

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

MINUTES

September 15, 2008

7:00 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis present. Also present was Thomas S. Hogan, Jr. and Jennifer Rey, City Attorneys; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy 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. A representative of Hernando Today was also present.

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

Mayor Pugh adjourned the Council Meeting for the Local Planning Agency meeting at 7:03 p.m., reconvening at 7:13 p.m.

CONSENT AGENDA

Minutes

July 21, 2008 Regular Meeting

Surplus Equipment

Declare certain miscellaneous equipment surplus and authorize disposal accordingly.

Reuse Reimbursement #4 and Repayment of Oversizing Costs

Authorization to refund \$131,529.75 of Water Management District Reuse Reimbursement #4 to Hampton Ridge Developers, LLC and prepare budget amendment of \$183,900 from the 409 Grants From Other Local Units Account to 409 Other Current Charges Account.

Sewer Rehab Phase 2A Bid No. UD2008-08 - Section 1.0 Award

Consideration of awarding the portion of the bid for Section 1.0 for Open Cut Service Laterals to Love Construction Group, Inc. in an amount not to exceed \$84,416.20 and authorize the Mayor to sign an Agreement for Contractor Services when all documents have been reviewed by the City Attorney.

Public Nuisance Lien

Consideration of recording lien for expenses incurred for the cleanup of property in violation of the City's code.

Owner/Property - Stephanie Coggins, 610 Iris St. - \$201.14

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the Consent Agenda.

Council Member Bernardini asked if staff could check with the Museum to see if they are interested in the old Fire Department siren before it is auctioned. Council concurred and City Manager Norman-Vacha will look into the matter.

APPROVED BY BROOKSVILLE

CITY COUNCIL

ON 11/3/08 INITIALS [Signature]

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Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Resolution No. 2008-18 - Brian Cowhig Retirement

Consideration of resolution honoring over 14 years of service by Brian Cowhig, who retired August 28, 2008.

Mayor Pugh read the resolution in its entirety.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Resolution No. 2008-18.

City Clerk Phillips called role as follows:

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

Family Day - A Day to Eat Dinner with Your Children Proclamation

Proclamation in honor of "Family Day" on September 22, 2008.

Mayor Pugh read the proclamation in its entirety, which will be delivered to The National Center on Addiction and Drug Abuse.

PUBLIC HEARINGS

Ordinance No. 763 - Quasi-Judicial Ex-parte Communication

Consideration of ordinance establishing rules and regulations for quasi-judicial proceedings.

[First reading 8/18/08]

City Attorney Rey reviewed the ordinance.

Mayor Pugh asked for public input; there was none.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance 763.

City Clerk Phillips read Ordinance No. 763 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, RESCINDING PRIOR POLICIES; ESTABLISHING PROCEDURES FOR REMOVING ANY PRESUMPTION OF PREJUDICE RELATING TO EX PARTE COMMUNICATIONS WITH LOCAL PUBLIC OFFICIALS IN REGARD TO QUASI-JUDICIAL MATTERS; ESTABLISHING PROCEDURES FOR INTERVENING AS A PARTY IN QUASI-JUDICIAL MATTERS INVOLVING LAND USE; ESTABLISHING PROCEDURES FOR TAKING TESTIMONY AS TO QUASI-JUDICIAL MATTERS INVOLVING LAND USE; PROVIDING DEFINITIONS; PROVIDING FOR CODIFICATION, CONFLICTS AND REPEALER, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE

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Vice Mayor Burnett AYE
Mayor Pugh AYE

Ordinance No. 764 - Parks & Recreation Regulations Revision

Consideration of ordinance repealing Ordinance #500, confirming Parks & Recreation Advisory Board, providing for adoption of Rules & Regulations by resolution and authorize penalties for violations.
[First reading 8/18/08]

Mike Walker, Director of Parks & Recreation gave a brief overview of the ordinance.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bernardini for approval of Ordinance 764.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 764 by title, as follows:

AN ORDINANCE REPEALING PRIOR ORDINANCE; PROVIDING FOR PARKS AND RECREATION ADVISORY BOARD; PROVIDING FOR THE ESTABLISHMENT OF RULES AND REGULATIONS FOR PARKS OR RECREATIONAL AREAS; PROVIDING FOR RESOLUTIONS TO ESTABLISH AUTHORITY OF CITY COUNCIL, LAW IN THE SUNSHINE, PENALTIES, AND REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bradburn AYE
Council Member Lewis AYE
Council Member Bernardini AYE
Vice Mayor Burnett AYE
Mayor Pugh AYE

REGULAR AGENDA

Resolution No. 2008-19 - Parks & Recreation Regulations Revision

Consideration of resolution providing rules and regulations for the Parks Department as authorized by Ordinance No. 764 previously adopted.

Director Walker asked for approval of the resolution relating to the previous ordinance.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Resolution No. 2008-19.

Mayor Pugh asked for public input, there was none.

City Clerk Phillips read Resolution No. 2008-19 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ADOPTING RULES AND REGULATIONS FOR THE MANAGEMENT AND OPERATION OF THE PARKS OR RECREATIONAL AREAS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Lewis Aye
Council Member Bernardini Aye

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Council Member Bradburn	Aye
Vice Mayor Burnett	Aye
Mayor Pugh	Aye

Ordinance No. 754-A - Firefighters' Retirement Trust Fund Amendments

Consideration of ordinance amending Sections 5, 6 & 10 of the City of Brooksville Firefighters' Retirement Trust Fund.

Fire Chief Mossgrove indicated the attorney for the Firefighters Pension Trust Fund could not be here and gave an overview of the amendment.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for approval of Ordinance 754-A.

Mayor Pugh asked for public input; there was none.

Council Member Lewis asked for confirmation that the annual payroll will be going down ½%. Fire Chief Mossgrove confirmed.

City Clerk Phillips read Ordinance No. 754-A by title, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-C, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Ordinance No. 770 - Police Officers Retirement Trust Fund Plan Document Amendments

Consideration of ordinance amending Sections 7, 8, and 16 of the City of Brooksville Police Officers' Retirement Trust Fund.

Bonnie Jensen, Attorney for the Police Officer's Pension Fund, reviewed the amendments which increases the normal retirement benefit from 3½% to 4%, amends the plan to provide for a death benefit for prior to and after vesting for in-the-line-of-duty deaths and to add some provisions from the Internal Revenue Code Section 415 to tie the benefits to the cost of living adjustments contained therein.

The actuarial impact statement of the costs, as calculated, came to \$26,671 which will be paid for from the F.S. 185 money for the plan. She advised that the City makes no contribution into the plan, which is self-funding from the F.S. 185 Fund and the City has a contribution reserve that is contained within the pension plan.

Council Member Bradburn reminded Council that should the contribution reserve account run out the City would be responsible for

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contributions. Accepting these amendments would essentially tie the hands of future Council. Therefore, she was not in favor of increasing the percentage rate. Council Member Bradburn stated she strongly supported adding death benefits regarding officers killed in the line of duty.

The non-vested benefit for in-the-line-of-duty deaths was discussed. For Council reference, City Manager Norman-Vacha advised that the City has separate insurance for that particular death benefit which is mandated by Statutes and not part of the pension fund. The amounts are \$59,694 for in-the-line-of-duty and pursuit deaths and \$179,083 for unlawful and intentional death benefits. Discussion continued.

Council Member Lewis asked if it would be possible to reduce the 4% in the future if the money was not available. Attorney Jensen indicated the benefits can be reduced or members can contribute. Discussion of survivor benefits and vesting continued.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance 770.

Council Member Bernardini asked when the City would possibly have to contribute to the fund. Brad Heinrichs, Board Actuary from Foster & Foster, indicated it is probably 15+ years away depending on the growth of the department.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 770 by title, as follows:

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA; ENACTING INTO LAW AN AMENDED AND RESTATED PENSION PLAN FOR POLICE OFFICERS PROVIDING FOR A REVISED POLICE OFFICERS RETIREMENT TRUST FUND; PROVIDING FOR THE CREATION OF FUND; PROVIDING FOR DEFINITIONS; PROVIDING FOR PARTICIPATION; PROVIDING FOR BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR PRE-RETIREMENT DEATH; PROVIDING FOR DISABILITY; PROVIDING FOR VESTING; AMENDING VESTING PERIOD TO SIX YEARS OF CREDITED SERVICE; PROVIDING FOR OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING FOR CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO DIVISION OF RETIREMENT; PROVIDING FOR ROSTER OF RETIREES; PROVIDING FOR MAXIMUM PENSION; REVISING BASIC LIMITATIONS FOR INCREASES IN THE COST OF LIVING IN ACCORDANCE WITH THE REGULATIONS UNDER §415(d) OF THE CODE; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF PLAN; PROVIDING FOR EXEMPTION FROM EXECUTION, NONASSIGNABILITY; PROVIDING FOR FORFEITURE OF PENSION; CONVICTION AND FORFEITURE; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR PRIOR POLICE SERVICE; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR CONFLICT, SEVERABILITY, AND PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion carried 4-1 upon roll call vote, as follows:

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Council Member Bradburn	NAY
Council Member Lewis	AYE
Council Member Bernardini	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Ordinance No. 765 - Environmental Standards Ordinance

Consideration of ordinance amending Chapter 38, "Environment, Article II, "Junked, Wrecked, Abandoned, Lost, Seized Property" and Article III "Property Maintenance" of the City of Brooksville code.

Director Geiger gave a brief review of the ordinance.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance 765.

Mayor Pugh asked for public input.

Mrs. Kemper of Brooksville Avenue, who was upset that a picture of her home had been published in the newspaper under a caption titled "Cluttered", asked for an explanation of proper maintenance. Director Geiger indicated the intent of the ordinance is to address litter, garbage, junk and types of material as defined within the ordinance. He read from the ordinance for clarification, as it relates to code enforcement, which was discussed. Council apologized for her property being singled out but assured her that her property has not been singled out for violations.

City Clerk Phillips read Ordinance No. 765 by title, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 38, "ENVIRONMENT, ARTICLE II, "JUNKED, WRECKED, ABANDONED, LOST, SEIZED PROPERTY," PROVIDING FOR NOTICES OF VIOLATIONS, APPEALS TO THE CITY MANAGER, AND POSSIBLE EXTENSIONS OF TIME FOR THE REMOVAL OF VEHICLES OR OTHER ARTICLES UNLAWFULLY LOCATED ON ANY PUBLIC OR PRIVATE PROPERTY; AMENDING ARTICLE III "PROPERTY MAINTENANCE," PROVIDING FOR THE PROHIBITION OF THE ACCUMULATION OF JUNK OR LITTER ON PUBLIC OR PRIVATE PROPERTY; PROVIDING FOR CODIFICATION, CONFLICTS AND REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

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

Council Member Lewis	AYE
Council Member Bernardini	AYE
Council Member Bradburn	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Ordinance No. 766 - Law Enforcement, Fire and Emergency Medical Services Cost Recovery

Consideration of ordinance providing for a recovery mechanism for costs associated with providing emergency services to our visitors and citizens.

Fire Chief Mossgrove reviewed the proposed ordinance. Regina Moore, President of Cost Recovery Corporation, reviewed the program as well stating it is not fund generating but a reimbursement of funds expended by the City for services outside the normal services provided. These

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would be billed only to the at-fault party, regardless of residency, which cause 60-70% of accidents. She indicated no fees are charged to the City for their services and they function only at the direction of Council. Discussion followed.

Mayor Pugh, commenting on the statement that this is not double taxation, stated that if the person's insurance company will pay the money will be accepted. He indicated he is not 100% on board with the idea because the City's Fire and Police are in the City's General Fund that comes out of Ad Valorem taxes. Further, the General Fund receives state profit sharing, state revenue sharing as well as sales tax. So people visiting our city are helping fund police, fire and other things already. Plus, at fault drivers are issued tickets, which the city gets a percentage of and that helps pay the officer's salary also.

He then referenced page 4 concerning residential property incidents, asking what happens if the property owner does not have insurance. Does the property owner have to pay? Regina Moore indicated no. Mayor Pugh expressed concern that only those whose insurance would pay would have to pay. Attorney Jennifer Rey advised there are provisions in the ordinance that address both exemptions and fee waivers for unusual and unforeseen circumstances as well as a hardship provision in circumstances where the City Manager has discretion to wave charges or fees being assessed. Discussion continued of insurance riders.

Mayor Pugh asked for public input.

Dan Patrick advised that if the city keeps hiring firms to do the work of the City Manager the citizens will not need a council. He referred to the waste of having multiple engines respond to incidents. He recommended anyone making over \$50,000 take a 10% reduction in pay to save the City money.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of Ordinance 766, keeping in mind the issues discussed.

City Clerk Phillips read Ordinance No. 766 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE AUTHORIZING THE CITY TO SEEK REIMBURSEMENT OF COSTS OF CERTAIN POLICE, FIRE, EMERGENCY AND RESCUE SERVICES FOR SERVICES PROVIDED WITHIN THE RESPONSE AREA OF THE CITY OF BROOKSVILLE BY IMPLEMENTING SERVICE CALL FEES; PROVIDING A RESIDENTIAL PROPERTY EXEMPTION; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Motion carried 4-1 upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	NAY

Council Member Bradburn asked about the time frame for a contract should it be approved upon second reading. City Manager Norman-Vacha indicated it could probably be finalized by January.

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Ordinance No. 767 - Flood Prevention and Protection

Consideration of ordinance amending Chapter 113, "Flood Prevention and Protection" of the City of Brooksville code.

Director Geiger reviewed the issue indicating 1986 to be the last time the ordinance was updated and that the Planning & Zoning Commission recommended approval upon review.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Ordinance 767.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 767 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, REPEALING ORDINANCE NO. 437 AND AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 113, "FLOOD PREVENTION AND PROTECTION," BY REPEALING THEREIN ARTICLE I, "IN GENERAL," ARTICLE II, "ADMINISTRATION," AND ARTICLE III, "PROVISIONS FOR FLOOD HAZARD REDUCTION" AND REPLACING HERewith ARTICLE I, "IN GENERAL," ARTICLE II, "DEFINITIONS," ARTICLE III, "GENERAL PROVISIONS," ARTICLE IV, "DESIGNATION AND DUTIES OF BUILDING OFFICIAL," ARTICLE V, "ADMINISTRATION," ARTICLE VI, "PROVISIONS FOR FLOOD HAZARD REDUCTION," AND ARTICLE VII, "VARIANCES;" PROVIDING FOR CONFLICT AND SERVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bradburn	AYE
Council Member Lewis	AYE
Council Member Bernardini	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Ordinance No. 768 - 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 briefly reviewed the petition heard by the Local Planning Agency earlier.

Mike Gaylor reiterated the specifics of the petition relayed in the LPA meeting in relation to Mildred and the Hogan house. He stressed there are no plans to tie into Mildred Avenue and it has been requested that the Hogan house have a land-use designation of single-family residential.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of Ordinance 768.

Mayor Pugh asked for public input; there was none.

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City Clerk Phillips read Ordinance No. 768 by title, 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.

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

Council Member Lewis	AYE
Council Member Bernardini	AYE
Council Member Bradburn	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Sheriff's Department Amended Mutual Aide Agreement

Review of proposed amendments to the Combined Voluntary Cooperation and Operational Assistance Mutual Aide Agreement (agreement initially executed in January 2005) to address specific officer safety issues brought to light through our combined dispatch arrangement effective through March 31, 2009.

Police Chief George Turner indicated the cooperative agreement for Dispatch Services is working well but stressed certain officers safety issues now needed to be addressed and reviewed the agreement, which allows for a City of Brooksville officer to respond outside its jurisdiction.

Mayor Pugh asked for public input; there was none.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of the amended Agreement.

Discussion continued of a possible agreement with the Sheriff's Department for City Law Enforcement coverage for areas just outside the city limits that can only be accessed by crossing City streets and right-of-ways. City Manager Norman-Vacha explained the protocol associated with the agreement at hand and offered to meet individually with Council for their thoughts before meeting with the Sheriff on the issue.

Motion carried 5-0.

Resolution No. 2008-20 - Building Division/Community Development Department Service Fees

Consideration of resolution amending the current Permitting, Inspection, and Administrative & Development Fee Schedule.

Director Geiger reviewed the fees referenced in the resolution which he advised are comparable with other jurisdictions in the area. He indicated the Building Department met with the local Builders Association and made adjustments in line with comments made by the Association. Discussion followed. Mayor Pugh indicated that before the rates are raised he would like to consider moving the Building Division in-house or provide office space to the firm in order to help reduce costs.

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Lew Chandler and Mike Kraso of PDCS stated they have not made a profit in the last 8 months. They reviewed their staff and indicated they would like to keep the current level of services. Mr. Chandler indicated he would be open to Mayor Pugh's suggestion of bringing them in-house. He reviewed the services provided and agreed to reduce those fees in the future if services increase.

Discussion continued of individual fees for appeals as well as commercial and residential fees, which Mr. Chandler indicated are only at 75% of the state average for fees.

Council consensus was that a fee increase is warranted but they wanted to postpone voting on the issue to consider moving the Building Department in-house in order to alleviate some costs. Discussion continued in which Director Geiger indicated 100% of the impact fees are kept by the City.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for continuance of Resolution No. 2008-20 to the October 20th meeting. Motion carried 5-0.

Resolution 2008-21 - Election Resolution

Consideration of adoption of resolution ratifying the 11/04/08 ballot listing for the qualified municipal candidates for the Group No. 2 and 3 seats.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of Resolution No. 2008-21.

The listing of the names on the ballot was briefly discussed.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Resolution No. 2008-21 by title, as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA RATIFYING THE BALLOT FOR THE NOVEMBER 4, 2008, MUNICIPAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

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

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

Oaks Towne Centre (Old Brooksville Hospital) - Preliminary and Final Plat Approval

Consideration of Preliminary and Final Plat approvals for property that is located at the southwest corner of Ponce DeLeon Boulevard and Desoto Avenue (old Brooksville Hospital site).

***Preliminary Plat Approval**

Consideration of affirmation of action taken by the Planning & Zoning Commission at its 08/10/08 meeting.

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Attorney Hogan indicated this to be a quasi-judicial hearing, advising that Council make their decisions based upon competent substantial evidence. If any Council Member has a conflict or had discussions, site visits, or reviewed evidence on their own they should disclose it before the hearing for the record and benefit of legal counsel.

He stated that any witnesses should be sworn and expert witnesses identified prior to the start of the meeting.

Mayor Pugh asked for ex-parte communication by Council. Council Member Lewis and Council Member Bernardini indicated they attended the ribbon cutting. Vice Mayor Burnett indicated he temporarily worked for a contractor at the beginning of the project and had attended the site visit during the ribbon cutting as well.

Those wishing to do so were sworn by City Clerk Phillips.

Bill Geiger, Director of Community Development, having been sworn and accepted by Council to be an expert witness, reviewed the request for the preliminary plat approval. He indicated the Planning & Zoning Committee reviewed the proposal and recommended Council approval subject to the list of performance conditions as listed in the staff report.

Discussion followed in which Council Member Bernardini asked about the increase in the complete number of units, which Developer Representative Bill Rayne, having been sworn, elaborated on. Mr. Rayne gave an overview of the project, indicating there is 60,000 feet being leased and that they are looking into leasing space to a charter school as well as an independent living facility.

Council Member Bernardini indicated he probably had ex-parte communication relating to the number of units.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for preliminary plat approval.

Mayor Pugh asked for public input; there was none.

Motion carried 5-0.

Final Plat Approval

Consideration of approval of the final plat as submitted by ArcPoint Surveying and Mapping, LLC, date stamped 09/02/08 and authorize Mayor to sign the plat documents.

Director Geiger indicated his previous presentation covered the specifics of the final plat approval as well.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for final plat approval.

Once again, Council Member Bernardini indicated he had ex-parte communication relating to the number of units.

Mayor Pugh asked for public input; there was none.

Motion carried 5-0.

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Resolution No. 2008-22 - Vacation of Certain R-O-W in Halemont Addition
Consideration of Resolution vacating a portion of certain right-of-way in Halemont Addition.

Attorney Rey reviewed the request, indicating this to be a duplicate vacation action which is contained on the plat itself but is a separate document to ensure the vacating is accurately recorded.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of Resolution No. 2008-22.

Council Member Bradburn pointed out that there is a building in the right-of-way being vacated, which is being cleaned up. Mayor Pugh stated it is a commercial project which will bring in additional taxes. Mr. Rayne indicated that when Veterans Blvd. was built the road being vacated became pretty much useless.

City Clerk Phillips read Resolution No. 2008-22 by title, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BROOKSVILLE, FLORIDA, APPROVING AND EVIDENCING THE VACATION
OF A RECORDED PLAT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

Advisory Board Appointments

Appointment of member to fill various board vacancies as follows:
[Note - all applicants are registered voters as required]

Parks & Recreation

Three (3) positions to fill expiring 4-year terms of office through 8/31/2012 and one (1) position to fill the balance of an unexpired alternate 4-year term through 1/31/2011.

Jill M. Allen	[Unexpired Alternate Position]
James Brooks	[Current Member - Reapplying]
Alan Garman	[Current Member - Reapplying]
Gary E. Schraut	[Current Member - Reapplying]

City Manager Norman-Vacha indicated the expiring terms will be adjusted should Council vote on October 6 to readjust the expirations to coincide on December 31 of the year with staggered years of expiration. Discussion followed in which Council consensus was to go ahead and make the appointments at hand at this time.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for approval the appointments of all applicants to their respective positions. Motion carried 5-0.

Police Officer's Pension Trust Fund

One (1) position to fill and expiring 2-year term of office through 8/31/2010.

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Charles W. Price [Current Member - Reapplying]

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of Charles W. Price. Motion carried 5-0.

City Hall Generator Brick Wall Bid No. GG2008-03

Consideration of requesting USDA a) accept a negotiated bid/offer from Ressel Inc. in the amount of \$25,050 for a brick wall to be constructed around the City Hall generator (\$23,000 USDA funding and \$2,050 transfer from General Fund Reserves); b) authorize use of city staff and/or prison crew and purchase materials for \$7,750 to construct the wall (USDA funding for materials only); or, c) authorize city staff and/or prison crew to plant a hedge around the generator for the not to exceed plant and materials cost of \$2,000 (USDA funding for materials only).

Director Pierce reviewed the options concerning the generator wall, which were discussed.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of negotiations with Ressel, Inc. for building the brick wall at a cost not to exceed \$25,050 with \$2,050 transfer from General Fund reserves.

Mayor Pugh indicated he would rather see the prison crew construct the wall. Other options were discussed which included moving it but other possible locations were unacceptable or too expensive.

Motion carried 3-2 with Mayor Pugh and Council Member Bernardini voting in opposition.

Auditing Services Bid Award - FI2008-05

Consideration of award of bid for auditing services. The Evaluation Committee met to review, rank and recommend the top three firms. Council may wish to rank and award to one of these recommended firms or schedule interviews with these or any of the remaining proposers at the October 6, 2008, Council Meeting.

Steve Baumgartner, Director of Finance, reviewed the seven proposals received for Auditing Services which the evaluation committee narrowed down to the following three:

- Larson Allen, LLP
- Williams, McCranie, Wardlow & Cash, P.E.
- Baggett Henson CPA's.

He advised that Council can add to or narrow their recommendations or elect to have interviews.

Council discussion included narrowing the proposals to three and having presentations or interviews along with adding the current auditor, Oliver & Joseph.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for Council to interview the three recommended by the evaluation committee as well as Oliver & Joseph. Motion carried 5-0.

REGULAR COUNCIL MEETING MINUTES - SEPTEMBER 15, 2008

ITEMS BY COUNCIL

T. Jennene Norman-Vacha, City Manager

City Manager Norman-Vacha reminded Council of the Budget Hearing on Wednesday, September 17.

Frankie Burnett, Vice Mayor

City Manager Evaluations

Vice Mayor Burnett asked the status of the evaluation process. Mayor Pugh indicated he has received the last submission and is putting it together for the October 6 meeting.

United Way Kickoff Picnic

He indicated the event at the fairgrounds that past Saturday was an enormous success.

Lara Bradburn, Council Member

Hernando High Homecoming Parade

Council Member Bradburn asked if they had contacted the City. City Manager Norman-Vacha indicated it is in November and information had been received.

David Pugh, Mayor

Community Tour

Mayor Pugh thanked Vice Mayor Burnett for joining him for a tour through the residential and commercial properties in South Brooksville with other community leaders and for his commitment to the residents there.

Union Street Barricade

He indicated he does not think the barricade at Union Street is serving its purpose and would like to see if it can be opened back up because Hillside Estates only has one access out.

Patrolling Outside the City's Jurisdiction

Mayor Pugh indicated the residents in South Brooksville pay a surcharge of around 25% on utilities and weighing that against what they would pay in ad valorem taxes it may be a savings to see if they are interested in annexation.

Vice Mayor Burnett added that they are also considering walking through other areas of the City.

CITIZENS INPUT

Kojack Burnett

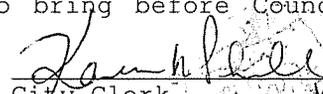
He wished Vice Mayor Burnett an early Happy Birthday for September 26.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:22 p.m.

Attest:

Mayor



City Clerk