

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

**MINUTES**

**April 20, 2009**

**2009 Volunteer Appreciation Reception**

**6:30 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 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; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Member of the Hernando Times was also present.

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

The Mayor asked that the Request for Waivers be moved to after Certificates, Proclamations and Presentations. Council concurred.

**Motion:**

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

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

**National Volunteer Week April 19 – 25, 2009**

Presentation of proclamation declaring April 19-25 as National Volunteer Week and honoring our citizens that volunteer their valuable time and make a difference in the City of Brooksville.

Mayor Bernardini read the National Volunteer Week proclamation in its entirety.

**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.

A 10-minute break was taken.

**Arbor Day Proclamation**

Presentation of Proclamation supporting Arbor Day in our community, which will be recognized at a Beautification Board event to be held on Friday, April 24, 2009, 10:00 a.m., at City Hall.

APPROVED BY BROOKSVILLE  
CITY COUNCIL  
ON 6/15/09 INITIALS JL

## REGULAR COUNCIL MEETING AGENDA – APRIL 20, 2009

Mayor Bernardini read the proclamation in its entirety and presented it to Sally Sperling, Chairman of the Beautification Board.

### **Margaret R. Ghiotto Beautification Award – Residential Award**

Recognition of improvements to the property of Craig & Deevon Quirolo, located at 222 E. Liberty Street.

Chairman Sperling reviewed the residential award. She and Mayor Bernardini presented it to the Quirolos.

### **Margaret R. Ghiotto Beautification Award - Commercial Award**

Recognition of improvements to the property owned by Blair Hensley, located at 1112 E. Jefferson St., occupied by the business known as Coney Island Drive Inn.

Chairman Spelling reviewed the commercial award. She and Mayor Bernardini presented it to Blair Hensley.

## REQUEST FOR WAIVERS

### **1<sup>ST</sup> Annual Captain Scott M. Bierwiler Co-ed Softball Tournament**

Consideration of waiver in the amount of \$960 for tournament fees and the base rent for use of the JBCC hall and kitchen.

Captain Drinkard and Captain Jernigan, captains of the teams agreed upon that if the city employee could play on both teams and should they have to play each other the captains would flip a coin to see which team she would play for.

### **Motion:**

Motion was made by Council Member Lewis and seconded by Council Member Pugh for approval of waiver. Motion carried 5-0.

Attorney Hogan asked about the insurance coverage. Director Walker confirmed that it is in place.

Jason Jernigan indicated he is heading up the tournament and that all the money will go to the Bierwiler family. He invited all to attend as family events will be available as well.

## CITIZEN INPUT

Mayor Bernardini asked for public input.

### **Sally Petrie, Brooksville Business Alliance**

#### **Market on Main Street**

She reviewed all the activities sponsored by the Brooksville Business Alliance. She added that as a merchants group, they are upset about the closing of Main Street every Saturday since the businesses along Howell Avenue are suffering because of the closure for the Farmers Market, sponsored by another group. She urged Council to make a decision pertaining to the closing soon.

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City Manager Norman-Vacha reviewed the letter Ms. Petrie submitted the previous Friday. Since then the group that organizes the Farmers Market has taken the Market on Main Street's name off the petition in support of the closing of Main Street in front of the Court House. There are 357 signatures in favor of keeping the Farmers Market on Saturdays and 21 against the weekly street closure. She indicated she is working toward a resolution, which may include signage.

Council discussed the issue, which included asking SunTrust or the Methodist Church to use their parking lots. On the other hand it was noted that it does make the downtown area pedestrian friendly and brings customers to the businesses in the area. It was recommended that signage be considered and continue with the Saturday street closure. City Manager Norman-Vacha will spot check the signatures on the petitions for confirmation of their intentions.

Sally Petrie indicated Council's recommendation that businesses come downtown to sell during the markets as was initially intended.

### Margaret Legone

She asked Council to keep in mind that it is impacting the business down Howell Avenue. She indicated she doesn't want the Farmers Market to go away, just to move from the street having to be closed.

### Tony Legone

He recommended closing Fort Dade Avenue to have the market.

### Dan Patrick

He spoke in favor of keeping the Farmers Market open with the closing of the street.

### Shannon Pettry

She indicated other cities close Main Street for the same purpose and spoke in favor of the market continuing.

Council Member Lewis indicated St. Petersburg has a similar market.

## CONSENT AGENDA

### Award of Natelle/Mildred Avenue Water Line Extension Bid No. UD2009-05

Consideration of awarding bid for Natelle Avenue Waterline Improvement Project to BRW Contracting Inc. for the not-to-exceed amount of \$57,681.50 and the Mildred Avenue Waterline Improvement Project (Addendum #1) to Goodwin Bros. Construction Inc. for the not-to-exceed amount of \$73,091.

Vice Mayor Bradburn asked if these would be 8" waterlines. Director Pierce confirmed and stated it is because the pressure is much greater in lower elevations and doesn't need the 12".

### Motion:

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

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### PUBLIC HEARINGS

#### Alcoholic Beverage Location Permit

Consideration of Alcoholic Beverage Location Permit for property located at 811 S. Broad Street.

Director Geiger reviewed the request and indicated it is zoned C-2 and meets all the criteria to hold the permit. He indicated the property owner requested the beverages be limited to beer and wine only. He clarified the licensing as determined by State regulations. Attorney Rey indicated Council would have to amend the code to specify different alcohol regulations.

Council Member Johnston indicated there are a number of businesses at 811 South Broad Street and asked if this certificate would be specifically for Subs & More. Director Geiger indicated each business in the plaza has a different address and 811 is specific to Subs & More.

Mayor Bernardini asked for public input; there was none.

Dan Patrick, owner of the property, was present and had no objections to the licensure.

Council consensus was to review the code concerning the issue.

#### Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of the Alcoholic Beverage Location Permit request with the condition that beer and wine only be served. Motion carried 5-0.

### REGULAR AGENDA

#### Ordinance No. 768A – Small Scale Comprehensive Plan Amendments – Petitioner: Innovators Investment Group, LLC and Brooksville Hotel and Office Park, LLC

Consideration of a request for a change to the Future Land Use Map designation from Residential (County) to City Single-Family Residential for a 0.95 acre  $\pm$  parcel and from Residential (County) to City Commercial for a 4.81 acre  $\pm$  parcel. Both parcels are located on the North side of Cortez Blvd. (S.R. 50), west of Hale Avenue and east of Mildred Avenue.

Director Geiger indicated he knew the EAR based amendment had to be done but took the chance previously that DCA would approve the amendment.

Steve Gouldman indicated the issue had been previously reviewed by Council in 2008 and it has been re-advertised. He briefly reviewed the specifics of the property and verified that it is the exact same amendment previously submitted.

Vice Mayor Bradburn asked Mr. Gaylor to confirm that what was formerly the Hogan Property will remain residential and traffic will not be able to pass through to Mildred Avenue. He confirmed.

#### Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval.

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City Clerk Peters read Ordinance 768-A by headnote as follows:

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

Mayor Bernardini asked for public input; there was none.

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

**Ordinance No. 773 - Chamizo Rezoning Request**

Consideration of request for rezoning from R-1A Single Family Residential with a Special Exception use for an educational facility to C-1 Commercial District

Director Geiger reviewed the request for the rezoning indicating the petitioner initially requested a C-2 designation but after detailed discussion regarding potential future use, staff felt C-1 was more appropriate and provides for a lot less permitted uses due to the close proximity of residential districts.

Referring to the Future Land Use Map, Director Geiger indicated the property is surrounded with future land use as commercial, including the Chamizo property. Further, he stated consideration for this property to go to some level of commercial use in the future is appropriate based on our own future land use map designation and its proximity to the commercial district along U.S. 41. The Planning and Zoning Commission concurred with staff to recommend that City Council approve the rezoning of the property from R-1A to C-1 at its April 8, 2009 meeting, subject to the following note of record:

Future redevelopment/construction plans or change of use for this property will be analyzed for any additional impact to roads, utilities, drainage, public services, the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements. At the time when a change of use is proposed for this property, the plans will be subject to concurrency, impact fee assessment (if it is an increase over existing vested use) and applicable performance standards of the zoning district.

Vice Mayor Bradburn inquired if a sidewalk will be required as in past rezonings. Director Geiger indicated it should be added as a stated condition of any change of use in the future. Vice Mayor Bradburn asked that it be specifically referred to.

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Council Member Lewis asked if C-1 allows for the parking of rock trucks because there has been one parked there. Director Geiger indicated C-1 is a commercial district and felt it would allow for it but he will check. Council Member Lewis' concern is that it is serviced at the site.

Mayor Bernardini indicated the bicycle shop, most residents felt would be ok, but noted Council is not approving a bicycle shop but a rezoning to C-1. He read the list that C-1 zoning would allow, which includes convenience stores, antique stores, personal services establishments, printing and publishing services establishments, business training offices, restaurants, commercial amusement establishments, mortuary, funeral homes and crematories, etc. Another concern of Mayor Bernardini was that the signage posted was on the ground. Further he indicated he cannot support the C-1 rezoning at this time because of the broad applications.

Council Member Lewis expressed concerns over lack of parking, drainage, etc., and felt it to be more of a professional or business node. However, he would not have a problem with approving a special exception for a bicycle shop.

### **Motion:**

Motion was made by Council Member Lewis to deny the request.

Vice Mayor Bradburn stated her preference would be to ask the petitioner to withdraw their petition since it would be a year before they could reapply should Council deny the petition.

Motion died for lack of a second.

Council Member Pugh felt the future land use code needs to be changed, that C-2 zoning is located just across the street. Extensive discussion of the current zoning ensued, after which Council Member Lewis recommended offering the petitioner a P-1 designation.

### **Motion:**

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis to table the item in order to give the petitioner the option to withdraw or reevaluate their request. Motion carried 5-0.

Discussion continued during which Mayor Bernadini recommended informing surrounding landowners of businesses that could possibly go in the space and for the petitioner to make sure the signage posted on the property remains up. Council Member Lewis recommended making the signage larger. Council Member Pugh recommended following the county's procedure for posting property. Council consensus was to send the list of possible businesses with the letters of notification to surrounding properties.

### **Personnel Policy Amendments**

Consideration of updates to the Personnel Policy as follows:

- a) Section 1.14 Licensure & Identification

Attorney Rey indicated that if an employee is required to have a license or certification to obtain their job this requires them to maintain that licensure to keep their job.

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Vice Mayor Bradburn asked if it could be required of maintenance personnel to wear an identification badge and expressed safety concerns badges can pose. City Attorney Rey indicated the language can be modified to allow them to carry identification with them.

### **Motion:**

Motion was made by Council Member Pugh and seconded by Vice Mayor Bradburn for approval. Motion carried 5-0.

#### b) Section 2.05 Personnel Records

Attorney Rey indicated this section outlines controls placed on the confidential and medical records information contained in the files and provides notice to employees upon a request to review a personnel file. The City will make a reasonable effort to notify the employee that a request has been made to review their record. Such notification will not hinder public access.

### **Motion:**

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

#### c) Section 7.03 Group Insurance Plan (with Opt-out Payment)

City Attorney Rey indicated this to be a new policy and reviewed both options, indicating this section provides for reimbursement to employees who have outside group coverage.

Vice Mayor Bradburn reminded Council that she is still in opposition of the opt-out option. Council Member Johnston indicated he would be opposed since paying an employee a premium would increase their salary instead of providing a benefit. Council Member Lewis indicated he wants to offer a reimbursement to all employees.

#### d) Section 7.03 Group Insurance Plan (without Opt-out Payment)

### **Motion:**

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for approval of d) Section 7.03 Group Insurance Plan (without Opt-out Payment). Motion carried 4-1 with Council Member Lewis voting in opposition.

Mayor Bernardini asked for public input; there was none.

## **ITEMS BY COUNCIL**

### **David Pugh, Jr., Council Member**

Council Member Pugh apologized for missing the last meeting.

#### Hernando County Fair Association

He asked about the HCFA's attorney stating they do not need an additional permit to do any improvements. Director Geiger explained that they have complied with all permitting requirements but land-use issues are being worked on.

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### Joe Johnston, Council Member

#### Stubb Street Hydrant Culvert

Council Member Johnston indicated the culvert has been taken care of.

#### Main & Ft. Dade Street Repair.

Director Pierce indicated he hoped to get to the blockage this week. Two (2) pieces of culvert collapsed, the County fixed one and the other should be fixed this week. He added that Howell Avenue is due to be paved this week.

#### Financials

Council Member Johnston inquired as to the discrepancy of sewer revenues being down with water revenues being up for January/February 2009. Director Baumgartner replied it could be adjustments and will check on it.

### Lara Bradburn, Vice Mayor

#### Visit to Tallahassee

Vice Mayor Bradburn indicated she had been to Tallahassee on behalf of the Metropolitan Planning Organization (MPO). She advised there are bills progressing that could dramatically affect our ability to upgrade and expand infrastructure in the coming years which dismantles concurrency rules as it pertains to transportation. However, there are some amendments that could improve the bills if passed by the House.

#### Bus Issue

The bus issue is still up for debate and DOT will meet with MPO on April 28<sup>th</sup> concerning options available to the County. She indicated that unless the County has some form of a bus system we will be left out of regional planning.

#### US41 Landscaping Project

Director Geiger indicated the median is very narrow and the DOT contacted him and the architect and indicated the space was too narrow to plant after going back eighteen (18) inches from the curb. Vice Mayor Bradburn indicated she is upset that the space was cemented without direction from Council. Council Member Lewis indicated concern over the water faucet that was left sticking up in the middle of the concrete that could pose a tripping hazard to pedestrians.

Extensive discussion of the project ensued, during which Vice Mayor Bradburn indicated she and Mike Hughes met with the extension office to come up with a collection of thriving plants for the medians. They plan to meet with the landscape architect and DOT to draft a reasonable plan and will keep Council apprised of the progress.

City Manager Norman-Vacha indicated this will be brought back to Council at the next meeting for further discussion.



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**Richard E. Lewis, Council Member**

Group Insurance Plan Opt-Out Payment option

He thanked Council for listening to the proposals and considering the Group Insurance Plan Opt-Out Payment option but expressed concerns with them not adopting it and does not feel it should be offered to one (1) employee and not others.

**Thomas S. Hogan, Jr. City Attorney**

Code Review

Attorney Hogan indicated Code review is moving forward.

**Joe Bernardini, Mayor**

Employee Appreciation

Mayor Bernardini expressed congratulations to City Clerk Janice Peters who is now a Certified Municipal Clerk.

Week of the Young Child

He was pleased to report that the event was well attended.

Arbor Day

Mayor Bernardini reminded everyone that Arbor Day is on Friday.

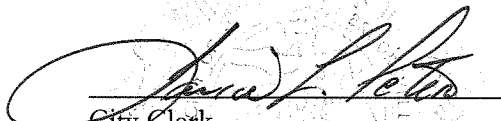
HLF Fishing Tournament

He indicated he won a bicycle he had bid on and the event raised \$13,000 for Hospice.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting adjourned at 10:20 p.m.

Attest:   
Mayor

  
City Clerk  
