

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

AGENDA

2008 Volunteer Appreciation Reception  
(VOLUNTEER RECEPTION RESCHEDULED TO THE MAY 5, 2008, MEETING.)

April 21, 2008

7:00 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis present. Also present 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.

Mayor Pugh indicated the scheduled Volunteer Appreciation Reception has been rescheduled to the May 5, 2008 meeting at 6:30 p.m.

CONSENT AGENDA

FDOT Landscape Grant

Consideration of and authorization to apply for grant in the amount of \$150,000 for landscaping at Hwy. 41 & 50/50A.

Budget Amendments for Public Safety

Consideration of request for budget amendments pertaining to the transfer of funds.

Fourth Amendment to Agreement between the Southwest Florida Water Management District and City of Brooksville, Florida for Construction of US 41 South Service Area Reuse System (L169)

Consideration of this amendment which extends the time of completion of construction for this project to April 30, 2012 from April 30, 2009. The expiration date of the agreement is similarly extended to December 31, 2012 from December 31, 2009.

Amendment to Seagate Utility Service Agreement

Approval of request to extend the payment date for the utility fees an additional 180 days or prior to issuance of any building permit for the project.

Quarry Golf Cart Bid

Consideration of request to go out for bids for the leasing of golf carts for The Quarry.

Council Member Bradburn requested postponement of action on Item C-3 so it can be further discussed with the related items during the regular agenda. Council consensus was to allow it.

APPROVED BY BROOKSVILLE

CITY COUNCIL

## **REGULAR COUNCIL MEETING AGENDA - APRIL 21, 2008**

### **Motion:**

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of the consent agenda with removal of Item C-3 to the regular agenda.

Regarding Item C-1, Council Member Bernardini questioned the reasoning for not installing plants that are hardier and less disease-prone initially. Director Geiger indicated it was upon the recommendation of the Landscape Architect but it was found that they pose a constant maintenance issue and recommended changing them out. In response to Vice Mayor Burnett's question, Director Geiger confirmed that the job would be put out to bid if Council so wishes or they can go with the previous Architect.

Mayor Pugh indicated he is not in favor of spending manpower and additional money to landscape in light of the situation with budgeting. Director Geiger agreed that there is a maintenance demand on staff for the upkeep after the landscaping is done. Discussion continued of selecting plants adaptable to the area that will not require a considerable amount of maintenance.

Motion passed 5-0.

### **CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

#### **Volunteer Appreciation Week April 27 - May 3, 2008**

Presentation of proclamation in honor of City of Brooksville volunteers in appreciation for their service.

Mayor Pugh read the proclamation in its entirety and it will be presented at the May 5, 2008, reception, which was rescheduled.

#### **Law Enforcement Awareness**

Presentation of proclamation designating and supporting the month of May as Law Enforcement Awareness Month.

Mayor Pugh read the proclamation in its entirety.

Mickey Cook of the Committee Against Assaults on Law Enforcement Officers addressed Council and read a synopsis of the contributions and sacrifices of Law Enforcement Officers, honoring them for all they do.

Mayor Pugh presented copies to Sheriff Nugent of the Hernando County Sheriff's Department, Chief George Turner and Detective Messer of the Brooksville Police Department, Trooper Gunter of the Florida Highway Patrol and Mr. Singer of the Florida Dept. of Law Enforcement.

#### **Arbor Day Proclamation**

Presentation of proclamation supporting Arbor Day in our community, which will be recognized at a Beautification Board event to be held on Friday, April 25, 2008, 10:00 a.m., at Tom Varn Park.

Mayor Pugh read the proclamation in its entirety, which will be presented at the Arbor Day event.

#### **Jerome Brown Community Center (JBCC) Fee Waiver - Mary Drake Summer S.T.A.R.T.**

##### **Free Breakfast**

Request to waive fees in the amount of \$180 for the use of JBCC on June 14, 2008 from 8:30 - 11:00 a.m. for their 4<sup>th</sup> Annual Community Men's Day Celebration.

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Mayor Pugh asked for a refresher on the parameters set in the past concerning the waiver of insurance and fees. Director Walker indicated that, in the past, waivers for fees have been granted to not-for-profits and open-to-the-public events but not waivers for insurance.

Mark Drake, Director of the program, indicated it is open to the public and elaborated on the work they do to help the community.

A brief discussion of the liability of waiving insurance followed. Mr. Drake further elaborated on the event.

City Attorney Hogan cited the code, which does not allow for the waiver of insurance for any events.

### Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of the request for waiver of fees but not the insurance. Motion passed 5-0.

### JBCC Waiver of Fees for United Way

Consideration of waiver of fees in the amount of \$180 for the United Way of Hernando County Annual Campaign Kick-Off Meeting with Publix Supermarket on August 29, 2008, from 8:00 a.m. to 3:00 p.m. at the JBCC.

### Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for approval of the request for waiver. Motion passed 5-0.

### JBCC Waiver of Fees for Hernando County Intergroup (Gratitude Dinner) - Alcoholics Anonymous

Consideration of waiver of fees in the amount of \$415 associated with their annual dinner on November 8, 2008, from 5:30 p.m. until 12:00 a.m. at the JBCC.

Sydney Goula elaborated on the event and stated they look forward to it every year.

### Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of the request for waiver of fees. Motion passed 5-0.

## PUBLIC HEARING

### Ordinance No. 758 - Photographic Traffic Enforcement Program

Consideration of ordinance establishing a red light photographic traffic enforcement program to help reduce vehicle crashes and resulting injuries. [First reading 03/17/08]

Chief George Turner reviewed the issue, referring to statistical information and studies provided to Council previously. Discussion followed in which Council Member Lewis requested a retention policy and negotiations to review at some point with an opt-out clause. He also does not want to see any reduction in the time of the caution light. If anything, he would like to see the time extended.

City Manager Norman-Vacha added that the City's traffic signals are maintained by Hernando County's Public Works and Engineering Departments and they are adamant about following established guidelines for engineering. Council Member Lewis requested monthly reviews on the length of the caution lights.

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Council Member Lewis also requested Chief Turner ask the City's Police Officers to call in malfunctioning street lights, which Chief Turner indicated is happening.

Greg Parks, American Traffic Solutions (ATS), indicated the cameras are tested daily and any malfunctions will be noted.

Council Member Bradburn requested a 6-month review of the timing of the amber lights and asked Chief Turner to list the intersections to be monitored. Chief Turner advised the following intersections would be monitored:

- South Broad & Cortez
- South Broad & Wiscon
- Cortez & Buckholtz
- Cortez & Cobb
- Jefferson & Ponce De Leon (98)

Regarding public records retention, Attorney Debbie Hogan stated Florida Statutes Chapter 119 controls the retention and destruction of the videos which the City has jurisdiction to retain and can contract with ATS for the records to be physically situated in their offices. She further advised that there is a provision in the ordinance (Section 6), which will allow ATS to take the photos and send them to the alleged offender notifying them that they won't be charged for that offense, but will alert them that future offenses will eventually be a problem.

Vice Mayor Burnett requested citizen notification via their utility bills. Chief Turner indicated there will be a public awareness campaign.

Council Member Bernardini asked if the public records will be available to the citizens. Mr. Parks indicated ATS will comply and will rely on the City to define whether it is a valid request or not. City Attorney Hogan stated the information on the violations falls within the City's normal records retention and public records.

Discussion continued of signage and the possibility of doubling-up on existing signage to lessen sign pollution.

Mayor Pugh asked for public input.

Kit Raymond spoke in favor of the countdown signage for intersections and asked if there is a way to combine some type of warning that the light will be changing. Mayor Pugh indicated it will be looked into.

Pat Strickland expressed concern over semi truck drivers who drive too closely to the car in front of them making it impossible to suddenly stop without getting rear-ended. Chief Turner advised that all incidents are closely reviewed by an officer and such an act would be caught.

Council Member Bradburn suggested part of the public awareness campaign be directed to the mining companies and local trucking companies to make their drivers aware.

Pierre Desjardins stated he is adamantly opposed to the ordinance. He elaborated on the possible negative effects of the ordinance as well, pointing out that the system will not be "free" to the City as previously stated because manpower will be needed to review any questioned infractions. He recommended warning lights that inform citizens of the changing lights, but overall did not feel the program to be appropriate for Brooksville.

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### Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of the second reading of Ordinance No. 758 with a 6-month review of citations and accidents, after implementation and utility bill notification to citizens, as well as double signage when available.

City Clerk Phillips read Ordinance No. 758 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, RELATING TO TRAFFIC LIGHT SAFETY; PROVIDING FOR LEGISLATIVE FINDINGS AND PURPOSE; ESTABLISHING DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF TRAFFIC CONTROL SIGNAL MONITORING SYSTEM FOR RED LIGHT INFRACTIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES AND COLLECTION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REFERRAL OF APPEALS TO HEARING OFFICERS AND MATTERS RELATING THERETO; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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

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

### PUBLIC HEARING

#### Third Amendment to The City of Brooksville, Florida Development Agreement for Hampton Ridge

Modifications are proposed within this Third Amendment to update the original Development Agreement (as amended) to provide consistency with changes being made in related agreements as well as to address time frames that are being affected by economic conditions.

Director Geiger briefly reviewed the amendment to the agreement. He indicated this is the first of two required public hearings with the second being at the May 5, 2008, meeting.

Discussion followed in which Mayor Pugh pointed out that the extension gives an extension for transportation impact fees as well.

Council Member Bradburn asked Director Geiger to outline the benefits of granting the extension to the City. He cited developer improvements to the water treatment facilities and infrastructures.

Director Geiger and Director Pierce gave a detailed explanation of the four agreements on the agenda and how they all tie together and the benefits to the City, which was discussed.

In review, Council Member Bradburn summarized that two provisions have been removed to the City's benefit. The terms (lengths) of completion date on all three are being extended and any additional costs will be borne by the developer in all facets, i.e. additional funding, construction, etc. Director Pierce confirmed.

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On the plus side for the City, Council Member Lewis pointed out that the \$2.575M the City contributed to the project is not having to be utilized as quickly as would be required without the extension. He asked how soon treated, reclaimed wastewater will be able to be pumped there. Director Pierce advised not until after the April 30, 2012, completion date.

Council Member Bernardini, for clarification, summarized that the advantage to the City of extending the agreement is that the City will be able to charge for reuse and impact fee buyback credits would be reduced from 50% to 25% to a maximum of \$200,000. Director Pierce advised that, in the developer's favor, he can delay the dates of completion, thereby delaying the cost of the roughly \$10M expansion up to 3-years.

Director Geiger pointed out that, with this being the first public hearing, no action is required of Council at this time.

Council Member Lewis also asked about bonds for the projects these amendments concern and whether they should be required or increased. Director Geiger indicated the N/S Road (Governor Blvd.) is not currently bonded but the Waste Water Treatment Facility is bonded. He advised right-of-way acquisition is one of the most important issues for the road construction, which will be driven by need. The stipulation in the original agreement was discussed. Council Member Lewis would like to see discussion by staff of bonding for the cost of the project, which is normally 125%.

Donna Feldman, Council for the Developer, indicated the amended and restated components are an attempt to simplify the agreements, which are market driven and stated there is a bond which has been adjusted for the Water Reclamation Facility Agreement. The other project bonds will be adjusted as needed. She further elaborated on the agreements and requested Council's approval.

Mayor Pugh asked for public input; there was none.

The consensus of Council was to move forward as necessary.

Director Pierce also pointed out that the transmission and storage component of the reuse is about \$5M. The Water Management District is reimbursing at the rate of about 60% and the developer is paying the other 40%. The City is not spending one dime.

### REGULAR AGENDA

#### *Item C-3 (Moved from Consent Agenda)*

#### Fourth Amendment to Agreement between the Southwest Florida Water Management District and City of Brooksville, Florida for Construction of US 41 South Service Area Reuse System (L169)

Consideration of this amendment which extends the time of completion of construction for this project to April 30, 2012 from April 30, 2009. The expiration date of the agreement is similarly extended to December 31, 2012 from December 31, 2009.

#### Motion:

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

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### Amended and Restated Supplemental Agreement

Consideration of this new agreement that essentially binds the Developer to the Fourth Amendment and modifies certain other clauses.

#### Motion:

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

Mayor Pugh asked for public input; there was none.

Motion carried 5-0.

### Amended and Restated Cobb Road WRF Agreement

Consideration of the new agreement which extends the time of completion of construction of the expansion of the Cobb Rd. WRF to 3.0 mgd, to April 30, 2012, and modifies certain other clauses.

#### Motion:

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

Mayor Pugh asked for public input; there was none.

Motion carried 5-0.

### Resurfacing of Jefferson St. from Cleveland Ave. to Mildred Ave.

Request for Council's input/direction for return response regarding FDOT's proposal of adding a bike lane on the North side of Jefferson Street.

Director Pierce asked Council for their input.

Council Member Bernardini indicated he does not see a need for the bike lane but was concerned for pedestrians crossing at Magnolia and Jefferson Streets and at Broad at Magnolia.

Director Pierce recommended a pedestrian crosswalk, which requires a signalized crosswalk. Discussion followed. Director Pierce indicated it will be primarily a chip and resurfacing project. Council Member Bradburn was in favor of the bike lane and hoped it would eventually connect to the Good Neighbor Trail. She requested communication with FDOT and the contractor that the brick below the surface be protected and preserved.

Director Pierce indicated parking on the north side will be lost but will be added to the south side.

### ITEMS BY COUNCIL

#### George Angeliadis, Attorney

##### Restated Agreements

He stated that he was present at all meetings, which took place in his office, with Director Pierce, City Manager Norman-Vacha, Director Geiger and Finance Director Baumgartner and advised that staff was very meticulous in reviewing all the agreements which were the culmination of many hours of work and Council should be proud of their work.

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### Lara Bradburn, Council Member

#### Parking

Council Member Bradburn requested updates of the boots on the cars and suggested Mr. Singers's employees stop parking along Main Street.

#### Tree at the old Johnston House on Broad St.

She asked if there was a permit pulled to take down the tree. Director Geiger advised that the tree is still there but some limbs were removed because they were becoming a hazard to the house.

#### Alltel at Wiscon & 41

Council Member Bradburn advised there is a sign offering a new out parcel but did not see how one could go there with the future road plans to expand the intersection. Director Geiger indicated it is privately owned and they can propose a plan to develop unless prohibited by the City.

She pointed out that when a developer proposes a development, more trees seem to disappear as the parcels get sold and resold and felt it is a real problem that needs to be addressed as part of the tree and ordinance revision.

Director Geiger elaborated on the tree credit built into the ordinance.

### Joe Bernardini, Council Member

#### Brooksville Housing Authority Meeting

Council Member Bernardini apologized to Council Member Bradburn concerning a misunderstanding during the Brooksville Housing Authority meeting where he understood her question but not the answer that was given.

#### Weather for the Annual Fair

He thanked Vice Mayor Burnett for putting in a good word for fair weather, which was excellent and thanked all who attended.

### Frankie Burnett, Vice Mayor

#### Red Light Safety

Vice Mayor Burnett thanked Chief Turner for the information he provided on the red light safety issue.

#### Community Condition Review

He thanked City Manager Norman-Vacha for going through the City with him observing issues in the community.

#### Staff Clarifications

Vice Mayor Burnett also thanked staff for waiver of fee clarifications.

### Karen M. Phillips, City Clerk

#### Red Mule Runners Plaque

City Clerk Phillips presented Council with a plaque from the Red Mule Runners in appreciation for the City's support of the 2008 run.

### David Pugh, Mayor

#### Arbor Day

Mayor Pugh advised that April 25 at 10:00 a.m. is the City's Arbor Day celebration at Tom Varn Park.

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Congressional Art Reception

He also stated that at 6:00 p.m. on April 25 is the student art contest and reception sponsored by Congresswoman Ginny Brown-Waite here at City Hall.

Hernando Christian Academy

He thanked Hernando Christian Academy's second grade class for honoring him.

CITIZENS INPUT

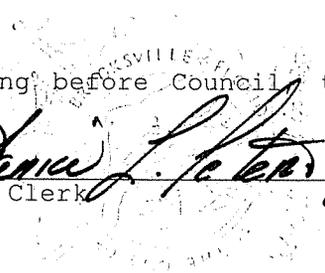
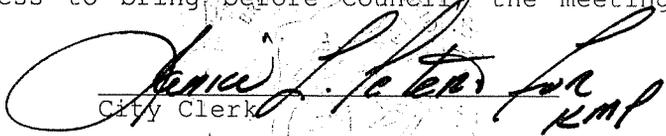
There was none.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:30 p.m.

Attest:

  
\_\_\_\_\_  
Mayor

  
  
\_\_\_\_\_  
City Clerk