

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

August 16, 2010

7:00 P.M.

Brooksville City Council met in regular session with Mayor Lara Bradburn, Vice Mayor Richard E. Lewis and Council Members Joseph E. Johnston, III, Joe Bernardini and Frankie Burnett 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; Bill Geiger, Community Development Director; Richard Radacky, Interim 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 Bradburn, followed by an invocation and Pledge of Allegiance.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

**Great Brooksvillian Selection**

Review and selection of nominations for the 2010 award nominees as recommended by the Screening Committee.

City Clerk Janice Peters and Screening Committee Chair reviewed the selection of nominations and distributed voting forms to Council.

Mayor Bradburn stated the eight (8) nominees for this year to be Helga Curtis, Sarah Davis, Wayne Johnson, Dorothy Mason, Joe Mason, Bill McCollum, Dan Merritt, Sr., and Dan Patrick. The screening committee's recommendation was 1) Sarah Davis; 2) Daniel Merritt; 3) Helga Curtis, 4) Joe Mason and 5) Dorothy Mason.

Mayor Bradburn asked for citizens input on the nominees.

Beverly Lewis spoke on behalf of Bill McCollum.

Viennese Black and Pastor Hubbard of Bethlehem Progressive Baptist Church spoke on behalf of Sarah Davis.

Rosemary Brooks spoke on behalf of Bill McCollum and Dorothy Mason.

Gail Samples felt Bill McCollum to be a good candidate for the award.

Council voted and City Clerk Peters tallied the votes; with Ms. Sarah Davis being selected as the 2010 Great Brooksvillian.

**CITIZENS INPUT**

Mayor Bradburn asked for public input.

Pierre Desjardins asked what happens after someone is nominated as the Great Brooksvillian. Mayor Bradburn indicated that during Founder's Week the person will be recognized with a Presentation Ceremony at the Art Reception on October 14<sup>th</sup> along with a plaque in their honor. He spoke on behalf of awarding the Great Brooksvillian to an individual who has remained in the community.

APPROVED BY BROOKSVILLE

CITY COUNCIL

ON 2/7/11 INITIALS SP

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### CONSENT AGENDA

#### Advisory Board Appointments

Consideration of appointments for vacancies to the Cemetery Advisory Committee, Brooksville Housing Authority and Planning and Zoning Commission.

#### Water Meter Reading Equipment

Authorization to purchase meter reading equipment for an amount not-to-exceed \$15,430.

#### Donation of Surplus Equipment

Consideration of request to donate surplus equipment.

#### Conflict Waiver

Consideration of waiver of conflict regarding Gary Quilling.

Council Member Burnett stressed the need for Housing Authority residents to be appointed to the board.

City Manager Norman-Vacha indicated when the current term expired the position was duly advertised within the community seeking residents to apply. She pointed out Yvette Taylor currently serves on the Brooksville Housing Authority Board and is a resident within the Housing Authority.

#### Motion:

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

### PUBLIC HEARINGS

Mayor Bradburn adjourned at 8:38 p.m. as City Council and convened as the Fire District, reconvening at 9:55 p.m.

#### Ordinance No. 812 – Cemetery Annexation

Consideration of voluntary annexation of 51.50 acres  $\pm$ , located north of Olmes Road and south of Mondon Hill Road between Champion Drive and Jasmine Drive.

**[First Reading 08/02/10]**

Director of Community Development Bill Geiger briefly reviewed the voluntary annexation for approval of the second and final reading.

Mayor Bradburn called for proof of publication. City Clerk Peters indicated Item F1 was published on Friday, August 6, 2010 and Friday, August 13, 2010, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavits for the record.

Council Member Bernardini asked about the enclave, which Director Geiger reviewed. He pointed out the enclave will be addressed through the referendum process of annexation in the future.

Vice Mayor Lewis reviewed past annexations involving the County.

Mayor Bradburn asked for public input; there was none.

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**Motion:**

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

City Clerk Peters read Ordinance No. 812 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY, PARCEL'S ID NO. R23 422 19 0000 0480 0000 AND R26 422 19 0000 0050 0000, A PORTION OF THE BROOKSVILLE CEMETERY, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Johnston	Aye
Council Member Burnett	Aye
Council Member Bernadini	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye

**REGULAR AGENDA**

**Ordinance No. 813 – Brooksville Cemetery Annexation**

Consideration of voluntary annexation of 7.04 acres ±, located north of Olmes Road and east of Champion Drive.

Director of Community Development Bill Geiger reviewed the voluntary annexation for a first reading indicating it is contiguous with the previously approved petition by action of City Council.

Mayor Bradburn asked for public input; there was none.

**Motion:**

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

City Clerk Peters read Ordinance No. 813 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY, PARCEL ID NOS. R26 122 19 0140 0010 0080; R26 122 19 0140 0030 0010; and R26 122 19 0140 0020 0010, A PORTION OF THE BROOKSVILLE CEMETERY, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

**Resolution No. 2010-13 to Florida Department of Transportation (FDOT) – Annual Veteran’s Appreciation Parade Route**

Consideration of approval of Resolution supporting the Annual Veteran’s Appreciation Parade route and closing of State Road 50/Jefferson Street and U.S. Highway 41/Broad Street.

Interim Director of Public Works Richard Radacky reviewed the request to hold a Veterans’ Appreciation Parade and Temporary Street Closure on Saturday, November 13<sup>th</sup> and asked for approval of the resolution.

City Manager Norman-Vacha indicated Anna Liisa Covell could not attend but will be at the September 20<sup>th</sup> Council Meeting to address the fee waivers and events of the annual parade.

**Motion:**

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis for approval of Resolution No. 2010-13.

City Clerk Peters read Resolution No. 2010-13 by title, as follows:

**A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA  
SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET  
AND BROAD STREET BETWEEN ORANGE STREET AND  
MAGNOLIA AVENUE IN DOWNTOWN BROOKSVILLE ON  
SATURDAY, NOVEMBER 13, 2010; PROVIDING FOR  
SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

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

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

**Sewer Rehabilitation Project Change Orders 4-7**

Consideration of change orders for adjustment of quantities and time extensions.

Interim Director of Public Works Richard Radacky reviewed the change orders and contract amendment for the ongoing sewer rehabilitation project for which the City received \$2,409,827 in loan and grant funds. Construction to the four (4) contractors amounts to \$2,189,706. Cardno TBE was contracted for project management and engineering for the amount of \$145,310 leaving a contingency of \$74,811 as indicated in the project summary. He stated Reynolds Inliner has identified 7,000 lineal feet of defective sewer main lining outside the original twelve (12) city service areas which is approximately 90% complete and manhole restoration will be completed by a subcontractor in September with \$250,000 remaining. He stated it is estimated \$147,850 will remain at project completion for work performed by LMK Pipe Renewal. W. Clyde Daniels Construction, Inc. is estimated to have at least \$132,192 remaining in their budget at project completion.

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The total balance at project completion is estimated at \$530,942. American Infrastructure Technologies Corporation will not have any funds remaining in their budget at project completion. Cardno TBE has identified an additional 11,000 lineal feet of pipe lining rehabilitation due to overestimation of work needed within the twelve (12) service areas. He commended Cardno TBE on their project management and engineering and asked for a time extension to December 31, 2010, on project completion and proposed that an additional \$70,000 be approved. The grant and loan funds will decrease the expenditures required by the City to correct infiltration and inflow problems throughout the City. He estimated there would be \$4,811 left in Contingency.

Council Member Bernardini supported these change orders and felt this to be a positive request.

### Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Lewis for approval as recommended by staff. Motion carried 5-0.

### Hernando County Fair Association

Discussion of Attorney General Opinion and process to move forward.

City Attorney Jennifer Rey reviewed the Attorney General Opinion and the progress made in working with the Fair Association. She indicated the 90-day extension granted by Council expires September 15<sup>th</sup> and Council's next meeting will not take place until September 20<sup>th</sup>.

Director Geiger indicated the Fair Association has submitted a zoning application to be heard by the Planning and Zoning Commission in September then to Council for review in October. He recommended extending the action taken by Council last summer allowing the lease agreement to remain and the zoning process to be completed.

City Attorney Jennifer Rey will resubmit the criteria approved by Council to the City Clerk to be made part of the record.

Vice Mayor Lewis indicated he did not have a problem with Item B of the legal counsel report to grant the Fair Association's request to allow the uses associated with the 1-year agreement on the basis that pursuant to Florida Statutes 616.09 "fair associations shall be recognized by the state as equal in dignity to the Florida State Fair and as fully recognized as the Florida State Fair" and as such would have all the same authority as the State Fair which is granted broad powers of authority under Florida Statutes 616.256 to "make and enter into all contracts or agreements as the authority may determine which are necessary or incidental to the performance of its duties or the execution of its powers under this part". But, with the exception that the City reserves any and all rights that, "the land use and zoning ordinances of the City of Brooksville are applicable to real property located within the city and occupied and operated by a county fair authority".

Council Member Bernardini asked Sandra Nicholson about direction given to the Fair Association in the past. She indicated that once the Attorney General Opinion was received the board began work as directed. Mayor Bradburn stated she is encouraged that in the criteria established previously and the process of going through the rezoning, that all issues will be addressed. She is impressed with the progress made by the Fair Association.

Ms. Nicholson indicated NAME would like a 10-year contract for stability but may agree to a 5-year contract. She advised that eight (8) of their employees have purchased homes in Hernando County and have been very supportive of the community.

Vice Mayor Lewis stated that as long as Council reserves the City's rights concerning land use and zoning and it is put in the agreement to authorize the 5-year extension, this can be allowed. Council Member Johnston requested a clause be added to the agreement that once the zoning goes through

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the lease extends for four (4) more years. Ms. Nicholson indicated NAME has already been here for two (2) years and are looking for a long-term solution.

City Attorney Rey advised the Attorney General Opinion supports that the state statute does not supersede the local zoning code which has certain provisions as to what actions and authority Council has to authorize exceptions to special uses, etc. Should Council authorize the Fair Association to enter into a longer term agreement, the possibility of that becoming a grand-fathered use needs to be taken into account of the current City Code. There are a number of restrictions that are conditions of the contract which are pretty extensive in terms of what can and cannot be done. If Council is concerned about some of the issues, the existing contract does have certain provisions related to some of the activities undertaken by NAME during their occupation of the premises. What Council does now will not bind their action on the PDP process.

Vice Mayor Lewis stated that on the existing contract, on page 1 of 3, it states in Item 2 "The Fair Association waived any right to alleged eligibility for grand fathering of the use of the property based on the Council's action." He asked if that could be included in the 5-year contract extension. City Attorney Rey stated it would be a condition of any extension Council makes.

Discussion of the Fair Association's intent to build a structure which could be utilized for different functions was briefly discussed.

Mayor Bradburn indicated this as a positive addition to the fairgrounds and supports extension of the current agreement.

### **Motion:**

Motion was made by Vice Mayor Lewis and seconded by Council Member Johnston for approval of extension of the current agreement until such time that the PDP is approved with the waiver of the grandfather clause included and to authorize the Fair Association to negotiate a NAME agreement under the current conditions for a term of 5-years. Motion carried 5-0.

Mayor Bradburn asked for public input.

Bob Sarter spoke on behalf of NAME and attracting new business to the City. He commended Council on their approval as did Bobby Day and Anthony Jacobs.

### **Foreclosure of Liens**

Consideration of Foreclosure of Liens for unpaid property maintenance costs for properties located at 606 Harar Avenue and 409 Cook Avenue.

City Attorney Jennifer Rey reviewed the Foreclosure of Liens and indicated the liens would stay on the record for twenty (20) years from the filing date if Council chose not to foreclose and would be satisfied upon sale and any subsequent transactions. One of the parcels was transferred using a Tax Deed Certificate and would be subject to any pending liens until the next subsequent transaction with issuance of Title Insurance.

Vice Mayor Lewis indicated he is in favor of moving forward with the foreclosure to set precedent.

Council Member Burnett is in favor of being consistent with enforcement of foreclosure of liens throughout the City.

Mayor Bradburn gave an example that Southwest Florida Water Management District used the tax lien process to expand preservation of its wildlife corridors and this may be a similar opportunity for the City to further the plan for the South Brooksville Redevelopment District.

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Council Member Johnston pointed out the lien is currently bearing interest and does not support foreclosure of the liens since they are minimal amounts. He stated the liens will either be satisfied upon sale or Council could review action in the future. Mayor Bradburn agreed with a review in three (3) years when the City's plans will be further along.

Vice Mayor Lewis asked if the lien could be paid out of an overage of the sale of the property. City Attorney Rey indicated she was not certain the priorities of various lien obligations on property with tax deeds but will provide Council with that information. She clarified this was brought before Council based on policy and code and advised for Council to set a date and time for this matter to come back before City Council for reconsideration or further direction.

### Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis for approval to review in three (3) years. Motion carried 4-1 with Council Member Bernardini voting in opposition.

### CITIZENS INPUT

Mayor Bradburn asked for public input.

Dan Patrick indicated the old city dump on Croom road needs to be mowed.

Beverly Lewis liked the front porch theme on Merritt's Funeral Home, southern charm and signage ideas as well as the murals. She thought it would be good to have businesses such as southern cooking and music in South Brooksville.

Kojack Burnett commended Council and indicated there will be a cleanup of the Spring Hill cemetery. Council Member Burnett indicated Alice Walker is the initiator for cleanup of Spring Hill cemetery. Ms. Walker stated September 11<sup>th</sup> is the annual cleanup as there are three (3) trees remaining to be removed.

### ITEMS BY COUNCIL

#### Frankie Burnett, Council Member

##### Great Brooksvillian Selection

Council Member Burnett appreciated Sarah Davis being named the Great Brooksvillian.

##### Phase II Streetscape RFQ Award

He also appreciated selection of Coastal Engineering, a local engineering firm, during the CRA meeting.

#### Joe Bernardini, Council Member

##### Letter from Ron Baker

Council Member Bernardini asked the status of the letter and City Manager Norman-Vacha indicated she would provide that information to him.

##### Memo from a concerned employee

He indicated a memo that was sent out by a supervisor to City employees is inappropriate and intimidating and will be addressed. Mayor Bradburn disagreed and pointed out the memo was sent out by an employee, not a supervisor, and she appreciated the sentiment of its content and encouraged more of the same.

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Richard E. Lewis, Vice Mayor

Memo from a concerned employee

Vice Mayor Lewis agreed with Council Member Bernardini concerning the memo being inappropriate.

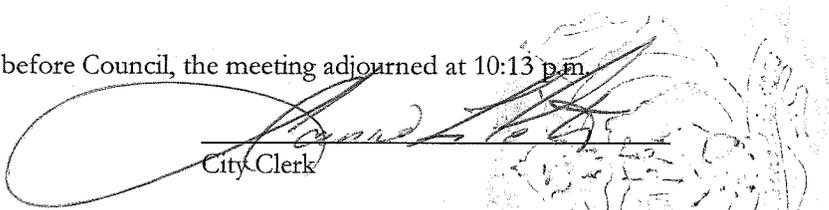
T. Jennene Norman-Vacha, City Manager

Leadership Hernando

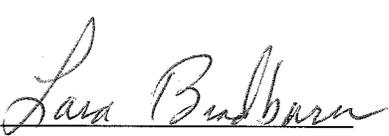
City Manager Norman-Vacha reminded Council of Leadership Hernando on Thursday and the next budget workshop on August 24<sup>th</sup>.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting adjourned at 10:13 p.m.

  
City Clerk

Attest:

  
Mayor