

11/16/09

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

October 19, 2009

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joe Bernardini, Vice Mayor Lara Bradburn and Council Members Joseph E. Johnston, III, Richard E. Lewis and David Pugh present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Bill Geiger, Community Development Director, Mike Walker, Parks, Facilities and Recreation Director; Richard Radacky, Interim Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present.

The meeting was called to order by Mayor Bernardini, followed by an invocation and Pledge of Allegiance.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Fire Prevention Month Proclamation and Presentation

A proclamation designating October as Fire Prevention Month and presentation by Fire Chief Tim Mossgrove regarding fire prevention measures.

Mayor Bernardini read the proclamation in its entirety, followed by a presentation on fire prevention by Fire Chief Mossgrove. Hillary Sanford, Brooksville's Firefighter of the Year, reviewed the Fire Department's Mission, Vision, and programs the Fire Department offers, as well as the History of Fire Prevention Month.

Council expressed appreciation for their continued work.

"Florida City Government Week" Proclamation

Consideration of Proclamation declaring the week of October 18-24, 2009, as "Florida City Government Week" in conjunction with the Florida League of Cities' sponsored annual statewide celebration of municipal government and its contributions to the quality of life of Floridians.

Mayor Bernardini read the proclamation in its entirety, which will be forwarded to the Florida League of Cities. He indicated there were representatives from BACS present. Sheila Martin, Bay Area Commuter Services stated their goal is to promote carpooling. Diane Jones, with TBARTA, briefly reviewed the long and mid-range goals of the organization. Vice Mayor Bradburn advised she has maps if anyone is interested and thanked them for their efforts.

Mayor Bernardini thanked staff for their presentations before the meeting.

CITIZEN INPUT

Mayor Bernardini asked for public input.

Lourda Kay, Girl Scout leader commended Officer Sanford for the birthday party she hosted for Mrs. Kay's son.

APPROVED BY BROOKSVILLE

CITY COUNCIL

ON 11/16/09 INITIALS JL

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CONSENT AGENDA

Police Department Surplus/Trade Property/Purchase Vehicles

Consideration to surplus, sell and trade City owned property and to proceed with the Patrol Vehicle Replacement Program/JAG Grant; to purchase an unmarked Detective vehicle; and purchase with trade of Police Department weapons.

Patrol Car Video Camera Purchase

Consideration of sole-source purchase of Apollo Camera Systems for patrol cars through Law Enforcement Supply for the not-to-exceed amount of \$8,800.

Special Master/Hearing Officer Contract *(Removed from Consent)*

Consideration of piggy-backing on Hernando County contract to fill the current open position vacated by William Eppley.

Police & Fire Pension Trust Fund Board (PPTFB) Appointments

Consideration to reappoint Joseph Quinn to the Police Pension Trust Fund Board and Paul Babcock to the Fire Pension Trust Fund.

Withlacoochee Regional Planning Council (WRPC) Professional Services Agreement

Consideration of renewal of annual agreement with WRPC for professional/planning services on an as-needed basis for the 2009-10 fiscal year and authorize Mayor to execute the agreement.

Mayor Bernardini requested Item E-3 Special Master/Hearing Officer Contract be removed from the Consent Agenda for discussion.

Vice Mayor Bradburn, referring to Item 5, reiterated that the City has a certified planner on staff and stressed that she would like WRPC to be used only for emergency services.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Johnston for approval of Consent Agenda Items 1, 2, 4 & 5. Motion carried 5-0.

Special Master/Hearing Officer Contract *(Removed from Consent)*

Consideration of piggy-backing on Hernando County contract to fill the current open position vacated by William Eppley.

City Attorney Rey reported changes had been requested by Mr. Warnstadt to the contract initially distributed to Council, which she reviewed as follows:

Article 1, the sentence on establishing procedures for the hearing process has been modified and a sentence has been added at the end.

Article 4, billing increments were reduced from two-tenths to one-tenth.

Article 9, the paragraph requiring insurance coverage was removed and replaced with a statement addressing sovereign immunity. The title will be changed to Indemnification.

Article 13 added clarification addressing “if either party chooses to bring an action” instead of “if the City chooses to bring an action”.

Vice Mayor Bradburn pointed out that in Section 5 it is not an automatic extension. In Article 4 she asked who would be responsible for a forty-eight (48) hour notice to cancel hearings. City Attorney Rey replied the hearing officer is scheduled through the Community Development Department and the notice would come from there.

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Mayor Bernardini asked if there is a reason the City Attorney cannot perform the duties of a Hearing Officer. City Attorney Rey replied the City Attorney prosecutes the code enforcement violations between the Hearing Officer who has to be an independent third party.

Motion:

Motion was made by Council Member Pugh and seconded by Council Member Johnston for approval of the revised and amended agreement. Motion carried 5-0.

REGULAR AGENDA

Ordinance No. 779 - Burn Permits

Consideration of an ordinance to establish and provide necessary requirements for the process of public burning and fireworks displays within the City of Brooksville.

Fire Chief Mossgrove briefly reviewed the ordinance. Vice Mayor Bradburn stressed that there are two (2) parts to the ordinance; public burning and fireworks. She clarified that it does not pertain to banning backyard roasts and does not override permits issued by the Division of Forestry. Chief Mossgrove explained this ordinance further addresses incidents that were not covered under the prior burn ordinance. Vice Mayor Bradburn suggested a change under Section 3, second line, "section" be replaced with "ordinance".

Council Member Johnston asked if there is a permitting fee. City Attorney Rey indicated this ordinance does not set forth a fee however there are fee provisions in the subsequent ordinance addressing fire inspection, permitting, etc.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval of Ordinance No. 779 with a change to Page 2 Section 3 of "section" on line 2 to "Ordinance".

City Clerk Peters read Ordinance No. 779 by title, as follows:

**AN ORDINANCE PROVIDING FOR PERMITS TO BE
REQUIRED FOR PUBLIC BURNING AND FIREWORKS
DISPLAYS; ESTABLISHING PENALTIES AND FINES;
PROVIDING FOR CODIFICATION, CONFLICTS,
SEVERABILITY AND AN EFFECTIVE DATE.**

CITIZEN INPUT

Mayor Bernardini asked for public input.

Andrew Williams asked if this ordinance prohibits burning in a burn pit. It was clarified that the ordinance refers to public burning such as bonfires, fireworks, etc. The state-issued burn ban was also reviewed.

Kojack Burnett asked if this ordinance applies to banning fireplace burning. Mayor Bernardini clarified there is an exception that applies to residential indoor fireplaces, residential outdoor cook areas and other governmental fire departments.

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

Council Member Johnston	Aye
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

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Ordinance No. 780 - Fire Prevention

Consideration of an ordinance regulating fire prevention and safety matters affecting the health, safety and welfare of city residents.

Fire Chief Mossgrove indicated the ordinance helps clean up language statutorily to update the Fire Prevention Code to the current standards the state has adopted and outlines provisions for fees. He clarified that he is the Fire Marshall under the City Charter.

Council Member Pugh asked, under Section 46-71 (a), if it is possible to reference the latest code or does it have to be code specific. Fire Chief Mossgrove clarified the State only adopts certain codes of the National Fire Protection Association for the Florida Fire Prevention Code, which may not always be the latest code. Regarding fees, Council Member Johnston asked where the fees for the permits are covered. Chief Mossgrove replied it is an application which is considered review services.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval of Ordinance No. 780.

City Clerk Peters read Ordinance No. 780 by title, as follows:

AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES; AMENDING FIRE CODE STANDARD PUBLICATIONS AND EDITIONS; ADOPTING SPECIFIC REFERENCE MATERIALS; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Bernardini asked for public input; there was none.

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

Council Member Pugh	Aye
Council Member Lewis	Aye
Council Member Johnston	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

Municipal Elections Cooperative Agreement with the Hernando County Supervisor of Elections Office

Consideration of updated agreement with the Supervisor of Elections (SOE) Office and subsequent adoption of Ordinance No. 772 and Resolution No. 2009-01.

Presentation of processes by the Supervisor of Elections.

Annie Williams, Supervisor of Elections, thanked Council for the opportunity to address Council on the electoral process. She was joined by Elizabeth Townsend, Community Relations Coordinator and Kyro Morales, Office Manager.

Elizabeth Townsend reviewed the voting process as outlined in Attachment A.

Vice Mayor Bradburn indicated page 2 of 6 addresses the integration of City staff into the electoral process, not only in the training process, but presence at the precincts will strengthen the integrity of the entire election process. She asked who the City Canvassing Board is referred to under Section 14.

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Mrs. Williams replied there is no City Canvassing Board but there is a Canvassing Board in place by Statute which consists of a County Judge, a County Commissioner and the Supervisor of Elections. The City is always welcome to sit in and observe every aspect of the electoral process. County staff does go to the various polling places on Election Day and City staff is more than welcome to be a part of that. City Attorney Rey clarified there are provisions in City Ordinance for a Canvassing Board but by Statute, when a municipal election is held in conjunction with the general election process, the County Canvassing Board serves for that election.

Agreement between the City of Brooksville and the SOE for elections.

City Attorney Jennifer Rey reviewed the agreement.

Council Member Pugh was in favor of the agreement and felt it eliminates the “middle man” going through the election process. The candidates’ disclosure statements would be turned in to the Supervisor of Elections with adequate staff to process the forms.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval of the agreement. Motion carried 4-1 with Council Member Johnston voting in opposition.

Ordinance No. 772 – Amending Section 30-6 Qualifying Fees

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval of Ordinance No. 772.

Mayor Bernardini asked for public input; there was none.

City Clerk Peters read Ordinance No. 772 by title, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 30, “ELECTIONS;” AMENDING SECTION 30-6 QUALIFYING FEES; PROVIDING FOR CODIFICATION, CONFLICTS, REPEALING, SEVERABILITY AND AN EFFECTIVE DATE.

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

Council Member Lewis	Aye
Council Member Johnston	Aye
Council Member Pugh	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

Resolution No. 2009-01 – Identifying the SOE as the designated City Election Official for purposes of qualifying and candidate reporting.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval of Resolution No. 2009-01.

Mayor Bernardini asked for public input; there was none.

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City Clerk Peters read Resolution No. 2009-01 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, DESIGNATING THE SUPERVISOR OF ELECTIONS FOR HERNANDO COUNTY AS THE CITY'S ELECTION OFFICIAL; AND PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

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

Council Member Johnston	Aye
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

Council Member Pugh stated he is looking forward to working with Ms. Williams in that it will help in the entire election process. He specified the importance of due diligence should consideration of rescinding the agreement occur on either side.

Mayor Bernardini asked for public input.

Pierre Desjardins extended an invitation to Council, staff and citizens for an energy party at Hill House, a seminar given by Diane Jackman on Wednesday night from 4:00 p.m. to 6:00 p.m. The seminar is for healing, eliminating pain, stress and disease without harmful side effects. There will be a recreational fire and live entertainment from 7:00 p.m. to 9:00 p.m.

Kojack Burnett asked if the sandbags at the City barn are going to be put back soon. City Manager Norman-Vacha indicated that she will get the information to him.

ITEMS BY COUNCIL

Joe Johnston, Council Member

Blazin Butts and Briskets BBQ

Council Member Johnston thanked all who helped with the BBQ Competition this past weekend.

Richard E. Lewis, Council Member

Hogan Law Firm

Council Member Lewis asked staff to provide Council with an itemized statement on payments to the Hogan Law Firm. Attorney Hogan indicated they issue itemized statements monthly to the City and will provide copies to Council. An annual summary is being worked on and will be distributed.

Lara Bradburn, Vice Mayor

Founders Week Events

Vice Mayor Bradburn thanked Jeanne Moore-Griffin for her efforts in getting the Equine donation for the City of Brooksville and reviewed the events of Founders Week.

She indicated the MPO recently signed off on the extension for the Good Neighbor Trail.

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T. Jennene Norman-Vacha, City Manager

Founders Week Community Events

City Manager Norman-Vacha added that there were many community events held in the City for Founders Week and thanked all who participated.

Joe Bernardini, Mayor

Founders Week Events

Mayor Bernardini thanked Vice Mayor Bradburn for filling in for him last week and all who participated in Founders Week.

City Manager Evaluation

Mayor Bernardini asked if the evaluation process is underway. City Attorney Rey confirmed that it is.

Breast Cancer Awareness Month

Mayor Bernardini reminded all that this is Breast Cancer Awareness month and the Walk with the Mayor on December 5th at 8:00 a.m. at Tom Varn Park.

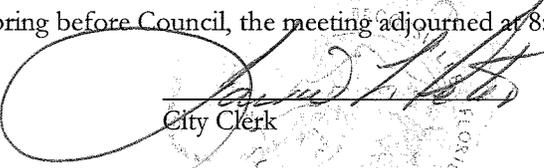
Council Member Lewis indicated St. Pete Times had an article this past weekend about Breast Cancer in men.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:40 p.m.

Attest:


Mayor


City Clerk

**SUPERVISOR
OF
ELECTIONS**

OUR MISSION

It is the mission of the Supervisor of Elections office to ensure the integrity of the electoral process and empower each voter through continuous education.

- DISCUSSION TOPICS**
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- Precincts
 - Split Precincts
 - Polling Place Procedures

PRECINCTS

PRECINCTS

HOW ARE PRECINCT BOUNDARIES DETERMINED?

- Florida Statute
- Contiguous and compact areas
- Bounded on all sides

SPLIT PRECINCTS

SPLIT PRECINCTS

WHY ARE PRECINCTS SPLIT?

- District lines
- Precinct lines cross district lines
- Avoid splits when reasonable & feasible

POLLING PLACE PROCEDURES

POLLING PLACE PROCEDURES

CHECK IN AND BALLOTS

- One check in line
- Voting pass issued
- Ballot attendant
- Verification
- Ballot issued

QUESTIONS?
