

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

March 21, 2011

7:00 P.M.

Brooksville City Council met in regular session with Mayor Frankie Burnett, Council Members, Joe Bernardini, Lara Bradburn and Emory Pierce present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, Interim Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present.

The meeting was called to order by Mayor Burnett, followed by an invocation and Pledge of Allegiance.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Week of the Young Child - April 10-16, 2011

Proclamation supporting the Week of the Young Child event to be held on April 2nd at the Jerome Brown Community Center.

Mayor Burnett read the proclamation in its entirety and presented it to Penny Oliver, a representative of the Week of the Young Child event. Council Member Bernardini advised he will be out of town for the event and encouraged staff to attend.

Blueberry Festival

Consideration of financial support for the festival in the amount of \$7,500.

Florida Blueberry Festival Events Committee Chair Michael Heard reviewed the progress made thus far and the music to be used in promoting the animated film.

Council Member Bernardini asked who owns the film and logo. Mrs. Heard indicated the Florida Blueberry Committee and the City. She indicated the gala will be May 7th at 6:00 p.m. to introduce the Logo, Jingle, Animation Film and Mascot. The effectiveness of viral marketing was discussed and Mrs. Heard was commended for her hard work.

Mayor Burnett suggested setting a budget of \$25,000 for the committee to use. Council Member Bradburn agreed in concept but felt it should come back for approval of a budget for the Committee. She also recommended Council be put to work the night of the gala. Council Member Bernardini asked where the money would come from. City Manager Norman-Vacha indicated Reserves for Contingencies. The item was tabled until the City Manager could get the figures of available funds in Reserves for Contingencies.

Mrs. Heard further elaborated on the festival process. She will provide Council with conceptual plans and indicated the area of the festival will be Lemon to Bell, Ft. Dade to Liberty with all of downtown closed. Council Member Pierce advised he would like to have Russell Street Park included. Mrs. Heard indicated it is not currently part of the conceptual plans but there may be outcroppings of activities which could include it. She thanked Council for providing an office for the Blueberry Festival.

City Manager Norman-Vacha indicated the Reserves for Contingencies balance is 1,000,000.

APPROVED BY BROOKSVILLE

CITY COUNCIL

ON 3/19/12 INITIALS RP

REGULAR COUNCIL MEETING MINUTES – MARCH 21, 2011

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of donating \$7,500 from Reserves for Contingencies. Motion carried 4-0.

CITIZEN INPUT

Mayor Burnett asked for public input; there was none.

CONSENT AGENDA

Minutes

August 10, 2010 Budget Workshop
October 4, 2010 Regular Meeting

DPW Vehicle Purchases

Consideration to purchase two (2) pickup trucks and one (1) dump truck for the Water and Sewer Division of the Public Works Department.

Award of Bid – Tom Varn Park Volleyball - PR2011-01

Consideration of bid award to Ron Morse Tractor Service LLC for the not-to-exceed amount of \$13,166.08 for #57 Rock and to Ernest Dewitt Gay Inc., for the not-to-exceed amount of \$7,246.08 for Beach Sand and approval of the Mayor to sign the respective Agreements.

Council Member Bradburn, concerning Item 2, asked, of the three vehicles, if the 2nd F-250 is carrying heavy equipment, what the 1st F-250 will be carrying. Director of Public Works Richard Radacky indicated they do the same thing for different divisions and they are needed.

She then asked, concerning Item 3, if the bid is just for material. Director of Parks, Facilities & Recreation Mike Walker indicated staff will be doing the work.

Council Member Bernardini asked what will happen to the Dodge referenced in Item 2. Director of Public Works Richard Radacky indicated the Dodge will be surplus, which was discussed.

Council Member Pierce, asked if the Payment and Performance Bond and contract could be waived and just issue a purchase order instead of a contract since it is for materials only. City Attorney Rey indicated it is based upon what was specified in the bid document.

Motion:

Motion was made by Council Member Pierce and seconded by Council Member Bradburn for approval of Consent Agenda. Motion carried 4-0.

REGULAR AGENDA

Flagstone Pavers Tax Exempt Status Update

Update on employment status requirements of Flagstone Pavers' Tax Exempt Status.

Director of Community Development Bill Geiger reviewed the issue and Council's options. The parameters and statutes were discussed. Director Geiger indicated that during the boom Flagstone Pavers fully intended to meet the objectives set by Council

Council Member Pierce indicated he would like to see the business granted the intended exemptions regardless of the number of employees.

Council Member Bradburn reviewed the intent of the incentive. She indicated that because they provided some jobs they should be allowed some exemption but not the full percentage. Director Geiger reviewed the percentage.

REGULAR COUNCIL MEETING MINUTES – MARCH 21, 2011

Dennis Wilfong spoke on behalf of Flagstone Pavers, explaining the economic distribution of the different businesses. Mayor Burnett expounded on the economy and felt Flagstone Pavers would have exceeded the requirements had it not been for the economy. Council consensus was to reduce the exemption to fifty-percent (50%).

Mayor Burnett asked for public input.

Dennis Wilfong indicated Flagstone Pavers participates in many events sponsored by the City. He agreed with Council Member Pierce that Council should not be people police.

Council Member Bradburn recommended postponement until the next agenda. Council concurred.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Pierce for abeyance to the next agenda. Motion carried 4-0.

Energy Systems Group (ESG) - Investment Grade Audit

Presentation of Final Report of Investment Grade Audit and discussion for project next step.

Chris Summers of ESG reviewed the final Investment Grade Audit Report as provided in Council's packets. They recommended six projects as follows:

- City Hall A/C System Upgrade
- City Hall Roof Replacement
- Walking Trail Lighting Upgrade
- Water Meter Replacement
- Public Works HVAC Replacement
- Public Works Warehouse Lighting Replacement

He further reviewed project costs and stressed that no capital funds out of the City will be required.

The next step will be to move forward with an agreement.

Council Member Pierce asked for confirmation that the water meter project will fund the project for the most part. Mr. Summers confirmed and indicated there is a plan in place to track savings. Council Member Pierce would like to see the contract just for the City Hall roof, meters and City Hall A/C upgrade.

Council Member Bernardini indicated all these projects were known to save money upon replacement. He agreed with Council Member Pierce on the three projects.

Council Member Bradburn felt the Public Works HVAC replacement to be important as well as the walking trail lighting. She recommended a phase-in educational period for the water meter installation. She was in support of the entire project.

Mayor Burnett advised staff could have done this analysis but it would not have been time efficient. He felt this to be a great opportunity to take care of six projects that need to be done.

City Manager Norman-Vacha indicated \$187,897 would be the return to the City if the three projects alone were done. She reiterated that there is no capital coming from the City to pay for these projects.

Council Member Bradburn reiterated what Council Member Johnston had stated the last time this item went before Council regarding financing arrangements and a guarantee the company would make up the difference should the realized energy savings fall short.

REGULAR COUNCIL MEETING MINUTES – MARCH 21, 2011

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Pierce for approval of an agreement to proceed with all six projects. Motion carried 3-1 with Council Member Bernardini voting in opposition.

City Manager Norman-Vacha stated staff will return with financing, the audit report and the next step to move forward with these projects.

City Attorney Rey indicated the package will include the guaranteed savings contract, the actual financing statement, the State term piggyback contract mechanism and proposed language. Part of the exhibit documents is the Investment Grade Audit as approved this evening.

Ordinance No. 817 – Economic Development

Consideration of approval of an Ordinance setting forth guidelines and criteria to implement the tax exemption referendum included on the August 2010 Primary Election Ballot.

City Attorney Rey reviewed the ordinance to implement the Tax Abatement Program, stating the Enterprise Zone and target industry offered under separate economic development statutes, is compatible with the County's ordinance and provides for certain policy decisions to be set forth by resolution so that as the budget changes Council can reconsider a resolution that sets forth caps for incentives. The ordinance is designed to implement the ad valorem tax exemption and sets forth particular guidelines for impact and permitting fees, which would have to be funded through General Revenue dollars if granted as an incentive.

Director of Community Development Bill Geiger indicated it is another tool in place to offer incentives to multiple businesses interested in locating to the City of Brooksville. The level of incentive will be granted fairly to each business, allowing for flexibility. Incentives will have to be budgeted due to deferment on impact and permit fees. Dennis Wilfong stressed the importance to offer incentives to new businesses.

City Attorney Rey indicated the ad valorem tax exemption requires a minimum of ten (10) or more employees.

Council Member Bradburn advised it would be good to have examples of what other cities and counties offer new businesses. City Attorney Rey indicated much of it is statutorily driven with certain elements authorized specifically for counties only, but this ordinance reviews the different incentives and amounts are set and objectives are tied in by resolution, which will be forthcoming.

Council Member Bradburn stated the ordinance expands upon what makes a company eligible or requirements to become eligible. There are multiple statutes that guide this program and its competitive nature. Review of an applicant does not start at the maximum incentive being granted as there is negotiated play. She is concerned that there is an inference in the language that does not clearly state that. There could be misconceptions if not corrected. She is also concerned that there is some flexibility if the maximum incentive is not offered then they can appeal to a political council. She advised to clarify with stronger language in this and all related documents.

Council Member Bradburn referenced the business development area is not in any particular order, although it is not just the city limits but the service utility area, which does not coincide with BDA. She asked the number of hours for an equivalent full-time job. City Attorney Rey replied the full-time equivalence (FTE) has a statutory definition of forty (40) hours. Council Member Bradburn stated there is conflicting language, such as a section that states the wage will be equal or greater than the average but in another section it states a hundred and fifteen percent (115%). She stated this tool should be an enticement for higher wages but instead gives the impression of lower wages. Council Member Bradburn asked if aviation is allowed in the City. Director Geiger will verify the specifics on aviation mentioned in the Comprehensive Plan. She advised educational entities should also be included. She also referenced a paragraph at the bottom of page 5 that should be moved to Section

REGULAR COUNCIL MEETING MINUTES – MARCH 21, 2011

4; "...to identify and define specific or targeted areas within the City or city service areas where new industrial and business development should be promoted or where City based incentives are provided". She also advised encouraging a partnership with the "Visit Florida" Department of Agriculture.

Council Member Bradburn next addressed opening credit cards for promoters and advised language with limitations especially for entertainment. She surmised the ordinance has a good framework but needs refinement. She will pass her notes to staff.

City Attorney Rey stated some of the specific industries mentioned are listed as examples of target industries, but Council has a choice to specify types of industries, including education. She stated policy positions can be customized should City Council want to focus its economic development effort. However, Section 5, ad valorem tax abatement and exemption is the actual verbiage of the referendum question. Council Member Bradburn debated it was done in a condensed fashion for referendum purposes and does not restrict expanding this language in this document or other documents. She reminded Council Members when originally promoting this a decade ago she was cautious of the extent of generosity provided. City Attorney Rey offered that there is a provision that allows for adopting a resolution to implement parameters with which the City Council has to work. Council Member Bradburn advised she does not want a document that is too stringent and does not allow flexibility for potential problems or opportunities in the future. She indicated there will be more discussion regarding references to bonds.

Council Member Pierce asked if the referendum locks in creating ten (10) jobs. City Attorney Rey confirmed the ten (10) or more jobs up to a hundred percent (100%) for the ten (10) years are the parameters that were set in the referendum question approved by the voters. Council Member Bradburn clarified it is up to a hundred percent (100%) if someone had less jobs and then there is a separate section for the Enterprise Zone.

The first reading of the ordinance was postponed to the next Council Meeting.

CITIZEN INPUT

Mayor Burnett asked for public input.

Kojak Burnett

He commented on several Council actions taken tonight.

ITEMS BY COUNCIL

T. Jennene Norman-Vacha, City Manager

Council Meeting Reminders

City Manager Norman-Vacha reminded Council next Tuesday at 6:00 p.m. March 29th there will be a Fire Assessment Workshop and the next regular meeting is scheduled on April 4th.

Emory Pierce, Vice Mayor

Seminar for Newly Elected Officials

Council Member Pierce attended the seminar and got a lot of new information including advertisement of staff meetings as this falls under the Sunshine Law.

Joe Bernardini, Council Member

Requests for Financial Support

Council Member Bernardini requested it be included where the money is coming from on these types of agenda items such as the request for the Blueberry Festival.

REGULAR COUNCIL MEETING MINUTES – MARCH 21, 2011

City of Palm Bay

He recently saw on the news that Palm Bay is buying gas futures for a good rate at millions of dollars in savings.

City Manager Contract

He asked for clarification as to when the evaluation process should be taking place. City Attorney Rey stated the existing contract provides for an evaluation at the anniversary date of June 7th however after the last meeting the motion to propose an amended contract included a revision so that the evaluation would occur not less than ninety (90) days prior to contract renewal. The next cycle would be in January of 2012. City Manager Norman-Vacha stated the amended contract should be ready for the April 4th meeting.

Public Information Requests by Council Members

He referenced Council Member Pierce's memorandum stating the process of getting most information about city business is cumbersome and unacceptable as most employees are reluctant to give public records type of information without routing it through the City Manager. He stated he also has the same problem with requests for general public information. He explained it is a cumbersome and timely process for him since by the time the request gets to the employee providing the information it is not what he asked for.

Mayor Burnett, in lieu of a workshop, requested each Council Member set up an appointment to speak with the City Manager regarding concerns they have with her. Council Member Bernardini concurred.

Lara Bradburn, Council Member

Enrichment Center/Special Needs Shelter

Council Member Bradburn asked for an update on construction of the building after Council direction.

Parks Director Walker indicated there was another meeting today and a final drawing was provided. He indicated the two (2) windows that were discussed with Ms. Druzbeck and promised to be put back in on the north side were not included on the plan due to budget constraints, but they have added windows in the two (2) doors on the north side of the building.

Council Member Bradburn asked for delivery confirmation of the county's \$100,000 contribution for the special needs shelter; other contributions include \$600,000 each from federal and state funds and \$700,000 plus of city goods and services. She stated that there needs to be a stop work order on the project until the windows are delivered as Council approved.

Director Geiger stated there have been three (3) fundamental changes to the original plans; windows were taken out on northern exposure, larger windows planned for the east and west exposure has been broken down into individual windows on the top and bottom floors along with replacing flexible duct work with duct board. He indicated these are the only changes that have been made to the contract documents which does not affect the structural integrity of the building to meet the requirements for a special needs shelter, but it does affect the esthetic portion of the northern exposure visually. He stated during committee meetings the budget was reevaluated for windows and the final decision was that there are not enough funds. Parks Director Walker pointed out furniture is not coming out of grant funds but the construction project, which includes windows. He stated an ideal shelter would not have any windows. Council Member Bradburn disagreed.

Council Member Bernardini stated when Council gives direction and it is not followed then a request should come back stating they are not able to fulfill that direction and ask to proceed.

Mayor Burnett suggested directing the City Manager to stop the project and have Ms. Druzbeck come before City Council for an update.

REGULAR COUNCIL MEETING MINUTES – MARCH 21, 2011

City Attorney Rey referenced the contract and stated the approach has been a cooperative effort and the City has to accept the final completion of the project. She also stated the contract does provide that the Enrichment Center is to retrofit the structure to meet the purpose of a special needs shelter. She will re-review the contract terms to determine if Council is within its rights to issue a stop work order.

Council Member Bradburn stated she asked questions about this a month ago and there seems to be issues that come up on a daily basis and the City signs off on it. She is not certain whether Council changes could be done at this point.

Council Member Bernardini stated the window changes was not only for esthetic purposes but for safety purposes and “peep holes” on the north side is not what Council had in mind.

The City Manager and City Attorney will consult with ECI and if concerns cannot be addressed then an emergency meeting will be called. City Manager Norman-Vacha indicated there is a project deadline of April 30th for funding.

Council Member Bernardini advised project deadlines can be extended due to an issue during construction. City Manager Norman-Vacha advised windows can still be addressed but to stop the project until the next Council Meeting could cause hardship. She asked Council to concur that the only issue at this time is the windows. Council Member Bernardini stated there were other issues that were discussed. Council Member Bradburn confirmed with Parks Director Walker that the elevator is back in the plans but the Bard wall air conditioning units are not in the plan and have gone back to the original split system.

Council Member Bradburn asked if there was any further information from Chris Summers on energy cost savings. City Manager Norman-Vacha stated she will follow up with him tomorrow and stated the Bard system was more costly than the original split system.

Council Member Bradburn stated her stand on the issue; windows ease fear in a building during a storm and natural light enhances the occupants’ demeanor.

Frankie Burnett, Mayor

Florida League of Mayors

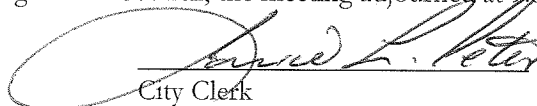
Mayor Burnett had the opportunity to go to Tallahassee during a legislative session and met with the State Senators and State Representatives. He will distribute a memorandum to each Council Member with recommendations from the Florida League of Mayors.

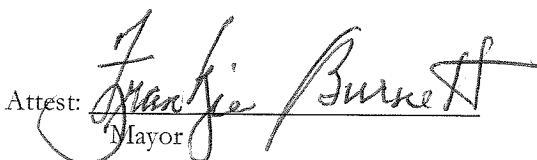
Bike to Work

He stated last Friday was Bike to Work with the Mayor event and commended City employees, citizens and his family members who participated. He stated it is a health benefit to exercise.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:55 p.m.


City Clerk

Attest: 
Mayor