

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

May 16, 2011

7:00 P.M.

Brooksville City Council met in regular session with Mayor Frankie Burnett, Vice Mayor Joseph E. Johnston, III, 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.

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

Mayor Burnett asked that Items F-5 and F-4 be moved to the beginning of the regular agenda, to Items F-1 and F-2 respectively.

CITIZEN INPUT

Mayor Burnett asked for public input.

District Chief Robert Miller of the Hernando County Fire Department and Hillary Sanford of the Brooksville Fire Department announced an Open House event on Saturday, May 28th from 11:00 a.m. to 2:00 p.m. at the fire station.

Council Member Pierce arrived to the meeting at 7:07 p.m.

CONSENT AGENDA

Minutes

February 22, 2011 Financial Workshop
March 7, 2011 Fire District Meeting
March 7, 2011 Regular Meeting

Award of Bid for the Department of Public Works Fumigation Bid PR2011-05

Consideration of award of bid to Haskell Termite and Pest Control, Inc., for an amount not to exceed \$11,635 and authorize the Mayor to sign the contract.

Council Member Bradburn asked that the Minutes of March 7, 2011 Regular Meeting be removed for research.

Council Member Pierce asked how much the fumigation is costing for the old fire station building. Director of Public Works Radacky indicated the cost was not broken down per building. Council Member Pierce asked if the building roof is still leaking. Director Radacky indicated yes and advised there are two (2) parts to the building; the fire station bay and the other was the firefighters' living quarters which is not habitable and should be demolished. Council Member Pierce asked is it worth spending the money to fumigate. Director Radacky advised there are wood projects done in the bay

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area and the Christmas Float is stored there as well.

Council Member Bradburn pointed out there are wood rubbish piles from the yard cleanup and asked has those been inspected for fumigation as well. Public Works Director Radacky stated the entire site was inspected and he is not aware of any wood in that area. He indicated the cleanup waste has been disposed of.

Director Radacky advised the fumigation is scheduled for this coming weekend tentative upon Council approval.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval of Consent Agenda without the Minutes of the March 7th Regular Meeting. Motion carried 5-0.

PUBLIC HEARINGS

Entry of Proof of Publication into the Record

Mayor Burnett called for proof of publication. City Clerk Peters indicated Items E1 and E2 were published on Friday, May 6, 2011, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavits for the record.

Ordinance No. 777-A – Flagstone Pavers

Consideration of ordinance updating employment status requirements of Flagstone Pavers' Tax Exempt Status. **[First Reading 05/02/11]**

Director of Community Development Bill Geiger reviewed the item. Council Member Bradburn added the reason for support of this measure is because Flagstone Pavers fell one (1) or two (2) shy of their original goal at one point and they had expanded the plant while annexing into the City. She further clarified the tax exemption level was reduced proportionately to the amount that they fell short.

Mayor Burnett asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Pierce for approval.

City Clerk Peters read Ordinance No. 777-A by title, as follows:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE NO. 777 WHICH PROVIDED A TAX ABATEMENT FOR UP TO TEN YEARS FOR THE EXPANSION OF A QUALIFIED MANUFACTURING BUSINESS ON PROPERTY OWNED BY FLAGSTONE PAVERS, INC., LOCATED AT 9070 OLD COBB ROAD, BROOKSVILLE, FLORIDA 34601-9300; AMENDING SECTION 1 OF SAID ORDINANCE BY REDUCING THE LEVEL OF TAX EXEMPTION PROVIDED BY SAID ORDINANCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

Ordinance No. 818 – Cemetery Code Change – Green Burials

Consideration of Code change incorporating the Green Burial concept at the Brooksville Cemetery.
[First Reading 05/02/11]

Director of Parks, Facilities & Recreation Mike Walker briefly reviewed the item.

Mayor Burnett asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Pierce for approval.

City Clerk Peters read Ordinance No. 818 by title, as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA,
AMENDING CHAPTER 18, ARTICLE II BROOKSVILLE CITY CEMETERY
OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES, PROVIDING
FOR CONFLICT AND SEVERABILITY; PROVIDING FOR
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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

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

REGULAR AGENDA

Energy Systems Group Financing Agreement

Consideration of Guaranteed Energy Savings Performance Financing Agreement and Surety Bond.

City Attorney Hogan reviewed the various documents that will make up the loan agreement indicating the final loan documents have not yet been received. The bank wants to close the loan on Wednesday, May 18th with Council approval. He explained in order for SunTrust to get the benefit of the tax code and not lose their exemption the City has to be sure this program complies with Florida Statutes and funds are spent towards energy savings.

He stated there is a thirty (30) day/\$50,000 minimum prepayment clause and repayment of the note cannot be paid from ad valorem taxes but only from energy savings dollars achieved by the installation of devices, equipment and programs.

The monies would be held in escrow until paid out for the purchase of the equipment or installation of improvements to existing buildings. The escrow agent can invest the escrow balance and entitled

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to a reasonable fee of \$250 for those investments.

He stated the interest rate is 4.1360% per annum with a ten (10) day grace period and a 1% or 2% penalty for prepayment.

Vice Mayor Johnston pointed out a clerical error; “CFO” should be changed to “Finance Director”. Council Member Bradburn advised it should be changed to “Steve Baumgartner, Finance Director”. Attorney Hogan assured that the correct names will be on the signature lines for closing. Vice Mayor Johnston also noted several instances that read “3 million million” that needs correcting. Lastly, he pointed out a reference to “County” that should read “City”.

Vice Mayor Johnston asked if the City has to collect on the bond would SunTrust maintain their tax exempt status. Attorney Hogan confirmed if the energy savings equipment is installed and the City qualifies under Florida Statute then SunTrust qualifies for the tax-free income.

Council Member Bradburn pointed out the document was not delivered by SunTrust in a timely manner. She asked for clarification on the difference in references between \$1.22 million dollars and \$4.33 million dollars. Vice Mayor Johnston explained that is interest and total payout including principle.

Council Member Bradburn asked should the provision for Energy Systems Group assume the shortfall be included in the documents. Attorney Hogan stated not in this document since it is a contract between the City and SunTrust Bank. City Attorney Rey further noted that this agreement is an exhibit incorporated into the Energy Systems Group agreement.

Council Member Bradburn advised SunTrust offered a better interest rate but questioned if it is worth rushing to make the May 18th deadline. City Manager Norman-Vacha confirmed it is a much better offer and interest rates can change at any given time, but final documents will not be presented until closing.

City Attorney Rey requested a revised form of Opinion of Issuer’s Counsel be added to the record as supplement to the packet to note the recommended changes.

Council Member Bradburn questioned liability of the escrow agent since the lender is also SunTrust Bank. Attorney Hogan clarified SunTrust of Virginia and SunTrust of Georgia are two (2) separate corporate entities and should there be a dispute then the City is liable for legal fees as is typical in an escrow agreement.

Council Member Bernardini questioned who the bond counsel firm is on the Opinion of the Issuer’s Counsel. Attorney Hogan stated the issuer is the City and will be his opinion.

Council Member Bradburn asked about the tax savings for Energy Systems Group and would anything in the financing agreement influence that. City Attorney Rey explained the tax implications of the Energy Systems Group agreement relate to the tax credits for the savings improvements whereas this one is related to the actual lending of the financing.

City Attorney Rey clarified in the prior Council Meeting the SunTrust proposal was presented in basic terms with a 1% prepayment penalty.

Council Member Bernardini referenced the Purchaser Disclosure letter and questioned the City paying all other costs other than \$5,000 closing cost paid by SunTrust. Attorney Hogan stated SunTrust is expecting the City pay other expenses such as an Opinion of Tax Counsel and it could

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be paid from the loan proceeds without violating terms of the agreement.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bradburn for approval of the agreement with changes as noted and Council being notified of any significant changes. Motion carried 4-1 with Council Member Bernardini voting in opposition because of SunTrust's delay of the final draft.

Lowman Properties, LLC, Special Revocable License Agreement

Consideration of agreement for encroachment of a balcony into the right-of-way (sidewalk area) in front of their building located at 31 S. Main Street.

Director of Community Development Bill Geiger reviewed the agreement and the changes being requested.

City Attorney Rey referenced noted changes to the agreement as provided to Council and made a part of the item.

Vice Mayor Johnston referenced the last sentence in paragraph 3 and requested it be changed to read "This fee shall be due and payable each year not less than thirty (30) days prior to the anniversary date of approval of this agreement". Joe Lowman of Lowman Properties indicated he has no problem with the change.

Council Member Bradburn asked about provisions ensuring long term structural integrity and pointed out a previous issue with a dilapidated fire escape. Mr. Lowman confirmed the balcony will be made from a wrought-iron looking material and will be capable of holding people. Director Geiger stated there is a provision in the agreement that provides for maintenance of the improvement under paragraph 4. Vice Mayor Johnston pointed out the agreement can be terminated under item 8 in the event that is necessary to protect public health and safety.

Council Member Bradburn stated her concern for responsibility of liability issues. Director Geiger indicated the licensee is required to obtain and maintain liability insurance. He further elaborated the balcony is nine (9) feet high which is higher than the overhang on the old Covell building that was also approved for a column-supported balcony. He stated there is plenty of clearance to meet reasonable access through and around the property.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bradburn for approval with noted changes. Motion carried 5-0.

City Welcome Signage

Consideration of increased costs of project.

Director of Public Works Richard Radacky reviewed the award of bid in June 2010 to Wolf Contracting in the amount of \$7,829 to construct a Welcome sign. He stated Council chose to increase the height by one (1) foot and to increase the width by two (2) feet to accommodate the artwork. Council approved for staff to negotiate with Wolf Contracting provided a \$10,000 limit was not exceeded. Staff approved a change order to the contractor for a credit of \$1,075 to remove the artwork and also \$1,450 to increase the size as directed by Council with a total amended cost of \$8,204.

He stated the sign will be located on US Highway 41 approximately three hundred (300) yards south

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of Southern Hills Plantation on the east side of the road.

Director Radacky indicated the artist Faith Bradburn-Keller has spent many hours with City staff on the project artwork pro-bono and a rendering approved by City Council and the Beautification Board is attached to the agenda item. He explained the project provides painted artwork on sandblasted high density urethane foam with letters applied to the surface that reads “Welcome to Brooksville” giving a 3-D effect. The sign will be placed on a slight angle for more visibility and aesthetic purposes. This sign is a prototype for three (3) more signs Council may consider to construct.

Director Radacky stated Ms. Bradburn-Keller has worked with Artisan Signs of Sarasota in the construction of many detailed artwork signs. He indicated staff has on its own contacted Rogers Sign Corporation in Brooksville and Signs Now in Largo that use high density foam or PVC letters mounted on a flat aluminum surface. All companies provide five (5) to seven (7) year minimal maintenance with periodic maintenance during that time and pointed out harsh summer heat and sunlight will cause the need for in-house coating. The budget for the sign was \$7,880 and the artwork with Artisan would need a budget adjustment of \$7,969 as stated on page 3 of the agenda memorandum. He asked for Council direction on how to proceed; either authorize construction of the structure based on bid amount, re-bid the whole process or consider it as a sole source. He also asked for reaffirmation or modification of the height, width, angling and material of the sign. He then asked for Council direction on starting construction of the base to be ready for the artwork. Lastly, should Wolf Construction be approved for bid award and Artisan for the artwork, a budget amendment would be required.

Council Member Pierce favored the bigger/wider base and supports a notice to proceed by Wolf Construction and sole source for artwork. He requested metal signs that read “Brooksville Historic District” with an arrow and “one mile” directing towards downtown area. He suggested hanging a placard for special events from the signs.

Director Geiger stated the Community Redevelopment Agency is in the process of updating the plan with a Capital Improvement Program for the next five (5) years that includes signage for downtown to identify by brand or points of interest; public parking, the courthouse, historic district, performing arts, etc.

Council Member Bradburn stated Faith Bradburn-Keller was not able to make the meeting tonight and sends her apologies. She supported redoing the base and sign for one bid price awarded to Wolf Construction. Public Works Director Radacky assured the Notice to Proceed would document conditions for authorization to proceed.

City Manager Norman-Vacha clarified Wolf Construction could provide the sign at an adequate lesser material for Council consideration in providing the sign base. She indicated if Council chooses Artisan then it is a different process not in the bid document which involves sandblasting the artwork onto the material then coating the sign with a 3-dimensional original art appearance. This type of sign would have a ten (10) year life span and will be much more in depth and dimensional. She reiterated Rogers Sign can do a different type of sign for approximately \$1,000.

Council Member Bradburn stated Council agreed on the sandblasted method and Wolf Construction assured use of polyurethane sculpture for the bid price and staff reassured her and Beautification Board the bid price included both base and sign sandblasted. City Manager Norman-Vacha disagreed and stated this method was not envisioned or discussed by Council.

Director Radacky clarified that Mr. Wolf indicated that would be going to Rogers Sign who confirmed their method is different from Artisan. Rogers Sign puts artwork and high density

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polyethylene or PVC letters on an aluminum sign and Mr. Wolf did not indicate it would be a \$7,000 piece of artwork.

Council Member Bradburn strongly disagreed with staff's interpretation and preferred polyethylene over aluminum due to longevity and aesthetics. She felt Wolf Construction is responsible for the extra cost.

Vice Mayor Johnston asked for confirmation that the original bid was \$7,880 and then went up to \$8,204 and now adding \$7,645 for artwork. Council Member Bradburn clarified \$7,645 is for the construction of the sign. Director Radacky further clarified the sign materials would come from a sign company from Sarasota that has worked with Ms. Bradburn-Keller in the past. She would be doing the artwork for the City based on the materials that he provides to her. City Manager Norman-Vacha stated the sign company takes a digital artwork piece and sandblasts it on the back layer of the sign and then the artist touches the graphic with paint which she has agreed to do at no cost to the City.

Director Radacky pointed out installation and permitting is not included in the \$7,645 from Artisan.

Council Member Pierce pointed out the agreement with Wolf Construction has been executed and cannot be rebid at this point. Director Radacky believes \$7,880 is a fair price for the time and materials that will be involved; an additional \$1,400 was for the size increase.

Council Member Pierce stated he would like to see the quality of materials and cost for installation. Public Works Director Radacky indicated the material is light, installation is minimal and recommended \$1,000 be approved to cover the cost to mount the sign. He confirmed \$8,204 was for the base that has already been approved.

Mayor Burnett asked how the project could be rebid since the agreement has been partially executed. City Attorney Rey indicated there is a provision in the contract that contemplates reductions, additions or modifications to the scope of work where the contractor would have to be provided an opportunity to respond and submit to Council for approval or rejection based on changes in the cost or completion dates.

Council Member Pierce pointed out the City would have to pay Wolf Construction for the cost of insurance and bonds. He supports proceeding with the project since there would be additional costs to rebid the project.

Council Member Bernardini asked if the sign would cost \$30,000 if the artist were to charge for her work. City Manager Norman-Vacha confirmed that the artist has committed to an extensive amount of work and time.

Council Member Bernardini asked for clarity on density of letters. Director Radacky confirmed the thinner material provided to Council at the meeting was the letters put on top of the artwork. Council Member Bradburn pointed out staff changed the original concept to have the letters separately applied and Ms. Bradburn-Keller assured she could work with that. Public Works Director Radacky stated the sign would be in four (4) pieces based on its size.

Motion:

Motion was made by Council Member Pierce and seconded by Council Member Bernardini for approval of staff recommendation to include an additional \$8,969 in costs for a total cost of \$16,849, and asked for additional work on informational signs. Motion carried 3-2 with Vice Mayor Johnston and Council Member Bradburn voting in opposition.

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Council Member Bradburn stated she voted in opposition because throughout this process Wolf Construction and staff has maintained that Wolf's bid was all inclusive with polyurethane sandblasting and has confirmed this with review of past minutes and video.

Mayor Burnett directed the City Manager and designated staff to meet with City Council to clarify this disagreement.

Brooksville Housing Authority Advisory Board Appointments

Appointment of members to the Brooksville Housing Authority as a result of term expirations, as follows:

Three (3) expiring 4-year terms of office through May 31, 2015.

City Clerk Janice Peters stated three (3) applications have been received, from Brenda Colondres, a new applicant and Brooksville Housing Authority resident; Francine Ward, current board member reapplying; and Randy Woodruff, current board member reapplying.

Mayor Burnett recommended appointment of the three applicants.

Motion:

Concurrence of Mayoral Recommendation was made by Council Member Bradburn and seconded by Vice Mayor Johnston for appointment of the three (3) applicants. Motion carried 5-0.

Resolution No. 2011-01 – Cemetery Rule & Fee Changes

Consideration of Resolution setting Cemetery Rules and Fees incorporating Green Burials.

Director of Parks, Facilities & Recreation Mike Walker reviewed the resolution. He indicated the ordinance referenced in the memo should reflect 818. He advised the proposed rules and regulations define a green burial and include allowance for vegetation planted on graves and provides burial configuration for plot internment allowance. This includes the Olive Street Cemetery under the same rules and regulations that are being proposed and recommended all references to the Brooksville Cemetery in the resolution and throughout the rules and regulations be changed to "cemetaries". He next referenced Section 3 of the resolution on page 1 of 4 and recommended adding a comma at the end of the section; "Nothing here is intended to repeal Resolution No. 2010-21" which is the policy for no future burials in the Olive Street Cemetery.

Council Member Bradburn stated for the record the Olive Street Cemetery is restricted to descendants of the Mickler family.

City Attorney Rey restated the requested amendment to Section 3 is intended to preserve the existing resolution which is the policy that City Council set for no future burials.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Bradburn for approval of Resolution No. 2011-01.

City Clerk Peters read Resolution No. 2011-01 by title, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BROOKVILLE IDENTIFYING NEW CEMETERY RULES AND
REGULATIONS INCORPORATING GREEN BURIALS, REPEALING**

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AND RESTATING SCHEDULE A TO PREVIOUS RESOLUTION PROVIDING FOR REVISED PRICE LIST FOR CEMETERY LOTS AND OTHER COMMODITIES AND PROVIDING AN EFFECTIVE DATE.

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

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

Mayor Burnett encouraged all Council Members visit the Brooksville Cemetery to determine the exact location of the green burials. Council Member Bradburn confirmed that she visited today.

CITIZEN INPUT

Mayor Burnett asked for public input.

Pierre Desjardins reminded Council of the importance of signage to direct visitors to the historic district and businesses.

ITEMS BY COUNCIL

Emory Pierce, Vice Mayor

Personnel Policy

Council Member Pierce requested continuation of the Personnel Policy update be placed on Council agenda. City Manager Norman-Vacha indicated it is scheduled for the June meetings.

Lara Bradburn, Council Member

CDBG Consulting Grant Negotiations

Council Member Bradburn asked that the attorney review the negotiation for areas that could be done or have been completed in-house. City Attorney Rey spoke with Community Development Director Bill Geiger and consulted with the City Manager and she indicated, based on City Council approval of award of the contract to Andy Easton, the presented agreement remained unchanged with two (2) exceptions. One, an exhibit be added that delineated the specific details regarding scope of work as those items were contemplated in the federal grant agreement; 2) further elaboration as to what specific functions and tasks were to be performed by Mr. Easton. They proceeded with executing the agreement that City Council approved at its last meeting.

Council Member Bradburn stated for the record that the \$45,000 contract could have been negotiated and decreased by \$20,000 because many of the tasks listed in the bid were either already complete or could be easily done in-house. Secondly, there is a letter in regard to the CDBG Grant that DCA received the application and she pointed out a new condition that there will not be any extensions.

Joe Bernardini, Council Member

Beautification Award

Council Member Bernardini felt maybe the award should be an Improvement Award instead of a

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Beautification Award. He emphasized that in the past the building official notified the Beautification Board secretary when a building permit was issued so she could take a picture of the improvement to present to the board and he would like to reinstate that procedure with the Building Department.

Sunshine Law and Public Discussion

Council Member Bernardini indicated he has unpopular city business forthcoming that will be discussed publicly in accordance with the Sunshine Law. Mayor Burnett stated Council Member Bernardini is correct based on the definition of the Sunshine Law.

Joseph E. Johnston III, Vice Mayor

Red Light Runner

Vice Mayor Johnston stated today at the intersection of State Road 50 and Hardees a vehicle turned left on a red light. Council Member Bernardini is pleased with the countdown walk lights to help motorists stop on time and thanked Public Works staff.

Frankie Burnett, Mayor

Blueberry Festival Gala

Mayor Burnett commended Mrs. Michael Heard for her professionalism and expertise on organizing the event.

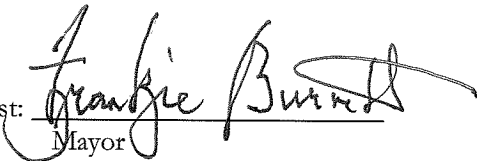
Staff Appreciation

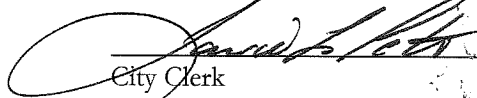
He commended City staff on a job well done and encouraged all to stay positive. He thanked the City Manager for her leadership and creativity.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:55 p.m.

Attest:


Mayor


City Clerk

