

CITY OF BROOKSVILLE
SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
MINUTES

August 22, 2011

7:00 P.M.

Brooksville City Council met in special session with Mayor Frankie Burnett, Vice Mayor Joseph E. Johnston, III, Council Members, Joe Bernardini and Lara Bradburn present. Also present were Thomas S. Hogan, Jr. and Jennifer C. Rey, City Attorneys; 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. 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.

City Attorney Rey began by reviewing the procedures for breaking tie-votes. She indicated that Section 2.12 of the Charter of the City of Brooksville provides that City Council shall determine its own rules and that the Mayor shall set the order of business for each meeting. She also cited Section 100.061 of the Florida Statutes, which provides that if two or more candidates for a seat receives equal highest number of votes for the same office, such candidates shall draw lots to determine which candidate is nominated. She further reviewed possible methods for drawing lots, which are included in the following Resolution for Council consideration. City Attorney Rey also indicated another entity could be appointed for tie-breakers such as the Planning & Zoning Commission.

She indicated Council should also decide if this Resolution will be for all tie-votes in the future or just for this vacancy. Council Member Bernardini indicated he would just want the tie-breaker for tonight's conflict. Vice Mayor Johnston agreed and Council concurred.

Mayor Burnett asked if it could be added to the resolution to go to the third highest vote getter to see if Council would agree for appointment. City Attorney Rey indicated that is not necessarily a tie-breaking procedure.

Vice Mayor Johnston and Council Member Bernardini recommended waiting on the Resolution until after the candidates are heard to see if it is still needed.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bernardini for approval to table Resolution No. 2011-04 until after the presentations. Motion carried 4-0.

Council Member Bernardini asked if the candidates should not be in the room when the other is being interviewed. It was clarified that it was set at the last meeting that the candidates would present to Council up to 10 minutes; it was not to be an interview process. Mayor Burnett stated one would be in Chambers at a time since Council wanted to be able to ask questions.

Council concurred to see each candidate alphabetically and Council will be able to ask questions.

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Presentations of Finalists Interested in Filling Council Seat #4

Robert B. Battista

Mr. Battista addressed Council, stating his background of being born in Gainesville and serving in the Air Force. He moved to Brooksville in 1989, just out of law school. He worked for Citrus County for nine (9) years and was also Attorney for the City of Brooksville and feels he will be a very quick study for sitting on the Council. He further reviewed his legal credentials and indicated he intended to pursue part-time work but would be readily available for meeting. He indicated he has a keen understanding of where the City needs to go in regards to revitalization and capital improvements.

Mayor Burnett advised Mr. Battista used sixteen (16) minutes so the next candidate would have the same amount of time.

Council Member Bradburn thanked Mr. Battista for applying for the seat. She asked again for a timeline of his work history. He advised Mr. Snow made the offer in the latter part of December 1988 and he arrived in Brooksville in early January 1989. He left the employment of Mr. Snow in 1995 to work for the City of Brooksville until March 2001, then Citrus County until June 30, 2010. He acknowledged he worked for both Johnston & Sasser Law Firm and the City simultaneously. She asked why he wanted to sit on Council. He advised he still has a lot to offer the community and has the right mindset. She asked his opinion of the role of Council. He answered they are the policy makers. She asked what the role of Council is not. He advised it is not to handle the day to day running of the City, which is the role of the City Manager or to handle the legal aspects of running the City, which is the role of the City Attorney.

Council Member Bradburn then asked what he thought of where the City is today. He answered favorably. She asked what he perceived to be the weakness and strength of the City right now. He felt the weakness to be lack of funds and strength to be the Council itself.

Regarding the Building Codes, which are currently being updated, Council Member Bradburn asked Mr. Battista did he not see a need to change them before? He advised he had not been directly involved in the previous code as far as implementing, it was handled by staff. Council Member Bradburn then asked about his involvement in the personnel policies. Mr. Battista advised Council establishes the personnel policies and would have directed staff regarding those. She then asked about his involvement working directly with staff during his previous tenure with the City. Mr. Battista advised that if it did happen it was at the acquiescence of the City Manager.

She asked what he thought of the job the City Manager and City Attorney were doing and if he aspired to be City Attorney again. From an outside perspective he sees no problems with their performance and reiterated that he does not aspire to be the City Attorney again.

Council Member Bernardini asked how he has been involved with the City as a resident. Mr. Battista indicated he is involved in a local church, a member of the Planning and Zoning Commission, the Air Force Association and the Rotary Club.

Vice Mayor Johnston thanked him for his interest in serving on Council.

Mayor Burnett thanked him as well.

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Kevin S. Hohn

Mr. Hohn addressed Council, stating his address in the Southern Hills subdivision. He confirmed that he is indeed a political newcomer but is not new to politics, having served with the Internal Revenue Service and impacting legislative processes overseas. He is committed to the community and even though he has only lived here four (4) years, he has been coming to Brooksville for the last thirty (30) years.

Council Member Bradburn thanked Mr. Hohn. She asked that he elaborate on some of the budget experience he has, which he indicated was mostly with the Internal Revenue Service. She asked his perceived role of Council. Mr. Hohn indicated it is a policy making board representing the citizens of the City of Brooksville. Council Member Bradburn asked his opinion of the City's budget. He stated the budget is being managed properly but questioned how it would be sustained and grown in the future. He felt the most positive aspect the City has done is to grow the business community and must continue for the future. He also felt a seat on City Council would bring better communication of City services provided to the residents of Southern Hills Plantation. Council Member Bradburn asked what he thought was the role of the City Manager. Mr. Hohn felt the primary purpose was to carry out budget procedures established by City Council and to execute all City policies. Council Member Bradburn asked is there anything he would like to see the City change or pursue for next year. Mr. Hohn felt there are a lot of opportunities for growth, internships and vehicle maintenance by looking at every departmental spending and how it can be more efficient or a better way to deliver services provided.

Council Member Bernardini asked how he has been involved in the community as a resident. He advised he spends a lot of money in the community but has not had the opportunity to get involved until now. Council Member Bernardini asked what strength he brings to the City. He advised he is a fact gatherer and a good decision maker. Council Member Bernardini asked his opinion on Red Light Cameras. He stated he has not yet made a decision on the matter until he knows all the facts.

Vice Mayor Johnston thanked Mr. Hohn for his interest. He asked about the fact that Mr. Hohn supervises field representatives in fifteen (15) Midwestern states. Mr. Hohn indicated he works from home for the most part.

Mayor Burnett thanked Mr. Hohn as well.

Council took a 5-minute break.

Temporary Appointment of Council Member to fill Seat #4

Selection and appointment of Council Member.

Council was given the voting ballot by City Clerk Peters, who then tallied the votes, stating a tie vote still exists.

Resolution No.: 2011-04 – Council Tie-Breaker Procedures

Consideration of resolution dictating procedures for breaking tie-votes of Council.

Council Member Bradburn indicated the Resolution lists four (4) options (Coin Toss, Drawing Names from a Container, Drawing Numbers from a Container, and Picking from a Deck of Cards), with but felt there are seven (7). The other three (3) options are negotiating a contract; re-solicit applications; a special election. She favored option number 3.

City Attorney Rey advised it is Council's decision on how to choose the appointment.

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Vice Mayor Johnston felt the drawing of lots and flipping the coin is his favored option. He does not support a special election due to budgetary constraints.

Council Member Bernardini felt there is a distinct difference between the two (2) candidates. He favored a special election but is open for further discussion. He did not favor option number 3 since they have already chosen the top two (2) candidates. He favored a candidate who has experience and knowledge of the City and City Council.

Council Member Bradburn stated she supports Mr. Hohn due to his wealth of professional experience. He has intellect and has articulate knowledge of policy making. He has the ability to be a fact finder and deliberate accordingly.

Mayor Burnett supports Mr. Hohn as a representative of Southern Hills Plantation. He felt both candidates are competent to serve on City Council. He supports choosing one of the tie-breaker procedures as listed on the resolution to appoint a candidate or going with the third candidate. He did not support a lotto or special election.

Council Member Bernardini favored having a special election.

Vice Mayor Johnston, due to budgetary restraints, did not support a special election. He favored the coin toss or drawing of the names.

Mayor Burnett asked if the candidates were ok with either of those options; they were. He advised he was in favor of Option No. 2. (Drawing Names from a Container).

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bernardini for approval of Resolution No. 2011-04 and Option No. 2. and applies only to tonight's tie-breaker.

Council Member Bernardini asked if Council Member Bradburn was in opposition of a special election. She indicated she did not support a special election due to insufficient time to educate the public on the candidates. She was in favor of going with candidate number three and letting the two who are tied run in the next election.

City Clerk Peters read Resolution No. 2011-04 by title, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BROOKSVILLE, FLORIDA, ESTABLISHING TIE-BREAKING
PROCEDURES FOR TIE VOTES OF THE CITY COUNCIL;
PROVIDING FOR CONFLICT, SEVERABILITY AND AN
EFFECTIVE DATE.**

Motion carried 3-1 upon roll call vote as follows:

Council Member Bradburn	Nay
Council Member Bernardini	Aye (for only tie-breaking the current issue)
Vice Mayor Johnston	Aye
Mayor Burnett	Aye

City Clerk Peters gave each candidate an identical piece of paper to write their names on that was drawn by a neutral party from the audience; Sam McCall of 3077 Dothan Avenue, Spring Hill, Florida.

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Mayor Burnett, after being viewed by all Council Members, announced the name drawn was Kevin Hohn.

Resolution No.: 2011-07 – Designation of Council Member to fill Seat #4

Consideration of resolution filling the vacant Seat #4 until the next regular or special election.

Mayor Burnett announced the next regular election will be in November 2012.

Vice Mayor Johnston pointed out change in the date on the resolution from August 15, 2011 to August 22, 2011 and insert the name of “Kevin Hohn”.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bernardini for approval of Resolution No. 2011-07.

City Clerk Peters read Resolution No. 2011-07 by title, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE,
FLORIDA DESIGNATING THE APPOINTMENT TO VACANT CITY
COUNCIL SEAT No.4, SPECIFYING THE TERM OF APPOINTMENT
AND PROVIDING AN EFFECTIVE DATE.**

Motion carried 4-0 upon roll call vote as follows:

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

Swearing in of New Council Member

New Council Member to be sworn in by The Honorable Kurt Hitzemann.

Judge Hitzemann proceeded with swearing in of new Council Member Kevin Hohn.

Vice Mayor Johnston

Vice Mayor Johnston stated the telephone list at City Hall needs to be updated. He also requested the flashing sign at the end of Fort Dade Avenue be removed since the work has been completed.

Council Member Bernardini

Council Member Bernardini asked that the grass be mowed on Oak Street. He welcomed Mr. Hohn and thanked all who applied.

Council Member Bradburn

Council Member Bradburn welcomed Council Member Hohn and thanked all who applied. She told Mr. Battista that she appreciated his forthright answers. She thanked Mr. McKethan for making himself available.

Council Member Hohn

Council Member Hohn thanked all.

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City Attorney Hogan

City Attorney Hogan filed with City Clerk Peters the other ballot name from the draw. He welcomed Council Member Hohn. He stated his appreciation to Mr. Battista for being willing to serve and being a good friend through their years of private practice.

City Manager Norman-Vacha

City Manager Norman-Vacha indicated there is a budget document available for Council Member Hohn for tomorrow night's meeting at 6:00 p.m.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:28 p.m.

Attest:

Mayor



City Clerk