

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

MINUTES

March 3, 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. Also present were Thomas S. Hogan, Jr., George G. Angeliadis and Debbie Hogan, 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. Members of the Hernando Today, Hernando Times and Brooksville Belle were also present.

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

CONSENT AGENDA

Minutes

November 19, 2007 Regular Meeting
December 3, 2007 Regular Meeting
December 17, 2007 Regular Meeting & Brooksville Housing Authority
January 7, 2007 Regular Meeting

Beautification Board Student Representative

Ratification of appointment of Haley Sasser as the Student Representative as approved by the Beautification Board at their January 8, 2008 meeting.

Surplus Items

Consideration of declaring old un-repairable surveying transit and tripod surplus and authorize City Manager to dispose of via local joint governmental auction or online.

Police Department Surplus Weapon Trade

Consideration of declaring listed weapons surplus and approve their trade to off-set the cost of new weapons, along with approval authorizing an appropriate budget amendment within Fund 116, Law Enforcement Trust Fund, in an amount not-to-exceed \$5,000 for the balance needed to purchase the new weapons.

Muscular Dystrophy Association (MDA) Boot Drive

Consideration of approval to allow on-duty personnel and equipment to be used to collect money on the weekends of March 15th, 22nd & 29th, 2008, from the store fronts of Wal-mart, Publix & Winn Dixie.

Motion:

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

APPROVED BY BROOKSVILLE

CITY COUNCIL

ON 5/19/08 INITIALS JK

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CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Tangerine Time 2008/2009 Waiver of Fees

Consideration of request for waiver of the rental fees in the amount of \$325 for use of the JBCC for the 2008/09 event on December 31, 2008.

Wayne Vutech reviewed the event and distributed a photo of last year's event. He thanked Council for their cooperation.

Council Member Bernardini noted the ending time of the event on the application should be 1:00 a.m.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the waiver of fees in the amount of \$325.

Council Member Bradburn thanked staff for the running total of fees waived in the past.

Vice Mayor Burnett advised he does not mind waiving fees for events that benefit the whole community.

Motion carried 5-0.

Council Member Bradburn thanked Mr. Vutech for his years of contribution and sacrifice to the event.

Proclamation - Muscular Dystrophy Association (MDA)

Presentation of Proclamation to MDA proclaiming March 17-21, 2008, Firefighter Appreciation Week.

The proclamation was read in its entirety and presented to Chief Mossgrove by Mayor Pugh, who thanked Council for their support.

Jennifer Bell of MDA was present and thanked Council for supporting MDA.

Proclamation - Kiwanis 85th Anniversary

Consideration of Proclamation honoring the 85th Anniversary of the Kiwanis Club on March 22, 2008.

The proclamation was read in its entirety and presented to Ron Wheelles, representing the Kiwanis Club, who thanked Council for their support.

PUBLIC HEARING

Alcoholic Beverage Location Permit Application - 19452 Cortez Blvd.

Consideration of approval of Alcoholic Beverage Location Permit for El Ranchito Mexican Restaurant.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for continuation of the hearing to the April 7, 2008, meeting.

Mayor Pugh asked for public input; there was none. Motion carried 5-0.

REGULAR AGENDA

**Ordinance No. 735-A - Master Plan Revisions (Zoning) - Villa Rosa (Underwood Property) - Bob Colvard, Agent for Underwood Family Trust

Consideration of petition for a master plan revision of 9.33 acres + located on the south side of North Avenue, between Stafford Avenue and Zoller Street.

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Director Geiger requested the entire staff report be entered into the record as if it were read. (Attachment A)

Attorney Angeliadis indicated this to be a quasi-judicial hearing and advised Council that now would be the time to swear in potential witnesses, noting Council is familiar with the credentials of Director Geiger, which were accepted by consensus. Those witnesses wishing to speak on this item were sworn by City Clerk Phillips.

Director Geiger proceeded to review the request to amend the zoning from a townhouse development to an age-restricted, senior residential housing complex. He also reviewed the recommendations of the Planning and Zoning Commission, with modified recommendations as listed in the attached staff report.

Mayor Pugh asked if any ex-parté communication concerning this item had taken place. Council Member Bradburn advised she had spoken with Mr. Quinn to request a member of the Underwood family be present to explain the change in the concept.

Discussion ensued of the changes being requested.

Joseph Quinn, representing the developer, and having been sworn and recognized by Council as an expert witness in the field of land use, reviewed the changes as well. He stated that, since the time of the initial zoning, the housing market has changed drastically and felt the multi-family venture to be an area that the market will not support at this time.

Bob Colvard, representing Villa Rosa, indicated a site-plan and zoning forms need to be filled out by the developer for the application to the state, if approved tonight.

Council Member Bradburn asked about the federal financing through the Affordable Housing Tax Credit Program the developer is seeking and asked if the developer would go forward if the financing is not received. He indicated it would not and elaborated on that, as well as the 50-year requirement to keep the property a 55+ property if the financing is received from the state.

Council Member Bradburn asked if they would agree to an 18 month process instead of a 2-year process. Mr. Colvard explained the time-line, indicating they would proceed as quickly as possible but the application process has triggers which indicate whether funding will be acquired and the developer will sign a development agreement with the City as soon as it is feasible. He indicated a sidewalk will be built on three sides of the development. Discussion continued of the square footage reduction from the initial proposal. Council Member Bradburn suggested the minimum be 800 s.f. Mr. Colvard indicated it is not possible due to restrictions on the financial process having to do with development costs. Discussion continued concerning the fact that this is to be quality, affordable housing for the 55+ age group. He indicated a neighborhood meeting was held and there were no objections to the project.

Mayor Pugh asked for public input. The following citizens, having been sworn, expressed their concerns for the project:

Elizabeth Ward of Stafford Avenue indicated the project looks like a two-story hotel and did not understand the drainage retention, sidewalk proposal or income level requirements.

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Linda Viettle of Jeff-A-Lee Street stated the subject property is in a beautiful quiet neighborhood and does not want to see rentals built in the vicinity.

Skevos Theodore of Jeff-A-Lee Street expressed concern for the drainage retention and parking areas and felt there was no room for the project.

Mr. Colvard explained that this is just the application mode and financial backing still has to be acquired. He indicated this is not the final plan to be submitted to Council and addressed the issues expressed by the public regarding parking.

Mr. Angeliadis stated Mr. Colvard's testimony is more expert-based and he should be recognized by Council as an expert witness. Council accepted him as an expert witness in his field for the purpose of this hearing.

Mr. Quinn reviewed the site design and indicated the orientation would have to be reviewed again. He advised that approximately 20% had been designated for a drainage area and that site plan approval is still forthcoming.

Mr. Colvard reviewed the amenities of the development, which will include a library, media center and exercise facilities. In response to Mayor Pugh's question, he advised it will not be an assisted living facility. He indicated the rent will be \$299 - \$600 per month, based on an individual's income level.

Mayor Pugh expressed concern that the initial development was supposed to be a more upscale facility with a higher tax base and school incentives. This development will produce a much lower tax base and school incentives. Discussion continued in which Council Member Lewis pointed out amenities and pluses he felt make this a good fit for the area as well as extensive discussion of vested rights should the property change hands before the development is finished and the time frames for the development.

Council Member Bradburn reiterated that the deviation from the original proposal is not in keeping with the residential neighborhood. Council Member Lewis indicated he supports the new proposal because of the lesser impact on the area.

Discussion continued of the buffering, which Mayor Pugh felt needed to be increased with a decorative wall. Director Geiger indicated a dense hedge would surround the entire property.

In review, Director Geiger advised the final site plan will have to be approved by Council.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of the first reading of Ordinance No. 735-A as written with increased 20 foot buffers with a wall, a reduction from 2-years to 18 months and a binding 50-year covenant for a 55+ age restricted community.

City Clerk Phillips read Ordinance No. 735-A by title, as follows:

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 735 PERTAINING TO THE REZONING OF CERTAIN PROPERTY FROM C-4 (COMMERCIAL DISTRICT) TO PLANNED DEVELOPMENT PROJECT (PDP) DISTRICT WITH A SPECIAL EXCEPTION USE (SEU) FOR A RESIDENTIAL PLANNED DEVELOPMENT PROJECT (RPDP) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN, SPECIFICALLY PROVIDING FOR

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AMENDMENTS TO THE CONDITIONS STATED IN SECTION 1, SUBSECTION 1.a. THROUGH 1.n., ADDING ADDITIONAL CONDITIONS THERETO, IN RESPONSE AND CONSIDERATION OF A MASTER PLAN REVISION FOR THE RPDP; AND PROVIDING AN EFFECTIVE DATE.

Motion carried 3-2 upon roll call vote, as follows:

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

Per Director Geiger, a revised site plan will be presented at final reading.

Ordinance No. 757 - Repeal of Occupational License Code Ordinance

Consideration of ordinance repealing occupational license code effective September 30, 2008.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of the first reading of Ordinance No. 757.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 757 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES REPEALING CHAPTER 78, ARTICLE III - OCCUPATIONAL LICENSE TAXES; PROVIDING FOR NON-ISSUANCE AND NON-RENEWAL; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROHIBITING REVIVAL BY REPEAL; 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

City Clerk Phillips indicated a Resolution rescinding Resolution No. 95-13 will be brought forward with the final reading of the ordinance.

Hernando County Sheriff's Office Dispatch Agreement

Consideration of agreement with the Hernando County Sheriff's Office for dispatch services.

City Manager Norman-Vacha reviewed the agreement, indicating all parties involved are fully supportive of the agreement to consolidate services being presented to Council.

Sheriff Richard Nugent addressed Council, reviewing the 3-year process of evaluating services undertaken by the County and indicating that future reviews will take into consideration build-outs (annexations) by the City of Brooksville; which may entail costs. Discussion followed of tracking system integration in the City of Brooksville police and fire vehicles, efficiency and impacts on current employees.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval of the agreement.

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Mayor Pugh asked for public input.

Council Member Bradburn indicated she had received an e-mail on her personal e-mail account from Ronald Gossett, Police Department Dispatch Supervisor, opposing the agreement. There was no other public input.

Motion carried 5-0.

To signify the historic event, City Manager Norman-Vacha requested Sheriff Nugent and Mayor Pugh sign the agreement during the meeting. She thanked Sheriff Nugent, County staff and Emergency Management for their hard work in the culmination of the agreement. Council Member Bradburn thanked City Manager Norman-Vacha for her work as well.

Fair Association Agreement

Consideration of agreement for purchase of 1.97 acres from the Fair Association in the amount of \$209,805.

Attorney Debbie Hogan indicated written confirmation had been received and that the settlement included a change for a waiver of fees, with the compromise being that the Fair Association would be able to use the property for one more fair before having to address parking issues. March 10th is the anticipated closing date.

City Manager Norman-Vacha provided a letter from Hampton Ridge confirming their offer of the original amount of \$126,500 and proposed that amount be applied.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval of the agreement.

Mayor Pugh asked for public input; there was none. Motion carried 5-0.

City Attorney Compensation

Consideration of 6-month increase as provided for in their Agreement.

City Manager Norman-Vacha reviewed the proposal, which called for an increase of the 14 hour monthly retainer to 75 hours, which staff and the attorney will review 90-days prior to October 1 beginning in 2009 and make recommendations to Council as to whether the monthly retainer amount can or should be reduced or adjusted. The adjustment requires Council to approve the transfer of money from reserves for contingencies to pay for legal council, as last budget year only \$45,000 was approved for the 2007/08 budget.

A brief discussion followed.

Motion:

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

Mayor Pugh asked for public input; there was none. Motion carried 5-0.

Darby Lane Sidewalk Project

Consideration of public input on this project and confirm installation of sidewalks in City right-of-way.

Director Pierce reviewed the project, stating no comments from residents had been received.

Mayor Pugh asked for public input; there was none.

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Motion:

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

ITEMS BY COUNCIL

George Angeliadis, Attorney

Attorney Angeliadis thanked Council for the opportunity to work for the City.

Richard E. Lewis, Council Member

Council Member Lewis thanked the Hogan Law Firm for their efforts.

T. Jennene Norman-Vacha, City Manager

Brooksville Housing Authority Workshop

City Manager Norman-Vacha advised that Brooksville Housing Authority Chairman, Randy Woodruff requested April 15, which is a Tuesday at 6:00 pm, as opposed to March. Council concurred. Council Member Bradburn requested the clerk send an e-mail to all of Council reflecting the new workshop date.

Thomas S. Hogan, Attorney

Contract Amendment

Attorney Hogan indicated the additional retainer will allow the firm to allocate more time to City business in an effort to keep abreast of projects.

Levitt Bankruptcy

He indicated the City has filed suit against Westchester to enforce the performance bond, which expired on February 23, 2008. They are in negotiations at this time with Westchester as well as the attorneys for Levitt. A request has been made for the City to enter into a Forbearance Agreement to stop the legal proceedings for 12 months. Key Bank has taken over ownership of the property and Attorney Hogan will be meeting with their officials. A brief discussion followed.

Joe Bernardini, Council Member

Hogan Law Firm

Council Member Bernardini reiterated the appreciation to the Hogan Law Firm.

Frankie Burnett, Vice Mayor

Requests of Staff

He requested staff provide information/investigations requested by Council in the form of updated reports and/or via a workshop so that Council fully understands the information and has time to review it before having to address at a Council meeting.

David Pugh, Mayor

Brooksville Housing Authority

He indicated he attended the Brooksville Housing Authority monthly meeting and they requested 60 days before meeting with Council to put together a payment plan for the PILOT program.

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MPO Board

He asked if anyone would consider replacing him on that board. Council Member Bradburn indicated she would consider it when she gets her new job. Mayor Pugh will continue until then and the item will be readdressed at a future Council Meeting.

Real Estate Findings

He reviewed some facts which indicate Florida is 3rd in the nation for foreclosures and it is anticipated there will be 700,000 foreclosures in Florida within the next 18 months. Nationwide, there are 9.5 months of inventory and 30 months of inventory in the state, with 60 months of inventory in Sarasota County alone. He stressed that there are problems forthcoming because of this.

Council Member Bradburn indicated the long-term growth management and use of water should be reviewed in light of this current state, which was discussed.

CITIZENS INPUT

Mary Evelyn Reid

Mutual Aid Agreement

She requested the City keep tabs on how many runs the City makes under the agreement. She elaborated on District 22.

Kojack Burnett

Workshops

He thought the dispatch issue would be discussed in a workshop and requested staff schedule workshops to discuss such issues.

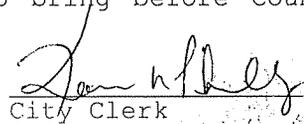
ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:50 p.m.

Attest:



Mayor



City Clerk