

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

February 8, 2010

5:05 P.M.

Brooksville City Council met in special 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. and Jennifer C. Rey, City Attorneys; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, 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.

**SPECIAL AGENDA**

**Sewer System Rehabilitation Phase 3 – Reynolds Inliner, LLC Change Order**

Consideration of Council to terminate existing contract with Paints and Coatings and approve the change order to Reynolds Inliner, LLC, for \$160,000 to allow Paints and Coatings to work as their subcontractor.

Richard Radacky, Interim Director of Public Works, reviewed the change order to allow Paints and Coatings to do work under the insurance certificate of Reynolds Inliner, LLC. Vice Mayor Lewis asked for it to be put in writing that Reynolds Inliner will be responsible should something go awry. Interim Director Radacky confirmed. Mayor Bradburn explained that Paints and Coatings, who are sole-source for this process, have been in such demand that they have reached their maximum bond ability.

**Motion:**

Motion was made by Council Member Burnett and seconded by Council Member Johnston for approval. Motion carried 5-0.

Council Member Bernardini noted he is not normally in favor of change orders.

**CITIZENS INPUT**

Mayor Bradburn asked for public input; there was none.

**Ordinance No. 786 – Filling vacancies in City Council**

Consideration of proposed ordinance filling City Council vacancies to amend the City's Code of Ordinance and special election.

**[First Reading]**

Mayor Bradburn reviewed the alternatives to the current ordinance.

Council Member Johnston modified his previous recommendations for change (Attachment A), which was reviewed. His major recommendation was to appoint a replacement until the next regular, municipal or general election. The proposal was reviewed by legal counsel. City Attorney Hogan stated there is nothing legally wrong with either the proposed ordinance nor Council Member

**SPECIAL COUNCIL MEETING MINUTES - FEBRUARY 8, 2010**

Johnston's proposed amendment. The intent of both is to have the seat up for election at the next regular election. Council Member Johnston clarified the proposed ordinance states "the next regular election" which could be up to two (2) years but his proposed amendment states "the next regular or county-wide election" whichever occurs first. Council Member Lewis pointed out the two (2) elections run simultaneously so it would be the same time frame. City Attorney Rey clarified it states "county-wide election", whether that be a primary, special or general election. Council Member Johnston further clarified that his intention is to have primaries excluded but he did not change the timeframe should there be insufficient time.

Mayor Bradburn asked about the possibility of military active-duty service and how Council handles that vacancy. City Attorney Hogan stated it could be covered under the Soldier's and Sailor's Act but will address another amendment at another time.

Mayor Bradburn stated Council Member Johnston's amendment accomplishes her primary objective of going to the larger election that will eliminate financial burden and also ensure the greatest turnout. Council Member Johnston pointed out the City moved the city elections to coincide with the county to give a greater turnout which has proved to be the case.

City Attorney Hogan confirmed the amendment to read "any county-wide scheduled non-primary election" to which Council Member Johnston concurred.

City Attorney Rey suggested for Paragraph (c), rather than inserting the post amendment in that sentence, to add it at the end of the paragraph with the introductory days "The eligible person appointed by the Governor shall serve until any county-wide scheduled non-primary election."

Council Member Burnett supported amending the ordinance as proposed by Council Member Johnston.

City Clerk Peters read Ordinance No. 786 by title, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 2 ADMINISTRATION; AMENDING SECTION 2-31; AMENDING SECTION 2-32; AMENDING CHAPTER 30 ELECTIONS; PROVIDING FOR CODIFICATION, CONFLICTS, REPEALING, SEVERABILITY AND AN EFFECTIVE DATE.**

**Motion:**

Motion was made by Council Member Johnston seconded by Council Member Burnett for approval of the first reading of Ordinance No. 786 as presented.

Council Member Johnston stated he would like to offer an amendment to be considered; the amendment as passed out with the addition of the "county-wide non-primary election" including the addition of the language under paragraph (c) "the eligible person shall serve until..." as suggested by Attorney Rey.

**Motion:**

Motion was made by Council Member Johnston seconded by Council Member Burnett for approval to amend Ordinance No. 786 as recommended by Council Member Johnston.

**SPECIAL COUNCIL MEETING MINUTES - FEBRUARY 8, 2010**

Attorney Hogan clarified there was a motion and second to approve the ordinance as presented then there was a motion and a second to amend. The first vote was whether or not to approve the ordinance as presented and the next action was a vote on the amendment to the proposed ordinance.

City Attorney Hogan reiterated that there is no conflict in Council Member Burnett voting on this ordinance due to extending his tenure on the Council until the next regular election. (Attachment A) Mayor Bradburn indicated there was a motion and a second for the amendment to the proposed ordinance and asked for a roll call vote.

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

Council Member Johnston stated a motion to amend Ordinance No. 786 to add at the beginning of Item 5 "Except in the event of active military service, when any councilmember shall have absented himself..."

**Motion:**

Motion was made by Council Member Johnston seconded by Council Member Burnett for approval to amend Ordinance No. 786 as recommended by Council Member Johnston.

Attorney Hogan indicated this was a vote for the second amendment of Ordinance No. 786.

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

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

Mayor Bradburn indicated this is a vote for the general new amended Ordinance No. 786 as twice amended.

**Motion:**

Motion was made by Council Member Johnston seconded by Council Member Burnett for approval of Ordinance No. 786 as twice amended.

Council Member Lewis asked for clarification in paragraph (b) was it being completely removed "or the City Council may call for a Special Election". Council Member Johnston affirmed it is still in there and was not amended on his motion.

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

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

**SPECIAL COUNCIL MEETING MINUTES - FEBRUARY 8, 2010**

City Manager Norman-Vacha indicated Council would need to establish a special meeting for the second reading because of the timing of the Special Election. Until such time that the ordinance is passed Council is not outside the possibility of having a Special Election. Council would need to act by the 18<sup>th</sup> of February to make a decision on whether or not the ordinance would stand or pass as amended this evening so that staff would know whether or not to go forward with a Special Election. City Attorney Hogan stated there can be another special meeting with ten (10) days between first and second readings. City Attorney Rey explained the second reading would have to occur by the 18<sup>th</sup> of February in order to have direction on whether or not a Special Election does in fact have to be held before qualifying starts. In the event the second reading occurs after that date, there is a possibility of candidates qualifying/not qualifying for the Special Election.

City Manager Norman-Vacha stated according to the resolution, the qualifying period would begin the week of the 22<sup>nd</sup> of February at noon. The Supervisor of Elections must advertise that qualifying will begin ten (10) days in advance of qualifying beginning which would be February 12<sup>th</sup>. In order to eliminate qualifying and/or the ordinance did not pass on second reading, a decision must be made on the ordinance prior to that time period so as not to not preclude someone from qualifying to run for office.

The Mayor called for a special meeting on February 18<sup>th</sup> at 12:15 p.m. regarding the second reading of the ordinance.

**Resolution No. 2010-04 Special Election**

Consideration of resolution calling for a special election to fill the Group #2 Seat Vacancy for the unexpired term ending at the first regular Council meeting in December 2012.

City Manager Norman-Vacha indicated there is a provision in the ordinance that would nullify the resolution in the event that Council takes action prior to the commencement of qualifying. Council would have to adopt an ordinance on February 18<sup>th</sup>.

City Clerk Peters read Resolution No. 2010-04 by title, as follows:

**A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA,  
CALLING FOR AND ORDERING A SPECIAL ELECTION ON APRIL  
6, 2010 TO FILL CITY COUNCIL SEAT NO. 2 VACANCY;  
DESIGNATING A QUALIFYING PERIOD; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

Mayor Bradburn indicated there have been two (2) changes to the resolution that was in the packet; to change qualifying from 8:00 a.m. to noon and to make an addition regarding early voting.

**Motion:**

Motion was made by Council Member Johnston and seconded by Vice Mayor Lewis for approval of Resolution No. 2010-04.

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

**SPECIAL COUNCIL MEETING MINUTES - FEBRUARY 8, 2010**

Council Member Burnett announced the City of Brooksville and United States Department of Rural Development are hosting a 504 grant and loan workshop for all homeowners in need of financial assistance for home repair on February 27<sup>th</sup> from 10:00 a.m. to 2:00 p.m.

**CITIZEN INPUT**

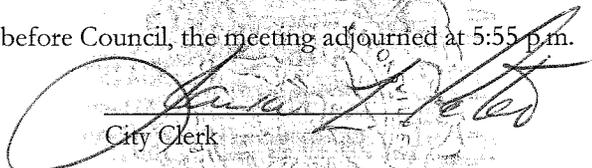
Mayor Bradburn asked for public input.

Gary Schraut commended Council on coming together for the best interest of the citizens.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting adjourned at 5:55 p.m.

Attest:   
Mayor

  
City Clerk

