

**CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
201 HOWELL AVENUE**

**AGENDA**

August 25, 2008

7:00 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis present. Also present were Thomas S. Hogan, Jr., George G. Angeliadis and Jennifer Rey, City Attorneys; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director and Steve Gouldman, Planner; George Turner, Police Chief and Tim Mossgrove, Fire Chief. A representative of Hernando Today was also present.

The meeting, rescheduled from August 18, 2008, due to Tropical Storm Fay, was called to order by Mayor Pugh, followed by an invocation and Pledge of Allegiance.

**CONSENT AGENDA**

Minutes

July 7, 2008 Regular Meeting

Department of Corrections - Work Crew Contract #WS407 Amendment

Consideration of Inmate Work Squad Contract #WS407 for the not-to-exceed amount of \$56,467.

FY2007/08 Budget Amendments

Consideration of amendments to FY2007/08 Budget.

Fire Department Surplus

Consideration of surplus to be disposed of at the next public auction held in conjunction with the Hernando County Board of County Commissioners/Hernando County School Board.

2008 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds

Consideration of allocation of local Federal Edward Byrne Memorial JAG funding as approved by the Hernando County Substance Abuse Policy Advisory Board and authorize the Mayor to sign the attached letters for submittal to the Florida Department of Law Enforcement.

Concerning Item C-5, Vice Mayor Burnett asked if that is an additional dog being supplied by the grant. Chief Turner indicated it is.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the consent agenda. Motion carried 5-0.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

Hernando Youth League (HYL) Proclamation

Proclamation congratulating the HYL Debs softball team on their State Championship.

APPROVED BY BROOKSVILLE

CITY COUNCIL

ON 10/6/08 INITIALS RP

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Mayor Pugh read the proclamation in its entirety and presented it to the team.

### Great Brooksvillian Selection

Review of nominations for the 2008 award nominees.

John Tucker and Ron Daniel of the Screening Committee reviewed the nominees, Dr. Farmer and Dr. Raju. Betty DeBusk, who was also on the committee, could not attend.

Mr. Tucker indicated that after reviewing the applications, both Dr. Farmer and Dr. Raju met the criteria to be the Great Brooksvillian, however, Dr. Farmer's submission contained all support documentation needed to make nomination for the award. He indicated Dr. Raju's credentials were not complete but encouraged the person nominating him to do so again next year as he is also very deserving of the award. The committee unanimously selected Dr. Paul Farmer for the award, pending Council approval.

### Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Bradburn for approval of the committee's recommendation of Dr. Paul Farmer as the 2008 Great Brooksvillian.

After a brief discussion, motion carried 5-0.

Julia Jenkins, who nominated Dr. Farmer, thanked Council and the committee, pointing out that both were excellent candidates.

### The Enrichment Center of Hernando County

Consideration of partnership with The Enrichment Center of Hernando County, thereby allowing them to relocate to the Jerome Brown Community Center.

Nick Morana, Chairman and Deborah Walker-Druzbeck, Director of the Enrichment Center, reviewed the request to move the Enrichment Center from its current location at Brook Plaza to the Jerome Brown Community Center (JBCC).

Deborah Walker-Druzbeck elaborated on the organization and the community services they provide. She indicated the Enrichment Center currently pays \$62-\$65,000 per year for rental space. The Enrichment Center has 1 full-time employee, 2 part-time employees and over 150 volunteers as well as numerous partnerships.

Discussion followed of the retrofitting of the JBCC for the shelter aspect of the request, which must be able to sustain 150 mph winds. Mrs. Walker-Druzbeck indicated the Enrichment Center has secured funding in the amount of \$600,000 for the possible use of retrofitting or construction of a new building, to include a full kitchen and generator.

Council Member Bernardini indicated the Parks & Recreation Board supported the partnership as long as there are no negative effects on the current children's programs.

Council consensus was to move forward with the specifics of the partnership and for staff to provide the cost associated with the partnership.

Julia Jenkins thought it would be a great partnership as well.

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## Leukemia, Lymphoma & Myeloma Awareness Month

Proclamation for blood cancer and treatment option awareness.

Mayor Pugh read the proclamation in its entirety, which will be delivered to the organization.

## PUBLIC HEARINGS

### Ordinance No. 761 - Municipal Elections Code

Consideration of ordinance containing revisions to the City's election code. [First reading 08/04/08]

City Attorney Jennifer Rey reviewed the ordinance updating the current elections code, which does not make any changes to the current process.

#### Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of Ordinance 761.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 761 by title, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 30, "ELECTIONS;" AMENDING VARIOUS PROVISIONS BY SUBSTITUTING THE TERM "DESIGNATED ELECTION OFFICIAL" IN PLACE OF THE TERM "CITY CLERK;" PROVIDING FOR CODIFICATION, CONFLICTS AND REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

Motion carried 5-0 upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

### Ordinance No. 762 - Adult Entertainment Ordinance

Consideration of revisions to the ordinance regulating adult entertainment businesses.  
[First reading 08/04/08]

City Attorney Rey reviewed the changes, which pertain to geographical relevance to schools, and other public educational facilities to 2500 feet and requiring a professional rendering. She asked for Council direction concerning whether Council wants to do a benchmark study concerning licensing fees and hours of business. The extension of the 2500 feet does not affect any current businesses.

Vice Mayor Burnett was in favor of the benchmarking study.

#### Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval of Ordinance 762 and direction to staff to proceed with the benchmarking study.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 762 by title, as follows:

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AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 10, "AMUSEMENTS AND ENTERTAINMENTS," ARTICLE II, "ADULT AND SEXUALLY ORIENTED BUSINESSES;" AMENDING LICENSE APPLICATION REQUIREMENTS; AMENDING LOCATION RESTRICTIONS; PROVIDING FOR CODIFICATION, CONFLICTS AND REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

Motion carried 5-0 upon roll call vote, as follows:

Council Member Bradburn	AYE
Council Member Lewis	AYE
Council Member Bernardini	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Alcoholic Beverage Location Permit Application - Brooksville Wings d/b/a Beef O'Bradys, 7601 Horse Lake Road.

Consideration of approval of Alcoholic Beverage Location Permit.

Director Geiger, Director of Community Development, reviewed the request.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of the permit upon submittal of their state license.

Mayor Pugh asked for public input; there was none.

Motion carried 4-1, with Mayor Pugh voting in opposition.

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Ordinance No. 763 - Quasi-Judicial Ex-parte Communication

Consideration of ordinance establishing rules and regulations for quasi-judicial proceedings.

City Attorney Rey reviewed the ordinance.

City Clerk Phillips read Ordinance No. 763 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, RESCINDING PRIOR POLICIES; ESTABLISHING PROCEDURES FOR REMOVING ANY PRESUMPTION OF PREJUDICE RELATING TO EX PARTE COMMUNICATIONS WITH LOCAL PUBLIC OFFICIALS IN REGARD TO QUASI-JUDICIAL MATTERS; ESTABLISHING PROCEDURES FOR INTERVENING AS A PARTY IN QUASI-JUDICIAL MATTERS INVOLVING LAND USE; ESTABLISHING PROCEDURES FOR TAKING TESTIMONY AS TO QUASI-JUDICIAL MATTERS INVOLVING LAND USE; PROVIDING DEFINITIONS; PROVIDING FOR CODIFICATION, CONFLICTS AND REPEALER, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pugh asked for public input; there was none.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of Ordinance 763.

Motion carried 5-0 upon roll call vote, as follows:

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Council Member Lewis	AYE
Council Member Bernardini	AYE
Council Member Bradburn	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

**Ordinance No. 764 - Parks & Recreation Regulations Revision**

Consideration of ordinance repealing Ordinance #500, confirming Parks & Recreation Advisory Board, providing for adoption of Rules & Regulations by resolution and authorize penalties for violations.

City Manager Norman-Vacha advised an updated memo was received from City Attorney Rey concerning firearms use and reviewed the ordinance. In article 16B a typo at the end should be corrected to remove the words "however/or" so that it reads "Furthermore, no person shall utilize any restroom, single occupancy restroom with locks or individual stalls with doors as a bathing facility, except in such structures as may be provided and maintained by the department for shower and bath purposes".

Discussion followed of the new laws concerning firearm possession and liability should the City enter into an agreement with the Enrichment Center or special events.

**Motion:**

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Ordinance 764.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 764 by title, as follows:

AN ORDINANCE REPEALING PRIOR ORDINANCE; PROVIDING FOR PARKS AND RECREATION ADVISORY BOARD; PROVIDING FOR THE ESTABLISHMENT OF RULES AND REGULATIONS FOR PARKS OR RECREATIONAL AREAS; PROVIDING FOR RESOLUTIONS TO ESTABLISH AUTHORITY OF CITY COUNCIL, LAW IN THE SUNSHINE, PENALTIES, AND REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Motion carried 5-0 upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

**Landscaping Design and Contract Services Request for Proposals**

Council review of the proposals received and submittal of rankings.

- a. Bellamo Herbert & Co., Inc.
- b. Cornerstone Tree Farm
- c. Daly & Zilch, Inc.

Bill Geiger, Director of Community Development, reviewed the proposal, advising that each firm is experienced and accomplished. He indicated staff recommendation is for Council to review the proposals and upon choosing a firm by ranking authorize the City Manager to negotiate a contract with the most qualified firm for professional service at a rate determined to be fair, competitive, reasonable and within budget. Should the City Manager not be able to negotiate a satisfactory

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contract with the firm considered to be most qualified at a price the City Manager determines to be fair, competitive, reasonable and within budget, negotiations with that firm will terminate. The City Manager will then undertake negotiations with the second most qualified firm. In failing accord with the second most qualified firm the City Manager will then undertake negotiations with the third most qualified firm, all with the intent to proceed with the process.

In the event that a contract is successfully negotiated with any of the three firms, in the order that Council directs, staff requests that Council authorize the Mayor to sign the agreement, subject to review and approval by the City Attorney.

Mayor Pugh asked if he is compelled to vote even if he is against the project. City Attorney Hogan indicated yes but that he could vote against the contract when it comes forward.

Council ranked the firms and submitted them to City Clerk Phillips. Mayor Pugh indicated that following the individual Council rankings, the companies were ranked in the order listed on the agenda.

### Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for staff to move forward per staff recommendation. Motion carried 5-0.

### ITEMS BY COUNCIL

#### T. Jennene Norman-Vacha, City Manager

##### First Budget Hearing

City Manager Norman-Vacha reminded Council that the first budget hearing will be on September 3, 2008, at 7:00 p.m. The hearing will also include items as directed by Council.

#### Council Member Bernardini, Council Member

##### Tree Removal

Council Member Bernardini commended staff on tree removals and cleaning during the storm.

#### Frankie Burnett, Vice Mayor

##### Hogan Law Firm

Vice Mayor Burnett commended the law firm for addressing issues in a timely and professional manner.

##### Emergency Generator

He would like Council to reconsider the wall and put landscaping instead. He requested the item be on the next agenda. City Manager Norman-Vacha indicated Director Pierce has met with Mr. Jim Ressel to renegotiate the bid price and the item will be coming back to Council for their consideration along with other alternatives.

#### David Pugh, Mayor

He thanked all for their patience in rescheduling the meeting from the 18<sup>th</sup>.

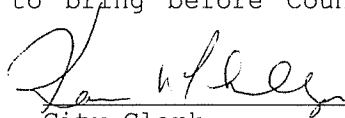
### CITIZENS INPUT


There was none.

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ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:15 p.m.

  
\_\_\_\_\_  
City Clerk

Attest:   
\_\_\_\_\_  
Mayor

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