

REGULAR COUNCIL MEETING

January 8, 2001 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor E.E. Wever, Jr., and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration/City Clerk; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; and Boyce E. Tinch, Police Chief. There was a member from the St. Pete Times in attendance.

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

Mayor Johnston presented a plaque to Council Member Staib for her role as Mayor in 2000.

CONSENT AGENDA

Minutes:

Regular Council Minutes - October 2, 2000

Regular Council Minutes - October 16, 2000

Five-Star Restoration Challenge Grant

Authorization for staff to submit grant application for up to \$20,000 for the Good Neighbor Trail "Trailhead Creek Restoration Project".

Mayor Staib pointed out a correction to page 4 of the October 16th minutes and stated that she had requested spreadsheets on the vehicle maintenance rather than Pat Brayton.

City Manager Anderson contributed that the amounts listed in the Five-Star Restoration Challenge Grant are not firm and will come back for final approval.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve the January 8, 2000 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - National Blood Donor Month

Proclaiming the month of January as National Blood Donor Month.

Mayor read the proclamation, which was presented to Beverly Schelling of the Hernando County Blood Bank.

REGULAR AGENDA

Contract - Coastal Engineering Associates, Inc.

Approval of addendum #3- U.S. 41 sewer line extension in the amount of \$275,000.

City Manager Anderson advised that the \$275,000 listed on the agenda is the project cost. He stated that the design and permitting fees of the

sewer portion is estimated at \$30,000, which is included in the \$275,000. If the project is subsequently built, there will be an additional cost for construction related services of \$25,000 to \$30,000, which is in addition to the \$275,000. Staff will be requesting authorization for design and permitting of a water line phase but staff has not addressed how the construction side of that phase would be financed.

Director of Public Works Pierce advised that staff has negotiated a scope of work for a sewer force main from the Fairgrounds with a connection point at Barnett Road. He felt that the fees contained in the scope of work are reasonable. He called attention to the fee schedule and suggested that Council only commit to the first two sections (Preliminary Engineering and Final Design) for a total of \$30,000. The construction phase services, which are undetermined at this time, can be committed to later because of an issue regarding the resident inspection at a per day amount.

Pierce recommended that Council approve designing and permitting of a water line parallel with the sewer line. He advised that Coastal Engineering has indicated that the additional amount for the water line engineering, design and permitting would cost about \$30,000 as well. The cost is increased due to extensive excavation to avoid problems later on with FDOT construction work. He explained that in order to do the water line, the City will need to take a strip of land 10' to 20' wide along the route. To do this taking, the City Attorney will need signed and sealed engineering drawings. The taking of the needed 2.5 acres could cost an estimated \$150,000. Staff would come back with construction details at a later date. Pierce contributed that \$250,000 of the \$275,000 is available for the sewer line in the Repair and Replacement account. He added that some type of loan or delay of other projects could generate the other \$25,000. Pierce stated that the construction costs are undetermined and sometimes the cost depends on how busy the contractors are.

In response to Council Member Lewis' question, Pierce advised that the water line currently serving the fair location is a 12" line off of Oliver St. and an 8" running into the Fairgrounds. He explained that the best option would be to run a 12" line up U.S. 41 and come across Oliver St.

Council ~~Mayor~~ **Member** [approved by Council 3/5/01____] Staib questioned if there may be any problem getting permits with FDOT, which Pierce advised would be complicated and would entail working with Smith and Company.

Vice Mayor Wever suggested that a letter, outlining the project and the related costs, be sent to Representative Russell for any kind of assistance he could offer towards this project.

Vice Mayor Wever questioned how much is in utilities unallocated reserves, which Director of Finance Coryer indicated he was unsure of the amount but added that there is \$250,000 in the R & R Account. Coryer stated that there are options for the additional \$25,000 such as delaying construction of some projects or a loan from the general fund, which he acknowledged would require approval from USDA.

In response to Council Member Staib's question on what projects may have to be delayed, Pierce responded that delay of the wellfield project would be a possibility, but he would not recommend that.

Council Member Staib voiced her opinion that this extension of water and sewer service on U.S. 41 cannot be delayed.

Pierce confirmed Wever's comment that the wells and tanks are estimated at \$1.5 million. It was pointed out by Director of Public Works Pierce that delaying capital projects does not necessarily free up money.

Pierce confirmed the Mayor's statement that the extension would be from Barnett road down to the fairgrounds at Oliver Street.

Council Member Lewis expressed his support of the extra money needed to do the excavating.

Council Member Bernardini brought up for discussion the location of the line and the purchase of property for that project. It was pointed out that the basis for the location of the line is to promote potential development, especially on the west side of U.S. 41.

Motion:

Motion was made by Lewis and seconded by Wever to approve Addendum #3 for the sewer line and also design and permitting of a water line. Peirce to bring back another scope of service for the water line.

Wever advised that there is still \$2 million 1999C bond that has not been issued that may be available for use if USDA agrees to it.

Motion carried 5-0.

Grievance - Heavy Equipment Operator David Swackard

Consideration of Personnel Advisory Board's recommendation regarding appeal of City Manager's decision not to approve request for 2.5% pay increase.

Personnel Board Chairman Fran Flannery explained that the Board approved the increase for this year only based on the lack of notification given to Mr. Swackard.

Council Member Staib voiced her support of the Personnel Board's recommendation based on the lack of notification.

Mayor Johnston called attention to paragraph 2 of the November 13th memorandum which mentions that the City Manager approved the appointment effective October 13, 2000. The pay increase was effective October 5th. He felt that Mr. Swackard was in his old job at the time the pay raise went into effect and he should get the increase.

Motion:

Motion was made by Bernardini and seconded by Staib to approve the Personnel Advisory Board's recommendations and grant the 2.5% pay increase retroactive to October 5th. Vice Mayor Wever clarified that this is a pay raise and not a COLA.

Motion carried 5-0.

Mr. Swackard asked for clarification and it was explained that he would be frozen at this pay until the others in the pay grade catch up to him or until the pay grade is adjusted by Council. It was pointed out that it will not affect any COLA or longevity increases.

Pat Brayton voiced support of granting the increase to Mr. Swackard. He agreed that the increase was not intended as a COLA but as a pay adjustment.

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

Juvenile Justice Council Mary A. Staib

S.A.L.T. Council Mary A. Staib

Metropolitan Planning Organization Joseph Johnston, III

Economic Development Commission Joseph Johnston, III

Tourist Development Council Joseph Johnston, III

Withlacoochee Regional Planning Council Joseph Johnston, III

Hernando County Fair Association Richard Lewis

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

Withlacoochee Regional

Water Supply E.E. Wever, Jr.

Heart of Florida E.E. Wever, Jr.

Brooksville Again Joe Bernardini

City Boards/Committees Current Council Representative

Beautification Board Mary A. Staib

Brooksville Cemetery Advisory Board Mary A. Staib

Parks and Recreation Advisory Board Richard Lewis

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

Good Neighbor Trail Advisory Committee Richard E. Lewis

Council Member Staib pointed out a clarification in that the Cemetery Board meets every other month at 5:15 p.m. rather than "as needed" as reflected on the memorandum.

Mayor Johnston pointed out that current Fair Board representative, Richard Lewis, has advised that he would no longer be able to serve on that Board and has suggested Council Member Bernardini for that position. Mr. Bernardini informed Council that he would be willing to serve on that Board.

Motion:

Motion was made by Lewis and seconded by Staib to approve the appointments with changes. Motion carried 5-0.

Vice Mayor Wever brought up for discussion the December 18, 2000 appointment of Council Member Bernardini to serve as a liaison between the Council and the Sheriff's Department. He pointed out that the item was not on the agenda so that decision was made contrary to Council policy. He went on to state that he has been thinking over the last 6 years and does not recall any problems between the City and Sheriff's Department. He advised that he had spoken to both the Police Chief and Sheriff Nuggent and they have confirmed that there are no problems and both have assured that they will work closer together. Sheriff Nuggent has offered that if the City wants to expand Police Department to include a detective for drug enforcement, he would provide space in his department. Vice Mayor Wever concluded that he would not approve the appointment of a liaison.

Council Member Staib advised that she also is not in favor of a liaison between Council and the Sheriff's Department. She stated that she followed the election campaign of Richard Nuggent, who promises to work together with the Police Department. She stated that she had also met with both Chief Tincher and Sheriff Nuggent who do not feel that a liaison is necessary.

Mayor Johnston expressed his opinion that he had not approved the appointment because he felt that there were any problems but as a way to facilitate improvements and projects.

Chief Tincher advised that he has met with Sheriff Nuggent several times and added that he is excited about their new relationship. He expressed his opinion that at this point, it may be counterproductive to appoint a liaison.

Council Member Lewis stated that he agreed with the Chief and added that he had not heard of any problems. He went on to state that he puts his trust in Chief Tincher to be that representative with the Sheriff's Department.

Council Member Bernardini stated that it was never his intention to do anything counterproductive or to make policy, but as an elected official, he felt there was a need to make an impact on some areas in the City and to put some teeth into any approaches used with State agencies to solve problems within this community.

The Chief informed Council that he and Sheriff Nugent are working on a partnership with the departments to work together and to show their staff that cooperation has to start at the top to filter down. He wanted to make it clear that he did not feel that a liaison would be counterproductive but clarified that he did not want it to appear to their respective staff that they are forced to work together because of political intervention.

Council discussed the possibility of approving a detective position in the future.

US 41 Contractor Claim Analysis/Resolution

Approval of additional \$5,000 for URS Greiner contract to review the recent 177 day delay/compensable time extension claim submitted by Smith & Company, Inc.

Public Works Director Pierce stated that he will be bringing other such approvals to Council.

Motion:

Motion was made by Wever and seconded by Lewis to approve the additional \$5,000 for URS Greiner contract to review the recent 177 day delay/compensable time extension claim submitted by Smith & Company, Inc.

Motion carried 5-0.

Public Works - Projects status report

- a. Phase II Interconnection
- b. S.R. 50/U.S. 41 JPA Work
- c. Police Evidence Room Addition
- d. Seal coating of DPW roof
- e. Cold weather infrastructure effects

Director of Public Works Pierce advised that the final inspection is scheduled for January 25th. He stated that he would be bringing a resolution to accept Phase II as soon as final pay requests are approved and USDA does final accounting.

The demolition of School Street is continuing. Discussion of using funds from Phase II to accomplish this was discussed.

The Police evidence room addition is progressing, as well as the Public Works roof.

Regarding the handball courts, Pierce advised that he would be submitting a drawing to the County to obtain a permit hopefully by March.

North Wellfield Site

Alternative site location update.

City Attorney Battista advised that not much has developed regarding the status of the alternative site for the well field. He informed Council that of eight letters sent to property owners, only two responses had been received. He stated that most of the properties are very narrow and that the fall radius of a 100 foot tower would have to be considered.

Mr. Battista stated that he would bring a report to Council at the next meeting on those property owners that are interested in selling property to the City or readdress the PHCC site if necessary.

Council Member Wever voiced his opinion that he would prefer the PHCC site. Mayor Johnston and Council Member Staib expressed their desire to seek another location other than the college.

CITIZEN'S INPUT

Martin Luther King Jr. Birthday Celebration

Presentation of NAACP activity program for Community March and Unveiling Ceremony for new street name on Monday, January 15th.

Frankie Burnett, President of the Local NAACP, introduced Dr. Sharon Vickers. He thanked Chief Tincher for his support and pledged to work with him and with this Council to make changes in their community.

Dr. Vickers stated that there would be services on Saturday in conjunction with the Dr. Martin Luther King, Jr. celebration, with Judge Hyslop installing new NAACP officers at that service. January 15th will be the actual MLK, Jr., March. Part of the March will feature the unveiling of the new Martin Luther King, Jr. Boulevard signs.

Mayor Johnston read the proclamation into the record. Local NAACP officers Gina Hall, Treasurer, Cynthia Williams, Secretary, Frankie Burnett, President, and Sharon Vickers, Vice President were on hand. The actual presentation of the proclamation would be done during the MLK ceremonies.

Director of Public Works Pierce displayed two options for the Martin Luther King, Jr., Boulevard sign. A lengthy discussion took place between the Council and the citizens on what would be the preferred option.

Motion:

Motion was made by Lewis and seconded by Wever to approve the sign with "Martin Luther King, Jr. Boulevard" on the first line, "formally known as" centered as the second line and "Summit Rd" on the third line. Motion carried 5-0.

Drug Problem

David Pugh, resident and City Parks and Recreation Director stated that there is a drug problem in the community, including at all the parks under his supervision. He concurred that there should be more detectives hired for the Police Department. He congratulated NAACP President Burnett for his willingness to work on the problem and agreed that everyone needs to work together to solve it.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Agenda Distribution

Council Member Staib thanked staff for getting the agenda and packets done by Thursday.

SWFWMD Watering Restrictions

Council Member Staib called attention to new SWFWMD watering restrictions and questioned its effect on the City, which City Manager Anderson indicated he would check on.

E.E. WEVER, JR., VICE MAYOR

Letters to Legislator

Council Member Wever requested that the Mayor send a letter to Representative Russell explaining the Council's position on reversing the one-way streets and questioning whether use of the budgeted funds for W. Jefferson and Ponce de Leon could be used for that reversal and also a letter requesting funding assistance from the State on the construction of the reverse frontage road.

Housing Authority

Council Member Wever called attention to a letter addressed to the Housing Authority from DCA regarding their noncompliance with Fiscal Year 1998-99 Annual Financial Report requirement. City Clerk Phillips advised that she had spoken to the Housing Authority Director who indicated that their auditor had become ill and that she had been in contact with the State and would be submitting that information shortly.

Economic Development Grant information

Council Member Wever called attention to information received from DCA about fund availability in the economic development category and requested that staff research that closer for possible use for Martin Luther King Blvd.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Human Resources Manager

City Clerk Phillips introduced Ron Baker, the newly hired Human Resources Manager.

Motor Home Rally

City Clerk Phillips informed Council that the annual Motor Coach Rally would be February 7th through the 10th at their location near SWFWMD on U.S. 41. Council Member Bernardini requested consideration of placing a police officer at the intersection of U.S. 41 and S.R. 50 to help with the traffic congestion on the day their participants check in. Chief Tincher stated that he would take care of it.

Heart of Florida League

City Clerk Phillips advised that the City would be hosting the March 15th Heart of Florida League luncheon. The location is undetermined at this time.

JOSEPH E. JOHNSTON, III, MAYOR

Representative Russell - Office Space

In response to Mayor Johnston's question, City Manager Anderson stated that he had offered the use of an office to Representative Russell who expressed his gratitude for the offer.

Sewer System Outages

Mayor Johnston advised that he had been signing several checks to a company to hook up motors for sewer system outages and questioned if it was part of the contract, which Pierce indicated that it was not.

MPO Citizen Advisory Positions

Mayor Johnston stated that there are several citizen's advisory positions available on the MPO and he had applications on hand should someone be interested, stressing the importance of getting city residents on the various committees to

represent City interests.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:47 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

JANUARY 22, 2001

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, Vice Mayor E.E. Wever, Jr. and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Acting Director of Finance; Karen M. Phillips, CMC, Director of Administration/City Clerk; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; and Boyce E. Tincher, Police Chief. There was a member from the St. Pete Times in attendance (7:20 p.m.).

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

CONSENT AGENDA

Minutes:

Regular Council Minutes - November 6, 2000

Motorcycle Leases

Authorization for the City Manager to execute lease agreements with Harley-Davidson of Seminole County, Inc. for two replacement 2001 Harley-Davidson Motorcycles for the Police Dept. for the total annual lease payment of \$900 per vehicle (\$75 per month), as budgeted in F/Y 2000/01.

In response to Council Member Bernardini's question, Chief Tincher responded that there are two officers qualified to ride the motorcycles at this time and staff shortages make plans to send others to school difficult but it is being considered. Two week training is currently offered at no cost. Officers must enter into an agreement that requires them to reimburse a portion of the training costs if they leave within 2 years.

Motion:

Motion was made by Bernardini and seconded by Staib to approve the January 22, 2001 Consent Agenda. Motion carried 5-0.

REGULAR AGENDA

Ordinance No. 615 - Telecommunications Right-of-Way Ordinance

Approval of Ordinance relating to placement and maintenance of telecommunications company facilities in municipal rights-of-way.

City Clerk read Ordinance No. 615 by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA ASSESSING A FEE ON TELECOMMUNICATIONS COMPANIES THAT OCCUPY MUNICIPAL RIGHTS-OF-WAY FOR TELECOMMUNICATIONS FACILITIES; PROVIDING FOR WHEN PAYMENTS ARE DUE; PROVIDING FOR INTEREST; PROVIDING FOR REVIEW OF RECORDS; PROVIDING A SAVINGS CLAUSE; PROVIDING

Motion:

Motion was made by Staib and seconded by Lewis to approve First Reading of Ordinance No. 615.

Vice Mayor Wever called attention to page two and questioned if the \$500 per mile is per cable, which City Attorney Battista stated he would clarify before Second Reading.

In response to Council Member Bernardini's question regarding whether this covers existing cable, Battista stated that he would clarify that as well.

There was no input from the public.

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

Bernardini - Aye / Lewis - Aye / Staib - Aye / Wever - Aye / Johnston - Aye

Second Reading will be held February 5th.

Resolution No. 2001-01/Mildred Ave. Transfer

Authorizing City Manager to execute a Roadway Transfer Agreement with FDOT for transfer of Mildred Ave. (from its intersection with W. Jefferson St. on south to its intersection with S. Broad St.) to the State Highway System.

City Clerk Phillips read Resolution No. 2001-01 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE EXECUTION OF A ROADWAY TRANSFER AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF BROOKSVILLE

Community Development Director Geiger stated that this is follow-up from direction given at the December 4th Council meeting to coordinate with FDOT on this project. He stated that FDOT has submitted an agreement for approval and Council's direction is requested to approve the resolution and authorize the City Manager to sign the agreement.

Council Member Staib pointed out that she felt that Item G of the agreement should reflect only the City making the determination that relocation or adjustments to utilities is necessary, and not include FDOT as having any say in that decision. Geiger explained that was suggested to FDOT, who indicated that they would not agree to that change.

In response to Mayor Johnston's question, Community Development Director Geiger responded that the City is going to be leaving sewer lines under the pavement, which is the preferred method. He added that the water lines are the concern, but in this case it appears that most of that line is not in the paved area. Director of Public Works Pierce responded to Council Member Staib's question by explaining that the utility relocation plans were finalized about a year ago, which were minor and previously submitted to FDOT. Council Member Lewis called attention to a April 7, 2000 memo from Pierce which stated that one valve and one fire hydrant were involved in the relocation.

Mayor Johnston pointed out that on the actual agreement, although the title defines the road, he stated that the agreement needs to define exactly what part of Mildred Ave. is being transferred. Geiger acknowledged that this needs to be done and has been relayed to FDOT.

Mayor Johnston called attention to Item E of the agreement and requested that the words "...in the event that the one-way pairs are extended..." should be changed to something like "in the event that the one-way pairs are removed or terminated...".

Mayor Johnston expressed his opposition to this transfer and added that he felt that FDOT should pay the

City for this and be responsible for the moving of the utilities to the City's satisfaction.

In response to Council Member Bernardini's question, it was confirmed by Mayor Johnston that the City does own the portion of Mildred Ave. in question. Bernardini added that he is opposed to giving up that City control. Mayor Johnston acknowledged that technically, since the City has ownership, the City could prohibit it from truck traffic. He added, however, that FDOT can come in and condemn it.

Council Member Bernardini asked if FDOT is really clear on Council's position on reverting the one-way pairs back to a two way system, which Johnston confirmed had been relayed to the MPO, who have notified FDOT.

Vice Mayor Wever called attention to the letter from FDOT dated 01/02/01 which acknowledged that they are in the process of doing the design work for moving U.S. 98, and S.R. 700 to S.R. 509 and Cobb. Council Member Lewis pointed out that the same letter allows that any extension project is under the jurisdiction of the MPO.

In response to Vice Mayor Wever's question, City Clerk Phillips stated that staff is in the process of finalizing a letter to Representative Russell on this matter.

There was no public input on the resolution.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 2001-01 and authorize City Manager to sign agreement. Upon roll call, motion carried 3-2, as follows:

Lewis - Aye / Staib - Aye / Bernardini - Nay / Wever - Aye / Johnston - Nay

Resolution No. 2001-02 Brooksville Regional Hospital

Expressing opposition to present plans to relocate Brooksville Regional Hospital.

City Clerk read Resolution No 2001-02 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, DECLARING A POSITION STATEMENT ON THE PROPOSAL TO CLOSE BROOKSVILLE REGIONAL HOSPITAL AND OPEN A NEW HOSPITAL APPROXIMATELY THREE AND A HALF MILES WEST OF THE CURRENT SITE, AND REQUESTING CONSIDERATION OF ALTERNATIVES THAT MAY BETTER SERVE THE RESIDENTS OF THE CITY OF BROOKSVILLE AND EASTERN HERNANDO COUNTY FOR THE FUTURE

Motion:

Motion was made by Bernardini and seconded by Lewis to approve Resolution No. 2001-02.

Community Development Director Geiger stated that the City had met with hospital officials to encourage the possibility of expanding the existing site, relocating to another location within the City or an area east of the City to serve the future population base of Hernando County. He stated that it will have a negative effect to have the hospital move out of the City.

Mayor Johnston advised that most of the Council Members at one time or another have spoken to the County Commissioners in opposition of the hospital moving out of the City but the Council has not taken formal action to support that position.

Vice Mayor Wever expressed his desire to delete item #5 which authorizes the Mayor and City Manager to take all action necessary to implement the provisions of the resolution and felt that Council should be

involved in approving any action. Mr. Wever also indicated that he would be opposed to releasing Tom Varn/McKethan Park property for future hospital use.

Mayor Johnston felt that the use of park property could be explored but that there may be other sites that would be better suited.

Council Member Staib interjected that Executive Director, Tom Barb, had indicated that the existing site would not be appropriate to expand on and that the site across from Hardees was not acceptable. She agreed that there may be other properties that could be considered. Ms. Staib advised that the hospital wants property along Lykes Dublin road.

Council Member Bernardini commended staff for doing an excellent job of gathering this information and expressed support of the resolution. He added that he would not have a problem with Item #5 authorizing the Mayor and City Manager to take all action necessary to implement the provisions of the resolution

James Willan and Janey Baldwin expressed their support of Council's efforts to retain the hospital utilizing some other site in Brooksville that would serve the residents.

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

Staib - Aye / Bernardini - Aye / Lewis - Aye / Wever - Aye / Johnston - Aye

Contract - Coastal Engineering Associates, Inc.

Approval of Addendum #3A for engineering services for a U.S. 41 water line extension from Oliver Street to Barnett/Horse Lake Road in an amount not to exceed \$30,000 (Sewer line extension approved 1/8/01).

Director of Public Works Pierce advised that this is for a water line to be installed parallel with the sewer line on the westerly side of U.S. 41 South and will involve obtaining easements because there is not enough room for both the water and sewer line. He felt that easements can be obtained from the majority of the large parcels but there may be a few smaller properties that will require taking procedures. Formal signed and sealed engineering plans will be required for that action.

Motion:

Motion was made by Staib and seconded by Lewis to approve Addendum #3A.

Cliff Manual, Coastal Engineering Associates, Inc., responded to Council Member Bernardini's question by going over the time frame involved for the different stages of this process.

Pierce recommended approval of 1 and 3 at this time and once the appropriate easements are obtained, then Council could approve the construction phase services. Item #2 would remain in the contract however. He added that the resident inspection services may be addressed in another manner.

Motion carried 5-0.

North Wellfield Site

Alternative site location update.

City Attorney Battista advised that he has had contact with two owners who are willing to discuss sale of property for the potential well field site across from PHCC, including Mr. Burns, the owner of the major parcel. He stated that if Council wishes staff to proceed, firm quotes could be negotiated.

Motion:

Motion was made by Staib and seconded by Lewis to proceed with negotiations with the property owners.

Vice Mayor Wever expressed his opposition to this site and felt that it did not have the elevation of the PHCC site and is covered with underbrush that would be a major expense to clear to test the wells. He added that there would also be an expense to go across the highway and to install a road to the well field.

Council Member Bernardini wanted to make sure that well field protection regulations were examined before entering into a contract. City Attorney Battista stated that he would approach the County to determine any concerns that they may have.

Motion carried 4-1 with Wever voting in opposition.

Tom Varn Park Security House - 295 Darby Lane

Consideration of exchanging building rent for security services.

Director of Parks and Recreation Pugh thanked Council for providing him the opportunity to live at the house at Tom Varn Park. He stated, however, since it has been vacant there has been a rash of burglaries and vandalism. He and the Police Chief have discussed the option of having a police officer reside at that location and he advised that Officer Chad Walker has expressed an interest to help with security.

Motion:

Motion was made by Staib and seconded by Lewis to approve exchanging building rent for security services.

In response to Council Member Bernardini's question, City Manager Anderson stated that a contract will be drafted and brought back to Council for approval.

Motion carried 5-0.

Appointment of Board Members

Board Term Expirations/Vacancies, as follows:

- a) Firefighter Pension Trust Fund Board of Trustees - Reappointment of Mark Rials to two year term through 1/31/03
- b) Planning & Zoning Commission - Reappointment of Charles Miller and Louise Taylor to four year terms through 1/31/05
- c) Beautification Board - (1) Reappointment of Louise Taylor, Vince Morris and JoAnne Munford to three year terms through 1/31/04; (2) Appointment of Emilia Raia to three year term through 1/31/04.

Motion:

Motion was made by Bernardini and seconded by Staib to reappoint Mark Rials to the FFPTF, Charles Miller and Louise Taylor to the P & Z Commission, Louise Taylor, Vince Morris and JoAnne Munford to the Beautification Board and appoint Emilia Raia to the Beautification Board. Motion carried 5-0.

It was pointed out that Parks and Recreation Advisory Board Member Wanda Kirby no longer resides in Hernando County. Pugh advised that he is aware that she has moved and is actively asking people in the community to serve. Mayor Johnston encouraged him to bring back any appointment requests to Council for consideration.

CITIZEN'S INPUT

Tree Removal at Good Neighbor Trailhead

Lara Bradburn brought up for discussion the unauthorized removal of trees at the Russell Street Park/Good Neighbor Trailhead that took place on Thursday, January 18th and Friday, January 19th. She encouraged the City Council to take either criminal or civil action and recommended contacting Stewart's Tree Service.

Chief Tincher addressed the potential for criminal action and also recommended that an environmental expert be contacted to determine the value of this type of devastation.

Community Development Director Geiger stated that the Division of Forestry has authorized a County Forester to come in and determine the market value of what has been destroyed. He offered that a certified urban forester is also available, if necessary, however, there will be a cost associated with that and approval of that could be brought back to Council at a future meeting.

City Manager Anderson suggested that staff continue to study this and bring back options at the next meeting.

Motion:

Pursuant to Council Policy, motion was made by Lewis and seconded by Wever to approve adding this item on the agenda for discussion. Motion carried 5-0.

Motion:

Motion was made by Lewis and seconded by Wever to authorize Mayor and staff to negotiate a contract with the expert forester as an emergency transaction to determine exactly what the trees are worth with the intention of the cost of the contract being a recoverable fee. The motion also included authorization to dispose of the trees once the insurance company has been notified.

Ms. Bradburn suggested determining if it would be possible to include CSX in the lawsuit.

Mr. "Kojac" Burnett requested clarification that the property would be cleaned up, which the Mayor confirmed.

Motion carried 5-0. The City Attorney advised that there is a fair amount of research to be done before entering into any legal action, including CSX property ownership.

Ditch at School Street

Mr. Burnett asked if the City could, at some point in the near future, cover the old ditch up School Street, which staff indicated could be done. Chief Tincher advised that recently police officers recovered a handgun in the ditch.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Use of Peanut Grass

Council Member Staib referred to an article about peanut grass, which requires less watering because it is drought resistant. She suggested that it be considered for the intersection at 41 and 50 in conjunction with the FDOT Landscaping Grant and stated that she would get more information to Council as she receives it.

Weeki Wachee Springs

Council Member Staib questioned if faxes were sent to the appropriate parties in support of SWFWMD's efforts to purchase the Weeki Wachee Springs for environmental purposes, which Anderson confirmed. He added that the letter would be on CTN for the next Council meeting. [Subsequently determined that the letter was on the January 22, 2001 CTN.]

Community Map Company

Council Member Staib inquired as to the status of the Community Map Newsletter that many businesses in town had sponsored. City Clerk Phillips advised that she has had many conversations with the salespeople, who have indicated that the delay is due to personnel changes and printing problems. She added that she has put in two messages to the manager of the company and is awaiting his response. In response to Council Member Staib's question on whether a letter could be sent to the sponsors explaining the delay, Phillips informed her that the City is not aware of who the sponsors are because the company contacted them directly.

Arsenic at Kiddie Playground

Council Member Staib called attention to a recent reference to arsenic that may be contained in the pressure treated wood at the playground at Tom Varn Park. Parks and Recreation Director Pugh responded that they seal the wood every nine months as required. He also added that it is uncertain if the City park is actually the one in question and that it may be a park in Crystal River. City Manager Anderson interjected that staff is still gathering information, including EPA requirements.

Council Member Staib suggested that recycled products may be a solution to the problem, which Anderson acknowledged may be the best option for future projects.

Transit system

Council Member Staib questioned the stops that are planned for the City's shuttle/transit bus. Mayor Johnston indicated that the stops had not been determined as yet.

Advisory Board Appointment - Beautification Board

Mayor Staib advised that she did not receive confirmation of her reappointment to the Beautification Board, which City Clerk Phillips agreed to check on.

Economic Development Study

Council Member Staib advised that she had heard Professor Phillips regarding Hernando County's Economic Development Study. Staib explained the study, which is being done to determine business growth and where the County stands economically.

Wellfield

Staib pointed out that she was glad to see that staff had contacted USDA regarding the well field project

JOE BERNARDINI, COUNCIL MEMBER

Fair

Council Member Bernardini advised that the opening ceremonies for the upcoming fair would be Friday, January 26th. Mayor Johnston advised that the Vice Mayor would be attending on his behalf. Council Member Staib also pointed out that she would be attending.

Police Jurisdiction

Council Member Bernardini called attention to the November 6th minutes which referenced a 1999 letter to the County on Police Jurisdiction on City roads. It was pointed out that the City Attorney had sent another letter on December 18th but had not received a response as yet. Council would be provided a copy of the City Attorney's recent correspondence, which dealt with annexation of rights-of-ways for public safety functions.

Speed Bumps

Council Member Bernardini questioned the City's position on the use of speed bumps. Anderson advised he had started a report to Council on that subject and would bring the report to Council for consideration.

E.E. WEVER, VICE MAYOR

Light at Candlelight and S.R. 50

Vice Mayor Wever stated that the Candlelight Homeowner's Association has considered asking for a traffic light at Candlelight and U.S. 41. He stated, however, that he does not think that is possible with its close proximity with other lights. He continued by stating that he would be in favor of requesting a light at the Candlelight/S.R. 50 intersection and requested that it be placed on the next agenda for discussion. Director of Public Works Pierce indicated that he would check on the intersections that are included on the signalization plan.

FLC Legislative Policy Statement

Vice Mayor Wever stated that the FLC Legislative Policy Statement booklets distributed to Council were not the final ones, which would be given to Council when received from FLC.

Cobb Road WWTP

Wever advised that recently when driving by the Cobb Road WWTP he noticed a distinct odor at the plant and suggested that the City may need to expend money to remedy the problem. Pierce acknowledged that they have been getting some odor and they plan to start adding a chemical substance to hopefully solve the problem. If not, they may resort to going back to the original plan, which was to include a odor controlling device.

JOSEPH E. JOHNSTON, III, MAYOR

Economic Development

Mayor Johnston referenced the economic development study referenced earlier by Council Member Staib. He stated that he had a detailed conversation with Professor Phillips to make sure the City was included in the Study and suggested that Staff provide a copy of the Revitalization Plan to her.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:44 p.m.

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CORRESPONDENCE

Regular Council Meeting - January 24, 2000

1. TYPE: Newsletter

DATE: Fall, 1999

RECEIVED FROM: Congresswoman Karen Thurman

ADDRESSED TO: City

SUBJECT: Information regarding legislative issues and concerns facing Florida

2. TYPE: Letter

DATE: December 29, 1999

RECEIVED FROM: TECO

ADDRESSED TO: City Clerk

SUBJECT: Thanking all who supported and assisted them in the gaslighting ceremony on November 29, 1999.

3. TYPE: Letter

DATE: December 29, 1999

RECEIVED FROM: Florida EMS

ADDRESSED TO: City Clerk

SUBJECT: Advising that effective January 1, 2000, they would be vacating Fire Station 2.

4. TYPE: Memo

DATE: December 29, 1999

RECEIVED FROM: Florida Municipal Pension Trust Fund

ADDRESSED TO: Pension Trust Members

SUBJECT: Statement of Account for November, 1999 for General Employees - \$54,836.72 and Police - \$475,389.50.

5. TYPE: Letter

DATE: December 30, 1999

RECEIVED FROM: Florida Communities Trust

ADDRESSED TO: CSX Transportation Parcel, Gillman Parcel and Bacon Parcel (copies to City)

SUBJECT: Notifying them that FCT is extending the option date for the closing between the City and FCT until 2/29/00.

6. TYPE: Note

DATE: December 30, 1999

RECEIVED FROM: Director of Finance

ADDRESSED TO: Florida Municipal Pension Trust Fund

SUBJECT: Confirming that the plan contribution for the Brooksville Police to the FMPTF for the year ending September 30, 1999 is \$157,082.06

7. TYPE: Newsletter

DATE: Winter, 1999

RECEIVED FROM: Hernando County Fine Arts Council

ADDRESSED TO: City Clerk

SUBJECT: Updating members on news and events of Fine Arts Council

8. TYPE: Newsletter

DATE: January, 2000

RECEIVED FROM: Innovation Groups

ADDRESSED TO: City Manager

SUBJECT: Transmitting network and technology information for local governments.

9. TYPE: Letter

DATE: January 3, 2000

SENT BY: Community Development Director

ADDRESSED TO: FDOT

SUBJECT: Requesting assistance in resolving annexation of unincorporated right-of-ways by providing necessary powers of attorney.

10. TYPE: Press Release

DATE: January 3, 2000

RECEIVED FROM: Department of Juvenile Justice

ADDRESSED TO: Council Members

SUBJECT: Notice of town meetings in different cities held from January 12 - 25, 2000 to gain input on plans for reorganizing the Department of Juvenile Justice.

11. TYPE: Letter

DATE: January 5, 2000

RECEIVED FROM: Family Motor Coach Association

ADDRESSED TO: Council Members

SUBJECT: Inviting them to participate in Rally parade to be held February 10th at the Airport.

12. TYPE: E-Mail letter

DATE: January 5, 2000

RECEIVED FROM: Randy Malone, Spring Hill resident

ADDRESSED TO: City Council

SUBJECT: Requesting that Council use the new year and new millennium as a basis to change the name of Brooksville, which he feels is a name condoning hatred and pro-slavery because it was named after an anti-abolitionist from S. Carolina.

13. TYPE: Memo

DATE: January 5, 2000

RECEIVED FROM: Linda Sidor, Code Enforcement, Police Department

ADDRESSED TO: Police Chief

SUBJECT: Quarterly status report on code violations within City limits from 10/1/99 through 12/31/99.

14. TYPE: Memo and Booklet

DATE: January 5, 2000

RECEIVED FROM: Florida League of Cities

ADDRESSED TO: FLC Members

SUBJECT: Transmitting 2000 Legislation Policy Statement and Action Agenda.

15. TYPE: Letter

DATE: January 6, 2000

RECEIVED FROM: WRPC

ADDRESSED TO: Mayor

SUBJECT: Invitation to attend one of the growth management forums held throughout Florida on February 1, 2000.

16. TYPE: Letter

DATE: January 7, 2000

RECEIVED BY: NAACP

ADDRESSED TO: City Council

SUBJECT: Inviting Council to participate in Dr. Martin Luther King, Jr., celebration on January 16 & 17th.

17. TYPE: E-Mail letter

DATE: January 7, 2000

RECEIVED FROM: Miami resident

ADDRESSED TO: Governments

SUBJECT: Opposing the civil unrest in Miami due to the Gonzales child issue and requesting that those who agree that the National Guard should be called in should call the President.

18. TYPE: Memo

DATE: January 7, 2000

RECEIVED FROM: DCA

ADDRESSED TO: Interested Parties

SUBJECT: Stressing the importance of an accurate 2000 census count and what citizens can do who are interested in taking census counts in this community.

19. TYPE: Permit

DATE: January 7, 2000

ISSUED BY: City Manager and Police Chief

ISSUED TO: NAACP

SUBJECT: Approving parade permit for Dr. Martin Luther King, Jr. March held January 17, 2000.

20. TYPE: Newsletter

DATE RECEIVED: January 10, 2000

RECEIVED FROM: Jericho Road Ministries, Inc.

ADDRESSED TO: Mayor

SUBJECT: Advising of their past and upcoming community service events and requesting sponsorship of their activities.

21. TYPE: Letter

DATE: January 10, 2000

RECEIVED FROM: Ecosystem Management Fact-Finding Review Committee Chairman Novy

ADDRESSED TO: Mayor

SUBJECT: Invitation to attend Ecosystem Management Initiative Meeting on January 13, 2000 at Courthouse.

22. TYPE: Memo

DATE: January 11, 2000

RECEIVED FROM: Office of the Governor

ADDRESSED TO: City

SUBJECT: Announcing the Bush/Brogan proposal of \$720 million funding increase for schools.

23. TYPE: Letters (2)

DATE: January 10 and January 11, 2000

RECEIVED FROM: Senator Brown-Waite and Representative Russell

ADDRESSED TO: Mayor

SUBJECT: Requesting that the City be aware of Cloverleaf resident, Mr. Begle's concern over the addressing at Cloverleaf as it relates to 911 issues.

24. TYPE: Memo

DATE: January 12, 2000

RECEIVED FROM: Office of the Governor

ADDRESSED TO: City

SUBJECT: Announcing Transportation Press Conferences to be held throughout Florida on January 13, 2000.

25. TYPE: Memo

DATE: January 14, 2000

SENT BY: City Manager

ADDRESSED TO: Council Members

SUBJECT: Notice that the City was not successful in obtaining the Urban Community Forestry Grant Program but will resubmit this year with Council's approval.

26. TYPE: Proclamation

DATE: January 17, 2000

ISSUED BY: Mayor

ISSUED TO: NAACP

SUBJECT: Honoring Civil-rights leader, Dr. Martin Luther King, Jr. and encouraging all citizens of Brooksville to join together for a special day of community unity.

27. TYPE: Notice

DATE: January 18, 2000

RECEIVED FROM: Office of the Governor

ADDRESSED TO: City

SUBJECT: Notice that Governor Bush has announced a full-funding commitment to everglades restoration.

28. TYPE: Memo

DATE: January 18, 2000

SENT BY: Director of Administration

ADDRESSED TO: Council Members

SUBJECT: Advising that the Annual Downtown Spring Craft Show will be held March 11 & 12 at the Courthouse. The City would have limited participation but will assist in some areas.

29. TYPE: Memo

DATE: January 18, 2000

SENT BY: Director of Administration

ADDRESSED TO: Council Members

SUBJECT: Notifying that referendum ballot question has been modified and sent to the Supervisor of Elections.

30. TYPE: Memo

DATE: January 19, 2000

SENT BY: Director of Administration

ADDRESSED TO: Council Members

SUBJECT: Updating Council on redevelopment activities and setting workshop for Feb. 14, 2000 at 6:00 p.m. in the Council Chambers.

31. TYPE: Memo

DATE: January 19, 2000

RECEIVED FROM: Office of the Governor

ADDRESSED TO: City

SUBJECT: Notice that Governor Bush will unveil taxpayer-friendly state budget proposal

32. Monthly Reports

Monthly Activity Reports - November, 1999 (Public Works and Police to be sent out separately)

33. MINUTES DATE

SLM - Board of Directors November 13, 1999

SLM - Regular Membership November 13, 1999

WRWSA November 17, 1999

S.A.L.T. December 1, 1999

EDC December 8, 1999

Brooksville Housing Authority December 21, 1999

NOTE: Copies of All Correspondence on File in Office of the City Clerk

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REGULAR COUNCIL MEETING

FEBRUARY 5, 2001

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; and Boyce E. Tincher, Police Chief. There was a member from the St. Pete Times in attendance.

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

CONSENT AGENDA

Minutes:

Special Council Minutes - November 1, 2000

Council Member Staib called attention to page 6 of the November 1, 2000 minutes wherein the word bizarre was misspelled.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve the February 5, 2001 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Literacy Week"

Proclaiming the week of February 11 - 17, 2001 as "Literacy Week"

The proclamation was read by the Mayor and presented to Cathy White.

Proclamation - "Black History Month"

Proclaiming the month of February, 2001 as "Black History Month"

Mayor Johnston read the Proclamation and presented it to Frankie Burnett, NAACP Local President.

PUBLIC HEARING

Ordinance No. 615 - Telecommunications Right-of-Way Ordinance

Approval of Ordinance relating to placement and maintenance of telecommunications company facilities in municipal rights-of-way. [FIRST READING 1/22/01]

Ordinance No. 615 was read by headnote by City Clerk Phillips as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA ASSESSING A FEE ON TELECOMMUNICATIONS COMPANIES THAT OCCUPY MUNICIPAL RIGHTS-OF-WAY FOR TELECOMMUNICATIONS FACILITIES; PROVIDING FOR WHEN PAYMENTS ARE DUE; PROVIDING FOR INTEREST; PROVIDING FOR REVIEW OF RECORDS; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve Second and Final Reading of Ordinance No. 615.

City Attorney Battista advised that he had spoken to the FLC and had researched Florida Statutes regarding Council's previous questions on Section 2 of the ordinance. He pointed out that Section A(1) deals with local providers such as Bell South in this jurisdiction. Section 2(I) applies to companies such as MCI or AT&T doing tolls with their own wires in this jurisdiction. He added that cable companies are excluded in Section 3. It would only apply to those companies that may come to the City between now until October 1, 2001.

City Manager Anderson responded to Council Member Staib's question by stating that the model ordinance referred to in the Florida League of Cities correspondence should be enacted by January, 2002. He stated that his office received it on February 5th and although lengthy, he could reproduce it.

Vice Mayor Wever questioned whether this is for multiple cables or one cable per conduit. City Attorney Battista stated that it would be up to the City and the company and is not addressed by this ordinance. City Manager stated that his understanding was that it was mainly concerned with the number of trenches. If it is only a single trench, it did not matter as much what went in the trench. If there was more than one opening, the City could treat it as a separate event. Vice Mayor Wever felt that the ordinance indicates that it is any cable and if multiple cables are in the trench, the company could be charged for each one of them.

There was no public input on this ordinance.

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

Bernardini - Aye Lewis - Aye Staib - Aye Wever - Aye Johnston - Aye

REGULAR AGENDA

Resolution No. 2001-03 - Phase II Interconnection Project

Acceptance of Phase II Wastewater Interconnection System Project.

City Clerk Phillips read Resolution No. 2001-03 by headnote only, as follows:

ACCEPTANCE OF THE PHASE II COBB ROAD INTERCONNECTION NORTHERN AND SOUTHERN SECTIONS

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 2001-03.

Pierce responded to Council Member Staib's question by stating that DEP would respond to any legislative changes that would apply.

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

Lewis - Aye

Staib - Aye

Bernardini - Aye

Wever - Aye

Johnston - Aye

Resolution No. 2000-04 - Cemetery Rates

Approval of creation of additional cremation burial spaces and rate structure revisions as proposed by the Cemetery Advisory Board.

Motion:

Motion was made by Staib and seconded by Bernardini to approve the resolution with an effective date of April 1, 2001.

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

**A RESOLUTION AMENDING "SCHEDULE A" OF RESOLUTION NO. 95-7;
PROVIDING A PRICE LIST FOR CEMETERY LOTS AND OTHER COMMODITIES;
AND PROVIDING AN EFFECTIVE DATE.**

Kojac Burnett requested a copy of the rates, which was provided to him.

The resolution was approved 5-0 upon roll call, as follows:

Staib - Aye

Bernardini - Aye

Lewis - Aye

Wever - Aye

Johnston - Aye

Mural Project

a. Presentation of proposed Mural Project in Downtown Brooksville area.

Mary Alice Quieros described the intent of the Mural Project for the downtown area. She provided pictures from other communities that have utilized this type of art work. She went over the areas that they have targeted for the start of this project, which would begin on buildings owned by the City and hopefully would progress from there. She introduced the Mural Committee who would be in charge of determining what artwork would be allowed to be placed on the pre-determined locations. The committee would develop by-laws and subcommittees and as this progresses, reports will be brought back to Council.

Council Member Bernardini questioned how it would be handled if some other group would come along and want to place a mural on a public building. Mayor Johnston pointed out that it will be regulated by the sign ordinance, which allows that the Council must approve any type of request. Council Member Lewis voiced his agreement that restrictions must be applied.

City Manager Anderson addressed Council Member Staib's question regarding what coating is available to protect the drawings from the *ultraviolet* sun rays *and graffiti* [approved by Council 3/19/01_____].

Motion:

Motion was made by Bernardini and seconded by Staib to approve mural project with condition A, as follows:

Review the design, color, content, size, etc., and insure there are provisions for proper maintenance, i.e., approval for a specified time, and consideration of renewal based on the condition of the mural at that time, etc.

Mayor Johnston questioned if the owner who is closest to the building that has been selected for the first site had been contacted, which Ms. Quieros confirmed. The City Clerk stated that a two party agreement was being considered between the owner and the City.

Approval of Sign Code Ordinance No. 501-D providing exemption for non-commercial "historical/promotional murals".

Motion:

Motion was made by Lewis and seconded by Staib to approve First Reading of Ordinance No. 501-D.

City Clerk Phillips read Ordinance No. 501-D by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA AMENDING CERTAIN SECTIONS OF CHAPTER 12-5 OF THE CODE OF ORDINANCES ENTITLED SIGNS, RELATING TO EXEMPTION FOR NON-COMMERCIAL HISTORICAL/PROMOTIONAL MURALS; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

There was no public input.

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

Bernardini - Aye

Lewis - Aye

Staib - Aye

Wever - Aye

Johnston - Aye

Second and Final Reading scheduled for March 5, 2001.

Special Projects Funding and Planning Services (AD2000-04)

Consultant Selection Screening Committee's recommendations following review of proposals.

Community Development Director Geiger went over the committee's ranking of the proposals received for the project, some of which included planning, administrative and engineering, some with only planning and administrative and one with engineering only. He advised that the committee's number one ranked firm was RMPK Group with RPDS ranked as second. He explained that the engineering services were ranked separately with RMPK ranked first and Coastal Engineering ranked second.

Council Member Staib offered her support of RMPK Group as being a firm with a full range of services and stated that she has been impressed with the work that the firm has done in different places. Mayor Johnston advised that Berryman and Henigar, the engineering firm associated with RMPK, had done work with the MPO and are familiar with the area and have related expertise for this project.

Motion:

Motion was made by Bernardini and seconded by Staib to approve staff to negotiate with RMPK Group on both things.

Vice Mayor Wever expressed his opposition by stating that Berryman and Henigar did not comply with the bid specifications and should not be given credit for having a complete package. City Clerk Phillips advised that the firm did provide the required firms within five days as is allowed in the policy. Mr. Wever stated that he did not agree with ranking a firm lower or penalizing them because they were not tied in with another consultant to offer both categories. He stated that his ranking would be RMPK for application and administration and Coastal Engineering for engineering services.

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

Vehicle Purchases

Authorization to purchase certain vehicles budgeted for in 2000/01 Budget:

Parks and Recreation

Consideration of rescinding previous purchase authority (Purchase Order Number 01-312) for the purchase of a 2001 Ford Taurus (due to delivery delays) and approve purchase of a 2001 Chevrolet Lumina from Garber Country, Green Cove Springs, FL under State Contract number 070-001-99-1-10 in the total amount of \$16,432 (including extended warranty at \$1,265.00).

Police Department

Consideration of approval of two separate purchases: (1)2000 Ford Crown Victoria from Don Reid Ford in

the total amount of \$21,874 (including extended warranty at \$1,795) - Florida Sheriff's Assn. Bid #99-07-0913; (2) 2001 Ford Crown Victoria from Duval Ford in the total amount of \$23,628 (including extended warranty at \$2,895) - Florida Sheriff's Assn. Bid #00-08-0905.

Motion:

Motion was made by Bernardini and seconded by Staib to approve a and b.

Vice Mayor Wever stated that according to his calculations, if the replacement fund had been done correctly, there would have been excess money to purchase these vehicles. He questioned why the warranty of one was much higher than the other, which Chief Tincher responded was partly due to the difference in the 2000 and 2001 models.

Motion carried 5-0.

Water & Sewer Connection Fee - Reimbursement Request

Consideration of request to contribute water & sewer connection fees of \$17,829 for the new County Animal Control Facility.

Frank McDowell, County Code Enforcement, came forward to present the request.

Council Member Staib referred to a letter to the City Manager from the Community Development Director regarding the fact that the City would use the same justification for not assessing fees for any developer. It was pointed out that this letter was addressing impact fees, which is not before Council for determination.

Vice Mayor Wever stated that while he agreed with waiving the water connection fees because this involves moving from one facility to another but does not agree with waiving the sewer fees because there is no sewer connection there and the City would be providing a new service.

Motion:

Motion was made by Wever and seconded by Bernardini to waive the water connection fees and not the sewer connection fees.

City Manager Anderson stated that the fees would be taken out of reserves and since the City would be paying the fee for the County, it is not an actual waiver of fees but is being paid out of the General revenue.

The motion was amended and seconded to reflect that it is not a waiver of fees but that the General Fund would pay the Utilities Department the amount of \$4,912.80 connection fees for water but not the \$12,916.80 for sewer.

Mr. McDowell was asked to check with County Administrator, Mr. McIntosh, on the City's request for a response on the annexation of right-of-ways for public safety functions. City Manager Anderson stated that he would bring back a report to next meeting. Vice Mayor Wever suggested that the Mayor write another letter regarding this issue because he felt that some roads were omitted.

Motion carried 4-1, with Johnston voting opposition.

STAFF REPORTS

City Attorney

1) North Wellfield Site

City Attorney Battista reported that Mr. Burns, who owns 10 acres of the City's preferred site across from PHCC, was still anxious to move forward with the sale. Battista advised that the agent for the property to the north which was needed for the fall radius has now raised the issue of the aesthetics of the project. He reported that their plans for the area are residential and they are concerned about the tower and how intrusive the site will look and is looking for samples of what the City is considering, which Battista stated that he will be sending him. The City Attorney advised that the County has no criteria for fall radiuses. He felt that staff will need to get technical specifications from the City's engineer as he is sure that the neighboring property owners to the south will have questions as well when it is presented to the County Commission.

In response to Council Member Staib's question, Director of Public Works Pierce advised that staff has not done an economic analysis on tall towers as opposed to tanks but added that a gravity water tower would be the cheapest option. He acknowledged that many communities have used ground storage tanks, but complications arise with mixing the two systems.

City Attorney Battista stated that if Council wishes to proceed, a letter of understanding from the property owner will be needed from the Bell property to the north.

Council discussed Council Member Lewis' view that they may consider placing it further back where it would not be as noticeable. Vice Mayor Wever expressed his opinion that the longer the access road, the more expensive it will be and even more trees will have to come down. Council Member Lewis pointed out that the access road to the new WWTP that was constructed is far back as well. City Manager Anderson stated that he has put a call into the PHCC President, who has not returned his call. Council Member Bernardini questioned if the Mayor could meet with the Chairman of the PHCC Board. Vice Mayor Wever stated that Coastal Engineering Associates was supposed to do that. Mayor Johnston stated that he is not adverse to meeting with the PHCC president, Dr. Judson.

Community Development Director

1) Status of CDBG & WAP Grant Programs

2) CDBG Economic Development Category Funding Application Cycle

3) Update on Timber Harvest Trespass at the GNT Trailhead Site

Community Development Director Geiger advised that the City met recently with their grant consultant, RMPK, regarding the CDBG and WAP grant, and advised that the consultant will be preparing RFP's shortly for both programs and will submit timelines in the near future.

Geiger advised that there is a possibility that the U.S. 41 utility extension project may be funded by a CDBG Economic Development Category Funding Grant. City Manager Anderson advised that staff would bring back a mini-budget of that grant when available.

Community Development Director Geiger advised that Natural Resources, Inc, will be doing an assessment of the Timber Harvest Trespass site and that their report will be used to proceed with a claim against the timber company. He reported that staff negotiated a contract with a firm willing to remove the logs for \$600.00.

Motion:

Motion was made by Lewis and seconded by Staib to authorize the City Manager and staff to negotiate the best possible price for removal of the timber. Motion carried 5-0.

CITIZEN'S INPUT

Martin Luther King, Jr., Boulevard

Mr. Burnett wanted Council to be aware of how much they appreciated the renaming of Summit Road to Martin Luther King, Jr., Boulevard.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Motor Coach Rally Parade

Council Member Staib reminded Council of the Motor Coach Association Rally Parade that will be held Thursday, February 8, 2001.

Cloverleaf Flea Market

Council Member Staib advised that Cloverleaf would be holding a flea market on February 10th.

Black History Night

Staib reminded Council of the upcoming "Cultural Night" at the Jerome Brown Community Center on February 23, 2001 in conjunction with Black History month.

Wishing City Manager well

Council Member Staib wished the City Manager well on his upcoming foot surgery.

JOE BERNARDINI, COUNCIL MEMBER

Speed Bumps

Council Member Bernardini asked if staff could check on placing speed bumps on Candlelight Boulevard utilizing the new technology the City Manager recently reported on. City Manager Anderson stated that staff would bring back cost estimates. He did advise that the signage required is elaborate and the maintenance is substantial. He suggested that a test location be done first before being installed at a heavily used road such as Candlelight.

Vice Mayor Wever expressed concern on whether they were actually legal, but felt that if they were, it would definitely help the traffic problem on Candlelight Blvd.

Water Reuse

Council Member Bernardini questioned if the water the City sends to Florida Crushed Stone can be used for sprinkler purposes. City Manager Anderson stated that the City does not have to send the water to FCS but added that an additional stage of treatment must be added at the plant site. Bernardini clarified that he was thinking of taking the water from FCS after it has been diluted. Vice Mayor Wever felt that it would be too expensive to treat it to get the clay and lime rock out of it. City Manager Anderson stated that some areas have done it and a mandatory assessment is put upon the residents. Director of Public Works

interjected that reusing water is not economically feasible anywhere. Staff will research.

Motor Coach Rally

Council Member Bernardini questioned if the FMCA could put up a sign to channel some of the traffic on Spring Lake Highway to lessen the traffic congestion on Hwy 50 next year. Vice Mayor Wever felt that the big rigs would have problems navigating on the curves on Powell road.

No U-Turn sign on Jefferson Street

Council Member Bernardini stated that he had asked about the No U-Turn sign on Jefferson when coming into Brooksville going east where the four lane goes back to a two lane. He questioned if the MPO could see about having the sign removed. City Manager Anderson stated that FDOT has not been approached, but he would do that. Mayor Johnston added that he would discuss it with the MPO.

E.E. WEVER, JR., VICE MAYOR

Vehicle Replacement Fund

Vice Mayor Wever advised that he had sent a memo to Council on the vehicle replacement fund, which will be brought forward at budget time.

Light at Candlelight Boulevard

Vice Mayor Wever stated that he plans to suggest to the Candlelight Homeowners' Association that they petition for a light at the intersection of Candlelight Boulevard and S.R. 50. He felt that if one is not installed there, it will create more traffic on Darby Lane. He wondered if the FDOT signalization plans are finalized and whether the MPO could make a recommendation for an amendment to those plans.

FLC Legislative Policy Statements

Wever advised that the smaller version of the policy statements will be the ones to be considered for public distribution.

Annexation of right-of-ways for public safety

Vice Mayor Wever advised that three roads were left out of the letter sent to the County on the above topic and requested that the letter be corrected and resent.

Hernando/Pasco HOSPICE Open House

Wever stated that he would be attending the HOSPICE Open House at the Brooksville Health Care Center on Thursday, February 8th instead of the Motor Coach Rally.

SLM Letters on CTN

Vice Mayor Wever corrected items 8 and 15 of the CTN stating that they were written as the "Vice President of the SLM" rather than as from the Vice Mayor.

JOSEPH E. JOHNSTON, III, MAYOR

Economic Development Council

Mayor Johnston advised that it would appear that the County will cancel their contract for certain services with the EDC at their Commission meeting on February 6th. The EDC itself will not be dissolved. He

stated that based on his observations, he felt that the EDC did a good job at what it was charged to do and served the City and County well and saved the County money. He felt that hopefully after the University of Florida economic study is completed, something else will organize and carry on that type of function.

MPO - four laning of U.S. 41 North

Mayor Johnston stated that U.S. 41 North was not on the designated "constrained" list of roadways that cannot be developed and was concerned that it may be considered for four laning. He informed Council that he advised the MPO that it should be on the "constrained" list. He suggested that Council should send a letter to the MPO to ensure that U.S. 41 North stays on the "constrained" list so that it is not developed without going through the additional permitting procedures. City Manager Anderson stated that the letter would be done.

Mildred Ave.

Johnston advised that he had spoken to an FDOT official, who advised him that FDOT would have paid a lot of money for Mildred Ave., including paying for the utilities to be moved.

Golf Carts

Mayor Johnston questioned if there is an agreement in place for when an individual uses a golf cart, relating that he had seen one of the Quarry carts damaged when used at the fairgrounds. Parks and Recreation Director Pugh stated that he and the City Manager have talked about an agreement, which would be followed up on.

Economic Study Group

Mayor Johnston advised that he, the City Manager and Community Development Director had met with the study group from the University of Florida to ensure that the City's interests are known. The City was given a follow-up survey to be sent back.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:31 p.m.

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REGULAR COUNCIL MEETING

March 5, 2001

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor E.E. Wever, Jr., and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration/City Clerk; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; and Boyce E. Tincher, Police Chief. A member of the St. Petersburg Times was also in attendance.

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

CONSENT AGENDA

Minutes:

November 20, December 4, December 18, 2000 and January 8, 2001

Mutual Aid Agreement

Authorize Mayor to execute agreement between City and Sheriff's Department.

US 41 Contractor Claim Analysis/Resolution

Approval of additional \$5,000 (from \$10,000 to maximum of \$15,000) for URS Greiner contract.

Mildred Ave. Transfer

Authorize City Manager to execute Letter of Understanding to provide technical specifications and drawings of utilities to be relocated by FDOT.

Emergency Management Rapid Response Team (RRT) Exercise

Approval of request for BERT to participate as part of an exercise for the Emergency Management Academy on 3/20/01.

Surplus Property

Declaring dumpsters surplus and authorizing disposition.

Consulting Services - RMPK (Special Projects Funding and Planning)

a. Authorize Mayor to execute agreement with RMPK Group.

b. Approval of Task Order #0101 in the amount of \$7,500 to research funding options for U.S. 41 utility extension project from Water & Sewer Reserve Contingencies.

Vehicle Purchases

a. Purchase of 2001 Dodge Ram 3/4 ton pickup under State Contract from Jack Caruso's Regency Dodge for a total amount of \$20,836.00 from budgeted funds.

b. Purchase of 2001 Ford Focus SE Station Wagon from Duval Ford under State Contract for a total amount of \$15,856 from budgeted funds.

Agreement - Security Officer at residence at Tom Varn Park

Authorize Mayor to execute agreement for use of residence at Tom Varn Park by Security Personnel.

Evaluation Process for Engineering Services

Authorize use of the CDBG Procurement Policies and Procedures for the WAP Grant Engineer Consulting Services RFP process.

Juvenile Justice Grant

Authorize submission of a Juvenile Justice Dept. Grant Application for a delinquency prevention program at the Jerome Brown Community Center.

Mayor Johnston pointed out that the Consent item, US 41 Contractor Claim Analysis/Resolution, was being pulled from the agenda because it was previously approved in January, 2001.

Vice Mayor Wever called attention to the November 20th minutes and stated that page 8 should reference the School Street demolition rather than Croom Road, which Director of Public Works Pierce confirmed.

Vice Mayor Wever requested that the City Clerk check the oath of office terms referenced on the December 4th minutes.

Vice Mayor Wever pointed out a typographical error on Council Member Staib's name on the January 8th Council minutes.

Vice Mayor Wever pointed out page two of the Mutual Aid Agreement which states that "...without prior approval of the Sheriff or his or her designee" which he felt that the City would have authority to pursue suspects into the County and follow-up investigations in the County without prior notice to the Sheriff's Department, which Chief Tincher confirmed. The Chief stated that the intent is so that the City does not go out into the County looking for business.

Regarding the Mildred Ave. Transfer, Vice Mayor Wever questioned who covers the cost of doing the items outlined, which City Manager Anderson responded that the City would be covering those costs.

Wever called attention to the request for approval of RMPK's Task Order #0101 in the amount of \$7,500 to research funding options for U.S. 41 utility extension project from Water & Sewer Reserve Contingencies. City Clerk clarified that the \$7,500 would come from water and sewer funding. City Manager Anderson added that if the results from task 1 were not encouraging, then task 2 would not be pursued.

Regarding the Security Agreement for the security officer, Wever pointed out that it was not signed by the City Attorney. City Attorney Battista stated that he did read it and that the agreement is fine.

Vice Mayor Wever stated he would like a copy of the evaluation polices in relation to Item #10, which Phillips indicated would be distributed to him.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve the March 5, 2001 Consent Agenda with noted corrections to the minutes. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Telephone Pioneer Day"

Honoring the volunteer efforts of the Telephone Pioneers by declaring March 24, 2001 as Telephone Pioneer Day.

Mayor Johnston read the proclamation, which was presented to the President of the Spring Hill Life Member Pioneers, Bob Sachs. Mr. Sachs introduced other officers of the organization.

PUBLIC HEARING

Ordinance No. 501-D - Mural Project

Approval of Sign Code Ordinance No. 501-D providing exemption for non-commercial "historical/promotional murals". [FIRST READING 2/5/01]

City Clerk Phillips read Ordinance No. 501-D by head note only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA AMENDING CERTAIN SECTIONS OF CHAPTER 12-5 OF THE CODE OF ORDINANCES ENTITLED SIGNS, RELATING TO EXEMPTION FOR NON-COMMERCIAL HISTORICAL/PROMOTIONAL MURALS; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

There was no public input on the ordinance.

Motion:

Motion was made by Staib and seconded by Bernardini to approve Second and Final Reading of Ordinance No. 501-D. Upon roll call, motion carried 5-0, as follows:

Bernardini - Aye
Lewis - Aye
Staib - Aye
Wever - Aye
Johnston - Aye

REGULAR AGENDA

Speed Control Devices

Consideration of utilizing "traffic calming devices" in residential area.

City Manager Anderson stated that staff is suggesting the installation of a speed hump to be used as a long term test to see if it accomplishes what is intended. He added that the test would also determine whether the design needs to be changed to meet the City's requirements. He advised that a possible location for the speed hump would be in Tom Varn Park across from the girls' stadium near the residential house on Darby Lane.

Motion:

Motion was made by Staib and seconded by Lewis to approve installation of the test speed hump in Tom Varn Park.

In response to Council Member Lewis' question, City Attorney Battista stated that there is no set case law on the use of speed humps and felt that it is an issue of correct maintenance and design. The actual decision to put one in is not addressed by the courts.

Council Member Lewis expressed concern regarding the ability for wheelchairs to maneuver, to which Anderson and Pierce responded that the location of the test hump was adjusted accordingly for that consideration.

Vice Mayor Wever advised that the 2000 legislation session considered adding speed humps to FDOT specifications. He expressed concern about potential liability if one is installed. He advised that he had spoken to Representative Russell to suggest that he make an effort to reactivate the bill. He encouraged Council not to approve anything until legislation is passed and a policy is adopted by Council. Additionally, Vice Mayor Wever advised that when they are installed in residential neighborhoods, a series of speed humps would be necessary because only one speed hump will not deter speeding and that a driver will just speed up after crossing the hump. He stated that Police patrol will still be needed.

Mayor Johnston agreed that a policy is needed but clarified that although speed humps are not currently addressed in FDOT regulations, they are not prohibited. He further supported the test location at the park because it would only affect those coming onto City property.

Council Member Bernardini supported the use of speed humps, adding that installing them would be a proactive step to help correct speeding problems before someone gets hurt or killed. He expressed the desire, however, that the test location be used in Candlelight.

Motion carried 5-0.

Mayor Johnston supported the effort to get the bill reconsidered by the legislature, and directed staff to gather information from other cities, particularly St. Petersburg, for future expansion of the speed hump program into residential areas. City Manager Anderson stated that he would bring back a status report for the first meeting in April.

North Wellfield Site

Consideration of Site Agreement with PHCC for easement adjacent to Youth Dr., West of U.S. 98, subject to certain terms and conditions.

City Attorney Battista recounted that the Director of Public Works had analyzed other areas near the PHCC site and that letters were sent to those property owners. One reply was received, however, because of the narrowness of the parcel, the City would need a neighboring parcel.

Contact with that property owner has now proven to be unsuccessful.

Battista advised that if the City looks at parcels further away, hydrological tests done based on the PHCC site cannot be relied upon and other engineering studies may be necessary. He stated that Council could direct staff to look at sites further away, renegotiate with PHCC or Council could approve the Interlocal Agreement that is before them for consideration.

Council Member Staib stated that PHCC President Judson may need to consult his Board.

Director of Public Works Pierce acknowledged that the prime area is across from PHCC but that it is apparently not possible. He went on to explain that the PHCC site was chosen for a variety of reasons such as the elevation, it involves no residences and the size of the parcel reduces well field protection issues.

Pierce went on to state that to get back to the same comfort zone as the PHCC site, the City would have to buy a 10 acre site and with acreage values at \$5 to \$10 thousand an acre. The Public Works Director recommended that Council sign the PHCC agreement and proceed with the project. He stated that any site would involve costs for the land, road, gates and fences.

Mayor Johnston stated that he is opposed to the PHCC site because the City would not own the site or control the rights to lease tower space and if the college decides to cancel the agreement, they can with certain notice. Council Member Staib also voiced her opposition. Mayor Johnston stated if the agreement cannot be changed, he could not support the PHCC site. He added that he did not feel that this project was something that had to be done immediately. Pierce confirmed that the current system is adequate and that no regulatory agencies are addressing deficiencies at this point, capacity in the near future will be an issue.

Vice Mayor Wever stated that Withlacoochee Regional Planning Council's attorney related that the City owns the property but does not have the title to it. Mayor Johnston agreed that a 99 year lease does constitute ownership for purposes of mortgaging and other issues, but was concerned about the future of the wellfield site at the 99 year point. Vice Mayor Wever stated that the WRWSA grant may have a time limit involved and may need to be amended and if the City moves away from the PHCC site, the WRWSA will need to approve another location. Wever stated that there is an engineering map that shows water supply and that the best water supply is at the PHCC site and the property to the north and west of it.

Council Member Bernardini expressed his disappointment that the college president did not respond to the Mayor's letter to meet with him regarding the proposed wellfield site and felt that Council should wait for some response from him before making any decisions. He questioned if a time extension request should be made to the WRWSA, which Wever indicated he had spoken to the Authority's Director and Attorney, who would be contacting him to see what the City needs to do.

In response to Mayor Johnston's question, City Attorney Battista stated that the letters to the property owners were not followed up by telephone calls.

Director of Public Works suggested that an ad be placed in the newspaper citing the size and elevation needed for the project and ask for response, which Mayor Johnston stated could not hurt. Council Member Lewis expressed his opinion that it may be better to approach individual people rather than advertise it, which may drive the land prices up. Council Member Bernardini felt that whether the City contacts people by letter or by advertising, it will inflate the price. City Manager Anderson stated the City could advertise what it is willing to pay.

It was decided to hold off until the next meeting to give the college time to respond.

Council Member Lewis offered his concern about all the add-ons to the agreement.

Board Appointments

Appointment of Advisory Board Members:

- a. Firefighter Pension Trust Fund Board of Trustees - Reappointment of Regina Martin to a two year term through 02/28/03
- b. Beautification Board - Appointment of Tawanna Southall to a three year term through 1/31/04.

Council Member Staib pointed out that Ms. Southall's application was unclear on where she resided, which was clarified to reflect that her residence was in Spring Hill.

Motion:

Motion was made by Lewis and seconded by Staib to approve reappointment of Regina Martin to the Firefighters' Pension Trust Fund Board of Trustees and appointment of Tawanna Southall to the Beautification Board. Motion carried 5-0.

Resolution No. 2001-05 - Enterprise Zone

Approval of Resolution No. 2001-05 supporting legislative creation of an Enterprise Zone within the City of Brooksville and Hernando County.

City clerk phillips read Resolution No. 2001-05 by headnote only, as follows:

A RESOLUTION SUPPORTING LEGISLATIVE CREATION OF AN ENTERPRISE ZONE

Motion:

Motion was made by Staib and seconded by Lewis to approve Resolution No. 2001-05. Upon roll call, motion carried 5-0, as follows:

Staib - Aye
Lewis - Aye
Bernardini - Aye
Wever - Aye
Johnston - Aye

Staff Reports - Status

a. Community Development Director

- 1) Tree Removal/GNT Koon Claim update

Community Development Director Geiger advised that all of the timber had been removed by a contractor who paid the City for that removal. He stated that the City has contracted with Natural Resources Planning, Inc., to do a shade tree evaluation and who have completed field work and will give a report to him this week to be used to file a claim against the timber company. City Manager Anderson stated that the report will be brought back to Council before the claim is filed.

b. Public Works Department

- 1) Phase II Interconnection & Demolition
- 2) U.S. 41/S.R. 50 construction
- 3) Emergency Generators relocation
- 4) Sludge Removal
- 5) Croom Road Perc Pond Closure
- 6) Providence Boulevard extension

Director of Public Works Pierce advised that the Phase II Interconnect final pay requests have been approved. Staff will present a list to approve for use of the surplus money to be sent to USDA. The demolition of the existing plants will be on that list, which he stated would be about \$80,000.

The construction on US 41 and SR 50 is progressing and the utility work is nearly finished. Staff is meeting with FDOT to analyze delay claims and the final number should be available in 30 days.

Pierce advised that the emergency generators have been moved to the two water treatment sites.

The sludge removal from the School Street Plant is completed and has been inspected and approved by DEP. Demolition is to continue.

DEP has made a final inspection of the Croom Road perc pond and will submit an acceptance letter.

Regarding the proposed frontage road, Pierce advised that Mr. Sims is agreeable to grant an easement. Staff will proceed with that agreement as soon as possible. In response to Vice Mayor Wever's question on whether Mr. Sims agreed to bring his property into the City, City Manager Anderson reported that it was not addressed specifically but advised that in the past, Mr. Sims had been reluctant to consider that. Wever questioned how the City could make any commitment in the change of setbacks if it is in the County. Mayor Johnston explained that the City agreed to support a reduction in setbacks required by the County. Anderson stated that staff would prepare the necessary legal documents for execution by Mr. Sims.

CITIZEN'S INPUT

Brooksville Assembly of God Church

Request for adjustment in water and sewer Connection Fees.

Jim Adams, engineer for Brooksville Assembly of God Church, discussed the water and sewer connection fees for the new sanctuary for the church. He stated that they disagree with the City's methodology in calculating fees, adding that the church expects to pay water and sewer connection fees but only its equitable share of the flow. He went over their current average attendance and the capacity the new sanctuary will allow. He felt that fees should be related directly to the average daily flow and the best basis to determine the flow is through actual flow records, which he indicated that they do have.

Mr. Adams expressed the Church's view that the basis for connection fees should be the projected average daily flow, demand or use and actual records should be used to obtain that. He went on to explain their calculations which were based on that method.

Council Member Lewis stated that the City's fees are based on actual supply to that fixture with a guarantee of water and sewer availability upon demand and is based on fixture units.

Mr. Adams stated that if the City can not back off from the calculations, the church may not put the proposed fixtures in. He added that he would like the Council to consider using a gallon number and monitor the flow and when it gets to a certain point, then the issue of fees can be readdressed.

Vice Mayor Wever called attention to the schedule submitted showing the number of fixtures and questioned if that is in addition to what is already in the existing building. Mr. Adams responded that it is for the new building only, which Director of Public Works Pierce confirmed are only the new fixtures.

Council Member Staib stated that she would like to see all the churches treated fairly and equally and asked if this method had been used for all churches. City Manager Anderson stated that the most recent ones were included in the information provided to Council.

Mayor Johnston brought up for discussion that if the fees were based on a gallon figure with an agreement with the church that as they approach 80% of that capacity, then the balance of the fees would be paid at that time, and questioned what ability the City would have to enforce that agreement. Director of Public Works Pierce stated that water can be cut off as an enforcement method. He added that administration and monitoring would be complicated with split level utility agreements and that the current process is to collect fees up front.

Motion:

Motion was made by Lewis and seconded by Staib to approve the methodology based on fixture units at \$14,448.81 as set forth in staff memorandums and based on the methodology used on for Faith Presbyterian Church and St. Anthony's Church.

In response to Mayor Johnston's question on why the other churches were based on fixture units instead of average flows, Pierce responded that it is based on the policy in the past. Johnston stated that the City calculated an amount based on flow and also calculated an amount based on fixtures, and it was determined that the fixture number was the higher amount and he did not understand why staff chose to support the higher amount. He added that he would be more willing to support the amount based on average daily flow, which is a closer amount to the one presented by the Church, in an attempt to reach a compromise.

Mayor Johnston stated that the City does have different methodologies used to calculate the ERU's. He questioned if there should be a different basis used for a facility such as a church that is not used at its full capacity every day. He expressed his desire that staff look at that and come back with additional information.

Council Member Lewis stated that he would have a problem with making such exemptions and that other businesses may request that their fees be calculated a different way.

Council Member Staib voiced her opinion that changing the calculations for this church may mean adjusting the other churches' fees.

Council Member Bernardini stated that he would have to agree with Council Member Lewis in that the fees should be based on service on demand. He added that he would be willing to compromise between average flow and fixture units.

Motion carries 3-2, with Johnston and Wever voting in opposition.

Enterprise Zone

Anna Liisa Covell thanked Council for supporting the downtown areas by approving the Enterprise Zone resolution.

Requests for Waiver of Fees

Anna Liisa Covell brought up past action wherein Council approved waiver of a portion of fees for the County's Animal Control Facility and noted that other businesses pay without requesting any fee waivers.

Frontage Road

Tom Weer, Pastor of Independent Grace Baptist Church, questioned why he had not heard anything on the frontage road negotiations since he wrote a letter to the City approximately six months ago. City Manager Anderson recalled the letter and felt that it was more of a position paper rather than a request to negotiate. He stated that staff has finally reached a tentative agreement with Mr. Sims and an easement should be negotiated shortly. With that necessary property in place, negotiations with other properties can proceed.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Sheriff/Council liaison position

Council Member Staib questioned the status of the liaison position between the Sheriff's Department and the City Council referenced in the December 18, 2000 and January 8, 2001 minutes.

Mayor Johnston stated that it was his understanding that the organization would consist of individuals from the different groups who would come together to informally discuss solving some of the problems. It was pointed out that there is a difference between the core committee and the community gathering that took place at Kennedy Park recently, which Council Member Staib stated that she would like to have the ability to attend.

Vice Mayor Wever stated that no action was taken at the December 18th meeting and, therefore, as far as he was concerned, there was no liaison position approved.

Police Department Monthly Reports

Chief Tincher agreed to check on a code violation which Council Member Staib felt may be a fire hazard.

Correspondence to Note

Council Member Staib questioned why a years worth of advisory board minutes were included on CTN. City Clerk Phillips explained that it was done in an effort to update records, but would be presented to Council timely from this point on.

Arbor Day

Council Member Staib reminded Council of the Arbor Day event scheduled for March 6th at 1:30 at the Jerome Brown Community Center.

County Field Trip

Council Member Staib reported on a field trip she took recently to Osceola County to view their new Courthouse as a part of Hernando County's plans to make facility improvements to their County offices.

JOE BERNARDINI, COUNCIL MEMBER

Sidewalk on Darby Lane

Council Member Bernardini requested that Council consider the possibility of constructing a sidewalk on the East side

of Darby Lane. Mayor Johnston stated that although it is a part of the MPO enhancement project, no funds have been committed yet.

Council Member Bernardini questioned if it was possible to ask Representative Russell for assistance. City Manager Anderson stated that there may not be enough right-of-way at that location for a sidewalk, but staff could research it and bring back a report to Council.

St. Petersburg Baptist Church

In response to Bernardini's inquiry, City Manager Anderson confirmed that a thank you note was being prepared for the recent City clean up done by the St. Petersburg Baptist Church Youth Group.

Telecommunications Bill

Council Member Bernardini referenced the letter received from Collier County on the Florida's Communication Service Taxes. He felt that Council may wish to consider joining their position on it. He stated that he could understand how detrimental it would be to a City based on Collier County's revenue projections and voiced his support of their position. He stated that he did not know if the City Attorney has had the chance to review it, which City Attorney Battista advised that he had not.

Rails to Trails

Council Member Bernardini brought up for discussion whether the plans for rails to trails could be changed to construct the leg to the Suncoast Parkway first, then going to the Withlacoochee Forest. He felt the Suncoast Parkway may be a faster way to get people into the community. Mayor Johnston stated that the MPO has studied that connection but felt that the route to the forest could be developed quicker, with the concentration then being given to the exact location needed to go to the Parkway. Council Member and Good Neighbor Trail Representative Lewis stated that he would mention it to the committee.

Sheriff/Council liaison position

Council Member Bernardini requested clarification of whether he is appointed as the liaison.

Motion:

Motion was made by Lewis and seconded by Wever to approve adding this item to the agenda. Motion carried 5-0.

Motion:

Motion was made by Lewis and seconded by Bernardini to appoint Joe Bernardini as a City Council Community Member of this neighborhood group. Motion carried 5-0.

E.E. WEVER, JR., VICE MAYOR

SLM Mini-conference

The Vice Mayor stated that he would be distributing a letter from the FLC to the Heart League regarding creation of an International Round Table, which will be part of the SLM mini-conference.

Mr. Wever stated that the mini-conference will also be covering topics such as the Comprehensive Plan and election law changes.

SLM - Election Officials Day

Vice Mayor Wever stated that the SLM is planning to have an elected officials day in October for legislative delegates.

FLC - Legislative Action Day

Vice Mayor Wever advised that he would be attending the Legislative Action Day on April 4th as the Vice President of the SLM.

Telecommunications Bill

Regarding the Telecommunications Bill, Wever called attention to the February 15th Florida League of Cities Bulletin which stated that the estimated figures are available of what cities would receive based on that bill. City Manager Anderson and B.J. Coryer stated that staff does have the information. Coryer added that he has also spoken to the consultant on this issue. He added that Council is welcome to stop by and review the information.

Traffic Signalization at S.R. 50 at Candlelight Blvd.

Vice Mayor Wever stated that he has requested in the past and is again requesting that the possibility of installing a traffic signal at S.R. 50 at Candlelight Boulevard be placed on the next Council agenda to request Council's endorsement to the MPO.

Economic Development Council

Vice Mayor Wever felt that if the EDC was going to reorganize, the Council may wish to pay dues to become a member. EDC Representative Mayor Johnston replied that the EDC will not survive as it was organized before because the private source of funds is not there anymore. It is his understanding that the County will take it over at this point.

Annexation of Right-of-Ways for Public Safety Functions

Wever pointed out that the letter to the County regarding the transfer of right-of-ways for public safety functions did not include Wiscon Road.

Budget Message

Vice Mayor Wever pointed out the budget message at the front of the budget should be distributed to the public and urged Council to consider that possibility before the next Council meeting.

Finance Director Coryer stated that staff is considering the possibility of providing a "budget in brief" to be handed out to the public during the next budget process.

ROBERT B. BATTISTA, CITY ATTORNEY

Possible employment with Citrus County

City Attorney Battista stated that he has previously informed Council of the possibility of being offered the job as Citrus County Attorney. He advised that the status of that job would be determined next week. If he is offered the job, he would go to work on March 14th. He reported that, if hired, the Citrus County Commissioners will allow him a 45 day window to terminate his private practice, which coincides with his City contract, which requires a 45 day notice as well.

JOSEPH E. JOHNSTON, III, MAYOR

Telecommunication providers

Mayor Johnston stated that it appears to him that the City is using several wireless telephone providers. City Clerk Phillips advised that there are only two currently used, one of which would be terminated shortly. She stated that the Mayor may be recalling the City's pagers, which are provided by several different vendors.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:45 p.m.

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REGULAR COUNCIL MEETING

MARCH 19, 2001

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Boyce E. Tincher, Police Chief. A member of the St. Pete Times (7:21 p.m.) was also in attendance.

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

CONSENT AGENDA

Minutes:

January 22 and February 5, 2001

Surplus Property

Declaring vehicles surplus and authorizing disposition.

Finance Department - Accountant

Authorize Account II position.

City Clerk Phillips interjected that there is a correction to the VIN Number on the 1989 Ford and that the Director of Public Works has added one additional utility crew cab truck.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve the March 19, 2001 Consent Agenda as amended.

Council Member Staib pointed out a correction to the February 5th minutes regarding the murals and advised that she had expressed concern about graffiti in addition to the concern about damage from ultraviolet rays.

Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Juvenile Justice Week"

Proclaiming the week of March 24 - 31, 2001 as Juvenile Justice Week.

Council Member Staib read the proclamation, which was presented to Judy Everett of the Juvenile Justice Council.

REGULAR AGENDA

Resolution No. 2001-06 - State-wide Mutual Aid Agreement

Consideration of authorizing execution of revised Mutual Aid Agreement as requested by State.

City Clerk Phillips read Resolution No. 2001-06 by headnote only, as follows:

A RESOLUTION APPROVING FLORIDA STATEWIDE MUTUAL AID AGREEMENT AND AUTHORIZING EXECUTION BY THE MAYOR; AND SETTING AN EFFECTIVE DATE.

There was no public input on the resolution.

Motion:

Motion was made by Staib and seconded by Lewis to approve Resolution No. 2001-06.

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

Bernardini - Aye / Lewis - Aye / Staib - Aye / Wever - Aye / Johnston - Aye

Proposed Utility Projects

Consideration of proposed projects utilizing remaining USDA/RD Phase I and Phase II funding.

Director of Public Works Pierce stated that he has put together a list for consideration for the \$500,000 but is requesting comments or suggestions from Council. Pierce stated that he would like to add the installation of a sewer line down Easy and St. Francis Streets. City Manager Anderson stated that particular project will require Council approval if it is pursued since it is providing service to an area outside the City limits.

Pierce explained the alternate sludge disposal site as listed. He stated that for the past 10 years the City has been dumping sludge from sewage plants on Porter's horse farm. At this time there is no contract for that procedure and it has worked fine but Pierce felt that at some point, it will be necessary to either enter into an interlocal agreement with the County or find alternate acreage somewhere else for use through a contractual agreement. Council Member Lewis felt that large land owners could be approached for a possible site. Vice Mayor Wever questioned if the Division of Forestry had been contacted for their compost project, which Pierce indicated that he would add to the list of possible options for the sludge disposal.

Regarding the extension of utilities to the fairgrounds, Council Member Bernardini questioned if this list could include installation of the water line as well as the sewer line. Director of Public Works Pierce felt that it would be out of bounds for this category of funds.

Vice Mayor Wever suggested that number 3 on the list, the Fairgrounds Sewer Force Main Extension, be ranked as first and number 9, Providence Boulevard Sewer Project, as second. Mayor Johnston agreed with the Fairgrounds project ranked as number one but felt that other funds may be available for the frontage road project.

It was decided to hold off on the Alpine Circle Sewer Rehabilitation project that will cost an estimated \$100,000 in an effort to do several of the other projects.

Pierce responded to Council Member Lewis' question by stating that the drainage improvements on St. Francis and Easy Streets would cost approximately \$250,000 per street. Mayor Johnston stated that a joint agreement with the County or other funds may be available for that project. Wever agreed, stating that the water lines should be done at the same time.

In summary, the projects were ranked as follows:

- Fairgrounds Sewer Force Main Extension
- Finish Demolition of WWTP Facilities
- Odor Control
- S.R. 50 lift station Automatic Transfer Switch Installation
- Auxiliary Generator for East Ave. Lift Station
- Tom Varn Park Lift Station Retrofit
- School Board Bus Barn Lift Station
- Alpine Circle Sewer Rehabilitation
- Alternate Sludge Disposal Site
- Providence Boulevard Sewer Project

Motion:

Motion was made by Lewis and seconded by Staib to approve the list with changes. Motion carried 5-0.

Pierce advised that he would distribute a revised list before it is sent out.

Arsenic in the Park

Albert Gray, Environmental Manager, Hernando County Health Department, addressed Council regarding a press release that the Health Department distributed late last week to the media. He stated that one of five parks tested for arsenic was Tom Varn Park. He advised that the press release hits the highlights and he stated that he would like to go over some of the issues. He stated that there is a lot of confusion from the general public about the problem and what has been reported is that there is arsenic in the soil. He advised, however, from a risk assessment, there are several things to consider. There must be a source. He acknowledged that there is arsenic levels in the soil. There must be a root of exposure. In this case, there is a possible oral exposure, not a ventilation and or thermal exposure. This is an oral exposure only which would involve children eating the dirt that has been contaminated.

It would take consumption of about 1 to 1 ½ tsp of contaminated soil every day for 30 years to get a dose that would be high enough to make a difference. He continued by stating another consideration would be duration and frequency and felt that it is highly unlikely that there are children who go to the playground every single day for their entire childhood. He explained the biotransformation of arsenic, which is the amount of hours the chemical is in the body, indicating that after 10 hours only 50% of the chemical would remain in the body and after 20 hours this would be reduced down to 25%, as there is no storage capability for arsenic in the body.

He concluded by stating that there is arsenic in the soil but wanted the Council to be aware of the facts concerning the real risk to a child.

City Attorney Selection Process

Review options for selection process

City Attorney Battista advised that staff is proposing to utilize the same process as the City went through in 1994 which includes advertisement with the local bar associations and/or distribution of notice to Bar Members and advertisement in the Florida Bar News. Mayor Johnston offered that advertising in the Florida League of Cities bulletin may be an option.

City Manager Anderson stated that he had received a telephone call from attorney David La Croix expressing interest in the position and advised that he had followed that up with a letter to each

Council Member. It was pointed out that Mr. Battista's contract would expire in 45 days and Mayor Johnston stated that Council may want to hire someone on an interim basis and suggested that former City Attorney Bill Eppley may be able to fill in temporarily if he is interested or if Council is interested in that option.

Mayor Johnston suggested setting a time line for advertisement to then be subsequently discussed at a future meeting or special meeting for discussion or for interviews.

Council Members Staib, Bernardini and Lewis offered their support of offering Mr. Eppley the interim attorney position.

The City Attorney would contact Mr. Eppley to see if he is interested and if he is not, it would be brought back to the next meeting for alternatives.

It was decided that the notice would state that governmental experience is necessary.

Anderson stated that the notice may want to indicate compensation and it was agreed to list what the current compensation arrangement is.

The options for advertising as presented by staff, along with the FLC bulletin, would be utilized and the Mayor would be authorized to approve the notice. The closing date for applications would be May 4th.

Staff Reports

a. Community Development Department

1. Providence Boulevard - Proposed Interlocal Agreement
2. Annexation of right-of-ways for public safety functions
3. Proposed Senior Housing Project - "Oaks of Brooksville"

Community Development Director Geiger stated that City staff met with County staff on pending projects including a proposed interlocal agreement for Providence Boulevard. The County agreed that the agreement met the County's position on frontage roads and added that he expects to hear back from County Engineer Charles Mixson shortly. Geiger stated that he would recommend that a member of Council and consultant Coastal Engineering make that presentation to the County Commission when appropriate. Vice Mayor Wever offered to represent Council for that presentation.

Regarding the County's position on annexation of rights of ways for public safety functions, Geiger advised that the County felt that the Sheriff should provide input with subsequent presentation to the Commission.

Community Development Director Geiger explained the legal proceedings regarding the Oaks of Brooksville which involves the architect filing a lien on the property for non-payment by the contractor. Geiger explained that the Hernando County Housing Authority may be interested in taking over the project and Director Singer will present it to his Board and contact the City accordingly.

Mr. Geiger discussed the RMPK's task order for the utility line extension project.

Motion:

Motion was made by Lewis and seconded by Staib to add this item to the agenda. Motion carried 5-0.

It was explained that the \$5,500 requested in the task order is for RMPK to tell the City whether the grant funding for the utility line extension is feasible. If the City agrees to pursue it, there would be another fee for them to do the grant application.

Motion:

Motion was made by Bernardini and seconded by Lewis to accept tasks 2 - 5, or the balance of the tasks remaining, of the existing agreement with RMPK Group, at a maximum cost of \$5,500.

Motion carried 5-0.

Regarding the GNT/Koon timber harvest, Geiger explained that the claim has been drafted and would be distributed to Council. If there are no concerns, the claimed would be filed. Some items included in the claim would be clean up, tree appraisal, staff time, the Division of Forestry time, contract amount for the appraisal and a per tree fine.

b. Public Works Department

1. FDOT U.S. 41/S.R. 50 JPA - Contractor's claims for additional compensation

Director of Public Works Pierce went over the contractor's claims regarding FDOT delay issues which have resulted in significant cost increase items. He stated that there is at least \$60,000 remaining in uncommitted contingency funds. Since the City is nearly finished with the utility work on S.R. 50 and U.S. 41, this project should be completed without giving more money to FDOT.

Pierce advised that the FDOT contractor will be formalizing the Inefficiency Claim and will be claiming 234 compensable delays contributed to the City which he claims that has been incurring at \$4,500 per day. Mr. Pierce explained that with the help of URS Griner to analyze the claims, it is thought that the true number of delays days are considerably less than the 234 days. A formal meeting with the contractor will be held March 27th. He stated that the contractor will no doubt go through FDOT's arbitration process and/or file the inefficiency claim. Director of Public Works Pierce would bring back a comprehensive scope of work with URS Griner for the April 2nd meeting.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, III, MAYOR

City Representation on Economic Development Council

Mayor Johnston began by stating that the EDC contract was canceled by the County. The EDC is still a functioning entity and will continue in some sort of function in the future. He felt, however, that the City's position on the Board of Directors was related to its function as a public/private partnership, which it no longer is at this time. He stated that it may restructure in the future, but, in the meantime, he would recommend that the City bow out of involvement on the Board of Directors or ask that the position be unfilled. Should the board restructure, the City would be happy to cooperate. It was the concurrence of Council that a letter would be sent to Mr. Clifford of the EDC.

Withlacoochee Regional Planning Council

Mayor Johnston stated that he is currently the representative on the WRPC but has been directed by Council not to attend. He stated that with structural changes occurring with a new Executive Director, it may be that the City may want to begin having a representative on that Board. He advised that Bill Geiger would be attending the next meeting.

Vice Mayor Wever stated that he would be inclined to follow the lead of the County as far as their willingness to participate on the WRPC.

E.E. WEVER, JR., VICE MAYOR

Signalization on U.S. 41 and/or S.R. 50 at Candlelight Boulevard.

Vice Mayor Wever expressed his opinion that a light is needed at S.R. 50 at Candlelight Blvd and would like Council to file a request to FDOT through the MPO to install one at Candlelight and S.R. 50 bypass. Council Member Staib voiced her support.

Motion:

Motion was made by Staib and seconded by Wever to approve the request to the FDOT through the MPO to install one at Candlelight and S.R. 50 bypass.

Mayor Johnston informed Council that FDOT is installing a traffic light at Buck Hope Road, which he felt was too close to the light at U.S. 41 and S.R. 50.

Council Member Bernardini advised that the Candlelight Homeowner's Association has discussed the possibility of taking over ownership of the roads and putting up a gate. He expressed his opinion that the City approach the Homeowner's Association regarding the City's position on installing this light. Vice Mayor Wever voiced his opposition as a City taxpayer, resident of the area and as a City Council Member, to the organization taking over the streets in that area.

Council Member Lewis brought up for discussion the possibility of the City installing a road linking Chatman Blvd. with Candlelight Boulevard.

Community Development Director Geiger recommended approaching FDOT with the option of installing a light at Candlelight and U.S. 41, then if they turn it down, there would be a better chance for approval of one at Candlelight and S.R. 50.

Carried 4-1 with Bernardini voting in opposition.

Heart of Florida League

Vice Mayor Wever stated that at the recent Heart meeting in Wildwood, they discussed developments and utility issues. He advised that the "Villages" near Wildwood was within the 5 mile radius of Wildwood's public utility scope under the statutes. However, the Villages entered into an agreement with the City of Wildwood to allow them to develop their own utilities, even though it was within the five-mile radius and they are paying the City of Wildwood \$100,000 per year for 10 years for that contract.

Heart of Florida

Vice Mayor Wever stated that the next Heart of Florida League meeting will be held in Brooksville at the Jerome Brown Community Center on April 19, 2001.

Public Notice of Autopsy Reports

Vice Mayor Wever introduced a resolution which would support pending legislation to prevent public access to autopsy video and audio reports and stated that the Suncoast League of Municipalities has asked for cities within the League to adopt this resolution.

Motion:

Motion was made by Wever and seconded by Lewis to include placement of this resolution on this agenda.

Motion carried 5-0.

Motion:

Motion was made by Wever and seconded by Staib to approve Resolution No. 2001-07.

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

A RESOLUTION OF THE CITY OF BROOKSVILLE EXPRESSING SUPPORT FOR SENATE BILL 1356 AND HOUSE OF REPRESENTATIVES BILL 1083 PERTAINING TO PUBLIC RECORDS; PROVIDING SUPPORT FOR EXEMPTING FROM THE PUBLIC RECORDS LAW PHOTOGRAPHS AND VIDEO RECORDINGS OF AN AUTOPSY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Johnston stated that he had never seen a published autopsy photograph and did not think any responsible newspaper would publish that type of thing. He added that his understanding of the compromise reached in this situation regarding race car driver Dale Earnhardt was that an independent expert was going to be allowed to review the photographs, but they would not be released to the newspapers. He felt that it would be up to each individual Council Member if they want to continue to make exemptions to the public records law.

Council Member Bernardini expressed his opinion that he would prefer to wait and see what the final version of the bill is before supporting this resolution.

Upon roll call, motion carried 3-2, as follows:

Lewis - Aye / Staib - Aye / Bernardini - Nay / Wever - Aye / Johnston - Nay

SLM Mini-Conference

Vice Mayor Wever advised that the SLM has requested that each city provide only one gift certificate limited to \$25 or more. He further related that the Florida Institute of Government is now working as the executive director/secretary and treasurer for the SLM and is working on a price for the mini-conference banquet only instead of a \$50.00 fee for the whole conference.

WRWSA Grant Application

Vice Mayor Wever stated that the WRWSA may have an answer at their next meeting on what the City would need to do to renew their grant application.

JOE BERNARDINI, COUNCIL MEMBER

Arsenic in the Park

Council Member Bernardini questioned if a sign could be posted in the park regarding arsenic warnings in

an attempt to be proactive rather than reactive. Mayor Johnston felt that, based on the report from the Health Department made at this meeting, it may cause undue panic. Vice Mayor Wever stated that warning signs would have to be posted all over town because it is in all soil and further felt that the sign would have to include information that the appropriate agencies indicated that there is not enough arsenic present to be of any danger. Council Member Staib stated that she had not received any complaints regarding the issue.

Expansion of Utilities

Council Member Bernardini questioned if the Council has an aggressive policy or plan of action on expanding water and sewer services to unincorporated areas. Mayor Johnston advised that the City has contracted with a consultant to come up with a plan for expansion along three main corridors. City Manager Anderson stated that a status report would be brought back at the next meeting, which Director of Public Works Pierce confirmed by advising that the consultant would be ready to present a final report on Phase I and II.

Wellfield/Interlocal Agreement

In response to Council Member Bernardini's question, City Manager Anderson advised that he had spoken to PHCC President, Dr. Judson, who had indicated that at this point he did not feel that a formal meeting with the Mayor or City staff was necessary to rehash the interlocal agreement, which still reflected PHCC's position.

Mr. Anderson reported that Mr. Burns, one of the property owners across from PHCC, had requested permission to approach the representative of Ms. Bell's property.

Mayor Johnston stated that he had requested information from staff on the wellfield that he would be researching to make sure that Dr. Judson has been receiving the correct information and he may be contacting Dr. Judson for a meeting to clarify any issues.

MARY A. STAIB, COUNCIL MEMBER

Cloverleaf - St. Patrick's Day Event

Council Member Staib thanked all who had attended Cloverleaf's St. Patrick's Day Event on March 17th.

Mural Field Trip

Council Member Staib reported on the recent field trip taken to Lake Placid to view their murals and had pictures available for viewing should anyone be interested.

Commendation to Police Department

Council Member Staib reported that while working as a hospital volunteer, she had received recent compliments on directions given by the Police Department, which were described as being very clear, concise and polite.

RICHARD E. LEWIS, COUNCIL MEMBER

Mural Field Trip

Council Member Lewis also reported on the enjoyable and informative field trip to Lake Placid to view the murals.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:58 p.m.

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REGULAR COUNCIL MEETING

April 2, 2001

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor E.E. Wever, Jr., and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration/City Clerk; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; and Boyce E. Tinchler, Police Chief. A member of the St. Petersburg Times was also in attendance (7:18 p.m.).

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

CONSENT AGENDA

Minutes:

March 5, 2001

FDEP - Reduction in Permitting Fees

Authorization to request reduction for Markham Lane and Redbud Lane for water line extension project to a maximum of \$100 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 average.

Johnson v COB - Attorney's Fees

Approval to pay \$4,722.53 to Dean, Ringers, Morgan & Lawton, PA, subject to reimbursement from insurance company. [Transfer from Reserve Contingencies to General Government Legal Services]

Satisfaction of Mortgage - CDBG Commercial Loan

Approval for Mayor to execute Satisfaction of Mortgage for CDBG Loan for property located at 823 Josephine Street.

CDBG - Environmental Review

Authorization for Mayor to execute letter to DCA to exclude the CDBG Downtown Revitalization Project from extensive environmental assessment requirements.

Motion:

Motion was made by Wever and seconded by Lewis to approve the April 2, 2001 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Fair Housing Month"

Proclaiming the month of April as Fair Housing Month.

The proclamation was read and would be sent to the appropriate agency.

Margaret Ghiotto Beautification Award

Recognition of improvements made to the business located at 406 E. Liberty Street, owned by Lewis Watkins.

The certificate and revolving plaque would be delivered to Mr. Watkins.

REGULAR AGENDA

URS Griner - Comprehensive Scope of Work

Consideration of proposals to contract with Consultant to assist with negotiations of the FDOT U.S. 41/S.R. 50

JPA contractor claim dispute resolution for Task Nos. I, IV & V at contract rates not to exceed \$83,000 from project cost funds.

Director of Public Works Pierce stated that staff has been dealing with contractor delay issues. FDOT has hired a consultant to analyze the contractor's schedule and will make their findings formal shortly. Mr. Pierce stated that this request will allow the contractor to start the formal rebuttal process. He added that he would estimate that through the arbitration process, it will be determined that the City will be responsible for 20 - 45 compensable days, which may result in a cost of \$125,000 - \$150,000 or more.

Pierce pointed out that the hourly rate for URS is \$80.00 per hour with the exception of URS Management Review which is \$143.00 per hour. He stated that this would be an addendum to an existing contract with URS.

City Manager Anderson stated that funding recommendations for any additional funds that may be owed to the State would have to be brought back to Council.

Motion:

Motion was made by Staib and seconded by Lewis to approve Tasks 1, 4 and 5. Motion carried 5-0.

Street Paving List

Review of proposed street paving priority list for 2000/01 fiscal year for the budgeted amount of \$60,000.

Vice Mayor Wever stated that the JBCC Center should be removed as there is \$7,000 included in that budget for paving. He added that he agrees with Staff's suggestion to defer 3, 6, and 8 which intersect with FDOT construction work. Those streets deferred should be put on the top of the list for the next budget year if the construction work is complete.

Vice Mayor Wever questioned if the cost figure listed for Candlelight included getting dips and humps out, which Director of Public Works Pierce confirmed. Pierce advised that City crews will go in there ahead of time to do filling. Wever pointed out that the Moonlight cost area should include replacing guttering. City Manager Anderson stated there is a separate line item in the Public Works budget for drainage and he could bring back ideas to Council for use of those funds for drainage projects.

In response to Mayor Johnston's question, Pierce addressed those streets proposed for 1" overlay and those for 1 ½" overlay.

Discussion ensued regarding the proposed paving for the Elks' Club parking lot.

Motion:

Motion was made by Wever and seconded by Lewis to approve the list with deletion of JBCC item and 3, 6 and 8 be delayed to the top of the list for the next budget year. Motion carried 5-0.

Motion:

Motion was made by Wever and seconded by Lewis to allow Director of Public Works and City Manager to piggyback on County Contract for paving. Motion carried 5-0.

City Attorney - Appointment

Consideration of appointment of William B. Eppley, Esquire, as interim City Attorney at an hourly rate of \$150.00 and designate an effective date.

Motion:

Motion was made by Bernardini and seconded by Staib to approve appointment of William B. Eppley as interim City Attorney effective April 23rd. Motion carried 5-0.

Board Appointment

Appointment of member to Parks and Recreation Advisory Board to fill the unexpired four year term through August 31, 2001 due to board member resignation and consideration to include extension of appointment for additional four year term. Additional consideration to appoint replacement alternate member through 8/31/2003 is required if current Alternate appointed to full time vacant position.

Motion:

Motion was made by Staib and seconded by Lewis to appoint William Chatman to full time position for the unexpired term through August 31, 2003 on Parks and Recreation Advisory Board. Motion carried 5-0.

Motion:

Motion was made by Bernardini and seconded by Staib to approve appointment of Sharon Vickers to alternate position through August 31, 2005 on Parks and Recreation Advisory Board. Motion carried 5-0.

RMPK/Special Projects Consultant

Potential CDBG Economic Development Grant Application for infrastructure development for retail business that will benefit the frontage road project on S.R. 50 which closes 4/30/01.

Community Development Director advised that RMPK, hired to look into finding grant funds for the US 41 utility line extension project, has determined that the CDBG economic development grant would not be feasible for this project. However, this grant may be possible for a location on vacant property near Hardee's and the criteria of the grant ties in perfectly with a business that is proposing development. Geiger stated that staff is looking for direction of whether the consultant should proceed with this task order and possibility proceed with application for the grant.

Motion:

Motion was made by Staib and seconded by Bernardini to approve this task order.

In response to Vice Mayor Wever's question, Community Development Director Geiger confirmed that these funds can be used for road construction and utilities. Geiger stated that if the City decides to pursue this grant, RFP for final design of the project may be necessary. Geiger advised that the proposed development is a \$1.5 million structure.

Motion carried 5-0.

Staff Reports

a. Public Works Department

- Utility Line Extension - Cortez West of Cobb and Broad St. South of Cortez
- Wellfield Project - Status of negotiations with property owners/ negotiations with college

Director of Public Works Pierce advised that it is his understanding that the utility line extension project report will be presented by the consulting engineer at the next Council meeting.

Pierce advised that US 41 south extension to the fairgrounds is being reviewed and staff will be approving final design for submittal for permitting.

Regarding the wellfield project, Pierce advised that staff had met with property owners across the street from the college site. They are to get back with the City. Director of Public Works Pierce recommended waiting a reasonable period to see if the property owners are willing to work out a deal with the adjacent property to Mr. Burns.

Mayor Johnston offered his opinion that there may be some misinformation regarding the PHCC site consideration process and would be doing some research in an effort to dispel that if appropriate. Vice Mayor Wever suggested that the Mayor call PHCC President Judson to set up an appointment to meet with him. Council Member Lewis stated that he would like to see the City approach Mr. Burns regarding a potential mutual swap for the front footage for an easement for a larger back parcel.

Council Member Bernardini brought up for discussion properties in the area which may be considered for the wellfield site.

b. Community Development Department

- GNT/Koon Timber Harvest

Community Development Director Geiger reported that a formal claim has been filed and the City had not received a response to date.

CITIZEN'S INPUT

There was no citizen input.

ITEMS BY COUNCIL MEMBERS

JOE BERNARDINI, COUNCIL MEMBER

Tom Varn Park Kiddy Playground arsenic issue

Council Member Bernardini began by stating that he did a poll of 25 people who had all had heard of the issue through the newspaper, T.V. or other means. He stated that most felt there was no hazard but all felt that there should be some type of notice posted there regarding the condition that exists. Mr. Bernardini thought the notice could be in the form of a caution and not a warning and expressed his opinion that it would be a precautionary measure.

Mayor Johnston stated that he would not have a problem posting information at the park. Council Member Lewis agreed, stating the Health Department or EPA announcement could be used.

Staff was directed to prepare wording for Council consideration and the City Manager would distribute a draft after receiving responses from Council.

Change of Council Meeting Time

Council Member Bernardini felt that Council may want to consider holding their meetings at 7:30 p.m. There was no concurrence.

JOSEPH E. JOHNSTON, III, MAYOR

Feeder road - Chatman and Candlelight

Vice Mayor Wever brought up for discussion the Chatman to Candlelight feeder road alternative to a traffic light at Candlelight and 41 that was referenced by Council Member Lewis at the March 19, 2001 meeting. He stated that Coastal Engineering had provided him with a sketch of what they had done in 1989 on this concept. At that time, the owner of the property behind Golden Coral had indicated an interest in putting a road through there and tying it in to Candlelight Blvd. to bring the traffic from Candlelight to a traffic light. Wever suggested that Council consider that option. Council Member Lewis agreed, stating that staff could bring back a cost. Staff to approach FDOT in an effort to get them to pay for it.

The right-of-way needed from owners Coastal and Mr. Wilfong was discussed, along with the current condition of Chatman Blvd., which would need to be rebuilt.

MARY A. STAIB, COUNCIL MEMBER

Enrichment Center

Council Member Staib stated that she had attended an Enrichment Center ribbon cutting on March 20th. She advised that their branch in Brooksville would be next to Save-a-Lot.

Youth Runaway Shelter

Ms. Staib informed Council that she had gone to the March 21st tour of the Youth Runaway Shelter, which will be a beautiful facility once completed.

NAACP State of the Union Address

Council Member Staib advised that she had attended the NAACP State of the Union Address on March 26th which was very well presented. She stated that Hazel Land had approached her on the City's position on housing grants.

United Way Luncheon

On March 29th, Ms. Staib attended the United Way Luncheon at Silverthorn, which was a beautiful event.

JBCC Event

Council Member Staib reported that the JBCC Scottish/Irish Cultural night on March 29th was a wonderful event and wondered why more people did not attend. She advised that the next one is Italian Night in April.

RICHARD E. LEWIS, COUNCIL MEMBER

JBCC Event - Wild Turkey banquet

Council Member Lewis reported that the Wild Turkey Banquet at the JBCC will be held April 5th. He stated that he had discussed the possibility of getting some other banquets to be held at the JBCC.

Site for Hospital

Council Member Lewis suggested the possibility of swapping the Oaks of Brooksville site with the County for the Hospital property. He explained that the hospital property could be used for a showcase entrance into the City.

Vice Mayor Wever pointed out that the hospital property was donated to the County and Council may wish to ask them to donate it to the City. Mr. Lewis advised that a letter had been sent to the Chairman of the Commission in 1999 regarding that possibility and the City has not received a response. City Manager Anderson stated that staff had followed up on that and the County had decided to sell it for proceeds for the shelter.

Council Member Lewis advised that he had spoken to the City Manager about whether the County or SWFWMD would be interested in using it for a water retention area.

Out of Town

Council Member Lewis advised that he would be out of town for the April 16th Council Meeting.

JOSEPH E. JOHNSTON, III, MAYOR

Art Festival

In response to Mayor Johnston's question, Parks and Recreation Director Pugh replied that the art festival will be held at Tom Varn Park on Memorial Day Weekend.

Chamber of Conference Banquet

Mayor Johnston informed Council that he would be attending the Chamber's Honor Student Banquet on April 4th.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:05 p.m.

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REGULAR COUNCIL MEETING

APRIL 16, 2001 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini and Mary A. Staib, present. Also present were Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Tim Mossgrrove, Captain, Fire Department; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Boyce E. Tincher, Police Chief (7:30 p.m.). A member of the St. Pete Times (7:15 p.m.) was also in attendance.

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

CONSENT AGENDA

Minutes:

March 5, 2001

Surplus Property - Sanitation Division

Declare sanitation truck #447 surplus, offer for sale "as is" or approval to trade in towards purchase of front loader during fiscal year 00-01.

Urban and Community Forestry Grant

Approval for City Manager's execution of grant (as directed in Resolution 2000-21 approved 8/21/00).

Johnson v COB - Copy charges

Approval to pay \$94.25 for copies requested by Diana Johnson's Attorney, subject to reimbursement from insurance company. [Transfer from Reserve Contingencies to General Government Legal Services]

FEMA - Fire Service grant

Consideration of authorization to apply for grant for Firefighting Equipment - total cost \$15,000 (requested funds \$13,500, City Match \$1,500) and Personal Protective Gear - total costs \$10,000 (requested funds \$9,000, City Match \$1,000).

Vice Mayor Wever stated that the agenda request does not reflect the memo dated April 9, 2001 from the City Manager recommending that the solid waste vehicle be replaced and that bids be requested with and without trade-in of this truck and would request that approval of the Consent Agenda include that memo.

Motion:

Motion was made by Wever and seconded by Bernardini to approve the April 16, 2001 Consent Agenda with the notation that the Surplus Property request reflected in the memo dated April 9, 2001 from the City Manager be included. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - "Week of the Young Child"

Proclaiming the week of April 23 - 28, 2001 as "Week of the Young Child".

Mayor presented the proclamation to Charles Cook, Child Development Services.

REGULAR AGENDA

Resolution No. 2001-08 - Habitat for Humanity

Support of Habitat's low-income housing tax credit program.

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

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, CERTIFYING THAT HABITAT FOR HUMANITY OF HERNANDO COUNTY, INC.'S PROGRAM FOR THE CONSTRUCTION OF HOUSING FOR LOW-INCOME PERSONS IS CONSISTENT WITH LOCAL PLANS AND REGULATIONS.

There was no public input on the resolution.

Motion:

Motion was made by Staib and seconded by Bernardini to approve Resolution No. 2001-08.

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

Bernardini Aye

Staib Aye

Wever Aye

Johnston Aye

Evaluation of Engineering Proposals

Designation of evaluation committee for WAP and CDBG Engineering proposals.

City Clerk Phillips advised that Council is requested to determine whether Council will be reviewing and ranking or if Council would authorize the City Manager to appoint a selection committee.

Council Member Staib stated that she would support a selection committee that would consist of staff who are more versed in engineering and other matters. Mayor Johnston voiced his concurrence.

Vice Mayor Wever advised that he would prefer that Council do the reviewing and ranking themselves.

Council Member Bernardini questioned if Council would have final approval if the committee makes the recommendation. Referring to the policy, City Clerk Phillips stated that a technical review shall be performed on proposals in the following manner: A subjective ranking of bids by a majority of the elected officials or by persons selected by the body to act on their behalf. She explained that the committee would bring back the recommendations to Council and if Council is not in agreement with that, they can reject the proposals and start the process again. It was clarified by the City Attorney that only the evaluation process would have to start again.

Motion:

Motion was made by Wever to designate City Council to act as the selection review committee. Motion died for lack of a second.

Motion:

Motion was made by Staib and seconded by Bernardini to authorize the City Manager to appoint a qualified selection review committee. Motion carried 3-1, with Wever voting in opposition.

Board Appointment

a. Review of attendance records

b. Cemetery Advisory Committee - appointment of members to three positions for four year terms through 4/30/05.

Motion:

Motion was made by Bernardini and seconded by Staib to advise Vearlean Langley that she has been removed from the Housing Authority due to lack of attendance pursuant to City Policy. Motion carried 4-0.

Motion:

Motion was made by Staib and seconded by Bernardini to advise Kathy Redding that she has been removed from the Housing Authority due to lack of attendance pursuant to City Policy. Vice Mayor Wever stated that since she had verbally requested that she would like to continue as a Board Member, he would be willing to give her another chance. Motion carried 3-1 with Wever voting in opposition.

Motion:

Motion was made by Staib and seconded by Bernardini to appoint Doug Davis, David Merritt and Pat Brewer to the Brooksville Cemetery Advisory Board. Motion carried 4-0.

Posting of Notice at Tom Varn Park

Consideration of notice to park users regarding wood preservatives.

In review of the different picture depictions, Council Member Staib stated that she would prefer the drawing of hands washing with the language of "B" outlined on the City Manager's memo dated April 11, 2001. Option B is as follows:

The wood used to construct some of the picnic tables and playground equipment in the park was treated with a chemical preservative that should not be ingested.

Although we follow the manufacturers' recommendation of regularly resealing the lumber, the preservative may accumulate on railings and other surfaces, as well as in the ground under the equipment. As a precaution, unwrapped food should not be stored in direct contact with this pressure treated wood or on the ground. Please wash your hands before eating.

Motion:

Motion was made by Bernardini and seconded by Staib to approve the hand washing drawing with the language of Item B.

Vice Mayor Wever expressed his opposition, stating that the State Health Department notice is sufficient and

felt that to be comprehensive, the notice should say to be sure to wash arms, legs, cloths and everything.

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

Staff Report - Wellfield

a. Wellfield/WRWSA grant application

b. Proposed "Feeder" road, Candlelight Blvd. to Chatman Blvd.

Regarding the proposed feeder road from Candlelight to Chatman Blvd., Director of Public Works Pierce stated that Council permission is requested to formally contact parcel owners to see what can be worked out for land acquisition. He stated that the agenda material includes a cost estimate.

Council Member Staib voiced her support for option one, which would be to defer action pending MPO/DOT decisions and obtain agreement for right-of-way. Mayor Johnston recalled that initial discussions of this project included contacting the property owners for possible donation of land because it may enhance the value of their property.

Vice Mayor Wever reminded Council that this feeder road came about as an alternative to a traffic light at U.S. 41 and Candlelight. Community Development Director Geiger advised that the request from the City to the MPO was for their consideration of putting a traffic light at the intersection of Candlelight and S.R. 50 as it is almost certain that a light will not be approved for U.S. 41 and Candlelight. Geiger stated that if the FDOT through the MPO denies the request for the light at Candlelight and 50, FDOT may agree to assist in this feeder road alternative.

Vice Mayor Wever supported a letter being sent to the MPO requesting a light at Candlelight and U.S. 41, with the alternate suggestion being a request for assistance in the construction of the feeder road. Mayor Johnston agreed that another letter could be written to the MPO relaying this request.

Council Member Bernardini suggested that a letter be sent to the affected property owners advising them that the City is looking at the feasibility of this project. Mayor Johnston and Council Member Staib voiced their agreement. Vice Mayor Wever recommended that the letter request that they provide their comments.

Vice Mayor Wever further voiced his support that the City do a traffic count on both ends of Candlelight Boulevard. City Manager Anderson indicated that the staff could do that if desired. There was no Council concurrence.

Director of Public Works Pierce discussed the wellfield project, stating that he has contacted property owners Burns and Hunter, in addition to 10 other property owners on north side of town. He recommended that action be deferred until staff receives a response back from the property owners before pursuing the Burns and Hunter properties as they are lower than what he is comfortable with which would add significantly to the cost of the tower. At the last Council meeting in May, staff could pull together accurate cost estimates of the PHCC site and a cost evaluation of other sites.

Pierce added that staff would like Council authorization to reapply for the WRWSA grant for the Hope Hill site.

Motion:

Motion was made by Bernardini and seconded by Wever to approve reapplying for the WRWSA grant for the Hope Hill site. Wever encouraged staff to be aware of the time table involved for the grant deadline. Motion carried 4-0.

Mayor Johnston stated that he has been reviewing various minutes and documents regarding the ongoing discussions between the City and PHCC on the potential wellfield site. He stated that it started out as a gentleman's understanding with the City then drawing up an agreement. From that point on, various things got added. There is nothing in the minutes reflecting that Council agreed to these various positions taken by PHCC. In fact, it was offered as a proposed agreement and did not request that they negotiate the terms. There are no minutes to reflect that a member of Council or that the City's consultant were directed to negotiate on behalf of Council.

Vice Mayor Wever questioned whether Coastal Engineering's consultant agreement included their ability to negotiate a wellfield agreement.

CITIZEN'S INPUT

Fire District/Township 22

Anna Covell came forward to state that she is very satisfied with the City fire service and does not want the County to take the City Fire Department as has been discussed recently by the County Commission.

Fire Department Captain Tim Mossgrove advised that they had been receiving calls at the Fire Department and wanted City Council to be aware that the citizens of Township 22 are concerned about the possibility of the County taking over the City's fire district.

Dennis Wilfong, Sr., voiced his appreciation to the Brooksville Fire Department and was opposed to the County's consideration of this proposal.

Candlelight Boulevard

Keith Schenck, Candlelight resident, voiced their Homeowner's Association's opposition to a feeder road from Chatman to Candlelight if it would serve as a short cut from 41 to 50, allowing cars to go faster. He stated that they would like to support the idea of a traffic count and added that the condition of Candlelight Blvd. is deplorable. Mr. Shank added that he appreciates the recent traffic enforcement efforts of the Police Chief and his officers.

Mayor Johnston stated that the purpose of the feeder road would not be to make a faster way to travel on Candlelight, but a safer way to get to a light.

Appreciation of Brooksville

City resident and Parks and Recreation Director Pugh stated that he had spoken to many family and friends in Tampa over the weekend and heard many compliments about how beautiful and charming Brooksville is.

Tanglewood Apartments

The owner of Tanglewood Apartments came forward to compliment the City Police and Sheriff's Department on the cooperative enforcement and clean-up efforts made in the area of Tanglewood Apartments, along with support from churches and residents. He stated, however, that this has to be an everyday combined effort.

Fire District/Township 22

City Resident and City Attorney Robert Battista offered his opinion that the only way the City would be able to keep District 22 would be through a public relations campaign rather than working with the County.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Fire District/Township 22

Council Member Staib voiced her surprise that the issue of District 22 was being brought up again and added that she is very much against the County taking over that fire district.

In response to Council Member Staib's question, City Clerk Phillips responded that she did believe that they had a copy of that contract or agreement with the County.

Code Enforcement - Abandoned Trailer

Council Member Staib stated that the abandoned trailer on McIntyre Road was red tagged and turned over to County Development Department Director Grant Tolbert and County Planning Department Director Larry Jennings but she has not heard the status of that.

Heritage Museum

Council Member Staib advised that the Heritage Museum needs volunteers for their box car construction project.

Billboards

Council Member Staib called attention to a letter from the FLC marked "urgent" asking for the City to exempt certain billboard regulations. City Manager Anderson stated that staff has been talking to one of the sponsors of the bill, Representative Russell, and has relayed their concerns. Ms. Staib felt that the Speakers and Governor should be made aware of their position as well. Vice Mayor Wever felt that the City's existing sign code ordinance has necessary provisions. Mayor Johnston stated that the billboards being proposed to be banned are those involving an amortization schedule, which is not included in the City Ordinance. The City's ordinance states that if the billboard falls down, it cannot be replaced.

E.E. WEVER, JR., VICE MAYOR

Legislative Action Day

Vice Mayor Wever informed Council that he had attended the FLC Legislative Action Day on April 4th and that it was almost impossible to see any of the legislators. He felt that the best thing to do is to visit the legislators before they go up there and in the fall. He reminded Council that the SLM would be having a dinner in the fall in honor of the legislators. He did state that there were plans for a Growth Management Bill to include provisions to ease annexation requirements of municipalities but that those provisions were not included once it was past committee.

Census Information

Vice Mayor Wever brought up for discussion the recent census report for the City of Brooksville. Community Development Director Geiger stated that he had not received official notification from the Census Bureau but are working with the County on any specific areas that may have had count declines to see whether there was any logic to it. Vice Mayor Wever stated that staff needs to work on it as it will have a negative effect on revenue sharing.

Legislation for water and wastewater utilities

Vice Mayor Wever requested that staff look into Senate Bill 1614 and House Bill 3589 regarding state funds for water and wastewater utility needs.

Heart of Florida

Vice Mayor Wever reminded Council that the City of Brooksville would be hosting the Heart of Florida's monthly meeting on April 19th at the JBCC and that the FYCC would be doing the presentation.

Fire District/Township 22

Vice Mayor Wever suggested making a counter offer to the County for the City to take over the new area and get the County to build the fire station and the City could equip and man it and add that area serviced by Township 22. City Manager Anderson stated that if Council wished, staff could look into that.

Council Member Bernardini stated that the City has an excellent fire department with excellent ratings and felt that the City should have an area to service that would fall within the rated response time. City Manager Anderson stated that those observations could be made to the County.

Traffic Calming Devices

Vice Mayor Wever advised that he received a copy of the Judges' ruling on the suit against the City of Sarasota on speed calming devices and felt that Council should review that. He felt that the City of Sarasota won the suit but not the war because the Judge said that FDOT could still come in and tell them to take them out. He suggested that perhaps a letter should be written to FDOT to get their opinion. Wever explained that the Florida Statutes says that Cities and Counties must follow FDOT guidelines in building their streets.

City Manager Anderson offered that there is supposed to be an amendment on speed calming devices and speed humps to a transportation bill during this legislative cycle. Vice Mayor Wever stated that he had mentioned the bill to Representative Russell in hopes that he would support it.

JOE BERNARDINI, COUNCIL MEMBER

Commendation to Police Department

Council Member Bernardini expressed his thanks to the Chief of Police for recent actions on drug and speed enforcement within the City and added that Chief Tincher's staff are doing the best they can. He stated that he does not see the individuals hanging around where they normally do. He added that he is glad to see enforcement in Candlelight. He informed Council that he had spoken to the City Manager about the possibility of installing decorative cross-walks in Candlelight.

Fire District/Township 22

Council Member Bernardini stated that he does not know the County's position on the issue other than what is reported in the newspaper and would be willing to look at it with an open mind.

Annexation of rights-of-ways

In response to Bernardini's question on the status of the County's response on the annexation of rights-of-ways for public safety purposes, Community Development Director Geiger stated that he had met with County staff directly. The County has indicated that they want the City to meet with Sheriff Nugent and then take it back to the County Commission for action.

ROBERT B. BATTISTA, CITY ATTORNEY

Last Meeting As City Attorney

City Attorney Battista reported that this would be his last meeting as City Attorney. He thanked Council for allowing him to provide their legal service over the last six years and felt that the City had done many good things since he had been serving in that capacity.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

City Attorney position

City Clerk Phillips advised that they had been receiving resumes for the City Attorney position and that they are available in the City Clerk's office for review at any time.

Great Floridian Celebration

City Clerk Phillips advised that the City, Chamber, Tourist Development Council, Heritage Museum, Brooksville Again and the County are making plans for a Brooksville Birthday celebration combined with a ceremony for the Great Floridian plaque unveilings. She stated that it is currently scheduled for October 26, 2001.

JOSEPH E. JOHNSTON, III, MAYOR

Legislative Action Day

Mayor Johnston voiced his concurrence with Vice Mayor Wever that it is hard to get to speak to a legislator during the legislation cycle.

Fire District/Township 22

Mayor Johnston stated that he agrees with Ms. Covell that this issue is a money issue for the County and stated that he has not heard of a soul that is not satisfied with the City's fire services and that to do this would be against the wishes of all the citizens. The people in Township 22 need to let the Commissioners know that they want to keep District 22 within the City's control.

Appreciation to outgoing City Attorney

Mayor Johnston presented a plaque to City Attorney Battista for his years of service to the City.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:29 p.m.

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

May 21, 2001 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, E.E. Wever, Jr., Vice Mayor, and Council Members Richard Lewis and Mary A. Staib, present. Also present were William B. Eppley, Interim, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Boyce E. Tincher, Police Chief. A member of the St. Pete Times (7:10 p.m.) was also in attendance.

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

Mayor Johnston advised that approval for a Local Law Enforcement Block Grant needed to be added to the agenda.

Motion:

Motion was made by Lewis and seconded by Staib to add the Local Law Enforcement Block Grant to the agenda. Motion carried 5-0.

CONSENT AGENDA

Minutes:

April 16, 2001

Motion:

Motion was made by Lewis and seconded by Wever to approve the May 21, 2001 Consent Agenda. Motion carried 4-0.

REGULAR AGENDA

Award of Bid - City Hall Exterior Painting

Consideration of award to low bidder meeting specifications; Olympic Painting Contractors, for \$5,715 (budgeted in Account No. 001-009-510-62-00).

Motion:

Motion was made by Staib and seconded by Lewis to award the bid to Olympic Painting Contractors for \$5,715.00. Motion carried 4-0.

WAP/CDBG Engineering Proposals

Consideration of waiving irregularities.

Director of Administration Phillips advised that there were a few inconsistencies or irregularities on some of the proposals, but that the firms could be asked to correct the forms as per the evaluation policy. She added however, that the requirement for the minimum number of pages would be harder to monitor in that the proposals would not be altered materially so the committee was recommending that this requirement be waived.

Vice Mayor Wever stated that he did not agree with the minimum number of pages requirement. He added that he also does not agree with waiving irregularities or extending the deadline to allow submittal.

Council Member Lewis stated that although he does not see a problem with waiving the number of pages requirement, he did have concern with the firms not being able to follow directions. It was pointed out that two firms did not pick up a bid packet so consequently they did not submit the proper forms. Mr. Lewis felt that the advertisement should state "packet is required for submittal".

Motion:

Motion was made by Staib and seconded by Lewis to approve Option A as reflected on the May 17th memo from the Director of Administration, as follows: Determine the requirements were not material and/or were technicalities; waive them; and authorize the Selection Review Committee to review and evaluate based on the merits of the information provided in the RFP. Motion carried 3-1 with Wever voting in opposition. Phillips indicated that she would call and fax each firm regarding the needed information.

Award of Bid - City Hall Fire/Security Alarm System

Consideration of award to low bidder meeting specifications for Alternate III (Enhanced Fire Alarm With Security System) to Siemens Building Technologies, for \$11,257, and an annual monitoring fee of \$630.00 payable monthly, for a total of \$11,887 budgeted in Account No. 001-009-510-62-00.

Motion:

Motion was made by Staib and seconded by Lewis to award to low bidder meeting specifications for Alternate III (Enhanced Fire Alarm With Security System) to Siemens Building Technologies, for \$11,257, and an annual monitoring fee of \$630.00 payable monthly, for a total of \$11,887.

Police Chief Tincher stated that it may be an option to utilize the monitoring system at the Police Department. City Manager Anderson explained that it is proposed in this manner the first year because there is equipment needed to monitor on the other end, which the City would have to acquire. Staff had determined that some time during the year there would be an opportunity to see how satisfied staff is with the monitoring system and to see what equipment is necessary to start taking it over.

It was pointed out the motion is to install the system in City Hall and the fee is to monitor it per month. Council Member Lewis asked if it was possible for the City to have this system installed for this price and have the City do the monitoring. Anderson stated that Council could award the security system bid but defer the monitoring until the next meeting. Staff to bring back a price to install.

In response to Council Member Staib's question, City Manager Anderson stated that it could take 90 days to install.

Motion and second were modified to award the security system bid but defer the monitoring until the next meeting.

Vice Mayor Wever stated that he disagreed with the need for a security alarm. Director of Administration advised that it was to be utilized for monitoring the building and artwork for entry intrusion only.

Motion carried 4-0.

Brooksville Mural Society

Downtown mural project status report.

Committee Chairman, Mary Alice Quieros, explained the incorporation of the of the Mural Society and its members and reported on the progress of the project. She went over the sponsors that they already have at this point and the advertising that is being used to generate interest. Many things they have or will be doing are development of committee buttons, letterhead, website, logo, as well as applying for grants, developing guidelines, proposing sketches and opening a bank account. Brooksville Again has indicated that they will be making a donation. Committee Chairman Quieros personally donated \$1,000 and Beverly Lewis gave \$50.00 to the Mural Society that she had received from the City as reimbursement for gas when she drove the committee to Lake Placid to review murals.

Public Works - Status of projects

a. U.S. 41/S.R. 50 - FDOT negotiations regarding City responsibility for contractor's claim for additional compensation.

b. Northwest wellfield - site negotiations

Regarding the FDOT negotiations, Director of Public Works Pierce stated that the contractor made a \$1.6 million dollar settlement offer. After Pierce indicated it was not acceptable, the settlement price was then lowered to \$857,000. Most recently, the amount of \$256,500 was discussed and Pierce advised he would bring it forward to Council for consideration. He added that included in the settlement is an amount of 155 days of compensable delay at \$4,500 per day and although he could continue to have URS Griner research this further, he was not optimistic that the amount of compensable days would be lower. He added that he would be providing an analysis of the JPA funds at the first meeting in June.

In response to a inquiry from Council Member Lewis, Director of Public Works Pierce stated that he has checked carefully for documentation that says "not to put sewer laterals on the prints" but has found none. Mayor Johnston recalled that the direction came verbally from a FDOT meeting in Tampa.

Discussing the northwest wellfield project, Pierce advised that he has written to 14 parcel owners over the past few months. The Burns and Hunter parcels would have to be purchased together. Other parcels probably are not an option considering the costs involved. He stated that after comparing the costs of going out and buying property with the cost items requested by the college, he would recommend proceeding with PHCC site.

Mayor Johnston stated that he still has a problem with not owning the PHCC site, to which Lewis agreed.

Council discussed the elevation of the properties involved and the possibility of different sites such as the property north of the PHCC site belonging to Judge Merritt and the old landfill site on Cheyanne Pass. The property for sale at the corner of Yontz and US 98 was discussed and Council Member Lewis suggested contacting the real estate agent to see what they are asking for it.

Director of Public Works Pierce offered an option of abandoning this project or putting an ad in the newspaper for potential property. Council Member Lewis stated that along with an advertisement, staff could work with a broker to find a suitable piece of property, which Anderson agreed could be done. Mayor Johnston stated that he would contact a couple of brokers to see if they would be interested in handling this.

Law enforcement grant application (ADDED TO AGENDA)

Mayor Johnston stated that he believes there is a match of \$3,465. City Clerk Phillips added that the grant is \$13,860 for a total project cost of \$17,325. Mayor Johnston advised that this agenda request is for authorization of submittal of the application, not for acceptance of the grant.

Chief Tincher stated that there is a time deadline in June. He reviewed the source of the match which can be handled in the existing police budget without going into contingencies.

Motion:

Motion was made by Lewis and seconded by Staib to submit the application for funding assistance from the Florida Department of Law Enforcement. Motion carried 4-0.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

E.E. WEVER, JR., VICE MAYOR

Heart League Meeting in October, 2001

Vice Mayor Wever advised the Heart of Florida League is planning a meeting in Inverness in October to discuss international trade. When the notice of the meeting is released, there will only be space availability for 20 elected officials, so Council Members will need to respond ASAP if they are interesting in attending.

SLM Mini-Conference

Vice Mayor Wever reminded Council that the mini-conference will be held June 1, 2 and 3 At the Plantation Inn at Crystal River.

WRWSA

Vice Mayor Wever informed Council that he had recently attended a trip with the WRWSA to Tampa Bay Water Authority. Included in discussion items was the Hillsborough County lawsuit to stop the desalinization plant. Mr. Wever advised that he had spoken to the WRWSA director about the possibility of organizing to control the water in this area and will keep Council advised accordingly.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Funeral Arrangements - Richard Terry

City Clerk Phillips advised that the funeral for Richard Terry would be Friday, May 25th at 10:00 A.M. at Merritt Funeral Home in Spring Hill with the interment immediately following at the Brooksville Cemetery.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 7:59 p.m.

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

JUNE 4, 2001 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were William B. Eppley, Interim City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Boyce E. Tincher, Police Chief. A member of the St. Pete times (7:30 p.m.) was also in attendance.

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

CONSENT AGENDA

Minutes:

May 7, 2001

DCA - 2001 Federal Anti-Drug Abuse Act Grant [Revision to Previous Council Action]

Confirming approval of 2001 Federal Anti-Drug Abuse Act Grant Fund Allocation and authorizing letter of approval for distribution of Hernando County program funds and adjusting City's match.

(City Grant Donation \$13,860 + City match of \$4,621 = \$18,481 total project cost)

CDBG Citizen's Advisory Task Force

Consideration of appointment of replacement member Dr. Sharon Vickers.

Director of Administration Phillips called attention to a correction to a motion on page 5 of the minutes. Vice Mayor Wever also pointed out a correction needed on page 8, stating that the letter referenced in the USDA issue was from the Bond Counsel and not USDA.

Motion:

Motion was made by Lewis and seconded by Staib to approve the June 4, 2001 Consent agenda with changes to the minutes as noted. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret Ghiotto Beautification Award

Recognition of improvements made to the residence located at 701 Museum Court owned by Troy and Kathi Lamoureux.

Mayor presented the certificate and plaque to Mr. and Mrs. Lamoureux.

REGULAR AGENDA

Ordinance No. 616 - Zoning Map/Adoption of "Digital Electronic" Version & Policy No. 1-2001

Consideration of ordinance adopting digital electronic file version of the zoning map, together with official policy for maintenance of the map.

Community Development Director Geiger explained that this request is to ensure maintenance of accurate zoning map records. He advised that staff has worked with the County Planning Department to come up with an electronic version and zoning atlas.

To meet quasi-judicial land use requirements, in response to the City Clerk's question, there was no one present to be sworn in to speak on the issue.

City Clerk Phillips read Ordinance No. 616 by headnote only, as follows:

AN ORDINANCE ADOPTING A DIGITAL ELECTRONIC FILE VERSION OF THE CITY OF BROOKSVILLE'S ZONING MAP AS THE OFFICIAL ZONING MAP OF THE CITY OF BROOKSVILLE, FLORIDA.

Each Council Member indicated that they had received no ex-parte communication regarding this ordinance.

Motion:

Motion was made by Staib and seconded by Lewis to approve First Reading of Ordinance No. 616.

Council Member Bernardini questioned if any properties were found that were not zoned the way staff thought they were zoned. Community Development Director Geiger stated that the zoning was put together without any changes being made to it. He stated that there are properties that are assigned with tentative zoning designations that are awaiting the next comprehensive amendment.

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

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

The Second and Final Reading would be held June 18, 2001.

****Ordinance Nos. 617 & 618 - Annexation and Zoning - 9021 McIntyre Road: Petitioner - James Carlson**

a. Annexation Ordinance No. 617

Consideration of Request for Annexation (to be effective ten (10) days after adoption on final reading).

Community Development Director Geiger stated that this is a voluntary annexation with a commercial zoning designation of C-2.

In response to the City Clerk's question, there was no one present to be sworn in to speak on the issue.

City Clerk Phillips read Ordinance No. 617 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Council Member Lewis questioned if any kind of utility agreement would be signed with this annexation. Vice Mayor Wever advised that per the bond resolution, the property has to be connected to City water and sewer.

Each Council Member indicated that they had received no ex-parte communication regarding this ordinance.

Motion:

Motion was made by Staib and seconded by Bernardini to approve First Reading of Ordinance No. 617. Upon roll call, motion carried 5-0, as follows:

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

Second and Final Reading would be June 18, 2001.

Zoning Ordinance No. 618

Consideration of C-2 Commercial Zoning (to be effective upon adoption of an amendment to the Future Land Use Element of the Comprehensive Plan)

In response to the City Clerk's question, there was no one present to be sworn in to speak on the issue.

City Clerk Phillips read Ordinance No. 618 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN BEING ANNEXED INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR DRAINAGE STIPULATIONS THERETO; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Lewis and seconded by Staib to approve First Reading of Ordinance No. 618.

Each Council Member indicated that they had received no ex-parte communication regarding this ordinance.

Geiger confirmed Mayor Johnston's statement that a comprehensive plan amendment will be required to actually effectuate this zoning designation. Mayor Johnston questioned the effective date if the City does not have the authority to do this until the comp plan is amended. City Manager Anderson stated that the ordinance is adopted through action by Council, but the zoning is tentative, which Geiger stated is clarified in the ordinance.

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

Staib Aye

Bernardini Aye

Lewis Aye

Wever Aye

Johnston Aye

Second and Final Reading will be June 18, 2001.

Ordinance No. 619 - Frontage Road Standards

Consideration of proposed requirements and standards for frontage roads.

The Community Development Director stated that this ordinance is presented after Council's authorization at the May 7th meeting to put together a frontage road standard to bring back to Council for consideration. This is also being presented in conjunction with a CDBG Economic Development grant application.

City Clerk Phillips read Ordinance No. 619 by headnote only as follows:

AN ORDINANCE REQUIRING DEVELOPERS OF PROPERTY ADJACENT TO THE CITY OF BROOKSVILLE'S ARTERIAL HIGHWAY GRID TO PROVIDE FOR THE FUNDING AND CONSTRUCTION OF FRONTAGE ROADS UPON DEMONSTRATION OF NEED AND DEMAND BY THE CITY; AMENDING SCHEDULE "F" OF THE CITY'S LAND USE/ZONING REGULATIONS TO PROVIDE FOR BUILDING SETBACK AND EXCEPTIONS TO THE APPLICATION OF FRONTAGE ROAD STANDARDS ALONG ARTERIAL HIGHWAYS; PROVIDING FOR PERMITTING; PROVIDING FOR MAINTENANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEALS; PROVIDING A SEVERANCE AND LEGAL VENUE CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE

There was no citizen's input.

Motion:

Motion was made by Staib and seconded by Wever to approve First Reading of Ordinance No. 619. Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Second and Final Reading June 18, 2001.

Resolution No. 2001-09 - Court System Relocation

Consideration of Resolution opposing relocation of part or all of Court System from the Hernando County Court House.

City Clerk Phillips read Resolution No. 2001-09 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA REQUESTING THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS SUPPORT IN RETAINING ALL GOVERNMENTAL SERVICES WHICH ARE CONSIDERED CROSS-OVER SERVICES FOR THE GENERAL PUBLIC AT THE COUNTY COURTHOUSE/GOVERNMENT CENTER.

There was no input from the public.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve Resolution No. 2001-09.

Interim City Attorney stated that he does not believe that the County has given any thought as to the economic impact this will have on this community.

Motion carried 5-0, as follows:

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

Council Member Bernardini stated that he would like to move agenda item 10-a to this part of the agenda.

U.S. 41/S.R. 50 - Consideration of settlement amount from FDOT negotiations regarding City responsibility for contractor's claim for additional compensation.

Director of Public Works Pierce stated he would like to get approval to pay up to the settled amount at a future date contingent to a sit down meeting with the FDOT District Secretary or the Director of Operations. He stated that the contractor is willing to settle for \$256,500 which is what they feel is the City's share of a \$857,000 claim.

Pierce went on to relate that the City's consulting engineer, Coastal Engineering, has spent considerable time at FDOT headquarters looking through the files. Coastal has found some information that he would like to present at a meeting with FDOT which may mitigate the City's involvement.

He referred to the settlement letter, which was compiled at a meeting with FDOT and Smith and Co with the City or Coastal not being there. The second page of the letter includes a number of issues that could have been a problem for the City. He stated that he does agree with the 1st page of the agreement on the cost of the dropped man holes and the additional pavement repairs.

Len Tria, Coastal Engineering, stated that he believes FDOT has substantial documentation in their utility coordination file regarding the laterals. He stated that contractors had written letters during the bidding process asking questions about the laterals. He has not found any return correspondence from those type of questions but he is researching further. He added that all bidders should have gotten a copy to any specific question raised by a contractor. In response to Council Member Lewis' question, Mr. Tria [APPROVED 7/16/01 _____] stated that he is in the process of obtaining a list of all the contractors.

Vice Mayor Wever questioned if Smith and Co. tried to throw out bids through the bid dispute process, which

Director of Public Works Pierce confirmed was attempted through a bid dispute.

Council Member Bernardini stated that he is appalled at the money this is costing the citizens of Brooksville.

Mayor Johnston authorized staff to continue their discussions with FDOT with a status report being brought back at the next meeting.

RFP #CC2001-02 - CDBG Engineering Services - Downtown Revitalization

Consideration of award of CDBG Engineering Services Project to Berryman & Henigar based on Screening Committee Evaluation & Ranking.

City Clerk reported on the rankings of the CDBG engineering services selection review committee.

Motion:

Motion was made by Bernardini and seconded by Staib to award the CDBG Engineering Services Project to Berryman & Henigar.

Vice Mayor Wever stated that he does not agree with extending the time limit on submittals of proposals.

Motion carried 5-0.

RFP #CC2001-03 - Water Advisory Panel (WAP) Engineering Services - Neighborhood Sewer Rehabilitation Facilities Plan

Consideration of award of WAP Engineering Services Project to URS/Coastal Engineering based on Screening Committee Evaluation & Ranking.

Phillips reported on the Selection Ranking Committee's review.

Motion:

Motion was made by Lewis and seconded by Staib to award the WAP Engineering Services Project to URS/Coastal Engineering.

Council Member Bernardini stated that he had a question on the ranking done by Mark Brewer of Brewer and Associates, which was clarified by the Community Development Director.

Motion carried 5-0.

Residential Street Design

a. Consideration of proposed Neighborhood Traffic Management Program Policy No. 2-2001 (alternate residential street design policy)

City Manager Anderson stated that the draft policy before Council has been compiled from other cities. One question that has arisen is who is going to pay for the speed ramps, bumps, ridges, etc. He stated that it is being presented to Council for direction.

Interim City Attorney Eppley expressed his opinion that the funds could come out of the road maintenance or general fund because it is a private function. The City is liable for maintenance and design of the streets and for making them safe. Nothing about this proposal should make streets unsafe. Mayor Johnston stated that one of the tests that has to be met is whether the design, if used in the manner it is supposed to be used, is

safe and, if so, that should limit liability.

Council Member Bernardini stated that it was his understanding that this Candlelight area project would be a pilot project. He expressed his opinion that this draft policy is very cumbersome. He questioned if a temporary policy could be implemented on a trial basis. Mayor Johnston felt liability would increase if there is no adopted policy. Council Member Lewis agreed, adding that it would be easier to institute a policy and then come back and fine tune it. He felt that Council may want to wait until the new City Attorney has had a chance to review it.

Vice Mayor Wever discussed the program that is being implemented by the St. Petersburg City Council and advised that they may require property owners to pay for this and they are currently developing an actual policy for adoption. Vice Mayor Wever stated, however, that he has a problem with how St. Pete is getting around the Florida Statutes by analyzing the streets to see if the engineering conforms to the desired speed and felt that the City may want to get an opinion from the City's attorney.

City Manager Anderson advised that a lot of these steps included in the draft policy come from the City of St. Pete. Interim City Attorney Eppley voiced his viewpoint that it would not need to be this in-depth and recommended adopting a policy to attempt to control speed in certain areas with design standards compiled based on some speed and traffic formula.

Mr. Anderson stated that this draft policy was presented as information and is written as something that is initiated by the residents of the area. Alternatively, the City Council could direct staff to initiate engineering and other studies, and, if warranted, construct modifications that might be appropriate.

Director of Public Works Pierce stated that staff has determined potential locations which will be spray painted on the pavement to get comments back from the residents with Council's approval.

Motion:

Motion was made by Bernardini and seconded by Lewis to allow staff to continue with the design element and criteria prior to installation of traffic calming devices, including painting the road and meeting with property owners to get their approval and bring the policy back for formal adoption.

Director of Public Works Pierce stated that he would like to have written letters from some percentage of the homeowners. He explained that he would not want to go through this process then find there are more that do not want it. He added that he would like the requirement of a formal traffic study deleted from the policy.

Vice Mayor Wever clarified that the Manager will be authorized to compile a condensed policy subject to the City Attorney's approval.

Council Member Bernardini suggested that staff meet with the Homeowner's Association and let them do the footwork. City Manager Anderson agreed but felt that there would need to be limitations.

Keith Shank, President of Homeowner's Association, expressed concern about the draft policy and requested that City Council adopt a policy at the next meeting. He further requested that they be provided a copy beforehand to review.

Motion carried 5-0.

b. Proposed Neighborhood Watch Program Status Report

Chief Tincher stated that one problem that may occur is the inability to capture a tag number. Another question is if the City will use City residents or County residents. Council Member Bernardini expressed his

desire that City residents be used at this time. Council Member Staib expressed her concern that it may pit neighbor against neighbor. Tincher stated that he would also worry about those people out there that do not like police officers. He stated that if Council wants to start this, training can start next week when the City receives applications for volunteers.

Council Member Lewis questioned the possibility of each volunteer signing a waiver, which Chief Tincher stated would need to be developed.

Motion:

Motion was made by Bernardini and seconded by Lewis to proceed with the pilot program and begin with the education process with the Candlelight Homeowner's Association. City Clerk Phillips asked for clarification that at this time, the volunteer program would be only use Candlelight Residents for pilot program, which was confirmed by Council.

Council Member Lewis stated that he would also like to see the use of the speed wagon as a source of signage. Chief Tincher stated that they will have to determine what works best and whether the use of signs may jeopardize a true measure of speed.

Motion carried 5-0.

Brooksville Housing Authority (BHA) Member

Consideration of rescinding prior removal action and reinstating Kathy Redding to the BHA due to misinformation regarding lack of attendance and unexcused absences.

Motion:

Motion was made by Bernardini and seconded by Staib to rescind prior removal and reinstate Kathy Redding to the Brooksville Housing Authority.

Mayor Johnston expressed his concern about the lack of attendance by board members and felt that, regardless of whether that absence is excused or not excused, it should be addressed by Council. It was Council's desire to send a letter to all the Boards encouraging attendance of their board members and the importance of excusing or unexcusing absences. City Manager Anderson suggested that the Board may need to excuse an absence instead of the chairman.

Motion carried 5-0.

Founders Day Program - Status Report

Status report on preliminary plans for celebration to commemorate "Great Floridians" and recognize City's history.

Director of Administration Phillips went over plans for the October 6, 2001 Founders Day Program and week-long festivities.

Motion:

Motion was made by Bernardini and seconded by Wever to proceed with the plans as presented. Motion carried 5-0.

Public Works - Status of projects

a. U.S. 41/S.R. 50 - Consideration of settlement amount from FDOT negotiations regarding City responsibility for contractor's claim for additional compensation.

b. Candlelight/Chatman Feeder Road.

Regarding the Candlelight/Chatman Blvd. Feeder Road, Community Development Director Geiger stated that 2 of the 3 affected property owners were at a recent meeting regarding the proposal. The third was not in attendance, but was sent a letter. Geiger stated that the property owners expressed a willingness to work with the City in providing the right-of-way at perhaps a market value price. Wever added that the idea is that once the third property owner responds, another meeting will be held.

In response to Council Member Bernardini's question, City Manager Anderson confirmed that a letter had been sent to the Brooksville Nursing Manor.

CITIZEN'S INPUT

There was no citizen's input.

A break was called at 9:04 p.m.

ITEMS BY COUNCIL MEMBERS

E. E. Wever, Jr., Vice Mayor - Bond Refunding

a. USDA/RD Review of City's requests regarding Bond Refunding, issuance of 1999 Series C Bonds, use of remaining proceeds from 1999 A&B Bonds and related projects.

Vice Mayor Wever began by reminding Council that in 1998 there was uncertainty about finances on the new sewer plant construction and the related lift stations and connections, along with the FDOT money needed. A commitment was made to USDA **for the City [APPROVED 7/16/01 _____]** to put \$1.5 million into the plant, which did not leave any money to do the FDOT projects and the City had to borrow money on a line of credit. A meeting was held with USDA officials to work out a plan for the release of the \$1.5 million, and USDA gave the City another \$1 million line of credit.

At this point, Mr. Wever updated Council on a recent meeting held with USDA and the topics which were discussed, including the priority list that Council had approved for the use of the remaining grant monies. Mr. Wever provided a summary of the list as agreed to by Glenn Waldron of USDA, however, he requested that a letter be sent to Mr. Waldron detailing the outcome of the Council meeting and request confirmation.

Mr. Wever asked for Council approval of the following list of capital projects which had been approved by Mr. Waldron for use of the remaining monies for Phase I:

Demolition - School Street

Demolition - Damac Lift Station

Demolition - Quarry Lift Station

Install new chemical tank for odor control

Purchase new sludge site

Purchase new plant operator truck

Purchase new sludge hauling truck

The Vice Mayor asked the Director of Public Works to get cost figures to send to USDA.

Motion:

Motion was made by Lewis and seconded by Staib to approve the above list submitted by Vice Mayor Wever.

Council Member Bernardini questioned how Council can approve this list without knowing the cost for the trucks. Director of Public Works Pierce expressed his opinion that the City's current sludge hauling equipment can last a few more years. It was suggested that USDA could be asked if the actual purchase of the truck be deferred for a few years.

Interim City Attorney expressed concern on the approval of the use of monies for trucks when Council has not bid out for them. He further questioned if Council was properly exercising their authority making decisions based on a verbal meeting with USDA and without having input from the Director of Finance or the City Manager.

Council Member Bernardini requested that the purchase of the trucks come back to Council for approval at the appropriate time, to which Anderson agreed.

City Manager Anderson stated that Council may want to approve the approach and allow staff to bring back a list of capital projects.

Vice Mayor Wever clarified that the list up to the \$93,000 amount be approved and sent to USDA with the options for the remaining money to be brought back to Council, which the motion and second were amended to reflect.

Motion carried 5-0.

Regarding Phase II, the following was approved by Mr. Waldron for the use of the remaining funds:

Cost for new sewer main to fairgrounds

Cost of right-of-way for sewer main to fairgrounds

Vice Mayor Wever brought up for discussion the City's ability to provide service to the potential hospital site location and the possibility of buying property instead of easements so that the property would be contiguous to the City limits for future annexation.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve the proposed capital projects for the remaining funds for Phase II. Motion carried 5-0.

Vice Mayor Wever began a discussion on the 1988 and 1992 bonds and the possibility of refinancing same, which Waldron suggested issuing new bonds to be the same as a first mortgage on the revenues of the Department. USDA may then consider lending more money as a second lien or mortgage behind the total debt. He stated that Bank of America had provided the lowest cost estimate for this. Also necessary would be City Attorney and Bond Counsel fees. Mr. Wever advised that this will save the City over \$1 million in interest expense through the next 17 years. Vice Mayor Wever requested authorization to work with the City Manager to negotiate the refunding subject to Council approval and then subject to USDA approval. Interim

City Attorney expressed his opinion that Council should have a report from the Financial Advisor or Bond Counsel, which Wever advised would be consulted.

Motion:

Motion was made by Lewis and seconded by Bernardini that the City proceed with turning this plan over to the Bond Attorney and Financial Advisor for consideration to bring back a report to Council for approval with the figures of what it will cost and what their fees will be. Motion carried 5-0.

City Manager Anderson clarified that the Vice Mayor will contact ~~Bane~~ **Bank [APPROVED 7/16/01 _____]** of America. City Clerk Phillips questioned if the fees for the Bond Counsel and Financial Advisor's recommendations would come out of Water and Sewer Reserves, which was confirmed.

Vice Mayor Wever stated that Council could go out for bids to select a financial institution or underwriter for the refinancing or ask for information and do a negotiated sale, which Wever stated he preferred. City Clerk Phillips stated that if the later option is selected, Council would be waiving purchasing policies.

Vice Mayor Wever brought up utility rate structure changes and reminded Council that the Financial Advisor had advised Council not to raise rates because it would change revenue and USDA would not be in favor of it. Mr. Wever stated that he disagreed with that recommendation at that time. At the recent meeting with USDA, the subject was broached again as a way to make the rates more equitable and to encourage conservation. Mr. Waldron was assured that the City would increase the rates showing no or only a slight increase in revenue and he recommended a procedure for the increase.

Vice Mayor Wever requested that Council approve going ahead with the plan to change the rate structure as previously discussed, bring forward to Council for review, then be forwarded to USDA for approval. City Manager Anderson stated that he would review and bring back rate studies that have been done previously.

Mr. Wever advised that the most recent PHCC agreement has now been given to USDA, who will review it and send it back with a letter pointing out their concerns. Mr. Waldron was also provided information on the Hope Hill wells.

Vice Mayor Wever reported that Waldron agreed that the 1999A bonds were going to the sewer plant, the 1999B was going to the connection lines and the 1999C was to allow the City to issue up to \$2 million in debt to cover the cost of relocating 50/41 water and sewer lines. Mr. Waldron has agreed to a conference call between USDA, the City, the bond attorney and former City Attorney Battista to discuss the intent for the use of the bonds. If Mr. Battista cannot participate, a memo may be done afterwards and given to him for review. There was no objection to Mr. Wever's recommendation that the City Manager be authorized to set up the conference call.

Vice Mayor Wever called attention to a memo from the Director of Public Works on replacing the old sewer lines for an estimated cost of \$7,820,000 and stated that a copy had been provided to Mr. Waldron showing the need for money for this program and the major debt that the City will be facing.

Director of Public Works Pierce stated that the long range capital project will be updated to include the savings from the bond refinancing and Coastal Engineering's costs on the extension of utilities on S.R. 50/U.S. 41 will also be incorporated. Pierce added that he plans to bring back this capital project report to Council before it is sent to USDA.

Mr. Wever stated that the 90% complete analysis study from Coastal on the S.R. 50/U.S. 41 utility extension project was also provided to Mr. Waldron.

Vice Mayor Wever summarized that the intent of the recent meeting with USDA was to get answers to

questions on what can and cannot be done and to impress upon them the financial needs the City is facing.

City Manager Anderson stated that a subsequent meeting with Mr. Waldron may be necessary after further information is sent from the City to review.

Discussion ensued regarding the City/County 201 service area plan, for which Anderson stated that it was his understanding that the County plans to cancel it and added that the new City Attorney will be asked to review the related statutes regarding the 201 plan and implementation of same. He stated that he would bring back a separate report on that at some point in the future. Mr. Wever stated that in follow-up to that, he would suggest researching whether a utilities enterprise zone can be established in the 5 mile radius defined in the 201 plan, subject to the City furnishing the service or granting a franchise.

MARY A. STAIB, COUNCIL MEMBER

Fire - Two-In/Two-Out Rule

Council Member Staib reported that at the SLM Mini-Conference, the unfunded mandate was discussed concerning proposed NFPA fire standards and she voiced her opposition to same.

SLM Mini-Conference

Ms. Staib reported on other issues discussed at the Mini-Conference, including the Growth Management Technical Assistance Grant, which had been given to Community Development Director Geiger for review.

Potential Fireworks Ban

Council Member Staib advised that the County would soon be considering a possible ban of fireworks and felt that the City may want to consider this as well. Director of Administration Phillips indicated that staff was researching this.

Department Moral

Council Member Staib referenced the minutes from the April 16th Council Meeting wherein Council Member Bernardini commended the Police Department for their recent speeding enforcement efforts in the Candlelight area. She expressed concern regarding a May 18th newspaper article wherein she felt Mr. Bernardini made negative comments about the Police Department which she felt may cause morale problems.

Council Member Bernardini stated that he is constituent driven and will continue to comment on matters based on what he feels are the concerns of the taxpayers. He stated that it is up to the press on what they choose to print.

Vice Mayor Wever expressed his disagreement with Council Member Bernardini's statement that the City of Brooksville had become stagnant and not proactive. Mr. Wever felt the City was not stagnant and cited capital projects examples such as the new wastewater treatment plant, new sewer lines, new city hall and added that the Police Department has new and modern equipment.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

FLC President/Mayor of Tallahassee

Director of Administration Phillips related that Mr. Maddox's visit to City Hall was a positive one with Council Members relating their concerns on a variety of issues.

Vice Mayor Wever added that at the SLM Mini-Conference, Mr. Maddox complimented the City on their art gallery.

WILLIAM B. EPPLEY, INTERIM CITY ATTORNEY

City Attorney Job

Mr. Eppley commented that the City Attorney job is bigger than anyone realizes and he expressed concern over the salary that is being offered for that position, which he felt is much too low. He added that many items that are on the Council agenda are not being reviewed by the City Attorney and they should be.

RICHARD E. ANDERSON, CITY MANAGER

Audit

City Manager Anderson stated that the audit is proceeding but he was unsure that it would be completed by the extended deadline.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:40 p.m.

City Clerk

ATTEST:

Mayor G:\Web\minutes\06-04-01mtg.htm]

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REGULAR COUNCIL MEETING

JUNE 18, 2001 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Boyce E. Tincher, Police Chief. A member of the St. Pete Times (7:20 p.m.) was also in attendance.

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

CONSENT AGENDA

Minutes:

May 21, 2001

Contract - City Attorney

One year retainer contract of \$2000.00 per month for up to 20 hours. \$100.00 per hour thereafter.

Auction

- a. Declare additional police vehicles surplus
- b. Piggyback on County Auction Contract

Motion:

Motion was made by Lewis and seconded by Bernardini to approve the June 18, 2001 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Presentation to Council - Hernando County Fine Arts Council

Appreciation for support.

David Weinman, Hernando County Fine Arts Council, extended a special thanks to Council and employees for helping to make the Arts and Crafts Festival held recently in Tom Varn Park a success. He stated that with Council's approval, the Hernando County Fine Arts Council would like to offer a commitment to hold the Arts, Crafts and Music Festival on Memorial Day Weekend at Tom Varn Park for the next 10 years.

Mayor Johnston stated that he is sure that there would be a consensus of that commitment but did not believe anything formal had to be done at this time. He added that should that need to be done, it can be placed on a future agenda.

Barbara Manuel presented a check in the amount of \$500.00 to Mayor Johnston from the Arts, Crafts and Music Festival for the City Hall Art Gallery with the suggestion that it could be used for display cases for art. If so, the Hernando County Fine Arts Council would like a plaque on

the case depicting the donation. A check in the amount of \$200.00 was presented to Parks and Recreation

Director Pugh for the Friends of the Children Foundation.

Proclamation - "Investing in Communities Day"

Proclaiming June 22, 2001 as "Investing in Communities" Day.

Mayor Johnston read the proclamation, which would be sent to the National League of Cities. Vice Mayor Wever requested that a copy of the proclamation be sent to the Governor's office.

PUBLIC HEARING

There was no one present to speak on the land use ordinances before Council at this meeting.

**** Ordinance No. 616 - Zoning Map/Adoption of "Digital Electronic" Version & Policy No. 1-2001**

Consideration of ordinance adopting digital electronic file version of the zoning map, together with official policy for maintenance of the map. [First Reading 6/4/01]

The City clerk read Ordinance No. 616 by headnote only, as follows:

AN ORDINANCE ADOPTING A DIGITAL ELECTRONIC FILE VERSION OF THE CITY OF BROOKSVILLE'S ZONING MAP AS THE OFFICIAL ZONING MAP OF THE CITY OF BROOKSVILLE, FLORIDA

Motion:

Motion was made by Lewis and seconded by Staib to approve Second and Final Reading of Ordinance No. 616.

Each Council Member indicated that they had no ex-parte communications from anyone regarding this issue.

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

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Motion:

Motion was made by Staib and seconded by Bernardini to approve Policy 1-2001. Motion carried 5-0.

**** Ordinance Nos. 617 & 618 - Proposed Annexation and Zoning - 9021 McIntyre Road: Petitioner - James Carlson**

Annexation Ordinance No. 617

Consideration of Request for Annexation (to be effective ten (10) days after adoption). [First Reading 6/4/01]

Each Council Member indicated that they had no ex-parte communications on Ordinance Nos. 617 and 618.

City Clerk Phillips read Ordinance No. 617 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Council Member Staib questioned that when mapping is done, would the new names in cloverleaf be reflected, which Geiger confirmed.

The effective date would be 10 days after adoption.

Motion:

Motion was made by Lewis and seconded by Staib to approve Second and Final Reading of Ordinance No. 617. Upon roll call, motion carried 5-0, as follows:

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

Zoning Ordinance No. 618

Consideration of C-2 Commercial Zoning (to be effective upon adoption of an amendment to the Future Land Use Element of the Comprehensive Plan) [First Reading 6/4/01]

Ordinance No. 618 was read by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN BEING ANNEXED INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR DRAINAGE STIPULATIONS THERETO; AND PROVIDING AN EFFECTIVE DATE

This ordinance will become effective upon adoption of the amendment of the Future Land Use Element of the Comprehensive Plan.

Motion:

Motion was made by Lewis and seconded by Staib to approve Second and Final Reading of Ordinance No. 618. Upon roll call, motion carried 5-0, as follows:

Staib Aye

Bernardini Aye

Lewis Aye

Wever Aye

Johnston Aye

Ordinance No. 619 - Frontage Road Standards

Consideration of proposed requirements and standards for frontage roads. [First Reading 6/4/01]

City Clerk Phillips read Ordinance No. 619 by headnote only as follows:

AN ORDINANCE REQUIRING DEVELOPERS OF PROPERTY ADJACENT TO THE CITY OF BROOKSVILLE'S ARTERIAL HIGHWAY GRID TO PROVIDE FOR THE FUNDING AND CONSTRUCTION OF FRONTAGE ROADS UPON DEMONSTRATION OF NEED AND DEMAND BY THE CITY; AMENDING SCHEDULE "F" OF THE CITY'S LAND USE/ZONING REGULATIONS TO PROVIDE FOR BUILDING SETBACK AND EXCEPTIONS TO THE APPLICATION OF FRONTAGE ROAD STANDARDS ALONG ARTERIAL HIGHWAYS; PROVIDING FOR PERMITTING; PROVIDING FOR MAINTENANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEALS; PROVIDING A SEVERANCE AND LEGAL VENUE CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Wever and seconded by Staib to approve Second and Final Reading of Ordinance No. 619.

James Adams questioned if this ordinance is requiring money from the developer up front. Community Development Director Geiger confirmed that, adding that if the demonstration of need is not within 10 years, then the money will be returned to the developer. City Manager Anderson acknowledged that the money may be in the form of bond instead of cash, adding that the reason behind this is so that the City does not get into a situation where a developer has the responsibility to construct his portion of the road but because of future financial difficulties, funds are not available.

Mr. Adams also questioned the liability aspect of an accident arising from the use of a required a frontage road when there is no easement there. City Attorney LaCroix responded that no one is liable just because there is an accident but if there is a charge of negligence, liability would depend on several things such as whether the road is negligently maintained or if the road is publically or privately owned.

Mr. Adams inquired as to liability if the property owner grants an easement to the City. LaCroix pointed out that giving an easement would make it still owned by the property owner, which may result in higher taxes. He went on to state that it would be better to dedicate it for public use.

Mr. Adams encouraged Council to preliminarily design the frontage road before sale of the land, rather than by a lot-by-lot basis.

There being no further public input or Council discussion, upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

REGULAR AGENDA

Resolution No. 2001-10 - WRWSA Grant Application

Authorization of grant application to Withlacoochee Regional Water Supply Authority for Hope Hill Wellfield Project.

City clerk read the resolution by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA, REQUESTING A GRANT FROM THE WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 2001-10. Vice Mayor Wever offered to take the application to the June 20, 2001 WRWSA meeting and reminded Director of Public Works Pierce to include the resolution, narrative and time table.

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

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

Utility Service Extension Plan

Authorize negotiation for engineering design and permitting phase of Water Extension Agreement with Coastal Engineering Associates, Inc. - Wiscon (from S. Broad to Cortez), and Cortez (from Wiscon to Cobb Road)

Director of Public Works Pierce stated that due to the potential move of the hospital to a location outside of the City limits, the City should consider extending water and sewer to the site they are considering. He proposed entering into a contract with Coastal Engineering to design and permit necessary water and sewer facilities. These costs would be around \$50,000. A detailed scope of work would be brought back to council.

Pierce acknowledged that the hospital could move to a different site. The contract with Coastal could be cancelled immediately with the engineer being paid whatever is owed. Unfortunately, the entire \$50,000 could be spent before a decision about the hospital move is final.

Mayor Johnston and Council Member Lewis offered their support, stating that this water and sewer loop is a part of a long range plan anyway.

Pierce advised that the scope of work would include verifying any right-of-way that may need to be acquired. In response to Council Member Staib's question, Pierce stated that a lot of development should be anticipated in this area as it is all vacant land. The Director of Public Works responded to Council Member Staib's question by stating that the elevated storage tank is not immediately needed, even for the hospital, and could be done in another phase.

City Manager Anderson responded to Mayor Johnston's question by stating that the 100% feasibility report on the water/sewer line extension project will be distributed to Council shortly. Funding for the \$50,000 can be brought back to Council at a subsequent meeting.

Motion:

Motion was made by Bernardini and seconded by Lewis to enter into negotiations with Coastal Engineering for design and permitting of State Road 50 West (area 3). Motion carried 5-0.

Residential Street Design

a. Consideration of proposed Neighborhood Traffic Management Program Policy No. 2-2001 (alternate residential street design policy)

b. Candlelight Blvd. - Traffic Management Plan

Authorization to install raised intersections at Candlelight/ Moonlight Lane and Candlelight/Erin Way.

c. Proposed Neighborhood Watch Program Status Report

Council Member Bernardini questioned if the Policy could be tabled to allow time for his review of the document with the City Attorney.

Motion:

Motion was made by Bernardini and seconded by Lewis to table items a and b until the next meeting.

Mayor Johnston informed Council that he would not be present for the next meeting but would submit his input to staff.

Motion carried 5-0.

Regarding the Neighborhood Watch Program, the Police Chief advised that he was still getting volunteers organized and at this point had received only one application.

Fire/Security Alarm - Monitoring System

Consideration of award to Siemens Building Technologies, Inc., for alarm monitoring at \$630.00 per year.

City Manager Anderson recommended proceeding with a one year contract with Siemens Building Technologies and continue to look into the option for the City to do the monitoring.

Motion:

Motion was made by Staib and seconded by Wever to award the bid to Siemens Building Technologies, Inc., for alarm monitoring at \$630.00 per year.

In response to Vice Mayor Wever's question, Anderson stated that the line at City Hall would be connected to Siemens monitoring facility on a dial-up method. There will be an additional expense for a dedicated line.

Motion carried 5-0.

Old Brooksville Hospital Property - Broad Street and Mildred

Status report on pending sale.

City Manager Anderson advised that the County is proceeding with the proposed sale of the property. He added that the County is considering using the proceeds for a specific purpose and is apparently not interested in donating all or any part of it to the City for a park or for creative trade purposes. The sale price is reported at \$185,000.

FLC Annual Conference/Voting Delegate

Designation of Council Member to serve as voting delegate to Florida League of Cities Annual Conference August 23-25, 2001.

Motion:

Motion was made by Bernardini and seconded by Lewis to appoint Wever as the voting delegate and Staib as the alternate at the Annual Conference in August, 2001. Motion carried 5-0.

FDOT Claim (Delay Issue)

U.S. 41/S.R. 50 - Settlement - Status report

Director of Public Works stated that there was nothing to report as the scheduled FDOT meeting had to be cancelled. He stated that he and the City Manager were considering a counteroffer if nothing had been settled by July.

CITIZEN'S INPUT

Flooding on Whiteway Drive

Whiteway Drive resident, Ray Henderson, complained of the action being taken by City as result of conditions on street flooding. Staff would bring back a report to Council at a subsequent Council Meeting.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Plantings in medians

Council Member Staib produced a vine type plant that is being grown in the median at S.R. 50 and I-75, which she felt may be used in the City's medians. She advised that the Beautification Board is also considering ground coverings such as peanut grass or jasmine.

Weed Killer needed

Council Member Staib stated that weed killer should be used at various locations throughout the City's rights-of-ways and sidewalks.

Condition of Fire Hydrants

Council Member Staib recalled reports in the newspaper about rusty fire hydrants and questioned if they are being inspected, which staff assured her that the City hydrants were being taken care of on a regular basis.

JOE BERNARDINI, COUNCIL MEMBER

Gas Tax Interlocal Agreement

Council Member Bernardini stated that he received a call about the need for the City to approve the gas tax interlocal agreement before July 1st. City Manager Anderson explained that about six years ago the City entered into an agreement with the County for gasoline tax that included a negotiated distribution formula for the gas and ELMS tax. He reported that after meeting with the County on the proposal for the renewal of the agreement, the version that was delivered to the City recently was not what he had agreed upon. He added that it may be necessary to have a special meeting to meet state deadlines.

City Manager Anderson explained the point in question is that when the County and the City entered into the agreement, the County agreed to take over formal maintenance of Ft. Dade and Howell Ave. within the City limits in return for the City picking up the right-of-way maintenance. The County also agreed to take over the maintenance of the traffic signals within the City limits. In return for the City upgrading the quality of the electronics, which was about \$25,000 payable at \$5,000 per year for a five year period. The County has now decided that it costs about \$5,000 per year to maintain the signals every year and that the City ought to pay for that. If the City is not able to come to an agreement with the County, it would revert back to statutory formula, which would cause the City to get significantly less. He stated that he hopes to bring something back to Council in the next few days.

Motion:

Motion was made by Bernardini and seconded by Lewis to place this item on the agenda. Motion carried 5-0.

Motion:

Motion was made by Bernardini and seconded by Lewis to authorize the Mayor and City Manager to negotiate the interlocal agreements for distribution of gas taxes like the previous ones and if that is not possible, with the provision of a payment up to \$5,000 per year. Motion carried 5-0.

Vice Mayor Wever suggested mentioning that Howell Ave. needs to be paved.

E.E. WEVER, JR., VICE MAYOR

Police Chief Contract

Vice Mayor Wever stated that he gave the City Manager a copy of a contract that the City of Crystal River gave to their police chief and he would like it placed on the next meeting agenda or the one subsequent to that.

DAVID LACROIX, CITY ATTORNEY

Mr. LaCroix commented that he was happy to be on board.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

City Clerk Phillips distributed lapel pins with the City logo to Council Members.

JOSEPH E. JOHNSTON, III, MAYOR

Barricade at Liberty Street and Brooksville Ave.

Mayor Johnston questioned the barricade in the middle of the street, which has been present for several weeks. Director of Public Works Pierce advised that crews were fixing a pothole and were needed

elsewhere. He stated that he would make sure they are back working on it next week.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:24 p.m.

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

July 2, 2001 7:00 P.M.

Brooksville City Council met in regular session with E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Boyce E. Tincher, Police Chief. A member of the St. Pete Times was also in attendance (7:13 p.m.)

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

CONSENT AGENDA

Correction to Approved Minutes

Approval of correction to May 7, 2001 minutes. [previously approved June 4, 2001.]

Firefighter Pension Trust Fund

Affirm appointment of Robert Olesky.

Council Chambers - Policy 1-97

Consideration of revision to Use Policy regarding responsibility for set-up/clean-up.

Johnson v COB - Attorney's Fees

Approval to pay \$8,173.44 [Transfer from Reserve Contingencies to General Government Legal Services] to Dean, Ringers, Morgan & Lawton, PA, (to be reimbursed by City's insurance company).

Use of Tom Varn Park

Approval to use Park for special events (American Heart Walk on October 13, 2001, and Spring Hill Art League Show October 20 & 21, 2001).

Motion:

Motion was made by Lewis and seconded by Bernardini to approve the July 2, 2001 Consent Agenda. Motion carried 4-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Presentation to Council - NAACP

Appreciation for support.

City Manager Anderson advised that at the request of the NAACP, this item has been deferred.

Margaret Ghiotto Beautification Award

Recognition of improvements to the business located at 114 E. Liberty Street owned by Archer Painting.

The certificate and revolving plaque was given to Mr. and Mrs. Vutech.

REGULAR AGENDA

Communications Services Tax

Resolution No. 2001-11

a. Intent to raise City's local Communications Services Tax to maximum rate of 5.1%, effective October 1, 2002 (2001 - 2002 at 5.2%).

There was no one to speak on the resolution.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 2001-11. Upon roll call, motion carried 4-0, as follows:

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Resolution No. 2001-12

b. Declaring City's intent to not require separate permit fees for work in the City's rights-of-ways.

There was no one to speak on the resolution.

Motion:

Motion was made by Staib and seconded by Lewis to approve Resolution No. 2001-12. Upon roll call, motion carried 4-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Mural - 30 E. Liberty Street

Approval of proposed mural as exemption to sign code prohibition pursuant to Section 12.5-5(11).

Motion:

Motion was made by Bernardini and seconded by Staib to approve the mural as proposed and the exemption to the sign code regulations. Motion carried 4-0.

In response to Council Member Lewis' question, City Clerk Phillips stated that she did not believe a separate motion was needed to approve an exemption to the sign code requirements.

Traffic Management

a. Residential Street Design

(1) Consideration of Neighborhood Traffic Management Program ("Alternate Residential Street Design") - proposed Policy No. 2-2001

Motion:

Motion was made by Bernardini and seconded by Lewis to approve Policy 2-2001 as a pilot program. Motion carried 4-0.

(2) Candlelight Blvd. - Traffic Management Plan

Authorization to install raised intersections at Candlelight/Moonlight Lane and Candlelight/Erin Way

Director of Public Works Pierce gave an estimated cost of \$600.00 per intersection and reported that there is adequate money in Repair and Maintenance Supplies line item.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve authorization to install raised intersections at Candlelight/Moonlight Lane and Candlelight/Erin Way.

Vice Mayor Wever questioned the drainage at these intersections and whether installation of these units interfere with that system. Pierce replied that the installation will be modified as needed so that drainage is not affected. Calling attention to the alternate street design portion of the policy, Vice Mayor Wever read that traffic management designs shall not be located in front of driveway, cross walks or within an intersection and questioned the affect this policy will have on raised intersections. City Manager Anderson stated that the policy is not meant to refer to raised intersections in this instance.

Motion carried 4-0.

b. Proposed Neighborhood Watch Program Status Report

Chief Tincher informed Council that he has approximately 11 applications received from volunteers. He stated that he is in the process of developing policies and waivers and will be meeting with the City Attorney. He requested authorization to expend funds (approximately \$500 - \$600) for equipment, which he has an adequate budget for. In response to Council Member Staib's question, the Chief stated that he would prefer not to have the volunteers out during the evening or night hours.

Motion:

Motion was made by Lewis and seconded by Staib to authorization expenditure of funds. Motion carried 4-0.

Public Works Projects

a. North Wellfield Status Report

Report on progress of acquiring property for North Wellfield site.

Director of Public Works declared that he had received calls from two relators, one of which may have a potential site available for consideration. He stated that he has requested that the realtor provide a sales contract for Council's review.

Answering Council questions, Pierce advised that there is an adequate fall radius, it is far enough away from landfill and has a elevation of 180' to 200'.

Motion:

Motion was made by Staib and seconded by Bernardini to authorize staff to review other sites for the northwell field location.

Motion carried 4-0.

Anderson responded to Vice Mayor Wever's question by advising that staff had not received anything back from USDA regarding the college agreement and indicated that he would follow up on that.

b. Whiteway Drive Drainage - Status Report

Proposed Project.

Director of Public Works Pierce reported that an old pipe that runs diagonally across Ray Henderson's property has been opened up to allow better drainage. Staff is proposing to install a 6 or 8 inch pipe in the utility easement on the back of Mr. Henderson's property. A temporary easement will have to be obtained from the neighboring property, owned by Mrs. Pierce, to install pipe on her property to join to the back easement.

Council Member Lewis brought up for discussion a fence and large mound of dirt at the Hardy's property which may be acting as a dam. Director of Public Works stated that he hopes to make contact with Mr. Hardy to get permission to work to resolve that.

Pierce described the problem of water flowing south down Whiteway and stated that along the path there are two unused right-of-ways that he wants to dig out to create small retention ponds. The Director of Public Works ended by stating, however, that the first step will be to have the pipe installed.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve staff recommendations. Motion carried 4-0.

Interlocal Agreements - Distribution of Gas Tax

Approval of 1) 1st Local Option Gas Tax and 2) Elms Gas Tax or Local Option Gas Tax interlocal agreements.

City Manager Anderson explained a change that will be added to clarify a reference to population basis and a change to reflect a June 1st date.

Motion:

Motion was made by Bernardini and seconded by Staib to approve both interlocal agreements as amended. Motion carried 4-0.

Council Member Staib voiced her opinion that they were very poorly written documents, which Anderson interjected were not written by City staff.

CITIZEN'S INPUT

Candlelight Speed Control

Keith Schenck, Candlelight resident, came forward to express his appreciation to Council for their approval of the traffic management policy and the raised intersections. He stated, however, that the Candlelight residents feel there is a need for a speed hump between the raised intersections at Moonlight/Candlelight and Erin/Candlelight.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve installation of the speed hump. Council Member Lewis clarified that this action would be a continuation of the previous agenda item.

Director of Public Works Pierce responded to Council Member Lewis' question by stating that the speed hump would cost approximately \$300.00.

For the benefit of Council and the Candlelight residents, Police Chief Tincher brought up the fact that speed humps may increase response time for emergency vehicles, which Mr. Schenck acknowledged that the residents are aware of. Police Chief Tincher added that the speed humps could cause serious damage to the emergency vehicles and to the equipment carried by them.

Council Member Bernardini reminded Council that this is a pilot project and if it is determined that there is negative effect on emergency response, Council may decide to do away with the pilot program. Mr. Schenck added that at some point, Candlelight Boulevard will be repaved and if there is a problem with the response time, the speed hump could be removed at that time.

Motion carried 4-0.

Whiteway Drainage Issue

Brenda Pierce of Whiteway Dr. expressed her concern regarding the drainage problem at her house, which she feels has been exacerbated by the fence and dam built by neighbor Ray Henderson.

City Manager Anderson stated that the elevation of the properties will always be a problem but acknowledged the fact that the fence could impede the flow of water. Mr. Anderson advised that staff would like the opportunity to see how the installation of a pipe, formation of retention ponds and other proposed remedies may work.

Mr. Henderson, who is considering construction of a new fence, was asked to wait until it can be determined if the planned improvements are successful. A report will be brought back to Council at a future meeting.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Financial Disclosure forms

Council Member Staib called attention to a memo received regarding the filing of financial disclosure forms, which City Clerk Phillips explained was sent only as a reminder.

Murals

Council Member Staib passed out pictures of other towns' murals for Council's viewing.

JOE BERNARDINI, COUNCIL MEMBER

Request to hang banner from water tower

Council Member Bernardini stated that he had received a request from a Hernando High School class reunion group interested in hanging a banner from the water tower for a picture. He added that a fireman has agreed to do this. Considering the liability to the City for any possible injuries to a City employee, it was agreed by Council to deny this request.

E.E. WEVER, JR., VICE MAYOR

WRWSA Grant Application

Vice Mayor Wever stated that he has been advised that there may be four applications approved by the WRWSA, which would result in a little less than \$50,000 each.

Providence Boulevard Frontage Road

Vice Mayor Wever questioned the status of the proposed frontage road. Director of Public Works Pierce stated that he had authorized Coastal Engineering to take aerial photos of the location and will check on the status of that. It was pointed out that owners Sims and the Church are the only ones in exact agreement at this time. Pierce stated that others may agree to the road but are waiting for the City to make a purchase offer, which Council has never agreed to. There was debate that previous discussions had indicated donation of right-of-way as opposed to purchase.

City Manager Anderson stated that one problem is that any improvements at this location may impede chances of funding assistance through DCA. Additionally, he stated that if Council agrees to pay the entire cost of building the road, those who have already constructed their portion as a requirement of development may request a rebate.

Pierce stated that he believed Coastal Engineering had already been authorized to get legal descriptions and signed and sealed surveys. City Manager Anderson stated that he could bring back something to the next Council meeting. He added that he would like to talk to the new City Attorney. The possibility of writing a refresher letter to the property owners was discussed.

Enterprise zone for utilities

Vice Mayor Wever stated that he has mentioned at a prior Council meeting the possibility of creating an enterprise zone for utilities within the five mile radius of the City limits. He questioned if City Manager Anderson had discussed it with the City Attorney. Anderson stated that he has just compiled his files on that issue. City Attorney LaCroix stated that it is a simple resolution on his part.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Presentation from Richard Terry Family

City Clerk Phillips presented the City with an appreciation plaque from the Terry family for all the emotional and physical support given by the City. It will be on display at the Department of Public Works.

DAVID LACROIX, CITY ATTORNEY

Quasi-Judicial Land Use Proceedings

City Attorney LaCroix stated that he would be drafting a quasi judicial procedural resolution to reflect current case law and statutes for consideration at a future Council meeting.

JOE BERNARDINI, COUNCIL MEMBER

Absent From Meeting

Council Member Bernardini advised that he may not be at the July 16th Council Meeting due to job obligations.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:40 p.m.

City Clerk

ATTEST:

Vice Mayor

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REGULAR COUNCIL MEETING

JULY 16, 2001 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, E.E. Wever, Jr., Vice Mayor, and Council Members Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Boyce E. Tincher, Police Chief. A member of the St. Pete times was also in attendance.

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

ADJOURN REGULAR SESSION AND CONVENE IN EXECUTIVE SESSION - CLOSED TO PUBLIC

Diana V. Johnson v. City of Brooksville

Executive Session is closed to the public to discuss litigation. Regular meeting to resume immediately thereafter.

RECONVENE IN REGULAR SESSION - 7:25 p.m.

Mayor Johnston stated that an item will need to be added to the agenda for approval of the Articles of Agreement for the United Way Grant for the Jerome Brown Community Center.

Motion:

Motion was made by Lewis and seconded by Wever to add consideration of the Articles of Agreement for the United Way Grant to the end of the agenda. Motion carried 4-0.

CONSENT AGENDA

Minutes

June 4, 2001 Regular Council Minutes

Johnson v COB - Attorney's Fees

Approval to pay \$751.00 [Transfer from Reserve Contingencies to General Government Legal Services] to Carolyn F. Engel & Associates for deposition (reimbursement by City's insurance company anticipated).

Local Law Enforcement Grant - 2001

Authorization to apply for \$15,068 equipment grant, City Match \$1506.80 (2001-02 Investigative Trust Fund)

Laurel Oaks - Release of Lien

Consideration of authorizing execution of release of lien pursuant to terms of amended agreement.

City Clerk Phillips pointed out corrections to the minutes that would be corrected.

Motion:

Motion was made by Lewis and seconded by Staib to approve the July 16, 2001 Consent Agenda with

corrections to the minutes.

Motion carried 4-0.

PUBLIC HEARING

Alcoholic Beverage License Location Permit - Applebee's Neighborhood Bar and Grill

Approval of location permit at 20090 Cortez Blvd.

Motion:

Motion was made by Lewis and seconded by Staib to approve the location permit for the Applebee's location at 20090 Cortez Boulevard.

In response to Vice Mayor Wever's question, City Clerk Phillips stated that the license will be issued in the name of the business. Applebee's representative, Steve Brown, stated that the company is making application but the State liquor license must be held in the individual's name.

Motion carried 4-0.

REGULAR AGENDA

Resolution No. 2001-13 - Communication Service Tax

Consideration of modifying permit procedure for right-of-way utilization regulations as set forth in Ordinance No. 597 and Resolution No. 99-20.

City Clerk Phillips read Resolution No. 2001-13 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE; AMENDING THE PREVIOUSLY ADOPTED FEE SCHEDULE FOR RIGHT-OF-WAY UTILIZATION REGULATIONS ESTABLISHED BY ORDINANCE; AND SETTING AN EFFECTIVE DATE

City attorney LaCroix explained that this action will result in not charging permit fees for telecommunication companies doing work in the right-of-way to allow the City to collect a slightly higher tax on those companies.

Motion:

Motion was made by Lewis and seconded by Wever to approve Resolution No. 2001-13.

There was no citizen's input.

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

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Resolution No. 2001-14 - Quasi-Judicial Procedures

Consideration of establishing procedures for quasi-judicial hearings with separate provisions for quasi-judicial hearings on land use matters to reflect current state law.

City Clerk Phillips read Resolution No. 2001-14 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, RESCINDING PRIOR POLICIES AND ADOPTING A NEW POLICY; ESTABLISHING PROCEDURES FOR REMOVING ANY PRESUMPTION OF PREJUDICE RELATING TO EX PARTE COMMUNICATIONS WITH OFFICIALS IN REGARD TO QUASI-JUDICIAL MATTERS; ESTABLISHING PROCEDURES FOR INTERVENING AS A PARTY IN QUASI-JUDICIAL MATTERS INVOLVING LAND USE; ESTABLISHING PROCEDURES FOR TAKING TESTIMONY AS TO QUASI-JUDICIAL MATTERS INVOLVING LAND USE; PROVIDING DEFINITIONS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Staib and seconded by Lewis to approve Resolution No. 2001-14.

There was no citizen's input.

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

Staib Aye

Lewis Aye

Wever Aye

Johnston Aye

Streetscaping (Bid No. 2001-05)

Consideration of negotiated award to Natural Resource Planning Services, Inc., in the amount of \$10,000.00 for inventory and related work. (City Match, including "in-kind", \$11,770.00)

City Manager Anderson stated that staff has met with the apparent low bidder to negotiate a revised scope of work to lower the cost and allow the project to be within the confines of the grant. Mr. Anderson responded to Council Member Staib's question by stating that the original bid was \$15,000 and has been lowered to \$10,000 with the City providing some assistance instead of the company providing certain services.

Motion:

Motion was made by Wever and seconded by Staib to approve the revised scope of work in the amount of \$10,000 with Natural Resource Planning Services, Inc. Motion carried 4-0.

Bond Refinancing

Status on bond refinancing, including report from bond attorney and financial advisor on proposed bond refinancing of the 1988A and 1992 bond issues.

Finance Director Coryer began with the definition and benefits for refinancing, which would be to capitalize on the current lower interest rates, lower the debt service ratio and debt service payment. He went over the

City's current debt service for solid waste, general fund, waste water funds and the debt proposed for refinancing Wastewater 1988A and Wastewater 1992 bonds. He went over the options of refunding either or both bond issues or call either or both bond issues. Mr. Coryer advised Council on the six proposals received from the request for refinancing and explained the net savings to the City based on each of their proposals. The costs associated with the refinancing were discussed, along with the gross debt service and savings which was broken down using the proposals received.

Director of Finance advised that staff's recommendation is to move ahead with bond refinancing, direct staff to negotiate with Florida League of Cities to update their proposal based on July rates or whenever final negotiations take place. Staff will return with an updated proposal, itemized in detail.

Motion:

Motion was made by Staib and seconded by Lewis to authorize staff and the bond attorney to enter negotiations with the Florida League of Cities for refinancing outstanding 1988A and 1992 water and wastewater bonds.

Vice Mayor Wever felt that the headings on Schedule 5 were reversed, which Coryer agreed. Mr. Wever stated that the timing of this issue may require a special meeting for approval. He added that approval must be obtained from USDA.

Motion carried 4-0.

Jerome Brown Community Center - United Way Grant Agreement

Parks and Recreation Director Pugh stated that staff had anticipated purchase of a van for the use of the funds. However, it appears that \$5,000 will be donated and he plans to put the money toward eventual purchase of a van. Pugh added that Friends of the Children are still trying to raise funds for different items.

Council Member Lewis questioned if terms of the grant agreement will affect fundraising efforts. City Clerk Phillips explained that fundraising cannot occur between September 1st - December 1st but membership drives can continue.

Motion:

Motion was made by Staib and seconded by Wever to approve the United Way Grant Agreement and authorize the City Manager to sign on behalf of the City, subject by review and approval by the City Attorney. Motion carried 4-0.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Florida League of Cities Subcommittee

Council Member Staib reported on the FLC's Criminal Justice, Ethics and Personnel subcommittee meeting she attended recently in Orlando.

Elder Affairs Meeting

Council Member Staib advised that she had recently attended an Elder Affairs meeting and that plans are underway to remodel the old Enrichment Center, which is scheduled to open in mid-September. Grants are being sought for funding.

Community Alliance Meeting

Regarding a Community Alliance meeting attended recently, Staib reported that she had information available should someone be interested in joining their new project for assisting those participants with substance abuse, mental health disorders and history of trauma.

Baptist Family Services

Council Member Staib informed Council that the Central Baptist Family Services organization will be opening a center for in-home and adoption services at the old Salvation Army building on Broad Street and added that she had that information for anyone interested.

E.E. WEVER, JR., VICE MAYOR

Florida League of Cities Subcommittee

Vice Mayor Wever reported on the items discussed at the recent FLC's Finance and Taxation subcommittee meeting, adding that the meeting will continue at the beginning of the FLC's annual conference in August which will include a discussion of double taxation.

Withlacoochee Regional Water Supply Authority

The WRWSA will meet Wednesday, July 18, 2001 to review the four applications received for this grant cycle. Mr. Wever requested the attendance of the Director of Public Works at the meeting. The Vice Mayor advised that if all four are approved, the grant amount will equal approximately \$49,000 each.

Legislative Funding

In response to Vice Mayor Wever's request, staff indicated that they would send thank you letters to Senator Brown-Waite and Representative Russell for their efforts to secure legislative budget money for the donation & transportation issues, even though it was not successful.

USDA/Use of Remaining Monies

Staff responded to Vice Mayor Wever's question by indicating that they had not heard back from USDA regarding the proposed use of remaining funds from Phase I and II grant/loan.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Commendation to Police Chief

At the request of the Conley, Ervin and Ringo families, City Clerk Phillips read into the minutes a letter thanking Police Chief Tincher for all he did above and beyond the call of duty after a June, 2001 traffic accident that resulted in the deaths of several of their family members.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:08 p.m.

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

August 6, 2001 7:00 P.M.

Brooksville City Council met in regular session with Joseph E. Johnston, III, Mayor, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Boyce E. Tincher, Police Chief. A member of the St. Pete Times was also in attendance.

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

Mayor Johnston stated that the Public Hearing on the Alcoholic Beverage License Location Permit has been withdrawn due to an error made by the newspaper in the publication of the legal advertisement.

CONSENT AGENDA *

Minutes

June 18 and July 2, 2001 Council Minutes

Green Thumb Agreement

Authorization to extend agreement for use of Green Thumb employees in Parks Department.

Police Department - Purchase of Firearms

Approval of firearms and related equipment from Lawmen's & Shooters' Supply, Inc., in the amount of \$7,717.92 from Machinery and Equipment budget line item.

Transportation Outreach Program (TOP) Grant

Authorization to submit application for 2002 TOP funding. (Deadline August 31, 2001)

WAP Legislative Appropriation Grant Agreement

Accept Phase II Neighborhood Sewer Rehabilitation Project Grant and authorize Mayor to execute agreement.

Motion:

Motion was made by Lewis and seconded by Staib to approve the August 6, 2001 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Hernando County Local Chapter - NAACP

Presentation to Council.

Frankie Burnette, Local Chapter NAACP President, presented Council with a plaque of appreciation.

PUBLIC HEARING

****Alcoholic Beverage License Location Permit - S & J Trading Post**

Approval of location permit Type A for sale and on premises consumption of beer and wine only at 1118 E. Jefferson Street.

Withdrawn as noted above.

REGULAR AGENDA

Resolution No. 2001-15 - FRS participation

Conversion of Elected Officials' class in Florida State Retirement System.

City Clerk Phillips read Resolution No. 2001-15 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ESTABLISHING PARTICIPATION IN THE ELECTED STATE AND COUNTY OFFICER'S CLASS OF THE FLORIDA RETIREMENT SYSTEM AND PROVIDING AN EFFECTIVE DATE.

City Clerk Phillips advised that approval of this resolution will result in an overall effect of approximately \$300.00 per month. This would only impact four Council Members as Council Member Bernardini was brought onboard after 1996 and is a member of the new retirement plan. She added that a plan will be brought back to Council in the near future on the potential canceling the new retirement system and opting back into FRS.

There was no citizen's input.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve Resolution No. 2001-15. Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

MPO - City Position on One-Way Pairs

Status of U.S. 41/S.R. 50A One-Way Pairs in downtown area.

Dennis Dix, County Transportation Coordinator, began his discussions on the MPO's review of their commitment to look at the functioning of the one-way pairs and the possibility of reverting same. This discussion included projects endorsed in the 2025 Highway Needs Plan. Mr. Dix went over specific Brooksville projects such as the six laning of a portion of U.S. 41, three or four laning of a section of Jefferson Street, three laning a portion of U.S. 98, three laning a portion of S.R. 50 and three laning a portion of Broad Street and the four lane cross-section of Cobb Road.

Dix stated that the process of getting the undesirable traffic out of the downtown area involves completion of the by-pass and realignment of U.S. 98 onto Cobb Road, which should be in 7 or 8 years.

Regarding the one-way pairs, County Transportation Coordinator Dix stated that there were many things to consider such as reverting back to a two-way system will necessitate the need for left turn lanes which will take away on street parking and is inconsistent for bulb outs. It will be more congested, which will be exacerbated if left turn lanes are not designed. Council discussed whether turn lanes are needed on S.R. 50 or U.S. 41. FDOT's position on the reversion is to protect capacity on the state system.

Mayor Johnston stated that he not as concerned about the one-way pairs but rather with the control of the downtown area, such as slowing down the traffic. He offered his opinion that the one-way pairs could function, if the City could be allowed to do certain things with the streets such as ensuring adequate parking and installing of bulb-outs and traffic calming devices. He felt that as long as U.S. 41 is on the State highway system through the downtown, FDOT will be insistent upon a certain level of service. The City should continue to pursue removal of U.S. 41 from the State system.

Vice Mayor Wever felt that as soon as the construction is done on S.R. 50, trucks could be moved to Cobb Road even before 98 is moved.

Mr. Wever called attention to a recent newspaper article and questioned if there was any truth in the money for the Cobb Road construction being used for County Line Road, which Mr. Dix stated has not been included in any discussions at the MPO meetings, but may be at their September meeting when revenue needs are discussed.

Mr. Dix stated that he is planning to come back to Council after the MPO's meeting in September to discuss revenue needs for upcoming projects. There may be a 50% increase in transportation impact fees that could be used for funding of many projects, as well as the local option gas tax.

County Transportation Coordinator Dix requested policy direction from the City about the interest in the Cobb Road multi-lane improvement project, which Mayor Johnston, Vice Mayor Wever and Council Member Lewis expressed their opinion is a priority issue.

Vice Mayor Wever brought up for discussion the need that FDOT put the mandatory truck route coming in Cobb Road.

Council Member Bernardini voiced his opinion that street designations and street name changes causes confusion that will keep people away and there will be a need to make people want to come to Brooksville. He felt the bulb outs and other downtown redevelopment improvements will be one way to help do that.

It was the consensus of Council on maintaining the one-way pairs but putting in more pedestrian friendly traffic calming concepts, as well as requesting that FDOT continue with the Cobb Road multi-lane improvement project.

Discussion ensued regarding the spur/bus line in Brooksville, which funding may be considered during the next legislation cycle.

Cobb Road Operating Permit Renewal

Approval of scope of work by Coastal Engineering for a not to exceed amount of \$9,500, and authorization to request reduction in permit fees to a maximum of \$100 pursuant to Florida Statutes, Section 218.075, [i.e.: capital taxable value is less and the percentage of exempt property is higher than the state-wide average].

Motion:

Motion was made by Bernardini and seconded by Staib to approve the scope of work by Coastal Engineering for a not to exceed amount of \$9,500, and authorization to request reduction in permit fees to a maximum of \$100 pursuant to Florida Statutes.

Pierce advised that at some point he will be recommending termination of the purchase order with US Griner, who helped the City with FDOT settlement negotiations.

Motion carried 5-0.

Appointment of Board Members

Appointment of Brooksville Housing Authority member to fill unexpired four year term of office through 8/31/03.

Director of Administration Phillips advised that the vacant position on the Housing Authority was occupied by a Housing Authority resident, which is encouraged by the Florida Statutes. She further pointed out that applicant Ms. Hoffman is a Housing Authority resident and acknowledged that current board member Mobley is a Housing Authority resident.

Motion:

Motion was made by Bernardini and seconded by Staib to appoint Don Varn to fill the unexpired four year term of office as an alternate through August 31, 2003 on the Brooksville Housing Authority. Motion carried 5-0.

**Tree Removal Permit - S. Broad Street

Approval to remove certain trees (with DBH of 6" or more, including specimen trees in excess of 18" as provided for by Section 9.5-5 of the code) in connection with negotiated landscaping plans for retail store site (Walmart).

Each Council Member indicated that they had received no ex parte communications. Those present to represent the petition were sworn in by City Clerk Phillips.

Community Development Director Geiger stated that the petitioner is requesting the removal of 125 specimen trees, with a total diameter measuring 3,462" with an average diameter each of 23". They are proposing to preserve 57 specimen trees with a total diameter of 1,702" with an average overall diameter each of nearly 30". A total of 116 trees are to be preserved on the site.

Staff's recommendation would be as follows:

- The developer shall (at a minimum) protect all existing trees to be preserved in accordance with City Code.
- The developer is to install PVC aeration systems in and around the root systems of existing trees to be preserved to better ensure their long-term survival.
- Any trees slated to be preserved that do not survive the first five years from the date that the project receives a Certificate of Occupancy will be required to be replaced by the developer/property owner. If the developer/property owner is unable to replace the dead tree's total circumference on site, the developer/property owner will be required to pay a market replacement value to the City of Brooksville's Tree Bank, based on the circumference of the dead tree's value not replaced on site.

The petitioners presented information to Council.

Motion:

Motion was made by Lewis and seconded by Staib to approve staff recommendations as set forth above. Motion carried 5-0.

Tree Harvest

Status report of negotiated settlement.

Community Development Director Geiger updated Council on the status of the insurance company's response to the City's claim in the amount of \$251,000, which includes historical and environmental damages to the property and trees and clean up expenses. He advised that the insurance company has indicated that they are in the process of hiring their own appraiser to come up with an estimate so that they can present a counter offer. Geiger recommended that Council set a 45 to 90-day deadline for this counter offer.

Motion:

Motion was made by Lewis and seconded by Wever to authorize staff to prepare a letter for the City Attorney's signature to the insurance company giving them 90 days to present their counter offer. Motion carried 5-0.

Geiger stated that 20% of the claim amount is the responsibility of the insured.

Award of bid - State Certified General Appraisal

Approval of screening committee recommendations and authorize negotiations with Florida Acquisition and Appraisal, Inc.

Motion:

Motion was made by Staib and seconded by Wever to authorize negotiations with Florida Acquisition and Appraisal, Inc. Motion carried 5-0.

Public Works Projects

- a. Presentation of a feasibility report on U.S. 41/S.R.50 corridor (utility line extension)
- b. Scope of Work from Coastal Engineering for water and sewer system expansion - Addendum #4 to 7/16/96 Agreement
- c. North wellfield site - consideration of potential property off of Yontz Road

Regarding item a, Director of Public Works Pierce advised that Council is presented with the final version of the corridor I and III of the feasibility study for the U.S. 41/S.R. 50 utility line extension project. Pierce stated that if the City is going to pay for this project out of connection fees, the fees would have to be increased by \$940.00. He added, however, that the revenue generated by these new lines will be significant.

City Manager Anderson advised that he had met with Brooksville Regional Hospital Director Tom Barb and gave him a copy of the feasibility report to demonstrate the City's long-range plan, subject to Council receiving the final report. Mr. Barb imparted some of that information to the County and that he assumed the new hospital site would utilize the City's utility system. Mr. Anderson stated that staff has previously indicated to the County Administrator and his staff that the City does have an interlocal agreement with the County

which the City feels is still viable. City Attorney LaCroix stated that he would be reviewing the interlocal in depth and he would outline that information to Council in the near future.

Council Member Lewis stated that he would like the City and County to meet and determine what entity will serve the different locations. Mr. Anderson interjected that the County has indicated that they are going to run their system up to the City limits but he added that City staff would be meeting with the County in the near future. Pierce felt that the City needed to proceed with the expansion in an effort to add more customers to the system.

Motion:

Motion was made by Wever and seconded by Lewis to accept the Utility corridor analysis for water supply and wastewater collection and service expansion dated June 12, 2001 prepared by Coastal Engineering Associates, Inc. as the City's long range plan for corridors I and III. Motion carried 5-0.

Pierce went on to explain the scope of work from Coastal Engineering for water and sewer system expansion for Phase I as reflected on item b. He recommended that the final design engineering be added in Phase I, which increases the amount by \$4,7500 to a total of \$89,915.00. This will give the City final design and permits of water and sewer lines from Hardee's intersection out SR 50 to Lykes Dublin Road.

City Attorney LaCroix stated that City staff will be monitoring all County development applications and intervene as a party on utility issues if appropriate.

Motion:

Motion was made by Lewis and seconded by Staib to approve the scope of work with Coastal Engineering for a not to exceed amount of \$89,915.00 for Phase I S.R. 50/Cortez Blvd. from Hardee's intersection to Lykes Dublin Road. Motion carried 5-0.

On the north wellfield site, Director of Public Works Pierce advised that after advertising and writing letters, the only contract offered is on a parcel that is too close to the landfill and he would recommend against proceeding with that site. He added that the contract with Coastal Engineering for the PHCC site is almost two years old and he would recommend canceling the P.O.'s that have been issued and terminate the contract with Coastal Engineering Associates, Inc. and use the monies for other projects.

Pierce stated that maybe in the future, the College may want to expand and the City may be in a better bargaining position or there may be other parcels that become available.

Motion:

Motion was made by Staib and seconded by Lewis to approve staff's recommendation to cancel related well field purchase orders 99-997 (\$4,500), 99-998 (\$12,000) and 99-999 (\$39,500). Motion carried 5-0.

Motion:

Motion was made by Lewis and seconded by Staib to cancel purchase order 01-163 with US Griner in the amount of \$105,095. Motion carried 5-0.

Vice Mayor Wever stated that USDA will need to be advised of any further debt incurred in the utility division.

Motion:

Motion was made by Lewis and seconded by Staib to approve a purchase order for the new Cobb Road

permit. Motion carried 5-0.

CITIZEN'S INPUT

Alcoholic Beverage License - 1118 E. Jefferson St.

John Wallace, resident, 406 Hale Ave, brought up for discussion the Alcoholic Beverage License Location Permit for S & J Trading Post that had been deferred due to a problem the newspaper incurred in advertising. He stated that the delay in the publication of the ad has created a snowball effect, including the rescheduling of the public hearing before Council, rescheduling of a meeting in Tampa and paying a special water bill for cleaning up the building in preparation of the opening. He felt that the City should charge the advertising fee up front when the application is submitted. Mayor Johnston stated that it is something that may be considered for future applications. City Clerk Phillips interjected that the only problem may be that the exact cost for publishing the ad is not known in advance, but it was acknowledged that some arbitrary amount may be required and the petitioner could be refunded the difference. Phillips added that the procedure for requiring advertising money up-front will also affect petitions submitted in the Community Development Department such as zonings, rezonings, annexations, variances, etc.

Mr. Wallace discussed his particular request by stating that there is a need for a convenience store in South Brooksville for the legal sale of food and beverages. He informed Council that drug dealers buy a County occupational permit to peddle goods out of a van then service the community with illegal goods such as beer, wine, tobacco, etc. He stated that the Police Department knows of this first hand because they just arrested someone for this. He stated that he is trying to open up a convenience store and offer food products, fresh produce, beer, wine and other discount type beverages.

ITEMS BY COUNCIL MEMBERS

E.E. WEVER, JR., VICE MAYOR

Florida League of Cities - 2nd Vice President

Vice Mayor Wever requested Council support of Dottie Reeder, the SLM's past president, in her candidacy for the position of FLC's 2nd Vice President.

Motion:

Motion was made by Wever and seconded by Staib to authorize a letter to be sent to the FLC Nominating Committee support Dottie Reeder as 2nd Vice President of the Florida League of Cities. Motion carried 5-0.

MARY A. STAIB, COUNCIL MEMBER

Physician's referrals

Council Member Staib provided a new physician's referral directory to be kept at City Hall.

JOSEPH E. JOHNSTON, III, MAYOR

2001-02 Budget Workshops

Mayor Johnston recommended that the Budget Workshop scheduled for August 7, 2001 be moved to Monday, August 13th at 7:00, to which Council concurred.

City Manager Anderson drew attention to the fact that the budget is presented in a larger format for easier

review.

Mural Project

Mayor Johnston requested that future agreements with murals artists be signed before presented to Council for consideration.

JOE BERNARDINI

Speed bumps

Council Member Bernardini advised that on a recent trip he noticed the use of speed bumps in the residential areas of Atlanta.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:25 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

August 20, 2001 7:00 P.M.

Brooksville City Council met in regular session with Joseph E. Johnston, III, Mayor, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; B.J. Coryer, Director of Finance; Jennifer J. Battista, CMC, Deputy City Clerk; Emory Pierce, P.E., Director of Public Works; William Smith, Superintendent of Utilities; and Boyce E. Tincher, Police Chief. A member of the Hernando Today and St. Pete Times was also in attendance.

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

Mayor Johnston stated that the City Attorney has requested that an item on the Johnson v City of Brooksville be added to the agenda.

Motion:

Motion was made by Lewis and seconded by Bernardini to add the item to the Consent Agenda. Motion carried 5-0.

CONSENT AGENDA *

Minutes

Approval of July 16, 2001 Council Minutes

Utilities Division - purchase of solid waste collection vehicle

Consideration of recommended purchase of rear loading (residential) truck from McClain Southland Equipment in the amount of \$127,131.52 from Solid Waste Collections Reserves, rather than financing purchase (\$21,693 budgeted for debt service), utilizing competitive bid awarded by City of Largo.

Mowing Services - UD2001-07

Consideration of rejecting single bid received from R.A. Burke and authorize readvertising bid.

Claim - Water Damage

Consideration of recommended reimbursement to owner of mobile home at 19467 Zeinna Dr. due to water leak after request to discontinue service, in the amount of \$1,627.45. (Funds from Water & Sewer Reserves.)

Johnson v. City of Brooksville

Consideration of settlement in the amount of \$13,500.00 for all claims arising out of employment with and termination by the City.

Vice Mayor Wever stated that purchase of the truck out of the reserve fund will necessitate approval to change the budget and it was decided to remove this item from Consent and place on regular agenda.

In response to the costs quoted by the mowing bid responder brought up by Vice Mayor Wever, City Manager Anderson stated that the main reason for rejecting the bid is due to the fact that only one bid was received.

Motion:

Motion was made by Lewis and seconded by Staib to approve the August 20, 2001 Consent Agenda, including the Johnson v City item but with the removal of the vehicle purchase. Motion carried 5-0.

PUBLIC HEARING

****Alcoholic Beverage License Location Permit - 1118 E. Jefferson Street**

Approval of location permit Type A (sale of beer and wine only in conjunction with meals, sale is incidental to the sale of food or other non-alcoholic beverages) and on premise consumption. Applicant: S & J Trading Post.

City Attorney LaCroix explained that the City code allows two types of permits, but neither allows for the sole sale of beer and wine for on-premises consumption such as a bar or tavern. Type A, as requested here, allows for on-premise consumption but only in conjunction with food and non-alcoholic beverage sales, which must account for more than half of the sales received.

Mayor Johnston questioned if there was any system in place to monitor whether the businesses are in compliance with the permit approved, to which Anderson responded that there was no established monitoring procedure.

Each Council Member indicated that they had received no ex-parte communications.

The petitioner was not present at time of discussion to answer a question which arose regarding the permit type requested on the petition.

Motion:

Motion was made by Lewis and seconded by Staib to defer the petition until the next meeting to allow for clarification of the petition. Motion carried 3-2, with Johnston and Bernardini voting in opposition.

At this time, the property owner, John Wallace, did arrive and in response to the Mayor's question, he acknowledged that he understood that the code prohibits both on-site and off-site consumption of alcoholic beverages. Although both the Mayor and the City Attorney advised that Mr. Wallace would not have to declare whether he was going select on-site or off-site consumption at this time, Mr. Wallace informed Council that he is requesting a Type A permit and would be selling beer and wine for off-premise consumption.

Motion:

Motion was made by Lewis and seconded by Staib to reconsider this item and put it back on the agenda. Motion carried 5-0.

Motion:

Motion was made by Lewis and seconded by Staib to approve Type A permit for 1118 E. Jefferson Street. Motion carried 5-0.

Alcoholic Beverage License Location Permit - 20126 Cortez Blvd.

Approval of location permit Type A (sale of beer and wine only in conjunction with meals, sale is incidental to the sale of food or other non-alcoholic beverages) and on premise consumption. Applicant: Ford Diversified

Enterprises, Inc.

Attorney Bill Eppley, representing applicant Troy Ford, was present to answer any questions.

Robert Osmond questioned if the door or cover charges would count in the gross receipts, which LaCroix replied they would not.

Motion:

Motion was made by Bernardini and seconded by Staib to approve Type A permit for 20126 Cortez Blvd. Motion carried 5-0.

REGULAR AGENDA

Brooksville Regional Hospital - Proposed Relocation

Mayor Johnston began by stating that the City Council is not the decision maker on this issue and that the presentations are for informational purposes only to help Council develop opinions that may be relayed to the County Commission.

Presentation was made by Tom Barb, Executive Director, Brooksville Regional Hospital

Tom Barb went over terms of the lease agreement of the current site. He touched on issues of why they feel a new hospital is needed such as the small space for surgery, the small lobby, parking problems, flooding problems and the inefficient design of the building with two towers that are only connected in one place and the fact that, although it met all codes when it was built, it would not meet current codes if it was built as a new structure.

Mr. Barb informed Council of disadvantages of renovating the current hospital, which would be a multi-million dollar project and the site would still be too small.

Mr. Barb continued with an overview of the criteria used when looking for alternative hospital sites, including why the site on Lykes Dublin is being considered. Some of these include a site with limited owners, 40 acres needed at a minimal, a square or rectangular site, east of the Parkway, frontage on a major road, and a location that is accessible to doctors. He also advised that other sites had been considered but did not meet their criteria.

He went over the proposed site plan and added that the deed will be given to the County when the hospital occupies it. He suggested that the current hospital building could be leased for the remaining 27 years of the lease.

Presentation by Jamie Wesolowski, CEO, Oak Hill Hospital

Mr. Wesolowski stated that should the hospital move, Brooksville will be losing its largest private employer. In addition, 50 additional businesses will move, along with all the employees which will no longer be working in the City of Brooksville. He felt that that the economic impact will be devastating.

Mr. Wesolowski explained that Oak Hill Hospital is the only Hernando County hospital with an open heart surgery certificate. He felt that the move of Brooksville Regional to a location closer to Oak Hill will take patients away from Oak Hill, thus creating two small hospitals and the certificate may be taken away if the patient load decreases.

He concluded by stressing that the move further away from eastern county users will contribute to a longer

response time and that every minute and second counts when saving lives.

Anna Liisa Covell, Dean Alexander, Mary Jane Paliak and Kelly Wilson spoke in opposition to the hospital move while Robert Osmond did not see the move of a few miles being much of a detriment.

Resolution No. 2001-16 - Conflict Resolution (Water & Sewer extension in unincorporated area)

Consideration of initiating conflict resolution procedure relating to line extensions in the City's water and sewer service area.

City Attorney LaCroix explained that Florida Statutes allows cities to extend utility systems outside city limits for as much as five miles if the procedure set forth in the Statutes is followed. He stated that this was done in 1978 through a 201 facilities plan declaring the City's intention to extend water and sewer outside City limits to a maximum of five miles. The Statute also allows adoption of resolutions, ordinances, condemnation of property, special assessments or any other regulations to the use of the system the same as if the property is within the City limits. The Statute does not require any concurrence by the County. The City did adopt an ordinance defining the five mile service area outside the City limits. Mr. LaCroix stated that the County Administrator has taken the position that the 201 plan can be canceled at any time. Mr. LaCroix stated that according to the terms of the agreement, it cannot be terminated while any approved and funded project is underway, such as the current plan to extend the facilities down U.S. 41 S.

Mr. LaCroix stated that Florida Statutes Chapter 180 addresses what has to be done when there are conflicts between City utility systems or private systems. However, there is nothing mentioned about Counties. He stated that there needs to be a decision made on what areas will be serviced by the City and what areas will be serviced by the County. He recommended that City staff participate in all County development approval hearings for any developments inside the five mile service area. The City can intervene as a party in those proceedings and if there are conditions attached to the development order that are inconsistent with City ordinances, the 201 plan or the interlocal agreement, the City could challenge that order. To challenge anything in Court through a declaratory judgment, this proposed conflict resolution must be in place. This resolution also allows for a meeting to take place between the County and City in an effort to negotiate a new interlocal agreement. If no negotiation can be reached, Florida Statutes calls for a joint public hearing between Council and Commissioners. If that is not successful, mediation would occur, then finally, a declaratory judgment action in Court.

Regarding the develop of "Oaks of Hernando", Council could decide if it is feasible to service that development and notify the developer and the County and demand compliance with the provisions of the Interlocal Agreement.

Motion:

Motion was made Bernardini and seconded by Staib to approve the City Attorney's recommendations set forth in memorandum dated August 15, 2001, as follows:

- 1) Participate in all County development approval hearings, as a party-intervener, regarding land inside the City's service area. This would allow the City to challenge directly any development orders that inappropriately include a requirement for service by County water and sewer systems.
- 2) File a declaratory judgment action, requesting the Court to declare the rights of the City and County, within the City's service area, under the interlocal agreement, Chapter 180, and the City's ordinances and resolutions passed under Chapter 180. Prior to instituting such an action against another local governmental agency, however, the City is obligated to first initiate the conflict resolution procedures required by Florida Statutes, Sections 164.101 through 164.1061. This may, in fact, be the vehicle by which the County and City

manage to negotiate a new interlocal agreement and resolve any pending problems. This procedure is initiated by the adoption of a resolution.

3) Direct city staff to evaluate whether or not the City wishes to serve the Oaks of Hernando with water and sewer facilities and, if so, notify both the developer and the County of their violations, respectively, of City Code Section 17-182(a) and Article XVI of the interlocal agreement and demand compliance with these provisions.

Motion carried 5-0.

Deputy City Clerk Battista read Resolution No. 2001-16 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, INITIATING CONFLICT RESOLUTION PROCEDURES, PURSUANT TO FLORIDA STATUTES, SECTIONS 164.101 THROUGH 164.1061, REGARDING THE RIGHTS AND OBLIGATIONS OF THE CITY OF BROOKSVILLE AND HERNANDO COUNTY CONCERNING THE UNINCORPORATED PORTION OF THE CITY'S WATER AND SEWER SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve Resolution No. 2001-16.

In response to Council Member Lewis' question, LaCroix stated that it is legal for the County to a place conditional use on the owner to require hook up to County water and sewer except if it is in the City's service area.

Motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Vice Mayor Wever suggested that the County be furnished the City's long term utilities plan based on the report from Coastal Engineering.

Director of Public Works Pierce offered his recommendation not to pursue the Oaks of Hernando as it would put their facilities capacity at a maximum. He added that he feels that interfering in the development of Oaks of Hernando would cause more harm than good. City Manager Anderson stated that staff could bring back a report on this.

Vice Mayor Wever suggested that a letter be sent to Brooksville Regional Hospital contradicting the County's notice to them regarding the availability of City utilities.

Hope Hill Wellfield Expenditure

Consideration of authorizing consulting engineer to proceed with Task B, C, and D in Addendum #3, at an estimated cost of \$118,165.00, and transfer \$26,000 from reserve to project account.

Pierce stated that \$26,000 will be taken out of utility reserves. Vice Mayor Wever reminded Council that \$67,000 of the expenditure will be reimbursed through the WRWSA grant.

Motion:

Motion was made by Lewis and seconded by Staib to approve proceeding with the remaining tasks and scope of work. Motion carried 5-0.

Resolution No. 2001-17 - Bond Refinancing

Consideration of authorizing negotiation of refunding issue by Florida Municipal Loan Council, subject to City Council approval, and authorizing change in Call date.

Council Member Bernardini requested that the resolution be changed to "Mayor, or his designee" rather than "Vice Mayor", which was agreed to by Council.

Deputy City Clerk Battista read Resolution No. 2001-17 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$7,000,000 FROM THE FLORIDA MUNICIPAL LOAN COUNCIL; APPROVING THE PROJECT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN; AND PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 2001-17 with the correction noted.

Vice Mayor Wever recommended that Florida Municipal Loan Council be approached to revise the figures based upon December 1st rates.

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

Staib Aye

Lewis Aye

Bernardini Aye

Wever Aye

Johnston Aye

Appointment of Board Members

Police Pension Trust Fund Board of Trustees - appointment of two positions for two year terms on through 8/31/03

Parks and Recreation Advisory Board - appointment of one position for four year term on through 8/31/05

Motion:

Motion was made by Lewis and seconded by Staib to reappoint Joe Quinn to the Police Pension Trust Fund

through August 31, 2003 and appoint Pat Brayton to the Police Pension Trust Fund through August 31, 2003.

In response to Vice Mayor Wever's question, staff advised that there has been no attendance problems with Joe Quinn.

Motion carried 5-0.

Motion:

Motion was made by Lewis and seconded by Bernardini to reappoint Lee Porterfield to the Parks and Recreation Board through August 31, 2005.

Staff responded to Mr. Wever's question by stating that there has been no attendance problems with Ms. Porterfield.

Motion carried 5-0.

Group Health Insurance - AD2001-08

Consideration of proposals received and options available for health coverage for employees/families.

Human Resources Manager Baker stated that the information that he has received at this time is that Blue Cross and Blue Shield will be increasing their rates by 67% rather than 43% as earlier indicated due to the claim load. He stated that staff is researching the possibility of utilizing a cafeteria plan.

City Manager Anderson stated that there will be additional information provided to Council at the Special Meeting on August 27th.

Public Works Project Report

a. Status of U.S. 41/S.R. 50 construction project

Director of Public Works Pierce informed Council that the estimated completion date for the total project is July 7, 2002. The S.R. 50 portion is to be substantially complete the end of November, 2001. Regarding the paving of S.R. 50 in front of Candlelight, Pierce advised that is not scheduled for any time in the near future.

b. Status of water extension to Animal Control Facility

Director of Public Works Pierce stated that several months ago, the County was advised that the City should have the lines in by August, 2001 but now has been delayed due to several things, such as it has now been determined that right-of-way will need to be acquired.

Pierce recommended that the City allow the County to run sewer lines from Oaks of Hernando to the Fairgrounds. He stated that the feasibility report from Coastal Engineering only has the City extending sewer to slightly south of the Fairgrounds. He suggested that a clearly worded agreement of understanding be signed detailing the County bringing water and/or sewer up to a line at the Fairgrounds. Mayor Johnston and Vice Mayor Wever both disagreed with allowing the County to bring service to the City limits at the Fairgrounds. It was brought up that the County would not be able to bring the line up any faster without going through the problems facing the City.

It was the consensus of Council that the County be advised that the City plans to continue with utility expansion to this location and decline to commit to paying any costs associated with being late in

construction of the lines.

Mr. Wever felt that staff should send a letter to USDA regarding the potential cost to the City on the claims delay issue, which Pierce indicated would be done.

Utilities Division - purchase of solid waste collection vehicle (MOVED FROM CONSENT AGENDA)

Consideration of recommended purchase of rear loading (residential) truck from McClain Southland Equipment in the amount of \$127,131.52 from Solid Waste Collections Reserves, rather than financing purchase (\$21,693 budgeted for debt service), utilizing competitive bid awarded by City of Largo.

Mayor Johnston advised that this was moved from Consent in order to amend the budget to pay for this vehicle out of Sanitation R & R fund.

Motion:

Motion was made by Wever and seconded by Lewis to remove the loan funds from the budget and replace it by paying for the vehicle out of the Sanitation R & R fund in the amount of \$127,131.52. Motion carried 5-0.

CITIZEN'S INPUT

There was no citizen' input.

ITEMS BY COUNCIL MEMBERS

E.E. Wever, Jr., Vice Mayor

Review of Capital Projects Utility Division.

Vice Mayor Wever stated that the water and sewer capital improvements were not included in the budget reports. It was the consensus of Council to add it to the budget packet.

Fire Rescue Truck

In response to Vice Mayor Wever's question, City Manager Anderson replied that actual costs would be presented at the August 27, 2001 meeting.

Signage at Mildred and Jefferson

Vice Mayor Wever brought up for discussion what he felt was a problem with signage at Mildred and Jefferson.

Sidewalks on Candlelight

Vice Mayor Wever requested that MPO Representative Mayor Johnston check on the possibility of getting the MPO to move the sidewalks on Darby and Candlelight higher on the priority list.

Old Fire Truck

City Manager Anderson responded to Vice Mayor Wever's question by stating that another community had been interested in receiving the old fire truck as a donation. He went on to state that he is hoping to use it as a trade in for another truck. Vice Mayor Wever stated that if it cannot be sold, he would like to see it put to good use, even if it means donating it.

FLC Annual Conference

Vice Mayor Wever provided Council with copies of a report from the FLC legislative committee that he serves on regarding the subject of double taxation that will be discussed in detail by his committee during the FLC Annual Conference.

He stated that he would also be approaching the FLC regarding the ambiguity of Florida Statute 180 on City and County jurisdiction over service of utilities. He added that he would be pushing for many different things to help municipalities.

Commendation to Police Department

Vice Mayor Wever called attention to a letter received from Buddy's Home Furnishings complimenting the Police Department on services provided.

JOE BERNARDINI, COUNCIL MEMBER

Traffic problem - Palm Ave.

Council Member Bernardini brought up for discussion a letter received from a resident of Palm Avenue regarding traffic increase on their street due to people trying to avoid the blockades on Ft. Dade Ave. City Manager Anderson indicated that Police enforcement will be one option pursued.

MARY A. STAIB, COUNCIL MEMBER

Letter to Walmart Corporation

Council Member Staib clarified that the letter she wrote to Walmart was regarding an alternate color scheme rather than an alternate design layout as referenced on the Correspondence To Note.

JENNIFER J. BATTISTA, CMC, DEPUTY CITY CLERK

Special Meeting - CDBG Economic Development Grant

Deputy Clerk Battista reminded Council of the Special Meeting to be held August 27, 2001 at 6:00 p.m.

ADJOURNMENT

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

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

August 20, 2001 7:00 P.M.

Brooksville City Council met in regular session with Joseph E. Johnston, III, Mayor, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; B.J. Coryer, Director of Finance; Jennifer J. Battista, CMC, Deputy City Clerk; Emory Pierce, P.E., Director of Public Works; William Smith, Superintendent of Utilities; and Boyce E. Tincher, Police Chief. A member of the Hernando Today and St. Pete Times was also in attendance.

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

Mayor Johnston stated that the City Attorney has requested that an item on the Johnson v City of Brooksville be added to the agenda.

Motion:

Motion was made by Lewis and seconded by Bernardini to add the item to the Consent Agenda. Motion carried 5-0.

CONSENT AGENDA *

Minutes

Approval of July 16, 2001 Council Minutes

Utilities Division - purchase of solid waste collection vehicle

Consideration of recommended purchase of rear loading (residential) truck from McClain Southland Equipment in the amount of \$127,131.52 from Solid Waste Collections Reserves, rather than financing purchase (\$21,693 budgeted for debt service), utilizing competitive bid awarded by City of Largo.

Mowing Services - UD2001-07

Consideration of rejecting single bid received from R.A. Burke and authorize readvertising bid.

Claim - Water Damage

Consideration of recommended reimbursement to owner of mobile home at 19467 Zeinna Dr. due to water leak after request to discontinue service, in the amount of \$1,627.45. (Funds from Water & Sewer Reserves.)

Johnson v. City of Brooksville

Consideration of settlement in the amount of \$13,500.00 for all claims arising out of employment with and termination by the City.

Vice Mayor Wever stated that purchase of the truck out of the reserve fund will necessitate approval to change the budget and it was decided to remove this item from Consent and place on regular agenda.

In response to the costs quoted by the mowing bid responder brought up by Vice Mayor Wever, City Manager Anderson stated that the main reason for rejecting the bid is due to the fact that only one bid was received.

Motion:

Motion was made by Lewis and seconded by Staib to approve the August 20, 2001 Consent Agenda, including the Johnson v City item but with the removal of the vehicle purchase. Motion carried 5-0.

PUBLIC HEARING

****Alcoholic Beverage License Location Permit - 1118 E. Jefferson Street**

Approval of location permit Type A (sale of beer and wine only in conjunction with meals, sale is incidental to the sale of food or other non-alcoholic beverages) and on premise consumption. Applicant: S & J Trading Post.

City Attorney LaCroix explained that the City code allows two types of permits, but neither allows for the sole sale of beer and wine for on-premises consumption such as a bar or tavern. Type A, as requested here, allows for on-premise consumption but only in conjunction with food and non-alcoholic beverage sales, which must account for more than half of the sales received.

Mayor Johnston questioned if there was any system in place to monitor whether the businesses are in compliance with the permit approved, to which Anderson responded that there was no established monitoring procedure.

Each Council Member indicated that they had received no ex-parte communications.

The petitioner was not present at time of discussion to answer a question which arose regarding the permit type requested on the petition.

Motion:

Motion was made by Lewis and seconded by Staib to defer the petition until the next meeting to allow for clarification of the petition. Motion carried 3-2, with Johnston and Bernardini voting in opposition.

At this time, the property owner, John Wallace, did arrive and in response to the Mayor's question, he acknowledged that he understood that the code prohibits both on-site and off-site consumption of alcoholic beverages. Although both the Mayor and the City Attorney advised that Mr. Wallace would not have to declare whether he was going select on-site or off-site consumption at this time, Mr. Wallace informed Council that he is requesting a Type A permit and would be selling beer and wine for off-premise consumption.

Motion:

Motion was made by Lewis and seconded by Staib to reconsider this item and put it back on the agenda. Motion carried 5-0.

Motion:

Motion was made by Lewis and seconded by Staib to approve Type A permit for 1118 E. Jefferson Street. Motion carried 5-0.

Alcoholic Beverage License Location Permit - 20126 Cortez Blvd.

Approval of location permit Type A (sale of beer and wine only in conjunction with meals, sale is incidental to the sale of food or other non-alcoholic beverages) and on premise consumption. Applicant: Ford Diversified

Enterprises, Inc.

Attorney Bill Eppley, representing applicant Troy Ford, was present to answer any questions.

Robert Osmond questioned if the door or cover charges would count in the gross receipts, which LaCroix replied they would not.

Motion:

Motion was made by Bernardini and seconded by Staib to approve Type A permit for 20126 Cortez Blvd. Motion carried 5-0.

REGULAR AGENDA

Brooksville Regional Hospital - Proposed Relocation

Mayor Johnston began by stating that the City Council is not the decision maker on this issue and that the presentations are for informational purposes only to help Council develop opinions that may be relayed to the County Commission.

Presentation was made by Tom Barb, Executive Director, Brooksville Regional Hospital

Tom Barb went over terms of the lease agreement of the current site. He touched on issues of why they feel a new hospital is needed such as the small space for surgery, the small lobby, parking problems, flooding problems and the inefficient design of the building with two towers that are only connected in one place and the fact that, although it met all codes when it was built, it would not meet current codes if it was built as a new structure.

Mr. Barb informed Council of disadvantages of renovating the current hospital, which would be a multi-million dollar project and the site would still be too small.

Mr. Barb continued with an overview of the criteria used when looking for alternative hospital sites, including why the site on Lykes Dublin is being considered. Some of these include a site with limited owners, 40 acres needed at a minimal, a square or rectangular site, east of the Parkway, frontage on a major road, and a location that is accessible to doctors. He also advised that other sites had been considered but did not meet their criteria.

He went over the proposed site plan and added that the deed will be given to the County when the hospital occupies it. He suggested that the current hospital building could be leased for the remaining 27 years of the lease.

Presentation by Jamie Wesolowski, CEO, Oak Hill Hospital

Mr. Wesolowski stated that should the hospital move, Brooksville will be losing its largest private employer. In addition, 50 additional businesses will move, along with all the employees which will no longer be working in the City of Brooksville. He felt that that the economic impact will be devastating.

Mr. Wesolowski explained that Oak Hill Hospital is the only Hernando County hospital with an open heart surgery certificate. He felt that the move of Brooksville Regional to a location closer to Oak Hill will take patients away from Oak Hill, thus creating two small hospitals and the certificate may be taken away if the patient load decreases.

He concluded by stressing that the move further away from eastern county users will contribute to a longer

response time and that every minute and second counts when saving lives.

Anna Liisa Covell, Dean Alexander, Mary Jane Paliak and Kelly Wilson spoke in opposition to the hospital move while Robert Osmond did not see the move of a few miles being much of a detriment.

Resolution No. 2001-16 - Conflict Resolution (Water & Sewer extension in unincorporated area)

Consideration of initiating conflict resolution procedure relating to line extensions in the City's water and sewer service area.

City Attorney LaCroix explained that Florida Statutes allows cities to extend utility systems outside city limits for as much as five miles if the procedure set forth in the Statutes is followed. He stated that this was done in 1978 through a 201 facilities plan declaring the City's intention to extend water and sewer outside City limits to a maximum of five miles. The Statute also allows adoption of resolutions, ordinances, condemnation of property, special assessments or any other regulations to the use of the system the same as if the property is within the City limits. The Statute does not require any concurrence by the County. The City did adopt an ordinance defining the five mile service area outside the City limits. Mr. LaCroix stated that the County Administrator has taken the position that the 201 plan can be canceled at any time. Mr. LaCroix stated that according to the terms of the agreement, it cannot be terminated while any approved and funded project is underway, such as the current plan to extend the facilities down U.S. 41 S.

Mr. LaCroix stated that Florida Statutes Chapter 180 addresses what has to be done when there are conflicts between City utility systems or private systems. However, there is nothing mentioned about Counties. He stated that there needs to be a decision made on what areas will be serviced by the City and what areas will be serviced by the County. He recommended that City staff participate in all County development approval hearings for any developments inside the five mile service area. The City can intervene as a party in those proceedings and if there are conditions attached to the development order that are inconsistent with City ordinances, the 201 plan or the interlocal agreement, the City could challenge that order. To challenge anything in Court through a declaratory judgment, this proposed conflict resolution must be in place. This resolution also allows for a meeting to take place between the County and City in an effort to negotiate a new interlocal agreement. If no negotiation can be reached, Florida Statutes calls for a joint public hearing between Council and Commissioners. If that is not successful, mediation would occur, then finally, a declaratory judgment action in Court.

Regarding the develop of "Oaks of Hernando", Council could decide if it is feasible to service that development and notify the developer and the County and demand compliance with the provisions of the Interlocal Agreement.

Motion:

Motion was made Bernardini and seconded by Staib to approve the City Attorney's recommendations set forth in memorandum dated August 15, 2001, as follows:

- 1) Participate in all County development approval hearings, as a party-intervener, regarding land inside the City's service area. This would allow the City to challenge directly any development orders that inappropriately include a requirement for service by County water and sewer systems.
- 2) File a declaratory judgment action, requesting the Court to declare the rights of the City and County, within the City's service area, under the interlocal agreement, Chapter 180, and the City's ordinances and resolutions passed under Chapter 180. Prior to instituting such an action against another local governmental agency, however, the City is obligated to first initiate the conflict resolution procedures required by Florida Statutes, Sections 164.101 through 164.1061. This may, in fact, be the vehicle by which the County and City

manage to negotiate a new interlocal agreement and resolve any pending problems. This procedure is initiated by the adoption of a resolution.

3) Direct city staff to evaluate whether or not the City wishes to serve the Oaks of Hernando with water and sewer facilities and, if so, notify both the developer and the County of their violations, respectively, of City Code Section 17-182(a) and Article XVI of the interlocal agreement and demand compliance with these provisions.

Motion carried 5-0.

Deputy City Clerk Battista read Resolution No. 2001-16 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, INITIATING CONFLICT RESOLUTION PROCEDURES, PURSUANT TO FLORIDA STATUTES, SECTIONS 164.101 THROUGH 164.1061, REGARDING THE RIGHTS AND OBLIGATIONS OF THE CITY OF BROOKSVILLE AND HERNANDO COUNTY CONCERNING THE UNINCORPORATED PORTION OF THE CITY'S WATER AND SEWER SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve Resolution No. 2001-16.

In response to Council Member Lewis' question, LaCroix stated that it is legal for the County to a place conditional use on the owner to require hook up to County water and sewer except if it is in the City's service area.

Motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Vice Mayor Wever suggested that the County be furnished the City's long term utilities plan based on the report from Coastal Engineering.

Director of Public Works Pierce offered his recommendation not to pursue the Oaks of Hernando as it would put their facilities capacity at a maximum. He added that he feels that interfering in the development of Oaks of Hernando would cause more harm than good. City Manager Anderson stated that staff could bring back a report on this.

Vice Mayor Wever suggested that a letter be sent to Brooksville Regional Hospital contradicting the County's notice to them regarding the availability of City utilities.

Hope Hill Wellfield Expenditure

Consideration of authorizing consulting engineer to proceed with Task B, C, and D in Addendum #3, at an estimated cost of \$118,165.00, and transfer \$26,000 from reserve to project account.

Pierce stated that \$26,000 will be taken out of utility reserves. Vice Mayor Wever reminded Council that \$67,000 of the expenditure will be reimbursed through the WRWSA grant.

Motion:

Motion was made by Lewis and seconded by Staib to approve proceeding with the remaining tasks and scope of work. Motion carried 5-0.

Resolution No. 2001-17 - Bond Refinancing

Consideration of authorizing negotiation of refunding issue by Florida Municipal Loan Council, subject to City Council approval, and authorizing change in Call date.

Council Member Bernardini requested that the resolution be changed to "Mayor, or his designee" rather than "Vice Mayor", which was agreed to by Council.

Deputy City Clerk Battista read Resolution No. 2001-17 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$7,000,000 FROM THE FLORIDA MUNICIPAL LOAN COUNCIL; APPROVING THE PROJECT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN; AND PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 2001-17 with the correction noted.

Vice Mayor Wever recommended that Florida Municipal Loan Council be approached to revise the figures based upon December 1st rates.

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

Staib Aye

Lewis Aye

Bernardini Aye

Wever Aye

Johnston Aye

Appointment of Board Members

Police Pension Trust Fund Board of Trustees - appointment of two positions for two year terms on through 8/31/03

Parks and Recreation Advisory Board - appointment of one position for four year term on through 8/31/05

Motion:

Motion was made by Lewis and seconded by Staib to reappoint Joe Quinn to the Police Pension Trust Fund

through August 31, 2003 and appoint Pat Brayton to the Police Pension Trust Fund through August 31, 2003.

In response to Vice Mayor Wever's question, staff advised that there has been no attendance problems with Joe Quinn.

Motion carried 5-0.

Motion:

Motion was made by Lewis and seconded by Bernardini to reappoint Lee Porterfield to the Parks and Recreation Board through August 31, 2005.

Staff responded to Mr. Wever's question by stating that there has been no attendance problems with Ms. Porterfield.

Motion carried 5-0.

Group Health Insurance - AD2001-08

Consideration of proposals received and options available for health coverage for employees/families.

Human Resources Manager Baker stated that the information that he has received at this time is that Blue Cross and Blue Shield will be increasing their rates by 67% rather than 43% as earlier indicated due to the claim load. He stated that staff is researching the possibility of utilizing a cafeteria plan.

City Manager Anderson stated that there will be additional information provided to Council at the Special Meeting on August 27th.

Public Works Project Report

a. Status of U.S. 41/S.R. 50 construction project

Director of Public Works Pierce informed Council that the estimated completion date for the total project is July 7, 2002. The S.R. 50 portion is to be substantially complete the end of November, 2001. Regarding the paving of S.R. 50 in front of Candlelight, Pierce advised that is not scheduled for any time in the near future.

b. Status of water extension to Animal Control Facility

Director of Public Works Pierce stated that several months ago, the County was advised that the City should have the lines in by August, 2001 but now has been delayed due to several things, such as it has now been determined that right-of-way will need to be acquired.

Pierce recommended that the City allow the County to run sewer lines from Oaks of Hernando to the Fairgrounds. He stated that the feasibility report from Coastal Engineering only has the City extending sewer to slightly south of the Fairgrounds. He suggested that a clearly worded agreement of understanding be signed detailing the County bringing water and/or sewer up to a line at the Fairgrounds. Mayor Johnston and Vice Mayor Wever both disagreed with allowing the County to bring service to the City limits at the Fairgrounds. It was brought up that the County would not be able to bring the line up any faster without going through the problems facing the City.

It was the consensus of Council that the County be advised that the City plans to continue with utility expansion to this location and decline to commit to paying any costs associated with being late in

construction of the lines.

Mr. Wever felt that staff should send a letter to USDA regarding the potential cost to the City on the claims delay issue, which Pierce indicated would be done.

Utilities Division - purchase of solid waste collection vehicle (MOVED FROM CONSENT AGENDA)

Consideration of recommended purchase of rear loading (residential) truck from McClain Southland Equipment in the amount of \$127,131.52 from Solid Waste Collections Reserves, rather than financing purchase (\$21,693 budgeted for debt service), utilizing competitive bid awarded by City of Largo.

Mayor Johnston advised that this was moved from Consent in order to amend the budget to pay for this vehicle out of Sanitation R & R fund.

Motion:

Motion was made by Wever and seconded by Lewis to remove the loan funds from the budget and replace it by paying for the vehicle out of the Sanitation R & R fund in the amount of \$127,131.52. Motion carried 5-0.

CITIZEN'S INPUT

There was no citizen' input.

ITEMS BY COUNCIL MEMBERS

E.E. Wever, Jr., Vice Mayor

Review of Capital Projects Utility Division.

Vice Mayor Wever stated that the water and sewer capital improvements were not included in the budget reports. It was the consensus of Council to add it to the budget packet.

Fire Rescue Truck

In response to Vice Mayor Wever's question, City Manager Anderson replied that actual costs would be presented at the August 27, 2001 meeting.

Signage at Mildred and Jefferson

Vice Mayor Wever brought up for discussion what he felt was a problem with signage at Mildred and Jefferson.

Sidewalks on Candlelight

Vice Mayor Wever requested that MPO Representative Mayor Johnston check on the possibility of getting the MPO to move the sidewalks on Darby and Candlelight higher on the priority list.

Old Fire Truck

City Manager Anderson responded to Vice Mayor Wever's question by stating that another community had been interested in receiving the old fire truck as a donation. He went on to state that he is hoping to use it as a trade in for another truck. Vice Mayor Wever stated that if it cannot be sold, he would like to see it put to good use, even if it means donating it.

FLC Annual Conference

Vice Mayor Wever provided Council with copies of a report from the FLC legislative committee that he serves on regarding the subject of double taxation that will be discussed in detail by his committee during the FLC Annual Conference.

He stated that he would also be approaching the FLC regarding the ambiguity of Florida Statute 180 on City and County jurisdiction over service of utilities. He added that he would be pushing for many different things to help municipalities.

Commendation to Police Department

Vice Mayor Wever called attention to a letter received from Buddy's Home Furnishings complimenting the Police Department on services provided.

JOE BERNARDINI, COUNCIL MEMBER

Traffic problem - Palm Ave.

Council Member Bernardini brought up for discussion a letter received from a resident of Palm Avenue regarding traffic increase on their street due to people trying to avoid the blockades on Ft. Dade Ave. City Manager Anderson indicated that Police enforcement will be one option pursued.

MARY A. STAIB, COUNCIL MEMBER

Letter to Walmart Corporation

Council Member Staib clarified that the letter she wrote to Walmart was regarding an alternate color scheme rather than an alternate design layout as referenced on the Correspondence To Note.

JENNIFER J. BATTISTA, CMC, DEPUTY CITY CLERK

Special Meeting - CDBG Economic Development Grant

Deputy Clerk Battista reminded Council of the Special Meeting to be held August 27, 2001 at 6:00 p.m.

ADJOURNMENT

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

City Clerk

ATTEST:

Mayor

:jjb

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SPECIAL COUNCIL MEETING

SECOND CDBG PUBLIC HEARING

August 27, 2001 6:00 P.M.

Brooksville City Council met in special session with Joseph E. Johnston, III, Mayor, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works and Ron Baker, Human Resources Manager.

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

PUBLIC HEARING

The purpose of the Second Public Hearing is to obtain additional information and comments from the public on a proposed economic development grant application to the Florida Department of Community Affairs, Community Development Block Grant Program, to fund infrastructure improvements, including a frontage road, utility lines and related drainage improvements.

Community Development Director Geiger advised that proceeding this meeting, a Citizen's Advisory Task Force meeting was held and the Task Force unanimously recommended approval of the project. He proceeded by introducing Andy Easton, Berryman and Henigar. Mr. Easton went over details of the CDBG grant application in the Economic Development category. He reminded Council that the Commercial Revitalization grant application will be for the downtown. The purpose of the CDBG Economic Development grant will be for infrastructure for expanding businesses, and specifically for a portion of the access road for the frontage road and water and sewer line loops in that area.

Council Member Bernardini questioned the name of "Lockhart Ave." which Geiger stated would have to be changed by resolution as there is another Lockhart Ave. in existence.

There was no public input.

RESOLUTION NO. 2001-18 - CDBG APPLICATION

Consideration of approving an enabling resolution authorizing submission of a CDBG Economic Development Grant Application to fund infrastructure improvements, including a frontage road, utility lines and related drainage improvements.

Council Member Staib felt that the resolution should more specifically detail the project involved. Mayor Johnston replied that it is generic for a reason. Mr. Easton interjected that it references an attached application, which can be adjusted as necessary.

City Clerk Phillips read Resolution No. 2001-18 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL 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.

There was no public input.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 2001-18. Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

INTERLOCAL AGREEMENT

Consideration of agreement with Hernando County related to the construction of the frontage road from W. Jefferson Street to the access driveway for the U.S. Post Office on Cortez Boulevard.

Community Development Director Geiger explained that this agreement represents the minimum that is needed by the City for the County to support the grant application process. In response to Council Member Lewis' question, Geiger stated that it has been reviewed by County staff and is recommended for approval by the County Commission at their September 11th meeting.

Motion:

Motion was made by Lewis and seconded by Staib to approve the interlocal agreement for submittal to the County for consideration. Motion carried 5-0.

ENGINEERING CONTRACT - CDBG COMMERCIAL REVITALIZATION

Approval of design contract with Berryman and Henigar for CDBG Commercial Revitalization infrastructure improvements in the downtown project area (Main Street), for \$71,500 and \$20,800 for additional related services for a total contract cost of \$92,304.

Community Development Director Geiger clarified concerns voiced by Council Member Staib regarding the additional support documentation supplied by the engineering firm relating to the termination clause.

Mr. Geiger informed Council that this contract represents a lump sum contract in the amount of \$92,304. Of that amount, \$71,500 would cover services directly under the CDBG part of the program and the remainder would cover services for drainage, bulb outs and surveying services. Vice Mayor Wever stated that it was his understanding that Council previously approved an engineering design of the bulb-outs, which had been approved by the MPO and FDOT which Geiger explained was a conceptual design only. Community Development Director advised that this covers four bulb outs on Main street but not two others that Council had discussed at one time. Services have not been contracted for the other two.

In response to Council Member Bernardini's question regarding the time frame for the project, Geiger stated that the engineering estimate calls for a 180 day contract and a construction contract thereafter not to exceed four months.

Motion:

Motion was made Staib and seconded by Lewis to approve the Berryman and Henigar engineering contract for CDBG Commercial Revitalization.

Motion carried 5-0.

GROUP HEALTH INSURANCE

Consideration of revised proposal and premium funding options.

Human Resources Manager Baker advised that there were only two responsive Health Insurance proposals received. The Insurance Committee met and recommended the renewal of the Blue Cross and Blue Shield contract although the rates have increased substantially due to high claims.

The proposal from Blue Cross and Blue Shield was discussed, along with the options to offset the increased costs such as utilizing pretax dollars or using a portion of the funds for pay adjustments. The possibility of utilizing a Cafeteria Plan, which is out for bid, was discussed. Mr. Anderson stated that staff would bring forward a recommendation on how the cafeteria plan would be structured at the September 17, 2001 meeting.

Human Resources Manager Baker stated that staff is requesting approval of renewing the health insurance contract with Blue Cross and Blue Shield.

Motion:

Motion was made by Wever and seconded by Staib to approve renewal of the health insurance contract with Blue Cross and Blue Shield effective October 1, 2001. Motion carried 5-0.

Motion:

Motion was made by Wever and seconded by Lewis to pursue the 125 Cafeteria Plan to bring back to Council for consideration. Motion carried 5-0.

JOE BERNARDINI, COUNCIL MEMBER

New Hires

Council Member Bernardini questioned if new employees were introduced to different City Departments, to which City Manager Anderson responded that new hires participate in a three hour orientation which includes a tour of the various departments.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Wastewater System of the Year

Director of Administration Phillips advised that the City has received the 2001 Wastewater System of the Year award presented by the Florida Rural Water Association. The plaque will be on display at the Department of Public Works.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 6:30 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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FIRST PUBLIC BUDGET HEARING

September 12, 2001 6:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration/City Clerk; William Smith, Superintendent of Utilities; and Boyce E. Tincher, Police Chief.

Those present participated in a moment of silence for the families of the victims of the September 11, 2001 tragedy.

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

Presentation of Proposed Budget

Public Announcement - Ad Valorem Tax Rate (TRIM Notice)

City Clerk Phillips read the public announcement as follows:

Pursuant to Section 200.069, F.S., "Notice of Proposed Property Taxes" (TRIM NOTICE) the proposed ad valorem rate for the Fiscal Year 2002 was advertised to be a maximum of 9.000 mills. This millage rate would be a 17.9% increase over the rolled back rate of 7.6339 mills.

After reviewing revenue projections and proposed expenditure levels for the 2001-02 Fiscal Year, the General Fund budget is balanced at a proposed rate of 8.000 mills, which is .048% over the rollback rate.

Budget Projections

Recommended Revenue Projections - by Fund (Including Transfer and Beginning Fund Balances):

- (1) General Fund \$7,248,204
- (2) Special Revenue Funds 2,352,561
- (3) Capital Projects Revenue 878,387
- (4) Proprietary Funds 7,648,052
- (5) Trust and Agency Funds 2,701,920

TOTAL REVENUES \$20,829,124

b) Recommended Expenditures Projections - by Department and Budget Centers:

(1) General Fund Expenditures

General Government \$1,798,915

City Council 52,220

Administration Department 585,872

Community Development Dept. 213,725

Finance Department 474,922

Police Department 1,394,667

Fire Department 1,132,485

Parks & Recreation Department 709,100

Public Works Department 886,298

TOTAL GENERAL FUND EXPENDITURES \$7,248,204

(2) Special Revenue Expenditures

Police Special Education 9,308

Law Enforcement Trust Fund 3,600

Law Enfnt. Invest. Trust Fund 12,426

COPS More Grant 16,068

Police Special Communications 0

Police LLEGB (96, 97, 98) 51,191

Road Impact Fees Fund 91,000

Public Bldg. Impact Fees Fund 2,060

Park Impact Fees Fund 3,425

Law Enfnt. Impact Fees Fund 9,550

Fire/EMS Impact Fees Fund 10,875

Local Option Gas Tax Fund 375,838

Jerome Brown Community Center 0

Friends of the Children 3,020

CDBG Projects 686,700

Major Storm Readiness Fund 122,500

WAP (Water Advisory Panel) Grant 926,000

Treescaping 29,000

TOTAL SPECIAL REVENUE FUND EXPENDITURES \$2,352,561

(3) Capital Projects Expenditures

McKethan Park 14,861

FRDAP Grants 177,300

Public Facilities R&M 24,063

Multi Year Capital Projects 194,350

Fleet Vehicle Replacement Fund 467,813

TOTAL CAPITAL PROJECTS EXPENDITURES \$ 878,387

(4) Proprietary Fund Expenses

Utilities-Water & Wastewater 6,203,756

Solid Waste 1,335,638

Vehicle Maint. Inter. Ser. Fund 108,658

TOTAL PROPRIETARY FUND EXPENSES \$7,648,052

(5) Trust and Agency Expenditures

Butterweck Bond Fund 2,000

Special Cemetery Fund 202,000

Donor Memorial Wall Fund 6,500

Fire Retirement Fund 1,697,583

Policemens Retirement Fund 559,500

General Emp. Retirement Fund 130,000

Self Insured Dental Plan 40,200

Community Redevelopment Agency 64,137

TOTAL TRUST AND AGENCY EXPENDITURES \$ 2,701,920

TOTAL EXPENDITURES AND EXPENSES \$20,829,124

Finance Director Coryer stated that the format presented to Council at this meeting will be the one used for the final version other than necessary changes to numbers, narratives or pictures and advised that in some instances, graphs will be added. The "other or miscellaneous" categories will be footnoted as much as possible.

Coryer went over the recommended revenue projections by funds.

Mayor Johnston referenced September 7th and September 10th memos from the City Manager regarding pay plan adjustments, Parks and Recreation Office Building, a proposal for an incentive plan bonus and other proposals, and suggested that Council voice any comments or questions regarding same at this time.

In response to Vice Mayor Wever's question, City Manager Anderson replied that the Fire Chief has reported that he has since been able to find a vehicle that meets his requirements by piggybacking onto another County bid. It was determined that the funds will be appropriated in the 2000-01 budget with consideration for the purchase to be heard at the September 17th meeting.

Discussion ensued regarding the Parks and Recreation Department's need for a building with City Manager Anderson stating that there is \$25,000 in the existing budget and \$25,000 in next year's proposed budget. As indicated in his memo, Anderson stated that in an attempt to encumber the funds by placing an order for a pre-fab building that was proposed to be the majority of this project. It is similar to the Jerome Brown Center and the Fire Department steel building. Anderson proposed the roll the current money into the next year's budget. Vice Mayor Wever asked for confirmation that it make a total of \$50,000, which Anderson confirmed. Director of Parks and Recreation Pugh stated that \$9,000 had been budgeted for the pole barns, which could be incorporated as well. Mayor Johnston summarized that a total of \$59,000 will be included for capital improvements for construction of a maintenance/office/storage facility.

Mayor Johnston stated that if Council approves a contract with Blue Cross and Blue Shield at the September 17th Council meeting, an adjustment for increase premiums will be made to the budget.

City Clerk Phillips described the "community relations" incentive program that is included in the budget and will be offered to employees. The policy for the program will be brought back before Council for the second meeting in October. Ms. Phillips touched on the "living well program", which is included in the budget as well.

Finance Director responded to Council Member Staib's question about why, in some instances, salaries decreased from last year to this year by stating that new replacements are brought in at a lower salary rather than at a higher pay rate.

Vice Mayor Wever called attention to a police vehicle that should not be listed on page 20 and 22, which Mayor Johnston and staff acknowledged.

Council Member Staib questioned that status of the defibrillator, which Anderson responded is included in the budget and would be ordered October 1st.

City Manager Anderson explained Vice Mayor Wever's question about what insurance premiums were reflected on page 22.

Regarding the \$38,000 reflected for legal costs, Mayor Johnston agreed with Vice Mayor Wever that it may need to be adjusted later. City Manager Anderson interjected that there a few things coming up in the near future that will require City Attorney review and research.

Vice Mayor Wever pointed out that legal to be spent on condemnation in utilities should be capitalized, which Anderson acknowledged.

Council Member Staib called attention to advertising and promotional activities on page 36. Phillips stated that promotional all comes out of general government and not in each separate department. In response to Ms. Staib's question, City Clerk Phillips stated that the public internet access would be located right outside of the Development Department the first floor. Council Member Staib requested that basic use instructions be available.

Council Member Bernardini brought up for discussion the fact that he would like a line item added on page 60 for drug enforcement for \$7,000 to pay for officer overtime, which was the consensus of Council.

Vice Mayor Wever questioned the increase on page 67 for reserve firefighters which Anderson explained are

used as much as possible to save on costs such as overtime. It was decided to leave the number at 10 at this point and it could be adjusted if necessary.

Mayor Johnston inquired as to the decrease in "other current charges" on page 82. Parks and Recreation Director Pugh explained that it was based on historical trends. Council Member Staib asked where replacement of benches, tables and playground equipment would be reflected, to which Pugh advised would come out of "other contractual services" if contracted out or "repair and maintenance supplies" if done in-house.

Page 93 posed a question by Vice Mayor Wever regarding the revenue and expenses for the Quarry Golf Course. Director of Parks and Recreation Pugh explained that the lack of summer business, in conjunction with the road construction on U.S. 41, has caused a decrease in revenue. The possibility of installing a lighted sign on U.S. 41 after the construction was discussed with Council Member Lewis requesting that costs be brought back to Council for consideration.

Discussion ensued regarding safety checks on use of credit cards brought up by Council Member Staib.

Odor at the wastewater treatment plant was also discussed, which Pierce advised that improvement of same would include installation of additional odor control tanks with other alternatives to be pursued if necessary.

Mayor Johnston called attention to page 110, repair and maintenance supplies, and the footnote which he felt should be included in more appropriate line items. Coryer indicated that it would be corrected.

City Clerk Phillips responded to Vice Mayor Wever's reference to the footnote on the top of page 113 regarding the loan to the Jerome Brown Youth Foundation. She stated that the Foundation would be addressing this issue and presenting a proposal to Council shortly. She added that the Foundation would also be asking to take over the United Way Grant.

On page 114, Council Member Staib questioned the amount referenced for a second elevator. City Manager Anderson stated that proposals may be requested later in the fiscal year to determine costs for the project. It would be a located outside with the entrance into the stairwell.

City Manager Anderson stated that staff would be researching grant possibilities for a generator.

Vice Mayor Wever advised that the Finance Director will be adding an additional column on page 116 and would include needed research on earnings that should be reflected in the maintenance fund.

Regarding page 134, Vice Mayor Wever stated that staff would be separating out the R & R fund from the general reserves.

In addition, Mr. Wever brought up for discussion bond refinancing, which he advised would be brought back to Council for further consideration at an upcoming Council meeting.

In response to Council Member Staib's question, City Manager Anderson stated that the City's portion for resolving the Cheyenne Landfill issue would be approximately \$1,600, which would be included in the budget and would be presented to Council shortly for consideration.

Public Hearing - Fiscal Year 2002 Proposed Budget

Public Announcement

City Clerk Phillips read the public announcement as follows:

The Fiscal Year 2001 proposed property tax (the tentative ad valorem millage rate included in the FY 2001-02 budget) of 8.000 is above the rolled back rate of 7.6339 by .048%.

Tony Covell called attention to his TRIM notice, which he felt indicates that the City portion of the taxes are increasing 43%. It was explained that the amount appraised for his property may have increased but that the City is not increasing taxes. The issue of paying both City and County taxes for his property and the possibility of reimbursement from the County to the City for services provided was discussed.

Approval of Ad Valorem Tax Rate of 8.000 mills for Fiscal Year 2002

Motion:

Motion was made by Bernardini and seconded by Lewis to approve 8.000 mills for Fiscal Year 2001-02. Motion carried 5-0.

Ordinance No. 620 - Adoption of the Tentative Budget for Fiscal Year 2002

Mayor Johnston offered a change to the language of item #3 on page seven, which was agreed to by Council. Page One would include changes to the numbers in General Government per Vice Mayor Wever, which Coryer acknowledged.

City Clerk Phillips read Ordinance No. 620 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, 2001 AND ENDING SEPTEMBER 30, 2002.

There was no public input.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve First Reading of Ordinance No. 620 as amended. Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Second and Final Reading to be held September 26, 2001 (which was subsequently changed to September 27th due to a problem in meeting advertising requirements).

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Founder'S Day

City Clerk Phillips updated Council on the plans for the upcoming Founder's Day activities.

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

September 17, 2001 7:00 P.M.

Brooksville City Council met in regular session with Joseph E. Johnston, III, Mayor, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Boyce E. Tincher, Police Chief. A member of the St. Pete Times (7:16 p.m.) was also in attendance.

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

CONSENT AGENDA *

Minutes

Approval of July 30, August 6, August 20 and August 27, 2001 Council minutes.

Renewal of Withlacoochee Regional Planning Council service agreement

Consideration of extending annual agreement for services on an if and as needed basis for additional year through September 30, 2002.

Johnson v. City of Brooksville

Approval of final bills of Dean, Ringer, Morgan and Lawton (\$11,095.40) and Carolyn F. Engel & Associates (\$131.00) and the transfer from Reserve Contingencies to General Government Legal Services. (Reimbursement, less deductible, by City's insurance company anticipated).

Cheyenne Pass Landfill

Approval of increasing City's Share from previously approved \$14,750 to \$16,350 for an increased amount of \$1,600 for preparation of Contamination Assessment Plan of old landfill site.

At the request of the City Attorney, item C-3, Johnson v. City of Brooksville, was moved to the regular Agenda.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve the balance of the September 17, 2001 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

American Business Women's Association Day

Proclaiming September 22, 2001 as American Business Women's Association Day.

The Mayor read the proclamation, which was accepted by ABWA president Susan Carroll.

National Alcohol and Drug Addiction Recovery Month

Proclaiming the month of September as National Alcohol and Drug Addiction Recovery Month.

The proclamation was read and would be forwarded appropriately.

REGULAR AGENDA

Johnson v. City of Brooksville (MOVED FROM CONSENT AGENDA)

Approval of final bills of Dean, Ringer, Morgan and Lawton (\$11,095.40) and Carolyn F. Engel & Associates (\$131.00) and the transfer from Reserve Contingencies to General Government Legal Services. (Reimbursement, less deductible, by City's insurance company anticipated).

Council Member Staib questioned expenses on page 10, which City Attorney LaCroix reasoned may have something to do with the number of subpoenas served but would check on it.

City Attorney LaCroix recommended only paying this invoice if the insurance company agrees that the amounts are reasonable and will reimburse the City.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve paying the invoice subject to it being reimbursed by the insurance company. Motion carried 5-0.

**** Rezoning Ordinance No. 621 - Mildred Ave. between Martin Luther King Jr. Blvd. and Daniel Ave. (RZ2001-02)**

Consideration of rezoning property from R-1-B to R-2 and R-3. Petitioner: William Gernazian, d/b/a BGJV, Inc.

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

AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-2 AND R-3 (MULTI-FAMILY RESIDENTIAL DISTRICT), REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING AN EFFECTIVE DATE.

Mayor Johnston advised that this is a quasi judicial function.

City Clerk Phillips pointed out that this ordinance will take effect immediately upon adoption.

There was no one wishing to step forward as a party intervener. Don Lacey, representing the petitioner, and Community Development Director Geiger, were sworn in. It was noted that qualifications of the Community Development Director were on file and accepted by consensus. Mr. Lacey verbally presented Council with his qualifications, which were also accepted by consensus.

Community Development Director Geiger read the staff report into the record, including staff's recommendations as follows:

1. That the rights-of-way for F Street and Johns Avenue be retained on the replat of the property.
2. The lot widths need to be increased to a minimum of 85 feet for the R-2 lots to meet the code standard. The typical lot sketch currently shows an 84 foot width.
3. Limit each of the proposed lots to one common driveway access point on Mildred Avenue.
4. Require that the petitioner provide for required easements, sidewalks and other public amenities as

deemed appropriate by the City, as part of the subdivision and platting of the property.

5. In any future development of the subject parcel, the developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.

6. The developer shall be required to submit site development plans that are consistent with an approved subdivision plat, that include proper drainage control system design and calculations, and are subject to approval by the City Department's of Public Works and Community Development prior to issuing a building/construction permit.

Council Member Lewis, a property owner near the referenced site, stated that he had attended the Planning and Zoning Commission meeting and expressed concerns relating to drainage and traffic and advised that those concerns were addressed. He informed Council that it is his understanding that a backswale for drainage will be considered by the petitioner, which is covered under items 5 and 6 of the recommendations. He added that the specimen canopy oak trees will be protected on Mildred Ave.

Don Lacey stated that the proposed use is about the least density under a multi-family designation. He acknowledged that the petitioners have agreed that the swale option will be considered.

There was no one from the public to speak on this issue.

Motion:

Motion was made by Lewis and seconded by Staib to approve First Reading of Ordinance No. 621 with staff recommendations. Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Second and Final Reading will be held October 1, 2001.

**** Annexation Ordinance No. 622 and Zoning Ordinance No. 623 - Northeast corner of intersection of Barnett and Buck Hope Road (AX2001-03 and RZ2001-03)**

Consideration of annexing property into City with a zoning/land use designation of Planned Development Project with a Commercial Special Exception Use designation. Petitioner: Bobby Saxon/Thomas Nowlin (represented by Warren J. Pashley, III).

Bill Geiger and representatives for the petition were sworn in.

Community Development Director Geiger's qualifications were on file and accepted by consensus.

Mr. Geiger read the staff report into the record, including the following staff recommendations for Ordinance No.s 622 and 623:

1. The developer must meet all applicable Local, State and Federal performance standards and City Code provisions that pertain to any future development of the site.
2. In any future development of the subject parcel, the developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.
3. Site development plans shall be submitted, including drainage control system design and calculations, and are subject to approval by the City Department's of Public Works and Community Development prior to issuing a building/construction permit.
4. Property owner/developer to follow the City's Planned Development Project review process as found in Appendix B of the City's Land Use/Zoning Regulations for future development approvals.

Annexation Ordinance No. 622

Consideration of Request for Annexation.

City Clerk read the ordinance by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no input from the petitioners or public on this ordinance.

In response to Vice Mayor Wever's question, Geiger stated that the legal description of the subject parcel for this annexation includes all of Barnett Road and over half of Buck Hope Road. Mayor Johnston questioned the City Attorney on whether the road really is included in the annexation or would remain under the County's jurisdiction. City Attorney LaCroix stated that it is annexed to the City but whether it becomes a City road depends on a variety of things. Concerning maintenance, Community Development Geiger interjected that the gas tax interlocal agreement indicates that any future annexation of property and adjoining right of way will be subject to the City accepting maintenance on it. Geiger and City Attorney LaCroix stated that the Gas Tax Interlocal Agreement may have to be reviewed further.

Motion:

Motion was made by Staib and seconded by Bernardini to approve First Reading of Ordinance No. 622, which was approved by roll call vote of 5-0, as follows:

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

Second and Final Reading to be held October 1, 2001.

Zoning Ordinance No. 623

Consideration of Planned Development Project with a Commercial Special Exception Use designation (to be effective upon adoption of an amendment to the Future Land Use Element of the Comprehensive Plan)

City Clerk Phillips read Ordinance No. 623 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT) WITH A SPECIAL EXCEPTION USE DESIGNATION OF COMMERCIAL FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN BEING ANNEXED INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR DRAINAGE STIPULATIONS THERETO; AND PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Lewis and seconded by Staib to approve First Reading of Ordinance No. 623. Upon roll call, motion carried 5-0, as follows:

The Ordinance was read by headnote as follows:

There was no discussion.

Staib Aye

Bernardini Aye

Lewis Aye

Wever Aye

Johnston Aye

Second and Final Reading to be held October 1, 2001.

** Annexation Ordinance No. 624 and Zoning/Land Use Designation Ordinance No. 625 - Off SR 50 north of its intersection with Horse Lake Road (AX2001-02 and RZ2001-04)

Consideration of annexing property into City with a zoning/land use designation of C-2. Petitioner: Smith Property Investments, L.L.C.

Community Development Director Geiger and Don Lacey were sworn in and their qualifications were accepted by consensus. There were no one from the public wishing to give testimony.

Community Development Director Geiger read the staff report into the record, including the following recommendations:

1. The developer must meet all applicable Local, State and Federal performance standards and City Code provisions that pertain to any future development of the site; and
2. In any future development of the subject parcel, the developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.
3. Site development plans shall be submitted, including drainage control system design and calculations, and are subject to approval by the City Department's of Public Works and Community Development prior to issuing a building/construction permit.

Annexation Ordinance No. 624

Consideration of Request for Annexation

City Clerk Phillips read Ordinance No. 624 by headnote only as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Staib and seconded by Lewis to approve First Reading of Ordinance No. 624. Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Second and Final Reading will be held October 1, 2001.

Zoning Ordinance No. 625

Consideration of C-2 Commercial Zoning (to be effective upon adoption of an amendment to the Future Land Use Element of the Comprehensive Plan)

The Ordinance was read by headnote only, as follow:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN BEING ANNEXED INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR DRAINAGE STIPULATIONS THERETO; AND PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Staib and seconded by Lewis to approve First Reading of Ordinance No. 625.

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

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

Second and Final Reading to be held October 1, 2001.

Resolution No. 2001-18 - Florida Department of Forestry

Consideration of 50/50 grant application for \$7,500 to implement Phase II of Streetscaping Plan (City's \$8,541 share from Tree replacement fund).

The City Clerk read Resolution No. 2001-18 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 Bernardini and seconded by Staib to approve Resolution No. 2001-18. Upon roll call, motion carried 5-0, as follows:

Staib Aye

Bernardini Aye

Lewis Aye

Wever Aye

Johnston Aye

Fire Rescue Vehicle

Consideration of purchasing a (Ford F-550 Diesel) Rescue Truck from Ten-8, utilizing Lake County Bid No. 99-150, in the amount of \$86,742.00, and amending Fire Department Budget by transferring that amount from the General Fund Reserves.

Motion:

Motion was made by Staib and seconded by Wever to approve the purchase, including amending the budget appropriately and removing the purchase from the 01-02 draft budget. Motion carried 5-0.

Mural - 31 South Main Street

Consideration of the Brooksville Mural Society's request to use an external wall of a building adjacent to the City parking lot.

City Manager explained that one wall remains of a building torn down by the City and that the Mural Society is requesting authorization to place a mural on it.

Discussion ensued regarding the 5 year term instead of the 15 years as in earlier drafts of the agreement. City Attorney LaCroix stated that for consistency, he would recommend making the term 15 years. Council discussed paragraph 8, which reads as follows: This Agreement will continue on a year to year basis unless terminated after the initial five (5) year term by either party giving ninety (90) days written notice to the other party. The Attorney and City Manager will review the statement further.

Motion:

Motion was made by Lewis and seconded by Staib to approve the agreement with a 15 year term in paragraph 5 and omitting paragraph 8 if appropriate. Motion carried 5-0.

Pay Plan Adjustments

Consideration of a two (2) Pay Grade adjustment for all Classifications. (All employees, except those allocated to a lower classification, would receive an increase of approximately 5%.)

City Manager Anderson advised that this adjustment will be effective October 4th with a total cost for all funds of approximately \$250,000.

Motion:

Motion was made by Bernardini and seconded by Staib to approve the pay plan adjustments as proposed. Motion carried 5-0.

Appointment of Board Member

Appointment of member to Beautification Board to fill unexpired three year term and an additional three year term through January 31, 2005.

Mayor Johnston requested that if there is only one applicant for the position, then such requests should be on the Consent Agenda.

Motion:

Motion was made by Lewis and seconded by Bernardini to appoint Love Harden to the Beautification Board for an unexpired three year term of office and an additional three year term through January 31, 2005. Motion carried 5-0.

Street Name Change - Lockhart Avenue

Selection of new designation due to conflict in names.

In response to the question of whether Mr. Sims or the Baptist Church on Jefferson were asked to suggest names, Community Development Director replied that they had not been approached. He added that Whitfield Ave. was suggested by the Tractor Supply Company.

Motion:

Motion was made by Staib and seconded by Lewis to approve the name of Whitfield Ave. and directed staff to draft a resolution to be brought back for consideration. Council Member Bernardini stated that he would have preferred another choice. Motion carried 4-1 with Bernardini voting in opposition.

Contract - Florida Acquisition and Appraisal

Approval to discontinue negotiations with Florida Acquisition and Appraisal Services, and proceed with second highest ranked firm American Acquisition Group, Inc.

Director of Public Works Pierce requested Council authorization for staff and the City Attorney to negotiate with Florida Acquisition and Appraisal, and, if not successful, move on to the second and third place firms. The Mayor interjected that the final contract would be brought back to Council for approval.

City Attorney LaCroix agreed with Pierce that at this point the prices submitted by Florida Acquisition and Appraisals are too high.

Motion:

Motion was made by Lewis and seconded by Staib to authorize staff to negotiate with Florida Acquisition and Appraisal, and, if not successful, then to the second ranked firm and then to the third ranked firm. Motion carried 5-0.

Award of Bids

- a. Section 125 Cafeteria Plan, Accident and Health/Medical Expense Reimbursement Plan, AD2001-10
- b. Group life insurance - Ad2001-09.

Human Resources Manager Baker explained staff's recommendation to award the Life Insurance to Highmark, the cafeteria plan portion to Colonial Life and the Health/Medical Expense plan to Crowne Consulting. Regarding the cafeteria plan and Health/Medical bids, City Manager Anderson stated that the City Attorney will be reviewing these contracts before transmitting.

Motion:

Motion was made by Bernardini and seconded by Lewis to accept the Highmark proposal for Group Life Insurance, alternate A. Motion carried 5-0.

Motion:

Motion was made by Bernardini to approve the relevant portions to Colonial Life and Crowne Consulting. Motion carried 5-0.

General Pension Plan

Consideration of withdrawing General Employees from Florida Municipal Pension Trust Fund (Florida League) and enrolling in the State of Florida Retirement System, including existing employees appointed after January 1, 1996, and all new employees.

Human Resources Manager Baker advised that after discussions, staff's recommendation is go back into the FRS. Those employees in the current FMPTF fund would immediately vest with the amount of money they have in the plan today for cash or into a pension plan. Baker continued by explaining that under the FMPTF, the City agreed to pay a percentage per year for each employee enrolled with partial vesting at the end of five years but not fully vested until 10 years. After a lengthy discussion, it was the consensus of Council for staff to bring back more information and a plan of how to communicate with employees.

Council Member Staib mused over the fact that it seemed those surveyed would prefer to go back into the FRS.

Council Member Lewis voiced his support of staying with FLC while Vice Mayor Wever did not favor the FLC proposal which he felt did not offer a diversified investment program.

Anderson stated that staff may explore setting up presentations before Council.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Juvenile Justice Grant - JBCC

Council Member Staib brought up the fact that only 28 youths have registered for programs at the JBCC and expressed her concern that getting a Juvenile Justice grant for a second year may be in jeopardy. She felt that the lack of transportation was the problem.

New Walmart Site

Council Member Staib advised that the colors suggested for the proposed Walmart had been accepted.

Cloverleaf Farms

Council Member Staib reported that Cloverleaf was recently without power for 27 hours, which also included a flooding situation. Fire Chief Daugherty responded to her concerns on flooding by stating that there is a problem of retention in the nearby dairy farm.

Digester

Council Member Staib informed Council that she had spoken to Dale Harris, who advised that years ago he had submitted plans for a digester. She stated that he has never received his plans back. She felt that if the City was not able to send the plans back, then he should be sent a letter of apology or explanation.

JOE BERNARDINI, COUNCIL MEMBER

Tree removal Permits

Council Member Bernardini questioned if the appropriate permits were obtained for cutting trees down in Cloverleaf. Council Member Staib stated that she has given the front office a copy of the City tree ordinance. Council Member Lewis advised that he has called the Police Department on different occasions regarding trees being removed throughout town.

Commendation to Staff

Council Member Bernardini commended the Department of Public Works staff for the picking up yard trash over the weekend after the wind storm on Friday night.

E.E. WEVER, JR., VICE MAYOR

Budget - Capital purchase of a vehicle

Vice Mayor Wever advised that the police vehicle was taken out of General Government - Capital purchases but stated that there is \$90,000 listing for land purchase. Wever stated that it was his understanding that it was to be removed and stated that it would need to be discussed further at the Final Budget Hearing.

Bond Refinancing

Vice Mayor Wever stated that he, the City Manager and Finance Director will be meeting to discuss the bond refinancing with the current rates and savings that have been supplied to the City. He advised that the plan is to issue the bonds November 15th with old ones called in on December 1st. The Vice Mayor stated that it

would be his inclination to go with the 2016 final payment date rather than 2018 which would result in about \$500,000 **more** [approved by Council 11/5/01 kp] in savings.

Refund of Ad valorem Taxes

Vice Mayor Wever voiced his opinion that the County should be asked to refund to the City ad valorem taxes for providing police, fire, road and other services to County residents while they are in the City limits. He requested that it be placed on the next Council meeting.

Municipalities - Water/Sewer Service area

Vice Mayor Wever advised that he would be discussing the ambiguity of Florida Statutes 180 concerning the water and sewer service areas for municipalities at an upcoming FLC policy committee meeting.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Final Budget Hearing

City Clerk Phillips reminded Council that the Final Budget Hearing will be held on September 27, 2001 at 6:30 p.m.

JOSEPH E. JOHNSTON, III, MAYOR

Extension of Water/Sewer services

Mayor Johnston stated that he had a meeting with County staff on extending services outside of the City limits but within a five mile radius. He stated that the Director of Public Works will be meeting further with the County Public Works Department. At the meeting, County Attorney Collier warned that if the City starts revisiting interlocals, his staff of four attorneys will be willing to rework all of the agreements. Another meeting will be held September 26, 2001.

RICHARD E. LEWIS, COUNCIL MEMBER

Ad Valorem Taxes

Council Member Lewis advised that Oakhill Hospital is paying ad valorem taxes to the County and stated that he has asked the City Manager and Community Development Director to find out why the County was not paying ad valorem taxes to the City for Brooksville Regional since the property was being leased to the Hospital.

RICHARD E. ANDERSON, CITY MANAGER

Commendation to Staff

City Manager Anderson reiterated the comment made earlier that the City Public Works employees did an outstanding job after the storm on Friday.

Emergency Generator

City Manager Anderson stated that the budget includes \$90,000 that was to go towards an elevator but may be held off until next year.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:18 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

October 1, 2001 7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, E.E. Wever, Jr., Vice Mayor, and Council Members Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; Bill Geiger, Community Development Director; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; and Boyce E. Tincher, Police Chief.

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

CONSENT AGENDA *

United Way Grant - JBCC

Authorization to shift grant to the JB Youth Foundation.

Motion:

Motion was made by Lewis and seconded by Staib to approve the October 1, 2001 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Headstart Month

Proclaiming the month of October as Headstart Month.

Mayor Johnston read the proclamation, which would be forwarded to the recipient.

PUBLIC HEARING

****Rezoning Ordinance No. 621 - Mildred Ave. between Martin Luther King Jr. Blvd. and Daniel Ave.**
(RZ2001-02)

Consideration of rezoning property from R-1-B to R-2 and R-3. Petitioner: William Gernazian, d/b/a BGJV, Inc. [FIRST READING 9/17/01]

City Clerk Phillips read Ordinance No. 621 by headnote as follows:

AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-2 AND R-3 (MULTI-FAMILY RESIDENTIAL DISTRICT), REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Staib and seconded by Lewis to approve Second and Final Reading of Ordinance No. 621.

There was no one present to represent or to give testimony on the petition.

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

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

****Annexation Ordinance No. 622 and Zoning/Land Use Designation Ordinance No. 623 - Northeast corner of intersection of Barnett and Buck Hope Road (AX2001-03 and RZ2001-03)**

Consideration of annexing property into City with a zoning/land use designation of PDP with a Special Exception for Commercial. Petitioner: Bobby Saxon/Thomas Nowlin (represented by Warren J. Pashley, III). [FIRST READING 9/17/01]

Annexation Ordinance No. 622

Consideration of Request for Annexation.

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

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Lewis and seconded by Staib to approve Second and Final Reading of Ordinance No. 622.

There was no one present to represent or give testimony on the petition.

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

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

Zoning Ordinance No. 623

Consideration of C-2 Commercial Zoning (to be effective upon adoption of an amendment to the Future Land Use Element of the Comprehensive Plan)

City Clerk Phillips read Ordinance No. 623 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF PDP (PLANNED DEVELOPMENT PROJECT) WITH A SPECIAL EXCEPTION USE DESIGNATION OF COMMERCIAL FOR CERTAIN REAL

**PROPERTY DESCRIBED HEREIN BEING ANNEXED INTO THE CITY OF BROOKSVILLE, FLORIDA;
PROVIDING FOR DRAINAGE STIPULATIONS THERETO; AND PROVIDING AN EFFECTIVE DATE.**

Motion:

Motion was made by Staib and seconded by Lewis to approve Second and Final Reading of Ordinance No. 623.

There was no one present to represent or give testimony on the petition.

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

Staib Aye

Bernardini Aye

Lewis Aye

Wever Aye

Johnston Aye

**Annexation Ordinance No. 624 and Zoning/Land Use Designation Ordinance No. 625 - Off SR 50 North of its intersection with Horse Lake Road (AX2001-02 and RZ2001-04)

Consideration of annexing property into City with a zoning/land use designation of C-2. Petitioner: Smith Property Investments, L.L.C. [FIRST READING 9/17/01]

Annexation Ordinance No. 624

Consideration of Request for Annexation

City Clerk Phillips read Ordinance No. 624 by headnote only, as follows:

**AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE,
FLORIDA; PROVIDING AN EFFECTIVE DATE**

Motion:

Motion was made by Staib and seconded by Lewis to approve Second and Final Reading of Ordinance No. 624.

There was no one present to represent or give testimony on the petition.

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

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Zoning Ordinance No. 625

Consideration of C-2 Commercial Zoning (to be effective upon adoption of an amendment to the Future Land Use Element of the Comprehensive Plan)

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

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN BEING ANNEXED INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR DRAINAGE STIPULATIONS THERETO; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Lewis and seconded by Staib to approve Second and Final Reading of Ordinance No. 625.

There was no one present to represent or give testimony on the petition.

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

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

REGULAR AGENDA

****Annexation Ordinance No. 626 and Zoning/Land Use Designation Ordinance No. 627 - Northeast corner of the intersection of SR 50 (Cortez Blvd.) and Hale Ave. (AX2001-04 and RZ2001-05)**

Consideration of annexing property into City with a zoning/land use designation of C-2. Petitioner: Hope Hill LTD.

Annexation Ordinance No. 626

Consideration of Request for Annexation.

City Clerk Phillips read Ordinance No. 626 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

It was noted that the qualifications of Alan Garman, Civil Tech Engineering and Bill Geiger were on record and were accepted by consensus. They were subsequently sworn in.

Bill Geiger read the staff report for Ordinance No.s 626 and 627.

Director of Public Works Pierce answered Council Member Lewis' question about the availability of a force main by stating that a 16" line is near the S.R. 50 front of this property. Mayor Johnston interjected that when site development is considered, the City will require adherence to landscaping and buffering requirements, which Geiger confirmed.

Alan Garman commended staff on the City's GIS mapping capabilities. He went on to describe the availability of utilities and access on Hale Ave., along with the proposed frontage road system. He stated that the developer will make improvements to Hale Ave. according to any impacts from this development. SWFWMD permitting requirements were discussed in conjunction with on-site basin retention. It was pointed out that the PDP plan and plat will have to come back to the City for approval.

There was no public input or party interveners.

Motion:

Motion was made by Lewis and seconded by Staib to approve First Reading of Ordinance No. 626. Upon roll call, motion carried 5-0, as follows:

Staib Aye

Bernardini Aye

Lewis Aye

Wever Aye

Johnston Aye

Second and Final Reading will be held October 15th.

Zoning Ordinance No. 627

Consideration of C-2 Commercial Zoning (to be effective upon adoption of an amendment to the Future Land Use Element of the Comprehensive Plan)

City Clerk Phillips read Ordinance No. 627 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN BEING ANNEXED INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR DRAINAGE STIPULATIONS THERETO; AND PROVIDING AN EFFECTIVE DATE.

There was no public input or party interveners.

Motion:

Motion was made by Staib and seconded by Lewis to approve First Reading of Ordinance No. 627. Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Second and Final Reading will be held October 15th.

Resolution No. 2001-20 - Street Name Change - Lockhart Avenue

Consideration of name change to "Whitfield Ave" due to conflict in names.

City Clerk Phillips read Resolution No. 2001-20, as follows:

A RESOLUTION RENAMING LOCKART AVENUE TO WHITFIELD AVENUE; PROVIDING AUTHORITY; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

It was pointed out that the effective date needs to be changed to October 2, 2001.

There was no public input.

Motion:

Motion was made by Staib and seconded by Wever to approve Resolution No. 2001-20. Council Member Bernardini stated that he would be in favor of some of the other suggestions. Upon roll call, motion carried 4-1, as follows:

Lewis Aye

Staib Aye

Bernardini Nay

Wever Aye

Johnston Aye

Resolution 2001-21 - FDOT Landscaping Reimbursement and Maintenance Grant

Consideration of enabling resolution and related maintenance agreements to accept the Landscaping Grant.

City Clerk Phillips read Resolution No. 2001-21 by headnote as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA AUTHORIZING EXECUTION OF A HIGHWAY LANDSCAPE REIMBURSEMENT AND MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BROOKSVILLE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Community Development Director Geiger read the staff memo, which states that \$204,000 in funding will become available for this project. He went over the two types of agreements which are for full landscaping or tree only. Full landscaping would entail perpetual maintenance and with tree only, the City would have to maintain the trees for one year, with FDOT maintaining them thereafter. He added that the City could not do both agreements.

Geiger stated that the County has opted not to join with City on this project due to lack of resources to

maintain it. However, he felt that to make this an effective project, consideration should be given to including the unincorporated areas coming into the City even if the County is not participating. Mayor Johnston questioned how the City would maintain areas in the unincorporated areas. Community Development Director Geiger stated that it is all in FDOT right of way. Mayor Johnston pointed out that ~~zero~~scaping xeriscaping [approved by Council 11/19/01 K.P.] may be the way to go as it requires little maintenance.

Geiger stated that a landscape architect will be retained for this project and that task order will be brought back to Council.

Council Member Lewis stated that he is in favor of this project but did not feel that \$204,000 would do both US 41 from VFW Road to Benton Ave. and S.R. 50 from E. Jefferson St. to W. Jefferson St. Geiger stated that he did not see anywhere in the agreements that says the full length has to be done. Mayor Johnston encourage staff and the architect to pursue the best option for the funding available.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve Resolution No. 2001-21 with the option of full landscaping.

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

Staib Aye

Bernardini Aye

Lewis Aye

Wever Aye

Johnston Aye

CDBG - Economic Development Grant - Request for Services

Authorize staff to advertise and solicit RFP's for administration and engineering services for CDBG-ED grant.

Community Development Director Geiger stated that the RFP approval is for services in conjunction with construction of the frontage road and related facilities.

Motion:

Motion was made by Bernardini and seconded by Staib to authorize staff to advertise and solicit RFP's for administration and engineering services for CDBG-ED grant. Motion carried 5-0.

Mayor Johnston questioned the status of the Church and Sims properties in relation to the frontage road. Geiger stated that they are aware of the application of the CDBG - ED grant and are waiting to hear back from the City.

Community Development Director Geiger stated that acquisition of right-of- way will proceed and annexation of the right-of-way will be brought back to Council for approval.

There was no public input.

Motion carried 5-0.

Parks Department - Purchase of Steel Building

Request consideration of waiving purchasing policy and authorize purchase of steel building from General Steel Corp in amount of \$19,890.00.

Parks and Recreation Director Pugh went over the need for a steel building and stated that General Steel has offered the building at the same price as used for the Fire Department in ~~1988~~ **1998**. [approved by Council 11/19/01 K.P.]

Motion:

Motion was made by Staib and seconded by Bernardini to approve waiving the purchasing policy and authorizing the purchase of a steel building from General Steel Corp in amount of \$19,890.00. Motion carried 5-0.

Cobb Road WWTP - Increased Capacity

Consideration of Coastal Engineering's estimated cost to rerate existing plant for an amount not to exceed \$6,500 and transfer funds from utilities reserves.

Director of Public Works Pierce came forward to describe the need of the \$6,500 expenditure to explore options to rerate the plant for additional capacity. If the eventual decision is to expand the plant, this research will be very useful. In response to Council Member Bernardini's question, Pierce confirmed that the City would receive all reports compiled by Coastal Engineering.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve Coastal Engineering's estimated cost to rerate existing plant for an amount not to exceed \$6,500 and transfer funds from utilities reserves. Motion carried 5-0.

Request for Proposals - Bond Refinancing

Review alternate options available for a bond refinancing.

Finance Director Coryer advised that staff has discussed the bond refinancing with the City's financial advisor. He added that Bank of America and SunTrust are willing to assist in any way to progress. Approval is requested to go out for RFPs for refinancing 1988A and 1992 Water and Wastewater Bonds.

Motion:

Motion was made by Bernardini and seconded by Staib to approve going out for RFP for bond refinancing options.

Vice Mayor Wever pointed out that ~~RUS~~ **IRS** [approved by Council 11/19/01 _____] regulations dictate that the City cannot issue more than \$10 million in debt in one calendar year without the excess being taxable. He stated that there needs to be a push to get this done by the end of this calendar year.

Motion carried 5-0.

CITIZEN'S INPUT

Ad Valorem Taxes

Tony Covell came forward to request that Council support Vice Mayor Wever's proposal that will be considered later in this meeting.

Veteran's Day Event

Anna Liisa Covell advised that she and Chief Tincher will be on WWJB Radio shortly to try to drum up support for a Veteran's Day Parade, or, perhaps, decide not to do it at all.

Mrs. Covell added her support of Vice Mayor Wever's proposal.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, III, MAYOR

Grand Hampton Development

Status report on Grand Hampton Development on S. Broad Street.

Mayor Johnston reported on a project just outside City limits adjacent to U.S. 41 S. between Powell Rd. and the Fairgrounds. He stated that it looks like the project will abut the City limits in certain areas and will be within the City service area. He stated that it will involve the need for development of infrastructure. He added that the investors involved may be interested in annexing as well.

Mayor Johnston questioned if it is the consensus of Council that they are interested in authorizing staff to contact the group on annexation and service.

Motion:

Motion was made by Bernardini and seconded by Lewis to authorize staff to communicate with the investors regarding annexation and service with Mayor Johnston as the political contact.

Motion carried 5-0.

City Web Site

Mayor Johnston called attention to the fact that the City's web site has a link to the County Web site but the County's Web site does not have a link to the City's. City Manager Anderson stated that it has been requested previously and he would check on it.

The Mayor also advised that the acronym for SWFWMD is incorrect on the Web site.

Homecoming parade

City Manager Anderson advised that the Jerome Brown Community Center will have a representative in the Homecoming Parade on October 6th.

E.E. WEVER, JR., VICE MAYOR

Ad Valorem Taxes

Consideration of requesting ad valorem tax reimbursement from County for providing police protection and other services to County residents while inside City limits.

Vice Mayor Wever explained that the estimated ad valorem taxes are paid by City taxpayers to the County

based on the County's General Fund budget figures for the different departments and using the County's current ad valorem tax rate. He stated that he reviewed this at the recent SLM and Heart of Florida meetings. One city representative advised that there had been a test case in court were a city had sued a county for a refund of ad valorem taxes that were allocated to the Sheriff's Department on the basis that they did not get a direct benefit out of the taxes paid. The court ruling was whenever the residents of the city went into the county, they received benefit from the Sheriff's Department and the ruling was against the city that brought the suit. Wever stated that he also heard of several cities that entered into an agreement with the county where an amount of funds was rebated back to the city for services that the county had that the cities did not get benefits from.

Vice Mayor Wever suggested that the City ask for a payment, not necessarily an ad valorem tax rebate, from the County's General Fund for the services for the City's Fire and Police Department. He mentioned that there is also the use of City streets and other services that should be included.

He summarized that each City resident pays approximately \$82.00 for services by the Sheriff's Department. Calculating what each County resident should pay for City services would total \$10 million. He offered a suggestion that \$250,000 be requested from the County.

Mayor Johnston stated that after factual information is obtained, a letter could be sent to the County.

Council Member Bernardini stated that he did not have a problem with looking at this further but was concerned that the County may just pull their offices out of the City limits and people, who support City businesses, would no longer have a reason to come into the City.

Council Member Lewis voiced his opinion that staff sit down with County staff to discuss this without numbers but to see what their reaction would be. Vice Mayor Wever thought that the City Attorney should be involved in the meetings. Council Member Lewis agreed, stating that City Attorney LaCroix could research the test cases beforehand.

City Manager Anderson interjected that staff could compile some figures and continue Council discussion on it as more information becomes available.

It was Council's consensus to pursue this issue. City Manager Anderson stated that staff could provide a report at the next meeting, or the one thereafter.

JOE BERNARDINI, COUNCIL MEMBER

Lights on Main St. and Mildred Ave.

Council Member Bernardini called attention to street lights that are out on Jefferson St. between Main St. and Mildred Ave.

MARY A. STAIB, COUNCIL MEMBER

Conserving Electricity

Council Member Staib felt that more should be done on conserving electricity, particularly turning off the lights in rooms that are not in use.

Parks and Recreation - Swimming Pool

Council Member Staib brought up for discussion recent Parks and Recreation Advisory Board minutes that referenced a swimming pool. She expressed concern in the fact that Council had never considered the

concept of a swimming pool.

Parks and Recreation Director Pugh stated that the Parks and Recreation Advisory Board has considered the idea for a number of years, adding that in 1985 it was one of the top priorities of the Board. Pugh stated that at this point, the Board is just thinking of uses for the site that the hospital will soon abandon, including the possibility of a park or a pool.

Council Member Staib voiced her opposition to a swimming pool project with the other expenses and projects the City is currently facing.

Arsenic in the Park

Council Member Staib called attention to a recent newspaper article which stated that the Government is going to start testing for arsenic and questioned what affect this will have on the City. City Manager Anderson stated that the installation of pressure treated wood in the playground has been discontinued. In addition, the State Health Department has advised that they would let the City know if there was anything specific to do.

Mr. Anderson informed Council that consideration may be given to replacing some of the sand and dirt at some of the facilities. Council Member Staib interjected that something should go underneath the sand and dirt so it cannot seep through.

Parks and Recreation Director Pugh advised that every nine months the park is coated and every six months, the wood is sanded and sealed.

Council Member and Parks and Recreation Advisory Board liaison Lewis mentioned that the Advisory Board is concerned about dirt that is packed so hard that it is a hazard if a child would fall and options are being considered such as using a rubber mulch or sand.

Withlacoochee Regional Planning Council

Council Member Staib called attention to minutes of a recent WRPC meeting which did not reflect that Hernando County was involved in emergency response training on terrorism. City Manager Anderson assured Council that the County is becoming quite active in terrorism response training. Chief Tincher advised that the State is lumping together districts for training and the City could be a part of a task force.

FDOT Community Awareness Meeting

Council Member Staib reminded Council of the October 3, 2001 FDOT community Awareness meeting. Since several Council Members would be attending, adherence to the Sunshine Law would be important.

Cloverleaf - pass on charges

Council Member Staib expressed her gratitude to Council Member Bernardini for his letter sent to a resident of Cloverleaf who was concerned about pass-on charges to the park owners. She advised that she had also had informed Senator Brown-Waite of the situation.

Mural

Council Member Staib distributed post cards of a rendering of the mural that is being painted on S. Brooksville Ave. She advised that as part of the Founder's Day celebration, the post cards will be signed by the artist.

E.E. WEVER, JR., VICE MAYOR

Use of Public Property for Profit

Vice Mayor Wever questioned whether using property for profit would make it taxable for ad valorem taxes. City Attorney LaCroix contributed that there is a statute that details what public leases are taxable and there are Florida Administrative provisions that implement it. He went on to state that if a lease is for more than 99 years, then it is considered to be owned by the leasee for ad valorem tax purposes. Whether rent is paid by the leasee or whether the leasee owns the buildings during the lease are other considerations. If the leasee owns the building during the lease then it only goes to the public agency at the termination of the lease, then the buildings are taxed as ad valorem property. The leasehold itself, if the leasee pays rent, it is not taxed as ad valorem, it is taxed as intangible personal property, which goes to the state. There is a special statute for leases of public property on which the leasee pays intangible taxes, those intangible taxes come back to the local school board. It depends what the lease is about, how long it is, who owns the buildings and whether they pay rent, as well as other things.

Vice Mayor Wever questioned if a piece of property that is owned by a County or a City that is leased to a non-profit corporation and later on, the corporation becomes a for profit corporation, if it would be triggered as taxable. City Attorney LaCroix stated that if it is not for profit agency, certain ones are not taxable. If it is a for-profit business, it would depend on whether ~~on whether~~ [approved by Council 11/19/01 _____] the leasee owns the buildings or not and whether the leasee pays rent.

Mayor Johnston asked if retirement of the previous outstanding debt on the building, owned by the public agency, as part of the lease be considered consideration for rent payment. LaCroix stated that it would probably be part of the rent. If they pay rent, they pay intangible personal property taxes. Johnston stated that if they pay nominal rent on an annual basis, but make a one or two time payment of substantial sums of money that, if prorated out over the term of the lease, would be the equivalent of substantial rent. LaCroix stated that he would have to inquire of the department of Revenue, but he felt that it would be treated as rent. If there is rent paid, intangible personal property taxes are paid and not ad valorem taxes.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Founder's Day

City Clerk Phillips called attention to the updated Founder's Day program, which may be revised as events are added or changed. She advised that on Thursday, October 4th, there will be a publication in the paper on the event, distributed on a wide scale distribution. The program is sponsored by the local business and paid for in part by a tourism grant.

City Clerk Phillips advised that there will be Founder's Day parade on October 12th and arrangements will need to be made to get costumes for Council Members.

Phillips went over other events that will be included in the festivities.

Candlelight Prayer

City Clerk Phillips informed Council that the Candlelight Prayer Service has been changed from October 2nd to the 16th.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:40 p.m.

s/ KAREN M. PHILLIPS, CMC

City Clerk

ATTEST: s/JOSEPH E. JOHNSTON, III

Mayor

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REGULAR COUNCIL MEETING

October 15, 2001 7:00 p.m.

Brooksville City Council met in regular session with Joseph E. Johnston, III, Mayor, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration/City Clerk; Emory Pierce, P.E., Director of Public Works; William Smith, Superintendent of Utilities; and Boyce E. Tincher, Police Chief. A member of the St. Pete Times was also in attendance (7:20 p.m.)

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

Mayor Johnston advised that there would be a presentation by the Mural Society which will need to be added to the agenda.

He further advised that an item on the LLEBG needs to be added to the agenda.

Motion:

Motion was made by Lewis and seconded by Staib to add both items to the agenda. Motion carried 5-0.

Approval of Minutes

August 13, 2001 - Budget Workshop

Surplus Equipment

Declare equipment surplus and authorize disposal utilizing County auction to be held on November 3, 2001.

Veteran's Day Parade

Approval to co-sponsor parade to be held November 11th on certain downtown streets.

Department of Corrections - Prison Work Crew Agreement

Renewal of agreement (WS068 for D.C. Supervised Work Crew).

Motion:

Motion was made by Lewis and seconded by Bernardini to approve the October 15, 2001 Consent Agenda.

Council Member Staib drew attention to a correction to the minutes on page three which reflected that she requested that items should be itemized under \$200 and advised that it should state "over \$200."

Vice Mayor Wever further referred to the minutes, page four, which reflects that ad valorem tax projections come from Tallahassee. He advised that the statement it is incorrect and should be checked. He called attention also to page six which should state "to Florida Power" not "from Florida Power".

Motion carried 5-0.

Regarding the Veteran's Day Parade on November 11th, Anna Covell advised that line up will occur at 9:30 a.m. at the Post Office, with the parade beginning at 10:00 a.m.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - Florida League of Cities - Government Week

Proclaiming the week of October 21 - 27, 2001 as "Government Week".

The proclamation was read and would be forwarded accordingly.

Mural Society Presentation (ADDED TO AGENDA)

Mural Society Chairman Quireos presented Council with a depiction of New York Firefighters done by Phillip Hilton which he has donated to the City Hall Art Gallery on a permanent basis. A letter of appreciation will be sent to Mr. Hilton.

PUBLIC HEARING

****Annexation Ordinance No. 626 and Zoning/Land Use Designation Ordinance No. 627 - Northeast corner of the intersection of SR 50 (Cortez Blvd.) and Hale Ave. (AX2001-04 and RZ2001-05)**

Consideration of annexing property into City with a zoning/land use designation of C-2. Petitioner: Hope Hill LTD.

Annexation Ordinance No. 626

Consideration of Request for Annexation (to be effective thirty (30) days after adoption). [First Reading October 1, 2001]

City Clerk Phillips read Ordinance No. 626 by headnote only, as follows:

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE

There was no party interveners and no one to provide testimony. There was no public input.

Motion:

Motion was made by Staib and seconded by Bernardini to approve Second and Final Reading of Ordinance No. 626. Motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Zoning Ordinance No. 627

Consideration of C-2 Commercial Zoning (to be effective upon adoption of an amendment to the Future Land Use Element of the Comprehensive Plan) [First Reading October 1, 2001]

City Clerk Phillips read Ordinance No. 627 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (COMMERCIAL DISTRICT) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN BEING ANNEXED INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING FOR DRAINAGE STIPULATIONS THERETO; AND PROVIDING AN EFFECTIVE DATE.

There were no party interveners and no one to provide testimony. There was no public input.

Motion:

Motion was made by Lewis and seconded by Staib to approve Second and Final Reading of Ordinance No. 627. Upon roll call, motion carried 5-0, as follows:

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

REGULAR AGENDA

Contract - Appraisal Services for Extension of Water and Sewer Lines

Consideration of contract with American Acquisition and Appraisal for water and sewer line extension on U.S. 41 South for an approximate cost of \$14,844.00.

After unsuccessful negotiations with Florida Acquisition and Appraisal, Director of Public Works Pierce requested Council approval for the City Manager and City Attorney to negotiate and execute a contract with American Acquisition. If not successful, approval to then negotiate with Frost and then ARM.

Motion:

Motion was made by Lewis and seconded by Staib to approve execution of a contract with American Acquisition and Appraisal for the water and sewer line extension project on U.S. 41 South for an approximate cost of \$14,844.00. This includes the surveying work in American's scope of work which is Option #2 reflected in the supporting documentation.

Motion carried 5-0.

Engineering Contract - Preparation of as-built drainage for Adult Softball/JBCC complex - compliance with SWFWMD regulations

Approval of scope of work - Civil Tech Consulting Engineers in the amount of \$3,750.00.

Pierce advised that this project is unplanned work that needs to be addressed. He explained that there is an adjacent property owner who claims says that the City is causing problems with his septic tank. The as-builts and related analysis will determine if the City is at fault.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve the scope of work with Civil Tech Consulting Engineers in the amount of \$3,750.00. Motion carried 5-0.

City Manager Anderson interjected that this would involve a transfer out of reserves into a project account.

Contract - Engineering Services - Water Panel Advisory Grant

Approval of contract with Coastal Engineering Associates, Inc. and URS Griner for wastewater sewer collection system renovations. Estimated cost \$102,500.00.

Community Development Director Geiger summarized that the service provided by this firm will be to develop a master facilities plan related to the wastewater transmission system. In June of 2001, Council authorized the negotiation of the contract which is now before them for consideration. In response to Mayor Johnston's question on whether any of the fees are reimbursable by the grant, Geiger replied that they all are.

Vice Mayor Wever stated that it is his understanding that the grant is only for sewer and not for water and wondered if an amendment to the grant would be necessary. Geiger stated that this master facilities plan is a planning tool which will cover both and does not include construction.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve the contract with Coastal Engineering Associates, Inc. and URS Griner for wastewater sewer collection system renovations at an estimated cost of \$102,500.00. Motion carried 5-0

Water Service Project - Redbud and Markham Lanes

Consideration of contracting for design and permitting of waterline extension at a cost not to exceed \$2,500.00 for each project for a total of \$5,000.00

City Manager Anderson explained that Council directed staff to install the extensions which have not been completed due to other road and water/sewer line projects. He stated that direction is requested to either contract for that work, or do the project in house as time permits.

Motion:

Motion was made by Bernardini and seconded by Staib to contract for design and permitting of waterline extension at a cost not to exceed \$2,500.00 for each project for a total of \$5,000.00.

Council Member Staib referenced a memo which was unclear as to whether service will be provided to the vacant lots on Markum Lane, which Pierce advised that they have not had contact from the owners of those lots, but a "stub-in" will be provided there if necessary.

Motion carried 5-0.

Parks and Recreation Department

Maintenance/Office Building

Consideration of site location in Tom Varn Park and preliminary layout.

Parks Director Pugh explained the request for approval of the site location, including the square footage of

the area of the office space as brought up for discussion by Council Member Staib. Pugh added that some of the office space will be in the steel building as well, which Staib felt was a lot of office space. Mr. Pugh explained that the space will include a lobby, an office and break room for maintenance personnel, his and Audrey's office, a Green Thumb office, a conference room and a kitchen.

Council Member Bernardini asked if this building could be used in the event of a disaster or if any grants were available to make it eligible. City Manager Anderson stated that it is not technically eligible because it will not withstand over 100 mph winds but would ask the vendor about the availability and costs of those options.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve the site location and preliminary layout for the maintenance/office building. Motion carried 5-0.

Electrical/Water service

Consideration of extending electrical and water lines to Activities' Area in Tom Varn Park.

City Manager Anderson stated that A.C. Electric, Tony Covell, was involved in the art festival in the park. A temporary electric service was installed for the vendors. Since then, discussions ensued with Mr. Covell regarding the feasibility of installing an underground system that would have the ability to erect temporary services that can be removed for safe keeping when not needed. Mr. Covell has suggested that the price would be \$4,500.00 to do that work. Mr. Anderson went on that he would like to include installation of water lines as well. As far as funding, the City Manager stated that there has been preliminary discussions with a couple of organizations that would be potential users of those areas. If Council approves the project, staff would bring back some type of funding mechanisms for Council consideration that would, over time, reimburse those costs.

Mayor Johnston recalled that Council supported the Fine Arts Council request for a ten year agreement but any approval would be brought back to Council, which Anderson acknowledged.

Mayor Johnston expressed support of this project with the many events that are being held at the Park now, which Staib and Lewis also agreed with.

City Manager Anderson stated that a fee schedule for use would be brought back to Council for approval.

Motion:

Motion was made by Bernardini and seconded by Wever to approve the project not to exceed \$6,000. In response to Council Member Bernardini's question, Anderson agreed to provide Council a layout or as-built of the location of the lines after completion. Motion carried 5-0.

2001 Local Law Enforcement Block Grant(ADDED TO AGENDA) (AUTHORIZED TO APPLY FOR AND ACCEPT (approved by Council 12/3/01 kp) GRANT ON 7/23/01)

Approval of Advisory Board recommended projects:

- 1) Partial funding of a 12 to 16 passenger van for a total cost of approximately \$19,000 with the grant covering \$10,000
- 2) Protective safety garments and equipment for first responders to suspicious incidents at a cost of \$1,700.

3) Surveillance equipment to enhance City's ability to conduct drug investigations for a cost of \$5,000.

City Clerk Phillips stated that the County has approved a secondary application from the Youth Foundation for \$3,000 to help in the remaining costs for the passenger van. The Director of Parks and Recreation stated that there is \$4,000 available in the Friends of the Children fund.

Police Chief Tincher stated that the funds must be secured and drawn down by October 27th.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve the Advisory Board recommended projects. Motion carried 5-0.

There was no public input.

Details of the purchase of the bus will be brought back to Council at a future meeting.

CITIZEN'S INPUT

Veteran's Day Parade

Anna Liisa Covell thanked Council for their approval to co-sponsor the Veteran's Day Parade to be held November 11th.

Response to Courthouse suspicious mail event

Anna Liisa Covell commended the City Police and Fire Departments for their quick response to the recent suspicious mail scare at the Courthouse.

Ad Valorem Tax Reimbursement

Mrs. Covell offered her support of the recent Council discussions on requesting reimbursement of ad valorem taxes from services provided by the City to County residents while they are in the City limits.

NAACP Banquet and Veteran's Day Parade

Charles Burnett thanked the City for their representation at the NAACP Banquet. He further expressed appreciation for the City's support of the Veteran's Day Parade.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Founder's Day - Southern Cultural Night

Council Member Staib noted that the mosquitoes were terrible at the Southern Cultural Night event held at the Park as part of the Founder's Day festivities. She suggested that next year, the event should be held earlier in the day. It would also enable smaller children to attend.

Downtown Development Corporation

In response to Council Member Staib's question, Community Development Director Geiger stated that he had not heard from the Downtown Development Corporation as to why they did not attend a meeting that they scheduled with him.

GNT/Timber Harvest

Council Member Staib queried as to whether the Community Development Director had heard anything from the timber company on the potential lawsuit with the City, to which Geiger responded that he has not heard from them at this point.

Building Department

Council Member Staib felt that during next year's budget discussions, Council should consider adding a building department.

Firefighter's Pension Trust Fund - Transfer of Interest

City Clerk Phillips assured Council Member Staib that the interest had been transferred appropriately to the Firefighter's Pension Trust Fund as referenced in recent letters from the FFPTF's attorney. The Finance Director would be confirming this in writing.

Terrorism and Cell phone use in vehicles

Council Member Staib distributed information from the Criminal Justice, Ethics and Personnel policy committee meeting regarding anti-terrorism and the use of cell phones in vehicles.

Courtroom dedication

Council Member Staib reported on the October 11th Courtroom and drug court dedication.

Elder Affairs

Staib advised that the Elder Affairs' Committee is sponsoring a free seminar on October 18th at the West Hernando Library on stress and anger.

Candlelight Vigil

Council Member Staib reminded everyone of the Candlelight Vigil to be held October 16th at the Courthouse from 6:00 p.m. to 7:30 p.m.

FDOT Workshop

The FDOT Workshop on the five year (2002-2007) plan will be held in the County Commission Chambers on October 25th from 5:00 - 7:00 p.m.

RICHARD E. LEWIS, VICE MAYOR

"Thank God for Brooksville" Service

Council Member Lewis informed Council that he attended the "Thank God for Brooksville" service held October 10th at the Grace Tabernacle Independent Baptist Church.

JOE BERNARDINI, COUNCIL MEMBER

Proposed Legislation for funding - Arsenic Testing

Council Member Bernardini called attention to a letter received from a legislator who is proposing funding for

arsenic testing and questioned if Council wished to support the proposed House Bill. The bill was discussed and it was pointed out that it would probably not provide a benefit to the City. City Manager Anderson interjected that the proposal is funding for schools and suggested that staff could prepare a response in support of the concept with the request to include municipalities.

E.E. WEVER, JR., VICE MAYOR

Major Storm Readiness Fund

Vice Mayor Wever suggested changing the name of the storm readiness fund in the budget to "major disaster readiness fund" so it can be used for anything other than a storm. This was agreed to by consensus, with the Mayor suggesting it be called "Disaster Preparedness Fund". City Manager Anderson stated that it would be done internally at this point and formally changed during the next budget cycle.

Heart of Florida - International Roundtable

Vice Mayor Wever advised that he and Community Development Director Geiger would be attending an International Roundtable meeting which is being sponsored by the FLC on October 17th.

Opening of Mail

Vice Mayor Wever expressed concern that if the mail is being opened outside to protect occupants of the building, there is a chance that the wind could blow contaminants all over the neighborhood. Thought should be given to opening the mail in a small room inside City Hall, which Police Chief Tincher stated was being looked into.

Florida League Policy Committee Meeting

Municipality Service Area

Vice Mayor Wever stated that at a recent FLC policy committee meeting, he presented concerns that the City Attorney had on Florida Statute 180 regarding service areas of municipalities. The issue will be referred to a different committee with an answer by the November committee meeting.

TRIM Notice - Legal Requirement

Regarding the required legal ad on the TRIM notice, it was the consensus of the committee that it was problem but no suggestions for modifications were given. The Vice Mayor stated that he is thinking of sending a letter to Senator Brown-Waite and Representative Russell for their review.

Grant Funding Availability

Discussion ensued regarding the City Manager's memo on the shortfall in revenues and the caution at the FLC policy committee meeting that if there are any grants that have not been spent, it might not be something to be counted on until the special legislature sessions is over. He added that the recent letters sent by the Mayor to Senator Brown-Waite and Representative Russell asking their support of funding appropriations were timely.

Electrical Energy - Change in Legislation

Vice Mayor Wever advised that there may be a change in legislation regarding electrical energy to make it controlled like the communications industry. He stated that information would be distributed to Council.

WRWSA Grant Contract

In response to Vice Mayor Wever's question, the WRWSA Grant contract is currently being reviewed by staff and would be scheduled for the November 5th Council meeting.

Ad Valorem Tax Reimbursement

Vice Mayor Wever stated that he had received figures from the Finance Director on the City's possible claim against the County on Ad Valorem Tax Reimbursement and more information would be presented to Council shortly.

DAVID LACROIX, CITY ATTORNEY

Inverness City Attorney Position

City Attorney LaCroix informed Council that he has applied for the position of Inverness City Attorney. He explained that Inverness holds their various meetings at different times than any of Brooksville's meetings so there would be no conflict.

JOSEPH E. JOHNSTON, III, MAYOR

Vacation Schedule

Mayor Johnston advised that he would be on vacation the week of October 22 - 26, 2001.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:11 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

November 5, 2001 7:00 P.M.

Brooksville City Council met in regular session with Joseph E. Johnston, III, Mayor, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Tim Mossgrove, Fire Captain; Emory Pierce, P.E., Director of Public Works; David Pugh, Director of Parks and Recreation and Boyce E. Tincher, Police Chief.

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

CONSENT AGENDA *

Approval of Minutes

September 12, 2001

September 17, 2001

September 27, 2001

LLEGB - Purchase Authorization

Approval of purchase of Wireless Video equipment utilizing 2000 LLEGB grant funds in the amount of \$25,080.00.

Holiday/Meeting Calendar

Approval of 2002 Holiday and Council Meeting Calendar.

Grant - WRWSA - Hope Hill Wellfield

Acceptance of WRWSA grant for 2/3rds of project not to exceed \$67,000.

Surplus Property - BERT/Hazardous Material Vehicle

- a. Declare 1986 John Deere tractor #143 surplus (to be used as trade in for used box truck).
- b. Approval to purchase 1994 GMC 201 Box truck with trade-in of surplus tractor #143, in the amount of \$4,500.00, funds transferred from reserves.

Purchase of Bus

Approval of utilizing 2001 LLEBG funds in the amount of \$10,000 and utilizing \$5,000 United Way grant funds for purchase of transportation mini bus. (\$12,000 plus \$3,000 for renovation and operation)

Regarding the Holiday/Meeting Calendar, Council Member Staib called attention to the meeting scheduled on August 19, 2002. She advised that the Florida League of Cities conference is not over until August 18th and she suggested that the meeting be scheduled for August 26, 2002, which was agreed to.

Council Member Staib questioned what the estimated costs would be in the Hope Hill Wellfield Agreement. Director of Public Works Pierce advised that Coastal Engineering would be providing a project schedule before it is transmitted for signature. Vice Mayor Wever stated that the Water Supply Authority would be

meeting on November 28th and the agreement would need to be received by WRWSA before then.

Calling attention to the item on Surplus Property - BERT/Hazardous Material Vehicle, Council Member Staib received clarification regarding the backup material from the City Manager on the used tractor which was not cost effective for the City to repair.

Vice Mayor Wever pointed out a change needed to page 11 of the September 17th minutes which should have the word "more" inserted in the last line of the bond refinancing item.

Motion:

Motion was made by Lewis and seconded by Lewis Bernardini (approved by Council 12/3/01 kp) to approve the November 5, 2001 Consent Agenda with correction to minutes and the Holiday/Meeting Calendar. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret Ghiotto Beautification Award

Recognition of improvements to the residence located at 503 Howell Ave. owned by Richard Herman.

Removed from agenda for further clarification by the Beautification Board.

Proclamation - Epilepsy Awareness Month

Proclaiming the month of November, 2001 as "Epilepsy Awareness Month".

Mayor Johnston read the proclamation, which would be mailed to the recipient.

REGULAR AGENDA

Proposed Mural Location - wall adjacent to City Parking Lot - (Main Street entrance between Broad St. and Liberty St.)

Consideration of request to prepare wall for painting at an estimated cost of \$5,000 (\$2,000 if in-house project can be scheduled).

Discussion ensued on the wall treatment of the proposed site and the wall site of another side of the building. City Manager Anderson stated that a proposal for the other side can be brought back to Council at the next meeting. Chief Tincher advised that he is trying to secure a prison crew from Sumter County to work on the walls.

Motion:

Motion was made by Lewis and seconded by Staib to approve the request preparation of the wall for painting at an in-house cost of \$2,000 with use of the Sumter County prison crew if available. If the prison crew is not available, it will be brought back to Council when the information on the other wall is presented.

Motion carried 5-0.

Mary Alice Queiros advised that the drawing for the Carlson building should be submitted for review shortly.

Award of Proposal - CDBG Economic Development (SR 50 frontage road, right-of-way acquisition, utilities, drainage, etc)

a. Administration - AD2001-12

Consideration of Award to Berryman and Henigar for \$41,473.82 and authorize Mayor to execute contract.

It was reported that only one bid was received for administration services and the Selection Committee recommends award of bid to Berryman and Henigar.

Mayor Johnston called attention to a discrepancy in the costs reflected and it was determined that the contract amount was correct.

It was pointed out that an irregularity on one of the required forms has been corrected. A compound sentence in the agreement was pointed out by Council Member Staib which Community Development Director Geiger indicated would be corrected.

Motion:

Motion was made by Lewis and seconded by Staib to authorize Mayor's execution of the contract to Berryman and Henigar for \$41,473.00.

Council Member Bernardini questioned if there would be any problem with same group doing both service, which Council discussed. One point raised is if it is the same firm, it would provide for total accountability.

Motion carried 5-0.

b. Engineering - AD2001-13

Consideration of Award to Berryman and Henigar and authorize staff to negotiate contract

The City received three proposals and staff is recommending award to Berryman and Henigar.

Motion:

Motion was made by Staib and seconded by Lewis to authorize staff to negotiate a contract with Berryman and Henigar.

Vice Mayor Wever voiced his support of awarding the bid to a local company.

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

Dental Program

Consideration of providing pre-approved reimbursement option for treatment.

Motion:

Motion was made by Staib and seconded by Bernardini to approve the dental program of providing pre-approved reimbursement option for treatment. Motion carried 5-0.

Agreement - WRPC

Approval of utilizing agreement to authorize WRPC to proceed with Comprehensive Plan update for \$20,540.

Community Development Director Geiger stated that it is imperative to begin the Comprehensive Plan

update procedure. In response to Vice Mayor Wever's question, Mayor Johnston stated that the WRPC Board seems more responsive to their needs than they have in the past.

Motion:

Motion was made by Staib and seconded by Bernardini to approve utilizing the agreement to authorize WRPC to proceed with Comprehensive Plan update for \$20,540. Motion carried 5-0.

Mayor Johnston advised that when items of interest to the City and Hernando County are on the WRPC agenda, it is important to have the local WRPC representatives present to vote or provide input.

Pension Plan - General Employees

Consideration of participation in Florida State Retirement System.

Council Member Staib questioned the listing of the different classes of employees and it was explained that there are different classifications and subsets of the plan.

Vice Mayor Wever stated that the Florida Retirement system currently has low rates but wondered what affect the economy will have on those rates which Anderson agreed that there is no way to predict the market.

City Manager Anderson stated that if approved, there will be a number of actions required by Council before the deadline date of December 31, 2001.

Motion:

Motion was made by Bernardini and seconded by Lewis to direct staff to prepare documents necessary to rejoin FRS. Motion carried 5-0.

US 41/SR 50 landscaping - FDOT Grant Services

Authorization for RMPK to provide grant administration and landscape architectural master plan and design services in the amount of \$28,000.00 (Total Grant \$204,000.00, City Share \$7,600.00).

Community Development Director Geiger confirmed that adequate funds were available to cover the \$7,600.00 in "other contractual services" in the Community Development budget.

Motion:

Motion was made by Bernardini and seconded by Lewis to authorize RMPK to provide grant administration and landscape architectural master plan and design services in the amount of \$28,000.00 for a total grant of \$204,000.00 and the City Share of \$7,600.00.

Community Development Director confirmed the Vice Mayor's comment that this is Federal funding and should not be in jeopardy of State budget cuts.

Motion carried 5-0.

Good Neighbor Trail (GNT) - MPO Enhancement Funding

Consideration of Advisory Committee recommendation that City request MPO to give priority to GNT Projects.

Geiger explained that there are approximately nine projects related to the GNT and trailhead and the Committee was concerned that the MPO may prioritize other projects which would move the GNT projects further down the list.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve the GNT Advisory Board's recommendation to send a letter to the MPO to request that priority be given to GNT projects.

Council Member and GNT Advisory Board representative Lewis stated that the Committee would like include in the letter the importance of the Jasmine Dr. connection out to the Withlacoochee State Trail to complete the trail in its entirety.

Mayor and MPO representative Johnston stated that one of the reasons that the GNT projects keep getting pushed back is the sidewalk priorities in the Spring Hill area. He added that the trail project includes difficulties in purchasing some of the necessary properties. The MPO is also focusing more on a trail at Hernando Beach.

Motion carried 5-0.

CITIZEN'S INPUT

Flood Damage Claim - 810 Whiteway Dr.

Consideration of request to reimburse repairs totaling \$172.50 to generator.

Ray Henderson explained that he submitted a bill for the cost of generator that he explained was damaged by water by the last heavy rain. He had it repaired which cost \$172.00. He stated that he was told to take the bill to the Public Works Director, who turned it in to someone at the City. Mr. Henderson advised that 10 days ago he received a letter from the City offering to pay \$86.25 of the bill. He did not understand why he had to pay maintenance on a generator that was damaged by water that he felt Public Works let go through his sieve. He went on to state that the City put 100 feet of pipe through his neighbor's yard at, what he felt, must have been a high expense. He called attention that since he refused the partial amount of \$86.25, staff is now recommending denial of the request and that he should not get any money.

City Manager Anderson clarified that the original recommendation that came to the City Manager's office from the Department of Public Works was that the work done there did not cause the problem and recommended that the claim be denied. In an attempt to resolve the issue amicability, he proposed a 50% settlement that was subsequently rejected by Mr. Henderson. He went on to state that as in most negotiations, negotiations do not continue once the offer has been withdrawn and the original recommendation is then reconsidered, which is denial of the claim.

In response to Council Member Staib's question, Henderson stated that he did not have a drainage problem before anywhere around his property. He stated that he had it completely blocked off. He went on to explain that years ago, he and a neighbor put up a tile drainage system. Over the course of the years, it closed up. He stated that he told that to Mr. Pierce. Mr. Pierce took the metal off the building and dug down and it was draining beautifully. Mr. Henderson stated that he went on vacation for a month and came back and saw that the metal was out in the field and his generator was taken in for repair and the bill was then presented to the City.

Mr. Henderson claimed that the City Police and Fire Department all saw the water going through his sieve. Henderson stated that six months ago Council told Public Works to get it done and if money is needed, get it appropriated. He asserted that every time there is a hard rain, the culverts push the water over onto his yard,

through his driveway and across his porch.

Council Member Staib questioned why he did not put the generator on cinder blocks instead of sitting it on the ground. Henderson stated he did not know water would be coming through there.

Mr. Henderson stated that the City's has put approximately 200 feet of pipe through Mrs. Pierce's (no relation), his neighbor's, yard. He went on to say that the City is still claiming he is causing a drainage problem in her yard. He stated that he did not understand why he gets citations from trying to protect his property. He asserted that City has spent probably \$2,000 in this neighbor's private back yard and he gets no help and gets citations for building a fence. He proceeded in handing out pictures to the City Council of the fence for which he received the citations and pictures of Mrs. Pierce's yard.

He stated that he has plead not guilty to the citation and is going after a jury trial and bring every citizen on that street to prove that the wall has been there for 15 years. Mayor Johnston stated that this agenda item is for the flood damage claim regarding the generator. The fence issue can be handled during a separate discussion.

Council Member Lewis stated that he has been at the site with the Director of Public Works who he feels has been diligently working on that area. Council Member Lewis acknowledged that there is a problem in that area. The property is at the bottom of the hill which is where the water is going to go. There are a lot of deflecting walls in that neighborhood and they have been there a long time. Mr. Pierce has done some design work on some of the culverts on the west side to deflect the water and has done an outstanding job on slowing the water down. The water coming down the north end of Whiteway and the water coming down off of North Ave. was hitting each other and going over the road. He further stated that the City received permission from the property owner to install the pipe in Mrs. Pierce's yard to try to drain the water and direct the water into a larger ditch. There seems to be a misunderstanding between the Director of Public Works and Mr. Henderson about the use of the pipe at the time that the generator event happened and the tin being removed. Since then Mr. Pierce has installed the pipe necessary to channel the water off and it is going out into the drainage ditch and across to Mr. Hardy's property.

Council Member Lewis stated that the reason Mr. Henderson received the citation is because he continued with work once he was told to stop. Henderson argued that he stopped when the code enforcement officer told him to. He allowed Council to see the citation which was for construction of a concrete wall without a permit. Henderson claimed the wall had been there and he was covering it with more concrete.

Council Member Lewis stated that the City does not want anything being done that would hold, divert or throw that water on anyone else's property. He went on to state anything done to modify or change, or building or increasing the size of a structure, or anything that will change water flow, may cause everything done by the Director of Public Works to help the situation to be for nil.

Motion:

Motion was made by Lewis to offer Mr. Henderson the compromise amount of \$86.25. Mr. Henderson stated that he would not accept that offer. Council Member Lewis withdrew his motion.

Mr. Henderson stated that he has proof that the water went through the building which he stated was witnessed by the Police and Fire Departments and every neighbor on the street.

There was no action taken by Council and therefore, staff's recommendation to deny the request stands.

Regarding the fence issue, Henderson stated that he went to the building department at least three different times to get a permit and was sent back to the City saying that they do not believe he really needed a permit for what he was doing. The City Code Enforcement Officer came to his property one day five different times

taking pictures. He objected to her request for his driver's license and would not provide it. A Police Officer was then called to the scene and he would not provide the license to him either. He felt that five visits from the Police Department was harassment. He is now facing paying a \$50.00 citation for doing a \$30.00 job. He argued that what he is building is not a fence, it is a curb.

In response to Council Member Staib's question regarding the five visits to his property in one day, Chief Tincher stated that his Department must respond as many times as asked to come. He went on to state that it is procedure in the State of Florida to request a driver's license as a positive form of identification.

Mr. Henderson asked if he was going to have to take this matter "across the street". Mayor Johnston stated that Council offered a compromise on the generator repair and if chooses not to accept it, the next step is up to him. Mr. Henderson stated that he would be giving the issue to his attorney.

Save the Children Event

Charles Burnett invited all to attend the upcoming "Save the Children" event to be held at Kennedy Park.

ITEMS BY COUNCIL MEMBERS

Services Reimbursement

Continuation of discussion of requesting reimbursement from County for providing police protection and other services to County residents while inside City limits. [from 10/1/01 meeting]

Vice Mayor Wever provided preliminary information to Council and advised that he would distribute additional information to them at the next Council meeting.

TRIM requirements and Municipality Service Area

Vice Mayor Wever advised that at the next SLM meeting, discussion will include the need for clarification for Florida Statutes 180, Municipal Service Area, and the TRIM budget ad requirements.

Security for water supply

Vice Mayor Wever stated that at the last SLM meeting, there was discussion regarding an aquifer storage and recovery program and contamination of water supply. He felt that Council may want to consider a security alarm system on water treatment and storage facilities.

Florida League of Cities

The Vice Mayor distributed a memo from a FLC board member regarding increase in membership fees, financial condition of the League and a list of League committees and their members.

FLC Annual Legislative Conference

Vice Mayor Wever advised that he would be in Orlando at the Legislative Conference Nov. 14 - 16, 2001.

Florida Redevelopment Association Legislative Alert

Vice Mayor Wever called attention to a Legislative Alert advising that the County Association is trying to get out of being a part of the CRA tax incentive program. This effort will be proposed to the legislature and will be discussed that the legislative conference.

International Roundtable

The Vice Mayor stated that the Heart of Florida held an International Roundtable which he had asked Dennis Wilfong to be a part of. He advised that Mr. Wilfong flew down specifically for the event and Mr. Wever stated that he will ensure that Mr. Wilfong is sent a letter of appreciation.

Bond Refinancing

Wever advised that the Bond Refinancing RFP is due November 13, 2001.

Time Warner Cable

Vice Mayor Wever stated that Time Warner has advised that they will be increasing the rates again. He felt that the Franchise Agreement gives the City the right to veto the rate increase. City Manager Anderson stated that the FCC has preempted cities from setting rates or reviewing programs. He added, however, that the City will be reviewing Time Warner's request to renew their franchise agreement and the City will have the option of requesting proposals from other companies.

Veteran's Day Parade

In response to the Vice Mayor's question, Chief Tincher advised that the VFW parking lot will be available for use on November 11th. Tincher went on to state that the parade will be larger than originally anticipated.

Traffic Calming Device - Oak Ave.

Consideration of the need to install traffic calming device on Oak Ave.

Council Member Bernardini explained the reasoning for the request in that there are traffic problems in the morning, at noon and when school lets out, as well as other times. He felt that a traffic calming device would eliminate a lot of the traffic problems. He responded to the Mayor's question by stating that he had spoken to the neighbors on Oak Ave. who have expressed their support for this request. Chief Tincher acknowledged that this area does have a lot of children using that street and he would support a traffic calming device on Oak Ave.

Motion:

Motion was made by Lewis and seconded by Staib to install a traffic calming device to be located where Public Works feels is appropriate.

Mayor Johnston felt that the motion should be to have staff research if a device is appropriate and what type of device should be used.

Motion and seconded were amended to direct staff to conduct a traffic management study on Oak Ave.

Vice Mayor Wever voiced his opinion that if only one hump is installed, the high school kids will speed up once they get over that one hump.

Motion carried 5-0.

Vice Mayor Wever suggested that the Police Chief, City Manager and Director of Public Works may wish to look at other streets to see if a traffic management study is warranted. City Manager Anderson stated that there may be specific streets that the Police Department knows are problem areas and that list could be brought back to Council to see if traffic management studies should be done.

In response to Vice Mayor Wever's question, Chief Tincher stated that in order to lower the speed limit on

Oak Ave., a speed study would need to be done. However, the Chief further confirmed the Vice Mayor's statement that, unfortunately, there is always the chance that a speed study may support raising the speed limit instead of lowering it.

RICHARD E. LEWIS, COUNCIL MEMBER

Attendance at Council Meeting

Council Member Lewis advised that he would not be present for the November 19th Council meeting.

MARY A. STAIB, COUNCIL MEMBER

Tom Varn Park SWFWMD Notice

Council Member Staib called attention to a notice received by SWFWMD regarding a compliance deviation, which Pierce assured her was incorrectly reported.

FLC Annual Legislative Conference

Council Member Staib advised that she would be attending the FLC Criminal Justice Committee meeting in Orlando on November 15th.

DAVID LACROIX, CITY ATTORNEY

Hospital Tax Issue

City Attorney LaCroix referred to Department of Revenue information given to him and stated that it did not benefit the City in any efforts to request tax payment from the County for the Hospital lease.

City Attorney Position - City of Inverness

LaCroix stated that he expects a decision to be made on November 6th regarding the City Attorney position for the City of Inverness.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:56 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

NOVEMBER 19, 2001 7:00 P.M.

Brooksville City Council met in regular session with Joseph E. Johnston, III, Mayor, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Chief; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, P.E., Director of Public Works; and Rich Shew, Police Lieutenant. A St. Pete Times

representative was also in attendance.

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

CONSENT AGENDA *

Approval of Minutes

October 1, 2001

Award of Bid - Mowing Services

Award of Bid and authorize agreements as follows, on an "as needed" basis per cut: Sandra Elliot's Lawn Care for Section A at a rate of \$1,650 & Section B at rate of \$1,845, together with a hourly fee of \$30 for any miscellaneous public nuisance lawn clearing or special projects; R. A. Burke, Jr. for Section C at a rate of \$3,025.

Award of Bid - Dumpsters

Award of bid to Florida Can Inc. in the amount of \$8,596.

Surplus Property - Bicycles

Declare bicycles surplus and authorize City Manager to dispose of appropriately.

Parks and Recreation - Office/Maintenance Building

Confirmation of revised Purchase Order to General Steel Corporation totaling \$27,262.00.

Vice Mayor Wever called attention to a correction to the October 1, 2001 minutes at the top of page 8 which should state "1998" instead of "1988". The motion near the bottom of page 8 should reflect IRS instead of RUS. On page 12, the words "on whether" were repeated twice. Council Member Staib pointed an error in spelling for the word "xeriscaping".

Motion:

Motion was made by Bernardini and seconded by Staib to approve the November 19, 2001 with corrections to the minutes. Motion carried 4-0.

REGULAR AGENDA

Long Range Transportation Plan

Summary of proposed 2025 plan.

County Transportation Coordinator, Dennis Dix, came forward to present the proposed 2025 plan using on overhead display. He went over the proposal for the next 25 years, including aspects on public transportation, bicycle and pedestrian facilities, financial review and a plan summary. He specifically gave an overview of the state highway system and County Road System plans. Mr. Dix included a brief description of each project, including one project within the City which is US 41 from Howell to Jefferson Street to be a two lane divided highway.

The transit operation plan will be brought back for review in January, 2002.

Council Member Staib requested a clarification to the reference to U.S. 41 north, which Dix indicated he would provide.

Resolution No. 2001-22 - Watering Restrictions

Adoption of SWFWMD twice per week schedule.

City Clerk Phillips read Resolution No. 2001-22 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, REPEALING RESOLUTION NO. 2000-12, SETTING WATER USE RESTRICTIONS PURSUANT TO CITY OF BROOKSVILLE ORDINANCE NO. 539, INCORPORATING THE RESTRICTIONS CURRENTLY PROMULGATED BY THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT.

City Manager Anderson stated that the executive order issued by SWFWMD allows twice a week watering and he added that the County has approved this as well.

Council Member Staib stated that she does not see the daily rains but does not see parched lawns and would like to suggest staying at once a week.

Mayor Johnston expressed his agreement and felt that SWFWMD and the County were in error in rescinding their order.

It was the consensus of Council to leave the watering at once a week.

Good Neighbor Trail - Unauthorized Tree Harvest

Status report.

Community Development Director Geiger stated that the insurance company has not responded to his request for a counter claim.

Mayor Johnston questioned the Statute of Limitations time line, which City Attorney LaCroix stated that he believes is three years but would check on that.

City Attorney LaCroix advised that he and the insurance company have been trying to get in touch with one another. Council Member Staib suggested delaying any action until the next Council meeting. It was decided that staff would bring forward a status report at that time.

Brooksville Housing Authority - Appointment of Board Member

Appointment of member to four year term of office through November 30, 2005.

An additional application was received from Sandra Hoffman and was distributed to Council by City Clerk Phillips.

It was pointed out that there currently is no housing authority resident on the Board.

Motion:

Motion was made by Bernardini to reappoint Andrew Williams. Motion died for lack of a second.

Council Member Staib felt that it was important to appoint a resident to the Board.

Motion:

Motion was made by Staib and seconded by Wever to appoint Olga Kane to fill a four year term through November 30, 2005. Motion carried 3-1 with Bernardini voting in opposition.

Mural - north side of Main Street parking lot entrance

Consideration of alternative to include northern wall with previously approved resurfacing of the southern wall.

City Manager Anderson stated that an adjoining property owner is interested in doing some of the work on the wall and would request that this item be deferred for further information.

Pension Plan - Ordinance No. 628

Consideration of proposed ordinance to opt out of the FMPTF pension plan for general employees and elected officials.

City Clerk Phillips read Ordinance No. 628 by headnote only, as follows:

AN ORDINANCE PROVIDING FOR REPEAL OF ORDINANCE NOS. 551 AND 551-A, WHICH ESTABLISHED A RETIREMENT PLAN AND TRUST FOR THE GENERAL EMPLOYEES AND ELECTED OFFICIALS OF THE CITY OF BROOKSVILLE HIRED OR WHO TOOK OFFICE ON OR AFTER JANUARY 1, 1996; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Motion:

Motion was made by Bernardini and seconded by Staib to approve First Reading of Ordinance No. 628. Motion carried 4-0 upon roll call, as follows:

Bernardini Aye

~~Lewis Aye~~ [APPROVED BY COUNCIL 12/17/01 _____]

Staib Aye

Wever Aye

Johnston Aye

Second and Final Reading will be held December 3, 2001. A resolution and further related items will be considered at that meeting as well.

Bond Refinancing - 1988A and 1992 Water and Wastewater Bonds

Consideration of proposal and evaluation of committee findings.

Finance Director Coryer advised that all companies who have submitted RFP responses have assured him that a December 31st date can be met. However, City Manager Anderson stated that negotiations may not be complete by that time, with which Vice Mayor Wever agreed. Coryer requested Council approval to enter into negotiations. Vice Mayor Wever recommended the company Hanifen Imhoff. He added that approval is also needed to approve utilizing the services of the City's auditor, the Financial Advisor and the Bond Counsel.

Motion:

Motion was made by Wever and seconded by Staib to authorize negotiation with Hanifen Imhoff as underwriters, and utilize the services of Oliver and Co., Public Financial Management and Foley and Lardner. Motion carried 4-0.

Anti-Drug Abuse Grant Acceptance (Byrne Grant) (FROM AGENDA ADDENDUM)

Acceptance of grant in the amount of \$13,860, with a city match of \$4,621, (Law Enforcement Trust Fund #116) for miscellaneous electronic surveillance equipment.

Motion:

Motion was made by Wever and seconded by Staib to approve acceptance of the grant in the amount of \$13,860, with a city match of \$4,621, for miscellaneous electronic surveillance equipment. Motion carried 4-0.

Tree Removal Permit - First Baptist Church

Request by First Baptist Church to waive replacement requirements.

Mayor Johnston began by stating that when the tree ordinance was passed, the intent was to preserve trees. Removal of trees was usually in conjunction with development and even in those instances, there was discussion of removal of trees in relation to the location of buildings. He stated that the Church is wanting to remove nearly all the trees and not put anything back. He believes that they eventually want to put a school on that lot and he advised that if that happens, he will have a problem with that proposal due to access issues. Regarding the tree issue, he stated that he has a problem with the fact that there are no construction plans for review and felt that the City should at least make them replace the trees. There are apparently no immediate plans to develop. City Manager Anderson stated that in an effort to be consistent with similar situations, the Church will be given the option of contributing to the tree replacement fund.

Motion:

Motion was made by Bernardini and seconded by Staib to deny the request to waive replacement requirements. Motion carried 4-0.

CITIZEN'S INPUT

Veteran's Day Parade

Anna Liisa Covell thanked Council for their support of the Veteran's Day Parade. She advised that she would like a committee set up to start organizing the 2002 parade. She suggested that Chief Tincher and

representatives from various veterans groups join her to comprise that committee. Ms. Covell advised that one of the bands have offered to hold a concert in the park for next year's event. She received Council support of a 2002 parade.

Hospital Tax Issue

Ms. Covell brought up for discussion the hospital ad valorem taxation issue and referred to information from the Department of Revenue on interest of non governmental lessees in governmentally owned property which she had given to the City Manager. City Attorney LaCroix advised that he had received that information and found that it does not apply to the hospital property.

Vice Mayor Wever advised that the Florida League of Cities will be working to put municipalities on the same level as counties, which will eventually take a constitutional amendment. Council Member Staib stated that she has requested that the Chair of her FLC policy committee prepare a report on the League's stance on this issue.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Legislative Conference

Job Related Disabilities

Council Member Staib advised that she had attended the FLC Juvenile **Criminal** [APPROVED BY COUNCIL 12/17/01 _____]Justice policy committee meeting on November 15, 2001 and reported that her Committee's priority is that the FLC support legislation regarding establishing procedures on how to prove disabilities are job related.

Funding Issues

Council Member Staib stated the committee is also focusing on maintaining current State funding to prevent juvenile crime.

Convenience Store Ordinance

Council Member Staib stated that she has received complaints about women working at night alone in convenience stores. At her FLC committee meeting, she had requested that the Senior Legislative Advocate for the State look into re-enacting the "two people at night in convenience stores" rule. That person will be providing Chief Tincher with information.

JOE BERNARDINI, COUNCIL MEMBER

Happy Thanksgiving

Council Member Bernardini wished everyone a Happy Thanksgiving.

E.E. WEVER, JR., VICE MAYOR

Services Reimbursement

Requesting reimbursement from County for providing police protection and other services to County residents while inside City limits. [continued from 10/1/01 meeting]

Vice Mayor Wever referred to support information distributed to Council regarding the request for reimbursement from the County. He pointed out that the decisions made in relating court cases were against municipalities but felt that the reasoning behind the decisions were weak.

Mr. Wever stated that his view is that the City is paying the County for services when leaving the City limits and felt that there is no payment to a municipality from the County for services rendered to County residents while in the City limits. He stated that he has taken figures from the Police, Fire and Streets budgets and the per capita costs for each to come up with a total per capita cost of \$427.00 per person per year. Using a figure of 500 people per day coming into the City, it would result in the County owing the City over \$200,000. Since there is no provision for payments to municipalities for this service, he recommended that the City Attorney file a request to the County for that reimbursement. City Attorney LaCroix offered that there is no legal basis for this request but suggested that the Council consider requesting equitable consideration from a political standpoint and include the fact that the City serves the Brooksville Regional Hospital for which there is no ad valorem taxes paid to the City.

It was agreed that the City Attorney and City Manger would write a letter to the County regarding this service reimbursement request.

Hospital Lease

In response to Vice Mayor Wever's question, City Manager Anderson stated that he is reviewing the hospital lease regarding tax issues.

Legislative Conference

Vice Mayor Wever advised that he attend the FLC Legislative Conference November 14 - 16, 2001.

Home Land Security and Growth Management

The primary legislative objective of the FLC will be home land security and growth management. Conference attendees were advised that the State has started a program which divides the State into regions based on FDLE and have appointed the FDLE representative of each region and a Sheriff within that region as co-chairs of a committee and additional members will be selected for that committee make up from fire, police, emergency workers, etc. Each committee will be working on home land security for that particular region. He went on to state that it looks like all of this research will be at the expense of the local municipalities and counties rather than paid by State funding. Grant funds may be available to assist in this program.

Tax Revenues

The Vice Mayor advised that the FLC is expecting a shortfall in sales tax, gasoline tax and other shared tax revenue. He added, however, that there may be an increase in federal monies that will be available to municipalities.

The Finance and Taxation Committee is working on municipalities being able to assess a ½ cent sales tax and ½ cent gasoline tax for use within the municipality. In addition, they are working on getting the State to change the distribution formulas for revenues of the current sales and gasoline taxes.

Senate President McKay has submitted a proposal for the State Sales Tax which he claims will eventually save households \$100.00 each in sales taxes. The Vice Mayor stated that his Finance and Taxation Committee reviewed this proposal and could not see evidence of any savings and, in fact, may cause an increase to taxpayers. His Committee declined to endorse Mr. McKay's proposal.

Municipality Service Area

Vice Mayor Wever stated that Florida Statutes Chapter 180 is being looked at by FLC committees.

TRIM Advertising Requirements

The Vice Mayor stated that the response by the FLC regarding this issue is their agreement with the fact that it is a problem and probably will continue to be a problem. Mr. Wever went on to state that at his recent SLM meeting, Scott Black, President of the FLC, agreed to take this issue on as a personal project to get the FLC to look at it further.

Redevelopment Area

Vice Mayor Wever called attention to information provided to Council by the Community Development Director on the Redevelopment Area Trust. He advised Council that some counties are filing suits to stop the redevelopment areas from being created, to stop the expansion of these areas or to void any areas that are already in existence. The FLC will be taking on this project to try to ensure that Cities continue to have the ability to set up these redevelopment trust areas.

Township 22 Fire District

Vice Mayor Wever felt it was time for Council to take an aggressive move on this and try to get people organized to start filing complaints with the County on the attempt to change this fire district. He offered his opinion that staff may want to start looking at the contract the City has for this service, as well as the Florida Statute that sets up this district.

It was pointed out that the County is having a meeting regarding this on November 21, 2001 and the City will be sending a representative to observe but not necessarily provide input at this time on the future of District 22.

JOSEPH E. JOHNSTON, III, MAYOR

Representative at Cub Scout Event

The Mayor thanked Council Member Bernardini for representing Council at the recent "Hometown Hero" event held by Cub Scout Pack 71.

Construction on U.S. 41 S.

Director of Public Works Pierce confirmed the Mayor's statement by advising that additional asphalt will be added to the just completed side of the road on US 41 S when the whole project is finished.

Fine Arts Council - Art Gallery

Mayor Johnston stated that he believes there are members of the Fine Arts Council who feel that the City Hall Art Gallery belongs to them. Director of Administration Phillips and City Manager Anderson stated that they have spoken to the Fine Arts Council Chairman and will again make contact with them to clarify this issue.

RICHARD E. ANDERSON, CITY MANAGER

BERT Training Exercise

City Manager Anderson advised that the City would be participating in Tampa Bay's Disaster Medical Team training exercise on December 8, 2001 in Clearwater. [Date subsequently discovered to be 12/1/01.]

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Donation to City Art Gallery

Director of Administration Phillips presented Council with patriotic artwork by Valdora Ward that has been donated as a permanent exhibit to the City Hall Art Gallery.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:56 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

December 3, 2001 7:00 P.M.

Brooksville City Council met in regular session with Joseph E. Johnston, III, Mayor, E.E. Wever, Jr., Vice Mayor, and Council Members Joe Bernardini, Richard E. Lewis and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; B.J. Coryer, Director of Finance; Karen M. Phillips, CMC, Director of Administration; Tim Mossgrove, Fire Captain; Emory Pierce, P.E., Director of Public Works; Boyce E. Tincher, Police Chief.

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

CONSENT AGENDA *

Approval of Minutes

October 15, 2001 and November 5, 2001

CDBG - Economic Development - Grant Agreement (#02-DB-89-05-37-02-E46

Authorize Mayor's execution of grant agreement for infrastructure improvements east of Cortez and south of W. Jefferson including R/W Acquisition, Frontage Road and Utility Construction.

Oak Street - Traffic Calming Devices

Approval of two speed control tables and re-striping at an estimated cost of \$2,500.00.

Consent agenda item #3 was moved to the regular agenda.

Changes were made to the October 15th minutes under the LLEGB item and a correction to a motion on page two of the November 5th minutes.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve the December 3, 2001 Consent agenda with corrections to the minutes. Motion carried 5-0.

PUBLIC HEARING

****Alcoholic Beverage Location Permit - 7380 S. Broad Street**

Approval of sale of beer and wine (Permit A). Petitioner: P.J's Restaurant.

The petitioner was not present and there was no one in the audience to speak on the issue. Each Council Member indicated that they had received no ex parte communications.

Motion:

Motion was made by Lewis and seconded by Wever to approve the sale of beer and wine at 7380 S. Broad Street. Motion carried 5-0.

Pension Plan

a. Ordinance No. 628

Consideration of proposed ordinance to opt out of the FMPTF pension plan for General Employees and Elected Officials. [passed on First Reading 11/19/01]

b. Resolution No. 2001-23

Approval of FRS reinstatement resolution.

c. State-City Agreement

Agreement to extend FRS benefits to officials and employees appointed after 1/1/96.

Ordinance No. 628 was read by headnote only, as follows:

AN ORDINANCE PROVIDING FOR REPEAL OF ORDINANCE NOS. 551 AND 551-A, WHICH ESTABLISHED A RETIREMENT PLAN AND TRUST FOR THE GENERAL EMPLOYEES AND ELECTED OFFICIALS OF THE CITY OF BROOKSVILLE HIRED OR WHO TOOK OFFICE ON OR AFTER JANUARY 1, 1996; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

The effective date of the ordinance would be January 1, 2002.

There was no one present to speak on the ordinance.

Motion:

Motion was made by Wever and seconded by Lewis to approve Second Reading of Ordinance No. 628. Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Resolution No. 2001-23 was read by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, REPEALING RESOLUTION NO. 95-21; REINSTATING MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM; PROVIDING AN EFFECTIVE DATE.

There was no one present to speak on the resolution.

Motion:

Motion was made by Staib and seconded by Wever to approve Resolution No. 2001-23. Upon roll call, motion carried 5-0+ [approved by Council 1/7/02 _____kp] as follows:

Lewis Aye

Staib Aye

Bernardini Aye

Wever Aye

Johnston Aye

Motion:

Motion was made by Lewis and seconded by Staib to approve the Agreement to extend FRS benefits to officials and employees appointed after 1/1/96.

There was no public input.

Motion carried 5-0.

REGULAR AGENDA

Ordinance No. 629 - Amendment to Land Development Code - Variances

Amending code to provide for criteria in granting variances to designated code provisions. (Reviewed by Planning and Zoning Commission 11/14/01)

Ordinance no. 629 was read by headnote only, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, PART III, "LAND DEVELOPMENT CODE," APPENDIX C, "ADMINISTRATIVE PROCEDURES," SECTION III, "BOARD OF ZONING ADJUSTMENT AND APPEALS," SUBSECTION .1, "POWERS AND DUTIES," SUB-SUBSECTION H, AND ADDING THERETO A NEW SUB-SUBSECTION I; AMENDING SUBSECTIONS .2, "APPEAL PROCEDURE," AND .3, "REQUIRED NOTICE;" SPECIFYING THE CODE REQUIREMENTS FROM WHICH VARIANCES MAY BE GRANTED AND PROVIDING VARIANCE STANDARDS; PERMITTING THE GRANTING OF DEVIATIONS FROM CODE REQUIREMENTS AND ESTABLISHING THE STANDARDS AND CONDITIONS FOR APPROVAL THEREOF; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Community Development Director Geiger addressed both Ordinances No. 629 and 630 and added that the Planning and Zoning Commission recommends approval of both.

In response to Mayor Johnston's question on the current appeal procedure for review of variances, Geiger replied that Council reviews petitions in the event of an appeal. The Mayor acknowledged that Council delegates final decisions to the Planning and Zoning Commission, but wondered if decisions can be placed on the Consent Agenda for ratification. City Attorney LaCroix stated that if it is a quasi-judicial decision, it has to be based on the evidence in the record. He added that there are no written standards for disagreeing with it. It would be difficult for Council to delegate that authority to themselves. However, if it is on an appeal, the evidence would be more inclusive. LaCroix reminded Council that the current code has no standards for variances and the current code says variances can only be granted for size and heights of buildings and yards. This ordinance sanctions the review of variances for many things, including parking, street frontage, etc.

Motion:

Motion was made by Staib and seconded by Lewis to approve First Reading of Ordinance No. 629.

There was no public input on the ordinance.

Motion carried 5-0, as follows:

Staib Aye

Bernardini Aye

Lewis Aye

Wever Aye

Johnston Aye

Second and Final Reading to be held December 17, 2001.

Ordinance No. 630 - Amendment to Land Development Code - Parking

Amending parking standards to provide for Administrative discretion in determining requirements and delaying the construction of certain spaces, subject to limitations, including agreement to construct the remaining spaces in the future if Planning and Zoning Commission determines they are necessary. (Reviewed by Planning and Zoning Commission 11/14/01)

Ordinance No. 630 was read by headnote only, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, PART III, "LAND DEVELOPMENT CODE," SUBPART B, "LAND USE/ZONING REGULATIONS," ARTICLE II, "GENERAL REGULATIONS," SECTION 25, "GENERAL REGULATIONS FOR VEHICLES," BY THE ADDITION THERETO OF A NEW SUBSECTION 25.3, "PERMISSIBLE REDUCTION OF PARKING;" ALLOWING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO AUTHORIZE DEVELOPMENT WITH FEWER THAN THE SPECIFIED NUMBER OF PARKING SPACES, ESTABLISHING THE STANDARDS AND CONDITIONS FOR APPROVAL THEREOF, AND PERMITTING THE PLANNING AND ZONING COMMISSION TO REQUIRE THE INSTALLATION OF ALL PARKING SPACES SPECIFIED UPON A FINDING OF NECESSITY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Staib and seconded by Lewis to approve First Reading of Ordinance No. 630.

In response to discussion, City Manager Anderson stated that the ordinance would be changed for Second and Final Reading to include a procedure to ensure that Council receives copies of all administratively granted variances.

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

Bernardini Aye

Lewis Aye

Staib Aye

Wever Aye

Johnston Aye

Second and Final Reading will be held December 17, 2001

Good Neighbor Trail - Unauthorized Tree Harvest

Status report. [Continued from 11/19/01 meeting]

A lengthy discussion ensued regarding the insurance company's offer and the City Attorney's recommendation.

Motion:

Motion was made by Wever and seconded by Bernardini to proceed with the following for cash payment:

1. Trees removed (our forester's estimate,

Less three-fifths representing the

Installation costs): \$33,700.00

2. Cost of expert's survey/appraisal \$ 2,072.00

For the following for whatever the actual costs are:

3. Debris clean-up and stump removal

4. Environmental assessment and clean-up

and the following:

5. Tree removal fine @100.00 per tree: \$21,600.00

Council Member Bernardini contributed that he does not feel the amount of \$33,700 is adequate. Mayor Johnston reminded Council that it is important to be able to justify the numbers for the request to be taken seriously.

Motion and second were amended to change the \$33,700.00 to \$67,465.00.

Council Member Lewis expressed the desire that the City draw up an agreement for debris and stump removal and environmental clean-up that the Insurance Company would be responsible for to be brought back to Council for approval. The tree removal fines amount of \$21,600.00 would be pursued. Council Member Lewis stated that he would like to see CSX approached with a settlement amount as they are the ones that granted approval to the timber company to come onto the land. If CSX is interested in deeding the small parcel of land to the City, that could be considered as part of that settlement.

Motion carried 5-0.

Motion:

Motion was made by Lewis and seconded by Staib to authorize the City to enter into negotiations and submit a claim to CSX to cover remaining settlement. City would even consider the parcel of land as part of settlement. Motion carried 5-0.

Enterprise Zone - Status Report

Presentation of proposed boundaries and benefits available to participating businesses.

Community Development Director recalled that on March 5, 2001 Council approved a resolution endorsing and supporting the legislative creation of an enterprise zone. Geiger informed Council that the City is not in a position to make application independently, but must be made in conjunction with Hernando County's application. This will be considered by the Board of County Commissioners on December 4, 2001.

An interlocal agreement or resolution will be brought back to Council at the December 17, 2001 meeting.

Engineering Services - Waste Water Collection Systems

Authorizing advertising for proposals, or negotiate extension of Berryman and Henigar contract.

The Director of Public Works stated that the contract before Council is for design and permitting for WAP grants. He advised that the City signed a contract with Berryman and Henigar to appoint them to do the design and permitting for construction phase management for the actual construction work and reserved the option to go out for new requests for proposals. Pierce stated if the City goes out for RFP's are requested, Berryman and Henigar would have the chance to submit a bid and may or may not be chosen. He stated that whichever option is chosen by Council, a time extension will need to be requested of DEP. Pierce concluded that staff recommends that option #2 be approved, which would be to request proposals to select an engineering firm for design and permitting of the actual construction.

Motion:

Motion was made by Wever and seconded by Lewis, due to the time constraints involved, to approve amending URS/Coastal Engineering's existing contract on WAP engineering services dated May 31st to do the project.

In response to Mayor Johnston's question on why that recommendation was not considered by staff, Pierce stated that he is unsure if it will be accepted by DEP and added that staff has been through a selection process in accordance with CCNA regulations. Director of Administration interjected that the RFP did not state this project.

Mayor Johnston and Council Member Bernardini voiced their preference of option 2 as it gives everyone equal footing and it is staff's recommendations.

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

Motion:

Motion was made by Lewis and seconded by Bernardini that in the event that if there is a problem with approval by DEP, staff would proceed with RFP's (Option #2). Motion carried 5-0.

**Preliminary Plat Approval - SE corner of SR 50 and Whitfield Ave.

Consideration of Conditional approval of preliminary Plat requested by David/Manuel Partnership, subject to certain conditions (Reviewed by Planning and Zoning Commission 11/14/01)

There was no one present to intervene as a party to the issue. Bill Geiger, Don Lacey and Cliff Manuel were sworn in. It was reported that in addition to Bill Geiger's, Mr. Lacey's and Mr. Manuel's qualifications were on file, which Council accepted by consensus. The Community Development Director read his staff report into the record, which included the following recommendations by the Planning and Zoning Commission at their meeting on November 14, 2001:

1. The following Sufficiency Review comments must be adequately addressed by the subdivider prior to construction or final plat approval of the proposed subdivision:

- The preliminary plat is required to be prepared by a registered land surveyor, with supporting plans being prepared by a registered engineer (*No reference to a registered surveyor's certification is found on the conditional plat*). **Ref. Section III (B),(1)**
- No easements are reflected on the plans for utilities, drainage, etc. *A minimum 7.5 foot easement along all proposed property/lot lines and any other easements that are anticipated to be needed for development purposes need to be reflected on or as an exhibit to the preliminary plat.* **Ref. Section III (B), 4 & 5**
- Right-of-way for SR 50 in this area is approximately 260 to 280 feet \pm . **Ref. Section III (B),(4)(a)3** *Note r/w on plan.*
- Show other conditions (if any) on adjacent land that directly affects this subdivision...**Ref. Section III(B),(4)(a)8**
- Note proposed public improvements planned for future construction (i.e., roads, utilities, etc.) **Ref. Section III(B),(4)(a) 11..**
- Key plan showing location of tract..**Ref. Section III(B),(4)(a)12** *Show key plan.*
- Title and certificates... **Ref. Section III(B),(4)(a)13** *Information needs to be provided.*
- Show location of required or proposed utilities... **Ref. Section III(B),(5)(c)**
- Title...Conditional Plat title is D.M.V. Partnership. Narrative title is David/Manuel Partners...*Need to clarify which name reference to use.* **Ref. Section III(B),(5)(i)**
- Provide other preliminary plans as appropriate...**Ref. Section III(B),(6)** *Note: This could be a condition of construction plan approval if the subdivider is required to construct public & private improvements.*
- Draft of protective covenants. *The Narrative indicates that the developer is considering the development of protective covenants and/or deed restrictions. These covenants or restrictions should be acknowledged prior to final plat approval* **Ref. Section III(B),(7)**
- City code requires the filing of the final plat within sixty days of the date of approval of the preliminary plat. All public improvements related to the subdivision must be constructed or bonded prior to the approval of the final plat (**Note: Public Improvements include the construction of the North/South Road serving proposed Lots 3 through 8, the extension of Whitfield Avenue from SR 50 to the Northeast corner of proposed Lot 6 {accommodating for drainage and sidewalks}, and the installation of water and sewer utility lines providing for connection at each lot, and related permitting costs for said improvements**). The Commission acknowledges the subdivider's intent to submit a final plat for Lot #'s 1, 2 and 9 within the 60-day time frame. The Commission is recommending that City Council approve an extension to filing the final plat for Lot #'s 3 through 8, not-to-exceed two years from the date of preliminary plat approval. Per City Code, no lots may be transferred or developed until the final plat is approved for those lots. *Note: If the improvements are bonded, the amount of the bond may be reduced by the City's construction of the improvements under the CDBG-ED grant program.*
- Water and sewer line improvements are required so that each lot has a water and sewer connection at each property line. A utility service agreement must be completed and a construction plan must be submitted for review and the utility improvements installed or bonded before final plat approval.
- The developer will be required to construct an on-site storm water drainage control system that meets the design and performance standards as specified by the technical requirements for open and closed basins in the *Environmental Resource Permitting Information Manual, latest edition*, as published by the Southwest Florida Water Management District.
- The developer shall be required to submit site development plans that are consistent with an approved plat, that include proper drainage control system design and calculations, and are subject to approval

by the City Department's of Public Works and Community Development prior to issuing a building/construction permit.

Mr. Lacey addressed Council Member Staib's questions regarding the WWJB communication tower and the content of the fill dirt to be used, which will follow code guidelines.

Mr. Lacey brought up for discussion the sidewalk that has been requested to be installed along Whitfield Ave. He stated that he would like the option that if the sidewalk is not doable in that right-of-way, it not be required. He stated that another item he would like to discuss is the platting and provision of improvements. He went on to state that he would offer the final plats of lots 1, 2 and 9 to be within 60 days but not the interior parcels or any extension of Whitfield Ave. or the frontage road. The applicants are willing to provide the north/south right-of-way to the City at no cost for which the grant is being pursued for the frontage road. However, the applicants, who are willing to plat the whole thing, will not have construction plans for the north/south road or Whitfield nor do the applicants intend to construct those at this time but may whenever they deem the lots would be marketable. He felt that the City should be responsible for construction of Whitfield and the frontage road if the grant comes through.

Community Development Director Geiger stated that City code requires that property be built within sixty days or the developer bond the improvements or get a time extension.

If the grant does not come through, the question of public improvements is a concern. City Manager Anderson stated that he thought that granting a two year extension of time on parcels 3 through 8 would alleviate that concern.

Council discussed the public reverse frontage road from a grant standpoint. Mr. Manuel stated that DMV has offered that if they plat the property, they are willing to record encumbrance on the property with the commitment not to sell any property until the improvements are in.

City Attorney LaCroix stated that the code only allows two options: 1) construct the improvements or 2) bond them or provide some other security for the construction of the improvements, which could include a mortgage. He suggested that if they want to plat it all, the City could accept a mortgage as security for the cost of the improvements should the City ever have to do it if the applicant defaults.

Break - 8:33 p.m.

Reconvene - 8:41 p.m.

City Attorney LaCroix stated that he cannot find a way within City Code to do what the petitioner wants to do. He added that the best option would be for the applicant to get a two year extension of time for platting the second phase of this project. If that two year period expires and the CDBG grant does not come through, the plat lapses as to that portion of it. No bonding would be required.

Lacey concluded that there would be a plat for 1, 2 and 9 and they would enter into a separate agreement to provide a right-of-way to the City if the grant comes through and ask for a two year extension for that portion.

There was no citizen's input on the petition.

In response to Council Member Bernardini's question, Geiger stated that staff anticipates the frontage road to eventually run all the way from Whitfield where it intersects at Cortez along Jefferson as properties develop.

Mayor Johnston summarized that other than the sidewalk issue, the Planning and Zoning Commission's recommendation was to do parcels 1, 2 and 9 in the 60 day time frame and the rest with a two year extension.

Motion:

Motion was made by Bernardini and seconded by Lewis to accept approval subject to the Planning and Zoning Commission's recommendation and staff's review of the sidewalk issue. Motion carried 5-0.

Recreational Trails Grant Program

Consideration of authorizing application for matching grant to fund a part of the improvements; maximum grant \$100,000; City Share 20%.

City Manager Anderson advised that the grant submittal is due January 31, 2002. In order to meet this deadline, other projects that the Community Development Director is involved in will have to be delayed. Vice Mayor Wever favored directing the Parks and Recreation Director to submit the grant. The City Manager contributed that the Parks and Recreation Director does not have much experience in grant writing.

Council Member Lewis expressed his support of pursuing this grant and suggesting that David Pugh work with the Community Development Director.

Motion:

Motion was made by Bernardini and seconded by Lewis to authorize submittal of the grant. In response to the Vice Mayor's question, City Manager Anderson stated that he would find out how much it would cost to have the special projects consultant submit the application and bring it back to Council.

Mayor Johnston asked what these grant monies would be used for. Council and Good Neighbor Trail Committee Member Lewis and Community Development Director Geiger both stated that it would be used to start the trailhead, including the paving out to Jasmine, small restroom facilities at trail head, walking paths, planning, permitting, etc. In response to the Mayor's question, there is no assurance that the funds will be there due to legislative cuts.

Mayor Johnston expressed his opinion that he would prefer to delay a year before applying for the grant.

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

Costs for utilizing the grant consultant will be brought back at the next meeting.

Mural Project - City Wall on Main Street parking lot entrance

Consideration of authorizing optional removal of the south wall, and negotiations to remove/resurface the north wall. [Continued from 11/19/01 meeting]

City Manager Anderson stated that Mr. Butts, the owner of the building on the southern end of the entrance, has indicated the willingness to remove the wall as opposed to resealing or resurfacing it. It is also possible to do something similar to the wall on the north side with the property owners concurrence. Mr. Butts is willing to acquire the building but has not found anybody to make an offer to yet. The City Manager requested that Council give staff the opportunity to continue these efforts.

Motion:

Motion was made by Staib and seconded by Wever to accept the proposal. Motion carried 5-0.

Withlacoochee Regional Planning Council - Municipal Representative

Appointment of elected official to serve as voting member on WRPC representative Hernando cities for one year term from 12/13/01 through 12/11/02.

Motion:

Motion was made by Wever and seconded by Lewis to reappoint Joseph E. Johnston, III, as Municipal Representative on the Withlacoochee Regional Planning Council. Motion carried 5-0.

Oak Street - Traffic Calming Devices (FROM CONSENT AGENDA)

Approval of two speed control tables and re-striping at an estimated cost of \$2,500.00.

Vice Mayor Wever reminded Council that the traffic calming devices in Candlelight were to be a trial program and it should come back to Council to discuss further before authorizing continuation of the program. He stated that he is still concerned with drainage issues on the raised intersections and did not feel that the speed humps were installed as designed by the City Engineer. He further expressed concern regarding whether what was installed in Candlelight met the new FDOT guidelines. He added that he believes that the hump at Moonlight Lane is too close to the intersection to be safe.

Regarding the Oak Street speed bumps, Director of Public Works Pierce stated that he has proposed two locations for the speed humps.

Motion:

Motion was made by Lewis and seconded by Bernardini to approve staff's recommendations. Public notification and a memo will be sent to the school prior to installation.

Motion carried 5-0. It was the consensus of Council to put up 15 mph signs on Oak and Candlelight Blvd.

Selection of Officers

Selection of Mayor

Nomination was made by Staib to nominate E.E. Wever, Jr. as Mayor. Nomination carried 5-0.

Selection of Vice Mayor

Nomination was made by Wever to nominate Richard E. Lewis as Vice Mayor. Nomination carried 5-0.

The change of officers would become effective at 12:01 a.m. December 4, 2001.

Selection of Mayor Pro-Tem

City Clerk Phillips advised that this requires no action as the line of succession is by group number as established in Resolution No. 98-24. It was pointed out that accordingly, Council Member Staib would serve as Mayor Pro Tem.

CITIZEN'S INPUT

Police Pension Trust Fund Premium Tax Monies

Staff assured Police Officer Wilfong that the City will be submitting the required annual report to the Division of Retirement for their approval before the deadline date. Mayor Johnston stated that he hoped these reports would not be submitted at this late of date in the future.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Heart of Florida

Council Member Staib called attention to the minutes of the recent Heart of Florida League which stated that the City of Brooksville has filed suit against the County. Vice Mayor Wever stated that the dispute resolution process has begun regarding utility service areas.

PHCC Take Stock in Children

In response to Council Member Staib's question on why she received a copy of the Take Stock in Children agenda, it was explained that Council Member Bernardini is a member and all Council Members receive copies of the agenda for their information.

Evacuation plan

Council Member Staib questioned if City Hall has had an evacuation drill yet. Director of Administration Phillips stated that it is pending final plans by the Fire Department but that it will take place in December.

Defibrillator

City Manager Anderson responded to Staib's inquiry by stating that the defibrillator has been received and they are currently trying to coordinate training. He added that a cursory poll of employees showed that no one was interested in training on the equipment. The third floor will be advised that there is one available. Chief Daugherty interjected that the manufacturer will train Fire personnel and then the Fire Department can hold training sessions.

Water Restrictions

Council Member Staib stated that WWJB has been advised that the City can enact different watering restrictions than SWFWMD.

Legislative Delegation Meeting

Council Member Staib advised that she attended the Legislative Delegation Meeting at the Commission Chambers on December 1, 2001.

Brooksville Music Club

She stated that she attended the Music Club's "Music-Cade" on December 2, 2001.

Central Baptist Family Services

Staib stated that she and the Mayor attended the grand opening at 4:00 p.m. on December 3, 2001.

Run-a-Way Shelter

Council Member Staib stated that she attended the Run-a-way Shelter's Advisory Board meeting and advised that they are in need of donations for a Christmas dinner and any other assistance that can be given.

Health Screening

Council Member Staib advised that one of the local cardiologists would be holding a free health screening at his Brooksville office on December 8, 2001.

Murals

Staib reported that Dennis Wilfong helped finance the murals that will be on the Carlson Building at the corner of S. Brooksville Ave. and Liberty Street.

Florida Crushed Stone

Council Member Staib reminded Council of the annual Florida Crushed Stone Chamber breakfast on December 5, 2001.

E.E. WEVER, JR., VICE MAYOR

Governor's Mentoring Program

Vice Mayor Wever reported that he attended the Governor's Mentoring Program conference in St. Pete on November 27th. He briefly described it as allowing a City employee going to a school during the day to work as a mentor. He stated that the information has been given to the City Manager, who would be making a recommendation to Council.

Withlacoochee Regional Water Supply Authority

The Vice Mayor advised that at the last WRWSA meeting, the Board approved the City's grant application and submittal must now be coordinated.

Water Restrictions

Wever distributed information which he received at a recent WRWSA meeting which indicates that the water level is still not where it should be.

FLC President - Death in Family

Vice Mayor Wever informed Council that Scott Black's father passed away and cards can be sent to the City of Dade City.

Fire District 22

Vice Mayor Wever expressed his opinion that the Council should come up with a program and take a stand against the possibility of the County eliminating or consolidating Fire District 22. He felt that it should be included on the next Council agenda.

Bond Refinancing

Vice Mayor Wever recalled that at the last Bond Closing, the City's Bond Attorney prepared both the bond resolution and a disclosure opinion and the underwriter has recommended that these two functions be split. By consensus, Council agreed to allow him, the City Manager and the Finance Director to coordinate accordingly.

TRIM Notice Requirements

Mr. Wever stated that he has spoken to the FLC's President, Scott Black, who agreed that the budget/TRIM Notice advertising requirements were a problem and he would work on that.

Presentation of Audit

City Manager Anderson responded to the Vice Mayor's question by stating that the 99-00 audit should be presented at the December 17th Council meeting.

Hospital Tax Issue

Vice Mayor Wever stated that he was going to suggest going after \$178,000, as part of the \$600,000 payment to the County in lieu of ad valorem taxes by Brooksville Regional Hospital, but has now found out that provisions for same are not included in the lease.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Rotary Club

Director of Administration Phillips stated that the Rotary Club had recently written a grant to the JBCC Foundation and were awarded money to purchase equipment, which they augmented with additional funds, and have begun a math tutoring program.

Christmas Parade and Festival

Director of Administration Phillips updated Council on the Christmas Parade, Festival, County Tree Lighting and Museum Tour, all to be held on December 8, 2001.

JOSEPH E. JOHNSTON, III, MAYOR

Water Restrictions

Mayor Johnston requested that staff contact the newspaper and let them know the City's watering restrictions are not the same as the County's.

Building Department Potential

Mayor Johnston referred to a recent memo from the City Manager regarding the possibility of reinstating the Building Department and offered his support of that consideration.

Progress of City

Mayor Johnston thanked Council for the opportunity to serve as Mayor and felt that the City had made a lot of progress in the last year and laid ground work for great expansion to benefit the citizens of the City of Brooksville.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:08 p.m.

City Clerk

ATTEST: _____

Mayor

:jjb

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REGULAR SPECIAL [Approved by Council 12/17/01 ____] COUNCIL MEETING

December 6, 2001 6:00 P.M.

Brooksville City Council met in special session with Mayor E.E. Wever, Jr., Richard E. Lewis, Vice Mayor, and Council Members Joe Bernardini, Joseph E. Johnston, III and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; B.J. Coryer, Director of Finance; Jennifer J. Battista, CMC, Deputy City Clerk and Mary Beth Gary, City's Independent Auditor.

There was no pledge or invocation.

ORDINANCE NO. 606-A - BUDGET 1999-2000 FISCAL YEAR

Amending the Budget for the fiscal year ending September 30, 2000 to incorporate changes in revenue and expenditures and establishment of special funds approved by Council during the year.

Motion:

Motion was made by Johnston and seconded by Lewis to approve First Reading of Ordinance No. 606-A.

There was no public input or Council discussion.

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

Bernardini Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Second and Final Reading will be December 17, 2001

Mayor Wever called attention to the City Manager's memo dated December 5, 2001 which stated that when appropriate, changes will be compiled and presented to Council in a budget amendatory ordinance on a quarterly basis. The Mayor added that staff is also considering conducting a semi-annual audit, which City Manager Anderson confirmed, stating that a proposal on same will be brought back to Council.

Mayor Wever advised that a budget amendment ordinance for fiscal year 2000-01 will be presented to Council in the future.

E.E. WEVER, JR., MAYOR

Yontz and Ponce Apartment Complex

In response to Mayor Wever's question, City Manager Anderson stated that it is located in the County but the City will provide water and sewer services to the project. City Attorney LaCroix is meeting with the County on other things and can approach them to ensure that the City is involved in the development hearings for the project as required by Florida Statutes and that City Resolution No. 2001-16 is complied with in relation to conflict resolution procedures.

Ad Valorem Tax Issue

Mayor Wever advised that he has been told that there are some cities that have interlocal agreements with counties where a portion of ad valorem taxes automatically goes to the cities. He recommended that the City place a request for information in the next Florida League of Cities' Datagram.

MARY A. STAIB, COUNCIL MEMBER

Utility Lines to Proposed Hospital Site

Council Member Staib requested that Tom Barb, Executive Director of Brooksville Regional Hospital, be kept apprised of the status of the utility lines to the proposed hospital site. City Manager Anderson stated that the project is ongoing and any future development of those lines would have to come to Council for approval.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Good Neighbor Trail/Sidewalks on Darby Lane

Council Member Johnston reminded Council of their recent decision to request the MPO to move the Good Neighbor Trail project higher up on their priority list for enhancement funds. He offered the suggestion of moving up the Darby Lane sidewalk project to take the place of the Good Neighbor Trail item. He referred to a draft list of projects and stated that the next phase of funding would then consist of Darby Lane sidewalks, Main Street sidewalks and the Trailhead restrooms. This was agreed to by consensus.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 6:15 p.m.

Deputy City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

December 17, 2001 7:00 P.M.

Brooksville City Council met in regular session with E.E. Wever, Jr., Mayor, Richard E. Lewis, Vice Mayor, and Council Members Joe Bernardini, Joseph E. Johnston, III and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; B.J. Coryer, Director of Finance; Jennifer J. Battista, CMC, Deputy City Clerk; James Daugherty, Fire Chief; Emory Pierce, P.E., Director of Public Works; Boyce E. Tincher, Police Chief. A member of the St. Petersburg Times was also in attendance.

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

CONSENT AGENDA *

Approval of Minutes

November 19, 2001 and December 6, 2001

Finance Software - Fund Balance

Approval of Annual Support Agreement in the amount of \$6,331.00 effective 10/1/01. (Funds Budgeted in Account #001-012-534-00.00)

Employment Agreement - City Manager

Verification of intent to continue award of five (5) additional vacation days per year.

Motion:

Motion was made by Lewis and seconded by Johnston to approve the December 17, 2002 Consent Agenda.

A correction was pointed out on the November 19, 2001 minutes wherein the name of Council Member Staib's FLC Committee was incorrectly reported. In addition, Vice Mayor Lewis was listed as voting for an ordinance when he was absent from the meeting. It was noted that the December 6, 2001 minutes should reflect "Special Council Meeting" rather than "regular meeting".

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Christmas Holiday Decoration Contest

Awards for annual holiday decoration contest for Commercial and for Residential displays by the Beautification Board.

Qwynn and Susan Blair of 715 Fernwood Drive were present to accept the Residential Christmas Holiday Decoration Contest award and Beth Ehlers from Old Town Flower Shop at 11 S. Broad Street accepted the Commercial display.

Operation P.R.I.D.E.

Request for continued support and participation in annual county-wide clean-up program.

Rose Rocco, Operation P.R.I.D.E. President, came forward to introduce the program to Council. She explained that the County endorsed the program in March of 2001. Many other agencies and businesses were contacted to sponsor or participate in their September 2001 County wide clean-up event or to donate

food or prize items at their celebration held after the clean-up. The clean-up for 2002 is scheduled for September 7th with the celebration to be held at the Boy Scout site. Ms. Rocco advised that Lindsay Nichols, City of Brooksville employee and Beautification Board secretary, has been representing the City at the P.R.I.D.E. meetings. Ms. Rocco went on to state that the committee also discusses what projects to fund with monies that are given to Operation P.R.I.D.E. Ms. Rocco stated that she would like to contact the City's Beautification Board to get them more involved in Operation P.R.I.D.E.'s projects. Ms. Rocco stated that it is her hope that any ideas or suggestions offered by City Council on the program could then be presented by Ms. Nichols at one of their P.R.I.D.E. meetings. Mayor Wever offered the cooperation of the City Council. City Manager Anderson stated that working with Operation P.R.I.D.E. has been included in the City's newly formed Community Service Award program to encourage employees to participate.

*****Adjourn Regular City Council Meeting*****

*****Convene as Local Planning Agency*****

LOCAL PLANNING AGENCY (LPA) - PUBLIC HEARING

Enterprise Zone

Proposed City of Brooksville/Hernando County Enterprise Zone Strategic Revitalization Plan.

Community Development Director Geiger went over the proposed area for the enterprise zone as depicted on a map which was on display for review. He explained that an enterprise zone is an area which exhibits chronic economic problems and businesses in the declared area become eligible to receive tax credits and refunds for those participating in revitalization. The underlying reason for designating an enterprise zone is to encourage private investments in that area. Geiger reminded Council that through a referendum process, the City residents have approved and authorized Council to give ad valorem tax rebates for those businesses. The Local Planning Agency needs to review the Strategic Revitalization Plan, which is a requirement of the CDBG-Commercial Revitalization grant, and make a recommendation to City Council.

It was pointed out that the Enterprise Zone is scheduled for consideration before the County Commission on December 18, 2001.

Motion:

Motion was made by Johnston and seconded by Bernardini to recommend approval of Resolution No. 2001-24 to City Council. Motion carried 5-0.

*****Adjourn as Local Planning Agency*****

*****Reconvene as Regular City Council Meeting*****

PUBLIC HEARING

****Alcoholic Beverage Location Permit - 511 S. Broad Street**

Approval of sale of beer and wine (Permit A). Petitioner: Pan and Pantry, Inc. d/b/a City Diner.

Each Council Member indicated that they had received no ex parte communications regarding the petition.

No one spoke from the public on this issue.

Motion:

Motion was made by Lewis and seconded by Staib to approve the Alcoholic Beverage Location Permit for 511 S. Broad Street. Motion carried 5-0.

Enterprise Zone - Resolution No. 2001-24 & Interlocal Agreement

Consideration of recommendations of LPA to approve Resolution No. 2001-24 and authorize execution of Interlocal Agreement to be forwarded to Hernando County Board of County Commissioners.

City Manager Anderson stated that the County Commission is going to appoint all the members of the Enterprise Zone Commission. Geiger contributed that the County is the responsible agency for appointing members to the committee and Florida Statutes outlines who those committee members should be. He added that the County has indicated that they will be looking for the City to submit names for their consideration. Council concurred with Council Member Johnston's request for quarterly reports from the Enterprise Zone Commission, which Geiger stated will be done.

There was no public input.

Deputy City Clerk Battista read Resolution No. 2001-24 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, TO BE JOINTLY FILED WITH A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA; NOMINATING A GEOGRAPHIC AREA AS AN ENTERPRISE ZONE PURSUANT TO SECTION 290.00695, FLORIDA STATUTES; FINDING THAT THE NOMINATED AREA MEETS THE REQUIREMENTS OF SECTION 290.0058, FLORIDA STATUTES; CONCURRING WITH AND ADOPTING THE ENTERPRISE ZONE DEVELOPMENT PLAN (AKA THE CITY OF BROOKSVILLE/HERNANDO COUNTY ENTERPRISE ZONE STRATEGIC REVITALIZATION PLAN); AND PROVIDING FOR AN EFFECTIVE DATE.

Motion:

Motion was made by Staib and seconded by Lewis to approve Resolution No. 2001-24.

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

Bernardini Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Motion:

Motion was made by Johnston and seconded by Bernardini to approve execution of the interlocal agreement. Motion carried 5-0.

Ordinance No. 629 - Amendment to Land Development Code - Variances

Amending code to provide for criteria in granting variances to designated code provisions. (Reviewed by Planning and Zoning Commission 11/14/01) [First Reading December 3, 2001]

Ordinance No. 629 was read by headnote only, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, PART III, "LAND DEVELOPMENT CODE," APPENDIX C, "ADMINISTRATIVE PROCEDURES," SECTION III, "BOARD OF ZONING ADJUSTMENT AND APPEALS," SUBSECTION .1, "POWERS AND DUTIES," SUB-SUBSECTION H, AND ADDING THERETO A NEW SUB-SUBSECTION I; AMENDING SUBSECTIONS .2, "APPEAL PROCEDURE," AND .3, "REQUIRED NOTICE;" SPECIFYING THE CODE REQUIREMENTS FROM WHICH VARIANCES MAY BE GRANTED AND PROVIDING VARIANCE STANDARDS; PERMITTING THE GRANTING OF DEVIATIONS FROM CODE REQUIREMENTS AND ESTABLISHING THE STANDARDS AND CONDITIONS FOR APPROVAL THEREOF; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

There was no public input.

Motion:

Motion was made by Bernardini and seconded by Johnston to approve Second and Final Reading of Ordinance No. 629. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Bernardini Aye

Lewis Aye

Wever Aye

Ordinance No. 630 - Amendment to Land Development Code - Parking

Amending parking standards to provide for Administrative discretion in determining requirements and delaying the construction of certain spaces, subject to limitations, including agreement to construct the remaining spaces in the future if Planning and Zoning Commission determines they are necessary. (Reviewed by Planning and Zoning Commission 11/14/01) [First Reading December 3, 2001 - Amended to include notification of administrative action to Council]

Deputy City Clerk Battista read Ordinance No. 630 by headnote only, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, PART III, "LAND DEVELOPMENT CODE," SUBPART B, "LAND USE/ZONING REGULATIONS," ARTICLE II, "GENERAL REGULATIONS," SECTION 25, "GENERAL REGULATIONS FOR VEHICLES," BY THE ADDITION THERETO OF A NEW SUBSECTION 25.3, "PERMISSIBLE REDUCTION OF PARKING;" ALLOWING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO AUTHORIZE DEVELOPMENT WITH FEWER THAN THE SPECIFIED NUMBER OF PARKING SPACES, ESTABLISHING THE STANDARDS AND CONDITIONS FOR APPROVAL THEREOF, AND PERMITTING THE PLANNING AND ZONING COMMISSION TO REQUIRE THE INSTALLATION OF ALL PARKING SPACES SPECIFIED UPON A FINDING OF NECESSITY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

There was no public input.

Motion:

Motion was made by Staib and seconded by Lewis to approve Second and Final Reading of Ordinance No. 630.

Council Member Johnston questioned if the parking requirements are waived, but may be required to be installed at a future date, can that area not be paved at this time. Geiger confirmed this, stating that they are required to retain an open space for possible future parking requirements. If the area cannot accommodate any more parking spaces, they would need to file for a deviation of the requirements.

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

Bernardini Aye

Staib Aye

Johnston Aye

Lewis Aye

Wever Aye

Ordinance No. 606-A - Budget 1999-2000 Fiscal Year

Amending the Budget for the fiscal year ending September 30, 2000 to incorporate changes in revenue and expenditures and establishment of special funds approved by Council during the year. [First Reading December 6, 2001]

There was no public input.

The Deputy City Clerk read Ordinance No. 606-A by headnote only, as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 606, PROVIDING FOR CERTAIN BUDGET AMENDMENTS AND SETTING AN EFFECTIVE DATE.

Motion:

Motion was made by Johnston and seconded by Bernardini to approve Second and Final Reading of Ordinance No. 606-A.

Bernardini Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

REGULAR AGENDA

Presentation of Audit

Presentation of 1999-2000 audit.

As the auditor was not available to address any specific issues, Mayor Wever recommended acceptance of the audit and defer any questions on it until the next meeting. If Council has any questions, they should let the Deputy City Clerk know and it can be rescheduled for Council consideration.

Motion:

Motion was made by Bernardini and seconded by Johnston to approve the 1999-2000 audit. Motion carried 5-0.

Fire District 22

Consideration of establishing a public information program regarding the services provided to district residents and property owners.

City Manager Anderson stated that over the last few years, Council has made comments about getting out information to residents of District 22 to clarify what is being discussed by the City and the County regarding the fire service Interlocal Agreement. Anderson stated that at this point, most of the information is being distributed by the newspapers. He questioned if Council would like to establish a method of directly contacting the residents through a mailing program and/or scheduling meetings with City officials out in the district.

The City Manager stated that he does not have a specific budget in mind, but would estimate that \$3,000 to \$5,000 would be needed over the next six months. If approved, it would be a transfer out of reserves.

In response to Council Member Bernardini's question on who is attending the County's meetings regarding this issue, City Manager Anderson stated that Council expressed an interest in not negotiating a change in the Interlocal Agreement and, therefore, he has not been attending the meetings. Council Member Bernardini summarized that there will be nothing to present to the residents until that committee presents something to the City. City Manager Anderson contributed that the County has made some recommendations to the County Commission and it is his understanding that more are to be made. The Fire Chief has attended some of their more recent meetings.

Fire Chief Daugherty reported on the December 17, 2001 Task Force meeting on Township 22. The options that they are considering are 1) take over Township 22, 2) look at renegotiating the existing interlocal agreement and 3) City/County consolidation. Chief added that an official copy of this will be sent to the City in the next few days. City Manager Anderson stated that since this information was just received, he did not feel it would be appropriate to present a position by Council to the residents. However, the City could present to the residents the options that are being considered by the Task Force or County Commissioners.

Mayor Wever expressed his opinion that the City needs to get information to the residents of the District that the City wants to keep the service to them. He felt that the City could include details on the service that is currently being provided such as response times. The residents could be asked to work with the City, not as an appointed board, to retain the fire district.

Unless the letter to the residents is to only say that the City is in favor of retaining the service, Vice Mayor Lewis felt that Council would need to wait to see what the actual proposal from the County is before factual information can be disseminated to the residents. Mayor Wever disagreed with waiting and felt that the residents should be notified now that the City wants to retain the service and the reasons thereof. A follow-up letter could be sent later on the County's proposal. Council Member Staib expressed her agreement.

Council Member Bernardini agreed that the City wants to keep the service, but was concerned that the County may make it cost prohibitive for the City to keep it and wondered what the County's parameters will be in whatever proposal they support. City Manager Anderson stated that the County could build a fire

station and service the residents directly without any contact with the City.

Council Member Bernardini felt that another official besides Chief Daugherty should be attending these Task Force meetings and that the City's position should be made known to the County. It was pointed out that at this point, the meetings have been at a discussion stage and not at a point where an official position has been determined.

City Manager Anderson stated that staff could bring back more information to Council at a regular meeting or workshop.

Len Tria, Chairman of the County's appointed study Commission, stated that he requested the Task Force to come up with the three options outlined by the Chief so that there was some basis on what direction they are headed. He added that these decisions cannot wait until there are only a couple weeks left on the agreement. He stated that the City Manager could attend the meetings to state the City's position and report on the progress to Council.

Council Member Staib voiced her support of having the City Manager attend the meetings and go ahead with the next step.

Council Member Johnston pointed out that the interlocal agreement to maintain the City's service to District 22 expires on September 30, 2002. It was the consensus of Council to retain the City's Fire Service of District 22 and renew the existing interlocal agreement.

Mayor Wever questioned if it was Council's desire to communicate with the residents and property owners in District 22 that the City wishes to retain the service. Council Member Johnston agreed, adding that they should be encouraged to make their feelings known to the County Commissioners. City Manager Anderson interjected that a survey form could be included to be returned.

Mayor Wever requested that the City Manager draft the letter as soon as possible for Council's review and comment. City Manager Anderson suggested that staff set up the mechanics of doing the mailings and send the letter after he attends a meeting of the Committee. Council Member Johnston stated that staff could set up an "action plan" to be presented to Council, which Anderson agreed.

In response to Council Member Bernardini's question, it was pointed out that the County is well aware of Council's position on District 22.

Mayor Wever expressed his opinion that a general letter should be sent as soon as possible, which was agreed to by Council.

Motion:

Motion was made by Staib and seconded by Lewis to amend the budget to add \$5,000 out of reserves into General Government for public relations on this issue. City Manager Anderson stated that actual expenditures would be subject to Council approval. Motion carried 5-0. Anderson stated that budget amendments would be brought to Council in January for any approved the first quarter and the budget will be formally amended by ordinance.

Motion:

Motion was made Lewis and seconded by Staib to authorize the City Manager to proceed with correspondence. Motion carried 5-0.

Contract - Engineering Services - (CDBG ED) SR 50 frontage road, right-of-way acquisition, utilities.

drainage, etc

Approval of contract with Berryman & Henigar in the amount of \$77,850.46 for CDBG Economic Development project.

Motion:

Motion was made by Bernardini and seconded by Johnston to approve the contract with Berryman & Henigar in the amount of \$77,850.46 for CDBG Economic Development project.

Geiger responded to a question from Mayor Wever by stating that even if a legal description may be available for various land acquisitions, a survey of each parcel is still necessary. Preliminary surveying work has already been done and will be utilized.

Mayor Wever called attention to the fact that the contract allows for 360 days to complete the engineering plans. The motion and second were amended to change that wording to "engineering plans will be completed within 360 calendar days or within 180 days after finalization".

The motion carried 5-0.

Contract - Engineering Services - Waste Water Collection Systems (WAP)

Further direction on option to proceed to secure engineering services for design, permitting and construction phase management of the balance of WAP Grant #1 and all of WAP Grant #2.

Director of Public Works presented an option whereby the City would proceed with awarding a contract for construction to Coastal Engineering for approximately 2500 linear feet of sewer rehab which should be about \$250,000. Coastal's fee should not be above \$25,000. The City would need to take over the construction phase services, pay for some surveying work and initial TV inspection. Pierce will become the engineer of record and responsible for submitting as-builts to DEP to get the proper permit. Peirce went on to advise that as part of Coastal's scope of work, they will obtain quotes for the surveyor and TV inspection and make a recommendation to Council accordingly.

Director of Public Works Pierce advised that an RFP will be necessary for funds in Phase II of the WAP grant.

The surveying and TV inspection fees are recoverable by this grant but the City's in-house costs are not.

A time extension will have to be applied for in both grants. A design services contract with Coastal will be negotiated by the end of January and then Brewer and Associates will make a formal time extension request to DEP. Community Development Director Geiger contributed that the first phase of construction should begin in May, 2002.

Pierce confirmed Council Member Johnston's statement that Coastal's fee should actually be approved for a maximum of \$24,999.

Motion:

Motion was made by Johnston and seconded by Bernardini to rescind Council's action taken on December 3, 2001, which was, due to the time constraints involved, to approve amending URS/Coastal Engineering's existing contract on WAP engineering services. Motion carried 5-0.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve requesting a time extension for both WAP grants at a time when consultants, Brewer and Associates, deems is appropriate. Motion included that based upon the recommendation by Brewer and Associates, the request to DEP will also include the length of time that the extension is needed for. Motion carried 5-0. Community Development Director reiterated that Brewer and Associates has recommended not requesting an extension until the end of January or beginning of February.

Council discussed the CCNA selection process as it relates to awarding a contract with Coastal Engineering. City Attorney LaCroix advised that there are two different limits in the CCNA rules. One is that there is a \$25,000 limit for the contract without going through the CCNA process if it is for design or study activity. If it is for engineering services in association with a construction project, the CCNA limit is not the amount of the engineering contract, but the overall cost of the construction project.

Motion:

Motion was made by Lewis and seconded by Staib to award the contract to Coastal Engineering for an amount not to exceed \$24,999. Motion carried 4-1 with Bernardini voting in opposition.

Motion:

Motion was made by Staib and seconded by Lewis to appoint Director of Public Works Pierce as the engineer of record and to have City staff responsible for the construction phase management. Motion carried 5-0.

Motion:

Motion was made by Bernardini and seconded by Johnston to authorize request for proposals for engineering for Phase II of the WAP grant. Motion carried 5-0.

Closing of City Offices in Honor of New Year's Eve

Consideration of closing non-essential offices and departments on December 31, 2001 and awarding an additional personal leave day for employees.

Motion:

Motion was made by Lewis and seconded by Staib to approve closing non-essential offices and departments on December 31, 2001 and awarding an additional personal leave day for employees. Motion carried 5-0.

Bond Refinancing - 1988A and 1992 Water and Wastewater Bonds

Status Report.

Finance Director Coryer presented Council with a tentative timetable approved by the financial advisor. Coryer informed Council that the financial advisor and the underwriter have recommended that the City contract with a disclosure attorney which would be in addition to the City's bond attorney. Coryer stated that Michael Williams with Akerman, Senterfitt and Edison, P.A. has submitted a fee of \$14,000.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve the underwriter's recommendation to approve Akerman, Senterfitt and Edison, P.A. to perform the disclosure attorney function for the bond refinancing. Motion carried 5-0.

In response to the Mayor's question, Coryer would get a cost figure from Public Financial Management. The other firms involved are sending letters of agreement. City Manager Anderson stated that staff would prepare a budget of the costs involved with this bond refinancing budget.

North Wellfield Project

Status Report.

Director of Public Works Pierce stated that he would like Council to reconsider the PHCC site for the north wellfield as he feels that it is the best location for the additional wells and elevated storage tank. He went over some of the fees involved, including the leasehold payment, driveway connection to the back parking lot, gate and fire line. Totaling those costs for using that site would be approximately \$70,000. He touched on some of the benefits with the site at PHCC.

Pierce stated that it is possible to enter into an agreement with the developers of the proposed apartment complex at Yontz and Ponce for putting an elevated storage tank at their site but he would be doubtful of their interest.

Mayor Wever stated that he has asked the City Manager to contact the owners of a 10 acre parcel between the college and the highway patrol station, which Mr. Anderson stated that the representative for same had not returned any of his calls.

Mayor Wever stated that if anyone has any particular problem with the PHCC agreement, the City could possibly negotiate that problem. Council Member Johnston stated that he had a problem with section seven which is the 50% share of gross revenue generated by antennas that would go to the college, and also with the 99 year expiration clause of the agreement. Council Member Johnston suggested a renewal period for an additional 99 years.

Vice Mayor Lewis suggested the elimination of section seven regarding the 50% share of the gross revenue generated by antennas going to the college, to which Mayor Wever agreed. Council Member Bernardini felt that antennas should be allowed as a source of revenue.

City Manager Anderson stated that the antenna issue should be one that can be negotiated. Mayor Wever stated that he did not have a problem negotiating removal of section seven, as well as requesting an option to renew for an additional 99 year term.

It was the consensus of Council that an agreement needs to be reached as there are developments being proposed for the area. The City Manager and Mayor would meet with the PHCC president and advise Council accordingly.

Pierce responded to Council Member Johnston's question on the capacity of the Hope Hill Wellfield by stating that he will be receiving a preliminary engineering report from Coastal and will bring it to Council to get permission to proceed with test or production well drilling.

Council Member Bernardini asked for an estimated date of when sewer would be available at the Fairgrounds, which Pierce advised should be within a year and may involve a quick taking on a couple of parcels. City Manager Anderson interjected that the City is providing sewer there now on a temporary basis.

Pension Plan

Status report on pension plan conversion.

Council discussed the recent loss taken by the Florida Pension Fund after it bought millions of shares of

Enron Corp stock before the company filed bankruptcy and what this may mean regarding the recent action taken by Council to reinstate the pension plan for all employees. City Manager Anderson stated that the City has since received two letters from the State saying that the fund is so large, it affects less than one percent of their holdings and should not cause a problem.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

Monthly Activity Reports

Community Development Director Geiger responded to her question by explaining how the County lists the building inspections done within the City limits.

JBCC Math Tutoring

Council Member Staib questioned how often the math tutoring is going on at the JBCC. City Manager Anderson stated that he believes it is more than once a week, depending on the scheduling. Mayor Wever interjected that Director of Administration Phillips would be able to answer that question.

Code Violation Reports

Police Chief Tincher confirmed Council Member Staib's question that she had not received an updated code violation report. City Manager Anderson stated that they are working on one for December.

Judiciary Luncheon

Staib advised that she and the Mayor had attended a Judiciary Luncheon in the Jury Assembly room on December 14th.

Run-a-Way Shelter

She reported that she attended a recent meeting at the run-a-way shelter.

Applebee's Ribbon Cutting Ceremony

Council Member Staib advised that many of the Council Members had attended a recent ribbon cutting ceremony at Applebees.

RICHARD E. LEWIS, VICE MAYOR

Happy Holidays

The Vice Mayor wished everyone Happy Holidays.

JOE BERNARDINI, COUNCIL MEMBER

Happy Holidays

Council Member Bernardini wished all Happy Holidays.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

GNT Tree Harvest

City Attorney LaCroix responded to Council Member Johnston's question by stating that he had not heard from the insurance company on the counter claim and will present the item at the next Council Meeting.

WRPC

Council Member Johnston stated that at the last WRPC meeting, the City of Brooksville received compliments from the director of their haz mat course, who was impressed that the City sent so many representatives to their recent training seminar.

Happy Holidays

He wished everyone a safe and happy holiday.

E.E. WEVER, JR., MAYOR

Candy Throwing During Christmas Parade

Mayor Wever stated that during the December 8th Christmas parade, a lot of candy was being thrown and landing on the people. He recounted several incidents in which people got hit by candy and one occasion where a piece of candy hit a baby on the head, or hit the mother and made the mother jump and scared the baby. He added that at one point candy was near the tire of a truck and a bunch of kids ran out to get it. He stated that he would like Council's consideration of an ordinance at the next meeting prohibiting the throwing of candy during a parade. Chief Tincher offered his support, as this is an ongoing problem with all parades.

In response to Council Member Staib's question, it was pointed out that the Christmas Parade is a Brooksville Kiwanis event and not the County's parade, and participants in the parade would have to abide by any City ordinance.

ADJOURNMENT

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

Deputy City Clerk

ATTEST: _____

Mayor

:jjb

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