

05/04/09

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

**MINUTES**

**January 5, 2009**

**7:00 P.M.**

Brooksville City Council met in regular session with Mayor Joe Bernardini, Vice Mayor Lara Bradburn and Council Members Joseph E. Johnston, III, Richard E. Lewis, and David Pugh were present. Also present were Thomas S. Hogan, Jr. and Jennifer Rey, City Attorneys; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today, Hernando Times were also present.

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

**REQUESTS FOR WAIVERS**

**St. Anthony Knights of Columbus**

Consideration of request to waive fees in the amount of \$180 for the St. Anthony Knights of Columbus basketball Free Throw Competition. The event is free to the community and its participants, children ages 10-14. The event will be held at the Jerome Brown Community Center Saturday, February 21, 2009, from 9:00 a.m. until 1:00 p.m.

Ralph Cologne of the Knights of Columbus gave a brief review of the event.

**Motion:**

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of the request for fee waiver in the amount of \$180. Motion carried 5-0.

Mayor Bernardini recognized Mr. Douglas who was in the audience.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

**Neighborhood Stabilization Program Overview**

Information and discussion of Neighborhood Stabilization Program for Council and the public.

Bill Geiger, Director of Community Development, briefly reviewed the stipulations for expenditure of the funds available to Hernando County. He indicated the program is tied to the CDBG Program and there is a 10-month window of time for the funds, which can be spent anywhere in the County, to be used.

Director Geiger then introduced Jean Rags, Hernando County Director of Health & Human Services, who reviewed the program, and indicated it deals with areas of greatest need; i.e., those with the highest percentage of foreclosures, sub-prime mortgages, and those with the

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potential for future foreclosures. She advised a contract for the funds is scheduled to take place by the end of January between DCA & HUD. The funding is directly from HUD and properties must be already in foreclosure or abandoned. The money can also be used to demo properties in blighted areas to make way for low-income housing. The program, in relation to the current market, was discussed in detail.

Council Member Pugh inquired of guidelines. Jean Rags indicated a map to outline the areas of greatest need will be submitted based on criteria of foreclosure or abandonment, etc. There is no payback required by the homeowner.

Discussion continued of criteria for eligibility, which includes income. Director Geiger indicated he is working to identify eligible properties within the City. Vice Mayor Bradburn urged them to contact Palm Beach County who has a similar project in place and recommended a review of the County's Census Tracts. Other areas within the DCA plan is being reviewed as well, wherein down payment and rehab assistance is given. Discussion ensued regarding Hillside Estates' eligibility.

Mayor Bernardini asked, concerning usage of the funds, about the possibility of partnerships with other organizations. Jean Rags clarified that non-profit organizations, banks, realtors, etc., can be used.

Council Member Johnston felt it is still an effort to bailout the banks.

### CITIZEN INPUT

#### Wayne Vutech

He thanked Council for the use of the JBCC for the Tangerine Time event, which he reviewed. He indicated that more volunteers are needed and he is not sure if the event will go forward. Mayor Bernardini indicated Council will work on finding volunteers for the event.

#### Nick Morana

He indicated he was here to present Mayor Bernardini with a Kentucky Colonel by the Governor of Kentucky and reviewed other famous people who had received the award.

#### Paul Douglas

He congratulated Council on the new tenure and commented on the bailout and possible revitalization programs.

### CONSENT AGENDA

#### Minutes

October 20, 2008	Regular Meeting
November 3, 2008	Regular Meeting
November 17, 2008	Regular Meeting
December 1, 2008	Regular Meeting

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### **Public Nuisance Liens**

Consideration of recording liens for expenses incurred in the cleanup of properties in violation of the City's code.

- a. Omni National Bank, 473 Forest Avenue \$201.14
- b. Christie Schamberger, 409 Cook Avenue \$201.14

### **Bid Award - Misc. Valve & Fire Hydrant Replacement UD2008-08**

Consideration of bid award to Marcum Construction for the not-to-exceed amount of \$32,500 and authorization for the Mayor to sign an Agreement for Contractor Services. In addition we are requesting authorization for staff to negotiate a change order for additional work, at the current prices bid, for the not-to-exceed additional amount of \$26,500, and authorization for the Mayor to sign said change order.

Council Member Pugh, referencing the bid award, indicated he is not in favor of issuing change orders after the bidding process is complete and stated there should be more oversight in order to get a complete bid package out.

Mayor Bernardini questioned the change order of the bid as well. Emory Pierce, Director of Public Works indicated the bids came in lower than expected and there is extra money to allow for additional work to be done at the lowest price. He stated this is not a change order because something was left out and you cannot add additional scopes of work without rebidding.

### **Fire Hydrant Interlocal Agreement**

Consideration to approve the proposed hydrant Interlocal agreement.

### **United Way Community Investment Grant Loss**

Consideration of budget amendments to revise budget for the loss of grant funding in the amount of \$10,000.

Council Member Pugh indicated the statement that was removed is in conjunction with the City's Charter and reviewed the loss of grant. Director Walker indicated the committee will consider accepting the City's changing of the language for next year. Council Member Lewis commented on the grant agreement as well, stated he did not think they had time this year to make any changes. He urged the City to reapply next year and was glad to hear that the United Way is considering the change of language as well.

### **Surplus Equipment – Police Department**

Consideration of declaring surplus property and authorization to sell at auction. Due to type of property, monies received must be utilized for Police Department purchases.

### **2009 Police Car Replacement Request**

Consideration of approving the purchase of vehicles and emergency equipment and authorize staff to prepare and implement appropriate budget amendment to transfer funds within the Vehicle Replacement Fund.

Mayor Bernardini asked if the purchase of smaller cars had been looked at. Police Chief Turner indicated the Michigan State Police does a study on police cars for the entire nation and makes recommendations.

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### Addendum to Technology Service Agreement, Interlocal Agreement with Hernando County Board of County Commissioners – Phone System

Consideration of addendum to current Interlocal Agreement with Hernando County for the installation, maintenance and replacement services of a Citywide Cisco phone system.

#### Motion:

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

### PUBLIC HEARING

### Ordinance No. 760 - Evaluation and Appraisal Report Based-Comprehensive Plan Amendment (CPA), Including the Annual Update of the Capital Improvements Element (CIE)

Consideration for approval of the second and final reading of Ordinance No. 760 to approve the EAR-based CPA and annual CIE update, and authorization of its transmittal to the Department of Community Affairs (DCA) for compliance review.

**[This is the second of two required readings, with the first reading held on 07/21/08.]**

Director Geiger reviewed the ordinance, advising the first reading was held this past summer. The state reviewed and had objections which were addressed. Modified and additional data was supplied. He indicated the Capital Improvement Element was included in the report and a citizen sign-in sheet is in the back of the room.

Vice Mayor Bradburn advised she appreciates all the work being done on this in conjunction with school concurrency. She indicated she agreed with DCA's evaluation. Concerning Future Land Development, she is troubled by taking public facilities designated lands and changing to industrial use next to a school or a park, such as Tom Varn Park, etc. Director Geiger clarified that any change in use has to come before Council as a Public Hearing. Growth by annexation was discussed.

Steve Gouldman, City Planner, further elaborated on the changes and codes that currently exist. Comp Plan is a policy document, not development code and in his opinion the words "shall" and "permit" should be used carefully in a Comp Plan.

Mayor Bernardini asked for public input; there was none.

Mayor Bernardini read Ordinance No. 760 by title, as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING EVALUATION AND APPRAISAL REPORT BASED AMENDMENTS TO THE TEXT AND FUTURE LAND USE MAP OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO EVALUATION AND APPRAISAL REPORT BASED AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

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### Motion:

Motion was made by Council Member Johnston and seconded by Council Member Pugh for approval.

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

Council Member Johnston	Aye
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

## REGULAR AGENDA

### City of Brooksville Elections

Consideration of Ordinance, Resolution and Agreement for the City of Brooksville's Election process.

City Attorney Rey reviewed the three parts of the resolution, which will officially designate the Supervisor of Elections of Hernando County as the City's Election Official.

Council Member Pugh indicated he is not ready and would like to see it tabled, Council Member Johnston and Council Member Lewis concurred. Discussion ensued as to Poll Workers training and the need for the City to be proactive in the voting process.

- a) **Resolution No. 2009-01 – Designated Election Official**  
Consideration of resolution designating the Hernando County Supervisor of Elections as the Elections Official.
- b) **SOE Election Agreement**  
Consideration of amended agreement with the Hernando County Supervisor of Elections Office to serve as the Elections Official and conduct the municipal elections for the City of Brooksville.
- c) **Ordinance No. 772 - Amending Election Code and Qualifying Fees**  
Consideration of ordinance amending Section 30-6 of the City of Brooksville Code to provide for qualifying fees to be paid to the Hernando County Supervisor of Elections.

### Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis to table the issue. Motion carried 5-0.

### **Resolution No. 2009-02 – Support of Utility Surcharge**

Consideration of resolution urging the Florida Legislature not to eliminate municipalities' ability to charge a utility surcharge currently permitted for the provision of water and sewer services to customers outside municipal boundaries.

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City Attorney Rey reviewed the proposed legislation. Council Member Pugh asked if any monies go to the Utility Department from the current taxes. City Manager Norman-Vacha indicated that they do not.

Mayor Bernardini read Resolution No. 2009-02 by title, as follows:

**A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, OPPOSING AND PROTESTING THE EFFORTS OF MIAMI-DADE COUNTY TO DENY THE CITY’S WATER & SEWER UTILITY THE SAME RATE-SETTING AUTHORITY GRANTED TO ALL MUNICIPALITIES IN THE STATE OF FLORIDA THAT OPERATE WATER OR SEWER UTILITIES OUTSIDE THEIR MUNICIPAL BOUNDARIES.**

**Motion:**

Motion was made by Council Member Lewis and seconded by Council Member Johnston for approval of Resolution No. 2009-02.

Mayor Bernardini asked for public input.

**Kojack Burnett**

He stated some people do not have a choice and are paying more for the water use.

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

Council Member Pugh	Aye
Council Member Lewis	Aye
Council Member Johnston	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

**Personnel Policy Amendments**

Consideration of revisions to the City of Brooksville’s Personnel Policy.

City Attorney Rey reviewed the proposed amendments with adjustments provided before meeting relating to Paragraph III.D.3 and III.D.6.

**a) Harassment Policy**

Council Member Pugh asked for additional language to involve the city attorney in the investigation procedure. Attorney Hogan stated the city attorney’s role is to give legal advice and is not a proper role as an investigator in determining facts or to be a witness.

Discussion ensued regarding possible misconstrued verbiage in the policy. City Manager Norman-Vacha clarified the term “reasonable woman” under the law as on a regular overall basis that normal every day people would find offensive.

Mayor Bernardini asked for clarification under sections B.1 & 2. City Attorney Rey indicated it deals with two different standards or perspectives.

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### Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval of the Harassment Policy with the removal of the word “strongly” in paragraph B.1. Motion carried 5-0.

### **b) Drug-Free Workplace**

Mayor Bernardini requested this item be tabled.

### Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis to table the issue of Drug Free Workplace Policy. Motion carried 5-0.

### **c) Domestic Violence Leave**

City Attorney Rey reviewed the proposed policy, which can be used in conjunction with sick/vacation time or unpaid leave if no time is available to the employee. Discussion ensued regarding the language pertaining to the employee providing notice to the city.

### Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval of Domestic Violence Leave Policy amending paragraph C “must provide seven days” to be replaced with “reasonable written advanced notice”. Motion carried 5-0.

### **Brookstone Subdivision Plat – Moline St. Closure & Plat Review**

Consideration of acceptance of the construction and landscape plans as submitted for the installation of sidewalks on the south side of Highland Street and the closure of a portion of Moline Street to vehicular traffic as directed by Council at their January 7, 2008 meeting.

Director Geiger briefly reviewed the history of the property as well as the stipulations for the recording of the plat. Council Member Pugh recommended trees other than Live Oaks be planted in the landscaping. Vice Mayor Bradburn elaborated on the landscaping plan and recommended moving forward. Mayor Bernardini stated that there are several people on the board that do not have a problem with cutting down trees to open up the street.

### Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of the Brookstone Subdivision Plat. Motion carried 4-1 with Council Member Pugh opposed due to trees in right-of-ways.

## **ITEMS BY COUNCIL**

### **David Pugh, Council Member**

#### Basketball Courts at Tom Varn Park

He indicated the outside courts near Jefferson Street are in dire need of repair.

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**Richard E. Lewis, Council Member**

Progress Energy

He referenced a letter from The Hogan Law Firm to Gail Simpson of Progress Energy on CTN concerning monies owed and stated he would like to move forward on this.

Centenarian Celebration

Invited all to the Centenarian Celebration at SunTrust on Tuesday at 4:00 p.m.

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

Withlacoochee River Electric Co-op audit

Key areas of missed revenue will be reported back to Council.

Fit-N-Fun for Kids

Mike Walker invited Council to the grant funded Fit-N-Fun for Kids program kickoff around 4:30 p.m. on Monday.

**Lara Bradburn, Vice Mayor**

Goals for City of Brooksville

Vice Mayor Bradburn commended staff for their efforts on the goals.

Legislative Delegation Meeting

She attended the meeting with City Manager and Director Geiger. There may be indirect and significant impacts to the city with 2.3 billion cut from state budget. They were there with projects to let them know the city is ready if federal or state funds become available.

**Joe Bernardini, Mayor**

Goals for City of Brooksville

He commended staff for their efforts on the goals as well.

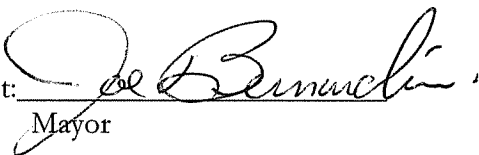
Christmas program at JBCC

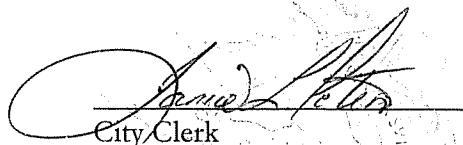
He attended the Christmas program at JBCC and hoped everyone had safe holidays and wished all a good new year.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting adjourned at 10:00 p.m.

Attest:

  
Mayor

  
City Clerk

