

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
BROOKSVILLE, FL 34601**

AGENDA

November 4, 2013

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. American Indian Heritage Month

Proclamation in honor of American Indian Heritage Month to be presented to a representative of the Daughters of the American Revolution.

Presentation:	Mayor
Attachment:	Proclamation

D. CITIZEN INPUT

E. CONSENT AGENDA

1. Surplus Equipment

Consideration to surplus obsolete/inoperable equipment.

2. Container Delivery Unit Purchase

Consideration to purchase a 2014 Ford F-550 Container Delivery Unit for the not-to-exceed amount of \$63,207.

3. Street Sweeper Purchase

Consideration to purchase a Stewart-Amos model street sweeper for the not-to-exceed amount of \$177,150 and budget amendment.

4. Metal Building – Surplus Property

Consideration to surplus previously donated unclaimed metal building.

CONSENT AGENDA APPROVAL (✓)

Recommendation:	Approval of Consent Agenda
Action:	Motion to Approve

REGULAR COUNCIL MEETING – NOVEMBER 4, 2013

Consent Agenda

Attachments: 1) Memo from City Clerk dated 10/24/13, Pictures of Surplus; 2) Memo from Director of Public Works dated 10/11/13, Specifications, Quote; 3) Memo from Director of Public Works dated 10/17/13, Specifications, Quote, budget amendment; 4) Memo from Director of Parks, Facilities & Recreation dated 10/24/13, Email from Hernando County School District, 04/05/10 Agenda Item F-3

F. REGULAR AGENDA

1. Kiwanis Club's 39th Annual Brooksville Christmas Parade

a) Kiwanis Club of Brooksville – Annual Christmas Parade Fee Waiver

Consideration of request to partially waive fees in the amount of \$3,200.80, with a commitment from Kiwanis to pay \$1,000 to offset costs to hold the 39th Annual Christmas Parade on Saturday, December 14, 2013.

Presentation: Club President & Chair
Recommendation: Direction to Staff
Attachments: Memo from City Clerk dated 10/25/13, Letter from Kiwanis President dated 10/18/13, Street Closure Permit, Fee Waiver Report & Policy

b) Resolution No. 2013-12 to Florida Dept. of Transportation (FDOT) – Annual Christmas Parade Route

Consideration of approval of resolution supporting annual Kiwanis Christmas Parade route and closing of SR50/Jefferson St. & US41/Broad St., with authorization for Police Chief and Mayor to sign FDOT permit application.

Presentation: City Clerk
Recommendation: Approval of Resolution No. 2013-12 upon roll-call vote
Attachments: Memo from City Clerk dated 10/25/13; Proposed Resolution, FDOT Permit

REGULAR COUNCIL MEETING – NOVEMBER 4, 2013

2. Official Policy 1-2011-A - Tobacco Use

Consideration of policy 1-2011-A updating tobacco use for the City of Brooksville.

Presentation:	City Clerk and Human Resources Specialist
Recommendation:	Approval of Policy or Direction to Staff
Attachments:	Memo from City Clerk and Human Resources Specialist dated 10/15/13, Proposed Policy, Fact Sheet

G. CITIZEN INPUT

H. ITEMS BY COUNCIL

I. ADJOURNMENT

CORRESPONDENCE TO NOTE

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the City Clerk's office 48 hours in advance of the meeting at (352) 540-3853. Meeting agendas and supporting documentation are available from the City Clerk's office and on line at www.cityofbrooksville.us.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.

City of Brooksville

Proclamation

Whereas, with a long history, rich culture, and more than 300 spoken languages, the wisdom of Native American tribes has been passed down through the centuries; and

Whereas, the Americans we know as American Indians and Native Americans were the first explorers and settlers of the areas that now make up the United States. Mountains and rivers, lakes and valleys, States and counties, trails and towns across the land bear Indian names; and,

Whereas, American Indians provide lasting reminders of their presence and significance, not just in our geographic area but throughout the whole of American history; and,

Whereas, American Indians have made contributions in every area of life and literature, serving in our Armed Forces, fighting diligently for our country; and,

Whereas, during the Thanksgiving season generations of Americans are reminded of the early friendship of the Pilgrims and American Indians.

Now Therefore, We the Undersigned as City Council for and on Behalf of the City Of Brooksville, do hereby proclaim the month of November, 2013

American Indian Heritage Month

in the City of Brooksville and encourage citizens to observe appropriate programs, ceremonies and activities.

In Witness Whereof, we have hereunto set our hands and caused the seal of the City of Brooksville to be affixed this 5th day of November, 2012.

City of Brooksville

Lara Bradburn, Mayor

Kevin Hohn, Vice Mayor

Joe Bernardini, Council Member

Frankie Burnett, Council Member

Joseph E. Johnston, III, Council Member

Attest: _____
Janice L. Peters, CMC, City Clerk



AGENDA ITEM NO. E-1
11/4/13

CONSENT AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

FROM: JANICE L. PETERS, CMC, CITY CLERK

SUBJECT: SURPLUS EQUIPMENT

DATE: October 24, 2013

GENERAL SUMMARY/BACKGROUND: Below is a list of property determined to be obsolete, inoperative, unsafe or otherwise no longer feasible in the City.

Description

1. Computer Equipment
2. Cabinets & Cash Drawer
3. Tables & Chairs

With Council's approval, the items will be coordinated for auction or other disposal as appropriate.

BUDGET IMPACT: Revenues received will be deposited in the appropriate revenue accounts within the City's Funds. A nominal financial impact is expected from the sale of this surplus equipment.

LEGAL REVIEW: Pursuant to Fla. Stat. §274.05 Surplus property, City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interests of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governmental units in the county for sale or donation.

STAFF RECOMMENDATION: City Council to declare the items as "surplus" and authorize the City Manager to dispose of through auction or appropriate venue.

ATTACHMENTS: Picture of Surplus Items

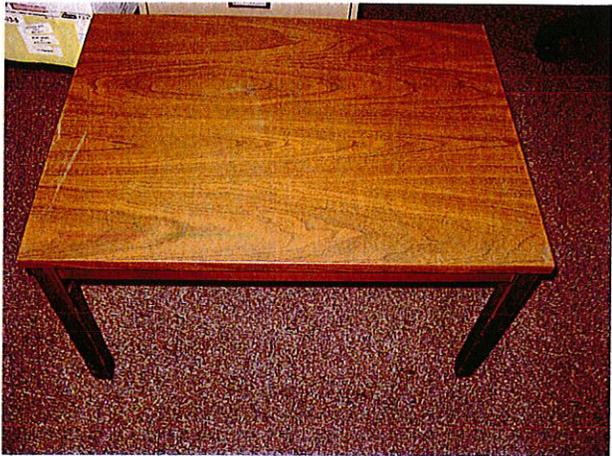
Computer Equipment



Cabinets & Cash Drawer



Miscellaneous Furniture





**CONSENT AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

FROM: RICHARD W. RADACKY, PUBLIC WORKS DIRECTOR

SUBJECT: CONTAINER DELIVERY UNIT PURCHASE

DATE: October 11, 2013

GENERAL SUMMARY/ BACKGROUND: The Sanitation Division of the Public Works Department is requesting approval to purchase a Container Delivery Unit (CDU). The CDU will allow staff to safely, efficiently, and economically transport front-load containers (dumpsters) from one location to another and operate in small, confined areas. Attachment 1 is a description of a recommended Palfinger CC80 Container Carrier and picture of a CDU when the carrier is mounted on a vehicle.

The vehicle is to be a 2014 Ford, F-550, regular cab, 4x2 truck. Purchase is recommended from the State of Florida, State Term Contract Bid List, Number 071-000-13-1. The purchase would be from Alan Jay Ford in Sebring, Florida, in the amount of \$63,207 (Attachment 2).

BUDGET IMPACT: The City Council approved \$65,000 in the Sanitation Division's Fiscal Year 2014 Budget for purchase of a Container Delivery Unit. Funding in the amount of \$63,207 is available in Account Number 502-000-166-19037, Fleet Vehicle Replacement.

LEGAL NOTE: The City Council has home-rule authority (Article VIII, (2), Florida Constitution/Section 66.011, Florida Statutes) to consider matters of fiscal and intergovernmental benefit. Pursuant to Section 5.04 of the City Charter, competitive bidding is required except to the extent Council authorizes otherwise by ordinance. Pursuant to Section 2-304 (a) (1) and (2) of the Code of Ordinances, the amount of expenditure for which the City may obligate itself without competitive bidding by the City is increased provided: (1) the City Manager recommends to the City Council that a specific purchase be made by piggybacking on an award by another governmental entity's competitive bidding process; and, (2) the other governmental entity's competitive bidding process provides substantially equivalent guarantees of fairness and competitiveness to those of the City.

RECOMMENDATION: The Public Works Department recommends approval to purchase a container delivery unit consisting of a 2014 Ford, F-550, regular cab, 4x2 truck, and a chassis-mounted Palfinger CC80 Container Carrier, using the State of Florida, State Term Contract Bid List, Number 071-000-13-1, in the amount of \$63,207.

ATTACHMENTS: 1. Specifications Sheet for Palfinger CC80 Container Carrier
2. Quote from Alan Jay Ford

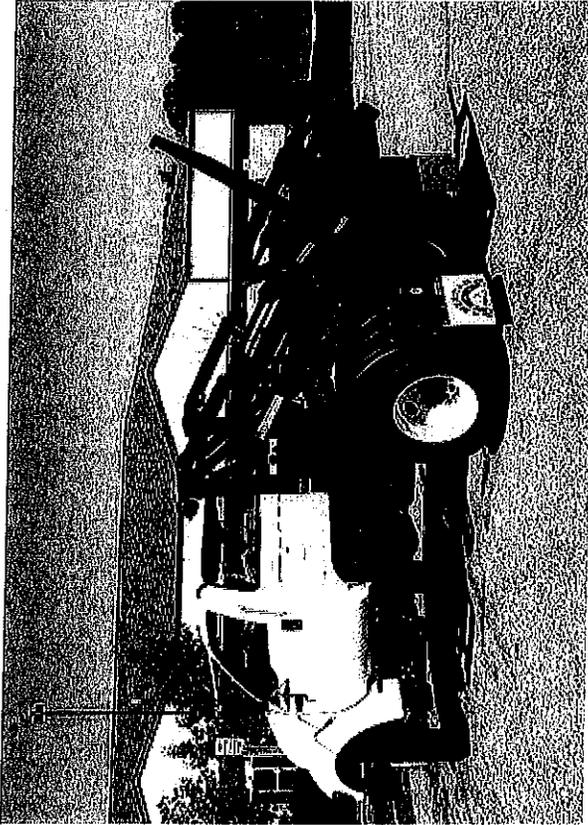
Attachment 1



CC 80

PRODUCT GROUP: UP TO 8,000LBS
PRODUCT LINE: FIXED

The model CC 80 container carrier is designed to easily load, unload or transport front load containers ranging from 2 to 8 cubic yards. The carrier can be mounted on a minimum 16,000 lb. GVWR chassis and 60" C.A. Containers can be transported individually or using the container carrier, can load multiple containers on a flatdeck trailer for transporting to a job site. Two function cable controls are located in the cab. The carrier's fork are bolt on for ease of replacement.



(.feature_description_1)

TECHNICAL DATA (#)

Model	CC 80
Lifting capacity	8,000 lb.
Operating pressure	2,000 psi
Minimum C.A.	60"
Platform Length	100"
Recommended GVW	17,500 lb.
Min F/R Susp.	6K/11.5K

Attachment 2

**CONSENT AGENDA ITEM
MEMORANDUM****TO: THE HONORABLE MAYOR AND CITY COUNCILMEN****VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER****FROM: RICHARD W. RADACKY, PUBLIC WORKS DIRECTOR****SUBJECT: STREET SWEEPER PURCHASE****DATE: October 17, 2013**

GENERAL SUMMARY/BACKGROUND: The Sanitation Division of the Public Works Department is requesting permission to purchase a street sweeper. The street sweeper recommended is a new Stewart-Amos model, mounted on a new 2014 Isuzu Chassis.

Purchase is recommended from the Florida Sheriffs Association, Association of Counties, and Fire Chiefs Association Bid List. The purchase would be from Hallmark Equipment Company, Ocala, Florida, in the amount of \$177,150 (attached quote).

The existing Elgin Street Sweeper is in poor condition. However, the rear vacuum is somewhat reliable and it is currently used for vacuuming leaves and debris from ditches. It is recommended that it continue to be used for vacuuming until it completely breaks down, and then be sold at auction. Its value is estimated at \$5,000 for spare parts or scrap.

BUDGET IMPACT: Staff budgeted \$174,450 which was for a demonstrator Stewart Amos which is no longer available. The cost difference of the new Stewart-Amos sweeper and what was budgeted is \$2,700. The funding source is the Sanitation Division's Vehicle Replacement Account, Number 502-000-166-19037, which has an account balance of \$176,243 (\$239,450 less \$63,207 for the Container Delivery Unit purchase). However, funds are available through Reserves for Contingencies line item #502-000-272-30070 in the amount of \$50,000. Staff requests City Council release \$907 from Reserves for Contingencies to the Sanitation Vehicle Replacement line item for this purchase. It should be noted that the street sweeping function has been transferred to the Sanitation Division of the Public Works Department.

LEGAL NOTE: The City Council has home-rule authority (Article VII, (2), Florida Constitution/Section 166.011, Florida Statutes) to consider matters of fiscal and intergovernmental benefit. Pursuant to Section 5.04 of the City Charter, competitive bidding is required except to the extent Council authorizes otherwise by ordinance. Pursuant to Section 2-304 (a) (1) and (2) of the City's Code of Ordinances, the amount of expenditure for which the City may obligate itself without competitive bidding is increased provided: (1) the City Manager recommends to the City Council that a specific purchase be made by piggybacking on an award by another governmental entity's competitive bidding process; and (2) the other governmental entity's competitive bidding process provides substantially equivalent guarantees of fairness and competitiveness to those of the City. *CA*

RECOMMENDATION: Staff recommends Council approval to purchase a Stewart-Amos street sweeper from the Hallmark Equipment Company. Purchase would be made using the Florida Sheriffs Association, Association of Counties and Fire Chiefs Bid List in the amount of \$177,150. Further, staff recommends Council approve the applicable budget amendment for an additional \$907 as outlined within the Budget Impact note above.

ATTACHMENTS:

1. Quote and Specification Sheet from Hallmark Equipment Company
2. Budget Amendment

Attachment 1



STEWART-AMOS
Sweeper Co.

Price Sheet
Dated:
Sept. 11-2013

2013 MODEL: STARFIRE S-4

STARFIRE S-4 STANDARD EQUIPMENT:

4.0 Cu. Yd. Hopper - left side dump
Hopper Lift - Turner cylinders
Hopper Inspection door & hopper window
Dual Side Gutter Brooms - 42" dia.
Left & right side Gutter Broom Tilt, In-cab control
Oversized Hopper Inspection Door (28.5" wide by 17.25" high)
Hopper Window
Independent Gutter Broom Operation
Spring Balanced Gutter Broom Suspension System with Auto Compensation for Wear
Gutter Sweeping Width Adjustment via Turnbuckle
Hydraulic Gutter Broom Retract
Chevron Strip Main Broom 10" Mandrel - 58" X 36"
Main Broom Cover Hinge
Carbide Dirt Shoes or Brush Style Dirt Shoes
Auto Pick-up in Reverse
Heavy Duty Wear Resistant 7 Squeegee Chain Conveyor
Three Shaft Elevator
Elevator Stall Alarm & Elevator Flush Out
Elevator- Hydraulic Drive Chain & Sprocket
Kubota Auxilliary Engine TIER III - 47.9 Horsepower -continuous at 2700 rpm
Auxilliary Engine Auto Shutdown with Alarm & Indicator
Air Cleaner, Dual Stage dry type with restriction indicator
Alternator, 55 amp.
Maintenance Free Battery & Hour Meter / Tachometer
Water Pump - 3.8 gpm
Water Tank Site Gauge
Front Water Spray Bar
Water Tank, molded polyethylene, 200 gallon capacity
20' Water Fill Hose & Anti-Siphon Fill Gap
LED Lights, 2 combination tall / stop / backup
LED Lights, Body Clearance Markers
LED Lights, working light, one per side broom
LED Light, rear mounted working light
LED Lights: STROBE - front & rear mounted
Rocker Switch Controls for all sweeper hydraulic functions
Backup Alarm, electric
Operators & Parts Manual
8" Dia. Convex Mirror - both sides
Dual Color Camera Safety System - 7" Color Monitor
Fenders with Mud Flaps
Standard Chassis Mounting Charge

Base Body Price: \$123,950.00

2013 STARFIRE S-4

Attachment 2



AGENDA ITEM NO. F-4
10/24/13

**CONSENT AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

**FROM: MIKE WALKER, PARKS, FACILITIES & RECREATION
DIRECTOR**

SUBJECT: METAL BUILDING – SURPLUS PROPERTY

DATE: October 24, 2013

GENERAL SUMMARY/BACKGROUND: At the Brooksville City Council meeting on April 5, 2010, Council declared surplus and donated a 50' x 100' building to the Hernando County School District that was originally purchased in the FY 2001-02 by the Parks Department for a Park office.

Three and a half years have gone by, and the building is still being stored on City Park property. Staff has asked for the building to be removed by the School District, to now find out that the Hernando County School Board never accepted the donation from the city for the building (see Attachment 1). Which means the building is still city property. Staff would once again ask City Council to surplus the item to be sold through auction or appropriate venue and allow for the received funds to be placed in the McKethan Capital Projects Fund 302.

BUDGET IMPACT: Revenues received will be deposited in appropriate revenue and expenditure line items of the McKethan Capital Fund 302.

LEGAL REVIEW: Pursuant to Fla. Stat. §274.05 Surplus property, City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interests of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governmental units in the county for sale or donation.

STAFF RECOMMENDATION: Staff recommends City Council declare this item as "surplus" and authorize the City Manager to dispose of through auction or appropriate venue. Staff also recommends approval of monies received from the surplus item to be allocated to the McKethan Capital Projects Fund 302.

ATTACHMENTS:

1. Email from Ken Pritz, Assistant Superintendent Hernando County School District
2. Agenda Item F-3 from the April 5, 2010, Brooksville City Council meeting

Attachment 1

From: Ken Pritz [pritz_k@hcsb.k12.fl.us]
Sent: Friday, October 18, 2013 11:39 AM
To: Mike Walker
Cc: tsims@simsgalleries.com
Subject: Re: Metal Building

Mike:

It appears that even though the City approved donating the building, the HCSB never accepted the donation. It was tentatively approved at workshop but not taken any further.

So, in my opinion the building still belongs to the City. You may dispose of it.

Ken Pritz, Assistant Superintendent
Division of Teaching and Learning
919 North Broad Street
Brooksville, FL 34601
352-797-7051
pritz_k@hcsb.k12.fl.us

IMPORTANT NOTICE: All e-mails sent to this address are public record and are archived. The School District does not allow use of School District equipment and e-mail for non-School District business purposes.

Attachment 2



AGENDA ITEM NO. F-3
4/5/10

AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *T. Jennene Norman-Vacha*

FROM: RICHARD RADACKY, INTERIM PUBLIC WORKS DIRECTOR AND
MIKE WALKER, PARKS, FACILITIES & RECREATION DIRECTOR *Mike Walker*

SUBJECT: Fleet Maintenance Surplus Property

DATE: March 29, 2010

GENERAL SUMMARY/BACKGROUND:

In FY 2001-02 the Parks and Recreation Department purchased a 50' x 100' building for the purpose of housing the Park Departments main office and a mining museum, this purchase was funded from the McKethan Capital Projects Fund in the amount of \$22,544.22. Additionally it was estimated in July 2003 to cost \$35,000 to construct the building. It has now been 9 years since the purchase and the building has yet been erected, the building is currently stored on the old basketball courts on the North side of the Quarry Golf Course driving range and staff does not guarantee that 100% of the building is available or onsite. In 04/05 the Building was transferred to Fleet Maintenance to consider using the metal building as an extension to our maintenance facility. The retrofitting of the building was not economically feasible due to code issues so this idea was abandoned.

Staff has recently been approached by the Hernando County School District to consider donating the structure to them for the purpose of utilizing the building for the Hernando High School football program at their practice facility adjacent to the District Offices off of Oakwood and Varsity Drive. The building would be used for football equipment storage and to house the players during practice times and inclement weather, due to the practice area being several blocks from the school campus and no additional building cover is available.

We feel this is a good opportunity to show the working relationship between governmental agencies and that this will provide a direct benefit to students at Hernando High School, which some are City of Brooksville residents.

BUDGET IMPACT/BUDGET AMENDMENT RECOMMENDATION:

There is no budget impact as far as an outlay of cash with the donation of the metal building. However, the building is currently in our Fleet Maintenance CIP and valued in

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 4/5/10 INITIALS *JP*

the amount of \$37,721.99. Due to the fact that the building is in Construction in Progress, it has not been depreciated. The budget amendment entry required to donate this building is as follows: Debit Fleet Maintenance (501-018-590-57301) Contribution in the amount of \$37,721.99 and Credit Fleet Maintenance CIP (501-018-590-57301) in the amount of \$37,721.99.

LEGAL REVIEW:

Pursuant to Fla. Stat. §274.05 Surplus property, the City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interests of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governmental units in the county for sale or donation.

STAFF RECOMMENDATION:

Staff recommends that City Council declare the above mentioned building as surplus and donate the structure to the Hernando County School District, along with the approval of the budget amendment mentioned above.

HERNANDO HIGH SCHOOL

Ken Pritz, Principal
Brent Gaustad, Assistant Principal
Mary Krabel, Assistant Principal
Jill Renihan, Assistant Principal

**Leopard Pride..
Bring It!**

700 Bell Avenue
Brooksville, FL 34601
(352) 797-7015 Fax: (352) 797-7115
www.hcsb.k12.fl.us/hhs

March 19, 2010

To Brooksville City Council:

Hernando High School respectfully requests the donation of one (1) metal building to be made available to the Hernando County School Board on behalf of Hernando High School.

The requested item will be used by Hernando High School to house multiple sports as a locker room and storage area.

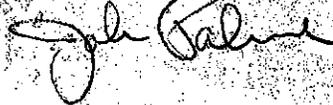
Thank you for your consideration. All donations are greatly appreciated.

Sincerely,



Brent Gaustad
Assistant Principal

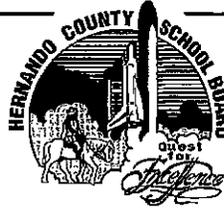
John Palmer
Athletic Director



The School Board of Hernando County, Florida

919 North Broad Street
Brooksville, Florida 34601
(352) 797-7000

Suncom 619-7050
Fax (352) 797-7101



Interim Superintendent
Sonya L. Jackson

Chairman
John K. Sweeney

Vice Chairperson
Sandra Nicholson

Members
Dianne Bonfield
Charles "Pat" Fagan
James C. Yant

April 1, 2010

Attn: City Council of Brooksville

Re: Donation of Metal Building

The Hernando County School Board met at a Board Workshop session on March 30, 2010 to discuss the possible donation of a metal building from the City of Brooksville to Hernando High School.

The consensus from the Board was to accept the donation if the City Council elects to donate this Metal Building.

A School Board Workshop is not a formal voting forum. If the City Council elects to donate the metal building to Hernando County School Board, this item will be placed on the May 4, 2010 Board Meeting Agenda, at which time a formal vote will be taken to accept this donation.

Please direct any correspondence regarding this donation to:

Roland Bavota, Director of Facilities
Hernando County School Board
8016 Mobley Road
Brooksville, FL 34601
Telephone: 352-797-7050
Bavota_r@hcsb.k12.fl.us

We would like to thank the Brooksville City Council for this most generous donation and we are looking forward to a positive response from the City Council members.

Sincerely,

Roland Bavota
Director of Facilities
Hernando County School Board

"A fully accredited school system" Southern Association of Colleges and Schools
Education: the vehicle for exploring the past and conquering our future



AGENDA ITEM NO. F-1(2)
11/4/13

AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *(Signature)*
FROM: JANICE L. PETERS, CMC, CITY CLERK *(Signature)*
SUBJECT: KIWANIS CHRISTMAS PARADE FEE WAIVER REQUEST

DATE: OCTOBER 25, 2013

BACKGROUND: The Kiwanis Club of Brooksville is sponsoring the 39th Annual Brooksville Christmas Parade on December 14, 2013. The total City estimated costs for the Christmas Parade event, as outlined within the Street Closure Application is \$3,200.80. Kiwanis has requested that the City of Brooksville waive fees in the amount of \$2,200.80, with their contribution of \$1,000 towards the costs for the event. An updated insurance certificate with the City of Brooksville named additionally insured/certificate holder will be provided prior to the event.

BUDGET IMPACT: Waiver of fees would mean a loss of revenues for the City in the amount of \$2,200.80. Prior fee waivers have been approved in the amount of \$4,610.10 FY2013/14. Should Council approve this waiver, a total amount of \$6,810.95 will have been committed within the FY2013/14 budget, leaving a balance of \$189.05 in the City Council Special Events line item #001-010-511-59901.

LEGAL IMPACT: Pursuant to Section 74-1 (b) and Section 74-165 (a) of the City's Code of Ordinances, the City Council may authorize street closures and right-of-way use for public events. Section 74-168 authorizes the City to levy fees to offset costs of such permits, which are set by Policy 1-2000, to be reimbursed by the applicant. It is within Council discretion to waive provision of such policies.

STAFF RECOMMENDATION: Staff recommends Council consideration to approve the waiver of fees in the amount of \$2,200.80 for the 2013 Kiwanis Christmas Parade on December 14, 2013.

ATTACHMENTS:

1. Letter from Kiwanis President dated 10/16/13
2. Street Closure Permit
3. FY2013/14 Fee Waiver Report & Policy

Attachment 1



October 18, 2013

Ms. Janice Peters
City Clerk
City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

RE: Kiwanis Club of Brookville 2013 Christmas Parade Requests

Dear Ms. Peters

Kiwanis Club of Brooksville is planning the 39th Annual Brooksville Christmas Parade for December 14, 2013. This year's theme is "We are the World ... We are the Children". We are requesting the support of the City of Brooksville with the following:

- Approval of the Florida Department of Transportation (FDOT) "Request for Temporary Closing/Special Use of State Road. The form is attached with Exhibit A that lists the proposed parade route and MOT plan. The parade route is the same as last year's, which is: South on Main Street crossing over State Road 50A (Jefferson Street) to US. 41 (Broad Street) then east on US 41 (Broad Street) to Bell Avenue then north on Bell Avenue crossing SR50A (Jefferson Street).
- In past the Brooksville Police Department has assisted during the Parade with detours. We are again requesting this assistance. The MOT plan shows the locations where Police were stationed in previous years.
- Waiving of fees with a commitment from Kiwanis to pay \$1,000 to offset costs.

Attached you will find the FDOT request for Temporary Closing/Special Use of State Road, the Parade Route. The Kiwanis Club certificate of Insurance will be provided in November once the new forms are updated. All of this information along with the City Council resolution supporting the event is required to be submitted to FDOT for approval of the request.

Kiwanis Club of Brooksville appreciates the support of the City of Brooksville and looks forward to another successful parade. If you have questions, please call me at (352) 398-2593 or Larry Fluty at 352-279-4973.

Sincerely,

Kurt Hitzemann
Brooksville Kiwanis Club President

LF: llf

cc: Ms. Jennene Norman-Vacha, City Manager

Attachment 2

CITY OF BROOKSVILLE

TEMPORARY STREET CLOSURE APPLICATION

INSTRUCTIONS: COMPLETE TOP PORTION OF FORM AND RETURN TO CITY CLERK'S OFFICE at 201 Howell Avenue, Brooksville, FL 34601 for processing. A broad form type events coverage or other insurance policy acceptable to the City is required to protect the City from any and all claims for injuries, or damages occurring during or resulting from this event in an amount of not less than \$100,000 for each individual and \$300,000 for event. Applicant will be notified of estimated cost; receipt of the deposit and the Certificate of Insurance are required not later than three (3) business days before the event.

Certificate Attached Yes No Waiver Requested Yes No Approved by Council Yes No

Name or Organization Kiwanis Club Club of Brooksville, Inc.		Event 39 th Annual Brooksville Christmas Parade	
Contact Person Kurt Hitzemann		Address P. O. Box 685, Brooksville, FL 34605	Telephone 352-279-4400
If unavailable (Alternate Name) Larry Fluty		Address P. O. Box 685, Brooksville, FL 34605	Telephone 352-279-4973
Date of Event 12/14/2013	Starting Time 7 AM Setup; 10:00 AM	Ending Time (approx) 12:30 PM (Approximate)	Estimated Number of Participants 1,000+

Proposed Route (include Street/Avenue, attach location map)
From Oakwood Drive left onto Howel Avenue to Main Street, Crossing Jefferson Street and turning left on Broad Street to Bell Avenue then turning right on Oak Street to Broad Street and back to Oakwood Drive.

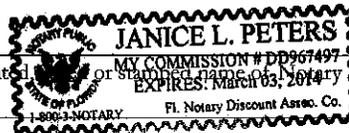
I/We Kiwanis Club Club of Brooksville, Inc. assume responsibility for reimbursing the City's cost as estimated below, and all liability for injuries and damages and will hold the City harmless from any claims arising directly or indirectly from the event, including or as a result of City's closure of the street(s) to facilitate the event, and, if applicable, authorization to use copyrighted materials. If applicant is a corporation, association, or partnership, the undersigned warrants he/she is authorized to execute binding contracts on behalf of the applicant.

Signature

State of Florida
County of Hernando

The foregoing instrument was acknowledged before me this 18th day of October 2013, by Larry Fluty who is personally known to me or who presented n/a as identification, and who (did) (did not) take an oath.

[Signature of Notary Public]



PROCESSING: City Clerk's Office will accept application, process through Police Department, Public Works & Fire Department for related costs as well as City Council if waivers are being requested.

APPROVAL: Chief of Police and City Manager will approve or deny application.

DISTRIBUTION: **Original:** Return to Applicant
Copies: Chief of Police, Director of Public Works, City Manager and City Clerk

PUBLIC NOTICE: A LIST OF STREETS BEING CLOSED WITH DATES AND TIMES WILL BE RELEASED TO THE PRESS NO LESS THAN 5 DAYS PRIOR TO THIS EVENT.

NOTICE: PERMIT NOT VALID UNLESS APPROVED BY DESIGNATED CITY REPRESENTATIVE.

Total Deposit \$ _____ Received By: _____ Date _____

Police Chief	Date	City Manager	Date
	10/25		

CITY OF BROOKSVILLE

TEMPORARY STREET CLOSURE APPLICATION

201 Howell Avenue
(352)540-3853

Event: 39th Annual Brooksville
 Starting: _____ End: _____

Police Department

Personnel _____ @ _____ per hr. X _____ hours = \$ _____
2 LIEUTENANTS @ \$82.57 per hr. X 3.5 hours = \$288.99
3 SERGEANTS @ \$106.07 per hr. X 3.5 hours = \$371.24
13 OFFICERS @ \$353.50 per hr. X 3.5 hours = \$1237.72
1 CIVILIAN @ \$21.63 per hr. X 3.5 hours = \$75.71

Equipment _____ @ \$ _____ = \$ _____
 _____ @ \$ _____ = \$ _____

POLICE DEPARTMENT TOTAL \$1973.26

Fire Department

Personnel CHIEF @ \$ _____ per hr. X Ø hours = \$ Ø
DISTRICT CHIEF @ \$29.65 per hr. X 4.5 hours = \$133.43
CAPTAIN @ \$21.00 per hr. X 4.5 hours = \$94.50

Equipment 4 FF'S @ \$ 19.37 (4) X 4.5 = \$ 348.66
 _____ @ \$ _____ = \$ _____

FIRE DEPARTMENT TOTAL \$576.59

Public Works

Personnel (St.) 4 @ \$ 24 per hr. X 6 hours = \$ 576.00
 _____ @ \$ _____ per hr. X _____ hours = \$ _____

Equipment 3 TRUCKS @ \$ 25.00 = \$ 75.00

Personnel (Gar) _____ @ \$ _____ per hr. X _____ hours = \$ _____
 _____ @ \$ _____ per hr. X _____ hours = \$ _____

Equipment _____ @ \$ _____ = \$ _____
 _____ @ \$ _____ = \$ _____

PUBLIC WORKS TOTAL \$651

ESTIMATED TOTAL DUE CITY \$3,200.85

TOTAL Actual Costs \$ <u>3,200.85</u>	Billed \$ _____
Payment Received By: _____	



BROOKSVILLE POLICE DEPARTMENT



An Accredited Law Enforcement Agency

2013 KIWANIS Christmas Parade Cost Estimate

(*Note- The cost estimate for the 2012 parade did not accurately reflect the necessary manpower actually needed for safe coverage)

<u>Personnel:</u>	<u>Pay-rate:</u>	<u>(x 3.5 hrs.)</u>	<u>Cost:</u>
Lieutenant Messer	41.86		146.53
Lieutenant Whitacre	40.71		142.49
Sergeant Dixon	37.08		129.78
Sergeant Serrano	36.17		126.58
Sergeant Caldwell	32.82		114.87
Detective Pasternak	30.48		106.68
Detective Schofield	30.48		106.68
Officer Martin	26.88		94.08
Officer Derryberry	28.70		100.43
Officer Bridges	27.69		96.92
Officer McDougal	26.34		92.19
Officer Cartwright	22.75		79.64
Officer Jefferys	26.34		92.19
Officer Archibald	26.88		94.08
Officer Stockton	26.34		92.19
Officer Morera	26.88		94.08
Officer Fredrickson	26.88		94.08
Officer Goodman	26.88		94.08
Technician Houghton	21.63		75.71

2 Lieutenants		
3 Sergeants		
13 Officers		
1 Civilian		
	Total:	\$1973.26

Prepared by Lieutenant Alan Whitacre on 10/25/13. *AWL*
This is an estimate only.

Attachment 3

Special Event Fee Waiver Policy

Section 1. Definitions

“Fee Waiver” is a waiver of city fees for providing a service or facility use.

“Special Event” is any private activity conducted wholly or partly on public property that requires the use of city services, such as closure of a street or park, or provision of traffic control, or other services. Special Event includes, but is not limited to, a parade, festival, exposition, show, sale, party, or other similar activity. Special Event also includes events on private or other public property for which the City provides services.

“Special Event Permit Fees” are based on the actual costs of the City providing the service requested, and may include personnel, benefit costs, facility fees and equipment costs.

Section 2. Special Event Fees and Waivers

- A. Fee Waiver funding is available as determined at the sole discretion of the City Council.

- B. Applicants may request a full or partial Fee Waiver of Special Event Permit Fees. A request for a Fee Waiver must be submitted with a Special Event permit application. The City may, in its discretion, approve all, part, or none of a Fee Waiver request. The following will be considered in review of a request for a Fee Waiver:
 - 1. The event must be held within the city boundaries and is a benefit to the community.

 - 2. The event is open to the public. Preference will be given to those events where all or a majority of activities (75 percent or more) are available at no cost to attendees.

 - 3. The event is supported by business, community and/or service groups. Preference will be given to events that have been coordinated with and supported by business, community and/or service groups within the specific city area where the event will take place.

4. The event creates a positive impact for the city's citizens and/or local businesses.
 5. The event creates positive publicity for the city.
 6. The City's cost of providing services for/to the event.
 7. Whether there are revenues that can be used to offset the impact of a Fee Waiver on the city's General Fund. The City Council will give greater consideration for those events that demonstrate that the Fee Waiver will allow the event to become more self-sustaining in future years.
 8. The City Council will give greater consideration to those events that promote education, public health, public safety or provide a service to mankind.
 9. Whether the event is operated by a non-profit organization.
 10. No partisan political events will be authorized for fee waiver.
- B. Unless waived, all fees required for the Special Event must be paid prior to the issuance of a permit. In no event, will the Fee Waiver be more than the City's cost of providing service for the event.

Section 3. Special Event Applications

- A. All persons who wish to conduct a Special Event must complete and submit an application form to the City Clerk. Event organizers should submit completed application no less than 30 days prior to event. Special Event application forms are available on the City's website at www.cityofbrooksville.us and in person from the City Clerk. Special Event permit applications shall be reviewed by the City Manager following the procedures and standards of this Policy. If a Fee Waiver is requested, the completed application and Fee Waiver request will be forwarded to the City Council for consideration.
- B. Applications deemed incomplete will be denied if details about the Special Event are insufficient for staff to properly analyze and determine the impact on city services, or if submitted with insufficient time to allow for city staff to evaluate the impact and coordinate the city services required to allow the event to proceed.
- C. Applications must include evidence of compliance with required permits from other governmental agencies (e.g., health department, liquor license, etc.), as may be requested by the City.

- D. Special Event organizers will be required to maintain liability insurance for the event in an amount deemed acceptable by the City Manager, with the City named as an additional insured. Minimum insurance requirements will include commercial general liability coverage in the amount of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate. Insurance must be placed with Florida admitted insurers rated B+ or better by A.M. Best's rating service. Documentation of insurance will be required at least three (3) business days prior to the event.
- E. The City Manager is delegated the authority to establish rules, procedures, and policies to implement and support this Policy and to develop application forms and other standard materials to be used in the application process.

Section 4. Approval/Denial of Special Event Permit

- A. The completed application will be reviewed by appropriate department director. The applicant may be required to provide additional information. Denied applications may be amended and resubmitted.
- B. Reasons for denial of a Special Event permit include, but are not limited to:
 - 1. The City lacks the resources to provide the services that are required for the event.
 - 2. A requested facility or site is not available at the time requested.
 - 3. The event requests use of city streets at a time, or for a duration, that would create too great an impact on the public transportation system, city traffic or public safety.
 - 4. The applicant submitted false information in connection with the application.
 - 5. The applicant has failed to complete all aspects of the application and/or provide insurance certificates in the amounts stated in Section 3. D. of this policy.
- C. If the Special Event application is approved and no Fee Waiver has been approved, the City Clerk will collect the appropriate fee before issuing the permit. If the Special Event application is approved and a Fee Waiver has been approved in full or part, the City Clerk will issue the permit after the collection of remaining fees due, if any.

- D. If the Special Event application is denied, the City Clerk will notify the applicant orally immediately and in writing within 3 days, giving the reason for denial. If time permits, the applicant may correct the reasons for denial and resubmit the application for approval. If an applicant is again denied a permit, the applicant may appeal the denial, within 14 days of the date of the written denial by filing a written notice of appeal with the City Manager. The appeal shall be heard at the next available meeting of the City Council, following the date the appeal is filed. The appeal shall be decided by the City Council and is final.

Section 5. Effectiveness of Special Event Permit

Special Events shall be approved for only the specified dates, times, and locations stated in the permit.

Section 6. Violation of a Special Event Permit

- A. Any event subject to the provisions of this Policy that is staged without complying with all conditions of this Policy shall be subject to closure.
- B. The City may revoke a permit if it is determined by the City Manager that the event is being operated in violation of the Brooksville Municipal Code.
- C. The City may revoke a permit and/or apply a fine of up to \$500 per day if it determines an applicant has violated this Policy.

APPROVED BY CITY COUNCIL: October 15, 2012

Amended _____

CERTIFIED POLICY NO. 3-2012:

s/T. Jennene Norman-Vacha

**T. Jennene Norman-Vacha
City Manager**



AGENDA ITEM NO. F-1(6)
11/4/13

AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

FROM: JANICE L. PETERS, CMC, CITY CLERK

SUBJECT: RESOLUTION NO. 2013-12 FDOT CLOSURE FOR THE 39TH
ANNUAL BROOKSVILLE CHRISTMAS PARADE

DATE: OCTOBER 17, 2013

GENERAL INFORMATION: The Kiwanis Club of Brooksville is planning the 39th Annual Brooksville Christmas Parade for Saturday, December 14, 2013. Line-up begins at 7:00 a.m. at Oakwood Drive with the parade from 10:00 a.m. – 12:30 p.m.

The route will be the same as last year, from Oakwood Drive to Howell Avenue to Main Street crossing over State Road 50A (Jefferson Street) to U.S. 41 (Broad Street) then east on U.S. 41 to Bell Avenue North crossing State Road 50A (Jefferson Street) again to Oak Street.

Staff will need to submit a permit to the State of Florida FDOT, along with the Resolution, upon approval by Council, for closure of Jefferson and Broad Streets. Release of the permit will be pending submittal of the Certificate of Insurance, which will be supplied by the Kiwanis Club prior to the event.

BUDGET IMPACT: There is no budget impact associated with approval of this Resolution.

LEGAL NOTE: The City is authorized to issue a Street Closure Permit pursuant to Section 74-165(a), which requires a permit to be obtained for parades or other public assembly events.

STAFF RECOMMENDATION: Staff recommends Council approval of Resolution No. 2013-12.

ATTACHMENT:

1. Resolution No. 2012-13
2. State of Florida Road Closure Permit & Parade Route Map

Attachment 1

RESOLUTION NO. 2013-12

RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD STREET BETWEEN MAIN STREET AND BELL AVENUE IN DOWNTOWN BROOKSVILLE ON DECEMBER 14, 2013; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City wishes to promote businesses in and to draw visitors to the downtown area; and,

WHEREAS, the City wishes to support the 39th Annual Brooksville Christmas Parade that brings visitors to the City and to the downtown area; and,

WHEREAS, pursuant to the City of Brooksville Code of Ordinances, Section 74-1(b) and Section 74-165(a), the City Council may close streets for a parade; and,

WHEREAS, the Brooksville Kiwanis Club, the sponsoring organization for the parade, has been approved for a right-of-way closure and use permit and has provided liability insurance in an amount appropriate for the parade.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, that:

SECTION 1. STREET CLOSURES. The City Council recognizes the closure of the following Brooksville roadway segments to street traffic is necessary for public safety during the Brooksville Christmas Parade; and the City Council authorizes the following closures for the date of the parade:

- Jefferson Street, from Bell Avenue to Main Street
- Main Street, from Jefferson Street to Broad Street
- Broad Street, from Main Street to Bell Avenue
- Bell Avenue, from Broad Street to Jefferson Street

SECTION 2. CONFLICT. Any prior resolution or policy of the City inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

SECTION 3. SEVERABILITY. If any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications, and to this end, the provisions of this resolution are hereby declared severable.

SECTION 4. EFFECTIVE DATE. This resolution shall take effect immediately upon adoption by the City Council.

ADOPTED this 4th day of November, 2013.

CITY OF BROOKSVILLE

ATTEST: _____
Janice L. Peters, City Clerk

By: _____
Lara Bradburn, Mayor

APPROVED AS TO LEGAL FORM FOR THE RELIANCE OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF CITY COUNCIL

Bernardini	_____
Bradburn	_____
Burnett	_____
Hohn	_____
Johnston	_____

Thomas S. Hogan, Jr., City Attorney

Attachment 2

TEMPORARY CLOSING OF STATE ROAD PERMIT

Date: 10/18/2013

Permit No. _____

Governmental Entity

Approving Local Government	<u>City of Brooksville</u>	Contact Person	<u>Janice Peters</u>
Telephone	<u>352-540-3853</u>	Email	<u>jpeters@cityofbrooksville.us</u>

Organization Requesting Special Event

Name of Organization	<u>Kiwanis Club of Brooksville</u>	Contact Person	<u>Kurt Hitzemann</u>
Telephone	<u>352-398-2593</u>	Email	_____

Description of Special Event

Event Title	<u>Brooksville Christmas Parade</u>	Date of Event	<u>12/14/2013</u>
Start Time	<u>10:00AM</u>	End Time	<u>12:30 (Approx)</u>
Event Route (attach map)	<u>From Oakwood Drive left onto Howel Avenue to Main Street, Crossing Jefferson Street and turning left on Broad Street to Bell Avenue then turning right on Oak Street to Broad Street and back to Oakwood Drive.</u>		
Detour Route (attach map)	<u>Northbound Broad will go right onto MLK and then left onto East Jefferson.</u>		
Reverse	<u>on same detour route for Southbound traffic on Broad</u>		

Law Enforcement Agency Responsible for Traffic Control

Name of Agency	<u>City of Brooksville Police Department</u>
----------------	--

US Coast Guard Approval for Controlling Movable Bridge

Not Applicable	<input checked="" type="checkbox"/>
Copy of USCG Approval Letter Attached	<input type="checkbox"/>
Bridge Location	_____

The Permittee will assume all risk of and indemnify, defend and save harmless the State of Florida and the FDOT from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise of this event.

The Permittee shall be responsible to maintain the portion of the state road it occupies for the duration of this event, free of litter and providing a safe environment to the public.

Signatures of Authorization

Event Coordinator	<u>Kurt Hitzemann</u>	Signature	<u><i>Kurt Hitzemann</i></u>	Date	<u>11/18/13</u>
Law Enforcement Name/Title	<u>George Turner, Chief</u>	Signature	_____	Date	_____
Government Official Name/Title	<u>Lara Bradburn, Mayor</u>	Signature	_____	Date	_____

FDOT Special Conditions

FDOT Authorization

Name/Title	_____	Signature	_____	Date	_____
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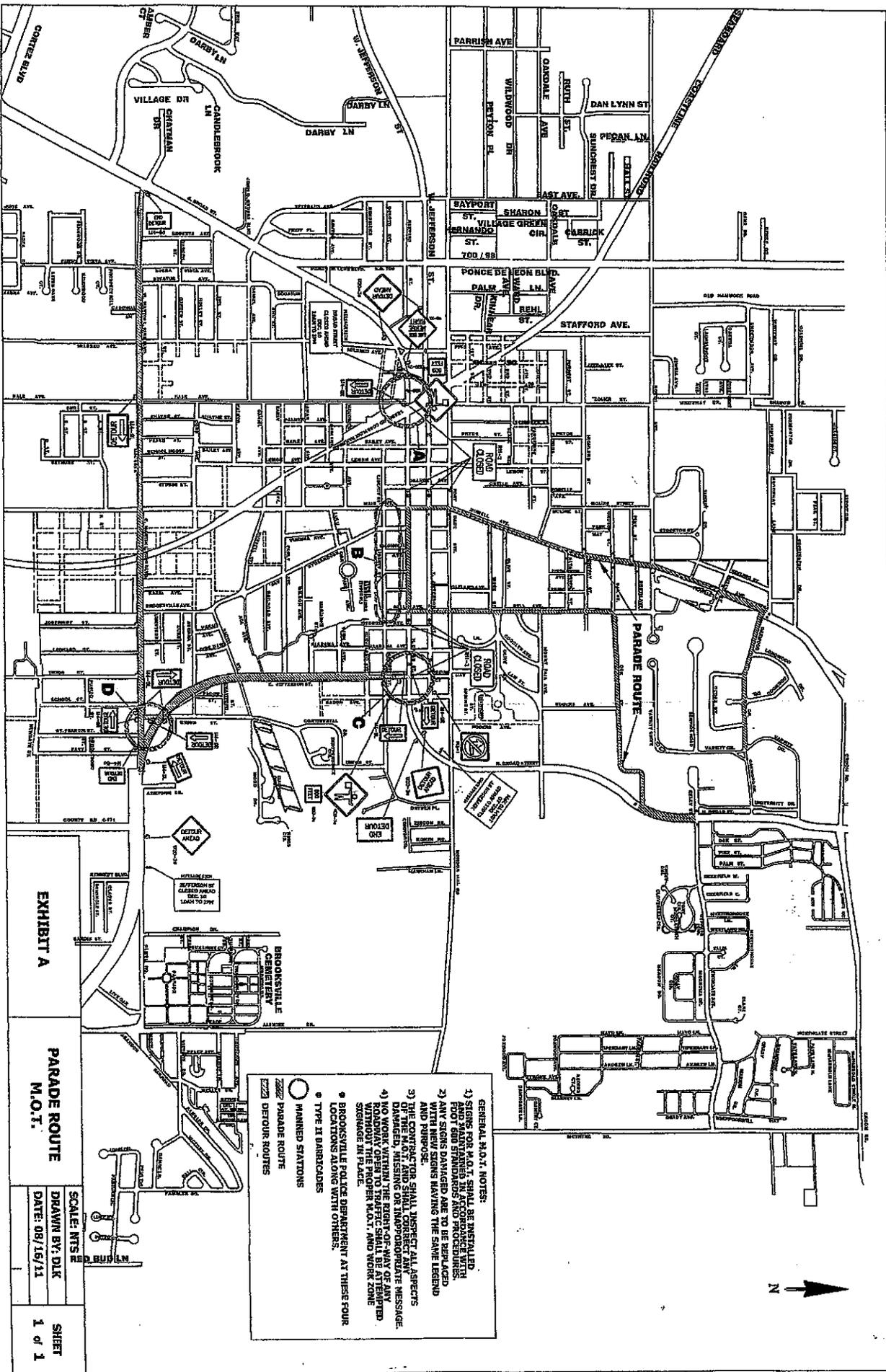


EXHIBIT A

PARADE ROUTE
M.O.T.

SCALE: N.T.S.
DRAWN BY: DLK
DATE: 08/16/11

SHEET
1 of 1

- GENERAL M.O.T. NOTES:
- 1) SIGNS FOR M.O.T. SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE FOLLOWING INSTRUCTIONS:
 - 2) ANY SIGNS DAMAGED ARE TO BE REPLACED WITH NEW SIGNS NAVYING THE SAME LEGEND AND PURPOSE.
 - 3) THE CONTRACTOR SHALL INSPECT ALL ASPECTS OF THE M.O.T. AND SIGNAGE TO ASSURE MESSAGE IS WORKING WITHIN THE RIGHT-OF-WAY OF ANY ROADWAY OPEN TO TRAFFIC SHALL BE ATTEMPTED WITHOUT THE PROPER M.O.T. AND WORK ZONE SIGNAGE IN PLACE.
 - 4) BROOKSVILLE POLICE DEPARTMENT AT THESE FOUR LOCATIONS ALONG WITH OTHERS:
- MANNED STATIONS
 - ▬ PARADE ROUTE
 - ▬ DETOUR ROUTES





**AGENDA ITEM
MEMORANDUM**

To: Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager

From: Janice L. Peters, CMC, City Clerk
Telina Dowdell, Human Resources

Subject: Official Policy 1-2011-A - Tobacco Use

Date: October 15, 2013

GENERAL SUMMARY / BACKGROUND: In 2011, Council approved Official Policy 1-2011, regarding the use of tobacco products in and on City-owned or leased premises, as well as in City-owned vehicles and employee's personal vehicles when such vehicle is being used to transport others in conjunction with City business.

According to Discovery Fit & Health, regulation of electronic cigarette use is still evolving as the product is relatively new. Health experts say there is no basis for a safety claim as they have not been adequately tested. While e-cigarettes don't produce secondhand smoke, they do produce secondhand vapor. Even though manufacturers say it's merely water vapor and therefore harmless, regulatory agencies and health experts contend that e-cigarette makers haven't conducted the research needed to prove this. Opponents of e-cigarettes say people shouldn't be subjected to secondhand vapor until manufacturers have proven it to be safe for everyone, including children, the elderly and people with certain medical conditions.

Further, the Florida League of Counties advises several bills have been filed this year to prohibit the sale or gift of "alternative nicotine products" or "nicotine dispensing devices," both of which by definition would include electronic cigarettes, to persons under the age of eighteen. If passed, the legislation would essentially place the same restrictions regarding use by minors that currently exist for traditional tobacco products, such as cigarettes. A handful of local governments have taken up the issue locally, adopting ordinances to prohibit the sale of these devices to minors.

Policy 1-2011-A updates the original policy to include the use of Electronic Cigarette Devices, or E-Cigs. Attached is an e-cigarette fact sheet for your review.

BUDGET IMPACT: There is no budget impact as a result of the adoption of the proposed policy.

LEGAL REVIEW: The City is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes. Pursuant to Section 1.03 of the Charter, the City has all governmental, corporate, and

proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services to include setting policy for the operations and management of City employees.

STAFF RECOMMENDATION: Staff recommends Council consideration of approval and adoption of Official Policy 1-2011-A.

ATTACHMENTS: Proposed Policy & Fact Sheet

CITY OF BROOKSVILLE
OFFICIAL POLICY
1-2011-A

TOBACCO USE POLICY

I. POLICY

Due to acknowledged hazards from exposure to environmental tobacco smoke, it shall be the policy of the City to provide a tobacco free environment for all employees and visitors. This policy covers the smoking of any tobacco product and the use of smokeless (including electronic cigarette devices) or “spit” tobacco to both employees and nonemployee visitors of City while on City premises.

II. DEFINITIONS

- A. City Premises is defined as all buildings, recreation areas, parks, entrances/exits, parking lots, City vehicles, personal vehicles when used to transport others in conjunction with City business, and sidewalks adjacent to City property.
- B. Tobacco Products is defined to include any product that is labeled to contain tobacco and extended to non labeled items such as cigarettes, electronic cigarette devices, cigars, chewing tobacco, snuff, pipes, bidis, loose tobacco, rolled cigarettes, or other non-descript products that may contain tobacco.

III. PROCEDURE

A. Prohibited Activities

- 1. Smoking and the use of all tobacco products, including electronic cigarette devices, are prohibited in and on City owned or leased premises, except in designated areas.
- 2. Smoking and the use of all tobacco products, including electronic cigarette devices, are prohibited in and on City vehicles or equipment.
- 3. Employees are prohibited from smoking, including electronic cigarette devices, in their personal vehicle when such vehicle is being used to transport others in conjunction with City business unless agreed upon by all passengers.

B. Communication

- 1. Employees are responsible for becoming familiar with this policy and for notifying their Supervisor of any questions.

2. The policy is communicated to visitors through signs posted throughout City premises and by the visitors' employee-host who has arranged the visit to City premises.
3. Employees are informed about the policy at New Employee Orientation.
Smoking Cessation Programs

The City will strongly encourage current employees who are users of tobacco products, to include electronic cigarette devices, to participate in Smoking Cessation Programs.

C. Employment Matters

Human Resources shall advise applicants for employment of the policy.

ESTABLISHED BY THE CITY MANAGER FOLLOWING DIRECTION OF CITY COUNCIL AT THEIR SEPTEMBER 19, 2011 MEETING AND FURTHER AMENDED AT THEIR NOVEMBER 4, 2013 MEETING.

CERTIFIED POLICY NO. 1-2011:A

**T. Jennene Norman-Vacha,
City Manager**

E-Cigarette Fact Sheet

MAY, 2013

SPECIAL POINTS OF INTEREST:

- The Food and Drug Administration (FDA) has NOT approved e-cigarettes as smoking cessation devices.

- That cloud you see is not harmless "water vapor"! Test results e-cigarettes found them to contain nitrosamines (a known carcinogen), diethylene glycol (found in anti-freeze), as well as other toxic chemicals.

- The e-cigarette cartridges of liquid solution have been found to contain up to 18mg or more of nicotine; a lethal dose of nicotine when ingested is just 10 mg for children, making the refill cartridges a potential cause of poisoning.

- A Federal Court has granted the FDA the right to regulate e-cigarettes under the *Family Smoking Prevention and Tobacco Control Act of 2009*.

What are E-Cigarettes?

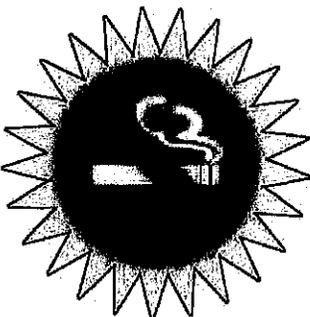
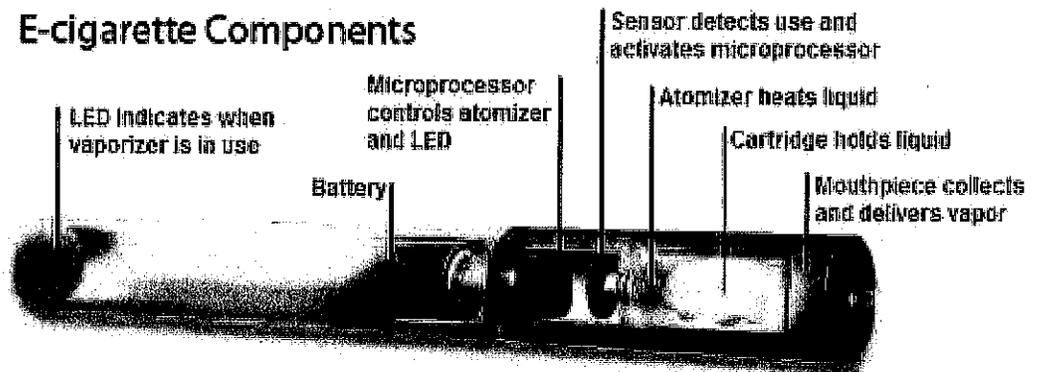
"E-cigarettes"—or electronic cigarettes—are devices that allow users to mimic the ritual of smoking a cigarette while inhaling nicotine. Many glow at the end when activated as real cigarettes do.¹ Instead of smoke from burning tobacco, users inhale vapor containing nicotine (with the exception of versions which claim to be free of nicotine), flavor additives, and other chemicals.² When users inhale from the end of an e-cigarette, a battery-operated vaporizer heats a liquid solution into a vapor.³

The FDA has not approved e-cigarettes as smoking cessation devices. E-cigarettes do not include any health warnings, unlike

conventional cigarettes and U.S. Food and Drug Administration (FDA)-approved nicotine replacement therapy (NRT) products.⁴ Several e-cigarette marketers have advertised their products as smoking cessation tools,⁵ despite the fact that no evidence exists that they are effective cessation aids.⁶

E-cigarettes are sold over the internet, in specialized mall kiosks, and by some tobacco retailers. According to news reports, an e-cigarette costs approximately \$60, including the e-cigarette, a charger, and a liquid cartridge.⁷ Refills of the liquid cost \$7-\$10 for a 10-millimeter bottle.⁸

E-cigarette Components



Tobacco Prevention
Network of Florida

Components of the E-Cigarette



Additional Resources:

Tobacco Control Legal Consortium: Guide to regulating e-cigarettes and links to other state laws. [<http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-guide-regulatingecigs-2010.pdf>]

U.S. Food and Drug Administration: Information about the FDA's enforcement actions against e-cigarette manufacturers and its analysis of the health risks posed by e-cigarettes. [<http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm>]

Americans for Nonsmokers' Rights: Fact sheet on e-cigarettes and links to recent news articles. [<http://www.no-smoke.org/learnmore.php?id=645>]

Policy Guidance Document on E-Cigarettes (ACSCAN, AHA, ALA, CFTFK): Joint statement of health organizations supporting legislation to prohibit the sale of e-cigarettes without FDA approval.

How safe are e-cigarettes?

The risks posed by e-cigarettes are simply unknown. The FDA, in 2009, released a study on e-cigarettes.⁹ The FDA's Division of Pharmaceutical Analysis investigated the components of a small sample of cartridges from two e-cigarette brands.¹⁰ Test results of the sample of cartridges found them to contain nitrosamines (a known carcinogen), as well as other toxic chemicals including diethylene glycol, which is found in anti-freeze.¹¹ Impurities found in tobacco which are suspected of causing adverse health effects were also detected, including anabasine, myosmine, and β -nicotyrine.¹²

Nicotine levels in e-cigarette cartridges are also of significant concern to health experts. The e-cigarette cartridges of liquid solution have been found to contain up to 18mg or more of nicotine.¹³ Additionally, bottles of solution sold to refill the cartridges vary considerably in nicotine content. Some refill bottles contained concentrations of nicotine as high as 500 to over 1000 mg of nicotine per 1 ounce bottle of solution.¹⁴ A lethal dose of nico-

tine when ingested is 30-60 mg for adults and just 10 mg for children. Nicotine overdoses are a serious concern due to the high concentration of nicotine in the e-cigarette solutions and the lack of protective packaging on the bottles and cartridges to prevent accidental ingestion.¹⁵

The FDA recommends that people seeking to quit smoking should use FDA-approved smoking cessation aids including nicotine gum and nicotine patches.¹⁶ There is insufficient evidence to support e-cigarette use as a cessation device.¹⁷

The FDA, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics have all voiced their concern that electronic cigarettes could lead to an increase in nicotine addiction and youth tobacco use.¹⁸ Of particular concern is that e-cigarette cartridges are sold by some vendors in fruit and candy flavors that appeal to youth and that laws prohibiting the sale of cigarettes to minors may not be written broadly enough to cover e-cigarettes.¹⁹

What is the legal status of e-cigarettes?

The FDA will regulate e-cigarettes under its authority to regulate other tobacco products. The FDA has in the past detained or blocked incoming shipments of e-cigarettes from overseas manufacturers on the basis that e-cigarettes are unapproved drug delivery devices that must pass through the FDA's New Drug Application (NDA) process before they can legally be sold.²⁰ Two e-cigarette importers and distributors, Smoking Everywhere, Inc. and Sottera, Inc., brought a lawsuit against the FDA and sought a preliminary injunction to prevent the

FDA from regulating e-cigarettes as a drug delivery device and from stopping the importation of e-cigarettes into the U.S. while the case is ongoing.²¹ The e-cigarette distributors argued that because their products use nicotine derived from tobacco, e-cigarettes should be regulated as "tobacco products," subject to much more limited restrictions that do not require pre-approval by the FDA. The United States District Court for the District of Columbia granted the preliminary injunction. This ruling was affirmed by the United States Court of Appeals for the District of Colum-

Legal Status of E-Cigarettes, cont.

bia Circuit in December 2010.²² In April of 2011, the FDA decided it will not seek further review of this decision, but rather will regulate e-cigarettes as tobacco products under the Family Smoking Prevention and Tobacco Control Act in accordance with the court's opinion.²³

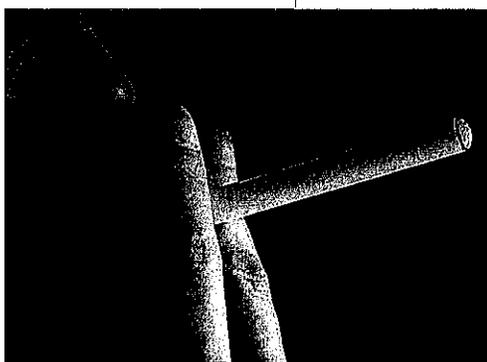
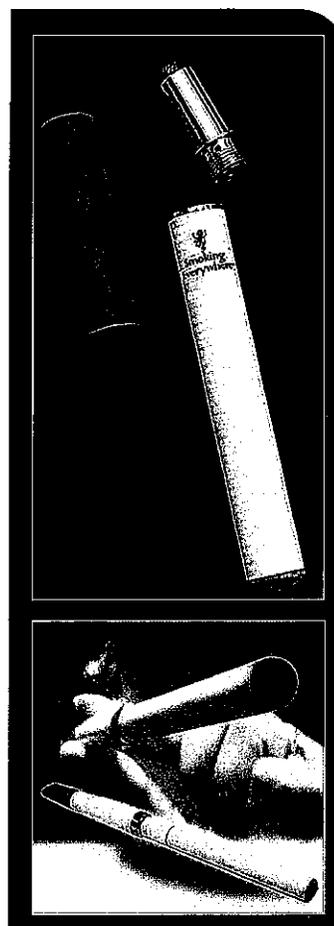
In September 2009, the FDA announced that it will continue to bring enforcement actions against e-cigarette companies that make unsubstantiated health claims about their products.²⁴

E-cigarette sales are also subject to state law. Various state attorneys general have brought lawsuits alleging that e-cigarette distributors have violated state law by selling to minors or making unsubstantiated health claims. For example:

- Oregon's attorney general has brought lawsuits against both Soterra, Inc. and

Smoking Everywhere, Inc.²⁵ Both companies agreed to settlements barring them from selling e-cigarettes in the state, at least until local and national standards on e-cigarettes are established. Smoking Everywhere and its CEO also agreed to pay the state \$120,000 after admitting violations of state law.

- In 2010, former California Attorney General Jerry Brown's office reached a settlement with Sottera, Inc. for \$85,000 in damages and an agreement to end sales and marketing to minors, discontinue sales of flavored cartridges, and stop marketing e-cigarettes as cessation devices unless approved by the FDA.²⁶ Sottera, Inc. also agreed to stop making claims that e-cigarettes are safer than cigarettes until reliable scientific evidence to support such a claim is available.



Does this really appear to be harmless water vapor?

What Can State and Local Governments Do?

Regulate Marketing

As suggested above, state attorneys general can take action to ensure that e-cigarette marketing is not targeting youth or making unsubstantiated marketing claims.

Strengthen Smoke-Free Laws

State and local laws prohibiting smoking in public places may include definitions of "smoking" that do not include e-cigarette smoking (also referred to as "vaping"). It may be prudent to expand the definitions of smoke-free laws to cover e-cigarette use. As with the health effects of e-cigarettes on the users, the

secondhand health effects on bystanders have not been established. In addition, prohibiting e-cigarette use in public places would help to avoid the confusion that might ensue if e-cigarette use leads other smokers to believe that cigarette smoking is permitted. This in turn would strengthen the message of such laws that smoking and tobacco use in public places is not socially acceptable.

Strengthen Youth Access Laws

Similarly, the definitions in youth access laws may not be written specifically enough to prohibit e-cigarette sales to minors. E-cigarette sales to minors could lead to lifelong nicotine dependence and should be prohibited.

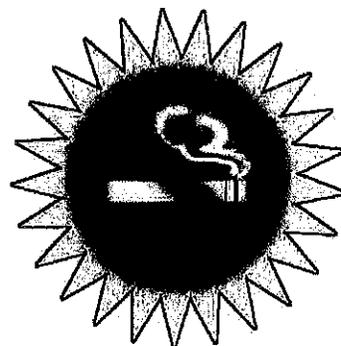
References



- ¹ See Memorandum from B.J. Westenberger, Deputy Director, Ctr. For Drug Evaluation and Research, Div. of Pharm. Analysis, to Michael Levy, Supervisory Regulatory Counsel, Ctr. For Drug Evaluation and Research (May 4, 2009), available at [http://www.fda.gov/downloads/Drugs/Science Research/UCM173250.pdf](http://www.fda.gov/downloads/Drugs/Science%20Research/UCM173250.pdf) [hereinafter Westenberger Memo].
- ² U.S. Food and Drug Admin., FDA Warns of Health Risks Posed by E-Cigarettes (2009), available at <http://www.fda.gov/downloads/ForConsumers/ConsumerUpdates/UCM173430.pdf> [hereinafter FDA Consumer Update].
- ³ Westenberger Memo, *supra* note 1, at 1.
- ⁴ FDA Consumer Update, *supra* note 2, at 2.
- ⁵ U.S. Food and Drug Admin., FDA Acts Against 5 Electronic Cigarette Distributors (Sept. 9, 2010), available at <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm225224.htm>.
- ⁶ World Health Organization, Marketers of Electronic Cigarettes Should Halt Unproven Therapy Claims (Sept. 19, 2008) available at <http://www.who.int/mediacentre/news/releases/2008/pr34/en/>.
- ⁷ Misha Davenport, *Electronic Cigarettes in Legal Limbo*, CHICAGO SUN-TIMES, Feb. 1, 2011, <http://www.suntimes.com/lifestyles/3490015-423/cigarette-cigarettes-smoking-traditional-tobacco.html>.
- ⁸ *Id.*
- ⁹ Westenberger Memo, *supra* note 1.
- ¹⁰ FDA Consumer Update, *supra* note 2, at 2.
- ¹¹ U.S. Food and Drug Admin., *Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA*, Public Health Focus, FDA.GOV (July 22, 2009), <http://www.fda.gov/NewEvents/PublicHealthFocus/ucm173146.htm>.
- ¹² *Id.*
- ¹³ Westenberger Memo, *supra* note 1, at 3-4.
- ¹⁴ Indiana Tobacco Prevention and Cessation, *Electronic Cigarettes Fact Sheet* (2009), available at <http://www.in.gov/itpc/files/ECigarettes.pdf>.
- ¹⁵ American Cancer Society Cancer Action Network, *E-Cigarettes Fact Sheet* (2010), available at <http://www.aacscn.org/content/wp-content/uploads/2010/10/e-cigarette.pdf>.
- ¹⁶ U.S. Food and Drug Admin., *E-Cigarettes: Questions and Answers*, Consumer Updates, FDA.GOV (Sept. 9, 2010), <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm225210.htm>.
- ¹⁷ Compare Thomas Eisenberg, *Electronic Nicotine Delivery Devices: Ineffective Nicotine Delivery and Craving Suppression After Acute Administration*, 19 TOBACCO CONTROL 87 (2010) with C. Bullen et al., *Effect of an Electronic Nicotine Delivery Device (E Cigarette) on Desire to Smoke and Withdrawal, User Preferences and Nicotine Delivery: Randomised Cross-Over Trial*, 19 TOBACCO CONTROL 98 (2010). Cf. C.O. Cobb et al., *Evaluating the Acute Effects of Oral, Non-Combustible Potential Reduced Exposure Products Marketed to Smokers*, 19 TOBACCO CONTROL 367 (2010).
- ¹⁸ U.S. Food and Drug Admin., *FDA and Public Health Experts Warn About Electronic Cigarettes* (July 22, 2009), available at <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm>.
- ¹⁹ FDA Consumer Update, *supra* note 2, at 2.
- ²⁰ *Smoking Everywhere, Inc. v. U.S. Food and Drug Admin.*, 680 F.Supp.2d 62, 63 (D.D.C. 2010), *aff'd*, *Sottera, Inc. v. U.S. Food and Drug Admin.*, 627 F.3d 891 (D.C. Cir. 2010).
- ²¹ *Id.*
- ²² *Sottera, Inc. v. U.S. Food and Drug Admin.*, 627 F.3d 891 (D.C. Cir. 2010).
- ²³ Letter from Lawrence R. Dayton, Director, Center for Tobacco Products, U.S. Food and Drug Admin., to Stakeholders (April 25, 2011), available at <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm252360.htm> (last visited May 18, 2011).
- ²⁴ U.S. Food and Drug Admin., *Electronic Cigarettes*, Public Health Focus, FDA.GOV (Sept. 13, 2010), <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm>.
- ²⁵ Oregon Dep't of Justice, Oregon Attorney General John Kroger Stops Sale of Unapproved Electronic Cigarettes (Aug. 18, 2009), available at <http://www.doj.state.or.us/releases/2009/rel081809.shtml>.
- ²⁶ California Dep't of Justice, Brown Announces Electronic Cigarette Marker's Agreement to Stop Deceptive Marketing and Sales to Minors (Aug. 3, 2010), available at http://oag.ca.gov/news/press_release?id=1965.
- ²⁷ A. 01468, 2011-2012 Sess. (N.Y. 2011), available at <http://assembly.state.ny.us/leg/?bn=A01468&term=2011>; S. 00695, 2011-2012 Sess. (N.Y. 2011), available at <http://assembly.state.ny.us/leg/?bn=S00695&term=2011>.
- ²⁸ SUFFOLK CNTY., N.Y., LOCAL LAW NO. 29-209 (2009) ("A Local Law Banning the Sale of E-Cigarettes to Persons Under the Age of 19"), available at <http://legis.suffolkcountyny.gov/Resos2009/11347-09.pdf>.

For more information on the Food and Drug Administration of e-cigarettes under the Family Smoking Prevention and Tobacco Control Act, visit:

<http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm225210.htm>



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Gainesville, FL 32607

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WWW.TPNF.NET

CORRESPONDENCE-TO-NOTE
REGULAR COUNCIL MEETING – November 4, 2013

1. **TYPE:** Letter
 DATED: October 17, 2013
 RECEIVED FROM: State of Florida Division of Emergency Management
 ADDRESSED TO: Mayor
 SUBJECT: Tropical Storm Fay Public Assistant Account EM-3288



10-21-13 P02:15 IN

STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT
Governor

BRYAN W. KOON
Director

October 17, 2013

FEMA-FL-EM-3288
FIPS: 053-08800-00

Joseph Johnston, Mayor
Brooksville, City of
201 Howell Avenue
Brooksville, FL 34601

Dear Mr. Johnston:

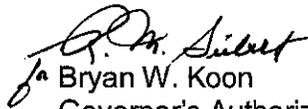
The Federal Emergency Management Agency and the State of Florida have officially closed your Public Assistance account for EM-3288 Tropical Storm Fay.

If you Disagree with this action, you have the right to appeal, in accordance with 44 Code of Federal Regulations, §206.206. The appeal must be filed with the Grantee, the State of Florida, within 60 days of receipt of this correspondence. It must contain documentation supporting your organizations's position and the applicable provisions in Federal law, regulation and/or policy. The appeal should be addressed as follows:

Bryan W. Koon, Director
Division of Emergency Management
Attn: Robert Seibert, Interim Deputy Bureau Chief
2702 Directors Row, Orlando, FL 32809-5631

Florida Statute and the State of Florida General Records Schedule for State and Local Government Agencies require you to retain all records that document Public Assistance project funding for a period of five years. Please see the enclosure for Federal requirements and provisions. If you have any questions, contact the State Logistics Response Center at (407) 888-3771.

Sincerely,


Bryan W. Koon

Governor's Authorized Signature

BWK/rs/rs

Enclosures: FEMA Subgrantee Closeout Notification

CTN 11.4.13
cc: Steve Baumgardner
Chief Dim Messinger
Chief Richard Rada
Chief George Turner
[Signature]



FEMA

April 26, 2013

RECEIVED
2013 MAY 23 AM 11:00
PUBLIC ASSISTANCE UNIT

Mr. Bryan Koon, Director
Florida Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Attention: David Merrill

Reference: FEMA-3288-EM-FL
Closure Request
Brooksville

Dear Mr. Koon:

This is in response to your letter dated February 12, 2013 informing the Federal Emergency Management Agency (FEMA) that all work for the referenced Subgrantee has been completed and payments made in accordance with applicable laws, regulations, policy and guidance. The documentation provided meets the requirements of 44 CFR §206.205 concerning the payments of all projects. As a result, our systems and records have been updated to reflect the requested Subgrantee closure based on the Federal Share shown in the enclosed *Subgrantee Closure Worksheet*.

Therefore, this Subgrantee is now considered officially closed. Please advise the Subgrantee of this action and its right to appeal within 60 days of notification, pursuant to 44 CFR §206.206. The Subgrantee must retain all records that document Public Assistance project funds approved as part of this subgrant for a period of three years from the date of the final subgrantee closure action. As stated in 44 CFR §206.207, FEMA retains the authority to conduct a Federal audit of this disaster assistance grant or any of the subgrants. In addition, non-Federal audits are to be completed in accordance with 44 CFR Part 14 and Office of Management and Budget (OMB) Circular A-133.

Sincerely,

For

Valerie Rhoads
Public Assistance Branch Chief
Recovery Division

Enclosure



For Official Use Only *

Due to limitations imposed by rules protecting Personally Identifiable Information (PII), some data may be restricted and show as "#ERROR" or "#SYNTAX." Please contact your Data Steward for rights clarification.

Florida

Disaster: 3288

PA ID#: 053-08800-00

Subgrantee Name: BROOKSVILLE

Subgrantee Status

Closed 04/16/2013

Closure Validation Information

Eligible Funds= Obligated Funds? Yes

Entered PWs = Obligated PWs? Yes

Large Projects Closed? Yes

Small Projects Closed? Yes

Large Project Threshold: \$60,900.00

Subgrantee Information

Applicant Eligibility	ELIGIBLE
RPA Entry Date	10/01/2008
Total Obligated	\$2,137.17
Federal Share Obligated	\$2,137.17
Subgrantee Admin	\$0.00
Grantee Admin	\$0.00
Federal Share + Subgrantee Admin	\$2,137.17
Total Amount of PWs at 100%	\$2,849.56
Final Closure Amount (100% PWs + S. Admin)	\$2,849.56
Total Non-Federal Share	\$712.39

Project Worksheet Information

Number Of PWs Entered	1
Number Of PWs Obligated	1
Number Of Large PWs	0
Number Of Large PWs Closed	0
Number Of Small PWs	1
Number Of Small PWs Closed	1

Project Worksheet Details

Project Size	PW Number	Version Number	Version Project Size	Final Inspection Date	Project Amount	Damage Category Code	Project Status
Small	30	0	Small		\$2,849.56	B - Protective Measures	Closed

* WARNING: The data in this document is "For Official Use Only" (FOUO). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and it is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior written approval of an authorized DHS Official.