

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

MINUTES

May 5, 2008 2008 Volunteer Appreciation Reception 6:30 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis present. Also present were Thomas S. Hogan, Jr., George G. Angeliadis and Debbie Hogan, City Attorneys; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; 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 and Brooksville Belle were also present.

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

Recognition and Appreciation of Volunteers

All the City's board members were recognized by Council and City Manager Norman-Vacha. Token gifts of appreciation and longevity certificates were distributed to the volunteers who were present.

CONSENT AGENDA

Police Department Position Replacement/Reclassification

Consideration of approval for position replacement and reclassifications within the Police Department.

GM's Bistro - Sidewalk Use Permit

Consideration of Special Revocable License Agreement with Udi Mekler, owner of GM's Bistro, for use of sidewalk in front of the business located at 4 North Broad Street and the adjacent business (Hernando County Housing Authority), for placement of tables and chairs (City to approve style, make and appearance) for a 10-year term, with automatic 5-year renewal terms.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of the consent agenda.

Vice Mayor Burnett asked if Item C-1 included the part-time officer for the red light review. City Manager Norman-Vacha indicated the reserve personnel will be utilized for that purpose.

Vice Mayor Burnett recommended the City Manager make the selection of the tables and chairs to be used for Item C-2. City Manager Norman-Vacha indicated the results will be in CTN.

Motion carried 5-0.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 6/2/08 INITIALS JL

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CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Audited Financial Statements

Review and acceptance of Annual Audit for Fiscal Year ended 09/30/06 prepared by Oliver & Joseph Auditors, P.A.

Finance Director Baumgartner indicated Mary Beth Gary, a partner with Oliver and Joseph, was in the audience if Council had any questions.

Council Member Bradburn indicated she had met with Oliver & Joseph and discussed the idea of having more updates during the year, recommending three, to be part of the new contract Council will be seeking. She expressed appreciation for all their hard work during the year.

Council thanked the Finance Department for their efforts as well as Oliver and Joseph and staff for a job well done.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett approval of the audited financial statements submitted by Oliver & Joseph Auditors. Motion carried 5-0.

Mary Beth Gary thanked Council for the opportunity to work for the City.

Resolution No. 2008-11 - Brenda H. Benford Retirement

Consideration of Resolution honoring Brenda Benford who will retire from the Police Department on May 2, 2008, after more than 25 years of service.

City Clerk Phillips read Resolution No. 2008-11 in its entirety.

Mayor Pugh presented the resolution to Mr. Benford on behalf of Brenda, who was unable to attend.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Resolution No. 2008-11.

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

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

American Legion Auxiliary Poppy Days

Proclamation designating May 11 - 17, 2008, as "Poppy Days".

Mayor Pugh read the proclamation in its entirety, which will be delivered to the American Legion Auxiliary.

Mother's Day Celebration Proclamation

Proclamation in honor of Mothers Day and the 2nd Annual Mothers' Day Celebration on Friday, May 9, 2008.

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Mayor Pugh read the proclamation in its entirety, which Director Walker accepted, to display at the celebration on May 9 (7 p.m.) at JBCC.

Grant Presentation by The Community Foundation of Hernando County

Presentation of grant funding in the amount of \$2,500 to Friends of the Children, Inc.

Bob Barnett, Chairman of the Community Foundation of Hernando County reviewed the organization's accomplishments and presented a check in the amount of \$2,500 to Mike Walker, Director of Parks & Recreation for Friends of the Children, Inc.

Mike Walker reviewed the "Fit and Fun for Kids" program the grant will fund.

PUBLIC HEARING

Third Amendment to the City of Brooksville, Florida Development Agreement for Hampton Ridge

Modifications are proposed within this Third Amendment to update the original Development Agreement (as amended) to provide consistency with changes being made in related agreements as well as to address time frames that are being affected by economic conditions.

Director Geiger reviewed the amendment, advising this to be the second of two required public hearings. In reviewing the developer's response to Council Member Lewis' previous inquiry about a bond to cover Governor Blvd., he indicated Donna Feldman, attorney for the developer, advised that the cost for Governor Blvd. would be very difficult to come up with at this time as they do not have the Water Management District Permit yet and there are a lot of variables that could play a factor that would drastically change the overall cost of the project. They suggested some language that could be considered at this hearing to be implemented into the agreement, which staff recommended. The language stated that the developer is willing to post a bond or deliver a Letter of Credit, the form of security to be at the developer's election, (Director Geiger recommended adding "also acceptable to the City of Brooksville"), prior to the 351st Certificate of Occupancy being issued within the project, or December 31, 2010, whichever occurs first, thereby providing the City with meaningful security in advance of the ultimate deadline for construction of the roadway, but not unnecessarily premature.

Director Geiger recommended Council approve the third amendment to the agreement with the aforementioned language as recommended by the developer to be incorporated into the agreement, subject to approval by the City Attorney and the Attorney representative for the developer.

Mayor Pugh asked for public input; there was none.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval of the amendment with the addition of the recommended bonding language per staff recommendation. Motion carried 5-0.

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Alcoholic Beverage Location Permit Application - James Tsacrios (DBA GM's Bistro) at 4 North Broad Street

Consideration of approval of Alcoholic Beverage Location Permit for GM's Bistro.

Director Geiger reviewed the permit request. Council Member Lewis asked Director Geiger to clarify the ordinance on serving alcoholic beverages outside the restaurant. Director Geiger indicated it is not permitted.

At the urging of Council Member Bradburn, Chef Udi Mekler reviewed the business plans and indicated they are opening an upscale restaurant and the menu will have fresh vegetables, soup, seafood and steak. He hopes to open in 1 to 2 weeks.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval of the permit.

Mayor Pugh asked for public input.

Pierre Desjardins asked if Council would consider changing the restriction on drinking outside the restaurant. Mayor Pugh advised that alcoholic beverages cannot be served in the right-of-way.

Motion carried 5-0.

Vice Mayor Burnett welcomed Chef Mekler to Brooksville.

REGULAR AGENDA

Water and Sewer Line Extension from SR50 to Wiscon Road (aka Hospital Crossing)

Consideration of reimbursement of water and sewer line extension costs to the Developer, Brooksville Regional Medical Plaza, LLC, in the amount of \$117,543 from account #401-000-196-19049. Previously approved for funding at the 6/04/07 Council meeting.

Director Pierce reviewed the request and indicated the first right to serve agreement would be upheld.

Motion:

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

Technical Services Cooperative Agreement with Hernando County

Consideration of Agreement with Hernando County for Technical Services.

City Manager Norman-Vacha reviewed the agreement which addresses areas of concern and problems. The agreement will allow the City to fix and improve the current system and take us to the next level of technology. The annual cost of the agreement is set at \$60,000 and includes the elimination of two staff positions for an overall savings to the City of \$32,000 per year. She requested Council authorize the reinvestment of that savings back into the City's obsolete technology.

Additionally, and separately from the agreement, City Manager Norman-Vacha requested Council authorize payment to the Board of County

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Commissioners Technology Department in the amount of \$15,000, which would cover their full-time help since February.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Bradburn for approval of the agreement.

Vice Mayor Burnett asked if severance pay is being offered for the position being eliminated. City Manager Norman-Vacha asked for Council direction and suggested severance pay through June 30, 2008, with the appropriate legal form that would relieve the City of any other outstanding liability and offer no unemployment benefits. Vice Mayor Burnett recommended Council approve the recommendation.

Mayor Pugh asked for public input.

Kelly Pupello read a statement on behalf of her husband Dennis Pupello, whose Technology Services position is being eliminated, and who was unable to attend.

Gary Allen, of Hernando County Technology Services, reiterated that they are facing constraints as well and felt the proposal to be mutually beneficial for both the City and County. He is looking forward to the challenge.

Council Member Bradburn thanked Mr. Allen for his staff's work.

Council Member Lewis asked for clarification that there will be no technical services person in the City staff. City Manager Norman-Vacha confirmed it to be so.

Council Member Bernardini stated he agreed with Dennis' analogy that the problems within that department came as a result of upper management, wherein issues were just overlooked or passed over, thereby putting the City in a very serious and dangerous position.

City Manager Norman-Vacha indicated she and Karen had talked with Dennis and he did provide additional information and indicated he would like to put in writing his knowledge of each finding, which she welcomed.

Motion carried 5-0.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval of a severance package for Dennis Pupello with the proper legal format. Motion carried 5-0.

ITEMS BY COUNCIL

Lara Bradburn, Council Member

Old Johnston Property Tree

Council Member Bradburn asked about the tree on the old Johnston property, which has now been totally removed. Director Geiger indicated the tree had been diseased and could not be saved and agreed to get the pictures to her.

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Howell/Olive/Bell Water Loop

She asked Director Pierce to give a status update on the Howell/Olive/Bell/ water loop. Director Pierce indicated he has not been able to do the surveying necessary to start on the plans, but with the preliminary budget process ending May 9 he will move to get it out to bid within 30 days.

Red Mule Pub

She wanted all to be aware that the Red Mule Pub is celebrating it's 30th Anniversary this week.

Richard E. Lewis, Council Member

25th Annual National Tourism Week

Council Member Lewis elaborated on the events planned by the Hernando County Office of Tourism during May.

Joe Bernardini, Council Member

Governor Blvd.

Council Member Bernardini asked when the construction would start for Governor Blvd. Director Geiger advised July 2014 is the time scheduled for completion and indicated some work will be needed at Hwy. 50, which is being reviewed.

Alcoholic Beverages on the Right of Way

He indicated Council, in the future, may want to re-examine its policy on a case-by-case basis, which was briefly discussed. Council Member Lewis indicated the City has to assume a higher liability.

Volunteers

He commended volunteers for their work and the money they save the City's taxpayers. He recommended coming up with something like nametags to identify them.

Frankie Burnett, Vice Mayor

CSX Railroad Crossings

Vice Mayor Burnett observed that since CSX has been repairing the Brooksville railroad crossings, he has had numerous complaints about Daniel Avenue, Main Street and Martin Luther King Blvd. (MLK). City Manager Norman-Vacha indicated they have talked with Hernando County Director of Public Works Charles Mixon and they will be correcting those locations.

Road Stripes

He also indicated that on the west side of MLK the stripes on the road are so poor they need to be replaced. Director Pierce indicated the latest update is that the repaving from Main Street to Broad Street is scheduled for the week of May 19th and they will also be doing Ft. Dade Avenue from Howell Avenue out to Hwy. 41. He believes that, in conjunction with the repaving of MLK, they will be re-striping the whole thing from one end to the other. He will check on it.

Union Street

Vice Mayor Burnett also indicated he still has concerns about continuing the closing and barricading of Union St. He asked the City Manager and Police Chief to revisit the issue.

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City Manager Norman-Vacha indicated preliminary discussions have taken place and they will prepare a staff report for Council.

David Pugh, Mayor

New Applebee's Fundraiser

Mayor Pugh thanked all staff that attended the fundraiser at the new Applebee's, which benefited the park for the physically challenged being proposed by the Spring Hill Rotary Club.

CITIZENS INPUT

There was none.

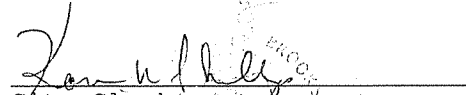
ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:00 p.m.

Attest:



Mayor



City Clerk