



June 16, 2020

Mr. Cliff Manuel, President
Brooksville Vision Foundation

RE: Banners

Dear Mr. Manuel:

I am in receipt of your June 12, 2020 letter and the attached emails. Candidly, I am quite disappointed in its content. When you and I discussed this matter prior to the June 1, 2020 City Council meeting, I was confident that we were going to work together to resolve this issue. At that time, I indicated that I directed my Staff to stand down on any code enforcement action, (something I rarely do) in order to create a spirit of cooperation, harmony and to seek a solution to this situation. The attached emails only support our position, not diminish it. I thought in our previous conversations it was clear that I totally supported my staff regarding their interpretation of Section LDC 7-1.4 (e). That is the issue that needed resolution.

You stated that the campaign was done in conjunction with Governor DeSantis' Phase One reopening. I do not see how these banners exhibit any nexus between the Phase One reopening and achieving Main Street's goal of promoting shopping or any individual entity. The banners provide a slogan and promote Brooksville Main Street with no clarity if that is the organization or the geographical area.

Relative to Mr. Gouldman's root concern, the aforementioned provision above is very clear. It states" **Special event banners, when used by governmental, charitable or nonprofit organizations in conjunction with a specific special event of City Wide significance. Special event banners permitted under this section shall in no instance remain in place for more than 30 days.**" I believe that it is very clear when the banners are utilized, it must be in conjunction with a specific special event of City wide significance. Your banners do not meet either requirement. As we discussed at our meeting last Tuesday, this was provided to Brooksville Main Street/Brooksville Vision Foundation three times.

It is your prerogative to have any interpretation that you desire. However, it is the Staff's interpretation that is controlling and is the interpretation that matters when related to enforcement, permitting, etc. In other words, it is not a battle of interpretations and our interpretation governs until overturned by appeal or text change within the LDC. Mr Gouldman was not concerned that your interpretation is different from his, but rather that you understood the City's interpretation and it is the interpretation that governs from an enforcement standpoint as well as process moving forward. Relative to your concern regarding other Banners around the City, it will in incumbent upon Staff to address these as well. I informed City Council

last evening that it is not Staff intention to practice selective enforcement. As indicated above, it is also your prerogative to seek Council review of the LDC and consider changes. This will not stay any intended enforcement on the City's part. Alternatively, you may also file an appeal of Staff's interpretation to the Planning & Zoning Commission.

Regarding your request for a 30 day extension, technically, I do not have the authority per LDC to grant you any extension. The 30 day extension provision relates to street pole banners in Section 7.1-7 (f). The City is starting code enforcement action today. I asked you last Tuesday to take the banners down. My understanding is your scavenger hunt event ended on June 13, 2020 so there is no reason to keep these banners up and the City is going to stand down no longer. The unfortunate part of this entire episode is that code enforcement action will be on a property by property basis and will have no impact on Brooksville Main Street. Also once again, for reasons stated earlier in this letter, I see that the banners have no connection with Christmas in July (no event or dates identified on the banners).

Finally, I would like to say that in your dealing with me, I thought that I exhibited a "can do attitude" and one that has the City's best interests at heart. I am disappointed that you view the Staff and I as not wanting to make things happen. That is why Mr. Gouldman went to great pains in his emails of indicating how we could work together. The Staff and I do not look to focus on obstacles.

In the future, I would hope that we can continue to move Brooksville forward in a positive and successful manner.

Sincerely,



Mark A. Kutney, AICP, ICMA-CM
City Manager