

**CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING  
HERNANDO COUNTY MINING ASSOCIATION  
ENRICHMENT CENTER  
800 JOHN GARY GRUBBS BOULEVARD  
BROOKSVILLE, FL 34601  
MINUTES**

May 7, 2012

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor Lara Bradburn, Council Members Joe Bernardini, Frankie Burnett and Kevin Hohn present. Also present were Butch Battista, 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.

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

**Eagle Scout Milligan Proclamation**

A proclamation in honor of Kyle Milligan achieving the Eagle Scout designation from the Boy Scouts of America.

The proclamation was read in its entirety by Mayor Johnston and presented to Kyle Milligan, who elaborated on getting to the point of receiving the award. He thanked Council for the recognition.

**Civility Month Proclamation**

A proclamation declaring the month of May "Civility Month", urging all citizens to exercise civility toward one another.

The proclamation was read in its entirety by Mayor Johnston and presented to Attorney Steve Toner, who spoke of civility. He thanked Council for the presentation.

**CITIZEN INPUT**

Mayor Johnston asked for citizen input; there was none.

**CONSENT AGENDA**

**Minutes**

March 7, 2011	Regular Meeting
October 3, 2011	Regular Meeting
October 17, 2011	Regular Meeting
November 7, 2011	Regular Meeting
November 21, 2011	Regular Meeting

**Uniform Leasing Contract**

Consideration of continuing the piggy-back off Hernando County's bid with Unifirst Corporation and begin piggy-back on their award to NJPA.

APPROVED BY BROOKSVILLE  
CITY COUNCIL  
ON 7/2/12 INITIALS SP

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## Energy Systems Group (ESG) Change Orders 2 - 5

Consideration of reduction of the ESG Agreement in the amount of \$73,144 and authorize the Mayor to sign the change orders.

### Motion:

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

Council Member Bernardini referenced the contract with Energy Systems Group and asked why the vendor paid Florida Sales Tax on network cabling. City Manager Norman-Vacha stated it is due to the vendor purchasing it directly.

## REGULAR AGENDA

### Charter Review Committee (CRC) Recommendations

Consideration of recommended changes to the Charter made by the CRC.

Charter Review Committee Chairman Jay Thompson reviewed two (2) recommendations of Charter revision by the committee. There is no procedure currently in place for removal of a member who no longer fills residency requirements to serve on City Council. The majority of the Charter Review Committee also recommended term limits be changed from two (2) terms to three (3).

Council Member Hohn asked why they felt the term limits should be extended. Chairman Thompson advised he felt term limits should be eliminated but most felt they should be extended because there is a lack of institutional memory and term limits takes power away from electors.

Council Member Bradburn referenced the recommendation she had made for the committee to consider the appointment of an established business owner on the committee. Chairman Thompson stated there was not much discussion on this subject since the committee felt this matter should be deferred to City Council. Mayor Johnston pointed out there has been several business owners serving on the committee and future Councils should strive to continue to achieve representation of the business community.

Chairman Thompson stated there was diversity of backgrounds of committee members with different views and strong recommendations.

Council thanked Chairman Thompson and the committee members for their service.

### **Sec. 2.02. Qualification of city council members; term of office.**

- (a) Any elector who has continuously resided in the City of Brooksville for at least one (1) year, immediately prior to qualifying, shall be eligible to hold the office of city council member.
- (b) Members shall be elected for a four-year term. Consecutive terms shall be limited to ~~two~~ **(2) three (3)**, full, four (4) year terms with a minimum of a one-year period of time out of office before being allowed to run for council subsequently.

### Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Bradburn to approve changes to Sec. 2.02 of the Charter for discussion.

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Vice Mayor Bradburn stated she sees both sides of the issue. Voters have limited ability to choose office holders under term limits. Term limits, however, can either help or hinder the system at any given time. The combative and unaccomplished Legislature of recent years could benefit from term limits but limits force the loss of worthy lawmakers. She is neutral on increasing term limits for Council Members and supports letting the people decide. In answer to Mr. Thompson's question, she pointed out a past recall was based on false pretenses of malfeasance.

Council Member Bernardini felt it the citizen's decision as to whether there are term limits and supports a referendum. He supported term limits in the past but now he is in favor of eliminating them, but will support increasing from two (2) to three (3) terms as recommended by the Charter Review Committee.

Council Member Burnett also favors eliminating term limits to give citizens their say as to who they want to serve. He pointed out that he was an incumbent previously voted out of office.

Mayor Johnston favors term limits to ensure turnover but it is up to the people to vote a member out of office.

Council Member Hohn favors term limits and he is concerned that it is arbitrary for Council to ask the electorate to allow extending terms another four (4) years. His concern is the committee did not unanimously agree on this issue and he felt the people have already voted for two (2) term limits. He felt in a small city the incumbent has an advantage to not be voted out of office and that advantage does not serve the community. He supports new views as often as possible. Although he did not support increasing term limits for the betterment of Council, he agreed with Council Member Bernardini that the recommendations should go to the people.

Chairman Thompson added discussion of creating "career politicians" for rate of pay, which is set by Council, was not of concern to the committee. He confirmed extending term limits did not come from a Council Member but was directly from the Charter Review Committee.

Motion carried 4-1 with Council Member Hohn voting in opposition.

### **Sec. 2.04. Disqualification and forfeiture of office.**

The council shall be the judge of the disqualification of its members and of the grounds for forfeiture of their office. Forfeiture of office by a council member shall be limited to the following:

- (1) Permanent inability to perform official duties.
- (2) Conviction of a felony.
- (3) Neglect of duty for failure to attend a majority of council meetings within the immediate prior six (6) months' term of office without just cause.
- (4) **Council member no longer meets residency requirements of having primary residence within the city limits.**

### **Motion:**

Motion was made by Council Member Hohn and seconded by Council Member Bernardini for approval of changes to Sec. 2.04 of the Charter. Motion carried 5-0.

Vice Mayor Bradburn clarified residency is not defined here as "intended domicile" and Council Members must be a full-time resident of the City of Brooksville. She explained a challenge could go to a circuit court judge and in the past has ruled in favor of the defendant due to unclear intent. She favored additional language of "eight (8) months out of the year" defining permanent residency with

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a homestead exemption. Mayor Johnston pointed out there will not be a homestead exemption with apartment living within the City.

Council Member Hohn asked for the legal definition of primary residence. City Attorney Battista confirmed primary residence would coincide with homestead exemption regulations. Chairman Thompson stated should this occur, it could now be challenged and his concern is there is nothing in the current Charter to allow for removal from office.

Council Member Hohn advised should there be a cessation of the City he would be removed unwillingly from office.

Council did not concur that additional language be added as suggested by Vice Mayor Bradburn.

### CITIZEN INPUT

Mayor Johnston asked for public input; there was none.

### ITEMS BY COUNCIL

#### Joe Bernardini, Council Member

##### Charter Changes

Council Member Bernardini referenced the memorandum from the Charter Review Committee Chair, asked is the final language approved. Attorney Battista advised if they had changed it he would have presented Council with final language. He also advised an Ordinance will be forthcoming for final ballot language for Council to approve.

He suggested a referendum to the voters that the Mayor be appointed or elected. Council Member Burnett pointed out the current form of government would then have to be changed also. Mayor Johnston felt an elected Mayor for a small city would not be necessary and felt being appointed by Council has been working fine.

##### Progress Energy

He referenced two (2) articles from the newspaper regarding “fleecing of customers” by Progress Energy. He advised he would like to try to get out of the Franchise Agreement the City has with them. Attorney Battista advised they are working on memos to bring to Council regarding this issue.

##### Blueberry Festival

He advised the event was well attended and was pleased with the event. The only area that concerned him was people ignoring the barricades and driving around them.

#### Frankie Burnett, Council Member

##### Blueberry Festival

Council Member Burnett thanked Michael Heard and all those involved in putting together the event.

##### Congratulations

He congratulated the graduating college students on furthering their education.

##### Commendation

He thanked the City Manager and employees for their dedication.

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## Lara Bradburn, Vice Mayor

### Blueberry Festival

Council Member Bradburn relayed stories from the Blueberry Festival concerning a family from West Palm staying in town for the weekend and an increase in business for local restaurants. She recognized city staff contributions, Florida Department of Transportation for road closures and Cliff Manuel for stepping in. The Police Department was great with traffic control and she commended Stan Mettinger for representing the Fire Department well.

## Kevin Hohn, Council Member

### Blueberry Festival

Council Member Hohn thanked all the volunteers and is looking forward to next year's festival.

## Butch Battista, City Attorney

### Real Tree Lane

City Attorney Battista informed Council the parties Holliday and Sutton vs. City of Brooksville have appealed to the Fifth District Court of Appeals and the Hogan Law Firm will be handling the matter on behalf of the City.

Council Member Hohn asked if construction of Real Tree Lane will begin on May 18<sup>th</sup>. Attorney Battista indicated the start order was dated today issued to the contractor and agreed to mediation.

### Executive Session

City Attorney Battista requested an Executive Session for thirty (30) minutes at the May 21<sup>st</sup> meeting beginning at 6:30 p.m. at the Enrichment Center regarding the case Westchester Insurance vs. City of Brooksville. Council concurred.

## Joe Johnston, Mayor

### Food Truck Rally

Mayor Johnston recommended Council consider having a food truck rally downtown on Saturdays at least once a month.

Council Member Bradburn suggested the rally be coordinated so not to interfere with the "Summer Nights" event.

### Blueberry Festival

He read a letter from the United States Senate into the record from Senator Bill Nelson regarding the Blueberry Festival.

## ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:20 p.m.

  
City Clerk

Attest: \_\_\_\_\_

  
Mayor