

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

November 15, 2010

7:00 P.M.

Brooksville City Council met in regular session with Mayor Lara Bradburn, Vice Mayor Richard E. Lewis and Council Members Joe Bernardini, Frankie Burnett and Joseph E. Johnston, III present. Also present were Jennifer C. Rey, 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, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

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

Recognition of improvements to the property owned by Robert Buckner, located at 300 W. Jefferson St., occupied by the business known as City Electric Supply.

Beautification Board Chair Scott Renz reviewed the property and he, along with Mayor Bradburn, presented Robert Buckner and City Electric Supply with the award.

Mr. Buckner thanked City Electric for staying in the City and Lew Chandler and the Building Department for their collaboration. Mark Mickley with City Electric Supply thanked Council for the award and Proud Pelican for the work they did on the property.

**Great American Smokeout Day Proclamation**

Proclamation designating November 18, 2010, as the Great American Smokeout Day.

Mayor Bradburn read the proclamation in its entirety and encouraged all to quit for 24 hours and make an effort to stop smoking completely. Vice Mayor Lewis encouraged all to quit as well and referred smokers to the stop smoking hotline.

Council Member Johnston pointed out that the numbers do not match that it is the 35<sup>th</sup> Anniversary. Staff will check and make necessary changes.

**Police Awards Ceremony**

Presentation of Combat Cross awards to Law Enforcement Officers involved in the August 4, 2010, shooting incident within the City of Brooksville.

Police Chief George Turner, assisted by Lt. Hankins, Sgt. Dixon and Sgt. Jason Brough, relayed the incidents of August 4, 2010, during which a shooting incident took place in the City of Brooksville. He stressed that although there were many law enforcement officers involved in the incident, tonight the combat personnel, those who were actually involved in the shooting, would be honored with the Combat Cross.

Sgt. Dixon read the Award Citation which was presented by Chief of Police George Turner to Sgt. Jason Matheson, who confronted, pursued, wounded and contained the violent perpetrator, who within two hours, would attack law enforcement a second time and was killed. Sgt. Jason Matheson was awarded the Combat Cross Ribbon for his actions in the face of extraordinary danger and hazard to life in personal combat with an armed adversary by the intelligent performance of duty. Mayor Bradburn commented on the incident and expressed her appreciation to Sgt. Matheson and all members of the law enforcement community.

APPROVED BY BROOKSVILLE

CITY COUNCIL  
ON 3/7/11 INITIALS JF

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Sgt. Dixon then read the Award Citations which Chief Turner presented to Sgt. Randall Orman, Officer Stephen Greenwood, Hernando County Sheriff's Office Sgt. George Smith and Hernando County Sheriff's Office Deputy Clifford Faulkingham with the Combat Cross Ribbon for their actions in the face of extraordinary danger and hazard to life in personal combat with an armed adversary by the intelligent performance of duty.

Mayor Bradburn, on behalf of City Council and the entire Brooksville community, thanked them for their courage, bravery and putting their lives on the line every day.

Chief Turner reiterated that so many others were involved, the helicopter pilot, K-9 Officers, Swat Commanders, County Dispatch, FDLE. It was a well-run cooperative effort on the part of all involved.

Chief Maurer of the Hernando County Sheriff's Office thanked the City of Brooksville for being invited to this extraordinary event and stressed that Sgt. Matheson is a real hero for his actions in taking control of the scene. He is proud to have the City of Brooksville Police Department as neighbors and congratulated all for a job well done on behalf of Sheriff Nugent.

The family members of the officers were recognized.

### CITIZENS INPUT

Mayor Bradburn asked for public input.

Emory Pierce asked that Council consider not moving ahead with Agenda Item E4 Professional Services Agreement Amendment at this time until the actual agreement can be reviewed by all of Council.

Tom Hudson indicated the Warehouse Bar is within City limits and thanked Chief Turner and the Police Department for addressing citizens' concerns.

### CONSENT AGENDA

#### Minutes

August 2, 2010 Regular Meeting

#### Budget Amendments for FY2009/10

Consideration of budget amendments for FY2009/10.

Agenda Items E2 Annual Holiday and Meeting Schedule and E4 Professional Services Agreement Amendment were pulled for discussion.

#### Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Bernardini for approval of the Consent Agenda Items 1 and 3. Motion carried 5-0.

#### Annual Holiday and Meeting Schedule

Review and consideration of proposed meeting and holiday schedule for 2011, including tentative budget workshops and public hearing dates, pursuant to City Code & Policy.

Mayor Bradburn recommended moving the First Budget Hearing to Tuesday, September 13<sup>th</sup>.

Mayor Bradburn did not see the need for potential workshops to be listed on the calendar and forces Council Members to miss work from their day jobs for meetings that never happen. Council

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majority did not agree and said it was necessary for planning and scheduling purposes and recommended keeping it as is.

Council Member Bernardini will not be in town the week of October 17<sup>th</sup>.

City Manager Norman-Vacha stated staff coordinates the budget calendar with the School Board and then Hernando County to ensure there is no conflict.

### **Motion:**

Motion was made by Council Member Johnston and seconded by Council Member Burnett for approval with moving the September 14<sup>th</sup> Budget Hearing to Tuesday, September 13<sup>th</sup>. Motion carried 4-1 with Mayor Bradburn voting in opposition.

### **Professional Services Agreement Amendment**

Consideration for Professional Services Agreement amendment to provide for contingency fee arrangements.

### **Motion:**

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett to pull the item for Council review and consideration at the December 6<sup>th</sup> Regular Council Meeting. Motion carried 5-0.

City Attorney Rey requested an Executive Session be scheduled at the end of the December 6<sup>th</sup> Regular Council Meeting. Council consensus was to allow it.

## REGULAR AGENDA

### **Resolution 2010-21 - Olive Street Cemetery**

Consideration of resolution recognizing the City's commitment to the Mickler Family's condition to limited future burials in the Olive Street Cemetery.

City Attorney Jennifer Rey stated the acquisition of the historical Olive Street Cemetery of the Mickler Family, who has a long history in the community, has taken several years. It began with discussions and then there was a Quiet Title action filed in order for the Diocese to be able to convey the property to the City of Brooksville. In that Quiet Title action they discovered at least three (3) family descendants, one who lives in Mexico, and had some discussion about the purpose of future use of the cemetery. It was agreed at that time that their preference would be to not have the cemetery open for public burials and to preserve its historic nature. In the event a lineal descendant of a family member who was buried there or is a descendant of the original owner of the cemetery wanted to be buried there that they could be if there were spaces available.

When the church conveyed the property there was no deed restriction contained in the deed as they strictly used what was the legal description in the order from the judge as part of the Quiet Title action. This resolution establishes the formal policy with regard to use of that cemetery and the City's intention to preserve its historic nature and to prohibit public burials other than any family descendant who after proving lineage request to be buried there, so long as space is available. It does say "may" so that the City is not required in any way to have a family member buried there as it is within the City's discretion. If at some point if there was no capacity in the cemetery, the City would not have to fulfill an obligation of any kind.

There has been question as to how many spaces are left and that process is still underway. This resolution is being brought forward to help clarify what the agreement was in the Quiet Title action with regard to use of the cemetery as part of its donation to the City for future use.

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Attorney Rey further clarified that it was in the Quiet Title action when they found three (3) descendants and there was discussion between the church and the family members about the future intended use by the City with respect to what has been a family cemetery.

Vice Mayor Lewis referred to Page 1 Section 2, Limitation of Future Public Burials, and asked should there be mention of "if spaces are available". City Attorney Rey indicated that could be added, but even if there is space available it is within the discretion of the City at that time. Vice Mayor Lewis stated he is in agreement with the word "may" but would like to indicate available space. City Attorney Rey advised Section 2 can be amended per Council direction to add "if plot spaces are available".

Parks Director Walker clarified this action does not prohibit cremains being sprinkled above ground.

**Motion:**

Motion was made by Vice Mayor Lewis and seconded by Council Member Bernardini for approval of Resolution No. 2010-21 with the addition of "if plot spaces are available".

City Clerk Peters read Resolution No. 2010-21 by title, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR THE PRESERVATION OF THE HISTORICAL OLIVE STREET FAMILY CEMETERY; ESTABLISHING BURIAL RESTRICTIONS; 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 Bernardini	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye

**Resolution No. 2010-23 – Community Development Block Grant Application**

Consideration of resolution authorizing submission of the grant application.

Director of Community Development Bill Geiger reviewed the application submission and indicated he is confident the grant submittal will be accepted in the amount of \$750,000 with no matching funds being proposed. The scope of the project is for water improvement installing new water lines and fire hydrants with future needs targeted for the South Brooksville area, such as sidewalks. He pointed out the difference in the projected lineage of the sidewalks and fire hydrants costs.

Discussion followed in which Director Geiger gave a summary of how this will assist the County in their efforts as well.

Council Member Burnett pointed out Hazel Avenue was excluded from the County's grant application. Director Geiger assured that staff has included Hazel Avenue back in the grant application.

Grant Consultant Andy Easton was present to receive the signed application to deliver to Tallahassee by Wednesday's due date.

**Motion:**

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis for approval of Resolution No. 2010-23.

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City Clerk Peters read Resolution No. 2010-23 by title, as follows:

**A RESOLUTION OF THE CITY OF BROOKSVILLE CITY COUNCIL, FLORIDA, AUTHORIZING THE MAYOR TO MAKE APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR APPROVAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SPONSORED BY THE CITY OF BROOKSVILLE; MAKING FINDINGS; AUTHORIZING SUBMISSION OF THE GRANT APPLICATION; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

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

**Brooksville Cemetery Green Burials Proposals**

Presentation of request to use 1 – 5 acres of the Brooksville Cemetery for green burials.

Parks Director Walker gave a quick summary, advising that on June 30<sup>th</sup> the Brooksville Cemetery Advisory Board listened to a presentation with the idea of conducting green or natural burials at the Brooksville Cemetery. The location being proposed is the back northeast corner of approximately one (1) to three (3) acres with plotted spaces that are five (5) by ten (10) feet in size with one thousand (1,000) burials per acre. The proposed Green Cemetery plots are ten (10) by twenty (20) feet, which would lessen the number of burials in that area to about two hundred (200) to three hundred (300) and price will be changed accordingly. He noted a discrepancy with green burials in City Code Section 18-46 Liner or Vault required. Should Council support the proposal, staff will come back with a business plan to go forward with the green cemetery area.

Jill Grabowski of Brewer & Sons Funeral Home gave a presentation on the proposed green burials at the Brooksville Cemetery. Ms. Grabowski indicated this idea came about during the oil spill as people were thinking about green burials. There are eleven (11) green burial sites nationwide. The wetlands area of the cemetery was first consideration but Southwest Florida Water Management District pointed out problems with permitting and locating the graves so the current designated and plotted area is being proposed. This area would be overgrown and not mowed to keep with a natural atmosphere along with areas of mulch and stepping stones for a park-like feel. She pointed out it is not their intent to be a do-it-yourself burial cemetery or be completely overgrown. This is being proposed for the good of the entire community and advised that a committee be formed of several members of area chapels. She asked that Council approve moving forward with their proposal to put a business plan together, starting with fundraising and donations.

Anastasia Roman of Brewer & Sons Funeral Home stated that when this was presented to the Cemetery Advisory Board it was unanimously approved to move forward with further research and asked for Council approval also.

Vice Mayor Lewis supports the proposal and recommended the exotic plants be reviewed to prevent growth overpopulating other areas of the cemetery and requested that a plan be brought back to Council that includes a periodic survey of the green burial area. Parks Director Walker indicated exotic plants would be handled in the same manner as the Good Neighbor Trail.

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Council Member Johnston asked the actual size of the area to incorporate as the green cemetery burials. Parks Director Walker stated the proposal is approximately one (1) to three (3) acres to start with. He indicated there are fifty-two (52) acres at the cemetery overall with approximately half availability. Ms. Grabowski indicated it was decided that it would be more reasonable to start on a smaller scale than originally proposed and could be expanded accordingly.

Council Member Bernardini would like to see a more specific documentation of the currently proposed area of one (1) to three (3) acres and stated his concern for less green burial plots per acre.

Ms. Grabowski explained remains are buried in a biodegradable urn and bodies in a biodegradable box which deteriorates within days. She indicated a small area is being proposed with a natural fountain and benches for a scattering garden at a small fee.

Mayor Bradburn supports the proposed green burials at the cemetery, which belongs to the citizens, and will remain under the City's control and management. She commended the staff of Brewer & Sons Funeral Home for their research and information presented to Council and their desire to involve other chapels for their input on the process. She believes this could be a unique asset and has great potential for the cemetery as long as wetlands are preserved.

Parks Director Walker pointed out the map was to give a general idea for Council review and will be updated after it has been accepted.

Council Member Burnett clarified Council action tonight would only be approval to move forward with research and bring back a plan.

### Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval of designating 1-3 acres of the Brooksville Cemetery for the purpose of green burials and to authorize moving forward with a plan to be presented to Council in the future. Motion carried 5-0.

Director Walker indicated the area is already plotted and keeping the trees was recommended.

### Personnel Policy Amendments

Consideration of updates to the Personnel Policy.

City Attorney Rey noted this is the second of the last two (2) rounds of policy revisions to complete the overhaul of the City's existing Personnel Policy Manual. There has been significant progress over the last two (2) years getting this done. She requested that these updates are effective upon approval with the exception of Section 3.00 Hours and Pay in order to give time for the necessary changes in the payroll system effective with the first payroll cycle in January 2011. Next, she briefly reviewed each section of updates to the Personnel Policy.

#### Section 1.00 Purpose and Scope

City Attorney Rey stated this section outlines employee advisories and sets parameters for employees to understand the purpose and scope of the manual.

Vice Mayor Lewis referring to Item 1, Policy, indicated the last sentence states "The City reserves the right to amend, alter, modify, delete or add to these policies and procedures" and he would like to amend "City" to "City Council".

Council Member Bernardini asked for clarification that the City Manager promulgates amendments to these policies. City Attorney Rey explained there is a distinction between policies and procedures. The procedures can be amended by department heads or employees who then propose amendments

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to the City Manager. In accordance with City Code, the City Manager functions as Director of Personnel. The policies are set and approved by City Council to give guidance to the City Manager on how to manage the City employees. The term "City" is all inclusive of the City of Brooksville as an entity. Council Member Bernardini did not agree that the City Manager should be able to amend policies and procedures without it being approved by City Council. Council Member Johnston agreed that promulgation of policies should come back to City Council and language should be made clearer on that aspect. City Attorney Rey indicated she would revise the language accordingly.

Council Member Bernardini indicated he would like a standard communication of policy changes to employees. City Manager Norman-Vacha advised training will be provided to all employees once the changes are complete. Council Member Bernardini felt the final interpretation should be clearer. Council Member Johnston advised leaving it as is because of the different sizes and structures of each department and one method may not work for all but should be communicated to all employees properly.

Council Member Bernardini indicated he would like this section removed for further review, with recommended changes. Council Member Johnston recommended under "II. Procedure" add to the end of the sentence "The City Manager shall promulgate amendments to these policies and procedures from time to time as determined to be in the best interest of the City to be approved by City Council." Mayor Bradburn agreed with adding that language. As recommended by Council Member Bernardini she did not have a problem with adding to last sentence under Section I. Policy: "The City Council reserves the right to amend, alter, modify, delete and add to these Policies and Procedures at any time and from time to time." Vice Mayor Lewis agreed with adding additional language for clarification under both sections as stated.

### Motion:

Motion was made by Council Member Johnston and seconded by Council Member Burnett for approval with amendments. Motion carried 4-1 with Council Member Bernardini voting in opposition.

### Section 3.00 Hours and Pay

City Attorney Rey stated this is the Fair Labor Standards Act compliance policy and sets forth specific definitions for full-time, part-time, exempt, non-exempt, overtime and defines hours worked according to the Wage and Hour Law requirements. She indicated "hours worked" is defined as employee hours worked for purposes of overtime, as required by Statute.

Council Member Bernardini asked how work breaks are established. City Attorney Rey indicated they are permitted by the employer but are not required. They are established as a general practice by each company and should be applied consistently.

Discussion ensued regarding meal periods. City Attorney Rey stated meal periods are required to be provided for at least thirty (30) minutes within an eight (8) hour work day. City Manager Norman-Vacha clarified it does not have to be time off and employees can be paid if they work through their meal break.

Council Member Bernardini confirmed with City Manager Norman-Vacha that time off for projected overtime can be taken in advance as long as it is during the same work week.

City Manager Norman-Vacha confirmed this section would be effective on January 1<sup>st</sup> as requested by the City Attorney.

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### Section 3.01 Salary Administration

City Attorney Rey stated the Mercer Plan was designed around basic parameters and this section is setting forth the policy by which the salary administration plan is developed and implemented. She indicated it establishes pay grades and ranges, position classifications and job descriptions. It also identifies the various parameters that will be used in the salary administration plan and sets forth the various factors that will be used in the plan to define pay grades and ranges. This policy gives direction to the City Manager about how a compensation and salary administration plan should be structured. It does not supersede or replace the Mercer Plan but it sets the policy for how that plan is utilized and implemented, modified and updated from this day forward.

Council Member Bernardini asked the status of The Mercer Plan which City Manager Norman-Vacha indicated the Mercer Plan is a guideline approved by City Council for a Salary Administration Plan and there has been discussion of updating and readdressing the plan.

### Section 3.02 On-Call Pay

City Attorney Rey stated On-Call Pay is different than when an employee is called in to work. There is a current Call-In policy that states if an employee is called into work on an emergency basis there are certain expectations, such as being paid for a certain period of time, regardless of how much time is worked and this policy does not change that. This section refers to an employee, such as a utilities worker who has to work during a holiday as a first responder to an emergency when the office is normally closed. She indicated this policy sets the On-Call Pay at \$7.00 per twenty-four (24) hour period.

Vice Mayor Lewis asked if an employee is compensated holiday and regular pay if they are called in on a holiday. City Attorney Rey confirmed the call-in on a regular work day after hours is covered under On-Call Pay but the holiday policy provides for call-in on a holiday.

Council Member Bernardini clarified the procedure of an employee being called in on a holiday; they will get paid for eight (8) hours and for the amount of time it takes to complete the task. His concern is that the employee may be told by their supervisor to go home early the following work day to use as flex-time instead of overtime pay. City Manager Norman-Vacha confirmed flex-time is used in order to save overtime monies and is typically used during regular work scheduling. She pointed out the Holiday Policy requires the City to pay employees at time and a half should they be called in during a holiday. She further clarified if an employee gets called in for an emergency on the weekend for eight (8) hours then they would have the option to take Monday or Tuesday off. She indicated if the employee is in an overtime situation then flex-time could be utilized at time and a half.

Council Member Burnett asked if employees have the option to take flex time or is it decided by the supervisor or department head. City Manager Norman-Vacha indicated the policy states it is ultimately management's decision in order to control overtime costs. She stated the managers do work with employees to allow flex-time requested by the employee when possible. Council Member Bernardini disagreed and stated he is aware of incidents when the employee does not have a say in the matter.

City Attorney Rey clarified flex-time is designed to adjust start and stop times within a forty (40) hour work week so that any type of overtime costs can be managed and should not be utilized at time and a half because it is designed to not incur overtime hours. She further clarified there is a distinction between being paid overtime under FLSA at a rate of time and one half regular rate of pay for hours worked more than forty (40) hours versus working on a holiday at premium pay.

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Mayor Bradburn gave an example that her current employer only pays employees at time and a half during a designated holiday.

Council Member Burnett stated flex-time terminology has changed over the years as it was previously defined as a flexible work schedule. City Attorney Rey described compensated time as time and a half for hours worked over forty (40) hours in a work week rather than paying overtime and pointed out that is not what is being proposed. Council Member Burnett pointed out the employee has the right whether they take it as flex-time or overtime pay and feels the supervisor should not make that decision for the employee. Council Member Johnston gave an example that a private sector employer eliminated overtime unless authorized in advance and should an employee have more than forty (40) hours by the end of the work week then they would have to shorten their work day accordingly. Council Member Bernardini reiterated that he does not agree that a supervisor can dictate when the employee can or cannot take their flex-time.

Vice Mayor Lewis stated it is as though City employees do not have assigned hours of work. City Manager Norman-Vacha clarified typically employees have a regular schedule of report time but at times the work load may require additional hours worked. She further clarified that flex-time can be used prior to additional hours worked as long as it is a planned event.

Vice Mayor Lewis asked for confirmation that there is no requirement to pay overtime on a regularly assigned employees' schedule after eight (8) hours per day. City Manager Norman-Vacha corrected it is not based on daily schedule but on a forty (40) hour work week for regular personnel, with the exception of fire and police. She used the City Clerk and Council meetings as an example.

City Attorney Rey stated the general standard is time and one-half for any hours worked in excess of forty (40) in a work week as designated time.

Council Member Burnett stated he does not have a problem with the flex-time procedure, only that the employee does not have any say as to when they can take that time off as it was their hours worked. Mayor Bradburn disagreed and stated there has to be sufficient staff on duty to meet the needs of the City at any given time. She further elaborated that the employee must adjust their day's schedule by taking an extended lunch or leaving early for the day with supervisor authorization only.

Council Member Johnston stated it should not be at the discretion of the employee since this involves labor and management and is a decision of supervisory capacity. Council Member Burnett disagreed and held to his statement that the employee is the one who worked those hours and as long as it did not disrupt operations then the supervisor should not be able to dictate when that time can or cannot be taken within the parameters of the work week.

Mayor Bradburn stated she has confidence in the managers that they communicate and are fair with the employees and she has not seen any problems with this issue between management and employees. City Manager Norman-Vacha added that when overtime occurs on Tuesday night then that time cannot be flexed and can either be taken prior or has to be paid as overtime. She is not aware of a situation where an employee has asked to use flex-time within the guidelines that was not allowed. Council Member Burnett clarified that he has not heard of a situation that has occurred but rather that he has a problem with the way the policy is written.

City Attorney Rey summarized that Council Member Burnett has indicated that he is concerned with particular language and asked him to specify. She went on to say the Hours and Pay Section provides the definition as to what flexible scheduling is and there is no procedure that deals specifically with that item. Council Member Johnston agreed and stated it is defined but there is no implementation procedures specified in the policy and are addressed in the guidelines.

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Council Member Bernardini asked what happens in the matter of a two (2) week pay schedule. City Manager Norman-Vacha stated Federal law allows defining by a pay period but it is a lot more complicated and that is the reason staff has chosen to define by a pay week. City Attorney Rey stated there is a distinction between a work week and a pay period. A work week, for purposes of overtime, there are few exceptions for employees in a particular occupation to be on a work week that is more than a 7-day period with the exception of firefighters and police officers as they have a specific exemption on the forty (40) hour/seven (7) day work week and are allowed to use a different standard which is inclusive of pay periods. She specified that should the collective bargaining agreement be amended it still has to comply with the requirements of the law at minimal. City Manager Norman-Vacha explained it is compensation if time and a half is allowed to be taken off during that pay period and that is not being proposed because it is difficult to administer but flex-time is being proposed as the work week is defined and work requirements of pay over forty (40) hours per week for regular employees under Federal law.

Mayor Bradburn reiterated how tough next year's budget is going to be with expectations of a greater decrease in property values and less revenue for the City. She also mentioned how City Council does not want to increase taxes and concerns of how to deal with those financial limitations. She gave a synopsis of budget discussions such as a change in retirement contributions for new employees and/or a lengthy phase-in period and vacation accrual. City Manager Norman-Vacha indicated the vacation accrual is not before Council this evening but will be one of the final personnel policy amendments presented. She stated the City is a member of the Florida Retirement System for regular employees and dictates contribution could only be changed by the legislature.

Council Member Bernardini questioned the previous On-Call Pay of \$50.00 per week versus \$7.00 per day. City Attorney Rey explained it was structured in a two-tiered system. City Manager Norman-Vacha further explained it was done in this manner to simplify the procedure.

Council Member Burnett felt paying employees \$7.00 per day is not enough to be on-call and asked for it to be reviewed. City Manager Norman-Vacha further explained that an employee is still able to take care of personal business while carrying a cell phone and typically would get overtime pay should they get called in with a minimum of two (2) hours of pay. Council Member Bernardini felt that an employee is restricted in his personal activities and should be compensated at a higher rate. City Manager Norman-Vacha will do a survey of other municipalities and counties for comparison.

Mayor Bradburn asked if certain employees are placed on-call because they have a certain skill. City Manager Norman-Vacha indicated there are enough employees to use the rotation method for on-call duty.

Vice Mayor Lewis asked if on-call duty is voluntary or mandatory. Director Radacky indicated voluntary is used. Vice Mayor Lewis also felt a fairer on-call pay is in order and supports a survey being conducted.

Council Member Bernardini indicated he would like this section removed for further review after a survey is conducted.

### Section 4.00 Orientation and Training

City Attorney Rey stated this section sets forth the process and procedures that will be utilized for new employees and training obligations of Human Resources and departmentally.

Council Member Bernardini referred to number three, "Employees are required to meet any minimum training requirements for the position in which they are currently employed. A failure to meet required training standards may be cause for disciplinary action up to and including termination

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of employment”, pointing out that the verbiage “up to and including termination” is used quite frequently throughout the policies.

### Section 4.03 Tuition Reimbursement Program

City Attorney Rey stated this policy is in line with statutory requirements. The course or instruction in which the employee participates must be directly related to their existing job. It also provides some incentive for being a little more successful in completing the class and prorated based on grade as it provides for a service requirement or obligation. There is a discount for employees who complete a portion of the two (2) years of service. This program entails course completion and instruction for degrees if the course is directly related to their existing position and is different from the training policy which is required by the City.

Council Member Burnett would like this program to include Council Members to also give them an opportunity to further their education. City Manager Norman-Vacha indicated the personnel policy pertains to employees and recommended a separate policy to allow Council Members eligibility for tuition reimbursement, should Council desire.

### Section 5.00 City Property and Information

City Attorney Rey stated this section outlines the employee’s responsibility for city owned property issued to them during their employment. She referred to Section III.D. should read “Unauthorized personal use of equipment, tools and vehicles is not permitted”.

City Attorney Rey indicated there is a collective bargaining agreement in place and upon Council approval, the policies will be submitted to the unions for approval or remain under the existing policy until such time as the agreement is renegotiated, with the exception of Hours and Pay not being effective until January 2011.

Salary administration regarding the City’s contribution to employee’s retirement and vacation accrual was briefly discussed. City Manager Norman-Vacha indicated the legislature dictates the retirement contribution and vacation accrual will be brought back before Council at a different time.

### **Motion:**

Motion was made by Council Member Johnston and seconded by Council Member Burnett for approval of Sections 3.00; 3.01; 4.00; 4.03; 5.00 with amendment. Motion carried 4-1 with Council Member Bernardini voting in opposition.

### **CITIZENS INPUT**

Mayor Bradburn asked for public input.

Emory Pierce indicated the on-call pay was increased several years ago from \$50.00 to \$66.00 per week to be in line with the County and the Crew Leader job description stated it was mandatory to participate in the on-call rotation and indicated employees who volunteered to be on-call would be considered for a Crew Leader position. City Manager Norman-Vacha will make sure the change in pay was approved by City Council for updating.

Kojack Burnett felt workers should have the option of saying if they want to flex-time on a case-by case basis.

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### ITEMS BY COUNCIL

#### Frankie Burnett, Council Member

##### Veterans Day Parade

Council Member Burnett indicated the parade was successful.

##### Donations for the needy

He requested everyone consider giving donations to help the needy with the upcoming holidays during the state of a bad economy.

#### Joe Bernardini, Council Member

##### Happy Thanksgiving

Council Member Bernardini wished everyone a Happy Thanksgiving.

##### Pedestrian Crosswalks

He requested staff look into costs for pedestrian crosswalks during special events.

##### Traffic Light at Veterans Avenue and Jefferson Street

Council Member Bernardini stated he had asked about the possibility of installing a traffic light at Veterans and Jefferson at the August 2<sup>nd</sup> Council meeting and asked for an update. City Manager Norman-Vacha indicated there has been discussion with the Florida Department of Transportation and they indicated it not eligible for a traffic signal because of the short distance between Ponce de Leon Boulevard and Jefferson Street. Council Member Johnston recommended requesting a temporary light since the Metropolitan Planning Organization accomplished having one installed several years ago on SR50 near Interstate 75.

##### Advisory Boards

He stated the advisory boards need to be kept informed of City Council action. He referenced the City Welcome signage brought forward by the Beautification Board as the Mayor graciously attended their meeting to brief members of changes.

##### Lights at ball field

He stated lights were not turned on at the ball field on Monday night and indicated he would like emergency or after hours contact telephone numbers posted at the parks.

##### Construction of Shelter on Howell Avenue by Jericho Road Ministries

He indicated the drainage problem needs to be corrected in that area. Mayor Bradburn suggested a representative be present at the Board of County Commissioners meeting to convey water issues of this area. Director Geiger indicated all regulations by the Southwest Florida Water Management District would need to comply for new development. City Manager Norman-Vacha and Director Geiger will attend the board meeting.

##### Request for Public Records Protocol by City Staff

He is opposed to going through the City Manager to get public information from a staff member. He indicated this has happened to him several times and at least once to Vice Mayor Lewis.

#### Richard E. Lewis, Vice Mayor

##### Resignation from City Council

Vice Mayor Lewis indicated he has enjoyed his time on Council and hopes the City continues to look forward with civility. He wished all the best and happy holidays.

REGULAR COUNCIL MEETING MINUTES - November 15, 2010

T. Jennene Norman-Vacha, City Manager

Food Donations

She indicated the firefighters have placed a box for donations of food for the holidays in the lobby and at the fire station. She wished all a Happy Thanksgiving.

Lara Bradburn, Mayor

Donations

Mayor Bradburn indicated there are staff members as well who need help and encouraged all to reach out.

Veterans Parade

She stated the parade was as spectacular as always by commemorating American Veterans.

Friends of the Children

She stated there will be a Board of Directors meeting tomorrow at 11:30 am.

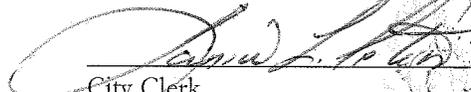
Vice Mayor Lewis' Resignation

She personally thanked Vice Mayor Lewis for his many years of service, pointing out it takes a lot of sacrifice to commit to an elected position.

Council Member Burnett stated "People can disagree without being disagreeable".

**ADJOURNMENT**

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

  
City Clerk

Attest:

  
Mayor