



SPECIAL AND REGULAR COUNCIL MEETING

January 4, 1999 6:30 P.M.

Brooksville City Council met in special and regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Jennifer J. Battista, Deputy City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; Boyce E. Tincher, Public Safety Director; and a representative from the St. Petersburg Times.

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

PRESENTATION OF QUALIFICATIONS

Presentation of firms for Proposal AD98-16 - CDBG Commercial and Neighborhood Revitalization grant applications for the following categories: (1) Grant Planning; (2) Project Administration; (3) Engineering Services as well as Special Projects (4) as needed.

Time Firm Category

6:30 - 6:45 p.m. Coastal Engineering Associates, Inc 1, 2, 3, 4

and Angie Brewer and Associates

6:50 - 7:05 p.m. CRA Consulting and CRA Engineering 1, 2, 3, 4

7:10 - 7:25 p.m. Fred Fox Enterprises, Inc. 1, 2, 4

Council Member Johnston asked if the presentations being heard tonight for the various CDBG categories were related to the master plan. City Manager Anderson stated that the master plan is a component of the first of the four that will be part of that agreement. In response to Council Member Johnston's question, City Manager Anderson stated that the master plan would be coordinated with the firm(s) that will receive the bid.

Mayor Lewis proposed that staff set up a workshop meeting within the next 30 to 45 days and invite all those involved in the plan, including any group or business interested. Input would be requested at that time.

Council Member Brayton requested reassurance that this bid selection will not directly or indirectly affect the master plan. City Manager Anderson interjected that it is related because the results of the plan will be incorporated in the CDBG application cycle and the planning for downtown redevelopment. He added that the plan will be continued to be developed and its final form presented to Council will be then be given back to the consultant.

It was pointed out that the CDBG application deadline is June, 1999. Council Member Brayton stated that his concern is whether additional input would change the scope of work included in this bid and affect the grant and the time frame involved.

Vice Mayor Staib interjected that she was surprised to find the CDBG selection on the agenda and did not understand

what the urgency was. City Manager stated that there are different deadlines. He stated that the project that was contracted with CRA originally was to start putting together an application for the CDBG grant with the report continued until this March because the State had extended the application submittal deadline. He went on to state that staff's review of that plan is still ongoing and not finalized. Mr. Anderson stated that he has had meetings with some of the people involved who wanted to submit their ideas for the plan and be assured that there would be a place for their input before Council receives the final plan. He stated that he has not received their ideas for the plan as of this date.

At Council Member Johnston's suggestion, Mayor Lewis agreed that a status report item should be placed on each agenda to update Council on the CDBG Community Redevelopment Master Plan.

Coastal Engineering Associates, Inc and Angie Brewer and Associates 6:40 p.m. - 6:55 p.m.

Cliff Manuel, President, Coastal Engineering and Associates, advised that in most instances, other firms are placed in a staging area while presentations are being made. [NOTE: CRA left room at this time.] City Attorney Battista interjected that Council cannot preclude other firms from being present but as a matter of professional courtesy, other firms may choose to leave.

Mr. Manuel began his presentation by introducing his company and the various engineering, infrastructure and other improvement projects that Coastal Engineering and Associates has done for the City in the past. He stated that this is the first opportunity that Coastal has had in representing their expertise created by their association with Angie Brewer and Associates. He introduced Angie Brewer and advised that Ms. Brewer would continue with the presentation.

Ms. Brewer described her company and the services they provide. She presented a slide show which depicted their past experience in applying for and successfully receiving grant funding in other cities and counties. Ms. Brewer acknowledged the City's current time lines involved in the upcoming CDBG grant application deadline and the factors that would go into submitting that application and meeting that deadline. She addressed various grant and other funding options available.

There were no Council questions or discussions at the end of the presentation.

CRA Consulting and CRA Engineering 7:00 p.m. - 7:15 p.m.

Robert Johnson, CRA Consulting, introduced Joe Miller who would be representing CRA Engineering. He explained his company's approach in providing services to all their clients. He presented a slide show depicting CRA's experience with the City of Brooksville and their success throughout the State as well as their company's structure, office locations and their staff representing a diversity of experience. His slide show described redevelopment and other projects done in other communities. He briefly explained the current projects that CRA is involved in for the City.

Joe Miller addressed Council regarding CRA Engineering's experience in infrastructure improvements throughout the State and described past and ongoing projects with the City of Brooksville.

There were no Council questions or discussions at the end of the presentation.

Fred Fox Enterprises, Inc 7:17 p.m. - 7:25 p.m.

Fred Fox presented his firm's credentials and related their experience as the oldest firm in the state doing block grant application preparation and administration. He described their success in other communities in receiving commercial and neighborhood grants. He briefly described his company's structure and application development procedures.

There were no Council questions or discussions at the end of the presentation.

Mayor Lewis advised that Council would now complete their selection sheets and the Deputy Clerk would collect them. He pointed out that each selection sheet has a different title and each Council Member should have four sheets; one for planning, administration, engineering, and special projects. Council Members reviewed their packets to ensure

that they had the correct evaluation forms. As each Council Member completed the forms, they were handed in to Lee Huffstutler, Director of Finance, for tabulation.

7:25 p.m. - Break

Mayor Lewis advised that they would take a break at this time to allow staff time to tabulate the forms. Council Member Brayton advised that he had not turned his in yet and Mayor Lewis indicated that he could work on the forms during the break.

7:45 p.m. - Reconvene

Mayor Lewis advised that Council would proceed with the Council agenda and the results of the bid would be presented shortly.

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

December 7, 1998 - Regular Council meeting

December 21, 1998 - Regular Council meeting

Dr. Martin Luther King, Jr. Celebration - January 18, 1999

Request co-sponsorship of annual event and waiver of fees.

Computer Networking

Purchase hardware necessary to interconnect City Hall to Department of Public Works via fiber optics from Telecommunications Systems, Inc. (State Contract #250040991) in the amount of \$23,265.76, as budgeted in Technology Services.

Motion:

Motion was made by Wever and seconded by Staib to approve the January 4, 1999 Consent Agenda.

In response to Council Member Johnston regarding the computer networking item, City Manager Anderson stated that the \$23,265.76 is being spent out of the \$28,000 budgeted.

Andrew Williams, NAACP Representative, thanked Council for their support of the co-sponsorship of the Martin Luther King, Jr., event.

Motion carried 5-0.

PRESENTATION OF QUALIFICATIONS CONTINUED

City Manager Anderson advised that staff could not give a report on the tabulation because there is a tie because one of the Council Members did not rank all of the firms.

Mayor Wever questioned the City Attorney on what the Council's alternatives would be in a situation such as this. City Attorney Battista stated that a tie vote is not a decision maker. The Council could reconsider and revote and if there is a question in a particular Council Member's mind, it would not be inappropriate for that question to be brought forward to discuss issues that may have caused the tie vote. He stated that there is no set legal precedent dealing with RFP's, except those dealing with the bid itself. He stated that if there is someone who wishes to speak and express

concerns, that can be done. A revote can then be taken or Council could put all these in a stack and go out for RFP's again. He pointed out, however, that there may be time problems and that the City Manager may be upset with that.

Mayor Lewis requested input and suggestions from Council. Vice Mayor Staib stated that she would not change her vote. Mayor Lewis suggested that the ones that were decided could be brought back and then Council would know which ones weren't decided. City Manager Anderson stated that staff would give the results of the ones that were successfully tabulated. Mayor Lewis advised that staff would have those results shortly.

PUBLIC HEARING

Review of settlement proposal in the Musgrave vs. City of Brooksville lawsuit.

City Attorney Battista stated that there has been a tentative settlement agreement reached between the attorneys for Ms. Musgrave and the Florida League of Cities insurance attorneys. Before that settlement can proceed, Council must hold a duly noticed public hearing pursuant to Florida Statutes 164.106. He stated that the proposed settlement amount is a cash settlement amount of \$40,000. He stated that it is the opinion of Florida League of Cities Attorneys and their adjusters that this settlement is in the best interest of the City.

City Attorney Battista reminded Council that this is not a settled case based on their vote and they should refrain from comments but should open it up for public input at this time. He further recommended approval of the settlement proposal.

There was no public input on the issue.

Motion:

Motion was made by Brayton and seconded by Staib to approve the settlement proposal. Motion carried 5-0.

PRESENTATION OF QUALIFICATIONS CONTINUED

Director of Finance Huffstutler stated that in two of the categories, administration and engineering, there was a tie and how to remedy that is a predicament at this point. He advised that one member of Council has vote two of the firms in first place so staff gave them equal footing with each having a first place vote. He stated that staff tried to apply the rule that whoever had the most first place votes would win in the event of a tie, however, there was still a tie. Mr. Huffstutler stated that before this meeting, staff had considered what to do in the event of a tie and one option would be to have Council vote again for the two that had tied. He added, however, if they do that each Council will need to rank one firm for first and one firm for second.

Council Member Brayton stated that he is sure that it is not unknown who did the dastardly deed. He explained that he is looking at two firms that can both handle the job and he could not say who is better and who is not. He stated that is how he felt and how he voted. He stated if Council is forced to pick one or the other, then that is what he will do. Council Member Brayton stated that he had asked for a clarification on this issue earlier that day so it was well known to staff that it was going to happen. City Manager acknowledged that Council Member Brayton had raised a question on what would happen if someone didn't rank all of them but just ranked them all the same or just ranked one or if there was a tie. He stated that staff worked on it on the computer and it would have depended on so many permutations and would have depended on what everyone else did.

Mayor Lewis questioned if there are three firms and they are to be ranked 1, 2 and 3, how is it possible to rank more than one firm for 1 or more than one firm for 2 or more than one first for 3. City Manager Anderson, Mr. Huffstutler and individual Council Members all simultaneously discussed the point tally. City Manager Anderson stated that the City Attorney had earlier suggested that one of the Council Members could make a motion for one of the firms and have Council vote on it. If that motion doesn't work, someone else could make a motion for a different firm.

Director of Finance Huffstutler advised that the first ranked firm for CDBG Planning was CRA Consultants with 6 points, Brewer and Coastal ranked second with 8 points and Fred Fox ranked third with 15 points. There was a tie for

CDBG Administration between Brewer and Coastal with seven points and CRA with seven points. Mr. Huffstutler stated that the rule states that whoever has the most first place votes in that instance would win but they both had the same number of first place votes because one Council Member voted first place on both of them. There was a tie for CDBG Engineering between Brewer and Coastal with seven points and CRA with seven points. For Special Projects, Brewer and Coastal had eight points and CRA had eight points, however, Brewer and Coastal had more first place votes with Fred Fox having thirteen points. (Ranking Form attached as Exhibit A to the minutes.)

Mayor Lewis pointed out that the two items tied are Administration and Engineering.

Motion:

Motion was made by Johnston that based on past performance and staff recommendation, award the CDBG Administration and Engineering categories to Clark Roumelis and Associates. Motion died for lack of a second.

City Manager advised that staff had checked with other cities on their procedures, and they all wanted to know how the City of Brooksville did it. Mayor Lewis assured him that they would not want to know how the City does it.

Council Member Brayton stated that he never really thought he would be sitting there as a tie breaker. He stated that the reason he did what he did was that he feels there are two firms that have extreme pluses on both sides. CRA has been doing it and the City has never had a problem with them. He stated that they are also looking at a local firm that can do the job and the City has some other projects with them.

Council Member Wever stated that the way this is tallied needs to be changed.

Motion:

Motion was made by Wever and seconded Brayton to award the CDBG Administration, Engineering and Special Project categories to Coastal and Brewer. Council Member Brayton stated that he wanted to reiterate again that he is adamant about doing things local if possible and that Council is aware of that. He stated that he feels very strongly about CRA because he knows what a good job they've done before. He added that somewhere a line needs to be taken or take the gamble.

Motion carried 3-2, with Staib and Johnston voting in opposition.

Motion:

Motion was made by Brayton and seconded by Wever to award the CDBG Planning category to CRA and that Brewer and Coastal be awarded the Special Projects category. Council Member Brayton added that it should be understood that the contracts would need to be negotiated. Motion carried 5-0.

In response to Deputy City Clerk Battista's question, City Manager Anderson stated that the negotiated contracts would be brought back to Council for approval.

REGULAR AGENDA

Street Paving List

Approval to proceed with 1998/99 Street Paving project for a budgeted amount of \$50,000 which includes Option III to overlay 3 areas of Candlelight Boulevard. This will overlay approximately 26,000 feet of streets.

Motion:

Motion was made by Brayton and seconded by Wever to proceed with the 1998/99 street paving projects for a budgeted amount of \$50,000 which includes Option III to overlay 3 areas of Candlelight Boulevard.

Council Member Wever questioned the repair work that would be done on Candlelight Boulevard. Director of Public

Works Pierce stated that the bad areas would be overlaid. He stated that in a couple years, the other parts should be paved.

Director of Public Works Pierce advised that the County is currently updating their paving specifications and he would rather wait until they bid it out and select their low bidder rather than use the City's current paving contract to see if they could get a better price.

After discussion, it was the consensus of Council that Public Works should install yellow lines and white fog lines on Candlelight Boulevard as a speed deterrent. Mr. Pierce stated that it should be able to be done within budget.

City Council Member Appointments

The following are the current appointments on various boards and Committees, which are now subject for reappointment or replacement:

Outside Boards/Committees Current Council Representative

Downtown Development Corp Mary Staib

Hernando County Fair Association Richard Lewis

Metropolitan Planning Organization Joseph Johnston, III

Economic Development Commission Joseph Johnston, III

Tourist Development Council Joseph Johnston, III

Suncoast League of Municipalities E.E. Wever, Jr.

Withlacoochee Regional

Water Supply E.E. Wever, Jr.

Juvenile Justice Council Mary Staib

S.A.L.T. Council Mary Staib

City Boards/Committees Current Council Representative

Beautification Board Mary Staib

Brooksville Cemetery Advisory Board Mary Staib

CDBG Citizens Task Force E.E. Wever, Jr.

Parks and Recreation Advisory Board Richard Lewis

Motion:

Motion was made by Brayton and seconded by Wever to reappoint Council Members to respective boards, including Council Member Johnston to WRPC and Vice Mayor Staib to Local Mitigation Strategy working group subcommittees. [NOTE: SUBSEQUENT RESEARCH INDICATED THAT THE LMS WORKING GROUP SUBCOMMITTEE MEMBERS WERE CHOSEN BY THE COUNTY AND THE POSITION IS NOT A COUNCIL APPOINTED BOARD]

It was decided that appointment of a Council Member to the Regional League of Cities would be done at a later

Council meeting after it is formally established.

Motion carried 5-0.

Status Report - WWTP/Interconnect/FDOT Projects

Monthly update on Department of Public Works Projects

Director of Public Works Pierce stated that the Cobb Road WWTP construction was progressing on schedule other than a two week delay due to a tank not being installed at the time promised.

Mr. Pierce advised that staff was waiting on the results of a bid protest for the U.S. 41/S.R. 50 JPA project. If the protest is settled and the low bidder is selected, construction should start within the next 90 days. He advised that the total construction time on the project is 800 days or 2½ years, with the majority of the utility work being within the first year.

Regarding the Interconnection project for Phase II, Mr. Pierce reported that the contractor is agreeable to the deletion of the demolition items and a Notice of Award is being compiled for transmittal to USDA for their approval. The total items deleted amounts to \$264,000. He added that eventually, the demolition items will have to be completed, but may be done at a cheaper rate, either through in-house or re-bid procedures.

Clearance was received from FDEP to use the Lockhart Ave. Water Main extension with the retainage being held until the contractor completes the project in its entirety.

Regarding the sewer line that would be run down Mildred Ave., Mr. Pierce reported that the contractor, Centerline Construction, and the phone company have agreed to run the lines on the east side, which will eliminate the trees having to be taken down.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, VICE MAYOR

Community Development Director

Responding to Vice Mayor Staib's question regarding the status of the Community Development Director position, City Manager Anderson stated that thus far, they have been unsuccessful in filling the position. He stated that he plans to raise the salary and readvertise. Council Member Wever voiced concern that raising the salary may require a budget amendment, to which Anderson stated that if they hire an individual half-way through the year, the salary used would still fall within the budgeted amount.

E.E. WEVER, JR., COUNCIL MEMBER

Reverse Frontage Road

Council Member Wever inquired about the status of the reverse frontage road negotiations. City Manager Anderson advised that he has an individual working on two special projects; annexation and the reverse frontage road. He added that he has been in contact with the County Planning Department, who will work with the City on the Master Plan concept.

Dirt Mound on S.R. 50A

Council discussed Council Member Wever's concerns about why the owner of property on the south side of S.R. 50A

was stockpiling dirt in a large mound and whether the owner thinks he is meeting SWFWMD or other governmental agency requirements. City Manager Anderson agreed to check on that and report back to Council.

U.S.D.A. Grant Issues

In response to Council Member Wever's question, Director of Finance Huffstutler advised that he had not heard anything from relevant parties regarding Mr. Wever's synopsis memo of a recent meeting wherein loan amounts for various projects were discussed. Mr. Huffstutler further advised that he would check on the status of the Bond Resolution which Mr. Wever felt should be completed.

Police and Fire Pension Legislation

Council Member Wever called attention to additional information received regarding the possibility of a special legislative session being called to consider the Police and Fire Pension House Bill. Mayor Lewis advised that he had sent letters to the appropriate Senator and State Representatives.

Suncoast League of Municipalities

Council Member Wever reminded Council that the City of Brooksville would be hosting the October, 1999 SLM luncheon meeting.

PAT BRAYTON, COUNCIL MEMBER

Health Insurance - Group Coverage

Council Member Brayton questioned the progress staff had made regarding dependant coverage. City Manager Anderson stated that he had attended a meeting along with School Superintendent Sanders and advised that they are exploring the possibility of forming a consortium type arrangement for group coverage utilizing a self-insured concept. He indicated that he should have more information by the end of January.

Orange Ave. Parking Spaces

Council Member Brayton pointed out that the 18 public parking spaces as agreed to by the City and the Methodist Church have not been marked and suggested that staff do that as soon as possible. City Manager Anderson indicated that he would work on that.

RICHARD E. LEWIS, MAYOR

Community Redevelopment Plan

Mayor Lewis expressed the desire that a workshop meeting be held with Council, the firms that will be involved in the CDBG Grant cycle, downtown business groups and all interested persons within the next two or three months to discuss what everyone would like to see included in the plan. City Manager Anderson stated that he would coordinate a workshop date with all parties and bring those dates forward to Council.

Policy for Evaluating firms

Mayor Lewis stated that it is obvious that the evaluation policy should be improved upon. City Manager Anderson indicated that he had contacted other Cities the last time the policy was amended and found that most cities had similar problems with their procedures and were unable to offer assistance. It was the consensus of Council that the policy should include language that each Council Member shall only vote for one firm for first, second or third place.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:49 p.m.

Deputy City Clerk

ATTEST:

Mayor

:jjb

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SPECIAL COUNCIL MEETING

January 19, 1999 5:15 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk/Director of Administration; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; Boyce E. Tincher, Public Safety Director; and a representative from the St. Petersburg Times.

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

PROPOSAL AD98-16 - CDBG COMMERCIAL AND NEIGHBORHOOD REVITALIZATION PROJECT FOR GRANT PLANNING, PROJECT ADMINISTRATION, ENGINEERING SERVICES AND SPECIAL PROJECTS

DCA advises form used by City to rank consultants not applicable to CDBG grants which mandates specific rating criteria. [From 1/4/99 meeting]

Council Member Wever questioned how DCA received a recent St. Petersburg Times' newspaper article regarding this subject. Robert Johnson, CRA, stated that after the January 4, 1999 meeting, he had spoken to Steve Fellerman of DCA regarding concerns he had on the ranking of the firms and that he provided the article to DCA. Mr. Johnson went on to state that Mr. Fellerman's advice was that the City should have flipped a coin in that tie vote situation if the City had no tie-breaking policies or procedures. Mr. Johnson stated that although he would have the right to appeal this issue with the City, he advised that he did not file a complaint with DCA but urged them to speak to City staff to offer technical assistance.

Council Member Wever questioned why the two memos from Mr. Fellerman, which he had a copy of, were not included in the Council packets for this meeting. City Clerk Phillips stated that staff's recommendation listed on the agenda is not based on Mr. Fellerman's memo but on subsequent conversations with Mr. Fellerman regarding the forms used in the ranking on January 4th. Vice Mayor Staib suggested recessing the meeting until each Council Member had a chance to review the memo.

Council Member Wever felt that the memos from Mr. Fellerman did not indicate that there was a problem if the City followed the same procedure used the last time firms were ranked. He expressed his opinion that the City should clarify the evaluation and ranking policy.

After reading the memos, Council Member Brayton stated that he agreed with Mr. Wever's interpretation that if the City ranked firms in the same manner as before, there is no problem.

City Manager Anderson explained in detail a conversation he had with Mr. Fellerman regarding the difference between the outcome of the selection committee's ranking and the outcome of the City Council's ranking on January 4th. He summarized that Mr. Fellerman's main concern is that DCA not become involved in a situation where there are questions regarding an award of bid.

Robert Johnson, CRA, interjected that his conversation with DCA was regarding the tie-breaking method used and not about any ranking forms used. He added that Mr. Fellerman's response to him was that DCA would wait until the application is filed and deny the procurement of the funds. Mr. Johnson advised Mr. Fellerman that he should inform the City Manager immediately if there was a problem.

Council Member Johnston expressed his opinion that DCA's suggestion of randomly selecting a firm by drawing straws or flipping a coin is not an acceptable solution to a tie vote.

City Clerk Phillips reiterated that DCA's current concerns are not based on the tie-breaking procedure, but rather on the fact the vote taken after Council's ranking differed from the outcome of the City's Selection Review Committee, which used forms based on criteria ranking. She stated that the last time firms were reviewed, Council did not vary from the ranking outcome of the selection committee. The City Clerk also pointed out that there is a difference between the forms included in the City's evaluation Policy No. 2-88 and the CDBG Procurement Policies adopted by Council in 1994.

City Clerk Phillips stated that the City may still be awarded the grant for the contract project but the City potentially may not be reimbursed for planning, administration, or engineering costs associated thereto.

City Attorney Battista requested authorization to speak to Mr. Fellerman regarding what requirement states that a random process such as a flip of a coin is preferable in a tie vote. He added that absent that written documentation, he would not advise Council that the selection vote taken on January 4th was improper.

Council Member Johnston voiced his opinion that if there may be a problem with reimbursement, the procedure needs to be corrected before moving forward with this grant.

Council Member Brayton felt that the ability of City Council to solve a tie situation by taking a vote, such as they did on January 4th, should definitely be sufficient.

Council Member Johnston pointed out the City needs to get something in writing from DCA that specifically outlines the potential problem.

Mayor Lewis suggested that Council allow the City Attorney to contact DCA and get something definitive in writing.

Council Member Wever offered his recommendation that a package of material be compiled, including a transcript of the January 4th minutes, and sent to DCA for review and request their response.

Motion:

Motion was made by Wever and seconded by Staib to put together a package of all the material used in the RFP and the selection process, including the tabulation of the votes by Council and a transcript of a portion of the minutes where the tie was discussed and the vote was taken. Council Member Johnston interjected that it should be submitted to DCA for determination if there is a problem.

Angie Brewer, Brewer and Associates, stated that she agreed with that decision but suggested that the correspondence be addressed directly to Dr. Susan Cook, DCA Program Administrator since it is not typical for DCA to issue opinions based on newspaper articles. She further suggested that any portion of the minutes concerning the issue be sent.

Council Member Brayton stated that DCA should be advised that the City needs a response within a certain time frame. Mayor Lewis agreed, stating that the package should be sent to DCA as soon as possible.

Motion carried 5-0.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

E.E. WEVER, JR., COUNCIL MEMBER

Fire and Police Pension legislation

Council Member Wever stated that the Suncoast League of Municipalities should shortly be transmitting a resolution opposing the police and fire pension legislation. Mayor Lewis advised that he had relayed his opposition by calling all fourteen legislators, or their aides, who sit on the Senate or House committees who would be hearing the bills on January 20th and 21st, respectively. He encouraged each Council Member to voice their opposition as well.

Bond Resolution

Council Member Wever stated that he had received correspondence in response to his memo regarding concerns on the bond resolution and after his review, he would forward his response to Council.

PAT BRAYTON, COUNCIL MEMBER

CDBG Commercial and Neighborhood Revitalization Project

Council Member Brayton stated that in addition to asking DCA if Council is right or wrong, DCA should list the City's options. If DCA determines Council was wrong, then staff should ascertain whether Council could re-rank the firms without having to rebid.

Robert Johnson interjected that if an allowable criteria is whether a firm is local, that should have been included in the RFP. He stated that if it was, he would have added a local firm to his proposal.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Spring Craft Show

City Clerk Phillips advised that the Spring Craft Show is scheduled for March 13 & 14th at the City Hall parking lot. She stated that the Downtown Development Corporation provides insurance with the City providing the facility at City Hall. City Clerk Phillips stated that Beverly Lewis has made arrangements to hold the Chamber Mixer at City Hall on March 18th and is getting community and restaurants sponsors. It was pointed out that there will be no alcohol served.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 6:10 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

January 25, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Lee Huffstutler, Director of Finance; William Smith, Superintendent of Utilities; David Pugh, Parks and Recreation Director; Ron Woods, Public Safety Department; and a representative from the St. Petersburg Times.

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

CONSENT AGENDA

City Council Minutes

Approval of minutes:

January 4, 1999 - Special and Regular Council minutes

CDBG - Sewer Rehabilitation Change Order

Approval of Change Order #3 in the net amount of \$30,653.70 to upgrade PVC lining, which will adjust construction price to \$450,869.70 (Budget: \$451,000).

Motion:

Motion was made by Brayton and seconded Wever to approve the January 25, 1999 Consent Agenda. Motion carried 4-0.

REGULAR AGENDA

Florida Municipal Pension Trust Fund - Nomination of Trustee

Consideration of nomination of elected official to serve on the Board of Trustees.

By consensus, it was decided not to ~~appoint~~ **nominate** [approved at 2/8/99 mtg ____] a Council Member to serve on the Florida Municipal Pension Trust Fund board at this time.

Quarry Golf Course Lease

Consideration of leasing course and proposal by Impact Golf, LLC

Parks and Recreation Director Pugh stated that after review of the proposals received, it is staff's recommendation that Impact Golf is the most qualified for leasing the golf course.

Council Member Brayton distributed a list of questions outlining concerns that he had regarding the lease of the golf

course. He began by asking who was on the selection committee, to which Mr. Pugh responded that it was himself, the City Manager and the Director of Finance.

Referring to his list of questions, Council Member Brayton inquired as to staff's recommendation that all funds will go back into the McKethan Trust Fund. City Manager indicated that although it is not required, it would be his recommendation. In response to Council Member Brayton's question, Parks and Recreation Director Pugh confirmed that the use of the words "management of the course" throughout the agenda "memoranda" should reflect "lease of course".

Council discussed Council Member Brayton's question regarding the Parks Director's salary and the ultimate net profit which would be realized from this proposed lease once that salary was subtracted from those profits. City Manager Anderson offered that a portion of his salary may still be appropriate as the Parks Director would be responsible for supervising the golf course operations, which would be reflected in a negotiated lease.

Council Member Brayton questioned where the appraised value of \$375,000 for the golf course came from. Director of Finance Huffstutler responded that it is based on the feasibility study, which actually listed the value as \$450,000. In response to Council Member Brayton's further question, Parks and Recreation Director Pugh replied that the lessee is aware that ad valorem taxes may be approximately \$10,600 or more per year. Council Member Brayton pointed out that in the case of a default by the lessee, the City would be liable for any ad valorem taxes incurred through the date of default.

Parks and Recreation Director Pugh addressed Council Member Brayton's question ~~ed s~~ [approved 2/8/99 ____] on whether the lessee would be required to complete the SWFWMD drainage project as he is accepting the premises in an "as is" condition. Mr. Pugh felt that that issue could be negotiated in the lease, although he felt it was the City's responsibility.

Council Member Brayton wanted to ensure that the lessee was aware that alcoholic beverages would not be allowed on the course.

Council discussed the golf course reserves and whether the amount due to the General Fund from the Golf Course would be paid off. City Manager Anderson stated that it is his recommendation that the revenue go into the Quarry Golf Fund so that payments would continue. Council Member Brayton felt that once the golf course is leased, there is no reason for it to have its own reserve. Council Member Wever agreed, stating that once the golf course is leased, it is no longer an enterprise fund and the reserves would not continue and the debts should be paid at that point.

In response to Council Member Brayton's question, the Parks and Recreation Director stated that the recent equipment purchased was for the Parks Department rather than the golf course.

In closing, Council Member Brayton recommended that the lease payments be increased equal to 1/12 of the estimated annual ad valorem taxes and that that amount be put into an escrow account.

Mr. Mallek responded to Council Member Wever's question by stating that his company is now a Limited Liability Company.

Mayor Lewis pointed out that if approved, the lease would have to be negotiated and brought back to Council for approval. Parks and Recreation Director Pugh agreed, stating that a draft lease could be worked out and presented at a special meeting or for the February 8th agenda.

Motion:

Motion was made by Wever and seconded by Brayton that Council authorize negotiation of the lease, incorporating the comments outlined by Council Member Brayton. Motion carried 4-0.

City Manager Anderson stated that he has a number of suggested clarifications that he would like incorporated as well. Council Member Brayton requested that Council be provided with the City Manager's suggested changes before the

draft lease is brought back to Council.

Parks and Recreation Director Pugh stated that he would be in contact with the City Attorney regarding the negotiations.

Parks and Recreation - Mining Museum

Consideration of proposed construction of museum/office complex at McKethan Park, consideration of proposed purchase of a second 50' x 100' prefab building from General Steel Corporation and consideration of transferring \$21,000 from McKethan Capital Trust Fund to Museum Construction Project Account.

The Parks and Recreation Director outlined the project, concluding that it is his intention to have a permanent office for the parks department housed in the mining museum facility.

Vice Mayor Staib voiced her support of the project.

Council discussed the location of the building, the parking lot for the facility and the proposed use of in-house City crews to do the work.

Jim Brooks, Parks and Recreation Advisory Board, voiced his support of the project.

Council Member Brayton expressed his opinion that the City may not want to start another project such as this when the Jerome Brown Community Center project is just underway. He felt there are still concerns on where the money will come from to run the Community Center.

Council Member Wever voiced his opposition to starting another project when the adult softball complex and other projects are not complete. He also expressed his opinion that a steel building looks peculiar for a mining museum.

It was pointed out that the operational costs of the proposed mining building, such as air conditioning, electrical and water costs, are still unknown.

Mayor Lewis felt that this is a good time for this project and that it would be an asset to the community. He suggested, however, that staff should approach the mining association for matching funds.

City Manager Anderson acknowledged that a more detailed projection needs to be presented, including operating costs and what portion of the building will be used for museum displays and the electric or plumbing costs associated thereto.

Vice Mayor Staib agreed that the plan needs more work. She suggested that after a meeting with the mining association, it should be brought back to Council for consideration.

Council Member Brayton stated that a more thorough proposal is needed and may be reconsidered during the budget process. Vice Mayor Staib interjected that she would like to see a map to include the parking area. Council Member Wever added that a floor plan should also be included.

Advisory Board Appointments

Appointment or reappointment of members to Planning and Zoning Commission (three full time, one alternate) Beautification Board (two full time), Personnel Board (one full time) and Firefighters' Pension Trust Fund Board (one full time).

Motion:

Motion was made by Brayton and seconded by Wever to reappoint John Frazier, Elmer Korbus and Mark Rials to four year terms as full time members on the Planning and Zoning Commission expiring January 31, 2003. Motion carried 4-0.

Motion:

Motion was made by Brayton and seconded by Staib to appoint John Wanat to a four year term as an alternate on the Planning and Zoning Commission which expires January 31, 2003. Motion carried 4-0.

Motion:

Motion was made by Brayton and seconded by Staib to reappoint John Wanat and appoint Sharon LaPlante to three year terms on the Beautification Board expiring January 31, 2002. Motion carried 4-0.

Motion:

Motion was made by Staib and seconded by Brayton to reappoint Fran Flannery to a three year term on the Personnel Board expiring January 31, 2002. Motion carried 4-0.

Motion:

Motion was made by Brayton and seconded by Staib to reappoint Mark Rials to a two year term on the Firefighters' Pension Trust Fund Board of Trustees expiring January 31, 2001. Motion carried 4-0.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, VICE MAYOR

Health Insurance

In response to Vice Mayor Staib's question, Director of Finance Huffstutler reported that he has met with the City's insurance Committee to research several issues regarding the group health insurance. He added that the Committee is scheduled to report back to the City Manager on February 4th for his review and subsequent presentation to Council.

E.E. WEVER, JR., COUNCIL MEMBER

USDA/Bond Resolution issues

Council Member Wever requested copies of related items on CTN and questioned the status of USDA's commitment on the FDOT's projects. City Clerk Phillips stated that the application was filed correctly and the CTN item is actually amending agreements with USDA on their federal application forms.

Council Member Wever stated that he had received correspondence from the Financial Advisor in response to his memo expressing concerns regarding the proposed bond resolution. He stated that although many of the problems had been resolved, he still had two specific concerns. He stated that the bond resolution may be indirectly committing the use of ad valorem tax monies. He stated that his other concern with the bond resolution is regarding the requirement that the line of credit notes must be paid in full before borrowing further funds.

Council Member Brayton felt that if Mr. Wever has a concern with the bond resolution, legal clarification should be obtained with staff directing the City Attorney to contact the bond counsel. Council Member Wever suggested that he be allowed to contact the Financial Advisor and direct her to contact the bond counsel. Mayor Lewis urged that the clarification should be in writing.

Heart of Florida League

Council Member Wever advised that the next organizational meeting for the new committee would be January 26 to draw up the proposed charter and by-laws. He indicated that he would provide a copy of those to Council once drafted.

Parking at 18 S. Main Street

Council Member Wever brought up the concern about the sign that signifies reserved parking at the Church property located at South Main Street and requested that it be marked correctly to indicate the available City public parking. City Manager Anderson advised that the Public Safety Director has indicated that the correct signs are on order and that the incorrect ones will be coming down immediately.

Cut on West Jefferson on Frontage road/Frontage Road

Regarding the cut on W. Jefferson Street, City Manager Anderson stated that the request has gone to FDOT and is being processed favorably. If approved, the cut would be incorporated into a change order of the contractor's work. Regarding the frontage road, City Manager Anderson advised that he has drafted a report to Council identifying a target area with City and County zoning designations and water and sewer issues all onto one map and he would have that report for Council at a subsequent meeting.

AAA - limit issuance of tickets

Council Member Wever pointed out that AAA is urging legislators to put a limit on the amount of tickets that can be issued. He suggested that a letter in opposition be written to appropriate legislators.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

EAR workshop

City Clerk Phillips reminded Council that the Evaluation and Appraisal Report Workshop meeting would be held January 28th at 5:30 p.m.

ADJOURNMENT

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

City Clerk

ATTEST:

Mayor

:jjb

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WORKSHOP COUNCIL MEETING

January 28, 1999 5:30 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton and E. E. Wever, Jr., present. Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Lee Huffstutler, Director of Finance; Emory Pierce (6:00 pm), Director of Public Works; Will Smith, Superintendent of Utilities; David C. Pugh, Parks & Recreation Director; Ron Woods, Police Detective. There were no representatives from the media present.

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

REVIEW OF THE DRAFT EVALUATION AND APPRAISAL REPORT (EAR) OF THE 1989 COMPREHENSIVE PLAN

Review of the draft EAR prepared by Consultant, Clark Roumelis & Associates, Inc. (CRA) for subsequent submission to the Department of Community Affairs (DCA) for determination of sufficiency prior to final adoption.

City Clerk Phillips advised that Council Member Johnston had reported to her that after his review of the draft plan he did not have any problems with it. He pointed out to her that when the plan was adopted, as a member of the Zoning Adjustment and Appeals Board at that time he had expressed concern about the growth projections. He explained to her that the growth projections at that point in time were developed based on the 40% growth rate the City experienced with the annexation of two large land masses (Cloverleaf and Candlelight), together with Hernando County's status as the fastest growing County.

City Clerk Phillips, introduced Bob Massarelli, the consultant with CRA, who reported on the procedure that would take place with the EAR following the review by Council, stating that within 90 days he would bring back the final EAR to Council for subsequent submittal to DCA. Within a year from that point, the City must submit a Comprehensive Plan Amendment. He went on to explain each element, noting specific deficiencies.

In the Future Land Use Element, the major outcome was that the population objectives were in error. Changes that will be recommended are changes to population projections, state policy change recommendations, etc. Community character also needs to be defined.

Due to state rule changes, he pointed out that the Traffic Circulation Element will be discarded and a new Transportation Element will need to be added in the Comp Plan Amendment.

Under the Housing Element, according to Massarelli, there is plenty of land for future growth in the City, however, methodology standards to prepare statistics on substandard housing needs to be addressed to better define the conditions in the City.

In the Infrastructure Element, he felt the City really shines, especially in light of the lack of projected growth. Drainage is predominately caused by surrounding areas outside the City and the EAR will indicate that the City continues to coordinate with other agencies to get this worked out. Solid Waste provisions in the Comp Plan utilizing the Digester needs to be addressed, since the City has now found a better solution to handle the solid waste issue. Water recharge is being addressed by the City with its current coordination with SWFWMD and the wellfield

protection measures that the City is working on.

With the low growth, he felt the City has done a good job in the Conservation Element with passage of the landscape and tree ordinance and several other measures that the City has enacted, which serve to protect Brooksville's environment. Certain areas of the element will be addressed to clarify the intent of original plan.

Although the City has excelled in the Recreation Element, with the exception of neighborhood parks, which concept would be redefined in the report, certain state rules have been repealed so DCA no longer reviews this element since they don't have any rules to base it on. He recommended, however, that the City consider this element review as a self study.

The Intergovernmental Coordination Element is being addressed with all the interlocal agreements that the City is currently involved in with the County, School Board and other agencies.

Capital Improvements Element needs to be updated to incorporate the latest annual budgeted Capital Improvement Plan. It was noted that this Capital Improvement Plan needs to be adopted on an annual basis with one of the Comp Plan Amendments.

Council Member Wever identified several areas of concern in his review of the plan, which will be so noted in the final draft being submitted to DCA, most predominately with the language in the synopsis of the history of events relating to the construction of the Cobb Rd. wastewater treatment plant. Additionally, he wanted it noted that the City had no intention of continuing the one-way pairs any further and that there were several other road naming configurations or statements about state and federal road locations through the City that are incorrect or have since been renegotiated with FDOT, such as the Ponce de Leon rerouting. These areas of concern can be found throughout the EAR and will be so corrected by the consultant.

Council Member Wever also felt that reference to our old water lines in certain sections of town that need to be rehabbed should be addressed in the EAR, in addition to its inclusion in the City's annual Capital Improvement Plan; the wellfield analysis that is currently contracted through Coastal should be referenced in several sections of the report; the proposed master plan for the 50/50A corridor that the City is currently working on should be expounded on; and the City's planned conservation rate restructuring should be included to show our interest in conserving the natural water resources.

Several typographical errors were noted, however, it was pointed out that this document was still a draft and would be greatly refined and corrected before it was transmitted to DCA for their preliminary review. Additionally, certain figures quoted in the report would be verified by staff to make sure that they are correct and consistent throughout the report. The entire report will also be reviewed to make sure that consistent statements are carried forward through the various elements correctly, such as references to the "201 utility service interlocal" with the County.

By consensus, it was concurred by Council that the draft EAR, with inclusion of the corrections and statements noted, was appropriate and that staff and the Consultant were directed to proceed as indicated with submittal of the draft report to DCA. It was further noted that at the time of transmittal to DCA, a copy of the draft EAR would be available in Council's office for review by any of the Council Members.

Mr. Massarelli further clarified that the report would still be subject to revisions by the City until the time it is filed with DCA as a final EAR.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 6:32 p.m.

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

February 8, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Lee Huffstutler, Director of Finance; William Smith, Superintendent of Utilities; David Pugh, Parks and Recreation Director; Ron Woods, Public Safety Department; and a representative from the St. Petersburg Times and Hernando Today.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

January 19, 1999 - Special Council Meeting

January 25, 1999 - Regular Council Meeting

January 28, 1999 - Workshop Council Meeting

Motion:

Motion was made by Brayton and seconded by Johnston to approve the February 8, 1999 Consent Agenda. It was pointed out that the word "appoint" should be "nominate" on page one and a typographical error on page 2 of January 25, 1999 meeting was also noted. Motion carried 5-0.

REGULAR AGENDA

Bond Resolution No. 99-01

Approval of resolution authorizing bonds totaling \$8,680,000 for construction of the Cobb Road WWTP, Interconnect Project and FDOT Utility relocation project.

City Clerk Phillips read Resolution No. 99-01 by headnote only, as follows:

RESOLUTION PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND ERECTION OF EXTENSIONS AND IMPROVEMENTS TO THE COMBINED MUNICIPAL WATER AND SEWER SYSTEM OF THE CITY OF BROOKSVILLE, FLORIDA; AUTHORIZING THE ISSUANCE BY THE CITY OF NOT EXCEEDING \$8,680,000 PRINCIPAL AMOUNT OF ITS WATER AND SEWER REVENUE BONDS, SERIES 1999A, SERIES 1999B AND SERIES 1999C, TO FINANCE AND REFINANCE A PART OF THE COST THEREOF; PLEDGING THE NET REVENUES OF SAID SYSTEM TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; PROVIDING FOR THE RIGHTS OF THE

HOLDERS OF SAID BONDS; AND ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS WITH THE HOLDERS OF SAID BONDS.

Motion:

Motion was made by Brayton and seconded by Johnston to approve Resolution No. 99-01.

Council Member Wever was opposed to USDA eliminating the ability to have a third lien obligation should one be needed. City Clerk Phillips stated that the Bond Resolution would be modified to include a revision of page 8 and page 41 to cover that issue.

There was no public input on the resolution.

Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

City Clerk Phillips advised that each Council Member would need to certify approval of the resolution on required forms immediately following the meeting.

Vacation of Kelly Street

Consideration of vacation of right-of-way and schedule public hearing for March 1, 1999.

City Manager Anderson explained that the location of this subject road is the entrance way into Cloverleaf Farms to approximately the edge of the building housing the pool.

Motion:

Motion was made by Brayton and seconded by Staib to approve the process for vacation of right-of-way.

In response to Mayor Lewis' question, City Manager Anderson responded that there is no record of any utilities located in this area, however, it was pointed out that in the event that there are utilities in the right-of-way, that issue should be addressed with the owners during the vacation application process with related language included in the resolution.

Council Member Johnston questioned the exact area being vacated. City Attorney Battista responded that the actual application, survey and resolution should be brought back to Council for consideration. He added that a more definitive answer on the utilities could also be submitted at that time.

Motion and second were amended to reflect that staff be directed to prepare a draft resolution and include any issues that need to be addressed.

Council Member Johnston questioned what benefits the City would derive from abandoning this right-of-way. City Manager responded that the City would no longer be required to maintain the area. He added that he has received assurances from City departments that there are no reasons to retain it.

Motion carried 5-0.

Purchase of City Property

Review purchase offers for property located north of Jefferson Street, as follows:

Schraut and Associates - Entire parcel - \$56,250.

The purchase offers were discussed at length. Council discussed whether the appraisal values for the subject parcels were too high and the fact that the purchase offer by Schraut and Associates was much less. The zoning of the parcel was discussed. Council Member Brayton advised that at one time, there was a offer made for \$80,000 by Gary Schraut, which was refused by Council at that time for being too low.

Motion:

Motion was made by Brayton and seconded by Staib to deny the purchase offer made by Schraut and Associates for the entire parcel in the net amount of \$56,250.

It was pointed out that the property has been for sale for approximately 5 or 6 years, but has not been aggressively marketed or listed with an agent.

Motion carried 3-2, with Johnston and Wever voting in opposition. Council Member Johnston explained that he would like to see the possibility of negotiation between the \$80,000 previously offered and this current offer of \$56,250. He added that he would be in favor of selling the property so that it is placed back on the tax rolls.

City Manager Anderson stated that Council may wish to authorize staff to list the property.

Little People's Day Care - "Parcel B" - \$6,000

City Manager Anderson requested Council's direction as this offer is very far below the market appraisal.

Motion:

Motion was made by Brayton and seconded by Staib to deny the purchase offer from Little People's Day Care for Parcel B in the amount of \$6,000

Council Member Johnston reiterated his same concern that he would like to see if something could be negotiated for the purchase of this parcel or a combination of parcels in conjunction with Mr. Schraut's offer. City Manager Anderson stated that he would meet with the parties to see if there is any interest on their part to negotiate the offers.

Motion carried 5-0.

Council Member Brayton felt that Council should establish the amount in which Council would not consider offers for less than. Alternatively, the City Manager could be authorized to negotiate any offers received.

Motion:

Motion was made by Brayton and seconded by Johnston to give the City Manager the authority to negotiate the best possible price for this property and bring to back to Council for approval.

Gary Schraut came forward and acknowledged that it would be expected that any offer made would be subject to negotiation by either party.

The motion and second were amended to include that the City Manager would have the authorization to negotiate any offer received, including the ones presented at this meeting.

Motion carried 5-0.

Vacation of sidewalks

Conceptual review of proposal to vacate selected sidewalks to allow private improvements subject to City approval.

City Clerk Phillips stated that this item is brought forward to Council through a request made by a property owner concerning the issue of balconies over a sidewalk. She stated that if Council agrees that the concept should be pursued, it could be done under the vacation of right-of-way process.

Motion:

Motion was made by Brayton and seconded by Staib to approve the Director of Administration's recommendation and pursue the vacation and have staff coordinate with the property owner for future presentation to Council.

In response to Council Member Johnston's question, Director of Administration Phillips stated that the property owners involved at this point were Joe Mason and Tony Covell, who have businesses on Liberty Street.

Motion and second were clarified that the presentation would be brought back to Council, which would include details such as Council conditions and pre-approval required for improvement plans.

Council Member Wever voiced his opposition of relinquishing control of the sidewalks. He further stated that he would prefer that Council wait until the master plan for redevelopment is completed to ensure that this project is compatible with that master plan. Council Member Johnston stated that the City should retain some use of the sidewalks and that maintenance of the sidewalk be included as a condition placed on the property owners.

Motion carried 4-1, with Wever voting in opposition.

Annexation

Consideration of proposed annexation of "enclaves".

City Manager Anderson requested Council consideration on the desirability of a long-range annexation plan, rather than annexation of any specific area. He went on to state that the report provided to Council lists properties that meet the state's requirements for annexation as an enclave. He stated that he is requesting that Council consider directing staff to prepare an interlocal agreement with the County to annex three enclave properties as indicated on the provided map.

Motion:

Motion was made by Brayton and seconded by Staib to proceed with annexation of parcels listed as 1 through 8 as recommended by staff.

Council discussed parcel 8 fronting on U.S. 41, which is not City property, and whether that means that is not surrounded on all four sides with City property. City Attorney Battista stated that he would check on the requirements for annexation of enclaves but that he believes this meets the appropriate requirements. Mayor Lewis read the portion of the Florida Statutes that indicated that the property did meet the enclave annexation requirements.

Mayor Lewis expressed his opinion that the annexation of all the properties should not be done as a complete package but approach the County about certain properties through an interlocal agreement.

In response to Council Member Johnston's question, City Manager Anderson answered that the affected property owners had not been notified at this point. Mr. Anderson stated that staff wanted to obtain direction from Council first on whether there was any interest. Council discussed the taxes listed for the properties, including why the taxes on Parcel 6, owned by Dan Patrick, decreased while taxes on every other parcel increased. City Manager Anderson indicated that it may be incorrect and he would clarify the information and distribute it to Council. He added that, although it is not required from a statute standpoint, he would contact all involved property owners regarding this

issue. He added, however, that a public hearing process will be required as well.

In response to Council Member Wever's question, City Manager Anderson stated that those parcels annexed would be required to hook into City water and sewer.

Motion carried 5-0.

Status Report - WWTP/Interconnect/FDOT Projects

Monthly update on Department of Public Works Projects

Director of Public Works Pierce reported that due to site conditions at the WWTP, a change order, not to exceed approximately \$35,000, will be required.

Regarding the Phase II interconnection project, Mr. Pierce advised that verbal approval to issue the Notice to Proceed had been received from USDA. He added that USDA wants the Notice of Award issued for the original low bid amount, rather than the negotiated amounts, which may result in a submittal of a change order simultaneously with the contract.

Croom Road closure of the ponds and final grading will take place within approximately 30 days. Mr. Pierce stated that a negotiated reduction may be needed in the FDEP permit requirements. He stated that if that is not acceptable by FDEP, the City may need to hire a contractor to put down a clay layer which would have to be budgeted in the following year.

Mr. Pierce reported that one prison crew would be devoted to cleaning curbs and gutters and cutting grass from curbs for the next thirty days.

After that time, the crew may be used to work on the bricks on Bell Avenue.

Director of Public Works Pierce reported on the CDBG Sewer Rehabilitation project and stated that close out should occur within the next 30 to 60 days.

In response to Council Member Wever's question regarding the status of the wellfield contract, Mr. Pierce reported that a revision had been made by Coastal Engineering and he would also like to include language regarding FDEP related issues. The status of the existing wells and pumping stations and the moratorium issue was discussed.

Regarding the cuts on West Jefferson Street, Director of Public Works replied that he had received an Intent to Issue Permit letter from FDEP, which lists requirements from property owners, including approved development plans that require the curb cuts. Mr. Pierce stated that he had sent a letter to the two property owners involved and he has not heard from them. Mr. Anderson interjected that he had a meeting with one of the property owners, who suggests that a resolution be adopted by the County and the City that designates the route of the service road as a future project may be sufficient to meet FDOT permit requirements. Council Member Wever suggested that the City prepare the resolution and contact the County to see if they will do the same.

City Manager Anderson proceeded to update Council on the reverse frontage road master plan project. Council and the City Attorney discussed the procedures involved in a taking of property through eminent domain for the property owners who are unwilling to donate land for the road. City Attorney Battista suggested that Council may wish to purchase the property for right-of-way purposes rather than the lengthy process of eminent domain. City Manager Anderson stated that he should have a status report for the next Council meeting. By consensus, the City Manager was directed to contact those certain property owners and find out if they would be willing to sell the needed land for the frontage road and what the cost would be.

City Manager Anderson stated that a special meeting may be needed before the next regularly scheduled meeting to discuss the golf course lease and the Cobb Road WWTP change order.

City Clerk Phillips spotlighted the display boards and advised that the City has a contract with a photographer who is taking pictures of the WWTP as work progresses and she would ensure that they are available for Council viewing as they come in.

Regarding the master plan as it relates to annexation, the City Manager informed that a master plan should be developed for the whole City but the area presented to Council at this meeting is a specific area to begin with as a starting point. He stated that it is his intention to eventually have a series of plastic overlays over a base map to update Council on the master plan as it develops.

Status Report - Downtown Redevelopment Plan

Monthly update on Downtown Redevelopment plan.

Director of Administration reported that she is waiting to hear back from representatives of the group that is working on alternate plans for the downtown redevelopment project. She advised that the City's consultant is standing ready to attend a workshop when it is scheduled.

She stated that a seminar is being held by Brooksville Again on Tuesday, February 9th and she is planning to attend that meeting.

Council Member Johnston questioned if staff had researched the possibility of utilizing outside technical staff resources, such as the EDC, as was discussed at an October or November Council meeting. City Manager Anderson stated that he had some preliminary discussions with the County regarding joint use of their staff members. He went on to state that subsequently, staff has made an offer to an individual for the Community Development Director position and the terms are currently being negotiated. He stated that if successful, that individual will provide the in-house staff capabilities needed for this project.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, COUNCIL MEMBER

Road Work on S.R. 50/East Jefferson St.

In response to Council Member Johnston's question, Director of Public Works Pierce explained that the road work being done on E. Jefferson Street involves fiber-optic cable being installed by Time Warner Cable. The road and sidewalk construction is being done by FDOT.

Thank you to Council

Council Member Johnston thanked Council for the cards, letters, prayers and flowers sent during his wife's recent illness.

MARY A. STAIB, VICE MAYOR

Pothole at Post Office

Vice Mayor Staib thanked the Director of Public Works for filling the pothole located near the post office.

Patrol millage

Vice Mayor Staib pointed out that according to the December monthly report submitted by the Police Department, the patrol millage has decreased. Police Chief Tincher explained that the figures do not mean that the officer's are

patrolling less, but the patrol miles depend on the location of the response calls received.

E. E. WEVER, JR.

Heart of Florida League

Council Member Wever reported that the charter and by-laws are nearly completed and the first official meeting of the league will be in March.

Fire District consolidations

Council Member Wever questioned why the County did not include Township 22 in the Fire District consolidations. Police Chief Tincher advised that initially the City of Brooksville proper was excluded from consideration for redistricting, but this has since been amended to include Township 22. Chief Tincher reported on County meetings held recently on that subject, particularly as it relates to establishment of a MSBU through a resolution. Mayor Lewis requested that staff keep Council apprised of this issue.

DCA/CDBG BID AWARD

Council Member Wever questioned whether the City Attorney had received a response back from his letter to DCA regarding the recent bid proceedings for the CDBG Neighborhood and Commercial Revitalization Grant. Council Member Wever advised that he sent a copy of the City Attorney's letter to Senator Brown-Waite's office at her request. City Attorney Battista stated that he did receive an extensive response from DCA, which related that the City may be in a situation that may lead to DCA funding problems. The City Attorney requested that he and staff be allowed time to thoroughly review the response with presentation to Council shortly. He did state that the CDBG procurement policy would probably have to be changed with the inclusion of a tie-breaking procedure. It was his feeling that the process would probably have to be re-bid through a revised RFP.

RICHARD E. LEWIS, MAYOR

Hernando County Fair

Mayor Lewis reported that the 1999 Hernando County Fair went very smoothly with the City Police Department in charge of enforcement. He added that the Fair Association has already requested that the City Police Department be involved in the 2000 Fair.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:25 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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SPECIAL COUNCIL MEETING

February 16, 1999 5:30 P.M.

Brooksville City Council met in special session with Vice Mayor Mary A. Staib, and Council Members Joseph E. Johnston, III, Mary A. Staib and E. E. Wever, Jr. present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; William Smith, Superintendent of Utilities; Captain Terry Chapman, Deputy Police Chief; and a representative from the Hernando Today were also in attendance.

The meeting was called to order by Vice Mayor Staib, followed by the invocation and pledge of allegiance.

RESOLUTION NO. 99-02

Proposed resolution is necessary to file a taking requested by Department of Public Works in support of the Phase II Wastewater Project.

City Clerk Phillips read Resolution No. 99-02 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, AUTHORIZING ACQUISITION OF REAL PROPERTY NECESSARY FOR THE CONSTRUCTION OF A FORCE MAIN FOR THE CITY WASTEWATER TRANSMISSION SYSTEM.

Motion:

Motion was made by Johnston and seconded by Wever to approve Resolution No. 99-02.

In response to Council Member Johnston's question, Director of Public Works Pierce explained the need for the additional 50 feet for construction of a force main. Council Member Johnston stated that the last owner of record of the 50 feet, which is lessed out of the existing legal description, may be willing to deed the property to the City. It was pointed out that the resolution allows for the City Attorney to obtain the property by gift, purchase or condemnation, which would allow the pursuit of a deed from the property owner. City Attorney Battista explained that this resolution was recommended for approval to use if needed. He added, however, that it his intention to obtain the property through deed, if possible.

There was no public input on this resolution.

Upon roll call, motion carried 4-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

GOLF COURSE LEASE - IMPACT GOLF, LLC

Consideration of proposed five year lease at \$24,000 per year with options to extend.

City Manager Anderson advised that the proposed lease had been executed by Impact Golf, with a minor change to be made. Mr. Anderson explained that the interest rate referenced on page five, paragraph B, would reflect 18%. Council discussed this change and how it would apply to the Lessee.

Motion:

Motion was made by Johnston and seconded by Wever to approve the proposed golf course lease.

Council Member Brayton requested clarification as to the reason that Council should consider leasing the golf course. City Manager Anderson explained that it was his original presentation to Council that the private sector had certain flexibilities that are not available to the public sector, such as spending additional money for improvements to the Course, which the City had not planned to budget for. He added that advertising and promotion for the Course could be expanded, which is expensive and also not budgeted. Mr. Anderson further stated that the yearly lease amount would nearly equal what is now being made by the Course and with ad valorem taxes added to that, the City's net gain would increase with the lease of the Course.

Council Member Brayton voiced his opinion that the City could make improvements, increase fees, bring in a professional manager and promote the Course to enable it to bring in more money and, therefore, leasing the Course would not be necessary. Council discussed the revenue and operational difference between keeping the course and hiring a professional manager compared to leasing the Course.

Council discussed page 4, item B as it relates to the option to extend. City Manager Anderson agreed that the wording was confusing and indicated that he would clarify it.

Motion and second were amended to state that the lease is approved subject to the legal description being completed, attached and subject to approval of both parties.

Robert Mallek, Impact Golf, addressed Council regarding the lease and offered support of the lease as proposed, with the minor changes mentioned.

Motion carried 3-1, with Brayton voting in opposition.

PROPOSAL AD98-16 - CDBG COMMERCIAL AND NEIGHBORHOOD REVITALIZATION PROJECT FOR GRANT PLANNING, PROJECT ADMINISTRATION, ENGINEERING SERVICES AND SPECIAL PROJECTS

Consideration of rejecting proposals and readvertising.

Director of Administration Phillips explained the City Attorney's recommendation to reject the bids and readvertise and the direction staff would be seeking from Council on the evaluation process, tie-breaking policy and other criteria needed in the selection process. Council is also being asked to direct staff to revise the RFP as necessary. She added that it is Staff's recommendation that the City Attorney would be also directed to review the RFP prior to readvertising.

In response to Council Member Wever's question, City Attorney Battista offered his recommendation that Council reject the proposals and have staff send a letter to those firms short listed and advise them that Council would be readvertising for proposals. City Attorney stated that no legal property rights are involved as it is his understanding that the two firms, with whom Council directed that contracts be negotiated, were informed that there were problems with the bid and not to proceed with making any financial obligations based on the action of Council.

Council Member Johnston voiced his opinion that all firms involved should be able to resubmit their previous proposals. Director of Administration agreed, stating that all proposals could be returned to the bidders, as long as one

record copy is retained. She added, however, that she would like to suggest some clarification changes to the proposal form to be included in the new RFP. City Attorney Battista pointed out that although it would be the responsibility of the firms who chose to resubmit their previous proposals to ensure that it meets all the requirements in the revised RFP, staff could include a cover memo in the RFP pointing out the revisions.

Cliff Manual, Coastal Engineering Associates, Inc., stated that after reviewing the response given by DCA on the bidding procedures, CEA would concur that DCA funding may be compromised and supports Council's consideration of revising the RFP for readvertising.

Motion:

Motion was made by Wever and seconded by Johnston to reject the previous proposals received at the recommendation of DCA. Motion carried 4-0.

Council discussed the procurement policy as it relates to the evaluation process. Staff addressed questions regarding Council Policy 2-88, which will not be reflected in the new RFP because a separate CDBG procurement policy was adopted by Council and should be used. It was pointed out that Policy 2-88 could be revised to include the requirements in the approved CDBG procurement policy.

Regarding the selection procedure, Council Member Brayton offered his opinion that staff should short list to three to five, with Council making the final decision.

Council discussed options for a tie-breaking procedure and which selection and evaluation forms would best minimize that problem. City Attorney Battista pointed out that whatever form or process selected it must be outlined in the revised RFP.

Council Member Wever felt that the forms attached to the CDBG procurement policy could be utilized if the point system was eliminated and only a first, second, and third be used for each category. Council Member Johnston agreed with a first, second and third ranking, but suggested also utilizing the raw scores of the point system to be used only in the case of a tie. Council Member Wever maintained that a vote of Council should be an appropriate method for breaking a tie. City Attorney Battista stated that while DCA did not offer a definitive opinion on that procedure for a tie-breaker, it would appear that they would prefer to eliminate any procedure that may be deemed arbitrary.

Council Member Brayton referred to the CDBG procurement policy and felt that it could be interpreted to allow Council to do the entire ranking without involving a staff selection committee. Council Member Wever felt that staff should review the proposals to at least ensure that all RFP requirements are included. Council Member Brayton agreed, stating that staff's involvement could be limited to ensure that the bids are proper and legal and allow Council to do the selection.

Motion:

Motion was made by Wever to use the vote of Council until the tie is broken as the tie-breaking procedure.

Motion died for lack of a second.

Motion:

Motion was made by Brayton and seconded by Johnston that, in case of a tie, the first tie breaker would be a reevaluation of those firms that are tied utilizing the long forms with raw scores. The second tie-breaker would be a formal vote by Council.

Motion carried 3-1, with Wever voting in opposition.

Recess

Council adjourned at 6:45 p.m.

Reconvene

Council reconvened at 7:01 p.m.

Motion and second were withdrawn for clarification purposes.

Motion:

Motion was made by Brayton and seconded by Johnston for clarification that the first tie-breaker be reevaluation of those firms tied using raw scores transferred to a one, two, three ranking score with the second tie breaker being a motion of Council.

Motion carried 3-1, with Wever voting in opposition.

It was pointed out that the procurement policy will be amended to include this tie-breaking procedure.

Motion:

Motion was made by Johnston and seconded by Brayton to direct staff to amend the evaluation forms to include those additional forms as necessary. Motion carried 4-0.

Motion:

Motion was made by Johnston and seconded by Brayton to direct staff to readvertise the RFP to include technical evaluation by staff with ranking by Council. Motion carried 4-0.

It was clarified that technical evaluation would consist of ensuring that the proposals meet the bid specifications.

COBB ROAD CHANGE ORDER #1

Consideration of \$26,625 Change Order #1 to Encore Construction Company contract for additional work (grouting under tanks).

Motion:

Motion was made by Brayton and seconded by Johnston to approve Change Order #1.

Director of Public Works Pierce requested that Council consider giving the City Manager authority to proceed with the work on this change order prior to getting USDA approval. City Manager Anderson interjected that this work is absolutely necessary but on the outside chance USDA did not concur with the Change Order, the City would be liable for paying for the Change Order.

Motion carried 4-0.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 7:16 p.m.

City Clerk

ATTEST:

Vice Mayor

:jjb

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REGULAR COUNCIL MEETING

March 1, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Ron Woods, Public Safety Department; and a representative from the St. Petersburg Times and Hernando Today.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

February 8, 1999 - Regular Council Meeting

February 16, 1999 - Special Council Meeting

Motion:

Motion was made by Brayton and seconded by Johnston to approve the March 1, 1999 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret Ghiotto Beautification Award

Recognition of improvements made to Side-Out, Inc., 20090 Cortez Blvd owned by Barry Brewer and Hank Belcher.

Mayor Lewis and Beautification Board Chairman Taylor presented the award and plaque to Mr. Brewer and Mr. Belcher.

REGULAR AGENDA

Resolution No. 99-03

Approval of Resolution supporting legislation which would limit liability of cities providing high-risk recreational activities.

City Clerk Phillips read Resolution No. 99-03 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, EXPRESSING SUPPORT FOR HOUSE BILL 19 AND SENATE BILL 112 WHICH LIMITS THE

LIABILITY OF GOVERNMENTAL ENTITIES WHEN INDIVIDUALS ARE INJURED WHILE PARTICIPATING IN HIGH-RISK RECREATIONAL ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 99-03. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Resolution No. 99-04 - Retirement Resolution

Approval of Resolution honoring City employee, Gwen Nelson, for 19 years of service to the City of Brooksville Police Department.

City Clerk Phillips read Resolution No. 99-04 by headnote only, as follows:

A RESOLUTION IN APPRECIATION OF THE MANY YEARS OF SERVICE RENDERED TO THE CITY OF BROOKSVILLE AND ITS CITIZENS BY GWENDOLYN L. NELSON

Motion:

Motion was made by Staib and seconded by Brayton to approve Resolution No. 99-04. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

Interlocal Agreement - Annexation

Consideration of proposed interlocal agreement with Hernando County for annexation of certain lands.

City Manager Anderson stated that a draft Interlocal Agreement was before Council for consideration to initiate the first step in the process to request County approval of same. He added that the County had received a copy and were advised that the interlocal agreements would include a legal description for each parcel. He added that the County had only made minor changes to same. Mr. Anderson stated that the eight parcels proposed are related to the three enclaves to be annexed. He went on to state that a modification to one legal may be needed after a determination is made on whether to include a state roadway related to one of the parcels.

City Manager Anderson stated that Council is requested to authorize staff to execute the agreements and transmit them

to the County Commission.

Motion:

Motion was made by Brayton and seconded by Wever to approve the format of the interlocal agreement for transmission to the Board of County Commission.

Albert Carter expressed concern regarding additional franchise fees and solid waste fees that would be incurred by him when his property is annexed into the City.

City Council Member Brayton felt that public input was not necessarily appropriate at this time when annexation ordinances for the various parcels are not before Council at this time.

Virginia Carter voiced her opposition that the public was not advised sooner that the issue was to be discussed at the February 8, 1999 meeting.

It was stressed that this is only a draft interlocal agreement that would be presented to the County for their consideration of the format. It was pointed out that annexation ordinances for each of the parcels would require two readings, with the final public hearing being advertised.

Dan Patrick expressed his opposition to the proposal and was concerned that Council's approval of the draft interlocal agreement may result in formal action by the County when it is presented to the County Commission for consideration.

Motion carried 5-0.

Heart of Florida Municipalities League

Appointment of Council representative.

Motion:

Motion was made by Brayton and seconded by Johnston to appoint Council Member Wever to the Heart of Florida Municipalities League. Motion carried 5-0.

Appointment of Advisory Board Member

Council consideration for reappointment of Regina Martin to Firefighters' Pension Trust Fund Board of Trustees for a two year term of office through February 28, 2001. [Staff received no other nominations.]

Motion:

Motion was made by Brayton and seconded by Johnston to appoint Regina Martin to the Firefighters' Pension Trust Fund Board of Trustees for a two year term of office through February 28, 2001. Motion carried 5-0.

Status Report - WWTP/Interconnect/FDOT Projects

Monthly update on Department of Public Works Projects

Director of Public Works Pierce advised that he had verbal notice that the Cobb Road WWTP change order No. 2 had been approved by USDA. He requested Council's authority to proceed with the work prior to receiving written verification from USDA.

Motion:

Motion was made by Wever and seconded by Staib to authorize staff to proceed with Change Order No. 2. Motion carried 5-0.

Director of Public Works advised that in the Hillside Court area on March 9th from 9:00 a.m. to 1:00 p.m. a power outage is scheduled by Florida Power to upgrade the system. He stated that the lift stations will be run by a generator.

Mr. Pierce reported that the FDOT JPA is still being negotiated. He went on to state that Fiber Optic is being installed in railroad right-of-way.

The Director of Public Works advised that the Phase II notice to proceed is scheduled to be issued at the March 8th pre-construction meeting.

Mr. Pierce informed Council that the Croom Road excavation and grading work is nearly finished and as-built drawings will be submitted to DEP shortly.

Status Report - Downtown Redevelopment Plan

Monthly update on Downtown Redevelopment plan.

Director of Administration advised that the workshop meeting is scheduled for March 11th at 5:30 and will be advertised to encourage public involvement. She added that the various downtown groups would be notified. She advised that infrastructure cost estimates were being compiled by staff.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, VICE MAYOR

Beautification Board Plantings

Vice Mayor Staib advised that the Beautification Board had worked February 27th on plantings in the City Hall parking lot.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Spring Jazz Fair

City Clerk Phillips advised that the Downtown Development's Spring Jazz Fair in the City Hall parking lot would be held March 13 and 14th.

Chamber Mixer

City Clerk Phillips reminded Council that the Chamber of Commerce mixer would be held at City Hall on Thursday, March 18th. In response to Vice Mayor Staib's question, the City Clerk indicated that the Heritage Quilt frame will be ready for display at that time.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 7:27 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

March 15, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Karen M. Phillips, CMC, Director of Administration; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Ron Woods, Public Safety Department; and a representative from the St. Petersburg Times and Hernando Today.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

March 1, 1999 - Regular Council Meeting

Brooksville Emergency Response Team - User Fees

Adoption of FEMA (as applicable) reimbursement fee structure and providing for establishment of other fee schedules.

Golf Course Surplus Equipment

Declare certain obsolete ground maintenance equipment for Quarry Golf Course surplus and authorize transfer of ownership to Impact Golf, LLC in lieu of payment of pro-rated prepaid golf memberships and gift certificates for an amount totaling \$1,850.

Family Employment - Exception

Consideration of authorizing temporary employment of individual with relative in same department.

Donto Plaza - Plat Extension

Consideration to extend final date for plat submittal until August 11, 1999.

Engineering Services - Jasmine Dr. (utility relocation project)

Consideration of proposed agreement with Adams Engineering Associates, Inc. and approval for City Manager to execute. (Total hourly rates not to exceed \$5,150.00)

Engineering Services - Linear Well Field Project

Consideration of addendum agreement with Coastal Engineering Associates, Inc.

Consent agenda item #7, Engineering Services - Linear Well Field Project, was moved to the regular agenda.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the balance of the March 15, 1999 Consent Agenda.

Council Member Wever questioned the inconsistency of the cost per mile listed on the different BERT user fee schedules. It was decided to change the milage to .34 a mile on the fee schedule for the BERT 3, Generator - Trailer Mounted.

Regarding the Engineering Services - Jasmine Dr. (utility relocation project) contract, Council Member Wever questioned whether the line being replaced is part of what would be done in the previous Wesleyan Village utility service request. Director of Public Works Pierce advised that it is a separate project.

Council Member Brayton questioned the Golf Course surplus equipment and how the prepaid balances were computed, particularly on memberships and gift certificates. Director of Parks and Recreation Pugh stated that he believed that the Director of Finance based it on the amount of months that had been paid in. Council Member Brayton stated that he would like a clarification on that issue as the figures do not match what would be calculated using that method. Pugh clarified that the certificates involved are those that have been sold over the last two years and have not been redeemed to date.

Motion carried 5-0 with correction to schedule for BERT 3 - Generator - Trailer Mounted to .34 per mile and clarification to be provided to Council on how pre-paid balances for memberships and gift certificates for the golf course were computed.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - National "Employ the Older Worker" Week

Proclaiming the week of March 15 - 19, 1999 as National Employ the Older Worker Week.

Mayor Lewis presented the Proclamation to Amy Gullotto, Green Thumb representative.

Proclamation - Juvenile Justice Week

Proclaiming the week of March 14 - 20, 1999 as Juvenile Justice Week.

The Juvenile Justice Week proclamation was presented to J.D. Kelly and Roberta Kelly-Demons.

Engineering Services - Linear Well Field Project (MOVED FROM CONSENT AGENDA)

Consideration of addendum agreement with Coastal Engineering Associates, Inc.

Director of Public Works Pierce explained the engineering services contract and the well field project. He clarified the Phase I costs to be incurred in the 1998/99 fiscal year, including the direct expenses, the subconsultant's fee and Coastal Engineering's engineering fees, which should reflect \$39,000. He stated that the total expenditure amount should reflect \$55,750. He added that \$50,000 was originally budgeted for this fiscal year but he believed the additional funds were available.

Mr. Pierce stated that there has been previous comments that this project would increase water pressure, which he explained would not be the case. He added, however that pressure will be increased in the vicinity of PHCC Junior College and will provide an alternate source of water to assist the wells currently located throughout the City.

Council discussed the rehabilitation of the wells located at Hope Hill and the proposal to drill a new well at that location.

Motion:

Motion was made by Brayton and seconded by Staib to approve the Addendum Agreement with Coastal Engineering Associates, Inc. for engineering services for the Linear Well Field Project. Motion carried 5-0.

PUBLIC HEARING

*****Resolution No. 99-05 - Vacation of Kelly Street**

Consideration of Resolution to vacate Kelly Street.

City Clerk Phillips advised that staff had failed to notify the utility holders and interested agencies of the proposed vacation to solicit their response as required by City ordinance. She stated that the City Attorney had advised that the public hearing should be continued until the next Council meeting.

Motion:

Motion was made by Brayton and seconded by Johnston to continue the Public Hearing until the April 5th meeting. Motion carried 5-0.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

Tom Varn Park - signs

Council Member Brayton commented on the shabby condition of the "championship" signs at the park on S.R. 50.

Motion:

Motion was made by Brayton and seconded by Staib to replace the signs. Council Member Brayton stated that the replacement costs could come out of the Council budget.

Director of Administration Phillips stated that staff would come up with replacement plans and report back to Council. After discussion between Council and Director of Parks and Recreation Pugh, motion and second were withdrawn.

E.E. WEVER, JR., COUNCIL MEMBER

Community Redevelopment Group - Tax Credit

Council Member Wever requested that the City Attorney research Florida Statutes to see if the newly formed Community Redevelopment Group may be able to take advantage of a Community Contribution Tax Credit Program currently being revised by the legislature.

Cable signs throughout the City

Council Member Wever felt that the cable signs should be removed or lowered throughout the City. He particularly called attention to those located on Darby Lane and Candlelight Boulevard.

Gas Franchise

Council Member Wever referred to a recent newspaper article concerning gas companies and the extension of transmission lines in the City. He requested that Council be provided with the City Manager's latest version of the franchise agreement before it is transmitted to the company. Director of Administration Phillips stated that she believed that a version had already been sent to the gas company but she would check on that.

Jerome Brown Community Center

Council Member Wever called attention to a recent memo regarding advertising for a Community Center Director. He stated that the position is not in the Jerome Brown Community Center budget. Council Member Brayton interjected that he had spoken to the City Manager, who agreed to withdraw the request at this time. Director of Administration Phillips confirmed that hiring a director has been placed on hold.

RICHARD E. LEWIS, MAYOR

Mayor Lewis reminded everyone that the Chamber Mixer will be held at City Hall on March 18th.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Craft Fair and Jazz Festival

City Clerk Phillips thanked all City staff involved in the preparation of the City Hall Parking lot and the employees who worked Saturday, March 13th at the Downtown Craft Fair and Jazz Festival.

Community Development Director

City Clerk Phillips introduced Bill Geiger, Community Development Director, who began with the City on March 15th.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 7:30 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

April 5, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Karen M. Phillips, CMC, Director of Administration; Bill Geiger, Community Development Director; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; and a representative from the St. Petersburg Times and Hernando Today.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

March 15, 1999 - Regular Council Meeting

Budget Calendar - 1999-2000

Approval of budget calendar for the 1999/2000 Fiscal Year.

Motion:

Motion was made by Wever and seconded by Johnston to approve the April 5, 1999 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret Ghiotto Beautification Award

Recognition of improvements made to 469 Howell Ave. owned by Anthony and Brenda Waters.

The Proclamation and certificate were presented to Mr. and Mrs. Waters.

Proclamation - "National Public Health Week"

Proclaiming April 5 - 11, 1999 as National Public Health Week.

The Mayor presented the proclamation to Judy Brayton, representative of the Hernando County Health Department.

PUBLIC HEARING

Resolution No. 99-05 - Vacation of Kelly Street

Consideration of Resolution to vacate Kelly Street

City Clerk Phillips read the resolution by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, VACATING, ABANDONING, DISCONTINUING, AND CLOSING A PUBLIC RIGHT-OF-WAY.

City Clerk Phillips advised that Time Warner Cable and the Board of County Commissioners had responded with no objections. The other agencies had not responded and it is assumed that they have no objections to the vacation.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 99-05. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

REGULAR AGENDA

Annexation (enclaves)

Approval of City/County Interlocal Agreements, as follows:

a. 326 Darby Lane

b. 480 Darby Lane

c. 306 Darby Lane

d. 404 Darby Lane

e. 510 Darby Lane

f. 520 Darby Lane

g. 1114 Chatman Boulevard

h. 7340 Broad Street

City Attorney Battista advised that an independent motion and vote should be taken on each agreement. He further advised that although private property is involved, this issue is not quasi-judicial if the property fits the annexation criteria set forth by statute. The action involved is between the City and the Board of County Commissioners. Mr. Battista continued by stating that should the agreements be approved by the City and the County, an ordinance for each property would then be heard by the City and, at that time, the action would be considered quasi-judicial with an appeal process under a "writ of certiorari".

City Clerk Phillips read the headnote, which is the same for each agreement, as follows:

An Interlocal Agreement Between Hernando County and the City of Brooksville Permitting Enclave Annexation Pursuant to Chapter 171, Florida Statutes.

Council Member Johnston clarified that Council approval at this meeting would transmit the Interlocals to the County for consideration. He added that the individual ordinances would still need to be brought before Council during a public hearing process.

In response to Council Member Johnston's question regarding the expiration date on page 2 of the agreement, Battista stated that it should reflect one year from the date signed by the County Commission.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the Interlocal Agreement for 326 Darby Lane with an expiration date of one year from the date of approval by the County Commission. Motion carried 5-0.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the Interlocal Agreement for 480 Darby Lane with an expiration date of one year from the date of approval by the County Commission. Motion carried 5-0.

Motion:

Motion was made by Wever and seconded by Brayton to approve the Interlocal Agreement for 306 Darby Lane with an expiration date of one year from the date of approval by the County Commission. Motion carried 5-0.

Motion:

Motion was made by Wever and seconded by Brayton to approve the Interlocal Agreement for 404 Darby Lane with an expiration date of one year from the date of approval by the County Commission. Motion carried 5-0.

Motion:

Motion was made by Johnston and seconded by Brayton to approve the Interlocal Agreement for 510 Darby Lane with an expiration date of one year from the date of approval by the County Commission. Motion carried 5-0.

Motion:

Motion was made by Johnston and seconded by Brayton to approve the Interlocal Agreement for 520 Darby Lane with an expiration date of one year from the date of approval by the County Commission. Motion carried 5-0.

Motion:

Motion was made by Staib and seconded by Brayton to approve the Interlocal Agreement for 1114 Chatman Boulevard with an expiration date of one year from the date of approval by the County Commission. Motion carried 5-0.

Motion:

Motion was made by Staib and seconded by Brayton to approve the Interlocal Agreement for 7340 Broad Street with an expiration date of one year from the date of approval by the County Commission. Motion carried 5-0.

Mowing and Cemetery Operations

Consideration of centralizing responsibility for mowing and transferring cemetery operations to Parks and Recreation Department.

Motion:

Motion was made by Brayton and seconded by Staib to approve with an effective date of May 1, 1999.

In response to Vice Mayor Staib's question, City Manager Anderson stated that the classification of the current interim Cemetery Sexton is being modified to include some of the duties of the former sexton but the individual will be transferred to the Parks and Recreation Department. The cost savings comes about from the salary of the individual that served as the prior Cemetery Sexton.

Discussion ensued regarding Council Member Johnston's question on whether a budget amendment would be required. Council Member Brayton felt there would also need to be a transfer of a portion of the Parks and Recreation Director's salary out of the Quarry Golf Course budget into the Cemetery. City Manager Anderson stated that those amendments would be brought back along with other budget amendments before the end of the fiscal year.

Motion carried 5-0.

Policy Exception - American Cancer Society "Relay for Life"

Consideration of waiving 11:00 p.m. curfew at park to accommodate event to be held Friday, June 25 at 6:00 p.m. through Saturday, June 26 at 12:00 p.m.

Council reviewed an American Cancer Society video regarding the "Relay for Life". After the film, Parks and Recreation Director Pugh explained details such as security issues and that there would be no alcohol allowed at the event. Neighbors adjacent to the park voiced concern regarding the potential noise level and the need for a sufficient number of trash barrels.

Motion:

Motion was made by Staib and seconded by Johnston to approve the American Cancer Society's Relay for Life from June 25 through June 26 and to approve the waiver of the 11:00 p.m. curfew.

Council Member Brayton stated that he did not have a problem approving the curfew but wondered if there could be a quiet time after 11:00 p.m. City Clerk Phillips explained that activities would be going on into the night for a continuous 18 hours and it may be difficult to eliminate noise.

Motion carried 5-0.

Mayor Lewis requested that the City Clerk contact the American Cancer Society's representative and relay the concerns expressed at this meeting.

Development Plan - 50/50A Corridor

Consideration of scheduling workshop to review alternatives presented by staff.

City Manager Anderson distributed a map produced by the Department of Public Works. Director of Public Works Pierce explained the map in detail, including the incorporation of Lockhart Ave. and the need for water and sewer to be provided to future development. He went on to delineate those areas which the City currently does not have the necessary right-of-way.

Council discussed issues regarding the 8" gravity line being installed on Lockhart Ave. and alternatives including whether a larger line would be better.

A tentative workshop meeting was scheduled for Monday, April 12th at 6:30. City Clerk Phillips would confirm the date and contact Council accordingly.

Actuary - Pensions

Actuarial analysis of City's pension plans.

Motion:

Motion was made by Brayton and seconded by Johnston to defer consideration for 60 days. In response to Council Member Johnston's question, City Manager Anderson stated that the City would pay for the RFP for the actuarial study.

Council Member Wever called attention to a memo he recently sent to Council which stated that the SLM sent a letter to the Florida League of Cities requesting that they do whatever possible to institute action to stop the Police and Fire law from becoming active. He added that there may be a way to delay or stop the law completely.

Motion carried 5-0.

Status Report - Downtown Redevelopment Plan

Monthly update on Downtown Redevelopment plan.

Community Development Director Geiger reported that as directed at the March 11, 1999 Council workshop, the Community Group had been meeting on each Monday and would have a draft to Council at the first or second meeting in May. Director of Administration Phillips addressed Council regarding Tony Covell's request to install a balcony/canopy at his business at 26 E. Liberty Street. Mr. Covell came forward to request Council direction. Council member Johnston stated that he would prefer licensing the use of the sidewalk or leasing the airspace rather than vacating the sidewalk. City Manager Anderson stated that the Community Group may include requirements of an Architectural Review Board. Council Member Wever voiced his opposition of approving this project now before the redevelopment plan is adopted to ensure compatibility. He agreed that the sidewalk should not be vacated. Community Development Director Geiger suggested the possibility of utilizing conditional use permits.

Health Insurance

Status Report.

Director of Finance Huffstutler referred to a chart that showed past insurance costs for the City to provide employee coverage and a portion of the dependant coverage and provided an estimated cost for employee coverage and dependant coverage for the fiscal year 1999-2000. Mr. Huffstutler also presented options that the Insurance Committee has been considering such as self-insured, cafeteria plan, and the school board/County consortium. He requested Council direction.

Council Member Brayton expressed his opinion that based on Council action in October, he still feels that if employees want dependant coverage, they will have to pay for it.

Vice Mayor Staib questioned if the employees were aware of insurance alternatives at this point. City Manager Anderson stated that the employees were notified in the fall that, based on Council action, Council would extend dependant coverage subsidy for one more year to allow employees the opportunity for them to seek other alternatives.

Motion:

Motion was made by Brayton and seconded by Wever that for the upcoming budget, the City would pay insurance for employees but dependent coverage will not be subsidized by the City.

Motion carried 4-1, with Staib voting in opposition.

Status Report - WWTP/Interconnect/FDOT Projects

Monthly update on Department of Public Works Projects

The Director of Public Works advised that the Phase I, WWTP project was on schedule and that a change order regarding the grouting of clarifiers was completed. Council Member Johnston expressed his concern that the change order resulted in approximately \$2,000 over budget.

Director of Public Works Pierce advised that the CDBG sewer rehab project is substantially complete and should be finalized on April 30, 1999.

Regarding the WWTP Interconnect project, Pierce stated that the Notice to Proceed was issued March 8, 1999 and that land clearing has commenced.

He reported that the FDOT JPA's were still on hold at this point.

Mr. Pierce advised that the Bell Ave. brick removal project was going slowly and Public Works will review other brick removal options. City Manager Anderson directed Mr. Pierce to place a sign at the site explaining that it is a City brick street restoration project.

In response to Vice Mayor Staib's question, Pierce advised that the utility work on Fort Dade Avenue is being done by another utility company.

The Director of Public Works reported that the Utility Department is working on installing new sewer lines on Croom Road.

Council Member Wever advised that he had received a complaint regarding the water tank on Liberty Street overflowing. Mr. Pierce advised that a new system is planned in the well field contract but to lower the water level in the tank at this time will decrease water pressure, especially to those areas which already experience low water pressure.

CITIZEN'S INPUT

Fire District 22

Mary Evelyn Reid, member of the Hernando County Fire and Ambulance Comprehensive Study Committee, updated Council regarding the committee meetings. She and Lieutenant Tim Mossgrove, City Fire Department, relayed concerns that District 22 was being considered for consolidation and encouraged the residents of Township 22 and Council to keep apprised of what is taking place.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, VICE MAYOR

Veteran's clinic

Vice Mayor Staib advised that she and the Mayor had attended the dedication ceremony for the Brooksville Outpatient Clinic for Veterans at Pinebrook Medical Center on March 30th. She stated that one of the main needs for the clinic is a transportation van.

DPW Monthly Reports

Vice Mayor Staib complimented Utilities Superintendent Smith for responding to her request by clarifying certain sections of the Public Works Monthly Reports.

PAT BRAYTON, COUNCIL MEMBER

Fire District 22

Council Member Brayton expressed his opinion that the residents of Fire District 22 should be the ones to take a more

active role in the consolidation efforts.

E. E. WEVER, JR., COUNCIL MEMBER

Gas Franchise

Council Member Wever referred to a copy of the proposed gas franchise agreement forwarded to him by City Manager Anderson. He requested that the other Council Members be provided a copy as well. He added that he would not support the gas franchise agreement as it is currently written.

Heart of Florida League

Council Member Wever reminded Council that the City of Brooksville and the City of Weeki Wachee would be sponsoring the next Heart of Florida meeting and dinner on April 15th at the Weeki Wachee Best Western on U.S. 19. Those attending should submit their reservation and meal choice to the City Clerk.

Time Warner Cable posts

Council Member Wever advised that the Time Warner Cable posts had still not been removed following his discussion at the last Council Meeting. He presented a draft letter to be sent to the company, which was given to the City Manager for follow-up.

Budget Concern

Council Member Wever called attention to a concern that he had on page 39 of the current budget and felt that a budget amendment may be required regarding the filling of a personnel position.

Fire Truck Bid

Council Member Wever questioned the fire truck bid and whether it included the trade of the new emergency vehicle for a better vehicle. City Manager Anderson responded that staff had attempted to work that out with the manufacturer of that unit, but they would not provide a satisfactory trade because of the gasoline engine.

CDBG Neighborhood Revitalization Bid

Council Member Wever questioned why the CDBG re-bid did not contain the Special Projects section. City Manager Anderson stated that the reasoning for the Special Projects in the initial bid was due to the absence of a Community Development Director. He added that since Bill Geiger is now in that position, most of those projects would be assigned to him.

Brooksville Housing Authority Notice - Audit

Council Member Wever questioned the status of a recent notice sent to the Brooksville Housing Authority from DCA regarding their failure to comply with 1996-97 financial reporting requirements. City Manager Anderson stated that he had spoken to Betty Trent, Housing Authority Executive Director, who indicated that she would contact the Housing Authority auditor to obtain the necessary copies for submittal.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:59 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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WORKSHOP COUNCIL MEETING

April 12, 1999 6:30 P.M.

Brooksville City Council met in workshop session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Bill Geiger, Community Development Director; William Smith, Superintendent of Utilities; and a representative from Hernando Today. See attached for additional attendees.

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

STATE ROAD 50/50A CORRIDOR PLANNING

Review of alternatives

Community Development Director Bill Geiger reviewed the history of the 50-50A corridor and the annexation of certain properties, together with FDOT road improvement plans and an explanation of the access frontage road concept and current proposed plans identified on an updated map, which was originated by the Board of County Commissioners, City Council and FDOT based on input from local property/business owners. He pointed out that the Board of County Commissioners has adopted a frontage road regulation, however, the City has not adopted a similar ordinance to date.

Alan Garman inquired about the proposed lift station by Grubbs property, indicating that original county plans were different. According to Geiger, the new plans call for an enlarged lift station.

Ms. Gail Carver Brooks inquired if the drainage issues along Jefferson St. have been addressed. The Mayor indicated that City concerns resulted with three potential conceptional locations to come through on Jefferson, however, they all have right-of-way.

Pastor Weer indicated that his church's interest on the road has greatly increased with the turn/median cut plans on Jefferson.

Ms. Brooks was concerned about the easement that Industrial Electric has, indicating that they are petitioning the County to vacate. She wondered why the section line is not used as the access area or why Lockhart Rd. was not extended down to the truck route. Director of Public Works Pierce responded that although it is Industrial Electric's right to petition the County for a vacation of Lockhart, each option for the frontage road, including the Lockhart Ave. alternative, includes right-of-way problems and issues. He acknowledged that Lockhart is a right-of-way should the County or City wish to improve it at some point, but it is not a part of this project as it is currently envisioned.

Mr. Gene Manuel pointed out that the "Y" option dead-ended in both directions with substantial wet areas. He asked how the City proposed to eliminate any of the options presented by staff at this meeting. The Mayor responded that Council was looking for input from those property/business owners in attendance so that the City can come up with a master plan to put into effect for future development and growth.

Vice Mayor Staib asked the Church representative if they have any youth or children activities that take place on or

around their property, which was confirmed.

Mr. Garman asked what the City's current standards are, which Geiger reiterated were not officially adopted as of this date, however, the City has been employing a 75 ft. setback for recent developments.

Council Member Wever indicated that FDOT has apparently stopped their center barrier or curve to allow the City to come out on "X", at the corner by "Y" and the existing property at street right-of-way is about 3 ft. higher which would require major work to extend the road back through there.

Council Member Brayton asked about the current FDOT access plans, to which Pierce reported FDOT would be giving a left turn in off Jefferson if the City could show FDOT a need for a cut there. The evidence of need, in his opinion, would be the right-of-way, which the City does not have based on current negotiations with the Church & Sims. Without the right-of-way, the best estimate would be a left turn only, with a right turn going east from the frontage road.

Mr. Manuel advised that he thought 50A ownership will change to the County or City if the state has their way. He further felt that the plan that they sent to the City to have the left turn is FDOT's proposal, however, City Council would need to commit to the right-of-way. Pierce indicated a problem is that private property owners can negotiate other commitments with FDOT and the City does not have the last word, which he believed leads to some confusion.

Pierce stated his last communication with FDOT indicated that in order to get the left hand turn they wanted proof of ownership from the City for the "X" property.

Council Member Brayton asked if anything further had been discussed with Sims and the Church to work out the right-of-way issue, to which Anderson responded that since his latest report to Council a month or so ago, he has written to both. The Church has indicated an interest but he has not heard from Sims. The question remains how a left turn can be accomplished on Providence and this is being looked at by staff now. Brayton felt that Clinton Ave. will become one of the major intersections whichever plan takes shape and that "X" is the way to go.

Geiger felt that with the development of property these plans can be accomplished. Brayton stated that the City should come up with the money to proceed.

Pastor Weer advised that the City Manager's letter was reported to the board of trustees for their consideration. Anderson confirmed that the City is looking for 25 ft. on each side of the affected area. If one side does not agree, the City would have to consider condemnation.

Mr. Garman inquired if the City will be considering this a reverse frontage road where the property intersects at the Varnadoe and Brooks property lines. Geiger identified the access to Horse Lake Rd. in the future and pointed out that as development occurs, proposed development plans could be brought back to Council to revise the original concept to make it work. Geiger further reviewed the frontage road plan originally drawn up by the City, Board of County Commissioners and FDOT, and was subsequently approved by the Board of County Commissioners, with some revisions. It was originally a plan to connect properties, to coincide with known geographical conditions taken into consideration and incorporated a reverse frontage road. The new plan put together by the City's Department of Public Works is simply a utility plan in conjunction with the frontage road plan.

Mr. Manuel felt that for those owners with property along the road, the access road does something that will not be accomplished by the State with the SR 50 plans. He felt the access road is designed to serve the businesses on the route to get traffic to the locations. His group, as property owners, were committing right-of-way to the City free of charge with a commitment from the City to acquire the rest of the right-of-way to complete the frontage road. Geiger pointed out the tract of land that FDOT recently acquired for drainage on the east side of the road, however, he stated the property could still be developed to allow access without connecting the frontage road as a result.

Council Member Johnston asked why the County's original plan was different than the City's current utility plan. Geiger indicated that the Varnadoe property would still be considered as a full access. Johnston further inquired if the access to the post office was still private owned, which Geiger confirmed, however, he did not know who owned the

parcel. Johnston asked if the figures proposed for the utility plan anticipated right-of-way costs, which were not included according to Pierce.

Pastor Weer inquired if there is a timetable for the right-of-ways to be acquired. The Mayor responded that the City is looking for the input from the property owners and property can be acquired in order to develop a master plan and determine costs so that financing can be evaluated.

Council Member Wever identified potential financing options, such as special assessments with the government obtaining financing from a bank and the costs charged back to the property owners. He did not feel that USDA would have a problem with this since it is not a revenue generating financing and further pointed out that there would probably have to be two separate financing packages for the utilities and the road construction. Geiger pointed out that the City does not have to look at taking right-of-way for ownership by the City. Construction can be done on a development basis and maintenance would be dealt with in a development agreement with the owners.

Mr. Manuel inquired if the 4000 ft. estimated is unpaved or does it include the portion already developed. Mr. Pierce responded that it is unpaved and includes Lockhart Ave. to "Y". If you went to "X" you would knock off 500 ft. or so, according to Pierce. There is only ~~25~~ **2500** [approved 4/19/99] l.f. of

water line because there is quite a bit already planned in the Donto and Grubbs parcel. Manuel felt that if the City could do what is shown for \$600,000 that is a pretty good deal. Mr. Manuel would not have a problem with an assessment along this line.

While the Mayor acknowledged that the burden of putting in the road was ultimately the responsibility of the property owners, the City felt it wanted to see what it could do to get the road constructed now, under current financial rates. He asked the attorney what the options were to condemn any of the necessary right-of-way, to which Battista responded he and the City Manager would have to meet with the County Administrator and there were certain other legalities that would have to be addressed. He pointed out some of the problems that were identified when he started the previous right-of-way negotiations, such as the Revenaugh property.

Although Council has previously concurred that "X" is the option that the City is in favor of proceeding on, Brayton pointed out that without the right-of-way necessary (Sims and the Church) there was not much the City could do unless they went for condemnation. Ms. Brooks indicated that she would give her part indicated on the map, and believed that Mr. Varnadoe would do the same. Mr. Garman confirmed that there is 25 ft. right-of-way on the proposed Donto property plat and he believed that Revenaugh would have to give 50 ft. under the County Plans. Mr. Garman felt that Donto were to give another 25 ft. they would lose one of their developed lots.

Pastor Weer advised that he has been authorized to meet with the City Manager to discuss his letter.

Ms. Brooks asked how the Church was going to handle the drainage problems. Pierce reported that Mr. Adams had worked out some kind of arrangement with FDOT to correct the drainage in their road improvements. Pastor Weer advised that this was not totally correct. The Hardee's side drainage has been corrected but not the Sims side.

It was the consensus of Council to proceed with the "X" plan between the Church and Sims with acquisition of the appropriate right-of-way, followed by engineering plans and financing, etc.

Council Member Wever volunteered to speak with Mr. Sims.

Geiger asked if Council desired an ordinance to be drafted. The City Manager indicated that staff would put together a procedure and flow chart for a future Council Meeting, identifying the steps that would need to be taken.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

There were no items by Council.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:01 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

April 19, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Karen M. Phillips, CMC, Director of Administration; Bill Geiger, Community Development Director; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; and a representative from the St. Petersburg Times and Hernando Today.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

April 5, 1999 - Regular Council Meeting

April 12, 1999 - Workshop Meeting

Tree Removal Permit - 1100 S. Broad Street (Wendys)

Acceptance of 15 replacement trees or \$3,000 contribution to "tree fund" as restitution for proposed removal of one 23" specimen tree and one additional non-specimen tree.

Council Member Wever called attention to the April 12, 1999 Workshop minutes and questioned whether the other interested parties and property owners should be listed as attendees. City Clerk Phillips indicated that she would attach the list of those attending to the minutes as an exhibit.

Council Member Wever referred to page 3 of the April 12th minutes, which Pierce confirmed should reflect 2500 l.f. rather than 25 l.f.

Council Member Wever referred to the Tree Removal Permit and offered his opinion that he does not like to cut down trees if not necessary. City Manager Anderson cited the age of the tree and confirmed that there would be visibility problems with their proposed design if the tree remains. Police Chief Tincher added that the tree is diseased and would have to be taken down before long.

In response to Council Member Johnston's question, City Manager Anderson stated that they would be given the option of planting replacement trees or contributing money to the tree fund.

Motion:

Motion was made by Staib and seconded by Johnston to approve the April 19, 1999 Consent Agenda with corrections to April 12th minutes, as noted. Motion carried 4-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Week of the Young Child"

Proclaiming April 18 - 24, 1999 as the Week of the Young Child.

Mayor read the proclamation and presented it to Ms. Brenda Cason.

REGULAR AGENDA

50/50A Corridor

Reaffirm frontage road concept (from 4/12/99 mtg).

Community Development Director Geiger explained the request to define the area to be included in the subject project and authorize the Request for Proposals for preliminary engineering for the project. He explained the corridor plan as discussed at the April 12, 1999 Council Workshop Meeting.

Council Member Johnston questioned when the County would be brought in for their involvement through an interlocal or other agreements. Mr. Geiger advised that he has been in contact with County staff regarding the process, which would have to be formalized when the areas and property owners affected are established. Council Member Wever stated that the areas in the County are within the five mile radius and the City has the authority to provide water and sewer and that the property can be condemned to acquire it. City Attorney Battista advised that for a taking, the City would have to prove that it needs a 50 foot or larger width strip for wastewater purposes. He stated that it could be argued and challenged that the City is taking more than is needed. Council Member Wever stated that it would appear that an agreement is needed between the City and County to proceed through the County areas. Battista stated that if eminent domain is required, the County would have to proceed with the eminent domain actions on those areas in the County.

Mayor Lewis questioned if the \$20,000 is a total cost for the project. Director of Public Works stated that it includes the route survey, core borings, report on drainage needs and an environmental assessment and restakings of the proposed alignment.

In response to City Manager Anderson's request for direction, Council discussed the proposed corridor area, including Route X, which was discussed at the workshop meeting.

Council Member Wever questioned if staff had ever obtained a copy of a certain section of Candlelight as it relates to the length of the divided Candlelight Boulevard, to which Community Development Director Geiger indicated that staff had copies of plats on file.

Motion:

Motion was made by Wever and seconded by Staib to authorize RFP's for preliminary engineering for the "A", "B" and "F" links of the corridor.

Vice Mayor Staib stated that staff would then come back to Council with the other end of the corridor at a later date.

Council Member Johnston questioned the rationale of not including link C at this time. Council Member Wever stated he plans to make a motion to petition the County to acquire ownership of that particular segment. Council Member Johnston felt that if the City is going to request the county to acquire the parcel, it should be included in the RFP as a separate section that can be added into the corridor plans.

Council discussed Council Member Wever's concern that there may be a problem with the end of the Lockhart and the street shown as "D" and whether, in fact, the two do not join, which Council Member Wever felt was confirmed by survey stakes that are currently there. Wever stated that Gene Manual has stated that he owns that corner and it is not

part of either Lockhart or what is known as "D". Ms. Gail Brooks explained the area that Mr. Manual owns and the fact that the County would be petitioned to close a 30' right-of-way between Sims and Industrial Electric. Director of Public Works stated that he has two registered surveys that show there is a continuous right-of-way through there that joins Lockhart and what is known as "D". Ms. Brooks confirmed that her survey shows that as well.

City Manager Anderson suggested that links c and d be included as options in the RFP as a separate job in the event the City gets an agreement with the County regarding vacating the right-of-way. The decision to authorize the engineering work could be decided separately, but it would prevent having to go out for another RFP.

Council Member Wever and Council Member Johnston preferred the "c" link option all the way over to the end of the Sims property.

Motion was amended by Wever and second confirmed by Staib to include c and d links, both as separate alternates in the RFP. Motion carried 4-0.

1997-98 Audit

Approval of financial statements and related audit reports for the fiscal year ended September 30, 1998.

Director of Finance Huffstutler referred to the audit report and briefly called attention to items such as the decrease in General Fund expenditures with a slight increase in revenue.

Director of Finance Huffstutler mentioned that utility revenue had increased due to a rate increase and sanitation revenues had decreased as a result of Council lowering the rates. He commented that the audit management letter contained a few recommendations that he agreed with and would work on implementation of same.

Council Member Wever discussed the proposed purchasing cards which may help with the late payment problems that have been occurring with vendors.

Council Member Wever called attention to the retirement plans for police and fire employees. Director of Finance Huffstutler agreed to prepare a report of how the Police and Fire legislation would affect the plans.

In response to a question from Council Member Wever, Huffstutler clarified that the schedule at the bottom of page 29 refers to the whole retirement system.

Council Member Wever called attention to the sale of the properties on Liberty and S. Brooksville Ave. He stated that it was his understanding that Council had agreed that the proceeds from those sales would be applied to the loan for the purchase of the new City Hall building. Huffstutler stated that he would check on that and proceed accordingly.

Regarding the Quarry Golf Course, Council Member Wever felt it was time to close the enterprise out and pay the general fund what was borrowed and transfer the remaining funds to Parks and Recreation. City Manager Anderson stated that it could be done in conjunction with the budget process for the new fiscal year so that an amendment is not required. He offered that, alternatively, it could be incorporated as a budget amendment if others are brought forward.

Motion:

Motion was made by Johnston and seconded by Staib to accept the audit. Motion carried 4-0.

Commercial Driver License - FDOT Agreement

Proposal to train employees as "examiners" for Class "A" or "B" licenses.

City Manager Anderson stated that the agreement must be executed by the City and the Department of Highway Safety. Pierce explained that testing of employees has become difficult for certain licenses and the City has had to hire people without the license and bring in outside people to conduct the test, which is costly and hard to schedule.

Mayor Lewis questioned whether there would be any additional liability for the City by licensing individuals, to which the City Attorney indicated that there would not be. In response to Council Member Wever's question, Pierce stated that this would be used to test City employees and the individual would not be allowed to leave and test other people during working hours. City Manager Anderson stated that staff may want to have more than one individual certified to give the test.

Council discussed the potential for liability should that the individual improperly train or license someone.

City Attorney Battista stated that if the tester is listed as an agent of the City and he is testing an outside person, there may be liability issues involved and testing an outside person may be in violation of the agreement. Council Member Johnston felt that liability would be only at those times when the tester is acting as an agent of the City, which would be while training a City employee. Pierce suggested that the tester could be required to agree to only test employees directed to them by the City.

Mayor Lewis called attention to a portion of the agreement that states that the only people that can get training are pay rolled employees, properly enrolled students or other applicants as authorized by the third party tester, which is the City. Council Member Johnston pointed out, however, that the tester could still train people outside this agreement on his own time.

Motion:

Motion was made by Johnston and seconded by Staib to authorize up to two people to go through necessary training to become examiners for Class A and B licenses with the caveat that if they leave the employ of the City within 2 years, they would be required to reimburse the cost of tuition. Motion carried 4-0.

Motion:

Motion was made by Johnston and seconded by Staib to authorize execution of agreement. Motion carried 4-0.

Gas Franchise

Presentation of proposed ordinance.

City Manager Anderson stated that Council has been provided with a draft agreement which includes a section that has not been agreed on by TECO, which relates to the "most favored nation" clause. Mr. Anderson explained that the clause provides that should the company enter into a similar agreement in another jurisdiction that provides for a higher franchise fee, then the City's franchise fee would be amended accordingly. City Manager Anderson stated that there are some items that are still being reviewed by the City Attorney regarding venue and other minor issues.

City Manager Anderson stated that once Council provides direction, staff will schedule First Reading of the ordinance.

Council Member Wever stated that he had a number of changes and, if not agreed upon, he would not support the franchise agreement. He began by referring to page 2 of the City Manager's memo regarding the "most favored nation" clause as proposed by TECO and stated that the words "in Hernando, Pasco or Citrus Counties" should be deleted. He added that in that same paragraph, the words "upon renewal of this Franchise Agreement" and the word "renewal" should be deleted in the last sentence.

Council Member Wever then went on to the Franchise Agreement, referencing the top of page 2, the words "in, upon, along across or" should be deleted so that it reads "...located under the streets...". He added that every place in the agreement where it says "in the streets" should be replaced with "under the streets". Page 4, Section 5, the word "other" should be deleted from the sentence that reads "...the assessment and collection of other valid taxes".

On page 8, paragraph A, Council Member Wever requested that the words "...jurisdiction, across, along, or under any street..." in line 9 should read "...jurisdiction under any street..." Council Member Wever stated that he would not agree to allow any gas line to be above ground except where necessary for meters and monitoring equipment.

Council Member Wever called attention to the first line of page 10 and felt that a policy may be needed regarding the repaving of streets once a utility company tears it up. He stated that he would require the gas company, and any other agreement with a utility company from this point on, to repair the entire street from curb to curb, rather than having them just repair the section that they damage.

Council Member Wever referred to Page 10, paragraph E, and questioned whether the City is included in the sentence that reads "... the facilities to enable any other Person except that Grantor or any other governmental entity of the State...". City Manager Anderson responded that the City is the Grantor.

Page 14 regarding self insurance was referenced and Council Member Wever suggested that annual reports should be provided if there is a self insurance program.

Mr. Sullivan, TECO Gas Marketing Director, came forward and stated that a considerable amount of time has been spent on the document provided to Council for consideration and they would do whatever possible to ensure that the City is comfortable with the terms within. He added that it is not their intent to have gas lines above ground, other than meter locations or facilities that are needed to ensure gas pressure.

Regarding the issue of repairing the streets, Mr. Sullivan agreed that any break in the line resulting in street damage would require the company to repair that portion but was not sure about the requirement to repair the entire length of the street.

Mr. Sullivan stated that most of the concerns expressed at the meeting could be worked out but explained that the rationale in defining the Tri-County area rather than statewide in the "most favored nation" clause is that the make up of the counties are similar. He stated that the clause has not been included in any previous agreements but it has been added as an exception for the City. He added that the agreement as submitted has been relaxed considerably to accommodate the City.

He introduced Keith Martin, Regional Operations Manager, Peoples Gas, who addressed Council regarding technical details of the agreement. Vice Mayor Staib questioned if the gas lines were being brought into areas where there is housing close together. Mr. Martin stated that the lines were not going into residential areas other than to achieve the goal of reaching the courthouse.

Mr. Martin addressed Vice Mayor Staib's questions about the testing of the lines up to the meter location, particularly in residential areas. He went on to state that they service a tremendous amount of residential locations, including many mobile home parks.

Vice Mayor Staib called attention to TECO's request that the agreement be for a period of 20 years while the City Manager felt that 7 to 10 years would be more appropriate. Mr. Sullivan stated that their position is based on the capability of protecting their investment and the feasibility of locating to this area. He stated that TECO would be hesitant to invest the time and financing for a period of only 7 to 10 years.

In response to Mayor Lewis' question, Mr. Martin stated that the nearest gas line in relation to the City would be at S.R. 50 and Wiscon, which is the point from which it would run to the Courthouse.

Council Member Johnston explained that one concern of a 20 year contract would be that it locks the City into a rate for a particular period of time. He suggested modifying it so that the rates could be changed rather than changing the term length of the contract.

City Manager Anderson stated that with the exception of the road restoration work, he felt that he had enough information to bring back an ordinance for First Reading. He suggested that the City Attorney could review the other franchise agreements and the current City code and the language related to this and whether it could be transferred into a Council policy. It was pointed out that if it was made into a policy, it would have to apply to all utilities.

It was decided to incorporate all the concerns addressed at this meeting for presentation of First Reading at the next Council meeting.

Motion:

Motion was made by Johnston and seconded by Staib to prepare the ordinance for First Reading at the May 3, 1999 meeting with the changes as discussed. Motion carried 4-0.

Council Member Johnston pointed out that should Council Member Wever have any further concerns during First Reading, he could make separate motions to amend before a vote is taken on the ordinance.

Advisory Board Appointment

Approval to reappoint member to the Brooksville Cemetery Advisory Committee for four year term of office through April 30, 2003.

Motion:

Motion was made by Johnston and seconded by Staib to reappoint Themla Dawson for a four year term of office through April 30, 2003. Motion carried 4-0.

City Clerk Phillips advised that Council Member Staib's appointment to the Cemetery Advisory Board expires in April, but as Council liaison, she was reappointed by Council in January, as is the same with several Council liaison positions. It was decided to change the board rosters to reflect a January appointment date in those instances.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

RICHARD E. LEWIS, MAYOR

Florida League of Cities Annual Convention

Appointment of voting delegate to represent City at FLC Annual Conference at Wyndham Palace, Walt Disney World Village, August 19 - 21, 1999.

Motion:

Motion was made by Staib and seconded by Johnston to appoint Council member Wever as the voting delegate with Staib as alternate voting delegate.

MARY A. STAIB, VICE MAYOR

Public Works - Capital Improvement Plans

Vice Mayor Staib referred to the Capital Improvement Plan included in the monthly reports and questioned the FDEP requirements as they relate to Croom Road PERM tests. Director of Public Works Pierce stated that the percolation ponds had been excavated deeply and no garbage had been found and he did not believe that FDEP requirements are warranted. He would be in contact with FDEP and cap it per FDEP standards if necessary.

E.E. WEVER, JR., COUNCIL MEMBER

Florida League of Cities - "Home Watch Rule"

Council Member Wever called attention to the Florida League of Cities "Home Watch Rule" covering legislation issues which is available on the Internet and suggested that the City subscribe to that if possible. Staff was authorized

to proceed if the cost was less than \$100.

Sanitation/Garbage Service Legislation

Council Member Wever pointed out that proposed garbage service legislation may affect the properties involved in the enclave annexation and recommended that Council Members may need to make phone calls to legislators to fight it. It was his understanding that should the bill pass, the City could not take over garbage service for 5 years without proper notification unless the City agrees to pay two years of the private company's fees.

Telecommunications Legislation

Council Member Wever urged Council to oppose proposed telecommunication legislation related to the collection of franchise fees from telephone companies which may allow the assessments to be taken away from cities and given to the State.

Police and Fire Legislation

Council Member Wever advised that the Florida League of Cities is working on legal actions to overturn the Police and Fire bill, which has already become law.

F.L.C. Annual Conference

Council Member Wever stated that the SLM breakfast held during the Annual Conference will cost the attendees \$10.00 and the SLM will pay for the difference above the \$10.00.

SLM Mini-Conference

Council Member Wever reminded the City Clerk that he would need the gift certificates to be furnished by the Friday preceding the mini-conference.

Florida League of Cities

Council Member Wever stated that Dade City Mayor Pro-Tem is running for 2nd vice President of the F.L.C. and he suggested that Council adopt a resolution in support, as several cities are doing. Council Member Wever stated that he would provide the Clerk with a draft copy.

KAREN M. PHILLIPS, CMC

T.W.I.C.E. Workshop

City Clerk Phillips stated that there would be a joint TWICE workshop with the County, City and School Board on Wednesday, April 21st at the School Board office.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:00 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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WORKSHOP AND REGULAR COUNCIL MEETING

May 17, 1999 6:30 P.M.

Brooksville City Council met in workshop and regular session with Mayor Richard E. Lewis (7:00 p.m.), Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Terry Chapman, Deputy Police Chief; James Daugherty, Deputy Fire Chief; Karen M. Phillips, CMC, Director of Administration (7:00 p.m.); Bill Geiger, Community Development Director (7:00 p.m.); Lee Huffstutler, Director of Finance (7:00 p.m.); Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director (7:00 p.m.); B. Ed Tincher, Public Safety Director (7:00 p.m.); and a representative from the St. Petersburg Times (7:00 p.m.) and Hernando Today (6:47 p.m.).

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

FDOT/S.R. 50/50A CORRIDOR PLAN

Discussion by Council and FDOT staff on frontage road intersection connections.

Director of Public Works Pierce stated that FDOT would make a presentation to Council at the June 7, 1999 meeting. Mr. Pierce referred to sheet S-10, which depicted FDOT proposed cut-ins and intersections, including locations along the proposed frontage road. Mr. Pierce answered questions regarding the intersection out of Horse Lake Road and stated that it would be a full left/right intersection.

Mr. Pierce explained the FDOT proposed intersection at Candlelight Boulevard and added that there is no provision for improving an intersection at Buck Hope Road.

Pierce updated Council regarding the status of the FDOT JPA's at the Hardees Intersection.

City Manager Anderson stated that Industrial Electric has requested that the County abandon the unnamed street right-of-way between Sims and their office. He stated that he would recommend that the County defer any action on consideration of abandoning the right-of-way until the City gets an easement to protect the utility line. He stated, however, that it is also one of the egress points for the frontage road extension. The question is whether the Council wishes to advise the County that they are considering expanding the right-of-way and paving the street.

Council Member Wever questioned the status on the request made at the last two meetings that Lockhart *and the right-of-way between Industrial Electric and Sims Furniture, known as North Street [approved by Council 6/21/99 ___]* be transferred from the County to the City. City Manager Anderson stated that the Community Development Director had spoken to the County Engineering office, but was unsure if a formal letter had been sent. After discussion, the Mayor advised that the County should be requested not to vacate Lockhart Ave. but to turn the right-of-way over to the City to protect the City's water line located in that right-of-way. For clarification, the request would be for both roads.

City Manager Anderson stated that he would check on the status of the request to the County to ensure that it had been done.

The workshop meeting would be continued until the June 21, 1999 Council Meeting.

REGULAR COUNCIL MEETING AGENDA

CONSENT AGENDA

City Council Minutes

Approval of minutes:

April 19, 1999 - Regular Council Meeting

April 21, 1999 - T.W.I.C.E. workshop minutes

Purchase - Backhoe/Loader

Approval to purchase a Caterpillar 416C from Ringhaver Equipment Corporation under State of Florida contract (#760-001-99-1) discount of 48% (\$48,202.96) plus windshield option and prep charges (\$3,085.00); total \$51,287.96 (budgeted in Account #401-021-536-64.01).

Road Grader - Disposal

Approval to trade in (\$5,000) Vehicle #612 (Caterpillar C12 road grader) to Ringhaver Equipment Company on backhoe purchase (net cost of backhoe \$46,287.96)

Contract - CDBG Neighborhood and Commercial Revitalization

Approval of contract with Angie Brewer and Associates for Planning Services and, if grant is approved, for administration services.

Council Member Wever requested that Consent Item #2 be moved to regular agenda.

Motion:

Motion was made by Brayton and seconded by Wever to approve the balance of the May 17, 1999 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "National Safe Boating Week"

Proclaiming May 22 - 28, 1999 as "National Safe Boating Week".

Mayor Lewis read the Proclamation, which was presented to Jean Stolsmark, U.S. States Coast Guard Auxiliary.

PUBLIC HEARING

Ordinance No. 596 - Natural Gas Franchise

Consideration of ten year non-exclusive Tampa Electric/Peoples Gas Franchise (First Reading - 5/3/99 mtg)

City Manager Anderson stated that he is requesting that Second Reading be rescheduled until the June 7, 1999 meeting.

Council Member Wever stated that there are still locations throughout the document which reference "in" the streets rather than "under" the street and he would not support the ordinance until those are changed. Mr. Anderson suggested that he meet with Council Member Wever and go over his concerns. In response to Council Member Wever's question, Anderson stated that a permitting policy should be presented at the next reading.

REGULAR AGENDA

Budget Format - (Fiscal Year 99/00)

Presentation of proposed format modification.

City Manager Anderson stated that the budget format is similar to past ones, but more formal in relation to goals and objectives and how to achieve those. He stated that the structure of some of the operating departments had changed as well.

Council Member Brayton stated that *his research has shown that the consolidation of the Police and Fire Department had only resulted in %5,000 to \$5,500 savings and [approved by Council 6/21/99 ____]* could not see that the consolidation approved in August, 1998, had saved money and he felt that it has, in fact, caused other problems. He voiced his opinion that he is opposed to continuing the consolidation of the Public Safety Department. Council Member Wever *agreed, stating that his research of the budget figures had shown a savings of \$5,300 to \$5,500 and with adding a percentage for fringe benefits, a total savings of approximately \$7,500. [approved by Council 6/21/99 ____]* He expressed his opinion that the City is not big enough to have a Public Safety Director and added that the Charter should be changed to delete it as a listed department. Vice Mayor Staib stated that after speaking to many of her constituents and to personnel in the departments, she also is in favor of returning to a separate police and fire department.

Council Member Johnston stated that if the consolidation had been done properly, it should have resulted in a cost savings.

City Manager Anderson stated that there were vacant positions that were not filled and they had realized approximately \$30,000 in cost savings.

Motion:

Motion was made by Brayton and seconded by Wever that the Public Safety Director structure implemented in August, 1998 be disbanded and the divisions go back to a fire chief and police chief effective immediately. Council Member Brayton stated that the City Manager would now continue the search for a fire chief.

Motion carried 4-1, with Johnston voting in opposition.

Council Member Brayton felt that based on this action, the City Manager may or may not need to bring additional budget or organizational items to Council for approval.

Gail Samples commended the Council for their research and support of returning to a police and fire chief and encouraged the City Manager to seriously consider inside applications from employees.

Motion:

Motion was made by Brayton and seconded by Johnston to approve all other proposed budget format changes in reference to Administration, Parks and Recreation and Public Works. Motion carried 5-0.

Purchase - Backhoe/Loader (MOVED FROM CONSENT AGENDA)

Approval to purchase a Caterpillar 416C from Ringhaven Equipment Corporation under State of Florida contract (#760-001-99-1) discount of 48% (\$48,202.96) plus windshield option and prep charges (\$3,085.00); total \$51,287.96 (budgeted in Account #401-021-536-64.01).

In response to Wever's question, it was confirmed that a back hoe was purchased two years ago for the streets department and this purchase request is for the utility department. Pierce explained the need for the equipment. He stated that the road grader being traded currently belongs to the Street Division. In response to Council Member

Wever's suggestion, City Manager Anderson agreed that the Utilities Division could pay the Streets Division \$5,000 for the trade-in allowance.

Motion:

Motion was made by Wever and seconded by Brayton to approve the purchase and the trade in. Motion carried 5-0.

Downtown Circulation and Parking Study

Presentation of MPO consultant's report on traffic and parking study.

Dennis Dix, County Transportation Coordinator and MPO representative, came forward to present the item. He explained the status of the consultant's study and the process that has been pursued up until this point, especially as it relates to Council direction given at their last presentation to Council in August, 1998.

He stated that their goal will be to achieve a plan with short and long term goals.

Robert Cursey, Dames and Moore, presented a slide show and went through the items in the Council packet including traffic flow and the current level of service in the downtown area. He addressed the problem of truck traffic in the downtown area, which represented a high percentage of traffic flow. Accident data was considered in preparation of the report, as well as the current on-street and off-street parking situation in the downtown area.

Mr. Cursey specifically called attention to the portion of the report dealing with traffic and pedestrian problems and explained several short and long term scenarios proposed. Mr. Cursey stated that one short-term project would be bulb outs, proposed as a traffic calming device solution. He explained the six locations throughout the downtown area for the proposed bulb outs. Mr. Dix interjected that the bulb out proposal has been officially accepted by FDOT.

Mr. Cursey further explained sections of the report dealing with the State Highway improvement projects.

Council Member Brayton stated that he had previously suggested that the property immediately north of City Hall that is currently for sale be used for a driveway to the parking lot for easier access to the public parking.

Council Member Brayton felt that except for the construction of an additional parking lot, Council could agree to Short Term Build Scenario #1 and #2. Council Member Johnston agreed, stating that the Long Term Build Scenario #3 may be looked at during the downtown redevelopment grant so that funding sources could be considered.

In response to Council Member Johnston's question regarding improvements to Mildred Ave., Dix stated that it is included as an intersection improvement but not shown because it is not a downtown improvement.

In discussing Cobb Road, Dix stated that FDOT has indicated that it is so far below state highway standards, they may not consider redesignating it as a U.S. highway.

Community Redevelopment Committee Member, Sherry McIntyre, stated that the ideas presented are wonderful and fit into their plans for downtown redevelopment. She offered their commitment that they would help look for funding sources for some of the long term plans presented.

It was agreed by consensus to move forward with the plan. Dennis Dix stated that an action plan will be compiled.

Downtown Redevelopment Group

Presentation of Downtown Revitalization plan.

Sherry McIntyre thanked all members involved in the committee. She explained that the major difference between the one that they are proposing and the one the City accepted previously is that their plan is a community wide plan.

Council Member Johnston felt that the committee did an excellent job.

Motion:

Motion was made by Johnston and seconded by Staib to accept the report subject to review for compatibility with the CDBG grant. City Clerk Phillips clarified that before adoption, the plan would need to go before the Planning and Zoning Board. Motion carried 5-0.

City Clerk Phillips stated one of the processes for citizen's participation would be the CDBG Citizen's Task Force, which is in need of appointment of two replacement members on the Board.

Motion:

Motion was made by Brayton and seconded by Johnston to terminate membership of Henry Southall and Josephine Roberts and replace the membership with Anna Covell (full time) and Marianne Roth (alternate).

Angie Brewer, Brewer and Associates, stated that the two upcoming meetings of the CDBG Task Force meeting would be June 7th and June 28th.

Surplus Property

Status of negotiation to sell property located on Jefferson Street, across from Tom Varn Park (continued from 2/8/99 meeting)

City Manager Anderson stated that he has been unsuccessful in obtaining a written revision in Mr. Gary Schraut's offer originally proposed in February, 1999. He stated, however, that he would like direction from Council on whether they wish to accept his previous offer or readvertise the property for sale.

Motion:

Motion was made by Brayton and seconded by Staib to sell the property to Schraut for the entire parcel for a net selling price of \$62,500. Motion carried 5-0.

Motion:

Motion was made by Wever and seconded by Brayton to remove the property north of City Hall from the market and remove the For Sale sign. Motion carried 5-0.

City Manager Anderson stated that he had approached the County about paving that as a driving for access to public parking when they were considering the McGee Law Firm for the County Utilities Department. He stated that at that time, the County was not interested in that concept but he would approach them again.

Regarding the proceeds of the sale of the Park surplus property, Council Member Wever stated that he would like to see the proceeds from the sale put into the McKethan Capital Improvement Fund for use in Tom Varn Park. Council Member Brayton stated that he believed that previous discussion was that the money would go back to Parks and Recreation but perhaps not specifically to the McKethan Capital Improvement Fund. Council Member Wever felt that a portion of the money should be used to install steel doors for the Tom Varn Stadium building.

Award of Bid - Fire Truck

Award of bid to Code Red Fire Equipment, Inc., 3D Manufacturing, in the amount of \$230,428.00 (\$250,000 budgeted in account #412-018-539-64.01).

Police Chief Tincher advised that there would be an additional \$20,000 worth of equipment to go on the truck to make it functional and the \$250,000 that is available will still be needed. Mayor Lewis requested that Council be furnished a list of the items needed for outfitting the vehicle.

Motion:

Motion was made by Brayton and seconded by Wever to approve staff's recommendation to purchase the truck from 3D Manufacturing in the amount of \$230,428.

In response to Council Member Wever's question, Chief Tincher advised that the delivery time would be 240 to 270 days.

Discussion ensued regarding financing of the vehicle. City Manager Anderson stated that options could be brought back to Council, however, it was his opinion that they may just use money that has been invested rather than finance the truck and pay someone else interest.

Motion carried 5-0.

Award of Bid - Mowing Services

Award bid for sites 1 - 22, 24, 24B (1-3), miscellaneous areas and bush hog at cemetery to Letourea Landscaping and to Cherry Lawn Maintenance for Sections A-G at cemetery, at unit prices on an if and as needed basis.

Motion:

Motion was made by Johnston and seconded by Staib to approve appropriate segments to Letourneau and to Cherry's Lawn Maintenance as recommended by staff. Motion carried 5-0.

Personnel Policy - light duty assignments

Consideration of non-service connected injuries and medical conditions and requests for light duty assignments.

City Manager Anderson advised that the City does not officially have "light duty" assignments but have in the past attempted to accommodate employees. He stated, however, that he has disapproved some as being inconsistent with the City's personnel policy. He requested Council direction or, alternatively, the issue could be presented to the Personnel Board for review.

Council Member Brayton referenced an ongoing, related grievance which he felt should be finalized before this item is considered.

City Manager Anderson stated that he would bring back the item at a later date for policy determination.

Brooksville Housing Authority - Traffic pattern

Presentation of proposed changes in traffic flow (from 5/3/99 meeting)

Chief of Police Tincher referred to a map depicting the Hillside Estates and Brooksville Housing Authority area and the proposal to block off certain streets.

He also stated that he would suggest that the Housing Authority Board consider adding lighting and fences to their budget as options in an effort to reduce crime.

Motion:

Motion was made by Brayton and seconded by Johnston to approve two road blockages.

Captain Terry Chapman stated that he had been in touch with Florida Power, who have agreed to put up two 250 watt florescent, bullet and shatter proof lights.

Director of Public Works Pierce stated that the estimated cost for blocking the two streets, including signage for the

one way street, would be less than \$750.00.

Mayor Lewis stated that the all agencies that would be affected by the street closures should be notified, including the U.S. Post Office for mail routing, the School Board for bus scheduling and the EMS for emergency services.

City Attorney advised that the City's ordinance on road closure procedures should be followed, which includes advertisement and letters to the affected agencies.

Captain Chapman stated that the Police Department would prepare a letter to be given to management for distribution to all tenants in all three affected units.

Motion carried 5-0.

The Public Hearing for the road closure would be heard at the next Council meeting.

Advisory Board Appointments

Appointment of four positions for four year terms through May 31, 2003. Three members have requested reappointment. Staff has received one application from a Housing Authority resident.

Motion:

Motion was made by Brayton and seconded by Staib to appoint Helen Fleming and Carl Pilcher as full time members and Nathaniel Sims and Sharon White as alternates. Motion carried 5-0.

CITIZEN'S INPUT

Awning Request - 26 E. Liberty Street

Tony Covell requested that Council put his request on the next Council Meeting to consider his proposed canopy or awning construction to his business at 26 E. Liberty Street.

City Manager Anderson stated that Mr. Covell had been advised to wait until after the downtown redevelopment plan had been submitted to see if it addresses improvements which are over City sidewalks, like the one Mr. Covell has proposed. Mr. Anderson thought that Council may give direction to staff at this Council meeting based upon the submitted plan.

The Mayor indicated that it would be placed on the next Council meeting for discussion.

Occupational License Requirement

Anna Covell addressed Council regarding the concern she had over the County and the City both charging occupational licenses to allow them to work in the City, where their office is located, and the County.

City Manager Anderson stated that since the City contracts with the County for that service, it is a determination by the Tax Collector of whether a occupational license is required. He added that they also provide enforcement of same. He stated that he is in the process of transmitting a memo, along with Mrs. Covell's correspondence, to the City Attorney for review.

City Attorney stated that this particular issue has been debated for a number of years but he would review the material and will respond accordingly. Council Member Brayton requested that Council be provided with a copy of that response.

City Manager Anderson stated that it could be scheduled for the next Council agenda, but it is probably not something that Council could take action on.

Mayor Lewis requested that the item be scheduled for the next Council meeting.

Fire Chief Position

Fran Flannery requested clarification on who would now be in charge of the Fire Department. City Manager Anderson stated that he would make appropriate adjustments in staffing and manning the next morning. Ms. Flannery offered her opinion that this may be a good opportunity for upward mobility within the Department.

Fire Lieutenant Tim Mossgrove and Firefighter Mike Dow offered their support of Deputy Fire Chief James Daughtery being appointed as the next Fire Chief.

FireStix Game

Parks and Recreation Director Pugh advised Council on the success of the recent Tampa Bay FireStix game held at Tom Varn Park on May 15, 1999.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

Personnel Policy - Residency Requirements

Clarification to residency requirements in Chapter II, Section 2.01 of Personnel Policy.

Council Member Brayton stated that the Personnel Policy states that Personnel Board members "should" be City residents and he felt that a determination should be made whether to require City residency and have the policy read "shall" instead of "should".

Motion:

Motion was made by Staib and seconded by Wever to change the policy to read "shall" instead of "should". Motion carried 3-2, with Brayton and Johnston voting in opposition.

E.E. WEVER, JR., COUNCIL MEMBER

Bell Avenue Street Restoration Project

Council Member Wever voiced concern on whether the sub-base under the bricks on Bell Ave. would withstand heavy vehicle traffic when it was originally made for horse and buggy and suggested that it should be checked.

CDBG-Engineering Contract

Council Member Wever questioned the status of the CDBG engineering contract for the neighborhood and commercial redevelopment grant. City Manager Anderson stated that it could be executed at any time, but may not be needed until the City finds out if the grant is approved. City Clerk Phillips pointed out that the engineering services would be for the sewer rehab grant as well.

Annexation of enclave properties

Council Member Wever stated that if the County does not reconsider its decision and approve the eight Interlocal Agreements for the enclaves disapproved at the May 11th Commission meeting, he would like research done to consider setting up in a special assessment district, especially for the properties on Darby Lane that do not pay City taxes but still get police protection and will eventually get the road repaved without paying for it. He felt that the City should take a strong stance and consider pulling the utility agreements on the properties to initiate the annexation procedure on each.

Mayor Lewis advised that he has requested that the Interlocal Agreements be placed back on the Commission on May 25th and he would be making a presentation and encouraged Council Members to attend.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:15 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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SPECIAL COUNCIL MEETING

June 2, 1999 3:00 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; City Manager Anderson; City Clerk/Director of Administration Phillips and Acting Chief Daugherty were also present.

The meeting was called to order by Mayor Lewis.

RESOLUTION No. 99-8

Recognition of Firefighter Lieutenant Robert Romine's retirement on June 2, 1999.

Mayor Lewis read Retirement Resolution No. 99-08 in its entirety, which was presented to Lieutenant Romine, along with an appreciation plaque and an inscribed pocket watch.

Motion:

Motion was made by Wever and seconded by Johnston to approve Resolution No. 99-08. Upon roll call, motion carried 4-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Lewis Aye

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 3:10 p.m.

City Clerk

ATTEST:

Mayor

/jjb

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REGULAR COUNCIL MEETING

JUNE 7, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Jennifer J. Battista, Deputy City Clerk; Bill Geiger, Community Development Director (8:30 p.m.); Lee Huffstutler, Director of Finance; William Smith, Utilities Superintendent; David Pugh, Parks and Recreation Director; B. Ed Tincher, Public Safety Director; and a representative from the St. Petersburg Times and Hernando Today.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

May 3, 1999 - Regular Council Meeting

Donto Plaza Plat Extension

Consideration of final plat extension (extension expired 6/1/99) for 90 days until September 1, 1999 (rather than 60 days as requested)

DCA - 2000 Federal Anti-Drug Abuse Act Grant

Approval of allocation for 2000 Federal Anti-Drug Abuse Act Grant Funds and authorization to execute letter of agreement.

Motion:

Motion was made by Wever and seconded by Staib to approve the June 7, 1999 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret Ghiotto Beautification Award

Recognition of improvements to residence located at 825 Continental Dr. owned by Richard and Mariah Frazier.

Mayor Lewis indicated that staff would ensure that the recipients of the award received the certificate and plaque.

PUBLIC HEARING

CDBG Commercial and Neighborhood - Grant Application

a. Adoption of Community Redevelopment Plan

b. Adoption of Revitalization Plan

c. Ordinance No. 590 - Establish Community Redevelopment Trust Fund. (First Reading - 10/19/98)

Community Development Director Geiger stated that this is the first of two public hearings for submittal of CDBG Commercial and Neighborhood revitalization grant applications, which he stated were due June 30, 1999. Mr. Geiger advised that the Planning and Zoning Commission met prior to this meeting to review the community redevelopment plan and found that it is not inconsistent with the City's Comprehensive Plan. He further advised that the CDBG Citizen's Advisory Committee also met prior to the Council meeting to go over the grant application process. Angie Brewer, consultant, stated that the City is eligible to apply for grants up to \$600,000 in the Commercial revitalization, the Neighborhood revitalization or the Housing category. She advised that the applications must be submitted to DCA by June 30th. She went on to state that the public needs to aware that it should provide any input or comment to members of Council, the Citizen's Advisory Task Force, City staff or to herself. Ms. Brewer went on to explain that the purpose of the CDBG grant is to address benefits to low and moderate income persons, to eliminate slum and blight or to address any other compelling community development needs. She stated that the community can prepare and submit multiple applications but at the 2nd and final public hearing, scheduled for June 28th at 6:30 p.m., the City will have to prioritize the applications so that DCA, if it is in a position to fund the grant, will know which is the 1st priority and which may be the 2nd priority.

There was no input from the public.

Council Member Wever advised that the CDBG Citizen's Advisory Task Force will be meeting at 5:30 p.m. on June 28th.

Motion:

Motion was made by Brayton and seconded by Johnston to adopt the Community Downtown Redevelopment Plan. Motion carried 5-0.

Motion:

Motion was made by Brayton and seconded by Johnston to adopt the Revitalization Plan. Motion carried 5-0.

Deputy City Clerk Battista read Ordinance No. 590 by headnote only, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF A COMMUNITY REDEVELOPMENT TRUST FUND; PROVIDING FOR THE DESIGNATION OF THE COMMUNITY REDEVELOPMENT TRUST FUND AS THE RECIPIENT OF FUNDS PURSUANT TO SECTION 163.387, FLORIDA STATUTES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, REPEAL AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

There was no public input on the ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve the Second and Final Reading of Ordinance No. 590. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Ordinance No. 596 - Natural Gas Franchise

Consideration of ten year non-exclusive Tampa Electric/Peoples Gas Franchise (First Reading - 5/3/99)

The Deputy City Clerk read Ordinance No. 596 by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, GRANTING A NONEXCLUSIVE FRANCHISE TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, TO OPERATE AND MAINTAIN NATURAL GAS SERVICE IN THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR THE CITY OF BROOKSVILLE REGULATIONS AND USE OF THE GAS SYSTEM; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND THE MONETARY CONSIDERATION TO BE PAID THEREFORE BY THE COMPANY TO THE CITY AND THE METHOD OF PAYMENT, PROVIDING AN OPTION TO RENEW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Wever called attention to items mentioned in the May 3rd minutes, which he indicated still not been changed in this ordinance.

Motion:

Motion was made by Wever and seconded by Brayton to reject the ordinance as submitted until the approved changes are made.

Council Member Wever stated that he opposed all places which referenced "in the streets" and will not support the ordinance until those changes are made.

In response to Council Member Brayton's question, it was pointed out that the stipulation requiring City approval for gas lines to be located anywhere other than underground was included in Section 11(A).

Council discussed the wording in Section 3(A). Council Member Wever disagreed with the reference to "in the streets". He felt that it would give the applicant the grounds to argue that the City may allow lines above ground in the future, but are not allowing them to do that. It was Council Member Johnston's opinion that that section does not grant any rights to TECO, but reserves rights to the City. Sherry McIntyre interjected that the City should reserve all rights in streets and right-of-ways. It was decided to leave the section as is.

Andrew Williams stated that the City may want to develop a right-of-way utilization manual.

Keith Martin, Peoples Gas, questioned what the next step would be if the motion to reject is approved. Council Member Brayton clarified that the motion was to reject the franchise agreement as submitted.

Leroy Sullivan, Peoples Gas, advised that he is not aware of any circumstance where gas lines would be placed above ground over roadways. Above ground crossings would be separate from this agreement and would require Council approval.

Motion carried 5-0.

Council Member Brayton brought up for discussion his opinion that the gas lines should be required to be of steel material throughout the City, which is the same material that is used in the County. Mr. Martin explained that polyethylene pipe is proposed in the City based upon capacity needs. Council Member Brayton pointed out that the

right-of-way use permit policy which is on the agenda for consideration requires steel pipes for natural gas lines. Mr. Martin stated that from a feasibility standpoint, Peoples Gas could not agree to that stipulation.

In response to Vice Mayor Staib's question, Mr. Martin stated that even if more customer's hook up to natural gas than expected, they will not replace the polyethylene with steel.

Council Member Wever questioned the quality of the PVC pipe as it relates to deterioration, which Mr. Martin indicated that he had not yet seen a deterioration of the polyethylene pipe since it was first used in 1978. Mr. Wever advised that he was aware of a situation where steel gas pipes began leaking after a certain amount of time.

Motion:

Motion was made by Brayton and seconded by Wever to continue the item until the June 21st Council meeting with the appropriate changes being made to the ordinance. Motion carried 5-0.

Closing portion of street - Resolution No. 99-7

Resolution to close portion of Union Street.

Deputy City Clerk Battista read Resolution No. 99-7 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, CLOSING A PORTION OF UNION STREET.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 99-7.

Andy Williams was advised that Union Street will just be barricaded and the right-of-way would not be abandoned or vacated.

Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

REGULAR AGENDA

Right-of-way Use Permits

Consideration of proposed ordinance, rate resolution, and permit procedures.

Director of Public Works Pierce stated that the intent of the ordinance, rate resolution and permit procedures is to ensure that anyone working in the right-of-way has the City's permission, that the applicant has paid the permitting fees and to ensure that existing right-of-way users are not negatively impacted.

Mr. Pierce went over the costs that figured into the permitting fee. He explained the intention to put the total permit fee into an escrow account to be deducted from as work progressed. He further explained the preference of an escrow account rather than using performance bonds or letters of credit. He acknowledged that utilizing an escrow account

will require maintaining an accounting system.

Director of Public Works Pierce described some of the blanket permits and specialty permits referenced in the documents. Mr. Pierce explained that the one year blanket utility maintenance permits are for companies that have existing facilities in the right-of-way. He went over the fees involved in those particular permits.

Mr. Pierce stated that the right-of-way utilization agreement will be used for companies such as TECO, who will be installing gas lines.

Regarding the draft ordinance, Pierce stated that it includes a clause to require that any gas line located within the City right-of-way shall be constructed of steel pipe. Pierce acknowledged that the polyethylene pipe described by TECO will last longer than steel pipe, however, it was his opinion that the polyethylene pipe is hard to locate and not as strong as steel pipe. The Director of Public Works requested Council direction on the material to be required but offered his opinion that he would feel more comfortable requiring steel pipe rather than polyethylene pipe.

Council Member Wever questioned if the City was going to create another position for a resident inspector, to which Mr. Pierce responded that an existing employee will be used in that position. In further response to a question by Council Member Wever, Pierce acknowledged that the language in the definition of "emergency" in the Ordinance should be amended. Director of Public Works stated that "7" calendar days would be inserted in Section VIII(5) of the ordinance. Pierce also stated that although it is the discretion of Council on what to insert in Section VII (3) and (6), he would recommend leaving the number that he has inserted.

It was pointed out that the polyethylene pipes would contain a metal wiring material that would enable it to be located.

Council Member Wever offered his opinion that he could not see restricting the material to steel pipe. He further suggested that in addition to the escrow account, a letter of credit should be considered if the project involves a substantial amount of money.

Council Member Wever expressed concern over the opening of the streets when underground lines are installed. He felt that the permits should require replacement/restoration of the streets from curb to curb and block corner to block corner. The Director of Public Works explained that the normal procedure is that the company will dig a trench down one side of the street and they would be required to overlay that side of the street. If the company digs a trench from side to side, they would be required to patch the street two or three feet further than the trench width. Mr. Pierce stated that although he would like to require the total overlaying of the streets, he felt that it may not be economically feasible to the companies.

Mayor Lewis expressed his opinion that the gas company should not be required to install steel pipe.

Council Member Johnston pointed out that the words "A certified copy" was not needed in Section XIX of the ordinance. He further stated that UAO was defined in the ordinance but not in the agreements. He offered his opinion that because polyethylene pipes last longer, he would agree that steel pipes should not be required.

City Manager Anderson stated that the permits could list "steel" pipes as an option. He requested Council direction on the requirement to repave the roads. Council Member Wever recommended that the Director of Public Works include his recommendation in the documents.

The ordinance, resolution and permitting documents would be amended and presented to Council at the June 21st Council meeting.

Resolution No. 99-6

Resolution amending building and zoning fees.

Deputy City Clerk read Resolution No. 99-6 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE PERMIT, INSPECTION AND ADMINISTRATIVE FEE SCHEDULES PREVIOUSLY ADOPTED BY ORDINANCE NO. 530-C FOR THE BUILDING AND LAND DEVELOPMENT CODE OF THE CITY OF BROOKSVILLE.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 99-06.

Council Member Wever requested that the words which reference the Board of County Commissioners should be deleted or changed to reflect the City of Brooksville. He further called attention to the wording of the last paragraph of the resolution, which Community Development Director Geiger indicated would be amended.

There was no input on this resolution.

Upon roll call, motion carried 5-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Staib Aye

Lewis Aye

Award of Bid - Police Division Fencing

(a) Accept single bid of Hercules Fencing Company in the amount of \$7,300.00, and (b) approve optional upgrade from chain to hydraulic slide gate operator (\$948.38) and vinyl privacy slats for 300 linear feet (\$1089.00) from Marion County bid (base contract used by Hernando County); Total \$9,338.38. (\$12,000.00. budgeted in account #001-013-521-63.04)

Motion:

Motion was made by Staib and seconded by Wever to approve the request.

City Manager Anderson explained that the privacy slats will be installed in-house to save money. Police Chief Tincher explained his request for privacy slats, which would serve to shield training practices and property that has been claimed by the Police Department. Council Member Brayton voiced his opposition to the privacy slats and explained that they must be maintained or they become unsightly after a few years.

It was pointed out that if the privacy slats start looking bad, they can be replaced.

Motion carried 5-0.

Status Report - Transit Development Plan update

Presentation on the history and current status of the public transit service proposal and transit development plan.

Dennis Dix, County Transportation Coordinator and MPO Representative came forward to present the transit development plan. He stated that along with the long range transportation plan, an updated version of the transit development plan is required before applying for state and federal transit matching grants to fund a transportation system. He stated that the new plan must be submitted within eight days. He added, however, that in three months, yet another plan will be updated because new federal regulations will be in affect at that time and that will be the one actually used for implementation.

Mr. Dix explained the plan using an overhead projector and went over some of the changes made since the last time the project was presented. He stated that one reason this system is needed is for the approximately 1/3 of the population who do not have access to a vehicle, especially the older population.

Mr. Dix outlined the proposed route and pointed out some of the pick-up locations and destination points and explained the reasoning behind them based upon their consultant's study. He stated that the system will use small, diesel buses that are especially designed for this function and that they are currently looking at five of them operating in the Spring Hill/Brooksville Area.

Mr. Dix stated that their proposal is that it operates and functions well within the first five years because that is the important start-up and test period.

Mr. Dix stated that the MPO may coordinate with Trans-Hernando to pick people up from their homes and take them to a stop somewhere along the transit route.

Regarding the costs of the project, Mr. Dix explained that the County's approximate cost per year would be \$100,000 with the City's cost being \$25,000 per year. He added, however, that there is good chance that they will get additional grants from FDOT that will lower those costs.

Mr. Dix stated that he hopes to get Council feedback on the proposed routes, as well as the costs involved.

In response to Vice Mayor Staib's question, Mr. Dix stated that if the City did not initially participate in the project, they could at a later date.

Council Member Johnston, Council MPO representative, explained that he requested that the MPO at least conduct a study of whether to include Brooksville if there is a large number of residents that could benefit from this system and, if there is, to bring back the item to Council for consideration. He stated that Council will need to decide if the City is willing to expend the funds to benefit the citizens.

Council Member Brayton questioned why the City is being requested to pay for costs when it is a County transit system and no other area is being asked to pay any costs for the system. Council Member Wever suggested, and Vice Mayor Staib agreed, that the County taxes which City residents pay should be used to help fund the project. Mr. Dix stated that he would relay that concern to the MPO.

Council Member Johnston stated that he did not believe that initially, the MPO was aware of how many participants and how much interest there was from the citizens of Brooksville. He agreed that the County taxes should pay for the project but stated that the rationale behind the requested costs was the need for additional buses to come into Brooksville. Dennis Dix interjected that the start-up costs for purchasing the buses are covered 100% by a grant from FDOT.

The proposed hours of operation were discussed and it was agreed that they would have to be expanded.

Fee Waiver - Animal Control Facility

County requests waiver of City's portion of building and impact fees (\$8,400.70) for structure at Fairgrounds.

Council discussed the request. In response to Council Member Brayton's question, Director of Public Works Pierce explained that the City is hooking up to the City's water system via an adjacent privately owned system, which has been done previously in the area. It was pointed out that the utility hook up fees would not be waived, which Mr. Pierce stated that the animal control facility will generate revenue through its water use.

City Manager Anderson stated that the City and County have discussed the eventual need to run the lines correctly, down Oliver Street and up U.S. 41, which he indicated will be done at a later date.

City Attorney Battista advised that regardless of the entity, impact fees cannot be waived. He went on to explain the

County's process for waiving impact fees, which consists of the County taking general fund revenues equaling the matching amount of impact fees and depositing in the appropriate accounts.

City Manager Anderson stated that he did not have the cost breakdown available at this time.

Motion:

Motion was made by Brayton and seconded by Wever to table the request and direct staff to present more information at the next Council meeting. Motion carried 5-0.

Encroachment Agreement - Request for private improvements on and over City sidewalk

Request by business owner at 26 E. Liberty Street to install awning over sidewalk and consideration of establish use agreement policy.

Bill Geiger, Community Development Director went over some the changes requested by Tony Covell.

Council Member Brayton stated that he would not approve an agreement with Mr. Covell at this meeting without drawings being submitted. City Manager Anderson stated that it is staff's intention that Council approve the base agreement at this time and suggested that staff bring back Mr. Covell's plans and the agreement for approval.

Council Member Johnston pointed out paragraph 1 of the agreement where the words "fixed" have been added. It was decided to put the words "fixed" in for Mr. Covell's agreement but leave as a blank line for the base agreement.

In paragraph 3, it was decided that there be an initial, application processing fee of \$250.00 and a \$25.00 annual fee for both the base and Covell Agreement.

Council discussed the end sentence of paragraph 5 regarding the termination of the agreement. Council Member Johnston felt that there is potential liability to the City if and when the improvement gets removed. He suggested words such as "This paragraph shall survive the termination of this agreement until the structures are removed and restored per paragraph 4. Any liability that arises from the actions of the licensee shall remain the responsibility of the" Council Member Johnston suggested that the City Attorney work on that language.

After discussion, for Covell's agreement, it was decided to change the initial term referenced in paragraph 8 to 10 years with automatic renewal after the first 5 or 7. In that same paragraph, it was decided to leave the termination time sentence in the agreement with the time changed to 180 days rather than 90 days. In the base agreement, blanks would be in those places to be filled in depending on the project or improvement proposed.

Council Member Wever felt that the reference to the termination clause in paragraph 8 should remain in the base agreement. It was agreed that the sentence "This agreement, and the license granted hereby, may be terminated by either Party without cause..." should be changed to ..."with cause...". Council Member Johnston felt that cancellation "with cause" before the initial 10 year term has expired should only be if it is endangering public health or safety. He added that the owner should be given the opportunity to recoup his investment unless it has become a hazard. City Attorney agreed that the words "with cause" may have interpretation problems and provide a legal problem. He felt that the words "public, safety and welfare" may have set standards supported by case law that can be used as support. Council Member Wever requested that the City Attorney work on that language as well.

City Manager Anderson stated that he would bring back a base agreement, along with one modified for Mr. Covell.

Award of Bid - Engineering Services- S.R. 50/50A Corridor Plan

(a) Accept Selection Advisory Committee's recommendation and authorize negotiations, or (b) schedule presentation of proposals for 6/21/99.

Director of Public Works Pierce advised that the City had received four proposals, which were reviewed by staff. He

requested that Council provide direction on whether they would like to select one of the firms at this time or schedule presentations for a subsequent Council meeting.

Motion:

Motion was made by Brayton and seconded by Staib to accept the Selection Advisory committee's recommendation and authorize negotiations.

Council Member Johnston stated that he thought Council had decided previously that staff was not going to rank proposals. Council Member Brayton expressed his opinion that that decision was only for CDBG bid proposals. Council Member Wever stated that he thought it was for all proposals.

Council Member Johnston stated that he has serious concerns with the firms that are ranked number 1 and number 2. He went on to explain that both firms have interest in that area. He stated that the family of one firm has substantial holdings in the area and the other firm has a substantial client in the area for which this road would benefit. He felt that the potential is there for what would appear to be a conflict of interest.

Council Member Wever stated that if he had the proposals from the firms, he might be able to determine if there would be a conflict. Mr. Wever added that if he is responsible for the decision, he does not want someone else doing the ranking and that Council should select and rank the firms.

Council Member Johnston stated that he had no problem with relying on staff's recommendations.

Mr. Chuck Balogh, representing Grace Tabernacle Independent Baptist Church, stated that it is their position that the City should chose a firm outside of the local area due to the interest that the two top leading firms have in the service road.

Motion and second were withdrawn for discussion.

Council discussed whether staff should be ranking proposals or whether they should be reviewed by staff only, with ranking to be done by Council. Council Member Brayton felt that Council should be able to rely on the expertise of its staff. Mayor Lewis agreed, stating the Mr. Pierce should be qualified to rank the firms based upon his engineering background.

Director of Public Works Pierce did not believe there would be a problem if any potential conflict is known by all parties. He also pointed out that according to the ranking forms, there is a point advantage to being a local firm.

Council Member Wever stated that the issue of any possible conflict should have been included in the Request for Proposals. Mr. Pierce stated that he believed it is included by reference to Florida Statutes.

In response to Council Member Brayton's question, City Attorney Battista voiced his opinion that engineers deliver professional engineering services for their client and there probably is no published set of rules saying that they cannot accept a project where a client may impact another client's project.

Council Member Johnston questioned whether the potential conflict is increased if the client is the public, which Council is representing. Director of Public Works Pierce offered his opinion that if they barred all firms that may have a potential conflict, local firms would almost never be used. He felt in such instances, it would be the City's duty to ensure that no one received unfair treatment or any favors.

Motion:

Motion was made by Brayton to accept Selection Advisory Committee's recommendation and authorize negotiations with the top ranked firm for the S.R. 50/50A Corridor Plan. Gavel was passed and second was made by Lewis.

Mayor Lewis voiced his opinion that he does not have a problem with Staff ranking the proposals.

Mr. Balogh again requested that Council consider other firms and felt that the top ranked firms could not be objective due to the interest that they have in that area.

Motion carried 3-2, with Johnston and Staib voting in opposition.

Status Report - WWTP/Interconnect/FDOT Projects

Monthly update.

Director of Public Works Pierce advised that the Cobb Road WWTP construction was progressing well. He further stated that the start date for the S.R. 50/U.S. 41 FDOT work has not been determined.

Regarding the Croom Road percolation pond closure project, Pierce advised that it has been reviewed by DEP, which approved the City to proceed with final grading.

The Wesleyan Village water line extension will begin shortly.

Mr. Pierce advised that a special sanitation route to correct landfill dumping assessment inconsistencies will be considered. He added that several of the customers will be requested to change to dumpsters.

Director of Public Works Pierce stated that at the next Council meeting, he will be proposing an addendum to Civil-Tech's Phase II Interconnect Contract to correct breakage problems to the Darby Lane effluent lines.

Council Member Wever called attention to a letter sent to Civil-Tech from Centerline Construction regarding the Phase II project, which Pierce indicated were relatively minor problems that had been resolved.

CITIZEN'S INPUT

Gas Franchise

Chief Tincher voiced his concerns on what rocks may do to PVC (polyethylene) pipes and felt that the company should install steel pipes throughout the City as they plan to install in the County.

Director of Public Works Pierce stated that he plans to write TECO a letter, encouraging them to use a thicker wall in the polyethylene. He reminded Council that the permitting process includes the requirement that a City inspector will be on site to ensure that the pipes are bedded properly.

ITEMS BY COUNCIL MEMBERS

Pat Brayton, Council Member

Policy - Agenda Item Approval

Consideration of adoption of policy to limit adoption of items to those listed on published agenda.

Council Member Brayton stated that he did not have a problem with Council discussing items, but felt that formal action should not be taken unless it is a published agenda item.

Motion:

Motion was made by Brayton and seconded by Staib to direct staff to bring back a formal policy whereby Council will not adopt any items not on the published agenda unless it is of an emergency or time-sensitive nature. Motion carried 5-0.

E.E. WEVER, JR., COUNCIL MEMBER

50/50A Corridor Plan

Council Member Wever advised that he had a promising meeting with Mr. John Sims, owner of a portion of the property needed for the corridor/frontage road. He stated that Mr. Sims' main concern was the opening of access to the back of their store. Mr. Wever pointed out to Mr. Sims that the Lockhart right-of-way behind the store was already accessible. Council Member Wever indicated that Mr. Sims is to call him if he has any further concerns.

USDA financing

Council Member Wever informed Council that he and the Director of Finance had met with the auditor and reviewed a possible way of adjusting the \$1.5 million dollars and the auditor suggested that the City have a meeting with USDA to see if they would agree to a closing type document to be used showing the spending of the \$1.5 million on FDOT projects. He stated that he has sent a letter to USDA. He added that the City Manager and the Director of Finance are to prepare a sample document to forwarded to Mr. Walden at USDA.

Refunding of existing outstanding water and sewer bonds

Council Member Wever referred to a memo from the City Manager regarding refunding of the City's existing outstanding water and sewer bonds. He felt that the City should approach it as a savings to the City, but that it should be reviewed by USDA since their calculations are based on current bond issues and the debt service required on those. He further recommended that the City's Financial Advisor should be involved in the process, rather than Hough. He indicated that he would contact the Financial Advisor regarding the issue.

City Manager Anderson pointed out that the City can use the Financial Advisor but could also choose to go with another finance company on other projects.

Bid evaluations

Council Member Wever stated that if he is going to be responsible for making the decision, he wants to be involved in the decision making and not rely on the recommendation of a committee. He suggested that this ranking issue be on the next agenda for policy modification. He recommended that the policy reflect the same as is now being done with CDBG projects. All bids and proposals should be reviewed by staff with Council ranking and making the decision of who will be awarded the contracts.

ROBERT B. BATTISTA, CITY ATTORNEY

Interconnect Project - Acquisition of Property

City Attorney Battista advised that he would be presenting a taking resolution at the next Council meeting on a strip of land south of the School Street plant needed for the Interconnect project.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:15 p.m.

Deputy City Clerk

ATTEST:

Mayor

:jjb



WORKSHOP AND REGULAR COUNCIL MEETING

June 21, 1999 6:30 P.M.

Brooksville City Council met in workshop and regular session with Mayor Richard E. Lewis (7:00 p.m.), and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; James Daugherty, Acting Fire Chief; Bill Geiger, Community Development Director; Lee Huffstutler, Director of Finance (7:00 p.m.); Karen M. Phillips, CMC, Director of Administration; Emory Pierce, Director of Public Works; B. Ed Tincher, Public Safety Director; and a representative from the St. Petersburg Times (7:00 p.m.).

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

FDOT/S.R. 50/50A CORRIDOR PLAN

Discussion by Council and FDOT staff on frontage road intersection connections.

Director of Public Works Pierce introduced representatives from FDOT, who he indicated would address Council on the access along the proposed corridor plan and the County/FDOT/Cobb Road exchange, an update on the Mildred Ave. improvements and options to reduce the truck traffic on the one-way pairs. Mr. Pierce advised that the S.R. 50/U.S. 41 project will soon be under construction after a delay over a bid award contesting.

Larry Boone, FDOT Area Maintenance Engineer, addressed Council regarding the corridor plan and stated that the cross overs are set so that they function well with the proposed frontage road. He referred to a drawing which depicted the cross overs and featured the full access median connection at Candlelight and the Sheriff's Department. The Donto Way connection would be a right turn only. He pointed out the cross overs depicted on Jefferson Street as well.

Regarding the number of accidents happening on Liberty Street and S.R. 50A and also at West Fort Dade and U.S. 98, Mr. Boone stated that FDOT could, for a minimum cost, temporarily block the intersections off where they could only function as right-in, right-out intersections. If that is something Council wishes to pursue, FDOT would request something in writing from the Department of Public Works that it has the support of the City and the County. Mr. Pierce advised that he is in the process of getting a letter to that effect from the County, which Council Member Johnston may be able to assist with as the City's MPO representative.

Robert Clifford, District Planning Manager, addressed Council regarding the request that Cobb Road be transferred to a state road, which would trigger other transfers along with that including Ponce de Leon Blvd to the County. He stated that FDOT has considered the condition of Cobb Road, and what would be required to upgrade the road to state facility standards. Mr. Clifford stated that FDOT has been in discussions with the County relative to design issues and is currently surveying the roadway. He stated that the transfer is a lengthy process but is being pursued and would be an option to be used as a designated truck route to get trucks out of the downtown area.

Regarding the Mildred Ave. interchange, Mr. Clifford advised that the design improvement project would require the need for County right-of-way.

Michael Flick, Traffic Operations, stated that the intersections of Fort Dade at Ponce de Leon and Jefferson Street at Ponce de Leon are currently being studied. He stated that both intersections are presently not up to standards for truck movements. He informed Council that there is currently an ongoing design project for widening the southwest quadrant

of Mildred and Jefferson Street with construction set for 2001/2002.

Mr. Boone stated that although the speed limits may not be lowered on the one-way pairs at this point, once construction is completed, another study could be done to see if a reduction is warranted based upon the usage and speeds being traveled.

The time frame on the Cobb Road transfer to the state highway system will depend on FDOT's response from the County and what improvements are needed on both Ponce de Leon and Cobb Road.

The workshop meeting ended at 6:50 p.m.

The regular Council meeting was called back to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

May 17, 1999 - Workshop and Regular Council Meeting

Agreement - Permit procedure to work under railroad crossings

Consideration of agreement with CSX to allow City to work under railroad right-of-way.

FDEP - Reduction in Permitting Fees

Authorization to request reduction for Jasmine Drive Waterline Relocation project to maximum of \$100 in permit processing fees pursuant to Florida Statutes, Section 218.075(1), per capital taxable value is less than, and pursuant to Florida Statutes Section 218.075(2), the percentage of exempt property is higher than, the state wide averages.

Council Member Wever called attention to the May 17, 1999 minutes and requested that reference to transferring the right-of-way known as North Street be added to the bottom paragraph of page one. He further requested that his and Council Member Brayton's estimated cost savings be included in the budget format agenda item on page three.

Motion:

Motion was made by Wever and seconded by Brayton to approve the June 21st Consent Agenda with the changes as noted on the May 17, 1999 minutes. Motion carried 4-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - Relay for Life

Proclaiming June 25 and 26 as American Cancer Society Hernando Unity Relay for Life Days.

Lorri Hudson, American Cancer Society representative, accepted the proclamation presented by the Mayor and encouraged all to attend the June 25th and 26th Relay For Life Event to be held at Tom Varn Park.

Proclamation - Dixie Softball State Tournament

Proclamation welcoming participants of the State Tournament to Tom Varn Park July 8 - 14, 1999.

Council Member Wever presented the proclamation to Pam Gant, Hernando Youth League representative

PUBLIC HEARING

Ordinance No. 596 - Natural Gas Franchise

Consideration of ten year non-exclusive Tampa Electric/Peoples Gas Franchise (First Reading - 5/3/99)

City Manager Anderson advised that several of the utility companies have met with the City to review the permitting procedure policy and have scheduled a second meeting within the next few days.

Mr. Anderson advised that Council could approve the Second and Final Reading of the Ordinance or table the Ordinance until the next Council Meeting.

Motion:

Motion was made by Brayton and seconded by Johnston to table Second and Final Reading of Ordinance No. 596 until the July 12th meeting.

Leroy Sullivan, Peoples Gas, requested that Council finalize the Second and Final Reading at this meeting. He felt that the Franchise agreement is separate from the permitting ordinance

In response to Council Member Brayton's question, Director of Public Works Pierce stated that he has removed the requirement of steel pipes from the permitting policy and has been assured that the PVC pipe to be used is very heavy duty.

Motion carried 3-1, with Wever voting in opposition.

REGULAR AGENDA

Resolution No. 99-8 - Acquisition of Property

Consideration of resolution to acquire property needed for Interconnect Project.

City Clerk Phillips read Resolution No. 99-8 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING ACQUISITION OF REAL PROPERTY NECESSARY FOR THE FINAL CONSTRUCTION, OPERATION AND MAINTENANCE OF THE WASTEWATER TRANSMISSION/INTERCONNECTION PROJECT.

City Attorney Battista referred to a map depicting the needed property and advised that the property is necessary for the interconnect project. He added that the City may, in fact, be required to acquire the property through eminent domain since the property, owned by a corporation, which has since dissolved and property was never transferred through probate or any other means.

Motion:

Motion was made by Brayton and seconded by Wever to approve Resolution No. 99-8. Upon roll call, motion carried 4-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Lewis Aye

Fee Waiver - Animal Control Facility

County requests waiver of City's portion of building fees (\$1,035.62) for structure at Fairgrounds.

Council Member Brayton voiced his opposition and pointed out that the City is not collecting revenue for fire and police service to the area.

Motion:

Motion was made by Wever and seconded by Johnston to approve the fee waiver. Motion carried 3-1, with Brayton voting in opposition.

Policy No. 1-99 - Agenda Item Consideration

Approval of proposed policy to limit adoption of items to those listed on published agenda. (From 6/7/99 mtg)

Motion:

Motion was made by Brayton and seconded by Johnston to approve Policy No. 1-99. Motion carried 4-0.

Brick Street Restoration

Determination if brick streets are to be restored, and if appropriate, identification of streets to be included and priority scheduling.

Director of Public Works requested Council direction on which streets to restore, if any.

Council Member Johnston pointed out that Highland past Zoller towards Stafford would not be brick, but asphalt. He added that Florida Ave. from Howell to Lemon and Zoller north of Highland would not be brick. Council Member Johnston also stated that he did not believe Moline Street would be brick.

Council Member Johnston felt that the brick streets located in the downtown redevelopment area or in the historic districts should be a priority before the other streets are done.

Council Member Wever recommended that those streets that are currently brick should be repaired and smoothed before any brick restoration process is undertaken. He further recommended stopping at this point the streets where asphalt is being removed to uncover the brick, such as Bell Ave.

It was the consensus of Council to work on the streets that are currently brick to make them into a usable state before new restoration projects are started.

Pierce stated that he will bring back a list of currently exposed brick streets at the next meeting for Council to approve a priority listing.

Phase II - Waste Water Interconnection Project - Addendum No. 3 - Darby Lane Line Replacement

Authorize (A) additional inspection services (\$3974.27) related to Change Order #2, and (B) additional engineering work (estimated \$13,000.00) for engineering services to Civil Tech Engineering, and (C) line replacement project (estimated cost \$60,000.00). Funds from project contingencies.

Director of Public Works Pierce advised that this request is for replacement of a bad section of the effluent line along Darby Lane that will shortly be converted to carry raw sewage. He added that it includes a small amount for changes to the DEP/School Street permit for the cost of \$675.00. This contract has been negotiated with Civil-Tech and he felt that the fees are reasonable.

Mr. Pierce advised that if the City does not receive a fair price estimate for the construction, Staff could rent the needed equipment and do the project in-house and USDA will reimburse the City for rented equipment.

Council Member Wever questioned the 16 additional days requested to install the PVC pipe and the resulting \$248.00 per day for the resident inspector. Director of Public Works Pierce confirmed the amount and stated that other engineering firms charge double that fee.

City Attorney Battista addressed Council Member Brayton's concern regarding the existing contract with Civil-Tech, stating that increasing the engineering services is permissible under the current contract and it will not be necessary to re-bid due to the additional work.

Mayor Lewis questioned the original reason for the valves that are listed as a \$46,000 deduction that now will not be installed as they are not necessary. Mr. Pierce explained that they were check valves to prevent backflow and were originally included before the final costs were given for the FDOT project as a possible way to eliminate some of the FDOT work. He stated that at this time, the preferred option would be to leave the work in the FDOT contract and eliminate some of the check valves.

Mayor Lewis stated that since there will be a resident inspector on the project, there should be no question whether the lines are bedded properly. He felt that should it be determined later that they were not bedded properly, the City should be able to pursue the matter legally. Mr. Pierce advised that if Civil-Tech's inspector is sick or needed on another section of the project, the City will have an employee on hand to inspect in those instances. He added, however, that he did not believe the City would ever enter a lawsuit on this issue unless there was something wrong in the manufacturing of the pipes. Mayor Lewis questioned if there was a cost deduction when the City uses their employee for inspections, which Pierce indicated that there would not be as the contractor's resident inspector is usually just called to another portion of the project.

Motion:

Motion was made by Brayton and seconded by Wever to proceed subject to USDA approval. Motion carried 4-0.

Appointment of Board Members

Appointment of two positions on Personnel Board caused by vacancies for three year terms expiring January 31, 2000. Staff has received four applications.

Motion:

Motion was made by Brayton and seconded by Johnston to appoint Lori Allen and Love Harden to fill the unexpired three year terms through January 31, 2000. Motion carried 4-0.

Amendment to Policy No. 2-88 - Evaluation of Professional Services

Clarification of evaluation and selection procedures.

City Manager Anderson stated that he has incorporated changes suggested at previous meetings by Council Members and also changes made during the review process of the recent CDBG bid award.

Council Member Wever offered his changes on page two of the current policy, along with changes to the rating guide. He stated that he does not agree with the Committee ranking proposals if Council is charged with making the decision.

Council Member Brayton voiced his support of the proposed amendments. He went on to state that it is his opinion that it should be staff's responsibility to rank proposals, drawing upon their expertise, and present them to Council to accept or schedule presentations. He added that he would not support the requirement that Council rank all proposals. Council Member Johnston agreed, pointing out that Council would have the final decision.

Motion:

Motion was made by Brayton and seconded by Johnston to accept the City Manager's recommendations for policy revisions, which includes amendments to Part 1, Section 1(B) and amend Part I, Section 3 and 7 and Part II, Section 8.

Motion and second were amended to bring back clean copy to ensure it meets statutory requirements.

Motion carried 3-1, with Wever voting in opposition.

Encroachment Agreements

a. Consideration of proposed agreement form

City Manager Anderson stated that the form addresses concerns previously expressed by Council. City Attorney Battista stated that he would recommend a change to the last sentence of Section 5 that the 2 years be changed to 4 years to conform to Statute of Limitations time lines.

Motion:

Motion was made by Johnston and seconded by Brayton to approve the agreement form with changes recommended by the City Attorney. Motion carried 4-0.

b. Request for private improvements on and over City sidewalk

Request by business owner at 26 and 30 E. Liberty Street to install awning over sidewalk.

Mr. Covell passed around drawings of his proposal to Council for review.

Tony Covell requested and received clarification to "wear and tear" sections of the agreement. It was agreed by consensus to change the word "excepted" to "accepted" in two locations.

Motion:

Motion was made by Brayton and seconded by Johnston to authorize execution of agreement subject to staff approval of drawings. Motion carried 4-0.

City Manager Anderson stated that if there are problems with approval of the drawings, he would bring the agreement back to Council.

CITIZEN'S INPUT

Gateway Project - I-75/S.R. 50 Intersection

Status report on beautification project by Gateway Project Committee.

Ms. Janey Baldwin updated Council on the project since it was last presented to Council in 1996. She touched on some of the FDOT and other grants that they have already received or will subsequently apply for and commented on the ongoing fundraising projects being pursued for the project.

Griffin Prairie Property

Mary Evelyn Reid brought up for discussion the fact that Mr. Griffin had given the City 60 acres along Emerson Road as a part of a lawsuit settlement. She stated that years later, Mr. Griffin wanted 20 of those acres, which she believed the City deeded to him in exchange for him deeding the City 20 acres. She felt that that 20 acres may be a part of what is needed for the Interconnect project. She stated that although she has searched for that deed in the past without success, the City may want to research whether the deed for the 60 acres along Emerson contains that 20 acres from

Mr. Griffin. Council Member Brayton stated that that 20 acres would not be in the right location to be used for the interconnect project.

Ms. Reid agreed to provide the City with the information she had. City Manager Anderson stated that staff would do some additional research and present findings, if any, back to Council.

Budget Presentation

Director of Finance Huffstutler advised that he should be presenting a preliminary draft budget on or before the next Council meeting on July 12th.

ITEMS BY COUNCIL MEMBERS

E.E. WEVER, JR., COUNCIL MEMBER

Heart of Florida Meeting

Council Member Wever advised that at the last Heart of Florida Meeting, it was suggested that whenever a Council representative is attending an outside agency meeting, those agendas or notices should be posted so that those meetings are accessible to the public. He further advised that at the Heart of Florida meeting it was brought up when they can not have associate memberships if they are profit organizations. Further research will be done on that matter and he will report it accordingly.

Suncoast League of Municipalities

The Suncoast League of Municipalities have increased their dues to \$150.00. Council Member Wever also informed Council that the fee for the mini-conference will be increased from \$40.00 to \$50.00, which may be reduced after a cost analysis.

Florida League of Cities - 2nd Vice President

Council Member Wever stated that he had received the resolution supporting Scott Black, Dade City Pro-Tem, as Florida League of Cities 2nd Vice President. He asked that the resolution be on the July 12th agenda.

Congregate Living Facilities

Council Member Wever stated that he had been informed at the Suncoast League of Municipalities meeting that legislation passed which made congregate living facilities exempt from ad valorem taxes. He felt that the City Attorney should research the matter further and determine whether the City had any properties that qualified.

CDBG Funding

Council Member Wever stated that he had been advised by the Mayor of Seminole that at the National Mayor's conference, it was discussed that CDBG funding may be a thing of the past from a federal standpoint.

Another item discussed at that conference was that police employees may be entitled to purchase houses which have gone through U.S. Government foreclosure proceedings, for half the value regardless of qualifications. He felt that the Police Chief may not be aware of that program.

Withlacoochee Regional Water Supply Authority

Council Member Wever stated that he would ensure that the Department of Public Works begin receiving notices of the Technical Advisory Committee meetings. Director of Public Works Pierce advised that once they receive notices, he would be sure someone would attend those meetings.

Council Member Wever advised that the Committee recommended and the WRWSA approved a plan for the board to sponsor and pay two thirds of the costs of the compliance plan update on water for counties and cities. Mr. Wever stated that the counties would be paying one-third of the costs and at this time, the cities would not be charged with any costs.

Utility notice posts on Darby Lane

Council Member Wever advised that some of the posts on Darby Lane and Candlelight had been replaced with posts that are just as bad as the previous ones. He suggested that a letter should be sent telling them to take them down and either do without posts or put up some that are much smaller. He expressed concern that if all utility companies, and perhaps the City's utility department, put up posts, it could look very unsightly.

Bond Resolution

Mr. Wever advised that he sent a letter to USDA requesting their requirements to release the City's commitment to spend \$1,500,000 in cash on Phase I with a commitment to use it on Phase III. He stated that based on the auditor's recommendation, the City Manager and the Director of Finance will be preparing draft closing documents to be sent to USDA for consideration.

Bond Refinancing

Council Member Wever stated that Hough & Co.'s proposal for the 1988A and 1992 bond refunding proposals should be seriously considered. He stated that he sent the material to the City's Financial Advisor, who advised that if any action is to be taken, it should be done now because rates may increase in the not too distant future. Mr. Wever stated that this suggested refunding through Hough may save the City \$1,000,000 in interest expenses. Subtracting the expenses involved in the refunding, it should save the City \$600,000. He added that the refunding would have to be done with the approval of USDA.

Budget - City newsletter

Council Member Wever asked that Council think about budgeting money for a newsletter to be put out to the citizens to disburse information and facts to the residents.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Metropolitan Planning Organization

Council Member Johnston stated that the most recent MPO priority lists have three or four City projects listed in the top 10.

Telecommunication Towers

Council Member Johnston stated that he had given staff an article to distribute regarding antenna towers and that Cities do have the right to regulate them under certain circumstances.

KAREN M. PHILLIPS, CMC, CITY CLERK

Neighborhood and Commercial Revitalization

City Clerk Phillips advised that the 2nd Public Hearing for the Neighborhood and Commercial Revitalization grant application process will be held June 28th at 6:30 p.m., with the CDBG Task Force meeting before that at 5:30 p.m.

Art and Poetry Gallery Reception

City Clerk Phillips informed Council that the next art and poetry reception would be tentatively held July 15, 1999

from 5:00 p.m. to 7:00 p.m.

Fibre Optics - City Hall

The City Clerk advised that the fibre optic hook ups have been finished and City Hall will soon be able to communicate with DPW. The Police Department will be hooked up shortly thereafter.

RICHARD E. LEWIS, MAYOR

Relay For Life

Mayor Lewis reminded everyone to attend the Relay for Life to be held June 25th and 26th in Tom Varn Park. He wanted to make sure Council was aware that BERT I has been requested to be located at the event to serve as an emergency unit.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:36 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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SPECIAL COUNCIL MEETING

June 28, 1999 6:30 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr. present. Robert B. Battista, City Attorney; Pat Jobe, Acting Deputy Clerk; B.J. Coryer, Accountant; Emory Pierce, Director of Public Works were also present.

The meeting was called to order by Mayor Lewis followed by the pledge of allegiance.

PUBLIC HEARING - CDBG COMMERCIAL AND NEIGHBORHOOD REVITALIZATION GRANT APPLICATION

Commercial:

Underground Utilities, Street Improvements and street scraping

The general location of the activities to be completed are Main Street along three blocks between Liberty Street and Fort Dade Avenue.

Neighborhood:

Public Facilities - rehabilitation

The general locations of the activities to be completed are North of Summit Road to Cook Ave. and between Hale Ave. and Stubb Street.

Set priority of category projects.

City Manager Anderson informed Council that there had been some minor updates which have been included in the final application. He also noted that just prior to this meeting the City's CDBG Citizen's Task Force Advisory Board met and recommended that Council adopt the two applications as presented and that the priority be given to the Commercial Revitalization application.

Motion:

Motion was made by Brayton and seconded by Johnston to adopt the two applications as presented and set the Commercial Revitalization application as the primary application. Motion carried 4-0.

Council Member Wever stated that on page 26 of the Commercial application, the address should be corrected to read 201 Howell Avenue and not 26 S. Brooksville Avenue. Continuing, Council Member Wever called attention to page 28 regarding the re-paving of the streets, which he felt should be referenced. Mark Brewer, Angie Brewer and Associates, responded that the second sentence of the project description addresses sidewalk and pavement issues, which would include the re-paving of the streets.

Council Member Wever indicated that item # 2 on same page is confusing with the "X" by the "No". Mr. Brewer

indicated that the "X" should have been "Yes" and that it would be corrected.

In response to Council Member Wever's question, discussion ensued regarding whether there had been any consideration on how to allocate the \$150,000.00 in matching funds and how much out of that would be from the General Fund and how much from Utilities. City Manager Anderson advised that staff has had preliminary discussion on that distribution but would bring that back to Council for consideration. It was pointed out that any funding assistance from the community would have to be included in that consideration.

Discussion ensued regarding Council Member Brayton's question of when the matching funds would be required to be funded by the City and whether the funds could be divided between two budget years for \$75,000 each year.

Angie Brewer explained the application submittal process and stated that hopefully they would have a contract within 90 to 180 days of submitting the application. She stated that DCA may offer the grant, which the City will be required to accept and sign a grant agreement. She explained that by signing the grant agreement, the City is stipulating that the required matching funds are available

Council Member Brayton stated that the City would then make a budget amendment if so necessary.

Council Member Wever called attention to page 33 and felt that the blank line on item 9 regarding who pays for the grant applications should be filled in. It was recommended by Mr. Brewer that the City not fill in an amount. The City Manager suggested that something be put in this blank, even if it is the word "none".

Council Member Wever questioned if something needed to be put in item 1D on Page 41, which was noted on the new revised draft copy with an "X" on the 60 point score.

On Page 3 of the Neighborhood application, it was pointed out that the address needs to be changed to 201 Howell Avenue.

Council discussed the matching grant requirement, to which Mr. Brewer explained the overall project would cost \$750,000.00, including all engineering, administrative and construction costs. He stated that the construction cost of \$632,000.00 is an estimate and the bids may come in lower than that, which would allow for inclusion of additional activities.

There was no public input.

RESOLUTION NO. 99-09

Consideration of authorizing Mayor to execute grant application in the Neighborhood Revitalization category.

Acting Deputy City Clerk Jobe read Resolution No. 99-9 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, RELATING TO THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; MAKING FINDINGS; AUTHORIZING SUBMISSION OF THE GRANT APPLICATION; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Motion:

Motion was made by Brayton and seconded by Johnston to approve Resolution No. 99-9.

Upon roll call, motion carried 4-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Lewis Aye

RESOLUTION NO. 99-10

Consideration of authorizing Mayor to execute grant application in the Commercial Revitalization category.

Acting Deputy City Clerk Jobe read Resolution No. 99-10 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, RELATING TO THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; MAKING FINDINGS; AUTHORIZING SUBMISSION OF THE GRANT APPLICATION; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Motion:

Motion was made by Brayton and seconded by Johnston to approve Resolution No. 99-10.

Upon roll call, motion carried 4-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Lewis Aye

E.E. WEVER, JR., COUNCIL MEMBER

Informing Legislature of applications

Council Member Wever requested that a letter be sent to Senator Ginny Brown Waite informing her that the City had filed applications for the CDBG grant.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 6:43 p.m.

Acting Deputy City Clerk

ATTEST:

Mayor

/pjj

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REGULAR COUNCIL MEETING

JULY 12, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Deputy Fire Chief; Lee Huffstutler, Director of Finance; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; Ron woods, Police Division; and a representative from the St. Petersburg Times.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

June 2, 1999 - Special Council Meeting

June 7, 1999 - Workshop and Regular Council Meeting

June 21, 1999 - Workshop and Regular Council Meeting

June 28, 1999 - Special Council Meeting

Award of bid - Meter Readers (Interrogators)

Consideration to award bid to Schlumberger Resource Management in the amount of \$18,759.00.(Council Reserves Account #001-009-584-99-02)

Council Member Wever called attention to the account number reference, which Director of Finance Huffstutler confirmed is a Council Reserves account number. Mr. Wever felt that if the equipment will be used in utilities, it should be budgeted in utilities. He stated that he did not believe in the general fund paying for equipment for the enterprise fund. City Manager Anderson stated that if it is Council's direction, once the market value is determined, staff can make the transfer.

Motion:

Motion was made by Brayton and seconded by Staib to approve the July 12, 1999 Consent Agenda with the understanding that reimbursement to the general fund for the purchase of the meter readers will be analyzed. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret Ghiotto Beautification Award

Recognition of improvements to The Healing Temple church located at 301 E. Summit Road.

Mayor Lewis and Beautification Board Chairman Taylor presented the Certificate of Recognition and plaque to Rev. Freddy Hudson.

Proclamation - Dixie Youth Baseball State Tournament

Proclamation welcoming participants of the State Tournament to be held July 30 - August 6, 1999.

Mayor Lewis read the proclamation and presented it to David Donato. Mr. Donato thanked the City for their support and expressed appreciation to the Parks and Recreation Director and his staff for the work they did on the girls' softball tournament held the previous weekend.

PUBLIC HEARING

Ordinance No. 596 - Natural Gas Franchise

Consideration of ten year non-exclusive Tampa Electric/Peoples Gas Franchise (First Reading - 5/3/99)

City Manager Anderson stated that Vice Mayor Staib requested that the wire in the plastic pipes as discussed at the last Council meeting be included into the Franchise Agreement. Peter McFarland, Operations Manager, stated that the wire in the pipe is required by law, but it could be included in the agreement. Leroy Sullivan pointed out that the franchise agreement contains a stipulation that states that all requirements by law will be included into the agreement.

Mr. Anderson called attention to a change he recommends to the definition of "franchise revenue" to add and strike out the following words: exclusive of any "tax imposed by and collected for a ~~State or Federal tax~~ governmental unit,".

Mr. Anderson stated that TECO has submitted a letter raising concerns regarding the permit procedures scheduled for consideration later on the agenda. He further stated that it would be his recommendation that action on that item be deferred. He added, however, that Council could consider the franchise itself, which includes a thirty day period for TECO to accept the franchise.

Motion:

Motion was made by Wever and seconded by Johnston to approve Second and Final reading of Ordinance No. 596 with the correction to the definition of "franchise revenue".

In response to Council Member Brayton's question, City Manager stated that no one is exempted from franchise taxes unless exempted by the City Council by resolution.

City Clerk Phillips read Ordinance No. 596 by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, GRANTING A NONEXCLUSIVE FRANCHISE TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, TO OPERATE AND MAINTAIN NATURAL GAS SERVICE IN THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR THE CITY OF BROOKSVILLE REGULATIONS AND USE OF THE GAS SYSTEM; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND THE MONETARY CONSIDERATION TO BE PAID THEREFORE BY THE COMPANY TO THE CITY AND THE METHOD OF PAYMENT, PROVIDING AN OPTION TO RENEW; AND PROVIDING AN EFFECTIVE DATE.

Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Council Member Wever questioned if sales tax is applicable to the franchise fee amount. City Attorney Battista responded that it is a pass through directly to the customer and not part of the revenues generated from the sale of gas. Council Member Wever expressed his opinion that someone should research that issue on Time Warner bills, which appears to be charging sales tax on the franchise amount and also charging franchise amount on the sales tax. City Manager Anderson indicated that he would check into that and also on other franchise agreements.

REGULAR AGENDA

Right-of-way Use Permits

Ordinance No. 597

Consideration of proposed ordinance authorizing utilization of right-of-way permit procedures [From 6/7/99 mtg]

City Clerk Phillips read ordinance 597 by headnote only, as follows:

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, SETTING THE PURPOSE AND AUTHORITY FOR ESTABLISHMENT OF RIGHT-OF-WAY UTILIZATION REGULATIONS; PROVIDING FOR DEFINITION OF TERMS; REFERENCING RELATED OFFICIAL CITY POLICIES; PROVIDING AUTHORITY TO ESTABLISH POLICY, AGREEMENTS AND RELATED RIGHT-OF-WAY UTILIZATION FORMS; PROVIDING AUTHORITY TO ESTABLISH FEES BY RESOLUTION; SETTING UP PROVISIONS FOR ESCROW ACCOUNT; REFERENCING EXISTING FACILITIES; IDENTIFYING SUPPORTING REGULATIONS; SETTING PENALTIES; PROVIDING FOR CONFLICT, SEVERABILITY, VENUE AND CODIFICATION; AND SETTING AN EFFECTIVE DATE

Council Member Wever called to Section 2, paragraph 2, of the Ordinance and recommended that the second line should contain the word "State" before "Public Service Commission".

Mr. Wever questioned the definition of the term mark and whether regulations could set a height requirement of perhaps two feet for above ground markers. Director of Public Works Pierce advised that the City must approve above ground markers, and that a booklet of City standard regulations, which staff is compiling, would contain the requirements of an acceptable marker.

On page 6, Section VIII, paragraph G of the ordinance, Council Member Wever suggested that the last line be modified to read "...and shall give the City at least forty eight..."

Council Member Wever recommended that page 7, F(10) should be clarified to reflect "or natural ground".

On Page 5 of the draft document, Council Member Wever offered his opinion that the definition of the word "mark" should include a 24" limit, unless covered in a separate document.

Council Member Wever called attention to the first page of the right-of-way utilization permit and stated that a vertical divider line should be between the applicant and the contractor.

Page 4 of the next document contained the word marker, which again Council Member Wever felt should reference a height limit unless included in a separate document.

It was pointed out that a few pages were inadvertently excluded from the Council packets, which City Clerk Phillips

indicated would be distributed to Council.

Motion:

Motion was made by Brayton and seconded by Staib to table the item until all the pertinent information is available. Motion carried 5-0.

Resolution No. 99-11 - Support of candidacy for 2nd Vice President of FLC

Consideration of resolution in support of Dade City's Mayor Pro Tem, Scott Black, for 2nd Vice President of the FLC.

City Clerk Phillips read Resolution No. 99-11 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, SUPPORTING THE CANDIDACY OF MAYOR PRO-TEM SCOTT BLACK OF THE CITY OF DADE CITY FOR THE OFFICE OF SECOND VICE PRESIDENT OF THE FLORIDA LEAGUE OF CITIES.

Motion:

Motion by Wever and seconded by Staib to approved Resolution No. 99-11. Upon roll call motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

Certificate of Taxable Value

Presentation of Taxable Value and determination of maximum 1999-2000 millage rate for Certification to County Tax Appraiser.

Director of Finance Huffstutler advised that typically, the millage rate is tentatively adopted at 10.000 mils, which cannot be raised after adoption.

Motion:

Motion was made by Brayton and seconded by Staib to tentatively approve the millage rate of 10.000 mils for the 1999-2000 year. Motion carried 5-0.

Refinancing of current bonds

Consideration of authorizing staff to proceed with refinancing options for existing outstanding water and sewer bonds.

Director of Finance Huffstutler advised that the City's Financial Advisor does not feel that this should be pursued at this time due to the USDA involvement. Council Member Wever concurred, adding that he would also not recommend that the City negotiate with one company, but would recommend that when the City does pursue it, several companies should be considered.

Council Member Wever expressed his opinion that the item should be tabled until possibly after the first of the year and that Council allow himself, the Director of Finance and the Financial Advisor to follow the rates and present it at a

later date, which would be after the USDA closing.

Motion:

Motion was made by Wever and seconded by Staib to defer action until a later date. Motion carried 5-0.

Council Member Brayton questioned if Public Financial Management, the City's Financial Advisor, charges an hourly rate for each question asked, which Anderson confirmed. Council Member Brayton stated that he did not recall Council authorizing an individual Council Member to arbitrarily go out and spend money and felt that it should be clarified. Council Member Johnston agreed, but felt that Mr. Wever is doing it in conjunction with staff, who does have the authority to contact the Financial Advisor.

Amendment to Policy No. 2-88 - Evaluation of Professional Services

Approval of revised evaluation and selection policy [as further revised on 6/21/99].

City Manager Anderson stated that this policy consolidates the various changes discussed by Council, with one additional change as a result of a Florida Statute requirement.

Vice Mayor Staib question the rating points as they relate to local firms, to which City Manager Anderson explained the rating forms used internally gives preference to firms located in the City. Vice Mayor Staib felt that may limit the City in situations when a firm with more expertise may be located just outside the City.

City Manager Anderson suggested that Council approve the concept and the rating forms could be brought back for revision.

Council Member Wever questioned page 1(B) and felt that it indicates that whenever a Request for Proposals is put out, Council would have to designate whether the Council or a staff committee would rank the applicants. City Manager Anderson stated that section is referring to any proposals that have specific requirements, such as the recent CDBG selection process, and that those specific requirements would be included in the Request for Qualifications.

Motion:

Motion was made by Johnston and seconded by Brayton to approve revised Policy No. 2-88. Motion carried 5-0.

Commercial Redevelopment Grant

Reaffirm adoption of Community Redevelopment Plan and Ordinance No. 590 (establishing Community Redevelopment Trust Fund).

Director of Administration Phillips explained that the taxing authorities have been provided a copy of the redevelopment plan and were asked to present any concerns that they may have at this meeting.

There was no one present to speak on this item.

Motion:

Motion was made by Brayton and seconded by Wever to reaffirm previous action. Motion carried 5-0.

Brick Street Restoration

Prioritization of brick streets to be repaired [continued from 6/21/99 mtg].

Director of Public Works Pierce explained the material provided to Council and requested Council prioritization of the brick streets.

Director of Public Works advised that shortly, the state prison which provides the City's prison crews, will switch to female inmates and there will be a six to eight week period during the switchover where the City will have no inmate labor. In response to Council Member Wever's question, Pierce responded that he will research the option of getting crews out of the Sumter Federal Correctional Institute.

Motion:

Motion was made by Brayton and seconded by Staib to approve the priority listing as presented.

Council Member Wever requested that Council be provided what it has cost the City thus far for the City to remove asphalt on Bell Ave, which Pierce indicated could be presented at the next Council Meeting.

Council Member Johnston requested that Bell Ave. be smoothed at the location where the brick and the asphalt meet. Director of Public Works Pierce advised that the City would lay a temporary, feathered patch on that area.

In response to Council Member Wever's question of whether this brick street repair was delaying any other street work, Pierce responded that anything done on one street delays work on another street, but it will be something that will have to be worked in.

Mayor Lewis read a letter from Julia Jenkins, who voiced her support of brick streets.

Motion carried 5-0.

For clarification, Council Member Brayton stated that this priority list would be to repair those existing brick streets and then continue on the excavation and restoration of brick streets.

Status Report - WWTP/Interconnect/FDOT Projects

Monthly update.

Director of Public Works Pierce reported that the WWTP construction is proceeding well. He stated that he may have a change order for Council consideration at the next Council meeting regarding additional sod, which should not exceed \$10,000.

He advised that the Phase II Interconnect project was progressing, however, the contractor was having problems getting PVC pipes and there is a delay in ordering same.

Mr. Pierce advised that there has been no new update on the FDOT JPA except that the contract has been awarded to the original bidder, Smith and Co. and the prices and amounts should be sufficiently the same.

The Director of Public Works stated that DPW is searching for a new AutoCAD operator to do drawings and in-house work.

He informed Council that FDOT should start work on U.S. 41 and S.R. 50 in September and should take approximately 2 years. He reported DOT will award money for each day that the works progresses ahead of schedule.

In response to Council Member Wever's question, Pierce confirmed that clearing work on Jasmine Drive has begun for the new water line extension and a City inspector will be hired to be on that site.

Council Member Brayton requested that the drainage area at the corner of Kelly and Keeling be worked on.

CITIZEN'S INPUT

Fire Chief Position

Jan Boyd questioned that status of the Fire Chief position. City Manager Anderson responded that an acting chief has

been appointed, who will be given approximately 90 days to perform in that roll before he makes the decision of whether to advertise.

Brooksville Housing Authority Clean-Up

Minister Tyrone Carter brought up for discussion the Brooksville Housing Authority area and stated that he was a part of the recent clean-up effort held there. He discussed the need to continue open communication and a community-wide effort in helping to solve the drug problems in the area, including utilizing all pastors in the area, the Sheriff's Department and the City Police Department. Mayor Lewis explained what the City has done thus far in attempts to make the community safer and advised of programs that will be considered in conjunction with the opening of the Jerome Brown Community Center.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Removal of Weeds

Council Member Johnston requested that the City use round-up on the weeds on the sidewalks of the downtown area.

PAT BRAYTON, COUNCIL MEMBER

Preliminary Budget Workshop

Council Member Brayton reminded Council of the preliminary budget workshop to be held July 21, 1999. City Manager Anderson stated that the budget would be distributed shortly.

E.E. WEVER, JR., COUNCIL MEMBER

Knuckle boom loader Truck

In response to Council Member Wever's question, Director of Public Works Pierce explained that last year, staff had bid and received the back end of a loader, which was placed on an existing truck. He further explained that this bid is for the entire unit. **Mr. Wever felt that a whole unit should have been purchased a year ago and that buying a unit this year was a waste of money. [Approved by Council 8/2/99 kp]**

Posting Notices - Outside Agencies

Council Member Wever advised that he has now received word rescinding his previous information which directed that all notices and agendas for meetings of outside agencies attended by Council Members be posted.

State Softball Tournament

Council Member Wever complimented Parks and Recreation Director Pugh and his staff for taking care of 5 fields and 21 teams during the recent softball tournament held at Tom Varn Park.

Traffic light at West Jefferson and Mildred

Council Member Wever stated that he is still receiving complaints that the left hand traffic signal at W. Jefferson and Mildred Ave. is still staying red when no traffic is coming east. He suggested that the Mayor write a letter to the County Traffic Department to get that straightened out.

Enclave Interlocal Agreements

Regarding the status of the enclave Interlocal Agreements, Anderson stated that they have been recorded and returned to the City and the property owners have been notified that the First Public Hearing for the annexation ordinance will

be held August 2, 1999 with the Second and Final Public Hearing to be held September 13, 1999.

USDA

Council Member Wever reported that he attended a reception that morning by the City of Bushnell to commemorate their receipt of a \$4.5 million commitment from USDA for a new WWTP. He stated that he spoke to Glen Waldren, USDA, and advised him that the City would be transmitting a proposed schedule for USDA consideration to be used instead of formally changing the commitment documentation.

ROBERT B. BATTISTA, CITY ATTORNEY

Acquisition of Property - Interconnect Project

City Attorney Battista related that he had proposed a resolution to acquire needed property for the Interconnect project at the June 21, 1999 meeting. He advised that he has subsequently discovered a license agreement that Mr. Griffin entered into with City that gives the City a licensed right to occupy the property for the use of WWTP line transmission and that there is no need to pursue eminent domain procedures.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

City Hall Art Reception

City Clerk Phillips reminded Council of the City Hall Art Reception to be held July 15, 1999 from 5:00 to 7:00 p.m.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:25 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

AUGUST 2, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Jennifer J. Battista, Deputy City Clerk, Pat Jobe, Acting Deputy City Clerk; James Daugherty, Deputy Fire Chief; Bill Geiger, Community Development Director; Lee Huffstutler, Director of Finance; Emory Pierce, P.E., Director of Public Works; William Smith, Superintendent of Utilities; and a representative from the St. Petersburg Times and Hernando Today.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

July 12, 1999 - Regular Council Meeting

Award of bid - Utility Line Stopper Services

Consideration of awarding bid to Hydra-Stop, Inc. for the alternate bid at unit prices in the estimated amount of \$25,050.00, with an option for an additional year. (Budgeted in Account #401-021-536-6574)

Purchase of Stadium Seats

Authorization to purchase 54 stadium seats at a cost of \$1,500 (McKethan Capital Trust Fund) to complete the Tom Varn Stadium seating project.

Interagency Agreements - Brooksville Road Prison

Approval to renew one year agreements with Department of Corrections and authorize execution of same.

- a. City supervised work squad (Public Works)
- b. State supervised work squads (Parks and Recreation)

Advertising Tourism Grant

Authorization to apply for \$2,500 matching tourism grant from FLA USA for color brochure on City of Brooksville.

Police Department - Mini-Vehicles Grant

Approve execution of contract accepting 100% grant.

Mutual Aid Agreement

Consideration of proposed Agreement between the City and Hernando County Sheriff's Department formalizing mutual assistance procedures.

FDOT - JPA Agreements - S.R. 50/U.S. 41

- a. Approval of Utility Work Order Change No. 2, accepting the JPA bid amounts of \$755,662.04 for U.S. 41 and S.R. 50 project
- b. Authorize transfer of \$73,338.14 from U.S. 41 project surplus funds (leaving balance at \$270,999.81) to S.R. 50 project to meet deposit requirement.

Wilkerson Bottle Gas, Inc. - Subdivision requirements

Acceptance of Planning and Zoning Commission's recommendation to waive subdivision plat requirement to allow subdivision of property, subject to certain conditions.

Agreement - S.R. 50/50A Corridor Plan Engineering Services (Providence Boulevard)

Approval of agreement with Coastal Engineering Associates, Inc. for Engineering Services at total estimated cost of \$25,000. [from 4/19/99 and 6/7/99 mtg]

Council Member Johnston requested that Consent Item 9, Wilkerson Bottled Gas, Inc., Subdivision requirements, be moved to the regular agenda.

Regarding the Police Department's grant for the mini-vehicles and in response to Vice Mayor Staib's question, City Manager Anderson stated that the vehicles would most probably be used for parking enforcement.

Council Member Wever requested that Consent Items 4, 8 and 10 be moved to the regular agenda.

Council Member Wever called attention to the July 12th minutes and requested that his comments regarding the knuckle boom loader be changed to reflect that he felt that buying another unit this year was a waste of money. He added that he would vote against the purchase of the new truck when it comes before Council for consideration.

Concerning the Advertising Tourism Grant, Council Member Brayton questioned the \$2,500, which City Manager Anderson stated that, if successful, it would come back to Council, and would probably come from contingencies.

Council Member Brayton called attention to the Police Department mini-vehicle grant and questioned the exclusion from the mandates of the Energy Policy and Conservation Act of 1992 as referred in paragraph 3 of the July 23rd letter from Florida Suncoast. Council Member Johnston felt that there are certain mandates within that Act that emergency vehicles are excluded from. City Manager Anderson responded to Council Member Brayton's question by stating that this vehicle would replace one of the 1989 reserve units. It was pointed out that, if successful, the first vehicle would be for the police department and the second vehicle would be for the parks department or for meter reading. Mr. Anderson added that the funds would come from contingencies.

Motion:

Motion was made by Brayton and seconded by Staib to approve the balance of the August 2, 1999 Consent Agenda with items 4, 8, 9 and 10 moved to the regular agenda. Motion carried 5-0.

PUBLIC HEARING - 8:00 p.m.

Ordinance No.s 598 - 604

Consideration of ordinances annexing certain real property into the City of Brooksville, effective October 1, 1999, as follows:

- a. Ordinance No. 598 -- 326 Darby Lane
- b. Ordinance No. 599 - 480 Darby Lane
- c. Ordinance No. 600 - 306 Darby Lane
- d. Ordinance No. 601 - 404 Darby Lane
- e. Ordinance No. 602 - 510 Darby Lane
- f. Ordinance No. 603 - 520 Darby Lane
- g. Ordinance No. 604 - 1114 Chatman Boulevard

City Attorney Battista stated that these are land use issues and quasi-judicial proceedings apply. He polled Council and questioned if they had received any outside information regarding these issues, to which each answered that they had not.

Acting Deputy Clerk Jobe read Ordinance No. 598 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

326 Darby Lane

Virginia Carter, 326 Darby Lane, was sworn in and stated that she felt it was redundant to send another letter in opposition to the annexation when they had already made their feelings known to Council.

Motion:

Motion was made by Brayton and seconded by Staib to approve First Reading of Ordinance 598. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Second and Final Reading would be scheduled for September 13, 1999.

Acting Deputy Clerk Jobe read Ordinance No. 599 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

480 Darby Lane

There was no one to speak on the ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve First Reading of Ordinance No. 599. Upon roll call, motion carried 5-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Staib Aye

Lewis Aye

Second and Final Reading would be scheduled for September 13, 1999.

Acting Deputy Clerk Jobe read Ordinance No. 600 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

306 Darby Lane

There was no one to speak on the ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve First Reading of Ordinance No. 600. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Wever Aye

Johnston Aye

Staib Aye

Lewis Aye

Second and Final Reading would be scheduled for September 13, 1999.

Acting Deputy Clerk Jobe read Ordinance No. 601 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

404 Darby Lane

There was no one to speak on the ordinance.

Motion:

Motion was made by Staib and seconded by Wever to approve First Reading of Ordinance No. 601. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

Acting Deputy Clerk Jobe read Ordinance No. 602 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

510 Darby Lane

There was no one to speak on the ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve First Reading of Ordinance No. 602. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Second and Final Reading would be scheduled for September 13, 1999.

Acting Deputy Clerk Jobe read Ordinance No. 603 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

520 Darby Lane

There was no one to speak on the ordinance.

Motion:

Motion was made by Staib and seconded by Brayton to approve First Reading of Ordinance No. 603. Upon roll call, motion carried 5-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Staib Aye

Lewis Aye

Second and Final Reading would be scheduled for September 13, 1999.

Acting Deputy Clerk Jobe read Ordinance No. 604 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

1114 Chatman Boulevard

There was no one to speak on the ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve First Reading of Ordinance No. 604. Upon roll call, motion carried 5-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Staib Aye

Lewis Aye

Second and Final Reading would be scheduled for September 13, 1999.

Council Member Wever called attention to the chart provided in the Council packet and stated that he did not see any credit for the elimination for the Township 22 milage rate. Mr. Wever questioned the calculations provided, which Anderson indicated he would pull the files and provide an additional sheet that shows property values and how the calculations were made.

Virginia Carter stated that she is not as concerned about the additional \$300 more in taxes but is more concerned about the requirement to hook up to City sewer which would cost them \$3,000. It was pointed out that there is no sewer line on Darby Lane nor is it feasible at this time to add a sewer line. It was pointed out that if it one day becomes mandated by the Department of Environmental Protection to close septic tanks and provide sewer lines, then those lines would be considered.

REGULAR AGENDA

Interagency Agreements - Brooksville Road Prison (MOVED FROM CONSENT AGENDA)

Approval to renew one year agreements with Department of Corrections and authorize execution of same.

- a. City supervised work squad (Public Works)
- b. State supervised work squads (Parks and Recreation)

Council Member Wever expressed his concern regarding women crews and whether they would be able to do the same work, such as on the streets or in the ditches. Director of Public Works Pierce stated that the agreement guarantees that a minimum of 5 prisoners will be provided who can do the work.

Council Member Wever stated that for the information provided, it would appear that the free crew would be given to the street department and he wanted the assurance that a crew will be maintained in the Parks Department, which Anderson indicated would be the case.

Concerning the possibility of utilizing the Sumter County prison, Pierce stated that he had contacted them and that they were not interested. He added that Sumter indicated that all their male inmates are used for FDOT and forestry projects. He further stated that Sumter could take over all Department of Corrections' contracts from Hernando County but it would result in a long delay. He added that Sumter County may have a different payment arrangement. Mr. Pierce expressed his opinion that the female crew will do just as well as the male inmate crews. He added that a female City employee would be trained to be a prison guard and stated that the other two prison guards are the Department of Corrections' guards, which should minimize any accusations of improper behavior.

Discussion ensued regarding the head park attendant, who was being considered for the female guard position and what her primary duties would entail. Mr. Anderson stated that the guard duties would be an additional assignment and her primary duty would be as the head park attendant, but would require some additional assistance be assigned to her.

Council Member Johnston questioned whether the agreements would indicate "cost savings" or "value added", which Anderson stated would be completed before execution based upon budgetary requirements.

Motion:

Motion was made by Brayton and seconded by Johnston to approve execution of the contract. Motion carried 5-0.

FDOT - JPA Agreements - S.R. 50/U.S. 41 (MOVED FROM CONSENT AGENDA)

- a. Approval of Utility Work Order Change No. 2, accepting the JPA bid amounts of \$755,662.04 for U.S. 41 and S.R. 50 project
- b. Authorize transfer of \$73,338.14 from U.S. 41 project surplus funds (leaving balance at \$270,999.81) to S.R. 50 project to meet deposit requirement.

Council Member Wever stated that the wording on the agenda does not reflect Mr. Pierce's recommendation, which would be to move \$173,338.14 to the S.R. 50 project, leaving this project with \$100,000 as net surplus and leaving the remainder amount of \$170,999.81 on deposit with the U.S. 41 project. City Manager Anderson indicated that the agenda should have reflected Mr. Pierce's recommendation.

Motion:

Motion was made by Wever and seconded by Brayton to move \$173,338.14 to the S.R. 50 project, leaving this project with \$100,000 as net surplus and leaving the remainder amount of \$170,999.81 on deposit with the U.S. 41 project. Motion carried 5-0.

Wilkerson Bottle Gas, Inc. - Subdivision requirements (MOVED FROM CONSENT AGENDA)

Acceptance of Planning and Zoning Commission's recommendation to waive subdivision plat requirement to allow subdivision of property, subject to certain conditions.

Council Member Wever expressed his opinion that this item should be on the regular agenda due to Mr. Wilkerson's statement in his letter regarding a public hearing before Council. Council Member Johnston added that since this is a land use issue, there should be public discussion, if any.

Council Member Brayton voiced his opinion that if all the owner wants to do is divide his property into two pieces, they should not have to go through the expense of meeting landscaping requirements.

Todd Wilkerson and Alan Garman, Civil Tech Engineering, were present to address Council. Mr. Garman explained

that the owner does not have a problem with meeting landscaping requirements once any construction or development begins. He explained, however, at this point, the owner only wants to subdivide the property.

City Manager Anderson advised that the City's requirement is that the property be replatted to sell off a separate piece. He stated that it is his understanding that the applicant proposes to offer the parcels for sale and retain the one that does not sell initially. Mr. Anderson stated that in order to subdivide, the owner would have the expense of replatting and also meeting the codes, including landscaping. In consideration of the owner incurring those expenses, he recommended that the Planning and Zoning Commission waive the replatting requirements and the owner would then only incur the landscaping expenses. He went on to state that the Planning and Zoning Commission upheld his recommendation, which is now before Council for consideration.

Mr. Garman stated that the variance was filed because the owner does not feel that subdividing the property should require replatting at this point. In response to Mr. Anderson's question as to why the property needs to be subdivided at this time, Mr. Wilkerson stated that it is owned by a corporation consisting of him and his two brothers. Mr. Anderson stated that the Code says the property will be replatted and it is Council's determination of whether the owner's petition establishes an onerous burden to the property owner to warrant a variance of the code requirements.

It was pointed out by Mr. Garman that there are no plans for a driveway or access road or other development at this point. Council Member Brayton interjected that there cannot be and if there is, a permit would be required and all code requirements, including landscaping, must be met.

Motion:

Motion was made by Johnston and seconded by Staib to approve the division of the property as proposed with foreknowledge that upon development, all the applicable regulations will apply. Motion carried 5-0.

Agreement - S.R. 50/50A Corridor Plan Engineering Services (Providence Boulevard) (MOVED FROM CONSENT AGENDA)

Approval of agreement with Coastal Engineering Associates, Inc. for Engineering Services at total estimated cost of \$25,000. [from 4/19/99 and 6/7/99 mtg]

Council Member Wever questioned the engineer of record as referenced on the exhibit to the agreement. Director of Public Works Pierce advised that as an option, Coastal would furnish the City the design, documents, records and other information with Pierce being declared engineer of record. He advised, however, that he is not recommending accepting that option at this time because he did not feel it is needed for a preliminary engineering study.

Council Member Wever called attention to the map attached to the agreement and stated that it was his belief that the "C" link would cover all of Lockhart from S.R. 50 to what is known as "North", or the "D" link, to Jefferson Street. Pierce indicated that the map would be revised.

Motion:

Motion was made by Wever and seconded by Staib to approve the agreement with a revised map. Motion carried 5-0.

It was pointed out that this is an addendum to a prior engineering agreement dated April 12, 1996.

Right-of-way Use Permits

Ordinance No. 597

Consideration of proposed ordinance authorizing utilization and establishing right-of-way permit procedures [From 6/7/99 and 7/12/99 mtg]

Council Member Brayton pointed out that according to a staff memorandum, the franchise companies had not had

adequate time to review the information.

Motion:

Motion was made by Brayton and seconded by Wever to table the agenda item.

Council Member Johnston pointed out that the ordinance could be considered for First Reading with changes made before Second and Final Reading, to which Vice Mayor Staib voiced her agreement.

Council Member Wever stated that he would like to have additional time to study the information received from the City Attorney which researched how this ordinance and permitting procedures would affect each of the City's franchise agreements.

Motion carried 3-2, with Staib and Johnston voting in opposition.

Ordinance No. 527-B - Littering Ordinance Amendment

Amending penalty section of littering ordinance.

City Attorney Battista stated that the first time the courts attempted to use the ordinance, there was a question of whether it was unconstitutional due to state regulations. He added that the Attorney General ruled it was constitutional but the first step was a little more stringent than the State's. Mr. Battista stated that this amendment will bring the first step penalty for first offense in line with State requirements.

Acting Deputy City Clerk Jobe read ordinance No. 527-B by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE LITTERING REGULATIONS ARTICLE IV, SECTION 7-104, PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE

Motion:

Motion was made by Staib and seconded by Wever to approve First Reading of Ordinance No. 527-B.

Typographical errors on the words "an/or" and the word "find" would be corrected before Second and Final Reading, which is scheduled for August 16, 1999.

There was no public input on the ordinance.

Upon roll call, motion carried 5-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Staib Aye

Lewis Aye

Ordinance No. 580-A - Property Maintenance Amendment

Amending notification section of property maintenance ordinance.

City Attorney Battista advised that the ordinance required that the green receipt acknowledgment card come back from

the property owner. He explained that there had been an instance when the green card did not come back. He stated that this addendum deletes that requirement that the green card must come back and explained that there is an assumption that if a letter is mailed, it is received.

Acting Deputy City Clerk Jobe read Ordinance No. 580-A by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE HEALTH AND SANITATION REGULATIONS ARTICLE I, SECTION 8-69.1 PROVIDING FOR NOTICE TO PROPERTY OWNER TO CORRECT PROHIBITED CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

There was no public input on the ordinance.

Motion:

Motion was made by Staib and seconded by Wever to approve First Reading of Ordinance No. 580-A. Upon roll call, motion carried 5-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Staib Aye

Lewis Aye

Second and Final Reading scheduled for August 16, 1999.

Grievance - Police Officer Kristen Gore

Consideration of Personnel Advisory Board's recommendation regarding alternate assignment and temporary reduction in pay.

Kristen Gore came forward and stated that she filed the grievance based on her opinion that a precedent had been set in the past when other officers were given light-duty assignments at their same rate of pay. She added that she would also like to receive her back pay from the time her salary was cut.

Vice Mayor Staib felt that the City did not have an adequate light-duty policy and should obtain policies from other communities for review. She stated that until the City developed a policy, she would support Officer Gore retaining her former salary.

Director of Finance Huffstutler offered his opinion that he would rather follow the law and the City's interpretations thereof.

Mayor Lewis felt that a policy should be developed, but voiced his opinion that an employee should not be penalized because the City does not have a policy. He further stated that he would support Officer Gore's request.

Motion:

Motion was made by Brayton and seconded by Wever to accept the Personnel Board's recommendation. It was pointed out that the Personnel Board recommended to reinstate her former rate of pay beginning July 20, 1999. Director of Finance Huffstutler offered his opinion that if Council is going to give her pay retroactive to July 20th, then it should be taken back to the first day her pay was cut.

Based upon the date of July 20th, Council Member Wever withdrew his second. Original motion was subsequently seconded by Staib.

Council Member Johnston felt that since a new personnel policy has been adopted since previous incidents had occurred, therefore, he did not believe there has been a precedent set under the new rules. He pointed out, however, that the action taken at this meeting will set a precedent.

Mayor Lewis voiced his opinion that Officer Gore's pay should be reinstated retroactive to the day her salary was lowered. Council Member Wever voiced his agreement. Mayor Lewis also commented on the length of time it took for the grievance to reach Council and that specific time lines addressed in the grievance were not followed.

Council Member Johnston felt that situations such as Officer Gore's should be handled specifically through a set policy but pointed out that based upon action taken at this meeting, other employees in different but similar circumstances may try to take advantage of the same treatment.

Personnel Board Chairman Flannery felt that while it was not clear if a precedent has been set, the Board discussed the fact that the City may have established an unwritten policy. She stated that the Board would like to meet to formalize a policy for presentation to Council for consideration.

Mayor Lewis requested that guidelines of the grievance procedure be followed more closely.

Council Member Johnston stated that he would support the motion since procedures have not been followed up to this point in past cases. He stated that policies need to be established and followed.

City Manager Anderson expressed concern on whether this would be the only medical condition that this would apply to. He stated that there have been employees under similar situations who could not bring a fitness for duty slip from the doctor and wondered if light-duty would apply to them.

Officer Sandra Miller felt that the difference in the case is the high risk factor of a police officer.

City Manager Anderson stated that the decision is whether once she is not performing high risk, should she receive the same rate of pay.

Chairman Flannery pointed out that Officer Gore is still a sworn police officer. City Manager Anderson clarified that she is not authorized to take any action as a police officer because of her fitness for duty slip from her doctor and at this time, she is a dispatcher.

Motion carried 3-2, with Lewis and Wever voting in opposition.

Staff was directed to work on gathering policies from other communities. Council Member Wever offered to get policies from Gainesville and Ocala and will poll the cities in the Suncoast League of Municipalities.

Group Employee Health Insurance

Consideration of proposal.

Director of Finance Huffstutler requested authorization to negotiate with the top three proposals.

Motion:

Motion was made by Brayton and seconded by Staib to authorize staff to negotiate with the top three proposers. Motion carried 4-0, with Brayton being absent for the vote.

Construction Inspector/Management Services (U.S. 41 and S.R. 50 Utility Location)

Utility relocation agreement dated April 12, 1996 with Coastal Engineering amended to provide for additional

engineering and related services on hourly basis, not to exceed \$50,500 as per Exhibit B on Amendment 3, and designating Emory Pierce, P.E., Director of Public Works, Engineer of Record and, for the duration of the project estimated at 12 - 14 months, authorize 10% assignment pay, and authorize 10% assignment pay for William Smith, Utilities Superintendent, for inspection and related services.

Director of Public Works Pierce recommended this as a fair and reasonable option to get the utility relocation project completed at the least cost to the City. He added that he would recommend that he be declared the Engineer of Record to make decisions, with William Smith being utilized for inspection and other services. Mr. Pierce further recommended that Coastal provide design modifications, auto-cad services and interpretations, which would be essentially item 2 on Exhibit A for a cost of \$50,500.00.

Council Member Wever voiced his concern of taking two key people from Public Works for this project. He suggested that Mr. Pierce be committed to it entirely with William Smith acting as Public Works Director. Director of Public Works Pierce stated that Mr. Smith's knowledge of the pipes is vital. He added that this would involve a 10% extra work load which would include nights and weekends.

In response to Council Member Brayton's question, Cliff Manuel, Coastal Engineering, confirmed that Coastal is in agreement with this option and felt it would facilitate the project.

It was agreed that if there is a problem with this option, staff would come back to Council accordingly.

Motion:

Motion was made by Brayton and seconded by Staib to approve the combined in-house contract addendum specifically amending the agreement dated April 12, 1996 with Coastal Engineering to provide for additional engineering and related services on hourly basis, not to exceed \$50,500 as per Exhibit B on Amendment 3, and designating Emory Pierce, P.E., Director of Public Works, Engineer of Record and, for the duration of the project estimated at 12 - 14 months, authorizing 10% assignment pay, and authorizing 10% assignment pay for William Smith, Utilities Superintendent, for inspection and related services. Motion carried 5-0.

Great Floridian 2000

Nominations for "Great Floridian 2000" designations.

City Manager Anderson explained that the City has an opportunity to submit nominations for the Great Floridian 2000 designation. He added that SunTrust Bank has requested that two additional individuals be considered. He added that the bank has indicated that they would accept responsibility for the financial portion of the plaque, but not maintenance thereof, if Council selects those individuals. In answer to Council Member Brayton's question, City Manager Anderson stated that should Council approve the plan, part of the application process would include a large marker placed at the entrance of the City with each building having its own plaque. He added that the City would be responsible for maintenance of the signs.

Motion:

Motion was made by Brayton to authorize submission of the nominations. He withdraw the motion for further clarification.

Council Member Johnston expressed his opinion that although Governor Jennings was a visitor to Brooksville, he was not a resident thereof.

Motion:

Motion was made by Johnston and seconded by Wever to submit the names of Saxon, Ayers, Connors and Hawkins for nomination. Motion carried 5-0.

Status Reports

a. Transit Development Plan update

City Manager Anderson pointed out that the last time this item was discussed, it was the consensus of Council that the funds for this project should come from the ad valorem taxes City residents pay to the County, which was relayed to the County. He stated that as of this date, the County has not responded to that question. He added that County Commission Chairwoman Novy indicated that the County would discuss this at their next meeting. She wanted Council to be reassured that she is aware of Council's desire to meet the needs of the citizen's by providing this service and is also aware of Council's position that the City tax payers should not be taxed twice.

Council Member Brayton stated that it should be very clear that the City would like to be included in the County transit system, but funds should be taken from County taxes. He felt that if the City is going to be asked to participate at a cost of \$20,000 to \$25,000, then the City could look at subsidizing something locally.

Council Member and MPO representative Johnston stated that the MPO is considering different pick-up and drop-off locations.

City Manager Anderson stated that the Commissioners may request another presentation before Council at an upcoming meeting. He stated that there is a question on eligibility of grant funding and further stated that the County feels that this extension into the City is an added cost option, which the City will be asked to participate in.

It was the consensus of Council that if the County requests that this be funded by non-ad valorem taxes, it should be made known that the City would not increase their ad valorem taxes for this project.

b. Community Redevelopment

Community Development Director Geiger gave a brief overview of the commercial and neighborhood grant applications which had been submitted to DCA. He stated that as part of the review process, DCA will make a site visit. Mr. Geiger stated that he is involved in coordinating with the MPO for the funding for the bulb outs that are a part of the project.

Regarding the Good Neighbor Trail, he stated that a Stewardship Report is being compiled for inclusion into the Management Plan and that the property is still in a property acquisition mode with Florida Communities Trust acting as lead agency in purchasing that property. He stated that the report would be on CTN for the next Council meeting. Mayor Lewis questioned the status of the land needed for the trail throughout the County. He expressed concern that once all the property is acquired in the City, the trail may not go anywhere until the County land is acquired. Mr. Geiger informed Council that County staff has advised that they are involved in ongoing land acquisitions and he would update Council accordingly.

Community Development Director Geiger stated that the Evaluation and Appraisal Report will be scheduled for a public hearing at an upcoming Council meeting and subsequently transmitted to the State, along with appropriate land use maps. Once the State approves that, the EAR report can be adopted by Council and any amendment to the comp plan will be done then to comply with EAR report.

c. WWTP/Interconnect/FDOT Projects

Superintendent of Utilities Smith came forward and advised that the Cobb Road WWTP is proceeding timely.

Regarding the paving program, Mr. Smith advised that they are in the process of getting quotes for options.

The Jasmine Drive utility relocation project due to road realignment is proceeding with final plans having been delivered to the county related to the bid process.

Mr. Smith advised that the Donto Plaza water lines are to be completed this week.

Superintendent of Utilities Smith stated that the Wesleyan Village water line has been temporarily stalled due to difficulty in getting plastic pvc pipe which should be received next week.

Smith reported that the interconnect project is going slow due to working conditions and traffic control problems. Staff discussed whether this would cause a delay in the WWTP opening. Director of Public Works Pierce interjected that Centerline Construction may be asking for a 30 day extension, which he would not support.

Regarding the U.S. 41 and S.R. 50 to begin in FDOT project, Smith advised that the work should begin in September.

Smith advised that the School Street gravity line work would begin shortly.

CITIZEN'S INPUT

No citizen's input.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

Department Restructuring

Consideration of eliminating the Department of Public Safety, and creating the Departments of Police and Fire.

Motion:

Motion was made by Brayton and seconded by Wever to direct staff to prepare an ordinance for First Reading at the August 16, 1999 meeting. The word "Administrative" was deleted throughout the ordinance. It was decided to make the ordinance effective October 1, 1999.

Motion carried 5-0.

MARY A. STAIB, VICE MAYOR

Eckerd Youth Golf Tournament

Vice Mayor Staib advised that the 3rd Annual Eckerd Youth Golf Tournament would be held soon and requested that each Council Member consider giving \$10.00 for sponsorship.

Mildred Ave. Improvements

Vice Mayor Staib questioned the status of the negotiations with the County on the piece of property that the City needed for widening Mildred Ave. City Manager Anderson advised that those negotiations would be between the County and FDOT, who are aware of the City's desires.

E.E. WEVER, JR., COUNCIL MEMBER

Brick Restoration Project

Council Member Wever expressed his appreciation to Director of Public Works Pierce for his report on the costs associated with the Bell Ave. brick restoration project.

Utility Posts

Council Member Wever advised that the Bell South posts on Candlelight had been removed, but the ones on Darby Lane still need to be removed.

Economic Development - Ad Valorem Tax Exemption

Council Member Wever requested that Council consider whether they wish to place the Economic Development - Ad Valorem Tax Exemption referendum question on the year 2000 ballot and if so, then Council should consider budgeting for a community awareness and education program. He requested that the item be placed on the next Council agenda.

Water Meters/Interrogators

Council Member Wever called attention to a memo addressing the water meters and stated that he still objects to the purchase of same being charged to the General Fund rather than Utilities.

Knuckle Boom Loader and Truck

Council Member Wever pointed out that the City bought a loader and a dump body last year which was placed on an existing truck. He advised that he has seen that equipment in operation and could not see any problem with it. He added that he feels that the current proposal to buy a complete knuckle boom loader and truck is a waste of money and he will vote against it when it comes before him for consideration.

USDA

Council Member Wever questioned whether staff had contacted USDA regarding accounting procedures pertaining to the City's commitment to spend \$1.5 million for Phase III, FDOT funds and suggested a meeting with USDA to resolve the issue before the end of this fiscal year. Council Member Wever pointed out that the City had adopted a resolution committing to spend \$1.5 million on the plant and then by agreement with USDA, the City was told to change it and spend it on FDOT projects. He felt that the \$1.5 million has not been spent on the FDOT projects, but rather on Phase I and Phase II and the money sent to FDOT came out of the line of credit.

Director of Finance Huffstutler stated that staff has been working on the issue and has contacted both the auditor and the Financial Advisor for their advice on whether separate journal entries are required for accounting purposes, although he did not necessarily concur with Council Member Wever.

Mayor Lewis stated that once staff has everything together, a meeting could be set up with USDA and requested that Council Member Wever attend that meeting.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:45 p.m.

Acting Deputy City Clerk

ATTEST:

Mayor

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SPECIAL MEETING AND BUDGET WORKSHOP

AUGUST 11, 1999 6:00 P.M.

Brooksville City Council met in Special Meeting and Budget Workshop with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Deputy Fire Chief; Bill Geiger, Community Development Director; Lee Huffstutler, Director of Finance; Emory Pierce, P.E., Director of Public Works; William Smith, Superintendent of Utilities; and a representative from the St. Petersburg Times and Hernando Today.

SPECIAL MEETING

The special meeting was called to order by Mayor Lewis, followed by the invocation and pledge of allegiance

ELECTRICAL SOFTBALL COMPLEX

Reject bid and authorize re-bid.

Motion:

Vice Mayor Staib made motion to reject the bid and authorize rebid as recommended, which was seconded by Council Member Johnston. According to Parks Director Pugh, \$16,000 was budgeted and the bid came in at over \$19,000. In response to why more bidders did not bid the project, staff did not know, however, reported that they have since spoken with some of the vendors who indicate that they now would bid. According to staff, there may also have been some confusion with addendums that were issued. Motion approved 5-0.

Special Meeting was adjourned and reconvened as a Budget Workshop at approximately 6:05 p.m.

BUDGET WORKSHOP

1999/2000 PROPOSED BUDGET

Preliminary review of recommended Revenue and Expenditures for 1999-2000 Fiscal Year.

Finance Director Huffstutler reported that the dates for the public hearings will be September 13th (same date as regular meeting) and September 29th, so that the window for final adoption will be tight. He also reported that he was aware there were some things that were not incorporated that would need to be amended, such as police and fire as separate departments. As it relates to USDA and the loan financing, Huffstutler reported that they have advised that the most that USDA will pay off on the line of credit is \$5.3 million. Therefore, the utility fund will be different. Additionally, negotiations are underway with the health insurance carrier, which will ultimately affect the budgets, possibly increasing them overall by \$26,000.

Council Member Wever again stated that he did not believe there were enough funds available, which he had included in some notes to the Finance Director on his review of the budget overall. Huffstutler pointed out that Fund Balance is not just cash and he felt the numbers should not be substantially different.

Vice Mayor Staib inquired about the purchase of the property by Mr. Schraut, which was confirmed to have been accomplished. She further inquired about miscellaneous figures under Cemetery for \$8,000. The Finance Director responded that it is a catchall general fund account and could be anything from restitution from crimes/damages, reimbursements, miscellaneous permits, etc. and not just Cemetery related.

Council Member Brayton pointed out that \$50,000 for the self-insurance fund was included in the figures on page 5.

Council Member Wever suggested increasing the legal services amount or wondered if Council just planned on falling back on contingencies. It was the consensus to leave as budgeted. Council Member Wever asked why \$50,000 for the parking lot is not included in the Parks & Recreation or Jerome Brown Community Center budget. Staff will look at this further.

There was discussion on the internal service fleet fund and how the funds are allocated for usage and future replacement. The Finance Director pointed out that he had adjusted the transfers out reflected in the budget for the Fire and Administration Departments based on the past Council conversation. It was the consensus to add \$5,000 to the vehicle fund for a vehicle for the Fire Dept. and to fund the 3/4 ton van in DPW.

As to the \$75,000 for CDBG funding, the City Clerk advised that preliminary reports indicate that the City will not be receiving any CDBG grants this cycle but this was a 2 year matching funding proposal and it was decided that the fund was to continue in the event that any preliminary work be done in the interim, such as the bulb-out project.

There was discussion on a potential Council Member salary increase. City Clerk Phillips advised that previous statements made were incorrect that Council could not increase their salary and she reported that City Charter specified that Council could increase their salary, but only at the beginning of the fiscal year by ordinance. It was a consensus to prepare an ordinance to increase the salary \$100 month per member.

Council Member Wever suggested including an additional \$5000 in the General Government promotional account to cover a public awareness campaign for the proposed economic development referendum.

There was discussion on the EAR and what the next steps are as it relates to the budget and the GIS effect on the City operations and costs.

There was also discussion on the need to include a breakdown on contractual services between actual services and contract labor, as well as other major cost centers.

Ms. Samples asked about the institutional supplies costs reflected in several budgets and asked for more detail.

Council Member Brayton inquired about the building renovations in Human Resources and the necessity to secure the area.

Vice Mayor Staib inquired about the Public Safety Information Terminal that is referenced. Tincher indicated that the wiring is already in, equipment has been obtained through grant funds and when an appropriate software program is available citizens will be able to access certain non-confidential information without having to tie up staff researching data. Additionally, the Gore salary adjustment has been included.

Chief Tincher clarified his staffing budget and personnel breakdown. The City Manager suggested not breaking out police or fire officers by steps and consolidate into "officer" categories, which Council concurred with. There was also discussion on the COPS Grant officers and that there is funding provided in the budget in the event that the grant funds are not extended for two more years. Additionally, one of the Civilian Aides is being reallocated under the Code Enforcement title.

It was pointed out that there was an error on the automotive repair line and that the footnote should be deleted since the building is being painted this year. The Chief suggested removal of \$5,000 might be appropriate since new cars are being purchased and that he will confirm funds for painting the outside of the building.

Council Member Brayton also inquired about reduction in police liability, which is the result of a new bid. As to office equipment repairs increase, which the Chief responded was to lease a new copier, it was determined that this needed to be researched to determine if it should be reallocated to a different line item. The repair & maintenance line item also needs to be researched. There was also conversation on the equipment and building improvements proposed, which were for a storage building to hold confiscated items such as bicycles, etc. that are now being stored at DPW. The Harley motorcycle lease arrangements were also discussed, which were paid for in the previous budget and will be replaced in the upcoming year at \$1 per month per bike.

In the fire budget, there was discussion on the reclassification of the Fire Chief, however, it was noted that there was one less firefighter reflected. The retirement rates were reduced because of the actuarial report. As to Workers Comp fees, there was a rate change but this will be researched. The BERT costs reflected are to refurbish the equipment. The increase in books & publications is an increase because of additional training needs.

Ms. Samples inquired about what the effect will be on the Fire Dept. if the County brings up Township 22 again. It was pointed out that even if it is canceled there is a one year notice so this fiscal year would not be affected. No matter what happens, Council concurred that the City would still maintain a Fire Department. As to training expenses, it was confirmed that employees who receive financial reimbursements for training have some requirements for repayment if they leave the City's employ.

The Finance Director pointed out that there may be some rounding discrepancies throughout the budget that will be corrected in the final. The City Manager further proposed that figures may be rounded to even dollars in the final form.

In the Parks & Recreation Dept. the contractual services line item does include special project contract labor but the balance is for contractual services. It also includes Rails to Trails expenses for surveys, land clearing, etc. As to the Head Park Attendant, who will be doing prison guard duties as well, it was clarified that the salary would be adjusted. The drinking fountains budgeted are for four, which will be fortified to be protected a little better against vandalism.

In the Cemetery Budget, the reference to the military equipment for a Veterans Memorial is something that the Advisory Board has been working on for several years. Additionally, there is some culvert work proposed and a handicapped ramp for the gazebo.

There was much discussion on when the Jerome Brown Center would be open, the funding for the proposed additional parking lot for the Center/ softball area and staffing/expenses for the center. The City Clerk reported that the Community Center Board would be coming forward at the meeting in September to give Council a status update on the Center's construction plans.

In the Utilities Budget, Council Member Brayton pointed out that there is another rate increase scheduled.

There will be an adjustment to the salary breakdowns/transfers between General Fund and the Utility Fund. The City Manager and management staff will review this before the final presentation for recommendation on transfer ratios.

Council Member Johnston inquired about the prison guard salary, which is still reflected in the Streets Division. It was confirmed that there will be some overall adjustments to this division based on the employee position transfers that were recently done.

There was discussion again on some of the line items and what was included therein, which will be detailed by staff for the next meeting. The City Manager advised that there will need to be some adjustments for cleaning provisions of City Hall that are being worked out now. There was also further discussion about the \$50,000 budgeted for street paving.

Council Member Brayton asked if there were any capital projects scheduled for the McKethan Fund. Pugh advised that the Advisory Board has a priority list that will be readdressed now that there are the land sale funds, however, he did not believe that they included upgrades to the restrooms at this time.

Council Member Wever inquired why the income on the Butterweck Bond fund was not transferred to the operations

income of the Cemetery. Staff will research where this should go and update accordingly, although it was believed it could only be used for care of the lots.

As to the Police & Fire Retirement funds, the insurance funds are not included in the budget process. Personnel services are benefit payments and expenditures are for attorney and money managers/actuaries. The City Clerk reminded Council that an actuarial study has been proposed on all pension plans in the upcoming budget since both agencies have or will be requesting plan revisions.

Vice Mayor Staib inquired about the Hope Hill replacement and rehab, which Will Smith explained are two different projects, one of which was a carry forward from the current budget for work that was not completed. Smith also detailed the balance of the Capital Outlay Projects, which included the new well field and some of the expenses associated with the SR 50/US 41 project.

Public Works Director Pierce & Utilities Superintendent Smith reported that the project for the work on Jasmine Rd. project in conjunction with the County needs to be rolled over into the new budget since it will not be completed during the current fiscal year. They will get the information to the Finance Director to adjust the budget accordingly.

Council Member Wever inquired where the USDA Grant money was in the Utility Revenue detail, to which Huffstutler explained that it is not shown since the City will not be spending any money and the expenses will be paid directly by USDA. He advised, however, that the funds will have to be reflected somehow in the future, but he is working with the Financial Advisors and USDA as it relates to the closing, when this will all be worked out. He reported that a "dry run" closing will take place in the near future to determine what the final will look like. Council Member Wever stated that he did not agree with showing a \$2 million loan in R&R, with subsequent discussion by staff & Council on the bond reserve fund and the project cost expenditure estimates and funding. Finance Director Huffstutler will research the current and proposed bonds to see if any changes are required, especially as it relates to the debt service and bond validation effects.

On the connection fees reflected in the Utility Revenue Detail, which decreased to \$4,000, Finance Director Huffstutler reported that this is the result of the Wesleyan Project.

Council Member Wever questioned why water revenues were less than the previous year, which Huffstutler stated may be the result of less water usage based on a "wet year" with less lawn watering. Utilities Superintendent Smith advised that there is some trenching due to rates. Finance Director Huffstutler also pointed out that there is a rate increase in sewer but advised that the rate consultant had originally proposed a different rate structure from the equity standpoint, which may result in a revised structure for both enterprise funds once the plant is on line.

As to the loan proceeds, Finance Director Huffstutler reported that the amounts were not necessarily the amounts that will be used to pay back the line of credit and explained what process will take place to accomplish this and still fund other projects such as the well field.

As to the debt service on Utilities Expenditures, Huffstutler advised that this reflects paying off the debt service line of credit, with a detail shown on page 141. He advised that these numbers will change some based on conversations with USDA and again stressed that rates will have to be looked at to make sure that enough funds are being generated to make the debt payments. He further pointed out that the first two years of debt service are interest free, however, Council Member Wever disagreed and asked him to research this again.

It was pointed out that the City Manager will be distributing a memo on a proposal for salary adjustments for certain longevity class employees as well as certified, specialized or professional/technical class employees such as plant operators, CAD operators, information technology service staff and police/fire officers.

Council Member Brayton inquired about the Workers Comp decrease in the Water & Wastewater budget on page 138 for this current year. Finance Director Huffstutler responded that the City did go out for bid last year and the new rates are reduced from \$140,000 to \$88,000. He also reported that when this is budgeted it is based on new rates times salaries without credits.

Utilities Superintendent Smith reported on the reduction to zero for Building Rental in the Water & Wastewater budget due to the loan that is no longer payable to sanitation for a building that was initially purchased for use by utilities.

The Finance Director pointed out that the other half of the \$175,000 transfer for R&R from operations is shown on Page 141.

The enterprise transfer to the general fund, possible rate reductions and the subsequent effect on reserves in the Sanitation Fund was discussed. The City Manager advised that staff is looking at certain changes that may be taking place in the County structure for landfill charges. Council Member Brayton stressed that he wanted to see the decrease in funds but not if it will adversely affect the reserves. He stated that he would rather budget current rates, research further and an analysis take place so that the rates can always be reduced in the fiscal year.

The City Manager advised that staff will prepare an initial analysis report for Council consideration. It was confirmed that a rate reduction was included in the draft budget being discussed. It was the consensus to remove the rate reduction and put back to current rates as originally proposed at the preliminary workshop for future consideration during fiscal year.

As to the \$150,000 capital outlay in Solid Waste, \$150,000 was budgeted for a street sweeper (vacuum unit to clean out storm drains, road trash etc.), dumpsters and miscellaneous other equipment.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:32 p.m.

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

AUGUST 16, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Deputy Fire Chief; B.J. Coyer, Finance Staff; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; Ron Woods, Police Division; and a representative from the St. Petersburg Times and Hernando Today.

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

CONSENT AGENDA*

Donto Plaza Plat Extension (Number 6)

Consideration of extending approval of Final Plat until November 30, 1999. [current extension expires 9/1/99]

Motion

Motion was made by Wever and seconded by Johnston to approve the August 16, 1999 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

a. FRDAP Grant - Jerome Brown Community Center

Presentation of ceremonial check.

Senator Brown-Waite and David Russell, Sr. (Father of Representative Russell) came forward to present the ceremonial check in the amount of \$99,725.00.

b. Grant Acceptance

Acceptance of grant for Community Center complex in the amount of \$100,000, City's match - \$33,334.00.

Motion:

Motion was made by Brayton and seconded by Staib to accept the grant. It was pointed out that because the check was in the amount of \$99,725 instead of \$100,000, the matching amount would be adjusted. Motion carried 5-0.

Resolution No. 99-12 - Hernando Youth League Dixie Belles Softball World Series Champions

Resolution honoring World Series Champions.

City Clerk Phillips read Resolution No. 99-12 in its entirety. The Resolution was presented to each team member, manager and coach and Pat Gant, HYL director.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 99-12. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

PUBLIC HEARING

Ordinance No. 527-B - Littering Ordinance Amendment

Amending penalty section of littering ordinance. [First Reading August 2, 1999]

City Clerk Phillips read Ordinance No. 527-B by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE LITTERING REGULATIONS ARTICLE IV, SECTION 7-104, PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

There was no public input on the ordinance.

Motion:

Motion was made by Staib and seconded by Brayton to approve Second and Final Reading of Ordinance No. 527-B. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

Ordinance No. 580-A - Property Maintenance Amendment

Amending notification section of property maintenance ordinance. [First Reading August 2, 1999]

City Clerk Phillips read Ordinance No. 580-A by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE HEALTH AND SANITATION REGULATIONS ARTICLE I, SECTION 8-69.1 PROVIDING FOR NOTICE TO PROPERTY OWNER TO CORRECT PROHIBITED CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE

There was no public input on this ordinance.

Motion:

Motion was made by Staib and seconded by Brayton to approve Ordinance No. 580-A. Upon roll call, motion carried 5-0, as follows:

Wever Aye

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

REGULAR AGENDA

Ordinance 291-E - Department Restructuring

Consideration of ordinance eliminating the Department of Public Safety, and creating the Departments of Police and Fire, effective October 1, 1999.

City Clerk Phillips read Ordinance No. 291-E by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE IMPLEMENTING ARTICLE IV OF CITY CHARTER, AMENDING ORDINANCE NO. 291- D, CHAPTER 2, ARTICLE 4 (a), ESTABLISHING THE DEPARTMENTS OF THE CITY OF BROOKSVILLE UNDER THE DIRECTION AND SUPERVISION OF THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE.

Motion:

Motion was made by Staib and seconded by Wever to approve First Reading of Ordinance No. 291-E. Upon roll call, motion carried 4-1, as follows:

Brayton Aye

Johnston Nay

Wever Aye

Staib Aye

Lewis Aye

Second and Final Reading would be held September 13, 1999.

Resolution No. 99-13 - Local Mitigation strategy document

Resolution accepting the LMS strategy document and approve its transmittal to the State by the submission deadline of September 1, 1999.

City Clerk read Resolution No. 99-13 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR THE ENDORSEMENT OF THE ADOPTION AND IMPLEMENTATION OF THE HERNANDO COUNTY LOCAL MITIGATION STRATEGY

Presentation was made by David Casto, Hernando County's Emergency Management Officer. He stated that by endorsing the document, the City is forming a partnership with Hernando County to strengthen preparation for disasters and reduce the costs related thereto.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 99-13. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

Resolution No. 99-14 - Florida Department of Forestry

Consideration of 50/50 grant application for \$7,500 to implement street treescaping project (City's \$7,500 share from Tree replacement fund)

City Manager Anderson stated after preparing the agenda, further research of the grant application showed that the first round of grant funding is designed more for the planning and design as opposed to actual planting.

Resolution No. 99-14 was read by headnote only, as follows:

A RESOLUTION BY THE CITY OF BROOKSVILLE, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY.

Motion:

Motion was made by Staib and seconded by Johnston to approve Resolution No. 99-14.

Council discussed the grant, including matching fund requirements and where the money would come from. City Manager Anderson stated that it is planned that the City's matching share would be used for planting material and stock, using the State's portion for design. Council discussed whether funds are needed for design or whether it could be done in-house or by the Beautification Board.

It was the consensus of Council that the grant could be applied for and if we are notified of acceptance, Council could make the decision to refuse it should it appear that it will cost the City money to do a feasibility study.

Motion:

Motion was made by Staib and seconded by Johnston to approve Resolution No. 99-14. Upon roll call, motion carried 5-0, as follows:

Wever Aye

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Legal Services

Appointment of Scott Pendley of Dean, Ringers, Morgan & Lawton Law Firm, as special counsel.

Motion:

Motion was made by Staib and seconded by Johnston to approve appointment of Scott Pendley of Dean, Ringers, Morgan & Lawton Law Firm, as special counsel. Motion carried 5-0.

Great Floridian 2000

Consideration of additional nominations for "Great Floridian 200" designations [from 8/2/99 mtg].

Motion:

Motion was made by Staib and seconded by Brayton to add William Sherman Jennings and May Jennings to the list of nominations for the Great Floridian 2000.

Council Member Brayton brought up for discussion whether Council would want to place a limit on accepting nominations.

Motion carried 5-0.

WWTP - Change Order

Consideration of change order in the amount of \$18,983 for erosion control and other items.

Director of Public Works Pierce explained the grouting, sodding and other items included in the change order. In response to Vice Mayor Staib's question, Pierce went over the specific items as referenced on the attachment to the change order.

Motion:

Motion was made by Staib and seconded by Brayton to approve the change order. Motion carried 5-0.

Acceptance of Proposal - Group Employee Health Insurance

Selection of Insurance proposal by Florida League of Cities and authorize final negotiation of contract at total estimated cost of \$228,000.

City Manager Anderson advised that what is before Council for consideration is a staff analysis of the three proposals and, when the contract is finalized, it will be brought back to Council at the next meeting for final approval.

City Manager Anderson stated that staff will be proposing a change in the way benefits are handled by expanding the existing employee cafeteria plan to allow employees to use pre-tax dollars to buy additional insurance as needed. Part of that proposal would be for Council to consider funding money within the cafeteria plan which employees could use for additional insurance or other benefits such as buying vacation time.

Council Member Brayton called attention to the Director of Finance's memo that stated that the Blue Cross/Blue Shield proposal, which was recommended by the Insurance Committee, would cost \$25,000. City Manager Anderson stated that the Director of Finance has tried to present Council with the "least cost" option that would provide a similar level of service as currently.

Council discussed the Blue Cross/Blue Shield and FLC plans at length, including their physician provider list, premium rates and enrollment requirements.

Motion:

Motion was made by Brayton and seconded by Wever to direct staff to negotiate a contract with the FLC for employee insurance.

Council Member Johnston noticed that many of the details of the FLC plan were not available, including what hospitals and co-payments are involved. He voiced his opinion that he would want more information before making a decision for the employees.

Vice Mayor Staib pointed out that FLC has stated that their rates are guaranteed, whereas Blue Cross/Blue Shield does not. It was pointed out that rates cannot be absolutely quoted until enrollment is complete.

Motion and second were withdrawn to allow the Clerk to obtain more information.

Break:

Break was called at 8:02 p.m.

Reconvene

Reconvened at 8:12 p.m.

City Clerk Phillips went over the deductibles involved in network doctors and non-network doctors, co-pays for networks and non-networks, hospitalization costs for network and non-network and prescriptions drugs for network and non-network for the Florida League of Cities plan. She stated she believed that the Florida League of Cities had provided a list of providers to Director of Finance Huffstutler, but did not have that available.

Lisa Whitman, Human Resources Technician, advised that she had heard that when the City had FLC previously, they were slow to pay claims and were very unorganized administratively. It was pointed out that Blue Cross/Blue Shield would not charge a consultant fee to administer claims.

It was pointed out that Blue Cross/Blue Shield was ranked first by the consultant and the committee. Mayor voiced his support of that recommendation.

Council Member Brayton felt that if claims are handled more efficiently with Blue Cross/Blue Shield, then in his opinion, the \$25,000 additional amount would be a tangible increase, rather than intangible as reflected in Mr. Huffstutler's memo. Council Member Wever agreed, stating that if Council is discontinuing dependant subsidy, then the \$25,000 additional money to go with Blue Cross/Blue Shield may be a piece of mind factor for the employees.

Motion:

Motion was made by Wever and seconded by Brayton to enter into contract negotiations with Blue Cross/Blue Shield, recognizing that it will have a slightly higher cost than the FLC.

Council Member Johnston recommended that staff poll the cities that utilize FLC for possible use next year. It was pointed out that the City would not be entering into a contract with Blue Cross for more than one year.

Council Member Wever offered to survey cities within the SLM and the Heart League that may be using FLC insurance for possible use next year.

Motion carried 5-0.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

E.E. WEVER, JR., COUNCIL MEMBER

Tax Exemption

Consideration of placing economic development ad valorem tax exemption issue on year 2000 ballot, and establish public information program.

Council Member Wever felt that perhaps with additional attempts at education and informing the voters, this referendum may pass if placed on the year 2000 ballot.

Vice Mayor Staib stated that after the last election attempt, comments from Cloverleaf residents were that they did not understand the referendum question and did not agree with a ten year limit.

Motion:

Motion made by Brayton and seconded by Wever to work towards placing the economic development ad valorem tax exemption on the year 2000 ballot and staff be directed to start getting information to the public as early as possible. Motion carried 5-0.

Council Member Wever suggested that Council may need to consider budgeting additional money for community awareness. Council Member Brayton suggested an open house to explain the issue to the constituents.

Council Member Johnston suggested considering holding a special election to increase the chances of having the referendum approved. Staff was directed to come back with costs involved in a special election. City Clerk Phillips stated that staff could research utilizing the new financial software for community education on the utility bills.

PAT BRAYTON, COUNCIL MEMBER

Grievance - Police Officer Kristen Gore

Re-consideration of Council's decision to continue temporary assignment and re-establish police officer pay rate effective July 20, 1999; consideration of re-establishing pay effective June 3, 1999.

Council Member Brayton stated that after further research, he would like to propose re-establishing her pay effective June 3, 1999.

Motion:

Motion was made by Brayton and seconded by Staib to make her pay retroactive to June 3, 1999. Motion carried 5-0.

ROBERT B. BATTISTA, CITY ATTORNEY

Annexation - 1114 Chatman Boulevard

City Attorney Battista advised that the Nursing Home at 1114 Chatman has filed reorganization in Bankruptcy Court. He stated that because annexation would have an economic impact on the Nursing Manor, he is in the process of filing a Relief from Stay with that Court before Bankruptcy Court rules on the matter. He added that this particular ordinance may not be ready for Second Reading on September 13th, but may need to be continued to a date certain.

E.E. WEVER, JR., COUNCIL MEMBER

Police and Fire Pension Legislation

Council Member Wever requested a copy of the letter from Police Pension Board Attorney Jensen offering her interpretations of the Police and Fire Pension Legislation as referenced in Correspondence To Note.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Council Meeting Date

Council Member Johnston commented that since the Council packets are being distributed late on Fridays, he questioned if there is a reason whether the Council meetings have to be held on Mondays and requested that Council consider changing the date.

FDOT Workshop

In response to Council Member Johnston's question, Mayor Lewis stated that the FDOT workshop meeting will be held at the Adams Engineering complex on August 19th from 4:30 p.m. to 7:00 p.m.

RICHARD E. ANDERSON, CITY MANAGER

Agenda Packet/Cut-off

City Manager Anderson questioned Council's reaction to having an agenda published and packet distributed earlier in the week with addendums published later in the week if necessary. Council Member Brayton voiced his opposition to addendums. Mayor Lewis felt that addendums are alright, as long as they are not used as a crutch. Council discussed the agenda cut-off as it relates to submitting agenda items. Council Member Brayton felt that if the agenda backup material is not available by Wednesday for packet distribution on Thursday, then the item should wait until the next Council meeting. If it is an emergency item, there is a Council policy which would allow Council to decide at the meeting whether they wish to discuss it.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:55 p.m.

City Clerk

ATTEST:

Mayor

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FIRST PUBLIC BUDGET HEARING

SEPTEMBER 13, 1999 7:00 P.M.

Brooksville City Council met in Budget session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Fire Chief; Lee Huffstutler, Director of Finance; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; Boyce E. Tincher, Police Chief; and a representative from the St. Petersburg Times (7:15 p.m.) and Hernando Today (7:35 p.m.).

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

RICHARD E. ANDERSON, CITY MANAGER

Public Announcement - Ad Valorem Tax Rate

City Clerk Phillips read the public announcement, as follows:

Per the TRIM Notice the proposed ad valorem rate for the Fiscal Year 2000 is 10.00 Mills. This millage rate would generate a 35.15% increase over the rolled back rate of 7.3994 mills.

For budget planning purposes the City has initially established a 10.00 mill rate for each of the previous seven years, but subsequently reduced the rate each year; a final rate of 8.0000 mills was adopted for the current year.

After reviewing revenue projections and proposed expenditures for the Fiscal Year 2000, the proposed General Fund budget is balanced at a proposed rate of 8.0000 mills.

Lee R. Huffstutler, CPA, Finance Director - Presentation of proposed Budget.

A. Recommended Revenues (Including Transfer and Beginning Fund Balances):

- General Fund \$ 6,035,887
 - Special Revenue Funds 996,389

(3) Capital Projects Funds 230,354

(4) Proprietary Funds 17,670,632

(5) Trust and Agency Funds 2,119,070

TOTAL REVENUES \$27,052,332

B. Recommended Expenditures By Department and Budget Centers:

(1) General Fund Expenditures

General Government \$ 1,651,223

City Council 52,281

Administration Department 564,513

Finance Department 371,900

Police Department 1,197,182

Fire Department 911,629

Parks & Recreation Department 414,528

Public Works Department 872,631

TOTAL GENERAL FUND EXPENDITURES \$ 6,035,887

(2) Special Revenue Expenditures

Police Special Education 4,700

Law Enforcement Trust Fund 3,650

Law Enfmt. Invest. Trust Fund 10,450

COPS Universal Hire Grant 124,287

Police Special Communications 29,200

Police LLEGB (96, 97, 98) 28,130

Road Impact Fees Fund 51,300

Public Bldg. Impact Fees Fund 4,100

Park Impact Fees Fund 2,600

Law Enfmt. Impact Fees Fund 5,600

Fire/EMS Impact Fees Fund 2,600

Local Option Gas Tax Fund 545,222

CDBG Projects 78,300

Major Storm Readiness Fund 106,250

TOTAL SPECIAL REVENUE FUND EXPENDITURES \$ 996,389

(3) Capital Projects Expenditures

McKethan Park 96,754

Public Facilities R&M 10,000

City Hall Renovations 33,600

Elevator Project 90,000

TOTAL CAPITAL PROJECTS EXPENDITURES \$ 230,354

(4) Proprietary Fund Expenses

Utilities-Water & Wastewater 15,199,439

Solid Waste 1,655,753

Vehicle Maint. Inter. Ser. Fund 815,440

TOTAL PROPRIETARY FUND EXPENSES \$17,670,632

(5) Trust and Agency Expenditures

Butterweck Bond Fund 3,650

Special Cemetery Fund 172,920

Donor Memorial Wall Fund 5,605

Fire Retirement Fund 1,403,971

Policemens Retirement Fund 409,371

General Employees Retirement Fund 72,553

Self Insured Dental Plan 51,000

TOTAL TRUST AND AGENCY EXPENDITURES \$ 2,119,070

TOTAL EXPENDITURES AND EXPENSES \$27,052,332

Director of Finance Huffstutler stated that the budget figures are strong, but apologized for not completing the narrative or budget pictures. He stated that a full black and white budget book will be presented to Council on September 22, 1999, before the 2nd public hearing on September 29th. He stated that the resident inspector for the U.S. 41/FDOT project in the amount of \$48,000, Alpine Circle Rehabilitation for \$50,999 and the actuarial study for retirement benefits needs to be added to the budget. He further advised that the alarm system for City Hall will not be reflected in the budget but will be taken from contingency at a later date. Huffstutler informed Council that the operating revenues were \$4.5 million and the operating expenditures were \$4.4 million. The idea will be to use carry forward money for special programs and capital projects. He requested that Council provide any changes at this time.

Council Member Wever called attention to the schedule provided by Mr. Huffstutler entitled "Changes to Budget based on Budget Workshop" and pointed out that the \$5,000 increase for valuation of Fire Car purchase was listed twice. Huffstutler explained that all cars are purchased out of General Government under fleet service for the General Fund, with the Department reflecting a "rent" payment into the internal service fund for the vehicle.

Council Member Wever questioned whether the \$37,750 increase for debt on the \$250,000 Fire engine loan was an estimated increase or the new amount, which Huffstutler advised was the increased amount, including principal and interest.

Council Member Wever called attention to page 4, GENERAL FUND REVENUE DETAIL, and questioned when the City would start receiving franchise fees for the Gas Franchise. Huffstutler stated that would be added. City Manager

Anderson interjected that the Gas Company had provided a number and confirmed that it would be added for second reading.

On that same page, Council Member Wever brought up for discussion the Fire District 22, questioning if the amount was correct taking into consideration that the County may decrease the millage rate. City Manager Anderson advised that the County figures are based on 100%, which would result in a differential of about \$19,000 and the City's numbers are based on 95%, which would be about \$2,000 or \$3,000 difference in the County's numbers. He stated that he will be distributing background information to Council within the next few days. Council Member Brayton expressed concern that the increase reflected is based on the same millage rate and now that the County may reduce that, it will probably be higher.

In response to Council Member Wever's question on the increase of interest rates on Page 5, GENERAL FUND REVENUE DETAIL, Huffstutler confirmed that he is anticipating reduced cash balances.

Regarding the "Other Transfers In/Loan" on page 5, GENERAL FUND REVENUE DETAIL, Wever questioned the location of the fire truck purchase in the budget. Director of Finance Huffstutler acknowledged that the truck and payment of same will not take place until the next budget year. He explained that it will have to be a budget amendment when the loan is obtained.

It was noted by Council Member Brayton that the 1998-99 budget did not include golf course lease revenue, which Huffstutler advised was listed in the enterprise fund. After the enterprise is closed, the revenue would be reflected in either the General fund or McKethan Capital Project Fund. It was the consensus of Council to place the excess cash left over on September 30th into the General Fund.

On Page 13, GENERAL GOVERNMENT Council Member Wever voiced his opinion that the legal services should be increased by \$10,000 or \$15,000 due to upcoming issues, to which Council Member Brayton voiced his support. Council discussed the proposed increase. Council Member Johnston felt that it could always be increased by amendment if needed. Vice Mayor Staib voiced her agreement. It was decided to leave it budgeted at \$35,000.

Director of Finance Huffstutler pointed out a correction on page 30, ADMINISTRATIVE OPERATIONS DIVISION, in that the footnote (2) on line 25, "Repair and Maintenance" should be on line 22 "Uncapitalized Equipment".

Council Member Wever referred to page 108, PUBLIC WORKS ADMINISTRATIVE DIVISION, and voiced his opinion that the extra compensation going to the Director of Public Works for the U.S. 41/S.R. 50 project should come out of utilities. Director of Finance Huffstutler stated that Pierce's salary is not split out in a number of directions as the Superintendent of Utilities is. Wever stated that he has a problem with the General Fund paying what Utility Fund should be paying. City Manager Anderson offered that it could be left as is, then charged to the project to subsequently reimburse the General Fund.

On pages 127, 128, and 129, CAPITAL PROJECT FUNDS SUMMARY, Council Member Wever questioned if there is a separate line for interest income on those funds invested or is it included in miscellaneous. Huffstutler went through several of the items and stated that most of the projects are new and most of the income is listed in miscellaneous. He added that interest income is transferred monthly.

Director of Finance Huffstutler responded to Mr. Wever's question on Page 131, TRUST AND AGENCY FUNDS SUMMARY - BUTTERWECK BOND FUND, on the fact that no operating expenditures for maintenance are shown. Huffstutler advised that he has planned to meet with the Director of Parks and Recreation to develop a related schedule, which should also get approved by the Cemetery Advisory Board. Anderson suggested that a number could be put a number on the expenditure side and then staff would determine what could be prorated to use it for a portion of the cemetery that is covered by the fund. Council Member Brayton stated that it was originally set up that all interest went to the cemetery enterprise fund with the \$2,000 CD staying in the Butterweck Bond Fund. It was his opinion that all interest should go directly to the cemetery. Council Member Wever voiced his agreement and Anderson indicated that would be implemented.

On page 135, WATER AND WASTEWATER SUMMARIES, Council Member Wever called attention to the reduced

revenue from charges for services which Huffstutler stated was from anticipated lower volume of usage. Regarding the \$450,000 reflected for the new wellfield, Wever questioned the financing, which Huffstutler stated would come from Series C bonds, with USDA approval. Council Member Wever explained that the Withlacoochee Regional Water Supply Authority Board has a new project where the WRWSA will participate in funding 2/3rds of the cost of projects if cities and counties participate in 1/3rd funding. Anderson stated that there is a WRWSA meeting Wednesday regarding possible funding options and staff will report accordingly.

Council Member Wever called attention to page 143, SOLID WASTE SUMMARIES, specifically pointing out that the City is including capital outlay to spend \$130,000 more than what will be taken in. He further pointed out, however, that the City still has a high fund balance from that account at the end of the next budget year. He felt that rate inequalities should be addressed again. City Manager Anderson stated that it is staff's plan to bring that issue to Council for consideration at a later date.

On page 145, SOLID WASTE COLLECTION, Wever called attention to the possible landfill legal action. City Attorney Battista expressed his opinion that the legal issues should be addressed and over with fairly quickly and estimated a cost of \$2,000 assuming no litigation. It was pointed out that any excess could be taken out of reserves if necessary.

Public Hearing - Fiscal Year 2000 Proposed Budget

There was no public input.

Public Announcement

City Clerk Phillips read the Public Announcement, as follows:

The fiscal Year 2000 proposed millage rate (the tentative ad valorem millage rate) of 8.0000 mills exceeds the 1999/2000 rolled back rate of 7.3994 mills by 8.11%

Approval of Ad Valorem Tax Rate of 8.0000 Mills for Fiscal Year 2000

Motion:

Motion was made by Staib and seconded by Wever to approve the ad valorem tax rate of 8.000 mills for Fiscal Year 2000.

Kathleen Reeves voiced her objection to the 10. mills as indicated on the trim notice sent out recently. Mayor Lewis advised that the trim notice reflects 10 mills but it has been historically lowered. He informed her that it was set at 8.0000 mills and her taxes would not increase from last year unless her property was assessed at a higher rate.

Motion carried 5-0.

C) Ordinance No.606 - Adoption of the Tentative Budget for Fiscal Year 2000

City Clerk Phillips read ordinance No. 606 by headnote only, as follows:

AN ORDINANCE APPROPRIATING CERTAIN MONIES FOR THE GENERAL OPERATIONS OF THE CITY OF BROOKSVILLE, FLORIDA, FROM ITS SEVERAL FUNDS FOR THE TWELVE MONTH PERIOD BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000.

There was no public input.

Motion:

Motion was made by Brayton and seconded by Staib to approve First Reading of Ordinance No. 606. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Second and Final Reading scheduled for September 29, 1999.

Ordinance No. 607 - Council Salary Adjustment

Consideration of \$100.00 increase in salaries of Council Members.

City Clerk Phillips read ordinance No. 607 by headnote only, as follows:

AN ORDINANCE DETERMINING THE SALARY OF COUNCIL MEMBERS, THE MAYOR AND VICE MAYOR OF THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Brayton and seconded by Wever to approve First Reading of Ordinance No. 607. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

It was agreed to change the headnote to remove the word "annual".

Second and Final Reading scheduled for September 29, 1999.

Resolution No. 99-16 - Utility Rate Adjustment

Consideration of \$1.50 per month increase in residential rates due to new treatment plant and related system improvements.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA REVISING CERTAIN SERVICE CHARGES AND RATES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Director of Finance Huffstutler advised that in accordance with the grant/loan, the rate recommendation from USDA has already been adopted for Phase I and this rate increase is based upon their recommendation for Phase II. He added that this would be effective with the October billing cycle. Council Member Brayton stated that he is opposed to the rate increase, but realizes that it is required due to USDA. Each Council Member voiced their agreement.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 99-16.

Kathleen Reeves voiced her opposition to the increase. Huffstutler stated that

USDA would not allow them to allocate utility billing in accordance with a water study that the City's consultant had completed but advised that this will not be the last rate increase. He added that after the loan closing, the allocation of billing for customer classification may be adjusted to help with the rate increases.

Mayor Lewis explained the grant/loan and the projects that the funding will be used for and added that the loan will keep the City from having to increase the rates even more.

Upon roll call, motion carried 5-0, as follows:

Wever Aye

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

ADJOURNMENT

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

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

SEPTEMBER 13, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Fire Chief; Lee Huffstutler, Director of Finance; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; B. Ed Tincher, Police Chief; William Smith, Utilities Superintendent; and a representative from the St. Petersburg Times (7:15 p.m.) and Hernando Today (7:35 p.m.).

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

July 21, 1999 - Preliminary Budget Workshop

August 2, 1999 - Regular Council Meeting

August 11, 1999 - Budget Workshop

August 16, 1999 - Regular Council Meeting

Cops More Grant

Accept grant award of \$84,597.00 with City's 25% match (\$28,000.00) to be used for electronic and related equipment, and authorize execution by Mayor.

Police Department - Universal Hiring Program

Authorize staff to submit application for extension of program for twenty four months (November 30, 2001).

Motorcycle Lease Renewal

Approval of lease for two Harley Davidson motorcycles for one year for a total of \$24.00 and authorize execution by City Manager.

Renewal of Withlacoochee Regional Planning Council service agreement

Consideration of extending annual agreement for services on an as needed basis for additional year through September 30, 2000.

Award of Bid - Knuckle Boom Truck

Authorize acceptance of bid from Peterbuilt in the amount of \$111,060.00 (\$90,000 budgeted in account #402-016-534-64.01 - remainder of \$21,060.00 from Sanitation Department Reserves).

Amendment to Engineering Services Agreement

Extend time of July 16, 1996 Professional Services Agreement with Coastal Engineering Associates, Inc. for engineering and inspection services at additional cost of \$9,325.00 to January 8, 2000.

City Clerk Phillips called attention to a correction needed on page three of the August 11th Budget workshop minutes to change to "\$1.00 per month per bike" instead of "\$1.00 per year per bike".

Council Member Brayton requested that when next year's calendar is discussed, Council should consider holding the Council meeting on a Tuesday if the Labor Day Holiday causes there to be only one meeting in September again. Mayor Lewis voiced his agreement.

Motion:

Motion was made by Brayton and seconded by Staib to approve the September 13, 1999 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Presentation to City - Hernando Youth League

Hernando Youth League requests opportunity to make presentation to Council.

Pam Gant presented Council with an autographed team softball.

Council Member Wever suggested that Ms. Gant speak to the Hernando Youth League Board about putting a display case in the Tom Varn Stadium for trophies. Parks and Recreation Director Pugh felt that something inside the building could be arranged.

Proclamation - "American Business Women's Association" Day

Proclaiming September 22, 1999 as American Business Women's Association Day.

The proclamation was read in its entirety by Vice Mayor Staib and was presented to Beverly Lewis and ABWA president Carol Brantly.

Proclamation - "International Day of Peace"

Proclaiming September 21, 1999 as International Day of Peace.

Mayor Lewis read the proclamation and advised that it would be sent to the appropriate agency.

Proclamation - "Arts and Humanities" Month

Proclaiming the month of October as National Arts and Humanities Month.

Mayor Lewis read the proclamation, which was presented to Mary Alice Queiros, Hernando County Fine Arts Council.

City Clerk Phillips stated that the City would be participating with the Fine Arts Council on Sunday, October 3rd in an Arts and Cultural Awareness Day at City Hall from 1:30 p.m. - 4:00 p.m. There will be entertainment and the City Hall Art Gallery will be open for viewing.

PUBLIC HEARING

****Ordinance No. 598 - 604**

Consideration of ordinances annexing certain real property into the City of Brooksville, effective October 1, 1999, as follows:

[First Reading - August 2, 1999]

- a. Ordinance No. 598 -- 326 Darby Lane
- b. Ordinance No. 599 - 480 Darby Lane
- c. Ordinance No. 600 - 306 Darby Lane
- d. Ordinance No. 601 - 404 Darby Lane
- e. Ordinance No. 602 - 510 Darby Lane
- f. Ordinance No. 603 - 520 Darby Lane
- g. Ordinance No. 604 - 1114 Chatman Boulevard

City Clerk Phillips read ordinance No. 598 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Address: 326 Darby Lane

Motion:

Motion was made by Brayton and seconded by Staib to approve Second and Final Reading of Ordinance No. 598. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Kathleen Reeves questioned where the property is, which was addressed by Council.

There was no further public input.

City Clerk Phillips read ordinance No. 599 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Address: 480 Darby Lane

Motion:

Motion was made by Wever and seconded by Brayton to approve Second and Final Reading of Ordinance No. 599.

Kathleen Reeves questioned if the people were notified, which Mayor Lewis confirmed, stating they had been notified by letter when the interlocal agreements were considered by the City and by letter that stated when First and Second Reading of the annexation ordinances would take place.

There was no further public input.

Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

City Clerk Phillips read Ordinance No. 600 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Address: 306 Darby Lane

Motion:

Motion was made by Wever and seconded by Staib to approve Second and Final Reading of Ordinance No. 600.

Mr. Albert Carter, owner of 306 Darby Lane, voiced his opposition and questioned the City's plan regarding the sewer system on Darby Lane. Mayor Lewis stated, and Director of Public Works Pierce confirmed, that there are no plans to extend sewer services at this time. However, if they did, it is correct that the residents would be required to hook up, which they would also have to do if they were still in the County as customers.

Brenda Carter came forward and wondered why the whole street is not being annexed at this time. Community Development Director Geiger stated that the initial round of annexation contained properties that are completely surrounded by the City. He added that staff would be presenting additional enclave properties later this year. Mayor Lewis interjected that there are 30 to 50 additional properties that are being considered.

Council Member Brayton stated that if the annexation does not go through, he would like the property owners to be aware that if the County pursues their idea of combining Fire Districts, their nearest fire service would come from the Airport. He stated, however, that based upon the opposition voiced by Mr. and Mrs. Carter, he may reconsider his position on this particular annexation.

Upon roll call, motion carried 4-1, as follows:

Wever Aye

Brayton Nay

Johnston Aye

Staib Aye

Lewis Aye

City Clerk Phillips read ordinance No. 601 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Address: 404 Darby Lane

There was no public input on the ordinance.

Motion:

Motion was made by Staib and seconded by Wever to approve Second and Final Reading of Ordinance No. 601. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

City Clerk Phillips read ordinance No. 602 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Address: 510 Darby Lane

There was no public input on the ordinance.

Motion:

Motion was made by Wever and seconded by Staib to approve Second and Final Reading of Ordinance No. 602. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

City Clerk Phillips read ordinance No. 603 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Address: 520 Darby Lane

There was no public input on the ordinance.

Motion:

Motion was made by Wever and seconded by Staib to approve Second and Final Reading of Ordinance No. 603. Upon roll call, motion carried 5-0, as follows:

Wever Aye

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

City Clerk Phillips read ordinance No. 604 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Address: 1114 Chatman Boulevard.

City Manager Anderson requested that this ordinance be continued until the meeting of December 6, 1999. City Attorney Battista explained that the Brooksville Nursing Manor's parent company declared bankruptcy and the City must file a Motion for Relief from Stay in order to proceed with the annexation.

There was no public input on the ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to continue Ordinance No. 604 until December 6, 1999. Motion carried 5-0.

In response to City Attorney Battista's question, each Council Member indicated that they had had no ex parte conversations regarding these annexations.

Ordinance 291-E - Department Restructuring

Consideration of ordinance eliminating the Department of Public Safety, and creating the Departments of Police and Fire, effective October 1, 1999. [First Reading - August 16, 1999]

City Clerk Phillips read Ordinance No. 291-E by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE IMPLEMENTING ARTICLE IV OF CITY CHARTER, AMENDING ORDINANCE NO. 291- D, CHAPTER 2, ARTICLE 4 (a), ESTABLISHING THE DEPARTMENTS OF THE CITY OF BROOKSVILLE UNDER THE DIRECTION AND SUPERVISION OF THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE.

Motion:

Motion was made by Staib and seconded by Wever to approve Second and Final Reading of Ordinance No. 291-E.

Kathleen Reeves questioned who coordinates the Fire and Police Chiefs in an emergency, to which she was advised would be the City Manager.

Upon roll call, motion carried 4-1, as follows:

Brayton Aye

Johnston Nay

Wever Aye

Staib Aye

Lewis Aye

Evaluation and Appraisal Report

In accordance with DCA requirements, Council must hold a public hearing prior to transmitting the EAR to the STATE for review.

Community Development Director Geiger introduced Bob Massarelli, CRA, who was present to address questions. Brayton questioned DCA's correspondence that indicated that the submittal was incomplete. Geiger stated that at that time, DCA stated that a public hearing was required and future and existing land use maps were needed for submittal.

Motion:

Motion was made by Brayton and seconded by Johnston to authorize transmittal of the EAR to the State for review. Motion carried 5-0.

REGULAR AGENDA

Ordinance No. 597 - Right-of-way Use

Consideration of proposed ordinance establishing right-of-way construction permit procedures [From 7-12-99 mtg]

City Clerk Phillips read Ordinance No. 597 by headnote only, as follows:

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, SETTING THE PURPOSE AND AUTHORITY FOR ESTABLISHMENT OF RIGHT-OF-WAY UTILIZATION REGULATIONS; PROVIDING FOR DEFINITION OF TERMS; REFERENCING RELATED OFFICIAL CITY POLICIES; PROVIDING AUTHORITY TO ESTABLISH POLICY, AGREEMENTS AND RELATED RIGHT-OF-WAY UTILIZATION FORMS; PROVIDING AUTHORITY TO ESTABLISH FEES BY RESOLUTION; REFERENCING EXISTING FACILITIES; IDENTIFYING SUPPORTING REGULATIONS; SETTING PENALTIES; PROVIDING FOR CONFLICT, SEVERABILITY, VENUE AND CODIFICATION; AND SETTING AN EFFECTIVE DATE

Director of Public Works Pierce stated that this ordinance is to clarify permitting procedures to allow persons to work within the City right-of-way. Pierce stated that the ordinance includes a form for an agreement for new construction, which becomes a permit when signed and executed, and a blanket right-of-way use permit, which is renewable every year and intended for maintenance activities. He added that there is also a draft resolution included to cover fees.

Council Member Brayton voiced his opinion that since Bell South cannot be charged per their franchise agreement, he could not see charging anyone else who has a proper franchise with the City. He felt that someone who does not have a franchise with City could be charged a fee. City Manager Anderson pointed out that if the City did charge Bell South a fee, it would be deducted from their franchise payment. City Attorney Battista agreed and stated that not charging Bell South is a statutory requirement and is not a decision of the City's.

Council Member Wever stated that he pulled the current franchises and found parts of the franchises relevant to this

issue. He stated that the Florida Power franchise says that their franchise fee shall be the total compensation due. He felt that this equals a contract with Florida Power that states that no other fees should be assessed. He pointed out, however, that there is no such clause in the Time Warner or the Gas Franchise. He stated that Council should remember that whenever Time Warner want to raise rates, the City does not have to agree with it. He went on to state that he agrees with Council Member Brayton that any companies that have existing franchises should not be charged.

Council agreed that the utilization of the right-of-way permitting is important to know who is digging, why and where.

Mayor Lewis brought up the fact that if the City does not charge the franchise holders, there will also be the franchise companies' sub-contractors working in the right-of-way. Council Member Brayton felt that if the subcontractors are working for the franchise companies, they should be considered a part of them.

Pierce offered his recommendation that the franchise companies be exempt from fees, but have subcontractors pay the fees as these are the ones who cause the City the most problems. Council Member Wever pointed out that if the subcontractors are charged, they will probably pass those charges on to the franchise holder. City Attorney Battista further pointed out that those costs would then be passed on to the residents of the City as the customers.

Mayor Lewis voiced his agreement in exempting the existing franchise companies in that they already have a contract with the City. He further agreed with Mr. Pierce that the subcontractors should be charged. Council Member Brayton wanted Council to be aware that if someone has legal issues with the subcontractor, the franchise holder is ultimately responsible, which Battista confirmed.

Council Member Brayton requested language clarification to Item B, Section 6, Blanket right-of-way Utilization Agreement. He questioned whether franchise holders, such as Florida Power, ever use the same hole to put replacement poles into. He did not believe that is the normal practice, although Pierce indicated that it does happen.

Council Member Wever informed Council that he did not have a problem with the ordinance or forms but would not agree with the resolution on fees, which he felt should be re-written.

Council Member Johnston stated that Council has been discussing exempting franchisees from paying fees. He questioned if that wording should be incorporated into the ordinance or only into resolution, which Battista voiced his opinion that it should be in the resolution. Battista stated that he needed to take a look at the City's ability to exclude franchisees and not others who work in the right-of-way.

Mike Harbour, Florida Power, stated that FPC's interpretation of their franchise agreement is that they would not pay any additional fees. He addressed specifics of the agreement which was renewed in January, 1998. He stated that Florida Power would be responsible for subcontractors and urged Council not to charge them fees. He offered a suggested clarification for Item B, Section 6 to read... "Replacement of existing permitted poles" and leave out "if using the same hole no notification is required". Pierce disagreed, stating that there is too much buried in the right-of-ways now not to give notification before digging. Harbour stated that they would still have to go through the same notification process and suggested adding the same 48 hour notification provision as in other sections. Director of Public Works Pierce pointed out that there is a provision that allows up to 5 poles, which is covered under the blanket permit. It was pointed out that this provision is for new customers only. Pierce added that a more extensive rehab would require a permit for new construction.

Council Member Wever suggested striking "if using the same hole" in Section 6, Item B and add the following statement to the last sentence of Item C: "The permittee shall give all other UAO's/Sunshine-One-Call, and the City forty eight (48) hours notice prior to doing any excavation with machinery".

Motion:

Motion was made by Brayton and seconded by Wever to approve First Reading of Ordinance No. 597. Motion carried 5-0 upon roll call, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

Second and Final Reading will be held October 4, 1999.

For clarification, Brayton stated that they are not passing the resolution at this time, but it will be discussed at a later date to try to decide whether to charge subcontractors.

****Ordinance No. 605 - Rezoning**

Consideration of rezoning ordinance to rezone property located at Lemon Ave. and Walker Ave. Petitioner: Robert F. Rogers.

In response to City Attorney Battista's question, each Council Member indicated that they had no ex-parte communications regarding the petition. There was no one present to be sworn in for testimony.

Community Development Director Geiger explained the petition, stating that the property is currently zoned R-3 multi-family and also listed on the future land use map as R-3 multi-family. He informed Council that the petition was heard before the Planning and Zoning Commission, who recommended that the property be rezoned to C-2. In response to Johnston's question, Geiger stated that Mr. Rogers agreed that there will be no outdoor storage. City Manager Anderson indicated that the petitioner would be reminded of that.

Motion:

Motion was made by Brayton and seconded by Staib to approve First Reading of Ordinance No. 605.

City Clerk Phillips read Ordinance No. 605 by headnote only, as follows:

AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-3 TO C-2, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING AN EFFECTIVE DATE.

Address: E. side of the intersection of Lemon and Walker Ave.

There was no public input.

Upon roll call, motion carried 5-0, as follows:

Wever Aye

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Second and Final Reading scheduled for October 4, 1999.

Resolution No. 99-15 - Bulb-Out/Crosswalk Project

Certification of right-of-way for local roads in downtown area of Brooksville.

City Clerk Phillips read Resolution No. 99-15 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR THE CERTIFICATION OF PUBLIC RIGHT-OF-WAY FOR THOSE STREETS ESTABLISHED AS PART OF THE ORIGINAL TOWN OF BROOKSVILLE, AS DESIGNATED IN RECONSTRUCTED DRAWINGS RECORDED IN PLAT BOOK 3, PAGES 1 THROUGH 3 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, AND FURTHER DESCRIBED IN ROAD AND SIDEWALK IMPROVEMENT PROJECTS THAT HAVE BEEN UNDERTAKEN OVER TIME.

Motion:

Motion was made by Johnston and seconded by Staib to approve Resolution No. 99-15.

Council Member Brayton called attention to an existing interlocal agreement with the County on maintenance of certain right-of-ways and questioned if the same type of action is needed to be taken by the County, particularly as this relates to roads off of Main Street. Community Development Director Geiger responded that this resolution is not meant to conflict with the current interlocal agreement with Hernando County on road right-of-way maintenance. Geiger added that the main purpose of the resolution is to certify and state what the right-of-way areas are for bulb-out placement purposes.

For the record, City Clerk Phillips read the right-of-way locations involved, as follows:

- Main Street from its intersection with Fort Dade Avenue (a.k.a. Bayport Road) on south to its intersection with Summit Road has an established minimum right-of-way width of sixty (60) feet.
- Fort Dade Avenue from its intersection with Bailey Avenue on eastward to its intersection with Main Street has an established minimum right-of-way width of forty (40) feet; and east of Main Street to Magnolia Ave, Fort Dade Avenue has an established minimum right-of-way of fifty (50) feet.
- Liberty Street from its intersection with Bailey Avenue on eastward to its intersection with Georgia Avenue has an established minimum right-of-way of fifty (50) feet.
- Brooksville Avenue from its intersection with Fort Dade Avenue south to its intersection with Jefferson Street has an established minimum right-of-way of sixty (60) feet.
- Brooksville Avenue from its intersection with Broad Street south to its intersection with Section 27, Township 22 S., Range 19 E., has an established minimum right-of-way of sixty (60) feet.
- Howell Avenue at its intersection with Fort Dade Avenue has an established minimum right-of-way width of fifty (50) feet.

In response to Council Member Wever's question, the bulb-out project has been approved by the MPO and prioritized in their enhancement funding projects for construction this year but has not been permitted by FDOT at this point because they needed this certification of right-of-way.

Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Approval of Contract - Group Employee Health Insurance

Approval of contract rates with Blue Cross/Blue Shield.

Director of Finance Huffstutler stated that they have negotiated with Blue Cross and he continued by addressing Council regarding the rate options. Huffstutler advised that they have indicated that they cannot give an exact rate quote until final enrollment is completed.

Council Member Brayton voiced his opinion that this item should have been before Council for consideration three months ago.

Motion:

Motion was made by Brayton and seconded by Wever to authorize execution of the contract by the Mayor. Motion carried 5-0.

Special Election Costs

Report on costs for holding special election for limited ad valorem tax exemption issue on year 2000 ballot.

Motion:

Motion was made by Brayton and seconded by Wever not to hold a special election. Motion carried 5-0.

In response to Council Member Brayton's question regarding removing the \$13,000 from the budget for special election costs, City Clerk Phillips confirmed that although they would not hold a special election, there are still some related election costs when held on another election date. She stated that the City pays for legal advertising. She added that the Supervisor of Elections is also entitled to expenses, although she has never charged for them. Council Member Brayton suggested leaving that \$13,000 in the budget. Council Member Wever stated that it may be needed for publicity costs.

The election dates of March 14, 2000, September, 2000 and November, 2000 were discussed. City Clerk Phillips stated that all the registered voters should be reached by a public awareness campaign. She advised that the ballot language must be submitted to the Supervisor of Elections office preferably 90 days but no less than 30 days before the election. It was mentioned that the wording of the ballot question will be changed for clarification.

Motion:

Motion was made by Brayton and seconded by Wever to place the economic development tax exemption issue on the March 14, 2000 ballot. Motion carried 5-0. Council Member Brayton recommended holding more public meetings and open houses with the public and especially the businesses.

Policy No. 2-88 - Evaluation of Professional Services

Consideration of amended ranking forms.

Council discussed page 4 regarding the 10 points given to proposers located within the City.

It was the consensus of Council to continue this item until the next Council meeting.

1998-99 Street Paving Project

Authorize issue of purchase order to Grubbs Construction at unit prices in the amount not to exceed \$50,000, together with transfer of \$4,113.16 from reserves, both from Account #001-019-541-65.10.

Motion:

Motion was made by Brayton and seconded by Staib.

Director of Public Works Pierce requested permission to hold the project up for two to three weeks and include the 1999-2000 budgeted amount of \$50,000 and add Darby Lane to the list.

Motion and second were amended to hold up project to combine with 1999-2000 budget amount of \$50,000 to make a total of \$100,000.

Motion carried 5-0.

Council Member Wever advised that part of the end of Candlelight Boulevard at S.R. 50 is encroaching on Candlelight Plaza property and part of their use is encroaching on City right-of-way. He added that there is also some City right-of-way that has not been finished and paved. He requested that the Director of Public Works come up with a cost at the next Council meeting of what it would be to identify that right-of-way and finish construction of that street and correct those encroachments.

Council Member Wever requested that staff quit using account #s and start using account titles.

Appointment of Board Members

Consideration of appointing one member to the Parks and Recreation Advisory Board, two members to the Police Pension Trust Fund Board of

Trustees, one member to the Brooksville Housing Authority and confirming the appointment of one member to the Fire Fighter Pension Trust Fund Board of Trustees.

Motion:

Motion was made by Johnston and seconded by Staib to reappoint Mobley to the Brooksville Housing Authority, Quinn and Samples to the Police Pension Trust Fund and Chatman to the Parks and Recreation Advisory Board. Motion carried 5-0.

Motion:

Motion was made by Brayton and seconded by Staib to confirm reappointment of Crosby to Fire Fighters' Pension Trust Fund. Motion carried 5-0.

Water system control - WWTP (Phase I)

Consideration of utilizing City of Deland bid for control system components for Hope Hill, Lamar and Hillside Plants, at unit prices for a total estimated cost of \$17,550 [Funds available in 405-021-536.405 Utilities Repair and Replacement]

Motion:

Motion was made by Brayton and seconded by Staib to approve utilizing City of Deland bid for control system components for Hope Hill, Lamar and Hillside Plants, at unit prices for a total estimated cost of \$17,550.

Carried 4-0, with Johnston absent for vote.

Pine Beetle infestation

Consideration of participation in eradication program by residential disposal of affected trees.

Community Development Director Geiger explained that the Division of Forestry has requested that the City participate in a program to dispose of the affected trees by placing the pine trees at the side of the road for pick-up. That pick-up will be free of charge up until a certain time period. In response to Council Member Brayton's question, Geiger stated that there is approximately 20 trees within the City limits.

Motion:

Motion was made by Brayton and seconded by Wever to approve participation in the program. Motion carried 5-0.

Alpine Circle Sewer Rehabilitation Project

No response was received from Request for Bid.

A. Consideration to carry over \$80,000 to fiscal year 1999-2000 and combine with \$50,000 proposal for other projects for a total budget of \$130,000. [budgeted in Account #406-021-536-65.68]

B. Authorization to piggyback on City of Lakeland contract at unit prices, or if not feasible, authorize rebid of project.

Pierce stated that he had spoken to several of the potential bidders who indicated that one of the main reasons that they did not bid was because it was too small of a project. He added that one suggested getting a copy of the City of Lakeland's contract to see if the City could utilize that. Pierce recommended that if they cannot piggyback on the City of Lakeland's contract, he would like to combine funds and rebid the project.

Motion:

Motion was made by Wever and seconded by Johnston to approve items I, II, and III as recommended by the Director of Public Works in his memo dated September 9, 1999, as follows:

I. Carry the \$80,000, budgeted this year in FY 98/99, forward to FY 99/00 and combine it with the budgeted \$50,000 for FY 99/00 to make a total project budget of \$130,000.

II. Allow staff to first negotiate a proposed contract with Griner based on the Lakeland contract. The negotiated proposed contract would be brought before Council for final approval.

III. If staff determines that a proposed contract cannot be negotiated, then allow staff to rebid project.

Motion carried 5-0.

Project Status Reports

A. Jerome Brown Community Center project status - Ownership/Funding

Carey Carlson, Chairman, Jerome Brown Community Center, presented a construction update, stating that the exterior of the building is basically completed. He went on to state that it will take approximately \$90,000 to finish the project, with an estimated completion date of December 15th. Mr. Carlson advised that the last balance of the Center showed \$45,000 and that they have several fundraisers ongoing and upcoming.

Director of Parks and Recreation Pugh stated that at the last Parks and Recreation Advisory Board meeting, the Board voted to recommend that \$45,000 be loaned out of the McKethan Trust Fund to complete the interior of the building. Advisory Board Chairman Schraut confirmed this and voiced the Board's support of assisting the project with the understanding that the money would be paid back through continued fundraising efforts.

Council Member Wever questioned the costs for the paving of the Center's parking lot, taking into consideration the FRDAP grant funds. City Clerk Phillips advised that cost is about \$133,000, with the FRDAP grant being nearly \$100,000 and the City's match being \$33,000. In response to his further question, Phillips advised that the \$33,000 would come out of in-kind services and general fund sources.

Council Member Wever questioned that if the General Fund lends the money, how would it be paid back to the General Fund. Schraut clarified that it would be lent from the McKethan Trust Fund. Carlson interjected that fundraising efforts will continue in an effort to pay back the loan. Schraut suggested that the money could be paid back within three to five years.

Council Member Brayton pointed out that the McKethan Capital Project Fund was created to build capital projects in the Park. He stated that he could not think of a better use for the funds than to loan it to the Jerome Brown Community Center.

In response to Council Member Brayton's question, City Attorney Battista stated that the correct language at this point would be "loan" with an appropriate agreement being worked out.

Motion:

Motion was made by Brayton and seconded by Staib to loan from the McKethan Capital Project Fund for a sum not to exceed \$50,000 to the Jerome Brown Construction Board with a payback time of a maximum of five years. Motion and second withdrawn.

Council Member Wever expressed his concern of whether government money could be lent to an outside organization. Council Member Johnston felt that it was a loan into Parks and Recreation, who will be running it, for the completion of the Jerome Brown Community Center. He suggested that after Jerome Brown funds are depleted, invoices could come to the City. Council Member Wever further suggested putting the funds into the Parks and Recreation budget. City Attorney Battista advised that staff could be directed to work out the details. City Manager Anderson stated that it would be brought back to the next Council meeting for approval.

Julie Jenkins and Willie Brown voiced their appreciation to the City for their support.

B. USDA/RD Grant-Loan Status

Director of Finance Huffstutler advised that there may be a minor revision to the financing resolution for Phase II. He added that Mr. Wever and City staff would be meeting with USDA this week, with a "dry closing" scheduled after that. He stated that he anticipates closing within 60 days.

C. WWTP and related Projects

Director of Public Works Pierce informed Council that the Cobb Road WWTP continues on or ahead of schedule, with stairways and walkways to be completed shortly. He added, however, that Phase II is behind schedule. He stated that the contractor, Centerline Construction, will be requesting a justified time extension, which is due to weather and other site conditions. He stated that unfortunately, it will probably involve liquidated damages. He advised that there had been personnel turnover and problems getting testing equipment in place properly.

Pierce advised that the SR 50 JPA is currently at a phase involving marking of the existing utility lines and FDOT is expected to work six days a week. Pierce added that staff is having weekly meetings with FDOT.

He went on to advise that the Wesleyan Village project is proceeding intermediately due to the unavailability of pvc pipe.

Director of Public Works Pierce advised that the Donto extension is almost completed.

Pierce explained that Coastal Engineering Associates, Inc. would like to make a presentation at the October 4, 1999 meeting regarding the wellfield. He added that Coastal is submitting a proposal to the Water Supply Authority regarding funding options. He went on to state that Coastal is also making a presentation to the Junior College Trustees on the status of the wellfield.

Pierce advised that Coastal has met with all property owners along the corridor route and he may also be making a presentation on October 4th regarding a slightly revised route of the frontage road.

In response to Council Member Johnston's question, Pierce advised that the Cobb road project is proceeding on time based upon the time extension

approved at this meeting.

D. Community Revitalization

Community Development Director Geiger stated that there will be a workshop with Angie Brewer and Associates, DCA and Council on October 6th at 7:00 p.m. He stated that one of the main purposes of the workshop will be to improve the City's chances of being successful the next grant cycle and hopefully to address other grants. Geiger advised that the redevelopment group will begin meeting again now that summer is over.

He stated that the Rails-to-Trails project and acquisition is proceeding accordingly.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

E.E. WEVER, JR., COUNCIL MEMBER

CDBG fund eligibility for small cities

Council Member Wever suggested that the Mayor send a letter in opposition of the proposal submitted by HUD Secretary Cuomo that would limit the eligibility requirements for small cities to receive CDBG funding.

ROBERT B. BATTISTA, CITY ATTORNEY

Lockhart Ave. Interlocal Agreement

City Attorney Battista updated Council on their direction that he submit an interlocal agreement to the County on the transfer of Lockhart Ave. and North Street, which he indicated had been submitted to the County Attorney and was awaiting response.

RICHARD E. ANDERSON, CITY MANAGER

Hurricane Floyd

City Manager Anderson advised that depending on the direction that Hurricane Floyd takes, B.E.R.T. may be activated. He added that he would keep Council apprised accordingly.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:55 p.m.

City Clerk

ATTEST:

Mayor

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SPECIAL COUNCIL MEETING

SEPTEMBER 13, 1999 6:30 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Fire Chief and David Pugh, Parks and Recreation Director.

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

PROPOSED RACQUETBALL COURT/RENOVATION OF SOFTBALL FIELD AND SUPPORT FACILITIES

Consideration of proposed project - Public Input

Authorization to submit grant application to Florida Department of Environmental Protection, Recreation Development Assistance Program (FRDAP).

Parks and Recreation Director Pugh addressed Council by stating that this public meeting is required in the FRDAP grant process. Mr. Pugh called attention to the site plan, which was distributed to those in attendance, and pointed out the location of the project.

He advised that the grant total would be \$149,000 grant, with \$111,750 coming from FRDAP funding and \$37,250 from the local City cash match. He added that the match cannot be land or in-kind services.

Mr. Pugh summarized that the grant funding would be used for a new racquetball court, renovate softball field #2, install new lighting on the softball fields, new dugouts, bleachers, fencing and irrigation. In addition, the support facilities would be restrooms and lighting, a sign, water fountains and trash cans for the racquetball court area.

In response to Vice Mayor Staib's question, Pugh responded that the existing racquetball courts would be removed. He further addressed her questions about parking availability.

Council Member Wever questioned the size of the field, which Pugh responded that it is a 200 foot youth field.

City Clerk Phillips stated that staff is proposing to complete the grant application in-house.

The Parks and Recreation Director informed Council that at their September 9, 1999 meeting, the Parks and Recreation Advisory Board recommended that the City's match come from the Capital Projects Trust Fund. He stated that those funds have always been for capital projects to bring the park to where it is today.

Gary Schraut, Chairman of the Parks and Recreation Advisory Board, advised that the Advisory Board fully supports this grant and is excited about the capital improvements being proposed.

There was no further input from the audience.

Motion:

Motion was made by Staib and seconded by Brayton to authorize submittal of grant application to Florida Department of Environmental Protection, Recreation Development Assistance Program. Motion carried 5-0.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 6:40 p.m.

City Clerk

ATTEST:

Mayor

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FINAL PUBLIC BUDGET HEARING

SEPTEMBER 29, 1999 7:00 P.M.

Brooksville City Council met in Budget session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Fire Chief; Bill Geiger, Community Development Director (7:23 p.m.); Lee Roy Huffstutler, Director of Finance; David Pugh, Parks and Recreation Director; Ron Woods, Police Division; and a representative from the Hernando Today (7:12 p.m.).

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

RICHARD E. ANDERSON, CITY MANAGER

Public Announcement - Ad Valorem Tax Rate

The City Clerk read the Public Announcement as follows:

Per the TRIM Notice the proposed ad valorem rate for the Fiscal Year 2000 is 8.00 Mills. This millage rate would generate a 8.12% increase over the rolled back rate of 7.3994 mills.

General Fund budget is balanced at a proposed rate of 8.0000 mills for fiscal year 2000. Public law states that Council may reduce the millage rate, but may not increase it at the Final Trim Notice Public Hearing.

Lee R. Huffstutler, CPA, Finance Director - Presentation of proposed Budget

A. Recommended Revenues (Including Transfer and Beginning Fund Balances):

- General Fund \$ 6,045,137
- Special Revenue Funds 996,389

(3) Capital Projects Funds 230,354

(4) Proprietary Funds 17,670,632

(5) Trust and Agency Funds 2,117,420

TOTAL REVENUES \$27,059,932

B. Recommended Expenditures By Department and Budget Centers:

(1) General Fund Expenditures

General Government \$ 1,660,473

City Council 52,281

Administration Department 564,513

Finance Department 371,900

Police Department 1,197,182

Fire Department 911,629

Parks & Recreation Department 414,528

Public Works Department 872,631

TOTAL GENERAL FUND EXPENDITURES \$ 6,045,137

(2) Special Revenue Expenditures

Police Special Education 4,700

Law Enforcement Trust Fund 3,650

Law Enfmt. Invest. Trust Fund 10,450

COPS Universal Hire Grant 124,287

Police Special Communications 29,200

Police LLEGB (96, 97, 98) 28,130

Road Impact Fees Fund 51,300

Public Bldg. Impact Fees Fund 4,100

Park Impact Fees Fund 2,600

Law Enfmt. Impact Fees Fund 5,600

Fire/EMS Impact Fees Fund 2,600

Local Option Gas Tax Fund 545,222

CDBG Projects 78,300

Major Storm Readiness Fund 106,250

TOTAL SPECIAL REVENUE FUND EXPENDITURES \$ 996,389

(3) Capital Projects Expenditures

McKethan Park 96,754

Public Facilities R&M 10,000

City Hall Renovations 33,600

Elevator Project 90,000

TOTAL CAPITAL PROJECTS EXPENDITURES \$ 230,354

(4) Proprietary Fund Expenses

Utilities-Water & Wastewater 15,199,439

Solid Waste 1,655,753

Vehicle Maint. Inter. Ser. Fund 815,440

TOTAL PROPRIETARY FUND EXPENSES \$17,670,632

(5) Trust and Agency Expenditures

Butterweck Bond Fund 2,000

Special Cemetery Fund 172,920

Donor Memorial Wall Fund 5,605

Fire Retirement Fund 1,403,971

Policemens Retirement Fund 409,371

General Employees Retirement Fund 72,553

Self Insured Dental Plan 51,000

TOTAL TRUST AND AGENCY EXPENDITURES \$ 2,117,420

TOTAL EXPENDITURES AND EXPENSES \$27,059,932

Approval of Resolution No. 99-18 - 1999/2000 Levying a General Fund Millage Rate for the Year 1999/2000

City Clerk Phillips read resolution No. 99-18 by headnote only, as follows:

A RESOLUTION LEVYING A MILLAGE RATE FOR THE YEAR 1999/2000 FOR THE OPERATION OF THE VARIOUS DEPARTMENTS AND FUNDS OF THE CITY OF BROOKSVILLE, FLORIDA AND PROVIDING AN EFFECTIVE DATE

There was no public input on the resolution.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 99-18. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Ordinance No. 606 - Adoption of the Tentative Budget for Fiscal Year 2000

City Clerk Phillips read Ordinance No. 606 by headnote only, as follows:

AN ORDINANCE APPROPRIATING CERTAIN MONIES FOR THE GENERAL OPERATIONS OF THE CITY OF BROOKSVILLE, FLORIDA, FROM ITS SEVERAL FUNDS FOR THE TWELVE MONTH PERIOD BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30, 2000.

There was no public input on the ordinance.

Motion:

Motion was made by Brayton and seconded by Johnston to approve Ordinance No. 606.

Council Member Wever suggested that the headings should be changed to the word "funds" to match the heading "General Funds".

Council Member Wever voiced concern about what is budgeted for the Township 22 revenue and questioned whether the amount should be lowered. City Manager Anderson advised that in a recent conversation, the County Administrator indicated that the amount derived from the formula would be the number they would anticipate paying us, rather than based on raising the milage rate.

Council Member Wever called attention to page 157 of the budget and stated that the "transfers out" is off \$6,000 from the figure reflected on the following page. Director of Finance Huffstutler explained the oversight in the narrative and indicated that it would be corrected. Huffstutler pointed out that the number on page 156 of the budget regarding the same issue is correct. Huffstutler further called attention to page 16 and stated that the "transfer in" from the Utility Fund is off by \$6,000, which would be corrected.

On page 29 on the General Government schedule, Wever noted that \$13,000 is budgeted for a special referendum, which Council had agreed to hold on the Presidential Primary. City Clerk Phillips advised that Council had directed her to leave the figure in at the last budget hearing.

In response to Council Member Wever's question regarding the footnote on page 134 referencing "building and equipment rent", Huffstutler explained that the solid waste division owns the building and equipment, so Streets and Utilities pay rent for that building and equipment.

Council Member Wever called attention to page 158 regarding the Series C bonds. He stated that after a discussion with USDA, it was his understanding that the City was not to issue those. Huffstutler stated some revenue is needed to move forward with the capital project plan, particularly the wellfield project. Council Member Wever advised that USDA had requested that the City apply to them for any additional financing needed for the new wellfield system. He went on to state that a previously adopted resolution approved by USDA and the City does not prohibit the issue of the bonds and he felt that if the City needs it, they can be issued. Wever felt, however, that Projects I, II, and III should be completed and the rates adjusted accordingly before any bonds are issued.

Council Member Wever indicated that he plans to work with the Suncoast League of Municipalities in an effort to convince the legislature to change the wording on the legal budget notice, which he felt is very confusing.

Vice Mayor Staib called attention to page 33 and questioned the word "destructing" which Huffstutler indicated he would ~~be~~ [approved by Council 11/1/99 kp] check on.

Upon roll call, motion carried 5-0, as follows:

Wever Aye

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Ordinance No. 607 - Council Salary Adjustment

Consideration of \$100.00 increase in salaries of Council Members.

City Clerk Phillips read Ordinance No. 607 by headnote, as follows:

AN ORDINANCE DETERMINING THE SALARY OF COUNCIL MEMBERS, THE MAYOR AND VICE MAYOR OF THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no public input on the ordinance.

Motion:

Motion was made by Brayton and seconded by Wever to approve Ordinance No. 607. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

Director of Finance Huffstutler requested that if Council came across any typographical errors, to please contact him accordingly.

In response to Council Member Wever's question, Huffstutler stated that the budget would be bound into a booklet for final distribution to Council.

1998-99 BUDGET AMENDMENTS

Approval of amendments to current year budget

Motion:

Motion was made by Brayton and seconded by Staib to approve the necessary amendments. Motion carried 5-0.

Council Member Wever questioned the payment to the General Fund from the Utilities Fund for the purchase of the interrogators, to which Huffstutler advised had not been done yet because the payment of the equipment had not been completed. Huffstutler confirmed Council Member Wever's comment that the transfer from Utilities to the General Fund will not be reduced.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Arts and Humanities Event

City Clerk Phillips advised that the Arts and Humanities event scheduled for October 3 at City Hall has been canceled because the entertainment and other efforts could not be coordinated.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 7:35 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

OCTOBER 4, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Fire Chief; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; B. Ed Tincher, Police Chief; and a representative from the Hernando Today and St. Petersburg Times (7:10 p.m.).

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

Council Member Brayton stated that there is an item that he would like Council to consider at this meeting regarding County zoning for a piece of property being requested by the Brownings for a billboard sign.

Motion:

Motion was made by Brayton and seconded by Wever to place the item on the Regular Council agenda. Motion carried 5-0.

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

September 13, 1999 - Special Council Meeting

September 13, 1999 - First Public Budget Hearing Workshop

September 13, 1999 - Regular Council Meeting

1999 Local Law Enforcement Block Grant (LLEBG)

Acceptance of entitlement grant amount of \$20,392.00, with a City match required in the amount of \$2,266.00 from Reserve Contingencies #001-009-584-99.02. Utilization of the funds to be subsequently determined by Advisory Board.

FDEP - Reduction in Permitting Fees

Authorization to request reduction in permit processing fees to a maximum of \$100 each, pursuant to Florida Statutes, Section 218.075(1), per capital taxable value is less than, and pursuant to Florida Statutes Section 218.075(2), the percentage of exempt property is higher than, the state wide averages, for the following projects: (1) Quarry Golf Course Effluent Line Replacement; (2) School Street Interceptor Sewer Project Phase II; (3) School Street WWTP Operating Permit time extension permit #FLA 012035; and (4) Croom Road WWTP Operating Permit time extension permit #FLA 012034.

Fire/Rescue Truck

Approval to trade in existing 1997 rescue truck to Hallmark Fire Apparatus for a new vehicle complying with City specifications for \$17,000 - Budgeted in the Internal Service Fund, Capital Outlay (Account #501-018-539-64.01).

City Hall Cleaning Contract

Approval to utilize Hernando County Bid for cleaning services to McGinley Maintenance, Inc. in the annual estimated amount of \$15,500. Funds budgeted in General Government "Other Contractual Services" (#001-009-010-34.00). Request authorization for City Manager to execute agreement once final negotiations with vendor have taken place.

Phase II Contracts - Civil-Tech Consulting Engineers Contract Amendments #4A & 4B

Request approval of Contract Amendments (subject to USDA approval) which would provide a 90 day contract extension to January 27, 2000 (if necessary) at a total contract cost increase of \$37,754.30 and authorize execution by the City Manager.

Phase II Contracts - Civil Tech Consulting Engineers Change Order #4 (Northern Section) and Change Order #2 (Southern Section & Addendum #1 School Street Interceptor)

Request approval of Change Orders (subject to USDA approval) which would provide a total net reduction in contract price of (\$40,460.00) and extend the contract deadline 45 days to January 12, 2000 (if necessary) and authorize execution by the City Manager.

It was pointed out that the reference to "they" on page 8 of the September 13th regular Council meeting minutes should reflect "Time Warner". City Clerk Phillips stated that several corrections were necessary on the September 13th First Public Hearing minutes and requested that the minutes be pulled off the agenda and reconsidered at the following meeting.

Council Member Wever requested that Item 4, Fire Rescue Truck, be removed from the Consent Agenda and placed on the Regular Agenda.

Council Member Wever questioned whether any local cleaning services were contacted, which City Clerk Phillips confirmed, stating that they were approximately \$16,000 higher than the one proposed with not as extensive of a cleaning job.

Regarding Phase II, Northern and Southern Change order, Council Member Wever stated that it was his understanding that the City's instruction was to get the Northern Section done first, then concentrate on the Southern Section so that the plant can be started in a timely manner using the Northern Section. Director of Public Works Pierce stated that it is still their intention to have the Northern Section done first.

Council Member Wever questioned Item #29 on the attachment to the Southern Section Change order. Pierce explained that it should be ".5 Ton" instead of ".05 Ton", which would be corrected.

Motion:

Motion was made by Brayton and seconded by Staib to approve the October 4, 1999 Consent agenda with the exclusion of Item #4 and the September 13th First Public Budget minutes. Motion carried 5-0.

Fire/Rescue Truck (MOVED FROM CONSENT AGENDA)

Approval to trade in existing 1997 rescue truck to Hallmark Fire Apparatus for a new vehicle complying with City specifications for \$17,000 - Budgeted in the Internal Service Fund, Capital Outlay (Account #501-018-539-64.01).

Motion:

Motion was made by Wever and seconded by Brayton to approve Option #3 (Trade in existing truck on a new vehicle estimated at a cost of \$17,000) with the inclusion of the extended front bumper/winch assembly for approximately \$2,000. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Florida City Government Week"

Proclaiming October 17 - 23, 1999 as Florida City Government Week.

Mayor read the proclamation in its entirety, which would be forwarded to the Florida League of cities. In an effort to work with the Schools on disseminating information about local government, City Clerk Phillips stated that on October 28, 1999, the City will be conducting a tour of City Hall, including a mock Council meeting, for Pinebrook Elementary School students. She added that two more tours will be conducted in November.

PUBLIC HEARING

Ordinance No. 597 - Right-of-way Use

Consideration of proposed ordinance establishing right-of-way construction permit procedures [First Reading 9/13/99]

City Manager Anderson requested a continuation until the next meeting.

There was no public input on the Ordinance.

Motion:

Motion was made by Johnston and seconded by Wever to continue the Second and Final Reading of Ordinance No. 597 until the October 18, 1999 Council Meeting. Motion carried 5-0.

****Ordinance No. 605 - Rezoning**

Consideration of ordinance to rezone property located at Lemon Ave. and Walker Ave. from R-3 to C-2. Petitioner: Robert F. Rogers. [First Reading 9/13/99]

City Clerk Phillips read Ordinance No. 605 by headnote only, as follows:

AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-3 TO C-2, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING AN EFFECTIVE DATE.

LOCATION: EAST SIDE OF THE INTERSECTION OF LEMON AND WALKER AVE.

In response to City Attorney Battista's query, each Council Member indicated that they had had no ex-parte communications.

There was no one who wished to be sworn in and no public input.

Motion:

Motion was made by Wever and seconded by Brayton to approve Second and Final Reading of Ordinance No. 605. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

REGULAR AGENDA

Billboards

Council Member Brayton called attention to a memo dated October 4, 1999 from the City Manager on this issue. He stated that it is his understanding that the County requested input from the City in reference to a request for a variance to place a billboard on property located adjacent, but outside the City. He referenced a memo dated June 22, 1999 sent by the Community Development Director and the City Manager to the County that advised that the County requested that if C-2 zoning is approved, that any proposal for sign placement on this property conform to City standards, or that the property not be rezoned at this time to a designation that would provide for a use that would be considered non-conforming within the adjacent City jurisdiction. Council Member Brayton pointed out that this property is not in the City limits at this time and placement of a billboard would not affect the City. He acknowledged that this parcel is one of those which may or may not come back to Council for consideration of possible annexation. He offered his opinion that the City should allow the County do whatever they want to as far as this rezoning. He voiced his support of notifying the County that the City does not have an objection to the County allowing this special exception for a billboard. Attorney Joe Mason advised that there is a time element in that the issue goes to the County Planning and Zoning Board in a week.

Vice Mayor Staib expressed her agreement that the property is located in the County. Council Member Wever questioned if the list of potential properties for annexation had ever been presented to the Council. City Manager Anderson replied that they were referenced in a memo to Council when the first parcels were discussed. Mayor Lewis interjected that he believed that a map of all the parcels was distributed. Council Member Wever stated that he did not ever remember approving such a list. Based on that, Council Member Wever stated that the City should have never given an opinion on something that was a County matter.

City Manager Anderson explained that the County asks the City to comment on zoning applications within one mile of the City limits, which has been the procedure for many years. He stated that if the Council does not want the City to continue with that practice, the County can be so advised. In this case, the City does not make the decision on whether the zoning changes, but just appraises them of the City's recommendation.

Council Member Brayton stated that he would like to see the City continue offering their recommendation as requested by the County. He stated, however, that the Council should be advised of the recommendations. He felt that a property owner has the ability to come to the Council and explain their situation.

Motion:

Motion was made by Brayton and seconded by Wever to notify the County that the City has no objections to the County proceeding with this request to rezone the property to C-2. Council Member Johnston stated that although he is personally opposed to billboards, he stated that this is not within the City's jurisdiction. Motion carried 5-0. Mayor Lewis indicated that a letter will be sent to the County.

Policy No. 2-88 - Evaluation of Professional Services

Consideration of amended ranking forms. [Continued from 9/13/99 meeting]

City Manager Anderson stated that staff's original recommendation is before them, as well as a suggestion by Council Member Wever. Council Member Wever felt that his proposal is much simpler. Council Member Johnston questioned how five applicants could be rated 1 - 5 for close proximity if they are all local. Council Member Wever stated they could all be ranked #1 in that category.

Council Member Wever offered his opinion that he still does not agree with a committee ranking proposals as listed in page 2, paragraph 7 and page 3, section I of Policy No. 2-88. He felt that all the committee should do is review the proposals and present the ones that are the most qualified. Council Member Wever read page 2, paragraph seven as he would propose:

Committee shall select at least three firms but not to exceed five to be deemed to be most qualified and submit a list to City Council for final selection.

Council Member Brayton did not see how a committee could review the proposals and select the most qualified without ranking them. Council Member Johnston voiced his opinion that staff should be ranking them based upon their expertise. Mayor Lewis voiced his agreement, stating that Council does not have to accept the ranking. Council Member Johnston stated that each of the items are not equal in ranking a firm and the flexibility in the original ranking forms may be better at times. Council Member Wever voiced his opposition to the original ranking forms and stated that he would not use them, adding that he will analyze all the firms and the one he thinks is the best will receive the top points in every category.

Council Member Brayton voiced his support of the original forms but felt that they could be simplified. He expressed concern regarding the "location" ranking category.

Motion:

Motion was made by Johnston and seconded by Brayton to approve the City of Brooksville's Professional Services Criteria Rating Guide as submitted by staff. Motion carried 4-1, with Wever voting in opposition.

Policy No. 2-99 - Purchasing Cards

Consideration of proposed policy and authorize "test" implementation.

City Clerk Phillips advised that the proposed policy provides for a maximum purchase amount of \$500 without prior approval of the City Manager. Department Heads could make the limits lower or restrict the number of purchases made by an employee. She explained how the purchasing card policy would work. She added that staff is proposing a test case basis to start with. Council Member Johnston commented that the City is sometimes slow in paying vendors, to which Phillips responded that with the purchasing card, the vendors get paid within two days of the purchase. He expressed concern about making payments to the bank in a timely manner and not incurring interest. City Clerk Phillips stated that payment is automatically wire-transferred to the bank.

Regarding disciplinary action, on page 4, item 2-2, Council Member Johnston stated that he would like to see everything between "cancellation" and "or" be struck.

Council Member Brayton called attention to page 13, item 7-1 and felt that there should be something about holding a former employee's final paycheck until the card is returned. City Manager Anderson felt that may be put in the Personnel Policy and would bring that back to Council if necessary.

Council Member Wever brought up page 13, item 9-1 and stated that "random audits without proper notice" should have the word "proper" deleted.

Motion:

Motion was made by Brayton and seconded by Staib to approve the policy with changes noted and authorize testing of same. Motion carried 5-0.

Appointment of Board Members

Consideration of appointing one member to the Brooksville Cemetery Advisory Board and one member to the Beautification Board.

Motion:

Motion was made by Johnston and seconded by Staib to appoint James Brooks to the Cemetery Advisory Board. Motion carried 5-0.

Motion:

Motion was made by Johnston and seconded by Staib to appoint Vincent Morris to the Beautification Board. Motion carried 5-0.

Coastal Engineering Associates, Inc.

Status report on wellfield project and consideration of conceptual modification of corridor route.

Well Field project. Cliff Manuel, Coastal Engineering Associates, Inc., presented an overview of the well field project, reviewing the project description, including tank siting, supply wells, site work, transmission mains and related facets of the development and planning of the wellfield. He addressed the sites being considered and ranked at this time which include two sites for the installation and construction water supply wells and a third site for a potential elevated storage tank. He referred to a hand out and advised that site number one is the PHCC campus site and sites two and three are leased by Hernando County for youth baseball activities.

Mr. Manuel stated that each parcel would be tested for groundwater contamination. He stated that Coastal Engineering and City staff's preference would be the site owned by the PHCC Board of Trustees and added that the availability of the site would be investigated further. He advised that the PHCC Board of Trustees would be reviewing this issue at their October meeting. They will be asked to conceptually approve the proposal. He went over the test areas that will be considered for drilling for aquifer performance standards. He addressed the area proposed for the elevated storage tank on PHCC property. He stated that his recommendation to Council would be to proceed with conceptual plan approval from the PHCC Board of Trustees, enter the site on temporary construction easements, do the test valve systems, collect water quality and quantity data, analyze those systems and report jointly back to the Board of Trustees and the City Council.

Mr. Manuel went on to explain the WRWSA funding, which could be up to 2/3rds of the project cost from the annual funding of local water supply study projects.

Mr. Manuel recommended that Council consider a resolution supporting the request for funding from WRWSA and also issue a letter to the PHCC Board of Trustees from the City Council supporting Coastal's efforts.

Mr. Manuel added that testing of the area would occur before the request to purchase the site for the well field.

Motion:

Motion was made by Brayton and seconded by Staib to approve resolution in support of WRWSA funding and a letter of support to PHCC for the well drilling test. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Frontage road/Corridor project. Mr. Manuel pointed out the newly proposed corridor route as outlined on the overhead

projector. He stated that he will bring back a final feasibility report that will include drainage along the frontage road.

Oaks of Brooksville - Easement for drainage retention pond

Consideration of granting easement for a drainage retention pond using portion of F Street for proposed project.

Motion:

Motion was made by Brayton and seconded by Johnston to authorize staff to proceed with easement for a drainage retention pond using portion of F Street for proposed project. Motion carried 5-0.

In response to Council Member Wever's question, Director of Public Works Pierce advised that there is no foreseen potential problem in the elimination of future development because of using the street right-of-way.

Status Report on Cobb Road WWTP, Related Projects, and the Candlelight Blvd Encroachment Issue

Director of Public Works Pierce stated that the WWTP construction is progressing well and the access stairs should be in place by next Council meeting. He stated that the pumps should be turned on by the middle of November and then testing will occur.

Regarding Phase II - Northern Section, Pierce advised that the contractor has made significant progress and has passed pressure tests. He added that discovered leaks on the Southern Section have been narrowed down to Florida Power relocating a telephone pole. He stated that the generator transfer switches will be installed to turn on Howell Ave. lift station. Northern interconnect will provide raw sewage to the plant when needed. Emergency generators will be delivered in December for School Street and Howell Ave. lift station and the project will be complete. The Wesleyan Village project is making progress. The 50/41 construction is moving into high gear and staff is busy marking existing utilities.

Pierce continued by stating that the TECO gas line project is progressing well, but held up on Mildred until leaks are fixed on Phase II - southern section.

Regarding the Liberty Street brick restoration project, Pierce advised that TECO damaged some of the bricks in one area and they will be required to fix them.

City Clerk Phillips advised that the WWTP dedication ceremony is tentatively scheduled for March 1, 2000.

Director of Public Works brought up the Candlelight encroachment issue as referred to in a previous Council meeting, indicating that there is probably some encroachment problems, but it is not interfering with anything. The median on 1977 plans from Candlelight to Moonlight was never constructed. Pierce agreed that he would get some quotes on a survey but that it should not cost more than \$500.

Council Member Wever advised that the manager of the nursing home on Chatman Dr. has been getting complaints from the ambulance service about the condition of Chatman Drive. Pierce indicated that he would check on that.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

Budget Process Revision

Consideration of holding preliminary budget workshop between January and March of each year and eliminate the one in July.

It was the consensus of Council to hold the preliminary budget workshop in early May. It was pointed out that the budget/meeting calendar for 2000 should be brought forward for approval in November. City Clerk Phillips pointed out that the calendar will also include two meetings in each month, to eliminate the past problems of only one lengthy meeting in a month, such as in February and September.

MARY A. STAIB, VICE MAYOR

E-Mail Policy

Vice Mayor Staib referred to a recent newspaper article which addressed the County and the City's E-Mail policy as it relates to Public Records law. It was pointed out that the City responded to the newspaper in a timely manner on the issue. City Clerk Phillips stated that the City does not have City-wide E-mail which is coming in through the main system and is maintained by one individual. City Manager Anderson stated that he will contact the St. Pete Times in an effort to clarify the issue.

E.E. WEVER, JR., COUNCIL MEMBER

USDA analysis of recent meeting

Council Member Wever stated that several days after the USDA meeting in September, he had asked the Director of Finance to prepare a memo to Council, including copies of memos received from the financial advisor as well as the USDA representative along with related schedules. He commented that he had not seen anything on it yet.

E-Mail

Council Member Wever voiced concern regarding possible billing scams as it relates to E-mail. He cited an example with his wife's business, who was charged \$550.00 in E-Mail costs from three foreign companies on her phone bill, which she had not contracted for. He stated that he advised her to contact the Public Service Commission. City Manager Anderson requested a copy of that bill and indicated that he would check on that.

ROBERT B. BATTISTA, CITY MANAGER

Lockhart Road Interlocal Agreement

City Attorney Battista updated Council on the Lockhart Road Interlocal Agreement, indicating that the County Attorney was researching the issue.

Economic Development Tax Exemption

City Attorney Battista stated that after speaking to County Attorney Snow, the County Commission may need to approve any issues going onto the ballot, such as the Economic Development Tax Exemption issue which Council is planning to place on the March 14, 2000 Presidential Primary ballot. He advised that the County Attorney is researching that.

Weeks/Cheyenne Landfill Issue

City Attorney Battista advised that he, the City Manager, the Director of Public Works and the City's attorney from Fowler and White, had met that day with FDEP regarding the Cheyenne Landfill issue. He stated that at this point, FDEP will correspond with the County to bring them into the issue to be a part of working out the problem of the old landfill.

City Attorney Opens Solo Practice

City Attorney Battista advised that he is leaving the firm of Johnston and Sasser and will be opening up a solo practice within the next couple of months. He stated that he will arrange backup with another attorney for emergency purposes.

KAREN M. PHILLIPS, CMC, CITY CLERK

Suncoast League of Municipalities luncheon

City Clerk Phillips advised that October's Suncoast League of Municipalities luncheon will be hosted by the City of Brooksville on October 16th at the Fireside Inn.

Heart of Florida League

City Clerk Phillips advised that November's Heart of Florida League dinner will be hosted by the City of Brooksville on November 18th at the Fireside Inn.

RICHARD E. LEWIS, MAYOR

American Heart Walk

Mayor Lewis commended Parks and Recreation Director Pugh and his staff for the success of the American Heart Walk which was held at Tom Varn Park on October 2, 1999. He stated that the City may be asked to co-sponsor the event next year.

ADJOURNMENT

There being no further business to be before Council, the meeting adjourned at 9:08 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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WORKSHOP COUNCIL MEETING

OCTOBER 6, 1999 7:00 P.M.

Brooksville City Council met in workshop session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Bill Geiger, Community Development Director; and a representative from the St. Petersburg Times (7:10 p.m.).

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

CDBG APPLICATION PROCESS REVIEW

Technical assistance and support in review of recent grant applications for commercial & neighborhood revitalization and discussion of ways to increase the chances of being awarded a grant.

Rick Stauts, DCA Planning Manager, stated that one of his jobs is overseeing the downtown revitalization portion of the Community Development Block Grant Program. He began by stating that the City recently submitted an application for downtown revitalization. He advised that the State received 11 applications and the City's scored 10 out of the 11. He went over the process of the scoring and ranking.

Mr. Stauts continued by addressing items which he felt would enhance the grant application when it is due in June of 2000. He began by stating that there are 75 points available for leverage that the City is either spending or is documenting is going to be spent by somebody else. On the recent application, the City only got 30 of those 75 points. He felt that with the additional time, the City could gather some of those things together. He added that between now and the time that the City will be applying for the grant, the City should have some idea of the tax increment finance money from the TIF district over the next several years and the City can pledge whatever that is towards the grant. If the County is undertaking different activities within the community redevelopment area such as road work or signage, and the County will agree to do those during the term of the grant, points can be used for what they are going to spend. Regarding the City's Capital Improvement budget, the City may have some things that were planned downtown over the next five years that could be done now, which could be used to get points for that spending. To develop points for the project, Mr. Stauts advised that the State sets state-wide priorities for each of the grant programs that it operates. In the downtown program, the top priorities and points are the things that local governments find it hardest to spend their own money on in the downtown, such as sidewalks, parking, moving utilities underground, assisting merchants with sod renovation programs. He advised that things like water lines, sewer lines, and drainage get minimum goal points. He said to increase scoring, the City should spend money on things that get low goal points and spend CDBG funding on things that get high goal points.

Mr. Stauts summarized that the City can gain a significant number of points by what the City chooses to spend City money on and what CDBG money is spent on. Regarding the project area, Mr. Stauts stated the City can gain points for the number of businesses in the downtown area.

Mr. Stauts pointed out that the next main street designation will be voted upon in August of 2000, which would be after the June deadline, so points cannot be derived from that. He stated, however, that if downtown revitalization is something that the City will be doing for a number of years, the Main Street designation can be applied for and, if received, can be used for points in the next application.

Mr. Stauts advised that the City can get points if it has established design guidelines in the redevelopment plan or the comp plan for publically funded facade renovations. Points can be received for obtained engineering schematics and cost estimates from an engineer for infrastructure, which State funds will be used for. He added that the City Engineer can do that.

Points can be obtained if local banks are used to establish a loan pool, which the merchants can access at a low interest rate to enhance their businesses. Extra points are available if an economic development element is adopted in the comp plan, which the extra time should allow that to be accomplished.

Council Member Johnston expressed concern that the loan pool mentioned, wherein the bank is making low interest loans available for only a certain area and not for everyone, may open the City up to discrimination. Mr. Stauts stated that it has been done in dozens of cities over the last few years and clarified that it would be offered to businesses in the specific area if they are doing specific things. City Clerk Phillips stated that one of the banks has already approached the City and expressed interest because it also meets requirements of the Community Reinvestment Act, which they must comply with.

Council Member Johnston pointed out that it is unfortunate that the things that the City needs to do, such as replacement or repair of downtown infrastructure, draws the least amount of points.

GRANT AND FUNDING OPPORTUNITIES

Review of other grants and funding sources available in conjunction with the City's Capital Improvement Plan (CIP)

Angie Brewer and David Merrill were present from Angie Brewer and Associates and referred to an overhead presentation. The presentation included information regarding the State Revolving Funding Program and wastewater grants through FDEP, Storm Water Loan Program, Drinking Water Grant Program, Wastewater SRS Grant Program, Emergency Management Preparedness and Assistance Program, and the Florida Recreation Development Assistance Program.

Council Member Brayton called attention to the fact that many of the wastewater loan programs will depend on USDA approval. City Manager Anderson added that the City will look into the drinking water loan and the Withlacoochee Regional Water Supply Authority funding grant, which Council Member Wever mentioned at a previous meeting.

City Manager Anderson addressed Council on the past Emergency Management grants which have been received. He stated that staff is currently developing one application for an emergency generator and naming the City Council Chambers as the Emergency Disaster Recovery Center. He stated that staff may be coming back to Council with a proposal to use a consulting service to assist with emergency management grant categories.

Lara Bradburn, Rediscover Brooksville, came forward to support all revitalization efforts for the City of Brooksville, specifically calling attention to details of the redevelopment plan which was approved by Council June, 1999. She further offered her support for hiring Angie Brewer and Associates. Giving a progress report, Ms. Bradburn advised that a design has been created for a landscaped welcome sign to be installed at City gateways. She added that they have had discussions with a civil group to help sponsor that project. She stated they are working on the Good Neighbor Trail project. She continued by stating that they are also working with Downtown Development regarding transfer of membership. She stated that she has received confirmation that there is an entity eager to make a donation for the Courthouse square area.

Mayor Lewis stated that he is dedicated to the revitalization effort. In response to Council Member Wever's question, Angie Brewer advised that under the Drinking Water Grant Program, the reference to the health risk priority component need only be a potential risk.

Mayor Lewis stated that staff would look at all grants and anything that the City is eligible for, he would support applying for.

Council discussed the potential for a Special Projects contract with Angie Brewer and Associates. It was pointed out that there is an amount of \$75,000 already in the budget. It was decided that it would be put on the October 18, 1999 Council Agenda.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 8:07 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

OCTOBER 18, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Bill Geiger, Community Development Director; Lee Roy Huffstutler, Director of Finance; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; William Smith, Superintendent of Utilities; B. Ed Tincher, Police Chief; and a representative from the St. Petersburg Times and Hernando Today.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

September 13, 1999 - First Budget Hearing

Prison Guard Contract Amendment

Amendment to extend the agreement between the City and the Department of Corrections for the "contracted prison guard" and to increase the annual contract from \$35,142 to \$36,500, which has been budgeted in the Street Division's "Other Contractual Services".

Surplus Property

Declare certain equipment surplus (i.e. 19 dumpsters and 1 refrigerator, all of which have no use or resale value) and authorize disposal at the dump.

Contract Amendment - Linear Well Field

Consideration of amending contract with Coastal Engineering Associates, Inc., to adjust the maximum number of pipe segments from 500 to 1000 in the City's computerized water line model, increasing the cost from \$1,500.00 to \$4,995.00.

Youth Crisis Shelter

Consideration of supporting County's proposed sale of the former hospital/health department site at Mildred between Broad and Jefferson, with proceeds to support construction of Youth Crisis/Runaway Shelter.

In response to Council Member Johnston's question regarding the Well Field computerized water line model, Director of Public Works Pierce confirmed that the equipment will belong to the City.

Regarding the Youth Crisis Shelter, Council Member Brayton stated that he supports this proposal as it puts the property back on the tax rolls, but recalls that Council had discussed at one time making this area into a park. Mayor Lewis advised that he had written a letter to County Commission Chairwoman Novy asking if the County would consider donating that property to the City for a public use area, but had never heard back from her. He stated that it is his understanding that the actual McKethan Trust/Grant time frame has run out so the County can now sell the piece of property, which Anderson confirmed.

Council Member Johnston informed Council that he spoke with County Planning staff regarding plans for Mildred Ave. improvements, which may affect the future use of the property. He stated that the Planning staff was not aware that the County was considering selling it to a private individual and they will advise the appropriate people that a portion of the property may be taken for right-of-way usage.

Motion:

Motion was made by Wever and seconded by Staib to approve the October 18, 1999 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Head Start Awareness Month"

Proclaiming October as "Head Start Awareness Month".

Mayor Lewis read the proclamation in its entirety and presented it to Martha Lawson of Head Start.

PUBLIC HEARING

Right-of-Way Use

a. Ordinance No. 597 - Right-of-way Use

Consideration of proposed ordinance establishing right-of-way construction permit procedures [First Reading 9/13/99], effective 30 days from adoption.

City Clerk read Ordinance No. 597 by headnote only, as follows:

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, SETTING THE PURPOSE AND AUTHORITY FOR ESTABLISHMENT OF RIGHT-OF-WAY UTILIZATION REGULATIONS; PROVIDING FOR DEFINITION OF TERMS; REFERENCING RELATED OFFICIAL CITY POLICIES; PROVIDING AUTHORITY TO ESTABLISH POLICY, AGREEMENTS AND RELATED RIGHT-OF-WAY UTILIZATION FORMS; PROVIDING AUTHORITY TO ESTABLISH FEES BY RESOLUTION; REFERENCING EXISTING FACILITIES; IDENTIFYING SUPPORTING REGULATIONS; SETTING PENALTIES; PROVIDING FOR CONFLICT, SEVERABILITY, VENUE AND CODIFICATION; AND SETTING AN EFFECTIVE DATE.

Motion:

Motion was made by Brayton and seconded by Johnston to approve Second and Final Reading of Ordinance No. 597.

Mike Harbour, Florida Power, requested a clarification on a memo from the City Manager dated 10/18/99 concerning a change in Section VI (B) of the ordinance regarding installation of new and replacement of poles. Council Member Brayton felt that the intention was for the City to get a handle on all new poles going in, as all new poles will require a permit. Mr. Harbour stated that the reason that Florida Power supports the inclusion of the language of replacing five new poles is that it would eliminate having to get a permit for each and every pole which he felt would impact their customers negatively and become a paperwork nightmare for the City and for Florida Power. Council Member Brayton

stated that the ordinance can be amended if it appears that the process is not working. Mr. Harbour requested that Council consider placing a time limit turn around for the issuance of permits. Mayor Lewis expressed concern that the requirement may hold up Certificate of Occupancies for homeowners and voiced his support of excluding permitting requirements for all new construction.

Council Member Wever brought up for discussion page five of the first set of forms and page two of the second set of forms which he felt are not consistent with the five new poles requirement. He stated that there is no reference to the new installation of poles on page five and on page two, there is still reference to replacement of existing poles in item number 2. In addition, he stated that item number 3 on page two references the installation of five new poles. City Manager Anderson stated that the routing slip dated October 18, 1999 contained revisions that cleared up many of those concerns.

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

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Council Member Wever stated that the forms need to be changed with the year 1999 left off of them and the year left blank.

In response to Mike Harbour's question, Mayor Lewis stated that the ordinance was approved with a form correction.

It was pointed out that the Ordinance takes affect 30 days after adoption.

b. Resolution No. 99-20 - Fee Resolution

Resolution establishing fee schedule.

City Clerk Phillips read Resolution No. 99-20 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE; PROVIDING A FEE SCHEDULE FOR RIGHT-OF-WAY UTILIZATION REGULATIONS ESTABLISHED BY ORDINANCE; AND SETTING AN EFFECTIVE DATE

Director of Public Works called attention to the section exempting franchise holders and their agents.

It was pointed out that the resolution takes affect 30 days after adoption.

Council discussed item D, which states: "The Fees set forth in this section shall not apply to City franchisees authorized to utilize the Public Right-of-Ways, or agents authorized to act on their behalf". Council Member Johnston felt that it should be deleted from the resolution.

City Attorney Battista stated that he shared the concerns of Council Member Johnston in that creating two classes within the ordinance and the resolution may mix proprietary and regulatory functions, which could cause a challenge.

Motion:

Motion was made by Johnston and seconded by Staib to approve adoption of Resolution No. 99-20 with Item D deleted.

City Manager Anderson offered an option that the franchise agreements could be amended to reflect the one that automatically deducts additional fees from the franchise payments.

Council Member Brayton brought another option of excluding franchisees but not subcontractors.

Mr. Harbour felt that deleting Item D is in conflict with the newly negotiated franchise agreement with Florida Power. He continued by reading applicable portions of the agreement.

Larry Strickler, Bell South, stated that he also agrees with Mr. Harbour and referred to a 1997 change in right-of-way laws which prohibits municipalities from making a profit on telecommunications.

Ray Graber, Time Warner Cable, stated that the FCC has dictated that there is a maximum percentage that could be charged that would have to be deducted from franchise fees. He added that subcontractors should be exempt as well.

City Attorney Battista advised that franchise fees are a revenue generator and are a direct pass through to the residents. Regulatory permits fees are not revenue generated, but can only be charged as compensation for services rendered. He added, however, that Council can charge a fee to allow the franchise company to occupy the rights-of-way, not to do work in the rights-of-way.

Upon roll call, motion failed 2-3, as follows:

Johnston Aye

Wever Nay

Brayton Nay

Staib Aye

Lewis Nay

Motion:

Motion was made by Wever and seconded by Brayton to approve Resolution No. 99-20.

Larry Strickler reminded Council that the whole intent of this ordinance and resolution is to create a better management system for staff in monitoring and policing the rights-of-way.

Upon roll call, motion carried 3-2, as follows:

Wever Aye

Brayton Aye

Johnston Nay

Staib Nay

Lewis Aye

REGULAR AGENDA

City Manager Employment Agreement

Consideration of extending term for additional year, effective 3/14/2000.

City Clerk Phillips read a letter into the record from Debbie Rogers in support of City Manager Richard Anderson.

It was pointed out that the agenda action for a "motion to approve" is incorrect and that the contract is automatically extended unless otherwise terminated.

Motion:

Motion was made by Wever and seconded by Brayton to not extend the contract.

Mr. Lewis presented a list of accomplishments of the City Manager and the Council within the last four years.

Council Member Wever felt that many of the accomplishments made such as salary increases and the WWTP being built were a result of Council action and the grants received for the four additional police officers were brought about by the police chief. The police motorcycles came from himself. The upgrade of the patrol fleet came from Council. The block grants and the loan/grant from USDA were a result of Council and other City staff. The new City Hall was not Mr. Anderson's idea. The softball complex work at the parks was not Mr. Anderson's idea. The golf course was already under construction when he came to the City. The reduction of the ad valorem tax rate was the decision of City Council. The provision of the nonfunded liability for employee benefits was his own idea. Mayor Lewis offered his opinion that a capable staff with leadership was required to carry through and implement Council action.

Council Member Wever went on to call attention to the three lawsuits against the City Manager in the last three years and that he sees Mr. Anderson as a liability for insurance coverage. He stated that he has taken concerns to Mr. Anderson which were not resolved and which have left him no alternative than to go to individual departments for resolution. He stated one of the patrol cars purchased for the Police Department was taken by the City Manager, even though Council told him they would not furnish him with a new automobile. He stated that the City Manager sent a memo to the Parks and Recreation Director to hire an employee for the Community Center when there was nothing in the budget for that position. He added that the hiring of the Community Development Director was not in the budget. When the Fire Chief left, the City Manager took the vehicle without the approval of Council. Mr. Wever stated that he has had complaints from people in the public about Mr. Anderson's attitude and not getting things done.

Vice Mayor Staib stated that Mr. Anderson has handled all the complaints that she has brought to Mr. Anderson. She stated that it is a team effort with all staff contributing.

Mayor Lewis stated that he has gone to Mr. Anderson on many problems which have always been handled. He stated that he would not go to department heads because he does not believe in micro managing and will continue to go through the chain of command.

Council Member Brayton felt that individual reasons should not be aired and he called for the question.

Upon roll call, motion failed 3-2 as follows:

Wever Aye

Brayton Aye

Johnston Nay

Staib Nay

Lewis Nay

Contract - Special Projects

Consideration of authorizing negotiation of agreement with Angie Brewer & Associates for "special projects" consulting services.

City Clerk Phillips provided Council with the rates previously provided to the City from Angie Brewer & Associates for special projects planning, application and administration services.

Council Member Brayton pointed out that if the City Manager approves applying for several grants, it could commit the City to paying Angie Brewer and Associates \$25,000 or more just to apply for the grants. He expressed concern that if those grants then come to the Council for approval and Council does not approve them, the City has spent that money unnecessarily. He stated that he supported a contract with Angie Brewer and Associates in an effort to promote downtown revitalization but felt that each and every grant application needs to be approved by Council rather than place that burden on the City Manager.

City Clerk Phillips questioned if Council wanted to set a dollar amount that would at least give Angie Brewer the authority to began looking or planning for grants.

Lara Bradburn, Rediscover Brooksville, agreed that they, as citizens, would not want to cost the taxpayers money. She advised that the items in the redevelopment plan are not based solely on grants. She offered her support of Angie Brewer, who she believes is capable of bringing insight to projects.

Jenenne Norman pointed out that the agenda item is to negotiate an agreement.

Council Member Johnston stated that some lower level dollar amount may be negotiated that would allow investigation of different grants, which would then come before Council for approval before actively pursuing the grant.

It was pointed out that the negotiated agreement will come back to Council for approval.

Motion:

Motion was made by Brayton and seconded by Staib to authorize staff to negotiate the contract towards special projects to be brought back to Council for approval. Motion carried 5-0.

Council Member Wever requested and Mayor Lewis agreed that authorization to apply for CDBG bids be placed on the next agenda.

Status Report - USDA

Status report on bond closing date.

City Attorney Battista advised that the bond closing date is now scheduled for sometime in December, with a pre-closing in late October.

CITIZEN'S INPUT

Downtown revitalization

Fire fighter Michael Dow, City resident, expressed his support of the revitalization efforts.

Ambulance Service

Michael Dow expressed concern with the anticipated change in ambulance service. He felt that there may be money to be made on inter facility transport. He acknowledged that there would be start up costs, but if the County can provide the service, he felt the City should be able to.

ITEMS BY COUNCIL MEMBERS

COUNCIL MEMBER JOSEPH E. JOHNSTON, III

Heart of Florida

Council Member Johnston pointed out the Heart of Florida League has misspelled "Florida" on their recent minutes.

MARY A. STAIB, VICE MAYOR

Call for medical assistance

Vice Mayor Staib reminded all that October is the month for flu shots. She added that the nation is in need for 0 positive blood.

Florida League of Cities Policy Meeting

Vice Mayor Staib advised that she recently attended a FLC Criminal Justice, Ethics and Personnel policy meeting and informed Council that the main goal of the committee will be home rule, public safety and school violence issues.

E.E. WEVER, JR., COUNCIL MEMBER

Brooksville Regional Hospital

Council Member Wever called attention to a recent Brooksville Regional Hospital ad advising that they are intending to apply to the State for a license to perform open heart surgery. He suggested that Council support that effort by a letter from the Mayor.

Rotary - Elected Officials Day

Council Member Wever advised that the annual Rotary Elected Officials Day will be held in December and he would get more information as it becomes available.

Withlacoochee Regional Water Supply Authority

Council Member Wever informed Council that the Water Supply Board will meet on the 20th and Coastal Engineering will be presenting their request on behalf of the City for the grant to help pay for Coastal's engineering plan on the new well field. He added that if approved, the grant would cover 2/3rds of the cost of the Coastal's engineering charges.

Heart of Florida

Council Member Wever advised that the Heart of Florida League meets on the 21st with the subject matter being the Citrus County economic development committee. He suggested that the **Hernando [approved by Council 11/15/99 kp]** executive director be requested to attend a City Council meeting to see what can be done to assist the City in its economic development efforts.

KAREN M. PHILLIPS, CMC, CITY CLERK

Suncoast League of Municipalities

City Clerk Phillips stated that the weekend of October 23rd will be full of events, including the Suncoast League of Municipalities luncheon hosted by the City at Pier 688, along with an antique auction, street fair, Chamber of Commerce barbeque and rodeo, and the Hernando Arts Symphony. She added that the City Hall Art Gallery will be open.

Student Tours

City Clerk Phillips advised that the Pinegrove student tours would be held on October 28th.

Teen Leadership Hernando

City Clerk Phillips advised that Teen Leadership Hernando would be touring City Hall at 8:30 a.m. October 19th.

RICHARD E. LEWIS, MAYOR

Government Week

Mayor Lewis reminded everyone that it is City Government Week and encouraged all to sport the bumper stickers and wear the City Government Week pins at all public events.

PAT BRAYTON, COUNCIL MEMBER

City Manager's Contract

Council Member Brayton advised that regardless of the vote on the City Manager's contract, he wished to assure Council that he is able to work with Mr. Anderson with no problems. He stated that he was concerned about their action prohibiting the City Manager from getting a salary increase, but has since been advised that there should be no problem.

RICHARD E. ANDERSON, CITY MANAGER

Thank you for support

Mr. Anderson expressed his appreciation for Council's support.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:26 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

NOVEMBER 1, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Fire Chief; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; B. Ed Tincher, Police Chief; and a representative from the Hernando Today and St. Petersburg Times.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

September 29, 1999 - Second and Final Budget Hearing

October 4, 1999 - Regular Council Meeting

Agreement - Permit to cross railroad right-of-way

Consideration of execution of agreement by Mayor with CSX to allow City to construct water pipeline under railroad right-of-way at intersection of tracks at S.R. 50.

Vice Mayor Staib pointed out a typographical error on to page 4 of the minutes, which City Clerk Phillips indicated would be corrected.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the November 1, 1999 Consent Agenda with noted change. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Epilepsy Awareness Month"

Proclaiming November as "Epilepsy Awareness Month".

Mayor read the proclamation for Epilepsy Awareness Month, which would be mailed to the Epilepsy Awareness Board.

Margaret Ghiotto Beautification Award

Recognition of improvements made to 706 Stockton Street owned by Melissa Parady.

Mayor Lewis and Beautification Board Chairman Taylor presented the Beautification award and sign to Ms. Melissa Parady.

PUBLIC HEARING

Alcoholic Beverage Location Permit

Consideration of granting permit for sale of alcoholic beverages for 414 E. Liberty Street - Blueberry Patch restaurant.

There was no public input.

Motion:

Motion was made by Staib and seconded by Brayton to approve the issuance of an alcoholic beverage location permit for on premises consumption only. Council Member Johnston pointed out that it was beer and wine only. Motion carried 5-0.

REGULAR AGENDA

Contract - Consultant Services for Special Projects

Approval of contract with Angie Brewer & Associates for grant/loan consulting services. [From 10/18/99 meeting]

To remain consistent with changes made in the contract, Vice Mayor Staib stated that she would like the word "engineering" struck from page 1 of 3 of the Proposal Certification Form and also on the Proposal on Contract documents.

Council Member Wever called attention to page 2, item 4, of the agreement, which he felt the word "Council" should be added to read "from the City Council".

Mayor Lewis felt that the top of the rates should indicate that it is an hourly rate. City Clerk Phillips stated that it is listed on page 2 of the Proposal Certification Form.

Council Member Wever questioned if it is understood in item 2a that the Brewer firm can recommend possible grants that might not be questioned by the City Committee, which Phillips confirmed.

Council Member Johnston noted that item 12 of the agreement should read County or Circuit Court.

Council Member Brayton questioned the City Manager's approval limitation in relation to page 2, item 3b of the agreement. City Clerk Phillips stated that it would be \$6,000 before falling under the purchasing policy guidelines. She added that no planning services should ever reach that amount, but Council could set a limit should it desire. Council Member Johnston suggested language such as "a maximum planning cost per proposal or project shall not exceed \$500.00 without prior approval by Council", which was agreed upon by consensus.

Motion:

Motion was made by Brayton and seconded by Staib to approve the agreement with changes and move forward with negotiations. Motion carried 5-0.

Regarding the CDBG bid, City Clerk Phillips advised that she would consult with Angie Brewer and Associates regarding the time lines involved and hopefully present the item at the next Council meeting if appropriate.

Appointment of Board Members

Consideration of appointing two members to the Brooksville Housing Authority Board.

Motion:

Motion was made by Staib and seconded by Brayton to reappoint John Frazier and appoint Kathy Redding to the Brooksville Housing Authority.

Council Member Wever questioned if there is a conflict with Ms. Redding being an employee of the Hernando County Housing Authority, to which City Attorney Battista responded that there is none that he is aware of.

Council Member Johnston requested that Mr. Frazier update his references on his application.

Motion carried 5-0.

Agreement - Jerome Brown Youth Foundation [from 9/13/99 meeting]

Approval of Agreement to provide funding from McKethan Capital Project fund in an amount not to exceed \$50,000 towards completion of construction of Community Center.

City Attorney Battista informed Council that most of the verbiage used is from a former agreement wherein money was loaned to the Quarry Golf Course. He added that the attorney for the Youth Foundation has not responded back with comments at this time.

Council Member Brayton pointed out that page 2, section 1 of the agreement states that the City will provide reasonable access to the work site and will provide materials, labor and equipment when available. After discussion, it was agreed that the word "materials" would be stricken.

Council Member Johnston stated that it was his understanding that the Jerome Brown Board had indicated that it was their intent to continue to collect funds to repay the \$50,000 and noted that it was not included in the agreement. City Attorney Battista replied that he would modify the agreement accordingly. Council discussed including a ten year time limit for repayment.

Council Member Brayton asked for clarification from Parks and Recreation Director Pugh if it was the recommendation of the Parks and Recreation Board to pay back the \$50,000. Mr. Pugh stated that the Board did recommend that the loan be paid back at some time based upon contributions and fund raisers.

As a Jerome Brown Community Center board member, City Clerk Phillips advised that the Youth Foundation would be signing the agreement, if approved. She stated that the Football Camp would be the major fund raiser and it is her concern that at some point, the participation in that and the money derived from it will start waning off. She added that the Community Center Board also feels that it has tapped the community heavily and is not sure that fundraising as it has been will continue. She expressed her opinion that the Board may not be able to make the commitment to repay \$50,000.

Community Center Chairman Carlson addressed Council and stated that there will still be fund raising efforts and the Fund Raising Committee will also strive to make the functions and fees held in the facility itself a success. He agreed, however, that a commitment to repay the \$50,000 would be difficult. He informed Council that he would like a member of the Jerome Brown Youth Foundation involved with the Center as much as possible. Mayor Lewis stated that an annual Jerome Brown Youth Foundation banquet could be held, with a silent or live auction, to raise money.

Council Member Brayton advised that when he had approached the Parks and Recreation Board, his proposal was to take the \$50,000 out of the McKethan Capital Project Fund, which is for capital projects within the parks. He added that he is not as concerned with the money being paid back. Council Member Johnston stated that he would like to see language added in the agreement to require that the money be paid back but realizes that if \$30,000 has been raised after nine years, the then sitting Council may need to look at it as a capital project and forgive the remainder of the amount owed.

Gary Schraut, Chairman of the Parks and Recreation Board, stated that the Board's recommendation was to loan the

money and he sees no problems with getting this money repaid. He added that the fund raising will continue and felt it would be a shame to hold this project up for \$50,000 when it can be completed now. He also added, however, that he does not feel that the Jerome Brown Community Center Board should be let off the hook for the repayment because there are other capital projects that the Parks and Recreation Board would like to do in the park for which they will need money from the McKethan Capital Project Fund.

Motion:

Motion was made by Staib and seconded by Johnston to approve the agreement of a loan of up to \$50,000.00 with a ten year payback of whatever funds of that \$50,000 are expended.

City Attorney Battista suggested language such as: "the developer shall repay the City funding provided hereunder within ten years from the date of acceptance of the facility by the City". The language was agreed to by consensus.

Motion carried 5-0.

WWTP/FDOT/DPW projects

Status report.

Director of Public Works Pierce advised that the WWTP continues to progress, with handrails, stairs and walkways to be installed next week. He also informed Council that the testing of the equipment should begin next week as well.

Regarding Phase II, Pierce stated that the automatic transfer switches have been installed at the lift stations and Florida Power is working on connecting them for electricity.

He advised that the northern and southern interconnect projects are complete except for the generators and check valves at the two large lift stations.

Pierce advised that a meeting has been scheduled with USDA on November 10th at 1:30 to discuss future funding. City Clerk Phillips interjected that the meeting scheduled may have to be changed due to a scheduling conflict.

Council Member Wever asked if the line at Tom Varn Park is going to be replaced. Director of Public Works Pierce responded that he is requesting a new proposal from Civil Tech because the one proposed places the line in the center of the golf course, which would disrupt the golf course operations. He stated that it appears that it will be just as cost effective to put a new line in and go around the golf course. He added that a new scope of work should be brought before Council in the near future.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, VICE MAYOR

Mutual Aid in Utilities Division

Vice Mayor Staib called attention to the monthly reports and questioned what mutual aid refers to in operations such as the Utilities Divisions. Director of Public Works Pierce stated that it refers to occasions such as man hours spent in assistance if a rock truck turned over on a roadway. City Manager Anderson stated that it could be retitled. Vice Mayor Staib requested that mutual aid should have a footnote explanation at the bottom.

YMCA

Vice Mayor Staib noted a letter received from the YMCA regarding potential partnership in the operation of the

Jerome Brown Community Center and hoped that Council will give the Parks and Recreation Director at least two years to run the Center without any affiliation with the YMCA. City Manager Anderson advised that he would respond timely and accordingly.

Chamber Breakfast

Vice Mayor Staib reminded everyone of the Florida Crushed Stone Christmas Breakfast on December 1st.

Christmas Parade

Vice Mayor Staib questioned what time the Council Members need to be at the parade lineup on December 11th. City Clerk Phillips stated that she would make the arrangements accordingly.

FLC Policy Meeting

Vice Mayor Staib advised that she would be attending a FLC policy committee meeting on November 18th and requested that arrangements for payroll signing be coordinated since she will be covering for Mayor Lewis, who will be on vacation.

E.E. WEVER, JR., COUNCIL MEMBER

Suncoast League of Municipalities luncheon

Council Member Wever commended City Clerk Phillips and her staff in a job well done at the October 21st Suncoast League luncheon.

Withlacoochee Regional Water Supply Authority

In response to Council Member Wever's question, City Manager Anderson stated that they had received nothing official on the WRWSA Grant application.

FLC State Legislative Bulletin

Council Member Wever called attention to a recent bulletin received, which advises that OSHA has established a nationwide firefighter rule; 2 people inside and 2 people outside; and the article indicates that Florida will adopt the same requirement. The City Manager and Fire Chief Daugherty responded that they adhere to that requirement anyway. Council Member Wever suggested that the City may want to adopt a policy if one is not in place.

City Annexations

Council Member Wever stated that he would like the City to work on annexing right-of-ways before looking at future annexations of parcels. City Manager Anderson stated that that issue is scheduled to be brought before Council for direction in the near future.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

TWICE Meeting

City Clerk Phillips advised that the TWICE meeting will be hosted by the City of Brooksville on November 10th in the Council Chambers.

Heart of Florida Dinner

City Clerk Phillips informed Council that the Heart of Florida dinner will be held November 18th at the Fireside Inn.

Christmas Festival

City Clerk Phillips stated that the employees are already working on the annual Christmas Festival which will be held after the parade on December 11th.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:00p.m.

City Clerk

ATTEST:

Mayor

:jjb

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T.W.I.C.E. WORKSHOP MEETING

NOVEMBER 10, 1999 1:00 P.M.

Brooksville City Council met in workshop session with the Hernando County Board of County Commissioners and the Hernando County School Board. Present from City Council: Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joseph E. Johnston, III, and E. E. Wever, Jr., present. Staff representation from City: Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Bill Geiger, Community Development Director; Emory Pierce, P.E., Director of Public Works; and David Pugh, Parks and Recreation Director.

Present from the Board of County Commissioners: Patricia "Pat" Novy, Chairman and Commissioners Chris Kinglsey, Barbara "Bobbi" Mills, Hannah "Nancy" Robinson and Paul Sullivan. Staff representation from County: Richard Radacky, Deputy County Administrator; Charles Mixon, County Engineer; David Casto, Emergency Management Director; Dennis Dix, Transportation Coordinator; Laurel Solomon, Library System Director; Pat Fagan, Assistant Director of Public Works and Facilities; James Gantt, Purchasing Director, and Brenda Frazier, Community Relations Coordinator.

Present from the School Board: Dr. John W. Sanders, Superintendent of Schools; James B. Malcolm, Robert Wiggins and Jerry Milby. Staff representation from the School Board: John Tucker, Director of Purchasing; Walter Paschke and Sue Wetherington, Management Informational Services Department.

A representative from the St. Petersburg Times and Hernando Today were present.

Mayor Lewis called the meeting to order at 1:00 p.m. and asked that each elected official introduce themselves.

T.W.I.C.E. PROJECT

1) Insurance Unification

Dr. John Sanders stated that the School Board began a self-insured program in September, 1999. He added that they had spoken to the County, who indicated that they were set with insurance at that time with rates that are acceptable. He stated that the City and County may be interested in a joint venture on this type of an insurance program in the future.

2) R.S.V.P.

Commission Chairwoman Novy advised that the R.S.V.P. program is accepting funding from all sources. Commissioner Mills stated that she had met with the new head of the program and was impressed with his enthusiasm. She added that they are asking for \$10,000 funding this year and that grants are being explored. The organization is looking for a source for a donation of a newer van as well.

Dr. Sanders stated that the School Board supports nearly 65% - 70% of the R.S.V.P. program, utilizing approximately 15% of the volunteers. He stated that nearly 80% of the volunteers work throughout the community. It was discussed that it may be a Federal requirement that the program be supported or sponsored by the School district.

3) Purchasing Centralization

John Tucker reminded the board that at the last meeting they had requested a purchasing report, which he stated had been compiled by himself, Jim Gantt, County Purchasing and Karen Phillips, City Director of Administration. He advised that all bids can be piggybacked. He stated that the County and City have more purchasing needs in common, but acknowledged that there are areas that can utilize a joint purchase.

In response to Commissioner Sullivan's question, Mr. Tucker advised that the City, County and School Board have not yet made a joint purchase.

Karen Phillips, City Clerk/Director of Administration, stated that one problem that has arisen is that the agencies have different purchasing authority limits, with the County's being \$15,000, the School Board at \$10,000 and the City's at \$6,000. She advised that the City requires a Charter amendment to increase its purchasing limit, which could be done during the upcoming charter amendment process which begins in January 2000. County Purchasing agent, Jim Gantt, stated that the County adopted the State Statute limits and it would be beneficial if each agency did the same. He also asked that the governing authorities of each agency direct their staff to accept the bid results from the lead bidding agency. He added that another difficulty is the difference in the agencies' fiscal years and pointing out that the bulk of the School Board's purchasing is done in July before the next school year begins. He did state that the largest cooperative effort may be the purchase of fuel.

School Board Member Malcolm stated that this purchasing report is very broad and felt that the joint purchasing plan was no further along than it was three years ago when the T.W.I.C.E. board first met.

Commissioner Robinson suggested that it may assist staff if the boards request specifics and give a time deadline.

School Board Member Milby suggested that the committee bring back a consolidated list of like items that the agencies could jointly purchase. Jim Gantt replied that they would bring back a list at the next meeting.

City Council Member Johnston stated that the City could look at the purchasing limit as soon as possible.

4) Public Library Sharing

Laurel Solomon, Library Services Director, advised on the status of the expanded book drop locations, which she acknowledged may need more advertising to promote.

The board discussed the use of certain schools for media centers. Ms. Solomon advised that currently Hernando County High School has their computer labs open after library hours. Dr. Sanders interjected that they are doing that on a test basis and the biggest problem is staffing and supervision. School Board Member Malcolm felt that it may be something that the City of Brooksville could sponsor since it would benefit many residents of Brooksville.

Commissioner Novy suggested that some sort of survey be taken through H.I.T.V. or bulletin boards to determine what interest there is in having media centers open evenings. Ms. Solomon recommended that the Library first assess what level of support they could participate in before a survey is taken.

It was decided to focus on Springstead, Eastside, Brooksville Elementary and Hernando High as locations for media centers to be open after Library hours.

5) Fleet Facility Use Centralization

City Manager, Richard Anderson, stated that the City has been considering combining their fleet maintenance operations with the County for several years. With the preliminary plans completed for construction of a new County facility, the City is more seriously looking at contracting with the County for that service. Rates comparisons have shown some advantages. In that the School Board utilizes large vehicles with School buses, they have contacted the School Board bus maintenance, who is determining whether they could benefit from that as well.

Mr. Gantt stated that there is a site that the County has purchased on Summit Road/S.R. 50 E, but no definitive construction plans have been finalized. School Board Member Malcolm questioned if the old bus compound had been looked at, to which Commissioner Sullivan responded that the Commission had decided that particular site had limitations and the size gave an inability to expand. Mr. Malcolm stated that it may not be a sufficient size for large vehicles but suggested it could be used to service smaller vehicles. City Manager Anderson stated that they have had preliminary discussions with the County on utilizing their contractor and at the moment, the County's facility on Summit Road is not adequate to house the City's vehicles. Dr. Sanders stated that the School's smaller vehicles are currently serviced by the transportation department in-house. In response to Mr. Malcolm's question regarding a joint venture of service on small vehicles, Dr. Sanders advised that the County has indicated that it wishes to stay with their current contractor on small vehicles.

Mr. Malcolm stated that it seemed that the County and School Board are satisfied with the current operations and the City is examining utilizing County facilities. He wondered if this is an area where it may not be beneficial to work jointly. Dr. Sanders stated that they are still examining the sharing of fueling stations. He stated that the City has voiced an interest in having the School Board work on the City's vehicles in County facilities but the County did not

express that interest.

The board discussed the differences in the vehicles that each agency has. Jim Gantt, County Purchasing Agent, stated that if there are County vehicles that can be serviced more economically and feasibility at the School Board shop, they would certainly consider that.

Dr. Sanders stated that he would like to have his transportation department take a look at the kind of vehicles the City and County have and make a determination. Deputy County Administrator Radacky stated that he would like to continue to look at this and report back at the next meeting. It was also decided to research the old bus transportation center further.

6) Mass Transportation

County Transportation Coordinator, Dennis Dix, updated the board on the Bus Transit system plans and stated that it should be operational by November 2001. He stated that the bus stops, routings and bus system operating hours were currently being reviewed but the hours will probably be between 7:00 a.m. to 6:00 p.m. to pick up those going to and from work. He stated that the Trans Hernando bus system will be involved in the operation and will still be operating their own system so buses overflowed past capacity should not be a problem. The bus size and handicapped capabilities were discussed. Mr. Dix advised that handicap access with a lift is required. Mr. Dix informed the board that there will be a total of 6 buses; 5 on the route and one ready to be used if there is a breakdown or if one is overcrowded. He added that the buses can go ½ mile off its route for drop-offs and pick-ups.

DISCUSSION ITEMS

1) Community Swimming Pool

County Commissioner Kinglsey brought up for discussion a community swimming pool, which it was the consensus of the board was a needed item. Commissioner Robinson suggested that Mr. Kinglsey bring the item before the Board of County Commissioners for approval or support so that more information can be obtained.

It was pointed out that the idea was not a new one and had been explored by a couple different groups over the last few years.

Mr. Kinglsey advised that governmental agencies who operate pools are going away from olympic type pools alone and are building recreational pools, which better suit the needs of children and have handicapped accessibility. He felt that a number of grants may be available to help with funding. Commissioner Sullivan suggested that it may be that public facility impact fees could be used since a pool is included in the County's Comprehensive Plan.

2) E-Mail usage

Dr. Sanders introduced Walter Paschke and Sue Wetherington, members of the School Board's computer technology department. They discussed E-mail usage as it relates to sharing information between agencies. Dr. Sanders felt that it

may be beneficial in areas such as joint purchasing efforts. He stated that he would work on putting together a meeting of technology employees to study it further.

3) Millennium Celebration

Commission Chairwoman Novy stated that there is a Millennium committee which is asking that all three agencies adopt a resolution in support of the celebration. She further requested that the agencies participate by sending a delegate to the meetings and she further expressed the desire that the agencies contribute some sort of in-kind support, if possible. She requested that each agency think of one way that they could be involved in the celebration. In response to Commissioner Sullivan's question, Ms. Novy responded that all civic organizations and property owner's associations will be sent letters requesting their support and participation.

4) Hernando Team 2000

Brenda Frazier, County Community Relations Coordinator, updated the board on the efforts taken on Y2K readiness. She stated there was a public forum held May 17, 1999, with the agencies and business leaders, which was very successful. She stated that she is planning a sequel with the same key people representing power, healthcare, banking, food industry and law enforcement. E911's readiness in Hernando County and around the State was discussed.

5) Watershed Project

Chester Bradshaw made a presentation on efforts to solve natural resource and related economic problems relating to ground water and surface water issues. He addressed the board regarding storm water run-off and infrastructure development, as well as other related topics. Mayor Lewis agreed that it may be beneficial to hold a joint workshop on the matter at some point.

ADJOURNMENT

There being no further business to be before the T.W.I.C.E. board, the workshop adjourned at 4:45 p.m.

Date Approved

12/6/99_____

Karen M. Phillips, CMC Richard Lewis, Mayor

City Clerk City of Brooksville

S/KAREN NICOLAI 12/14/99 S/PAT NOVY

Karen Nicolai Pat Novy, Chair

Clerk of the Circuit Court Board of County Commissioners

S/JOHN W. SANDERS _____ S/JERRY M. MILBY

John W. Sanders, Ed. D. Jerry M. Milby, Vice Chair

Superintendent of Schools Hernando County School Board

:jjb

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REGULAR COUNCIL MEETING

NOVEMBER 15, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; B. Ed Tincher, Police Chief; and a representative from the St. Petersburg Times.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

October 6, 1999 - Workshop Council Meeting

October 18, 1999 - Regular Council Meeting

November 1, 1999 - Regular Council Meeting

Exotic Pest Plant - Public Awareness Campaign

Approval to support campaign by allowing the Native Plant Society to remove invasive exotic pest plants from Russell Street Park on January 22, 2000.

2000 Holiday and Meeting Schedule

City Council meeting dates and tentative budget workshops/public hearings for 2000, pursuant to Section 2.12 of the Charter, together with approval of annual holidays for 2000, pursuant to Section 5.00 of Personnel Policies.

Donto Plaza - Modification to Final Plat

Consideration of revision of final plat, and extension date to January 31, 2000 (current extension of final plat expires November 30, 1999).

Council Member Brayton requested that Council consider extending the date for Donto Final Plat approval until March 1, 2000. Mayor Lewis stated that this is at least the fifth extension and felt that Council had granted enough extensions for this project and he would personally not support another one past the March 1st date.

In response to Vice Mayor Staib's question regarding the use of bricks in the Donto Plaza construction, Pierce advised that it is not street brick but construction brick.

A correction was pointed out on page 8 of the October 18, 1999 Council minutes in that the intent was to request the Hernando Executive Director of the EDC come and talk to City Council about projects that they may be able to assist the City with.

Motion:

Motion was made by Brayton and seconded by Staib to approve the November 15, 1999 Consent Agenda with corrections noted. Motion carried 5-0.

REGULAR AGENDA

Ordinance No. 608 - Plumbing Code

Providing for the amendment of the 1997 Edition, Standard Plumbing code.

City Clerk Phillips read Ordinance No. 608 by headnote only, as follows:

AN ORDINANCE AMENDING THE CITY OF BROOKSVILLE, FLORIDA, PLUMBING CODE, AS ADOPTED IN ORDINANCE NO. 530-C, PROVIDING FOR THE MODIFICATION OF CHAPTER 4 OF THE STANDARD PLUMBING CODE, 1997 EDITION; AND FOR THE MODIFICATION OF CHAPTER 5 OF THE STANDARD PLUMBING CODE; AND FOR THE MODIFICATION OF CHAPTER 7 OF THE STANDARD PLUMBING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion:

Motion was made Staib and seconded by Brayton to approve First Reading of Ordinance No. 608. Second and Final Reading December 6, 1999. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Ordinance No. 609 - Electrical Code

Providing for the amendment of the 1999 Edition, National Electric Code and further providing for modification and supplementation of the code.

City Clerk Phillips read Ordinance No. 609 by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, ELECTRICAL CODE: PROVIDING FOR THE ADOPTION OF THE NATIONAL ELECTRIC CODE, 1999 EDITION; PROVIDING FOR ADMINISTRATION; PROVIDING FOR MODIFICATION TO ARTICLE 230; PROVIDING FOR SUPPLEMENTAL REQUIREMENTS; PROVIDING FOR THE SEVERANCE OF PARTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR VIOLATIONS, REMEDIES, AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Motion:

Motion was made by Staib and seconded by Brayton to approve First Reading of Ordinance No. 609. Second and Final Reading December 6, 1999. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

Bond Resolution No. 99-21

Approval of supplemental Resolution authorizing bonds totaling \$8,680,000 for construction of the Cobb Road WWTP, Interconnect Project and FDOT Utility relocation project.

City Clerk Phillips read Resolution No. 99-21 by headnote only, as follows:

RESOLUTION SUPPLEMENTING RESOLUTION NO. 99-01 ADOPTED BY THE CITY COUNCIL OF

THE CITY OF BROOKSVILLE, FLORIDA, ON FEBRUARY 8, 1999, ENTITLED: "RESOLUTION PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND ERECTION OF EXTENSIONS AND IMPROVEMENTS TO THE COMBINED MUNICIPAL WATER AND SEWER SYSTEM OF THE CITY OF BROOKSVILLE, FLORIDA; AUTHORIZING THE ISSUANCE BY THE CITY OF NOT EXCEEDING \$8,680,000 PRINCIPAL AMOUNT OF ITS WATER AND SEWER REVENUE BONDS, SERIES 1999A, SERIES 1999B AND SERIES 1999C, TO FINANCE AND REFINANCE A PART OF THE COST THEREOF; PLEDGING THE NET REVENUES OF SAID SYSTEM TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS; AND ENTERING INTO CERTAIN COVENANTS AND AGREEMENTS WITH THE HOLDERS OF SAID BONDS;" FOR THE PURPOSE OF ESTABLISHING THE MATURITY DATES FOR THE BONDS; ESTABLISHING THE AMOUNTS TO BE DEPOSITED TO THE RESERVE ACCOUNT; DESIGNATING THE BONDS FOR THE EXCEPTION TO THE PROVISIONS CONTAINED IN SECTION 265 OF THE INTERNAL REVENUE CODE OF 1986 WHICH DENY FINANCIAL INSTITUTIONS ANY DEDUCTION FOR INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT OBLIGATIONS; AUTHORIZING A NEGOTIATED SALE OF THE BONDS TO THE UNITED STATES GOVERNMENT; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 99-22.

Council Member Wever called attention to the following:

Page two of resolution - interest rate percentage to be changed to 3.25 instead of 4.50.

Page Five of resolution - noted that information regarding the reserve account taking almost \$31,000 per year over almost 10 years to build up was not included in the one that was validated.

Third page of the Local bond Monitoring Section - called attention to the fact that the City is going to be the paying agent, meaning that the City must make the payments directly to the bond holder and be the register whenever the bonds are transferred.

Amortization schedule - top of page may have left out R-1 series, which is a question for the Bond Counsel.

Nonarbitrage and Tax Law Compliance Certificate - page 1 - Bond Counsel to be questioned about the last sentence of 1.1.

Nonarbitrage and Tax Law Compliance Certificate - page 6, 4.8 "thee" should be "there".

Nonarbitrage and Tax Law Compliance Certificate - page 14 - questioned item A and stated that it conflicts with the draft bond resolution that was validated and what was originally presented to Council and requested that the Bond Counsel and USDA should be questioned about it.

Page 3 of Bond Sample - Year "1012" should be "2010". He added that that same error occurs in each of the 3 bond samples.

Page 2 of the third bond sample should reflect \$4,630,000 rather than \$4,360,000.

City Clerk Phillips pointed out that changes to the attachments should not affect the adoption of the resolution, but they would be corrected for the file copy.

Upon roll call, motion carried 5-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Staib Aye

Lewis Aye

Resolution No. 99-22

Authorizing annual audit relating to USDA funding.

City Clerk Phillips read Resolution No. 99-22 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING CERTIFICATION OF ANNUAL AUDIT.

Council Member Wever pointed out that a copy of the audit would have to be sent to USDA.

Motion:

Motion was made by Staib and seconded by Brayton to approve Resolution No. 99-22. Upon roll call, motion carried

5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Special Right-of-Way Use Permit - Agreement (26/30 E. Liberty Street)

Request to approve exceptions to the Standard Building Code as it relates to that agreement between the City of Brooksville and Covell Electric, Inc. (approved 6/21/99) and further find that the project proposal, along with the appropriate indemnities, is sufficient to meet the intent of the Code.

Motion:

Motion was made by Johnston and seconded by Brayton approve Staff's recommendation to direct the City Attorney to send a letter to the Hernando County Building Department that contains the appropriate assurances and indemnification to the Building Department.

Vice Mayor Staib questioned items one through three and eight through ten which staff has indicated that the licensee still needs to respond to. Community Development Director Geiger advised that they would be addressed directly to the building department by the licensee.

Council Member Wever stated that he feels more comfortable with awnings that are supported by an anchor to the sidewalk rather than just hanging by cables. He suggested that the code be changed to make that a requirement.

Motion carried 5-0.

Traffic Control - Liberty at Jefferson and Ft. Dade at Ponce de Leon

Approval of "Right Turn Only" to reduce accidents.

Director of Public Works Pierce passed out drawings from FDOT and went over the traffic accident counts at each intersection.

Pierce advised that there will be a right turn only each side of Ft. Dade Ave. FDOT will later install no left turn signs on the south side of Ft. Dade on Ponce de Leon Blvd. White deterrent posts will also be installed by FDOT. At the intersection of Liberty St. and E. Jefferson, Pierce advised that there have been far fewer accidents and he stated that he would like to focus on Ft. Dade and Ponce de Leon at this time. He stated that a public notice will be placed in the newspaper about the turn changes at Ft. Dade Ave and a sign notifying the public of the upcoming change will be installed. He added that DOT will keep the left turn lane going south onto Ft. Dade.

Council Member Wever expressed the desire that the left turn going south on Ponce de Leon onto Ft. Dade Ave. should be eliminated. Mayor Lewis and Council Member Brayton voiced their agreement. Pierce advised that he could contact FDOT to see about that possibility. He recommended that the City proceed with the right turn only and he would attempt to negotiate the elimination of the left turn onto Ft. Dade.

Council Member Brayton expressed his opinion that FDOT be requested to focus on the Ponce de Leon/Ft. Dade intersection before the Liberty/Jefferson intersection. Pierce advised that if FDOT requires that both intersections be reworked, he would present it back to Council.

City Manager Anderson advised that the Christmas House is planning to restructure their traffic flow to use Cleveland Ave. as an additional exit street, instead of diverting all traffic onto Jefferson.

Motion:

Motion was made by Brayton and seconded by Wever to adopt both proposals but prioritize the intersection at Ft. Dade and Ponce de Leon Blvd leaving implementation of the other intersection to the discretion of the City Manager.

Matt Turpin, representative of the Blueberry Patch, voiced his objection to the proposal at Liberty and E. Jefferson St.

Motion carried 5-0.

Withlacoochee Regional Planning Council - Municipal Representative

Appointment of elected official to serve as voting member on WRPC.

City Clerk Phillips advised that Weekie Wachee has verbally relinquished authority to the City to continue the municipality representation. She added that Council Member Johnston is the current member.

Motion:

Motion was made by Brayton and seconded by Wever to reappoint Council Member Johnston. Motion carried 5-0.

Annexation of right-of-ways

Consideration to annex unincorporated right-of-ways within the City.

Community Development Director Geiger referred to his memo dated November 5, 1999, stating that the areas to be considered include portions of W. Jefferson Street (SR 50-A), Cobb Road (SR 485), Cortez Boulevard (SR 50), Horselake Road (County ownership) and S. Broad Street (US 41). He pointed out that the City will need to coordinate with the Florida Department of Transportation (FDOT) and/or Hernando County to obtain petition authorization and a metes and bounds description of the area involved (it is anticipated that some survey work will be required). He added that the City will also need to do some research on the legal aspects of right-of-way annexation, including researching Attorney General Opinions as well as existing precedent established by municipalities that have undertaken similar ventures will help to establish the scope of what the City may do in this regard.

Motion:

Motion was made by Brayton and seconded by Staib to approve staff recommendation that the City pursue annexation of the right-of-ways via the authority granted in Section 171.044, FS.

Council Member Wever stated that he does not agree with consideration of the Cobb Road right-of-way in that there is no property on the west side of Cobb Road that is in the City limits. Geiger stated that the purpose of this annexation request is primarily jurisdictional as it relates to public safety. He added that by annexing that right-of-way, it would give the City policing authority. Council Member Wever went on state that in considering the W. Jefferson right-of-way, a stretch of property within the City was not included. It was pointed that it is already under City jurisdiction. Regarding the Cortez/Horselake Road area, Wever pointed out that he still has the same concerns about the lack of City property in that area, but understands the policing authority aspect. Council Member Wever stated that his main concern is the right-of-way in question on U.S. 41 South and stated that he would recommend stopping at Wiscon.

Chief Tincher voiced his support of annexing said right-of-ways to help clarify jurisdictional problems.

Motion carried 5-0.

Council Member Wever stated that there are two other places that he would like Council to consider which includes a portion of Barnett and also South Main, south of Summit Road. Council Member Brayton requested that staff also look at Summit Road.

Emergency Management Grant Program

Consideration of submitting three grant applications.

(A) Emergency Telephone Notification System

State Grant \$32,000.00 - City Match \$3,500.00

(B) Debris Removal Team Equipment

State Grant \$35,000.00 - City Match \$174,000.00

(C) Emergency Operations Center - Generator

State Grant \$87,000.00 - City Match \$7,400.00

City Manager Anderson pointed out that there are two different grant programs. He explained that one of the programs is the traditional one, which the City has participated in applying for grants for in the past and has been successful two out of the last four years. He went on to explain the first grant application as a notification system, which calls residents as part of a computerized emergency alert system. The City's match would be a computer workstation and additional phone lines. Mr. Anderson stated that the second grant is a resubmission of a previous grant for debris removal team equipment, which utilizes existing equipment (boom truck and dump truck) that has been purchased, but not delivered, as the match towards the purchase of a tractor/trailer to tow around a backhoe previously purchased. The third grant application involves establishing City Hall as an emergency operations center which creates the need for a generator for backup electrical power, which will assist with the problem of controlling the air conditioner.

It was pointed out that one or more of these applications can be submitted.

It was decided that all three can be applied for as they are evaluated separately under two different grant programs.

Motion:

Motion was made by Brayton and seconded by Staib to apply for all three grants. Motion carried 5-0.

Vehicle Purchase

Consideration of purchasing vehicles using State of Florida and Florida Sheriff's/County Association Bids. Purchase through Sheriff's Association require additional \$50.00 per unit processing fee.

a. Police vehicle (full size) - 3 at \$21,498 each from Maroone Dodge under Florida Sheriff's Association Contract #99-07-0913

b. Passenger vehicle (full size) - 1 at \$19,848.00 from Don Reid Central under Florida Sheriff's Association Contract #99-07-0913

c. Cargo van (light) - 1 at \$15,594.00 from Duval Ford under State Contract #070-300-401

d. Cargo van (heavy) - 1 at \$18,713.00 from Hill-Kelly Dodge under Sheriff's Association Contract #99-07-0913

City Manager Anderson advised that Council has been provided with a breakdown of bid specifications, prices and alternates available. He explained that item B is for a passenger vehicle for Administration. He added that the Fire Chief can choose between that new one or the one currently used by himself. Council Member Wever stated that he has a problem with item B. He stated that the budget shows that Council approved \$25,000 for a fire department vehicle and this should not be categorized for use by Administration.

Motion:

Motion was made by Wever and seconded by Brayton to accept a, c and d. Motion carried 5-0.

Motion:

Motion was made by Brayton and seconded by Staib to purchase the full size passenger vehicle for Administration and the Fire Department vehicle currently used by the City Manager shall go back to the Fire Department. Motion carried 4-1, with Wever voting in opposition.

Impact Golf LLC

Waiver of pre-paid and prorated expense totaling \$2,843.25 in connection with replacement of irrigation pump and loss of revenue due to construction.

City Manager Anderson advised that there may be some additional revenue loss to the business as the City hooks up the utility system, which will require a shut down of the course.

Motion:

Motion was made by Brayton and seconded by Staib to approve cancellation of \$2,843.25 invoice.

Council Member Brayton amended his motion that the invoice be canceled for \$2,843.25, which shall include any losses due to any upcoming projects.

Bob Mallek, Impact Golf, voiced his opposition to the amendment. Council Member Brayton withdrew his amendment and stated that any further issues can be brought back to Council for consideration.

Director of Public Works Pierce stated that he is in the process of coordinating with USDA regarding a new route for the utility lines, which Anderson stated would minimize the impact on the golf course.

Motion carried 5-0.

Community Redevelopment

Status report.

Community Development Director Geiger advised that the TECO Gas Lighting ceremony is scheduled for November 29th. City Clerk Phillips advised that the lights will remain on 24 hours a day, but will be paid by TECO. Geiger stated that the local citizen's group, Rediscover Brooksville, will be helping with event and will unveil a rendering of the redevelopment area and entrance signs.

Geiger reported on the status of the Good Neighbor Trail, stating that Florida Communities Trust is working on deed language and certifications. He added that hopefully the properties will be transferred to City by the extension date of December 31, 1999.

Community Development Director Geiger advised that the EAR report has been transmitted to DCA with the required maps that were not included with the original transmission. He stated that the Comprehensive Plan can then be amended. He stated that Staff will be recommending proceeding with an RFQ for consultants to do the Comprehensive Plan Amendment.

Regarding FDOT safety funds from FDOT, Geiger stated that Howell Ave. was selected but FDOT has since decided to commit the funds for the next two years to other projects. He stated that other funding will be researched and brought back to Council. Council Member Wever requested that MPO representative Johnston address the issue with the MPO as well.

Community Development Director Geiger stated that Mary Alice Queiros is coordinating with Sue Rupe, TDC, on a marketing brochure for Brooksville. They will consider having businesses sponsor a brochure to cover costs. He stated that they will have public meetings for downtown businesses to appraise them of the process. City Clerk Phillips advised that staff is still going to pursue the brochure that the grant was applied for, which the City was unsuccessful in receiving this year.

In response to concerns voiced by Vice Mayor Staib, Geiger stated that FDOT has not officially put off the bulb out project and is still included for enhancement funding this year. He added however, that it may be postponed for six months later in the cycle when additional funding is available.

City Clerk Phillips advised that DCA has changed the application deadline for the next CDBG cycle to May 31, 2000. She went on to state that once the contract is signed with Brewer and Associates, staff will come forward to Council with a request to go out for RFP's.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

T.W.I.C.E.

Council Member Brayton stated that he had spoken to the City Manager, who assured him that the Council did not agree to pay 1/3rd of the cost of a community swimming pool that was discussed at the November 10th T.W.I.C.E. meeting as was related in a recent newspaper editorial.

S.L.M.

Council Member Brayton called attention to the October SLM minutes which state that the City had not paid the SLM dues, which Wever indicated had now been paid.

E.E. WEVER, JR., COUNCIL MEMBER

S.L.M. Tallahassee trip to DCA

Council Member Wever thanked the Community Development Director for his memo regarding his recent trip with the SLM to visit the Department of Community Affairs.

S.L.M. Upcoming meeting

Council Member Wever advised that at the January, 2000 meeting of the SLM, the discussion will be the legal ads required in the annual taxation known as the TRIM notices and they will try to work on making those requirements clearer.

Heart of Florida League

Council Member Wever advised that Len Tria will be speaking at the Heart of Florida League meeting on WRWSA funding.

JOSEPH E. JOHNSTON, COUNCIL MEMBER

Charter Amendment - Purchasing Limit

Council Member Johnston advised that at the recent T.W.I.C.E. meeting it was mentioned that in order for the City to work jointly with the County and School Board on purchasing efforts, the City may need to increase its purchasing limits from the current \$6,000, which would require a charter amendment. Council Member Johnston suggested that the change could be worded to allow the purchasing limit to remain at \$6,000, except when acting in conjunction with other agencies. He requested that it be placed on an agenda for discussion.

City Clerk Phillips advised that the next Council agenda will include a request for Council Members to obtain names for the 2000 Charter Amendment Committee.

MARY A. STAIB, VICE MAYOR

Big Brothers/Big Sisters

Vice Mayor Staib stated that she had heard a recent radio show with a representative of Big Brothers/Big Sisters, who related that there are no volunteers from the Brooksville area. She stated that she would like the press to report on the need for that type of support.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Heart of Florida League

City Clerk Phillips advised that the Heart of Florida League dinner will be hosted by the City on November 18th at the Fireside Inn at 6:00 p.m.

Update on receptionist

City Clerk Phillips reported that Joann Offill, receptionist for Administration, had surgery this date and the word received at this point is that she is doing well.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:46 p.m.

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

DECEMBER 6, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Bill Geiger, Community Development Director; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; Terry chapman, Police Department.

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

CITY COUNCIL

Selection of Mayor

MOVED TO END OF AGENDA

Selection of Vice Mayor

MOVED TO END OF AGENDA

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

November 10, 1999 - TWICE minutes (subject to approval by BCC and School Board)

Amend Council Meeting Calendar

Change budget workshop dates due to FLC Convention conflict in August, 2000.

Potential Grant Application

Consideration of authorizing preparation and submission of 75/25 grant application to FDEP for Governor's new funding initiative (city share available in CDBG Cap reserves) by Angie Brewer and Associates at contract rate not to exceed \$2,500 and authorize Mayor to execute application.

CDBG Grant Program

Authorize RFP for grant preparation and submission for next grant cycle, and option for grant administration.

Council Member Wever requested that item 3 be moved to the regular agenda.

Motion:

Motion was made by Wever and seconded by Johnston to approve the balance of the December 6, 1999 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Silver Anniversary of the Withlacoochee Rockhounds"

Honoring the 25th Anniversary of the Rockhounds.

Mayor Lewis presented the proclamation to Gerald Johnson, Vice President of the Rockhounds.

Margaret Ghiotto Beautification Award

Recognition of improvements made to Hale's Package Liquor located at 1010 E. Jefferson St. owned by Ronald and Laurel Curtis.

Mr. Curtis was present to accept the certificate and plaque.

PUBLIC HEARING

Ordinance No. 608 - Plumbing Code

Providing for the amendment of the 1997 Edition, Standard Plumbing code. [First Reading - 11/15/99]

City Clerk Phillips read Ordinance No. 608 by headnote only, as follows:

AN ORDINANCE AMENDING THE CITY OF BROOKSVILLE, FLORIDA, PLUMBING CODE, AS ADOPTED IN ORDINANCE NO. 530-C, PROVIDING FOR THE MODIFICATION OF CHAPTER 4 OF THE STANDARD PLUMBING CODE, 1997 EDITION; AND FOR THE MODIFICATION OF CHAPTER 5 OF THE STANDARD PLUMBING CODE; AND FOR THE MODIFICATION OF CHAPTER 7 OF THE STANDARD PLUMBING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

There was no public input on the ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve Second and Final Reading of Ordinance No. 608. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Ordinance No. 609 - Electrical Code

Providing for the amendment of the 1999 Edition, National Electric Code and further providing for modification and supplementation of the code. [First Reading - 11/15/99]

City Clerk Phillips read Ordinance No. 609 by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, ELECTRICAL CODE: PROVIDING FOR THE ADOPTION OF THE NATIONAL ELECTRIC CODE, 1999 EDITION; PROVIDING FOR ADMINISTRATION; PROVIDING FOR MODIFICATION TO ARTICLE 230; PROVIDING FOR SUPPLEMENTAL REQUIREMENTS; PROVIDING FOR THE SEVERANCE OF PARTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR VIOLATIONS, REMEDIES, AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

There was no public input on the ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve Second and Final Reading of Ordinance No. 609. Upon roll call, motion carried 5-0.

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

REGULAR AGENDA

Potential Grant Application (MOVED FROM CONSENT AGENDA)

Consideration of authorizing preparation and submission of 75/25 grant application to FDEP for Governor's new funding initiative (city share available in CDBG Cap reserves) by Angie Brewer and Associates at contract rate not to exceed \$2,500 and authorize Mayor to execute application.

Council Member Wever questioned the memo in the packet that indicates that the grant is for wastewater treatment and surface water restoration management projects and the use of \$75,000 that is in the reserve fund for downtown improvements. He stated that it was his understanding that the \$75,000 is for a freshwater main to be installed. City Manager Anderson stated that that was discussed, but it was for infrastructure improvements. Council Member Johnston felt that Council agreed that the \$75,000 put aside this budget year and the \$75,000 next year is to be used for matching funds towards whatever grant is received, but not designated towards any one specific project.

Council discussed details of infrastructure improvements included in the downtown revitalization program and the estimated costs associated with that plan.

Council discussed Council Member Brayton's concern on how much the grant is for to which City Manager Anderson responded the maximum amount for the grant has not been determined by the legislature at this time. It was pointed out that if the City applies for and gets this grant, one of the CDBG Block grant cycles will not be applied for.

Lara Bradburn expressed concern regarding grant point standings and whether they had been discussed with Brewer and Associates. City Manager Anderson stated that the primary reason this is presented to Council is based upon Brewer and Associate's recommendation.

Motion:

Motion was made by Brayton and seconded by Johnston to proceed with applying for the grant.

Council Member Brayton again expressed concern on what kind of grant and what match money will be involved and whether there is an adequate time frame to process this.

Motion carried 5-0.

City Clerk Phillips stated that copies of the grant application will be distributed to Council once it is prepared.

MPO/Downtown Parking & Traffic Circulation

MPO programmed improvements for the W. Jefferson Street (S.R. 50A) and Ponce de Leon (U.S. 98) traffic area and related items.

Council Member Wever suggested that the intersection of W. Jefferson and Ponce de Leon Boulevard be handled separately from the rest of the items to be presented. He expressed his concern about what FDOT is planning to do at this intersection.

Dennis Dix, County Traffic Coordinator, began by stating that every year, FDOT presents a five year work program for which FDOT is currently meeting with the public through workshop meetings now. He recommended that members from the City attend the workshop scheduled at the County Courthouse on December 8th.

Using a overhead projector, Dix stated that in the fifth year, FDOT has budgeted \$8 million dollars of projects for Hernando County. He stated that generally, the average is \$11 - \$12 million. He stated that of major concern for the City to improve the level of service would be the four laning of S.R. 50 bypass, which has started construction and the six laning of U.S. 41. He pointed out another project is the replacement of the one way pairs extension and four laning of Jefferson St. from Ponce de Leon to Mildred, which is in the future and not funded at this time and can be discussed at a later time. Council Member Wever stated that it was his understanding that the Council did not want Jefferson St. four laned. Council Member Johnston clarified that Council's position was that it did not want the continuation of the one way pairs.

Dennis Dix stated that the Jefferson Street continuous turn lane is a fairly quick project as no right-of-way has to be purchased and it would improve level of service.

He addressed improvements to the Mildred Ave. interchange, which is scheduled for improvements for Fiscal Year 2001-2002.

Mr. Dix advised that a signal coordination design phase in which all traffic signals will function together is scheduled to begin construction within 3 years.

Regarding Cobb road, Dix informed Council that \$2.5 million of right of way acquisition will be purchased within 5 years for construction scheduled to begin in 2007.

Mr. Dix relayed that FDOT has allocated \$4 million out of the \$8 million to construct a right turn lane at Jefferson and Ponce de Leon. He questioned Council on whether one turn lane is worth ½ of the budget allocated for Hernando County. He went on to state that their Technical Advisory Committee has directed the MPO to go back to FDOT to see if something can be done cheaper since in 7 years Ponce de Leon will go off the State system and U.S. 98 goes to Cobb Road, which will take away the truck traffic. Mr. Dix stated that one concept that the County Planning Department has considered for that intersection is a round-about, which should cost much less and need very little right of way. Council Member Wever expressed his desire that the \$4 million should be used to get U.S. 98 moved. Mr. Dix responded that that would not speed up the project due to right of way acquisition. In response to Council Member Wever's question, Dix replied that FDOT's \$4 million project would require them to acquire the Chevron gas station at the northeast corner of Jefferson and Ponce de Leon.

Mr. Dix stated that another alternative to the \$4 million project may be to recommend a lesser scale improvement without tapers be done.

Council Member Wever questioned if U.S. 98 is gone, would anything have to be done to the intersection. Dix stated that the level of service analysis fails badly, and it will be worse when the Fort Dade turns are limited in that area.

Mr. Dix again reminded Council that FDOT will be conducting a workshop meeting if the City wants to be present to address this issue. Council Member Wever offered his opinion that FDOT should do the least that has to be done to help traffic considering that U.S. 98 and S.R. 700 will be gone in a few years. Mr. Dix advised that S.R. 50A will stay on the State system. Council Member Wever interjected that Council has discussed the desire to move 50A off of the state system. Dix replied that if it is, State funding could not be used at all to fund the project.

Council Member Wever again stated that he would support spending as little as possible to help the traffic flow and suggested that FDOT not do anything major looking at the future movement of U.S. 98/700 and possibly 50A. Community Development Director Geiger stated that essentially dovetails with the recommendation of the TAC Committee meeting held earlier that day.

City Manager Anderson felt that would be the same as recommending not doing anything. Council Member Johnston clarified that the turn radius can be improved without tapers but not be designed to highest standards for truck traffic but for automobile traffic. Council Member Wever questioned if Council agrees with that, would Mr. Dix like to have a letter from the Mayor to that affect, which Dix replied that he would.

Motion:

Motion was made by Brayton and seconded by Wever to authorize the Mayor to send a letter relating that the City

wishes as little money spent as possible to help the traffic flow at the intersection of Jefferson St. and

Ponce de Leon. No major improvements should be done based upon the future movement of U.S. 98/700 and possible 50A. Motion carried 5-0.

Council Member Wever stated that if FDOT does not accept the City recommendation, he would like Council to consider legal avenues against FDOT.

Council Member Brayton stated that the City would forward the letter to the MPO and allow the MPO to fight the battle.

Mr. Dix stated that the MPO staff could coordinate with City staff and look at levels of service and do an analysis to present back to City Council.

Regarding State enhancement funding, Dix related that the County is now certified to do its own enhancement projects. He explained that it appears that the federal funding set aside is not able to be carried forward. He stated that FDOT has a creative way to handle the money by spending it somewhere else and not reallocating it back to the County that lost the money. He stated that FDOT is also trying to readdress how the money is allocated at the central office of DOT in Tallahassee and it appears that the \$2,000,000 enhancement program will become a \$1,000,000 program with the extra money being moved to other FDOT programs. Mr. Dix stated that the cost decrease impacts a number of projects such as the top rated bulb out project. He added that FDOT now wants to hold off design for 2 years and begin construction in 3 years. He stated that after discussing the matter with FDOT, they have agreed that they may bring it back on July 1, 2000, which is their next fiscal year.

Mr. Dix stated that if Council is in agreement that enhancement funding is a good thing and supports the bulb outs, the good neighbor trail and sidewalk improvements, he would need the City's cooperation to relay this to FDOT.

Motion:

Motion was made by Brayton and seconded by Johnston that a letter be written by the Mayor to support enhancement projects. The letter would be presented at the FDOT hearing.

Sherry McIntyre advised that citizens will be attending the Public Hearing in masses to support enhancement fundings.

Motion carried 5-0.

Surplus Property

Disposition of bicycles.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the disposition of the surplus bicycles. Motion carried 5-0.

Street Sweeper Purchase

Purchase of street sweeper, utilizing Pinellas County Bid No. 97B-0424-B, from Elgin Geo Vac, in the amount of \$147,301.00 (\$150,000 budgeted in Sanitation Division)

Motion:

Motion was made by Brayton and seconded by Johnston to approve the street sweeper purchase. Motion carried 5-0.

Vehicle Purchase - Correction

Purchase of three (3) Ford vehicles (Police)

Proposed correction to designated dealer

Motion:

Motion was made by Johnston and seconded by Staib to approve the purchase of the three ford police vehicles *from Duval Ford* *approved by Council 1/3/00* 1. Motion carried 5-0.

Purchase of Dodge Cargo Van (Tech Services)

Proposed correction to designated dealer, and approval to include a partition and shelving unit (\$1,250.00).

Motion:

Motion was made by Johnston and seconded by Staib to approve the correction to purchase the Tech Services van from Hill Kelly Dodge including the partition and shelving unit alternate for a total cost of \$16,848.00.

Council Member Wever pointed out that the purchase is over budget, which is \$15,000.

Motion carried 5-0.

Utility Construction Projects

Status report.

- Consideration of alternative routing of transmission line in McKethan/Varn Parks, estimated cost \$127,000.
- Consideration of alternative routing of transmission line from SR50 to School Street lift station, estimated cost \$45,000.
- Status of US41/SR50 utility relocation projects
- Status of WWTP Plant

Director of Public Works Pierce explained that item B is the contractor's cost for constructing an alternate route from the lift station at Moton School directly to the new lift station at School Street. The design was previously approved as Amendment #2. He stated that the new cost would be \$48,269.00.

Motion:

Motion was made by Wever and seconded by Johnston to authorize that the contract proceed immediately in the amount of \$48,269.00 (Item B). In response to Mayor Lewis' question, Pierce advised that the work for this portion would be a maximum of 60 days. It was pointed out that if USDA does not approve the amendment, the City would have to pay for it. Motion carried 5-0.

Regarding Item A, Pierce advised that shortly after Council approved Amendment #3, the line in the middle of the golf course broke and the repairs of it caused an inconvenience to the golf course operator. Civil-Tech has drawn up this alternate proposal to go around the golf course.

Motion:

Motion was made by Wever and seconded by Brayton to approve Item A amending Civil Tech's contract in the amount of \$36,905.20. Motion carried 5-0. Pierce advised that the construction costs change order would be brought back to Council.

Pierce continued with the status of various projects, stating that the tanks are being filled at the Cobb Road WWTP for pump testing. DEP gave permission to haul sludge for the seeding of the plant. Plant to be operational in January, 2000, which will occur by the turn of a valve at the S.R. 50 lift station. Shortly thereafter, CenterLine will make the tie-ins at the other new plants and lift stations. He advised that there will be a Change Order before Council on Phase I for \$2,000 for a bar screen.

Regarding Phase II, Pierce stated that the key check valve in the north section would be installed first. The generators have not arrived yet, but it will not delay the operations of the lift stations.

Pierce updated Council on the construction at the School Street plant, and stated that the contractor should be finished shortly and the road will be paved.

Regarding the moving of the Jasmine Drive water lines, Pierce stated that the price is currently at \$25,000 and is budgeted at \$40,000. He stated that he would come back to Council to request approval to enter into a contract.

The Director of Public Works advised that the Wesleyan Village water line is substantially complete. Before accepting the line, the City is waiting on proof of clearance from DEP and submittal of as-builts from the engineer.

Pierce advised that the U.S. 41/S.R. 50 construction is proceeding rapidly. He added that he would be conferring with the City Attorney regarding a JPA arbitration issue.

Construction of the frontage road is being currently held up by drainage issues with the Church, FDOT and other property owners which are complicating the project. Pierce added that Coastal Engineering needs more time before reporting back to Council.

Regarding the wellfield project, Pierce advised that Coastal Engineering is negotiating with the Junior College in getting a guarantee from them that if the test well proves satisfactory, they can proceed with other parts of the project. He added that a status report should be presented back to Council as soon as possible. It was pointed out that the executed agreement with WRWSA had not been returned yet, which Council Member Wever stated he would check on.

CITY COUNCIL

Selection of Mayor (MOVED FROM BEGINNING OF AGENDA)

Nomination was made by Wever to appoint Mary A. Staib as Mayor. There being no further nominations, motion carried 5-0.

Selection of Vice Mayor

Nomination was made by Johnston to appoint Pat Brayton as Vice Mayor. There being no further nominations, motion carried 5-0.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, VICE MAYOR

Monthly Reports

Council Member Brayton pointed out that the monthly reports include a report from May, 1999 and he did not feel that it was necessary to copy it at this late of a date.

E.E. WEVER, JR., COUNCIL MEMBER

Additional Loan from USDA

Council Member Wever advised that there is some work going on to apply for an additional loan from USDA for a new water system, wells and tanks. He stated that the funding of the \$6,600,000 from USDA is saving the City a substantial amount of interest expense since the rate is only 3.25% for 40 years compared to 4.5%. Two possible uses of the savings should be considered; to apply it to the rate increase that is forthcoming or to use it for debt service on funding the full blown wells and storage tank system at PHCC.

Special Assessment District

Council Member Wever advised that he has asked the City Manager to research developing a Special Assessment District for replacing water lines and sewer lines for the original town of Brooksville. He has also asked that he compile a cost estimate for same. Wever added that USDA could finance that as well.

Christmas Parade

In response to Council Member Wever's question, Phillips advised that Council Members should meet at City Hall at 9:15 a.m.

Fire Dog

Wever questioned if anything had been done about the deteriorating health condition of Pumper, the fire dog. Mayor Staib stated that a decision could be delayed until after Christmas.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Christmas Festival

City Clerk Phillips advised that the Christmas Festival begins immediately after the parade and runs until 4:00 p.m.

Rotary Club - Elected Officials Luncheon

Phillips advised that the Elected Officials luncheon would be December 13th.

Congratulations to Jennifer Battista

City Clerk Phillips advised that Jennifer had received her Certified Municipal Clerk designation.

Congratulations to Mayor and Vice Mayor

Phillips congratulated the newly selected Mayor and Vice Mayor.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:40 p.m.

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

DECEMBER 20, 1999 7:00 P.M.

Brooksville City Council met in regular session with Mayor Mary A. Staib, Vice Mayor Pat Brayton, and Council Members Joseph E. Johnston, III, Richard E. Lewis and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Bill Geiger, Community Development Director; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; B. Edward Tincher, Police Chief; and a representative from the St. Petersburg Times.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

November 15, 1999 - Regular Council Minutes

Cheyenne Pass Landfill - Legal Fees

Approval of fees totaling \$2,319.00 from Fowler and White and authorizing continuing representation.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the December 20, 1999 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

HOLIDAY DECORATION CONTEST AWARDS

The Beautification Board requests recognition for the best decorated residence and business.

Mayor Staib and Beautification Board Chairman Taylor presented a certificate, plaque and gift certificates to Kevin Moglia and family, 615 Erin Way, for the best decorated residence and to Mrs. Vitola, Vitola's law office, 218 S.

Broad Street, for the best decorated commercial site.

REGULAR AGENDA

Amendment to FCS Waste Water Effluent Waste Disposal Agreement

Truck wash connection to wastewater effluent line.

Motion:

Motion was made by Lewis and seconded by Brayton to approve the amendment to the Florida Crushed Stone Waste Water Effluent Waste Disposal Agreement.

In response to Vice Mayor Brayton's question, Director of Public Works Pierce advised that this amendment will not cause any problems or additional cost burdens.

Motion carried 5-0.

Charter Review Committee

Establish procedure for appointment of Charter Review Committee which be at the January 3, 2000 meeting.

Mayor Staib directed each Council Member to submit two names to the City Clerk for appointment at the next Council meeting. City Manager Anderson suggested three names in case of duplication.

Charter Amendment

Changes to be considered by Committee.

City Clerk Phillips advised that it has been suggested that the Charter Review Committee may want to recommend increasing the purchasing limits in instances when bidding with other agencies. Council Member Johnston stated that the Committee should be advised that it is something that is being reviewed at the Council level and the Committee may wish to address it since it must be a Charter change.

Community Redevelopment

Status Report

Community Development Director Geiger stated that he is in the process of coordinating with the County and FDOT regarding Power's of Attorney for right-of-way annexation.

Geiger reported that a title search involving the Good Neighbor Trail revealed other lease interests in the CSX property. He stated that he and the City Attorney will be researching that and coordinating with Florida Communities Trust for a possible lessing out of the legal description on that portion negotiating directly with the owner. City Attorney Battista advised that he had spoken to FCT and apparently one interest involved has disavowed any claim and will work on correcting the deed themselves. Geiger explained that the problem seems to be that there were two parcels within the CSX property with no deeds on record and are unowned parcels. Council Member Johnston stated that old railroad deeds were very generic and did not always specifically describe things.

Regarding the EAR Report, Geiger reported that the City is currently receiving comments from DCA and other State agencies. He stated that it will take time to review the comments, redraft the report and submit it to DCA.

Regarding the problem of eliminating the southern pine beetles, Geiger advised that it is going before the Board of County Commissioners on December 21st. He went on to state that the recent report is that what was 33 sites is now 67 sites and surrounds many areas of the city limits. In response to Council Member Lewis' question, Geiger addressed the time frame for eradication on Mildred Avenue. He suggested that we contact the Division of Forestry to get other timber companies involved.

Community Development Director Geiger reported that there will be a January 31st workshop with Council and interested groups regarding downtown revitalization.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, VICE MAYOR

Pay Plan Adjustments

Vice Mayor Brayton began by calling attention to the summary sheet that would change longevity to 8% increase starting after the 6th year of service and after 10, 15 and 20 years. He pointed out that the annual estimated cost for increasing Police 4 grades and Fire 3 grades and including the longevity increase would be approximately \$126,000 a year. He added that he realizes it will not fix the problem, but will help. He pointed out that the plan includes an additional pay grade for firefighters with required inspection certificates. Vice Mayor Brayton added that there is a carry over from prior year and the \$126,000 is something the City can afford. He concluded that the next phase would be for general employees, which would cost about \$60,000 to \$80,000.

Mayor Staib stated that it was her understanding that all employees would be done at one time. Vice Mayor Brayton felt that the Police and Fire are the most involved because of the different hours. He suggested that the plan be approved but that an effective date did not have to be set at this meeting tonight. He stated that he would hope that by the second meeting in January, the General Employees phase should be before Council. An effective date for all could then be determined.

Council Member Lewis expressed concern on where the money would come from. He stated that in discussing the matter with the City Manager, it was suggested that the City could put off purchasing vehicles in both departments for a couple years. He stated, however, that the vehicles have to be purchased sometime. He added that he is not ready to commit to anything until a total dollar amount is shown and where the money will come from without depleting reserves. Vice Mayor Brayton pointed out that reserves have increased over the last few years. Council Member Johnston referred to the City Manager's memo which states that revenues may have to be increased at some point. He stated that he would need to see where the money is going to come from for the long term. Council Member Wever stated that Council needs to remember that the City may be looking at a decrease in revenue in sales, cigarette and gas taxes after more and more sales are done through the Internet. He stated that he did not have a problem with the longevity increase but would want to see more figures, including the cost for general employees, and how it will affect the current budget. He stated that he would also like to see what expenditures may need to be cut as well.

Mayor Staib agreed that Council needed more information.

Council Member Wever stated that in the future, he would like to see population listed when comparing cities on any topic.

Motion:

Motion was made by Lewis and seconded by Wever to authorize the City Manager to start paperwork on general employees and bring back to Council as soon as possible.

In response to Council Member Johnston's question, City Manager Anderson stated that the employee showing an annual decrease in salary over the last 10 years is an error on the report that would be corrected.

Motion carried 5-0.

Motion:

Motion was made by Wever and seconded by Lewis to change the longevity increase from skipping 10, 15 to 20 years and change it to .8% annually starting after 6 years to be effective 10/1/99 but hold doing it until all phases are complete.

City Manager Anderson stated he would like to present Council with a lump sum payment option for Council consideration.

Vice Mayor Brayton voiced his opposition that he was not in favor of taking a piece here and there and create more of a problem especially approving it but not putting it into effect. He stated that he would rather see Council put it off until the plan is complete and see what it all will cost. Council Member Lewis stated that he was in favor of approving the longevity portion because it is not so much of a financial burden and affect to the budget. After discussion, motion and second were withdrawn. It was the consensus of Council to support a longevity increase.

MARY A. STAIB, MAYOR

Presentation of gavel plaque

Council Member Lewis was presented a gavel plaque for his services as Mayor for the year 1999.

Season's Greetings

Mayor Staib wished all a happy holiday season.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Council Member Johnston offered his appreciation to Council and staff for their support shown to him and his family after the loss of his mother.

RICHARD E. LEWIS, COUNCIL MEMBER

Season's Greetings

Council Member Lewis wished everyone a Merry Christmas and Happy New Year.

E.E. WEVER, JR., COUNCIL MEMBER

Complaint from Candlelight Boulevard resident - Construction Noise

Council Member Wever stated that he had received a complaint from a Candlelight Boulevard resident complaining about the construction noise on S.R. 50, which he referred to Council Member Johnston as a member of the MPO.

Pumper Dog - Pumper

Council Member Wever stated that it was his understanding that Pumper's condition is critical and something should be done. Mayor Staib felt that the issue could wait until after the holiday.

Economic Development Tax Incentive

Council Member Wever questioned the status of the Economic Development Tax incentive referendum question which

is to be on the March ballot. City Attorney Battista stated that his research determined nothing that requires the County to approve the ballot question. He added that the County Attorney was to research but he has heard nothing on that issue. Council Member Wever felt that the City should start educating the public. City Manager Anderson stated that staff would bring back a recommendation to Council for the next meeting. Vice Mayor Brayton requested that ballot language be presented as well.

Christmas Parade and Festival

Council Member Wever commended City staff on a job well done for the Christmas festivities. He suggested, however, cutting off the event after 3:00 next year instead of 4:00, since there was not much business during that time.

Widening of Jefferson Street from Mildred to U.S. 98

Council Member Wever suggested that Council consider the traffic flow and oppose the widening of Jefferson in the area into four lanes. He felt that it will adversely affect the property along that route.

Purchase of Property South of Public Works

Council Member Wever referred to a memo from the City Manager regarding the potential purchase of property south of DPW and felt that the City should try to buy the property west of what the City owns and expand westward.

RICHARD E. ANDERSON, CITY MANAGER

Happy Holidays

City Manager Anderson wished everyone Happy Holidays.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Brooksville Nursing Manor - Annexation

City Clerk Phillips reminded Council that there will be a special meeting on December 27, 1999 at 7:00 p.m. to consider an ordinance annexing Brooksville Nursing Manor located at 1114 Chatman Boulevard. Council Member Wever added that the manager has expressed appreciation to whoever was responsible for filling the potholes.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:02 p.m.

City Clerk

ATTEST:

Mayor

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SPECIAL COUNCIL MEETING

DECEMBER 27, 1999 7:00 P.M.

Brooksville City Council met in special session with Mayor Mary A. Staib, Vice Mayor Pat Brayton, and Council Members Joseph E. Johnston, III, Richard E. Lewis and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Jennifer J. Battista, Deputy City Clerk and Bill Geiger, Community Development Director.

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

PUBLIC HEARING

****Ordinance No. 604**

Consideration of ordinance annexing certain real property located at 1114 Chatman Boulevard into the City of Brooksville, effective upon adoption. [First Reading - August 2, 1999]

Deputy City Clerk Battista read Ordinance No. 604 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

1114 Chatman Boulevard

In response to City Attorney Battista's question, Council Members indicated that they had no ex-parte communications on the issue except that Council Member Wever advised he called the manager of Brooksville Nursing Manor to get information on his electric bill.

Council Member Wever stated that he disagreed with the figures included in the memo provided and felt that they were calculated on 3 mils of Township 22 and should have been calculated on 2.75 mils, which makes the figures higher on what is shown. He further advised that the utility franchise fee that would apply when the property is annexed was not included in the memo. He stated that his conversation with the nursing home manager revealed that

their electric bill runs about \$90,000 per year, which would make his franchise fee about \$5,400 per year, which is an additional cost to the property owners and additional revenue to the City. He concluded by stating that the \$12,507 should actually be \$13,132.50 and the \$8,072 should be \$8,697.50.

It was pointed out that the effective date of the Ordinance would be December 27, 1999.

There was no public input on the ordinance.

Motion:

Motion was made by Lewis and seconded by Brayton to approve Second and Final Reading of Ordinance No. 604.

Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Lewis Aye

Wever Aye

Brayton Aye

Staib Aye

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 7:06 p.m.

City Clerk

ATTEST:

Mayor

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