

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
BROOKSVILLE, FL 34601**

MINUTES

November 5, 2012

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor Lara Bradburn, Council Members Joe Bernardini, Frankie Burnett and Kevin Hohn 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, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief.

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

American Indian Heritage Month

Proclamation in honor of American Indian Heritage Month to be presented to a representative of the Daughters of the American Revolution.

Mayor Johnston read the proclamation in its entirety and presented it to members of the DAR; Sharon Skrimshire, Vivian Henegar, Judy Lindsey, Suzy Machamer and Lisette Young.

Margaret R. Ghiotto Improvement Award – Residential Award

Recognition of improvements to the property of Lou and Lynn Varga, located at 1341 Candlelight Boulevard.

Scott Renz, Beautification Board Chair, reviewed the property and presented, along with Mayor Johnston, the award to Mr. and Mrs. Varga.

Margaret R. Ghiotto Improvement Award - Commercial Award

Recognition of improvements to the property owned by Cortez Investment Group, located at 10 W. Early Street.

Scott Renz, Beautification Board Chair, reviewed the property improvements. No one was present to receive the award. Chairman Renz will deliver.

Update on Chinsegut Hill Property

Jan Knowles spoke on behalf of Friends of Chinsegut Hill and gave an update on the status of the property which the Board of County Commissioners has plans to sub-lease the property for five (5) years. She also indicated the friends have received a grant in the amount of \$30,000 for a new roof. Council concurred to send a letter of support to the Board of County Commissioners. Council Member Bradburn requested a letter be sent to every member of the cabinet to make sure they are personally aware of the issue.

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Council Member Bernardini asked that Council consider taking up the issue should the Board of County Commissioners back out. Council consensus was to look at the proposition. City Manager Norman-Vacha advised a copy can be provided to Council but it looks like the Board of County Commissioners is ready to move forward.

CITIZEN INPUT

Mayor Johnston asked for public input.

George Foster advised, concerning Chinsegut Hill, he has been hired by the USDA to address environmental issues for fuel tanks on the property.

CONSENT AGENDA

Dredging Project For Horse Lake Creek Bid No. SD2012-06

Consideration of bid award to Lyric Services, Inc. in the not-to-exceed amount of \$113,000.

2012 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Florida JAG Direct

Consideration to accept JAG Grant funds in the amount of \$2,944 and authorize the Mayor to sign required documents.

Residential Garbage Truck Purchase

Consideration of purchase of a residential garbage truck via the Florida Sheriffs Association, Association of Counties and Fire Chief's Association bid list for the not-to-exceed amount of \$196,771.50.

Mayor Johnston asked about the quote attached to Item 3. Sanitation Supervisor Mike McQuown explained Tampa Crane and Body is the company for the body and Rush Truck Center is the company for the chassis.

Vice Mayor Bradburn referenced Item 1 and asked about additional work. City Manager Norman-Vacha advised the alternate bid is for concrete work. Council Member Hohn asked had anyone contacted the Florida Department of Transportation regarding work beyond the bridge. Bob Titterington is not aware, but if maintenance is needed on the bridge the State will be contacted. Vice Mayor Bradburn asked for direction to staff to start the dialogue with the State and County. City Manager Norman-Vacha advised numerous conversations have been had, but she will make sure there is continued communication.

Council Member Bernardini recommended a letter be sent to the County Commissioners advising the City's part of the project and a timeframe.

Motion:

Motion was made by Council Member Hohn and seconded by Vice Mayor Bradburn for approval of Consent Agenda with recommendations. Motion carried 5-0.

Council Member Burnett requested updating residents on the project.

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PUBLIC HEARINGS (*Board Sitting in its Quasi-Judicial Capacity*)

Ordinance No. 833 – Evans Financial Services, LTD*

Request for a zoning classification of Residential Planned Development Project (PDP) consisting of 427 single family units.

Mayor Johnston asked are there any parties wishing to intervene as a party to the application and noted that this is a public hearing and that anyone can speak on the rezoning application but if they want their testimony to be under oath they need to stand and be sworn.

City Clerk Peters Administered Oath to All Persons Intending to Speak.

Mayor Johnston stated that Mr. Geiger and Mr. Gouldman's credentials had been stated many times and that they could be recognized as experts in land use planning by Council consensus as well, which they were.

Mayor Johnston asked for statements of conflicts of interests. He indicated his brother's law firm had done work for the petitioner in the past but he is no longer associated with that law firm.

Mayor Johnston polled Council Members for Ex-Parte Communications. Vice Mayor Bradburn advised she received one citizen telephone call.

City Planner Steve Gouldman reviewed the petition as outlined in the staff memorandum.

Council Member Bernardini asked the purpose for a buffer as indicated by the Planning and Zoning Commission. Mr. Gouldman stated it is because of a discrepancy in rear yard setbacks.

Vice Mayor Bradburn suggested Council prohibit any building until the southern boundary dispute is resolved. City Planner Steve Gouldman agreed. Mayor Johnston advised a boundary agreement would resolve dispute.

Don Lacy, of Coastal Engineering, representing Evans Financial Services, stated this development is compatible with Majestic Oaks and utility hookups will be coordinated. Connection to the Good Neighbor Trail will provide a wide-walk by a setback off Mondon Hill Road. There will be no development along most of Jasmine Drive because of wetlands and they are working with Wesleyan Village in determining lot lines.

Council Member Bernardini asked where the fence will be going. Mr. Lacy explained it will be along Mondon Hill Road with a twenty (20) foot setback providing for an eight (8) foot wide walkway.

Vice Mayor Bradburn asked how large the homes will be. Her concern is that the small lot size encumbers plantings and problems with noise by homes being so close together. Mr. Lacy stated homes will be between 2,000 and 3,000 square feet or smaller depending on the lot size.

Vice Mayor Bradburn referenced the buffer area along Mondon Hill Road and raised traffic flow concerns initially raised during discussions of the Comprehensive Plan amendment. She felt the road is very narrow and unsafe. She was pleased that neighboring property owners are having discussions to work together on intersection changes. She would like to see a traffic light and turn lanes installed at their mutual entrance.

Mr. Lacy indicated a traffic study will be done during conditional plats and that would determine a signal and turn lanes warranted at the developer's cost. Vice Mayor Bradburn will not support

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increasing traffic on Mondon Hill Road. She wants guarantees upfront that there will be significant improvements in traffic flow due to the proposed density. Mr. Lacy stated the access roads will be designed in a safe manner.

Vice Mayor Bradburn asked if there is standing water on the property. Mr. Lacy pointed out there could be standing water in areas of wetlands that will naturally end up in eastern, western and southern boundaries of the property. He indicated conceptual permitting with Southwest Florida Water Management District has been done.

Vice Mayor Bradburn is pleased the developer recognizes the economic value of planning around the Good Neighbor Trail enhancing property value. She confirmed with Mr. Lacy that there will be significant vegetation left between the fence and the trail. She would like a tree survey to be done in the near future to assess the value of large trees on the property. Mr. Lacy confirmed there will be a lot of trees saved because of the wetlands.

Vice Mayor Bradburn advised she would like to see larger side setbacks from lot lines; traffic issues addressed; and a condition that no development occurs in pod three until the southern boundary dispute is rectified. Mr. Lacy pointed out increasing side setbacks could impact marketing because people do not use side yards and this would also increase cost. Vice Mayor Bradburn disagreed that this would raise cost of housing and noise factor is an issue of consideration which strains local law enforcement agencies.

Council Member Bernardini agreed it is a dangerous road. He referenced the discrepancy of 400 lots from the County's comprehensive plan designation to 427 lots. Mr. Lacy confirmed the designation allowed for more than 400 lots as determined by the Community Development Director. Director Geiger explained the developer may come back with less than 427 lots and that action tonight is only for a zoning classification.

Council Member Bernardini asked what the opacity of the buffer is. Mr. Lacy could not say offhand what it is but there will be trees in front of the fence. City Planner Steve Gouldman confirmed there are a number of trees greater than eight (8) inches that will be saved and the fence will be neutral in color to blend in naturally. He agreed with Vice Mayor Bradburn with having a tree survey done sooner than later. Mr. Lacy stated a tree survey will be done with a conditional plat and construction plans. Council Member Bernardini suggested putting in a condition to only take out trees necessary for utilities and roads only. Mr. Lacy pointed out trees will have to be taken out for construction and replanting will be done in places that will not adversely affect sidewalks, foundations and drainage. Vice Mayor Bradburn clarified she would like to keep majestic trees but non-native species and scrub trees are not needed. Mr. Lacy understands majestic trees will only be removed if diseased and an explanation will be brought back to Council explaining why it needs to be taken out.

Mayor Johnston asked for public input; there was none.

Vice Mayor Bradburn stated she has no doubt there will be a decent development plan but she will continue to be concerned with traffic issues and density without reassurance it can be adequately resolved and will not support this ordinance tonight. Mr. Lacy advised the analysis of the transportation will be done in the next step providing information of what is necessary to make sure it works.

Mayor Johnston is also concerned with traffic issues but it will be addressed at the time of the development order and Council can require further stringency at that time. He recalled during Majestic Oaks discussions it was stated the County provide impact fees to help improve the road. He agreed side setbacks are in accordance to what homeowners are looking for today. He could have

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further questions at a later stage in the proposal but tonight's request is well covered.

Mayor Johnston called for proof of publication. City Clerk Peters advised that the notice for Item F1 was published on Sunday, October 28, 2012, in the Hernando section of the Tampa Bay Times and there is a copy of the affidavit for the record.

City Clerk Peters read Ordinance No. 833 by title, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT), CONSISTING OF RESIDENTIAL USES FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Hohn for approval.

Motion carried 4-1 upon roll call vote, as follows:

Council Member Bernardini	Aye
Council Member Burnett	Aye
Council Member Hohn	Aye
Vice Mayor Bradburn	Nay
Mayor Johnston	Aye

REGULAR AGENDA

Community Thanksgiving Dinner Fee Waiver Request

Consideration of fee waivers in the amount of \$305 for use of the Jerome Brown Community Center for Thanksgiving Dinner being sponsored by the Christian Life Assembly of God.

Sarah Hall, a representative of the Christian Life Assembly of God reviewed the request.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval.

Vice Mayor Bradburn spoke in favor of the annual dinner but could not support the waiver because she felt it did not meet the criteria of the Fee Waiver Policy.

Council Member Hohn felt this is exactly the events fee waivers should be allowed for.

Council Member Burnett supports the fee waiver because this event benefits the entire community.

Vice Mayor Bradburn asked Ms. Hall had they looked into other facilities for this event. Ms. Hall said they had not looked elsewhere.

Motion carried 3-2 with Vice Mayor Bradburn and Mayor Johnston voting in opposition.

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Kiwanis Club's 38th Annual Brooksville Christmas Parade

Kiwanis Club of Brooksville – Annual Christmas Parade Fee Waiver

Consideration of request to partially waive fees in the amount of \$1,730.29 with a commitment from Kiwanis to pay \$1,000 to offset costs to hold the 38th Annual Christmas Parade on Saturday, December 8, 2012.

Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Bradburn for approval of waiver of fees in the amount of \$1,730.29.

Council Member Bernardini asked does Kiwanis make a profit on the event. Committee Chair Larry Fluty advised they do make some money which goes back into other events to support the community.

He then asked did the City Attorney look into the Police Department Fund 109 for funding fee waivers. City Attorney Battista advised there are two (2) funds; one in which forfeiture monies are deposited, Fund 116, is constrained by statute on how revenues are spent, the other is Fund 109. It receives funds other than forfeiture monies and is spent at the discretion of City Council. Mayor Johnston stated the money will come out of the fund designated in the budget for fee waivers but a budget amendment could be done to replenish costs. Council Member Hohn pointed out there are costs other than employees.

Motion carried 5-0.

Resolution No. 2012-13 to Florida Dept. of Transportation (FDOT) – Annual Christmas Parade Route

Consideration of approval of resolution supporting annual Kiwanis Christmas Parade route and closing of SR50/Jefferson St. & US41/Broad St., with authorization for Police Chief and Mayor to sign FDOT permit application.

City Clerk Peters read Resolution No. 2012-13 by title, as follows:

**RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA
SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND
BROAD STREET BETWEEN MAIN STREET AND BELL AVENUE
IN DOWNTOWN BROOKSVILLE ON DECEMBER 8, 2012;
PROVIDING FOR SEVERABILITY, CONFLICTS AND AN
EFFECTIVE DATE.**

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval of Resolution No. 2012-13.

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

Council Member Burnett	Aye
Council Member Hohn	Aye
Council Member Bernardini	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

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Resolution No. 2012-14 Impact of Breach of Surety Performance Bonds

Consideration of proposed resolution to address breach of Surety Performance Bonds.

City Attorney Hogan reviewed the resolution. He advised the United States Supreme Court did not approve the City's litigation for breach of Surety Company to honor its bond. This resolution would put future purchasers of platted lots on notice that the bonding company will not honor their bond and that the road, water and sewer work will not be funded as the developer filed bankruptcy. This will alert those that the City will not provide infrastructure in this case.

Vice Mayor Bradburn stated she was informed of the Supreme Court decision by a reporter, not legal or staff.

City Clerk Peters read Resolution No. 2012-14 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA RELATED TO THE IMPACT OF BREACH OF SURETY PERFORMANCE BONDS AND PUBLIC POLICY CONCERNS REGARDING CASCADES AT SOUTHERN HILLS PLANTATION PHASE TWO; PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval of Resolution No. 2012-14.

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

Council Member Hohn	Aye
Council Member Bernardini	Aye
Council Member Burnett	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

EPA Brownsfields Assessment Grant Program Consultant Selection

Consideration of selection of a consultant for the Brownsfield Grant Project.

Director of Community Development Bill Geiger reviewed the selection of Cardno TBE for the grant project.

Vice Mayor Bradburn indicated City Council is routinely given the opportunity to interview applicants for requests for qualifications. Council Member Hohn and Mayor Johnston agreed ranking sheets had several discrepancies but there is a clear distinction on the top three (3) selections.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Bernardini to interview the top three (3) selections at the December 3, 2012 meeting. Motion carried 5-0.

Resolution No. 2012-12 Comprehensive Emergency Management Plan (CEMP)

Consideration of Resolution to adopt the 2012 CEMP.

Fire Chief Tim Mossgrove reviewed. Cecelia Patella was in attendance as well.

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Vice Mayor Bradburn asked had FEMA been contacted regarding the Tropical Storm Debby damage to the City. City Manager Norman-Vacha and Chief Mossgrove advised this has been done and all paper work has been filed. Ms. Patella advised the recovery process started almost immediately and she does not anticipate any problems. FEMA will provide her with figures this week.

Vice Mayor Bradburn pointed out to FEMA that the City had to rescue several dozen people from their homes that were underwater

City Clerk Peters read Resolution No. 2012-12 by title, as follows:

A RESOLUTION BY THE CITY OF BROOKSVILLE, CITY COUNCIL LOCATED IN HERNANDO COUNTY, FLORIDA, ADOPTING THE HERNANDO COUNTY 2012 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN IN PARTNERSHIP WITH THE CITY OF BROOKSVILLE; AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION; AUTHORIZING STAFF TO TRANSMIT SAID PLAN TO THE APPROPRIATE GOVERNMENTAL AGENCIES; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Hohn for approval of Resolution No. 2012-12.

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

Council Member Bernardini	Aye
Council Member Burnett	Aye
Council Member Hohn	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

CITIZEN INPUT

Mayor Johnston asked for public input.

Kojack Burnett passed to Council an invitation to a grand opening from the South Brooksville Development Community.

ITEMS BY COUNCIL

Joe Bernardini, Council Member

November 19th City Council Meeting

Council Member Bernardini advised he may not be in attendance at the next meeting and wished all a Happy Thanksgiving.

Frankie Burnett, Council Member

Grand Opening

Council Member Burnett announced the invitation for an open house is November 13, 2012 at 5:30 p.m. at 835 School Street.

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Commendation to City Staff

Thanks to City Manager and City Staff.

Kevin Hohn, Council Member

Newspaper Article on Resolution No. 2012-14 Impact of Breach of Surety Performance Bonds

Council Member Hohn felt the article was written prematurely and poorly. He received several telephone calls from citizens regarding Phase III work was being stopped at Southern Hills Plantation. The sales office had three (3) realtors cancel visits this weekend due to the article. He asked that the newspaper write articles with fact-based materials as to not create chaos in the community.

Lara Bradburn, Vice Mayor

Senator Wilton Simpson

Vice Mayor Bradburn asked for confirmation from Mr. Battista that the paperwork regarding the Surety Bond Bill has been sent to Senator Wilton Simpson. Mr. Battista was not aware.

Robert “Butch” Battista, City Attorney

Holliday vs. City of Brooksville

He stated Real Tree Lane in Phase 3-A-1 is in front of the District Court of Appeals in Daytona for December 18, 2012 for oral arguments.

T. Jennene Norman-Vacha, City Manager

Veteran’s Appreciation Parade

City Manager Norman-Vacha announced the parade is on Saturday beginning at 10:00 a.m.

Election Day

She reminded all to vote tomorrow.

Joseph E. Johnston, III, Mayor

Election Day

Mayor Johnston reminded all that Precinct 5 no longer exists and the polling location is now at the Jerome Brown Community Center.

Traffic Lights

He stated the traffic light going east at SR50 and SR41 is cycling at four (4) to five (5) seconds in the left turn lane.

Hump Signs

He stated the signs are missing on Oak Street and in Candlelight.

November 19th City Council Meeting

He will not be in town at the next meeting.

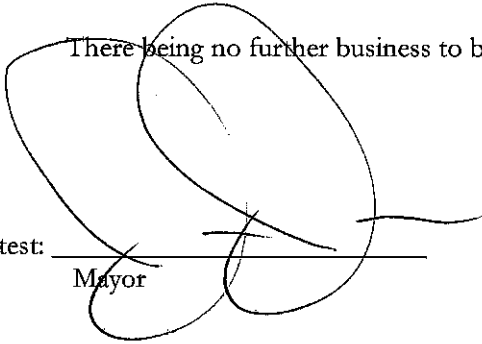
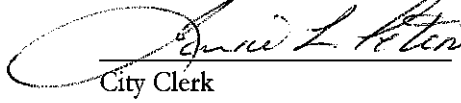
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ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:57 p.m.

Attest: _____

Mayor

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around itself.A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Janice L. [unclear]".

City Clerk