in a bathtub. Mr. Small expressed the concern that the TABOR proposal is like a python snake; over time it will completely strangle the budget, adding that TABOR is a good mechanism for those who support the notion that they need to "starve the beast," with the "beast" being government.

Mr. Small emphasized this proposed Constitutional Amendment has three separate limitations built into one – a revenue limitation, a property tax limitation, and the voter approval requirement for new taxes, fees, and assessments. He acknowledged that for someone hearing the 20-second sound bite, it appears to make perfect sense that government should live within those particular means – until one really thinks about the many different kinds of services that government provides. He cited numerous examples that could *not* occur under a TABOR provision, such as the following:

- If the City is sued for any reason, the City would be in no position to fight a lawsuit, because the expenditure of funds required for such a lawsuit would take away from operations, such as public safety;
- In January of 2008, the average price of gasoline, which is a major operating expense of government, was \$3.00 a gallon; six months later it peaked out at \$4.12, which was over a 37% increase; however the CPI for those six months only rose 4.2%; the City could not increase the budget to cover the increased costs.
- TABOR may make sense unless a manhunt becomes necessary for a missing child or missing adult, which would require a tremendous amount of overtime by public safety staff and other staff searching for the individual and could take months; this funding has to come from somewhere;

- The need to start or increase redevelopment efforts, which can be very expensive as the Council is aware;
- The need to increase economic development spending to create jobs – this takes a lot of money that is not within those caps;
- The need to build new schools or add classrooms for schools;
- Increase in crime, requiring the hiring of additional officers;
- If the economy turns around and building permits increase, there will be additional revenues needed to pay for inspections – but that would be outside the growth of population and CPI;
- Mandates from State and Federal environmental laws, such as the treatment of runoff to protect rivers, lakes, and coastal waters;
- Stormwater intrusion into the water supply, noting it would cost a lot of money to go into reverse osmosis.

Mr. Small commented that the unique thing about this provision that differed from the Colorado TABOR was that Colorado's measure only covered the General Fund, while this proposed Constitutional Amendment covers almost all areas of government spending, including enterprise funds. He expressed concern that he could go on and on with the different and unique things that governments face in order to provide immediate responses to their citizens.

Regarding a declared emergency by the Governor, Mr. Small explained that emergency taxes may not be levied unless the Legislature, for their spending, or the City, for its spending, receive approval by a two-thirds vote of both houses of the Legislature or the governing body of the local government, and it includes a provision that who voted for or against it has to be recorded. He stressed that those types of provisions are allowed only in a declared state of emergency and the definition for "emergency" does not include things such as the freeze that hit this area last year, where the farmers had to protect their plants, and in the process, over-pumped water, causing the water table to drop 58-60 feet, resulting in sinkholes popping up all over, including Interstate-4. He continued that the City Manager of Plant City remarked to him that just on property within their city, the cost to the city was about \$2 million. Mr. Small noted that during the same freeze, the City of St. Augustine suffered damage to their very old (50 years or older) water system's cast iron piping; the cold temperatures made the pipes brittle and vehicles on the roads caused about twenty separate breaks in the pipes, creating very expensive infrastructure repairs, which would not qualify as a state of emergency.

Mr. Small explained that there are many similar issues facing local governments, and one of the biggest problems facing local government is deferred infrastructure replacement. He said governments have been known for postponing major infrastructure projects, such as repaving roads or rebuilding bridges until they cannot be postponed any longer. Those projects would require a significant increase in spending to deal with those issues, he noted, but TABOR would not recognize any of that; TABOR simply goes back to population growth and increase in CPI. Another issue for many municipalities is the high cost of providing services for tourists, including "snow birds," neither of which is counted as population under TABOR.

Mr. Small rhetorically questioned how the City could meet the cap under TABOR. He commented that one approach would be to constantly cut and eliminate service programs until they don't recognize their city anymore.

Mr. Small continued that another approach, which he characterized as a Libertarian dream, would be that since one of TABOR's key provisions is that the sale of property is not included in the cap, the City could sell off its assets one at a time and those revenues would not count as part of the revenue cap; in essence, over time it could cause the City to sell off any profitable asset they have, such as the water and sewer utility, the City's parks, the golf course, or a community center. He remarked the State of Florida has a tremendous amount of recreational lands and State Parks, as well as part of their highway system; these types of things could be sold off and the monies from them would not be part of the cap. He said this approach would work until they gradually run out of assets.

Mr. Small noted that the proposed Constitutional Amendment also covers the transfer of the responsibility to fund a government function to another government, requiring the funding for that function to be subtracted from the City's budget, negating any ability to get ahead from the transfer. Mr. Small commented that the final part would be dealing with elections – there would be elections galore. If the proposed Constitutional Amendment Four also passes, he suggested they think about all of the additional elections that would be necessary across the State of Florida associated with the provisions of Amendment Four; voters would be faced with constant elections, where they may reach the point of apathetically voting “no” on all or most of them, lacking time to figure out all of the elections from all of the different levels of government, including schools.

In conclusion, Mr. Small reiterated his concern that to adequately and carefully explain how the TABOR proposal works and its adverse implications would require well over an hour compared to a 20-second sound bite in favor of the proposal.

Mayor Affronti questioned the problematic issues that were occurring in one of the Pinellas County cities, to which Mr. Small responded, were in St. Pete Beach in regard to Amendment Four. To date, he said, no one has a TABOR provision in place in Florida. He added that he understands about 33 states have attempted to pass a TABOR measure, and in Colorado, where it passed, the results have been horrible, with numerous cities having to make massive public safety cuts and shutting off streetlights. The City Manager interjected that his understanding is that it got so bad in Colorado that their voters suspended the effects of TABOR just to allow them to recover a bit; they have also dropped from being fifth or sixth in terms of education to about 45<sup>th</sup>.

Council Member Halloway said it appears TABOR is an attack on Home Rule, coupled with the Hometown Democracy movement. He said they wouldn't need a Council anymore; simply submit referendums to be voted on – and be swamped with elections.

Mr. Small presented a brief scenario that if TABOR had been in place 20 or 30 years ago, they would not recognize Florida today. He explained that back then air conditioning in public schools and public buildings was a luxury; funeral homes had EMS transport responsibility; volunteer fire departments were common; and law enforcement had no certification or accreditation. He mentioned that in his town when he was growing up the local bully always wanted to be the cop, so he would have the “fear factor” of a gun and a badge. He said today, cities have come so far; all of the increased costs have resulted in what is called an improved society, and if TABOR had been in place, citizens would not have much of what they enjoy today.

Mr. Small confirmed for Mayor Affronti that this measure will not be on the 2010 ballot, thanks to several Senators who have “term-limited” out of office. However, he noted that Senator Haridopolos will be Senate President for the next two years and Representative Cannon, the incoming Speaker of the House, has indicated he shares much of the same philosophy, making it very likely TABOR will be put on the 2012 ballot.

Mayor Affronti questioned what action the City could take relative to the TABOR proposal. Mr. Small expressed the need for the City to “hammer” their Legislators to try to get them to go against their leadership in the House and Senate to oppose the TABOR proposal, recognizing that is a difficult task. He said if it does get on the ballot, the best they can do is to provide sufficient information to the citizens to educate them on the long-range effects of how TABOR would dramatically change the quality of life currently enjoyed in Florida and particularly in Temple Terrace.

Council Member Holloway questioned the political party support of TABOR, to which Mr. Small responded that while he did not wish to get into political parties, the moderate Republicans helped block this in the last Session; unfortunately, the Senators that blocked the measure were primarily term-limited moderate Republican Senators, and they are becoming “far and few between.” Mayor Affronti thanked Mr. Small for the presentation.

**There were no site plan reviews for Council’s consideration and action.**

**Resolutions for Consideration and Action: (Consent Agenda)**

The City Manager briefly reviewed the three Resolutions on the Consent Agenda for Council consideration.

Council Member Fernandez requested that Resolution E-2 be pulled for further discussion.

Upon motion of Council Member Govin, seconded by Council Member Holloway, and unanimously carried, **Resolutions E-1 and E-3** were adopted by consent (Council Member Knapp was absent and did not vote), as follows:

**RESOLUTION NO. 080-10**, approving the agreement between the City and the Greater Temple Terrace Chamber of Commerce in accordance with the City’s 2010-11 Budget. *The City Manager reviewed the agreement includes \$7,500 for public relations and \$5,000 for the 4<sup>th</sup> of July celebration.*

**RESOLUTION NO. 081-10**, approving, in accordance with the City Code of Ordinances, the 2.6% increase in the water and wastewater rates, based on the 2009 Water/Wastewater Rate Study.

Regarding Resolution No. E-2, the City Manager commented this is a modification to the one-year agreement between the City and Hillsborough County relative to the housing rehabilitation program. He explained this modification agreement increases the amount the City will receive for the program by about \$67,409.71, enabling the City to further repair and rehabilitate five different homes in our community.

Council Member Fernandez stated that she asked to pull this item because of questions and concerns that have arisen in the community regarding whether affordable housing would become part of the redevelopment area.

The City Manager asked that Fire Chief Keith Chapman be allowed to briefly explain the City's housing rehabilitation program and after, he would like to address the rumor of affordable housing.

Fire Chief Chapman explained that the City has an annual Interlocal Agreement with Hillsborough County for funding, through the Community Development Block Grant (CDBG) Program, to administer a housing rehabilitation program, where they find low- to moderate-income homes in the City that need repairs. He continued that the City employs one gentleman, whose salary is paid for through the grant, to administer the program; his job is to find the homes, and attempt to qualify the homes and the owners for funding, in order to assist them in making the needed improvements. He reviewed that there are currently five cases submitted to Hillsborough County, one of which they just learned requires additional work. He said they were hoping to have all of the cases closed by October 1st. He informed the Council that the County notified him two weeks ago that there are some additional monies available from other programs that were not going to be used this year that they offered to the City for its program through a First Amendment to the Interlocal Agreement. He noted this program has nothing to do with any redevelopment; it is simply a housing rehabilitation program.

The City Manager commented that in terms of the rumor that has been circulating around that the City is planning for affordable housing or Section 8 Housing in the redevelopment area, Chief Chapman has talked to the Area Director of Housing and Urban Development and confirmed there are no plans to construct this type of housing in Temple Terrace. He added that the City has an agreement with the developer that does not include any residential there. He concluded the rumors are totally unfounded.

Council Member Hallaway remarked that to put affordable housing in the middle of a \$360 million project would be to commit commercial suicide on the part of the developer, and he questioned how such a rumor could have started.

Mayor Affronti responded he received an email last week that said a new homeowner in their neighborhood had asked the person if it was true that the City was planning to put Section 8 Housing across from one of the businesses on Chicago Avenue. While he couldn't believe there would be any thought of that going next to a \$360 million project, he did check with the City Manager, who investigated and found nothing planned for Section 8 Housing in that area. Mayor Affronti continued that he reported that to the person who had written him, who then told him that people in the neighborhood were talking about possibly selling their homes if it was true.

Council Member Govin questioned whether these CDBG funds are Federal funds, to which the City Manager confirmed they are, adding that they are passed through the County's CDBG program to the City.

Upon motion of Council Member Fernandez, seconded by Council Member Govin, **RESOLUTION NO. 082-10** was **ADOPTED**, approving the first modification to the One-Year Interlocal Agreement between the City and Hillsborough County to fund and administer Affordable Housing Rehabilitation Assistance related to the Community Development Block Grant (CDBG) Program in the amount of \$67,409.71, thereby increasing the total amount not to exceed \$299,422.71. Vote on the motion being: Council Members Fernandez, Govin, Hallaway, and Neale voting "aye," no "nay." Council Member Knapp was ABSENT and did not vote.

**Proposed Ordinances for Consideration and Action:****1. Early voting in the event of a Municipal run-off election.**

Following the **SECOND** and **FINAL** reading, by caption, of the proposed ordinance to **NOT** provide “early voting” in the event of a municipal run-off election, Mayor Affronti called for public comments regarding the proposed ordinance. Hearing no comments, Mayor Affronti called for a motion to adopt the proposed ordinance.

Upon motion of Council Member Govin, seconded by Council Member Halloway, **ORDINANCE NO. 1277** was **ADOPTED**, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, RELATIVE TO FLORIDA STATUTES §101.657, THE EARLY VOTING STATUTE, TO PROVIDE THAT THE CITY SHALL NOT PROVIDE EARLY VOTING, AS SET FORTH IN SAID STATUTE, IN THE EVENT OF THE NECESSITY OF A RUN-OFF ELECTION, AS PROVIDED IN §2.03 AND §3.02 OF THE REVISED CHARTER OF THE CITY OF TEMPLE TERRACE, FLORIDA, RESULTING FROM THE NOVEMBER 2, 2010, REGULAR MUNICIPAL ELECTION UNLESS SUCH EARLY VOTING MAY BE PROVIDED AT NO COST TO THE CITY IN CONJUNCTION WITH A RUN-OFF ELECTION OF HILLSBOROUGH COUNTY OR THE STATE OF FLORIDA; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.** Vote on the motion for adoption being: Council Members Fernandez, Govin, Halloway, and Neale voting “aye,” no “nay.” Council Member Knapp was **ABSENT** and did not vote.

**2. Land Development Code Text Amendment.**

Following the **SECOND** and **FINAL** reading, by caption, upon motion of Council Member Halloway, seconded by Council Member Govin, **ORDINANCE NO. 1278** was **ADOPTED**, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, APPROVING COMPREHENSIVE REVISIONS TO THE TEMPLE TERRACE CODE, CHAPTER 25 – LAND DEVELOPMENT, AS FOLLOWS: AMENDING SECTION 25.400, PURPOSE; REPEALING SECTION 25.405, LAND USE DESIGNATION DESCRIPTIONS AND CRITERIA; AMENDING SECTION 25.410, FUTURE LAND USE MAP; AMENDING SECTION 25.415, INTERPRETATION OF LAND USE PLAN DESIGNATION LINES; AMENDING SECTION 25.420, LAND USE PLAN CATEGORY STANDARDS; AMENDING SECTION 25.425, ZONING DISTRICT CODE/LAND USE PLAN CATEGORY MATRIX; AMENDING SECTION 25.430, COMPREHENSIVE PLAN AMENDMENTS; AMENDING SECTION 25.500, PURPOSE; CREATING SECTION 25.530.15, PRS - PRESERVATION ZONING REGULATIONS; CREATING SECTION 25.530.16, P/QP PUBLIC/QUASI-PUBLIC ZONING REGULATIONS; AMENDING SECTION 25.710.2, SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS; AMENDING SECTION 25.710.3, BUILDING STANDARDS EXCLUSIVE TO ZONING DISTRICTS NOT INCLUDED ON THE “SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS”; AND AMENDING SECTION 27.765.6, PERMITTED SIGNS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING AUTHORITY TO CODIFY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.** Vote on the motion for adoption being: Council Members Fernandez, Govin, Halloway, and Neale voting “aye,” no “nay.” Council Member Knapp was **ABSENT** and did not vote.

**There was no Unfinished Business to come before the Council for consideration and action.**

**City Manager's Report:**

The City Manager asked Code Compliance Director Joe Gross to brief the Council on the status of the previously proposed Hillsborough County Fertilizer Ordinance.

Code Compliance Director Gross reviewed that since July 20 the new EPC (Environmental Protection Commission) regulations are in effect, addressing application of nitrogen-based fertilizers. While a lot of things were proposed, he reported the key provisions that were adopted include a one-year grace period for allowing public education; required best management practices for certified commercial operators who apply fertilizers, including decals on their vehicles so that homeowners will know they are certified; restrictions about applying fertilizers just prior to anticipated heavy rainfall, hurricane warnings or watches; and equipment and yard waste should not be deposited in storm sewer systems. He noted there are specific, but generous restrictions on how many pounds of nitrogen per thousand square feet can be applied; there are some "no mow" zones up against waterways, as well as fertilizer "free" zones, which are six and ten feet respectively. In addition, he said there is no fertilizing of new turf for the first 30 days, as well as some deflector shield requirements for certain apparatus that are used in applying fertilizer. He noted the retail and applicator bans during the rainy season that were discussed were not part of what the County adopted. He remarked that EPC is the primary regulatory body.

In response to a question from Council Member Holloway as to how they intend to enforce these provisions, Code Compliance Director Gross responded that the crux is education, adding that he anticipates a number of public service announcements to occur next year during the summer season or quarterly through newsletters.

Council Member Holloway questioned what evidence they will have to show the results are what they wanted. Code Compliance Director Gross responded that simultaneous with the public education, studies will be undertaken to see what contribution fertilizer makes to the contaminated water. The City Manager interjected his understanding that EPC will enforce the regulations. Code Compliance Director Gross added that EPC may follow up on reports of persons blowing all their grass clippings into storm sewers and may talk to them about that, but he doesn't believe they will be out to measure how many pounds of nitrogen are applied.

On an unrelated topic, Council Member Fernandez asked Code Compliance Director Gross about the maintenance of bank-owned properties or properties "in limbo" that do not really belong to anyone, which has been difficult for Code Enforcement to ensure continued compliance, and what, if anything, the City can do.

Code Compliance Director Gross commented that this issue was last discussed in depth in a workshop in 2008; the key thing is to identify those properties, adding that often residents let them know if people move out or foreclosure is suspected. He continued that they add the properties to their database as soon as they get them, and sometimes will contact former owners, some of whom will come back and mow a property even if they have lost it. As he described various situations, he said most success has come from working with the banks' property management companies. He briefly mentioned special assessments, which can increase their chances of recovering any money spent to maintain the property, because a special assessment sometimes "survives" the foreclosure process. Thankfully, he said the City is not looking at entire subdivisions being in foreclosure.

The City Manager briefly reported on deliberations regarding the proposed Arts Center in the downtown redevelopment area. He reviewed that a layout had been presented; however, Council Member Hallway had shared his vision of the facility being more of a performing arts center as opposed to arts education. He continued that Council's direction at that time was to look into it and come back with a budget as to how the proposed Arts Education Center could possibly be converted to more of simply an arts center. He said they are almost ready to make that presentation – John Toppe has been working with the Leisure Services Director, the Community Development Director, and him, and they expect to have some proposals, including a budget, in the next couple of weeks. He explained he would like to first introduce the concept to the developers, since it includes potential changes, and then bring it to Council in a workshop presentation soon thereafter.

**New Business:**

**1. Appointment – Hillsborough River Technical Advisory Council.**

Mayor Affronti reported that Robert Carnahan, Jr.'s term as the City's representative on the Hillsborough River Technical Advisory Council has expired. He continued that the opportunity was advertised in accordance with Council policy, and Dr. Carnahan expressed interest in reappointment; there were no other applicants.

Upon motion of Council Member Govin, seconded by Council Member Hallway, **RESOLUTION NO. 083-10(m)** was **ADOPTED**, reappointing Robert Carnahan, Jr., to continue to serve as the City's representative on the Hillsborough River Technical Advisory Council. Vote on the motion being: Council Members Fernandez, Govin, Hallway, and Neale voting "aye," no "nay." Council Member Knapp was ABSENT and did not vote.

Mayor Affronti thanked the Greater Temple Terrace Chamber of Commerce and its members for all they do for the City. He also commended the youth of our community, noting that he and Council Member Fernandez recently attended a dedication at Boy Scout Park where the Girl Scouts took on the project of renovating the sign for Boy Scout Park; after the dedication, they took a walk to an area where a Boy Scout has built a fire pit, which will be used as his Eagle Scout project. Mayor Affronti mentioned that he also attended an Eagle Scout ceremony on Sunday for Evan Waugh, the 20<sup>th</sup> Eagle Scout in Troop 120 in Temple Terrace. He noted that Evan's project was to re-landscape and renovate the area at a County center on Sligh Avenue, in addition to spending over 200 hours on the "Adopt-a-Highway" program along Temple Terrace Highway and Bullard Parkway. Mayor Affronti concluded that these are just some of the tremendous young people in our community, who are doing so much for the City; he wanted to let everyone know, and he expressed the City's appreciation for their efforts.

There being no further business to be considered, upon proper motion, the meeting was adjourned at 7:00 p.m.

Joseph A. Affronti, Sr.  
Mayor

Alison M. Fernandez, Council Member

Ron A. Govin, Council Member

Ken Hallway, Council Member

Attest:

Melissa E. Small, MMC  
City Clerk

Mark A. Knapp, Council Member

Mary Jane Neale, Council Member