

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

AGENDA

November 15, 2010

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to the property owned by Robert Buckner, located at 300 W. Jefferson St., occupied by the business known as City Electric Supply.

Presentation: Scott Renz, Beautification Board
Chair and Mayor

Attachments: Letters from Beautification Board
Chair dated 10/14/10; Award
Certificates

2. Great American Smokeout Day Proclamation

Proclamation designating November 18, 2010, as the Great American Smokeout Day.

Presentation: Mayor

Attachments: Proclamation

3. Police Awards Ceremony

Presentation of Combat Cross awards to Law Enforcement Officers involved in the August 4, 2010, shooting incident within the City of Brooksville.

Presentation: Chief of Police

D. CITIZENS INPUT

E. CONSENT AGENDA

1. Minutes

August 2, 2010 Regular Meeting

2. Annual Holiday and Meeting Schedule

Review and consideration of proposed meeting and holiday schedule for 2011, including tentative budget workshops and public hearing dates, pursuant to City Code & Policy.

3. **Budget Amendments for FY2009/10**
Consideration of budget amendments for FY2009/10.
4. **Professional Services Agreement Amendment**
Consideration for Professional Services Agreement amendment to provide for contingency fee arrangements.

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda
Action: Motion to Approve
Attachments: 1) Minutes; 2) Memo from City Clerk dated 11/15/10; 3) Memo from Director of Finance dated 10/27/10; 4) Memo from City Manager dated 11/08/10

F. REGULAR AGENDA

1. **Resolution 2010-21 - Olive Street Cemetery**
Consideration of resolution recognizing the City's commitment to the Mickler Family's condition to limited future burials in the Olive Street Cemetery.

Presentation: City Attorney
Recommendation: Approval
Attachments: Memo from City Attorney dated 11/03/10, Proposed Resolution

2. **Resolution No. 2010-23 – Community Development Block Grant Application**
Consideration of resolution authorizing submission of the grant application.

Presentation: Director of Community Development
Recommendation: Approval of Resolution No. 2010-23 upon roll call vote
Attachments: Memo from Director of Community Development dated 10/26/10; CDBG Grant Application, Proposed Resolution

3. **Brooksville Cemetery Green Burials Proposals**
Presentation of request to use 1 – 5 acres of the Brooksville Cemetery for green burials.

Presentation: Director of Parks, Facilities & Recreation; Jill Grabowski and Anastasia Roman of Brewer and Sons Funeral Home
Recommendation: Direction to Staff
Attachment: Memo from Director of Parks, Facilities & Recreation dated 11/03/10; Informational Packet

4. Personnel Policy Amendments

Consideration of updates to the Personnel Policy.

- a) Section 1.00 Purpose and Scope
- b) Section 3.00 Hours and Pay
- c) Section 3.01 Salary Administration
- d) Section 3.02 On-Call Pay
- e) Section 4.00 Orientation and Training
- f) Section 4.03 Tuition Reimbursement Program
- g) Section 5.00 City Property and Information

Presentation: City Attorney
Recommendation: Approval
Attachments: Memo from City Attorney dated
11/09/10; Policies

G. CITIZENS INPUT

H. ITEMS BY COUNCIL

I. ADJOURNMENT

CORRESPONDENCE TO NOTE

Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at www.cityofbrooksville.us. Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/540-3810.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.

Margaret R. Ghio



CERTIFICATE OF RECOGNITION

City Council and the Beautification Board for the City of Brooksville, Florida
recognize and honor the named recipient for improvements and beautification to
their property located within the City

Robert A. Buckner

300 W. Jefferson Street, Brooksville, FL 34601

Presented this 15th day of November, 2010

Jan Deaghen
Mayor

Debbie L. King
City Clerk



October 14, 2010

Robert A. Buckner
11 N. Main Street
Brooksville, FL 34601

Dear Mr. Buckner:

The City of Brooksville Beautification Board is pleased to advise you that you along with the Business Owner have been selected to receive the monthly Margaret R. Ghiotto Commercial Beautification Award for beautifying your property located at 300 W. Jefferson Street.

The Certificate of Recognition and "rotating" outdoor sign will be presented to you by the Beautification Board Chairman at the next regular City Council Meeting to be held Monday, November 15, 2010 at 7:00 p.m. in the City Hall Council Chambers at 201 Howell Avenue. Please contact Beautification Board Secretary, Lindsay Morgan, and let her know, no later than Monday, November 1, 2010 by 5:00 p.m. if you will or will not be able to attend this meeting to accept your award. If you have any further questions or concerns, please contact Ms. Morgan at (352) 540-3856 or email at lmorgan@cityofbrooksville.us.

We extend our appreciation for your outstanding efforts in improving and beautifying not only your property but the City of Brooksville.

Sincerely,

Scott Renz, Chairman
Beautification Board

cc: Janice Peters, City Clerk

Margaret R. Ghio



CERTIFICATE OF RECOGNITION

City Council and the Beautification Board for the City of Brooksville, Florida
recognize and honor the named recipient for improvements and beautification to
their property located within the City

City Electric Supply

300 W. Jefferson Street, Brooksville, FL 34601

Presented this 15th day of November, 2010

Jan Beal
Mayor

[Signature]
City Clerk



October 14, 2010

City Electric Supply
300 W. Jefferson Street
Brooksville, FL 34601

Dear Business Owner:

The City of Brooksville Beautification Board is pleased to advise you that you along with the Building Owner have been selected to receive the monthly Margaret R. Ghiotto Commercial Beautification Award for beautifying the property located at 300 W. Jefferson Street.

The Certificate of Recognition and "rotating" outdoor sign will be presented to you by the Beautification Board Chairman at the next regular City Council Meeting to be held Monday, November 15, 2010 at 7:00 p.m. in the City Hall Council Chambers at 201 Howell Avenue. Please contact Beautification Board Secretary, Lindsay Morgan, and let her know, no later than Monday, November 1, 2010 by 5:00 p.m. if you will or will not be able to attend this meeting to accept your award. If you have any further questions or concerns, please contact Ms. Morgan at (352) 540-3856 or email at lmorgan@cityofbrooksville.us.

We extend our appreciation for your outstanding efforts in improving and beautifying not only your property but the City of Brooksville.

Sincerely,

A handwritten signature in cursive script that reads 'Scott Renz' followed by a stylized flourish.

Scott Renz, Chairman
Beautification Board

cc: Janice Peters, City Clerk

City of Brooksville
Proclamation

WHEREAS, tobacco use is the #1 cause of preventable death and disease in the United States; and

WHEREAS, smoking damages nearly every organ in the human body and is linked to at least 15 different cancers; and

WHEREAS, the Great American Smokeout challenges people not to smoke cigarettes or use tobacco for 24 hours, hoping their decision to quit will last forever; and

WHEREAS, the Great American Smokeout is an annual event in the United States to encourage Americans (of whom 45.8 million smoke) to quit tobacco smoking; and

WHEREAS, the Great American Smokeout, as sponsored by the American Cancer Society held its first Smokeout in 1977; and

WHEREAS, the Great American Smokeout helps raise awareness about the dangers of smoking and the many effective ways available to quit smoking permanently; and

WHEREAS, according to the United States Centers for Disease Control, approximately 70% of current smokers want to quit completely; and

WHEREAS, 27% of Hernando County residents are current smokers, much higher than the State average of 19%; and

WHEREAS, the Florida Department of Health and Tobacco Free Florida join the American Cancer Society in celebrating the 35th Great American Smokeout on Thursday, November 18, 2010.

NOW, THEREFORE, ON BEHALF OF THE CITY COUNCIL FOR THE CITY OF BROOKSVILLE, FLORIDA, I, LARA BRADBURN, MAYOR, do hereby proclaim November 18, 2010, to be

Great American Smokeout Day

in the City of Brooksville and encourage citizens to "Be Free" of all tobacco use for 24 hours or commit to a plan of becoming tobacco-free and beating their addiction for good.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Brooksville to be affixed this 15th day of November, 2010.

CITY OF BROOKSVILLE

Lara Bradburn, Mayor

Richard E. Lewis, Vice Mayor

Joe Bernardini, Council Member

Frankie Burnett, Council Member

Joseph E. Johnston, III, Council Member

ATTEST: _____
Janice L. Peters, CMC, City Clerk

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

August 2, 2010

7:00 P.M.

Brooksville City Council met in regular session with Mayor Lara Bradburn, Vice Mayor Richard E. Lewis and Council Members Joseph E. Johnston, III, Joe Bernardini and Frankie Burnett present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development 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 Bradburn, followed by an invocation and Pledge of Allegiance.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Florida Water Professionals Week Proclamation

A Proclamation proclaiming August 16 – 20, 2010, as Florida Water Professionals Week.

Mayor Bradburn read the proclamation in its entirety and presented it to Will Smith, Supervisor of Utilities and Richard Radacky, Director of Public Works.

Housing Outreach Project for Hernando County

Carla Looper, President, Nature Coast Human Resources Society, reviewed the program and asked the Mayor to attend the opening ceremony of the Florida Housing Help Workshop at Hernando High School on November 13th and also requested police for traffic control.

U.S. Census Bureau Presentation

Presentation of plaque in appreciation of the City's outstanding contributions to the 2010 Census.

Leon Armstrong, Jr., Partnership Specialist, presented Council with a plaque and letter of commendation in appreciation for its support in counting the citizens of the City of Brooksville. He indicated the final numbers will be finalized in September.

Mayor Bradburn indicated there were changes to the agenda. Pierre Desjardins requested Council reopen the debate of the merits on the red light camera and that Council re-vote on the issue and waive the 3-minute rule.

Council Member Johnston asked for clarification, which was briefly discussed.

Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis to add the discussion of the red light camera issue to the agenda. Motion carried 3-2 with Council Member Johnston and Mayor Bradburn voting in opposition. It would be the first item under the Regular Agenda.

Council consensus was to amend the time limit, which was briefly discussed as well. Pierre Desjardins asked for a show of hands of those wishing to yield their 3 minutes; there were 12 at 3 minutes for a total of 36 minutes. He indicated he probably would not need that much time.

REGULAR COUNCIL MEETING MINUTES - August 2, 2010

Mayor Bradburn indicated the City Manager Evaluation would need to be removed from the agenda because Council Member Bernardini has not submitted his review. He wished to meet with the City Attorney on the matter before submitting.

CITIZENS INPUT

Mayor Bradburn asked for public input.

Jake Oudshoorn inquired of pump repairs and golf cart storage at the Quarry Golf Course, as well as the opening of the Enrichment Center on November 1. He felt the daily rates are costly and asked that they be reduced. City Manager Norman-Vacha indicated plans are moving in the direction to open November 1. The improvements slated for the summer are a different issue than the building of the Enrichment Center. Over the next few weeks other improvements to the golf course will be brought to Council for approval. She indicated rates are being reviewed. The issue of a 6-hole course, grasses, and problems with greens has all been discussed.

Tom Dye thanked Council for addressing his concerns via email.

CONSENT AGENDA

Brooksville Professional Fire Fighters Local 4661

Consideration of approval of the First Amendment to the Collective Bargaining Agreement and authorization for the Mayor to sign.

Front Loader Garbage Truck Purchase

Consideration to purchase a replacement front loader truck with a 40-yard body for an amount not-to-exceed \$216,593 and surplus of the 1999 Peterbilt Truck and body via the next Hernando County auction.

Motion:

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

PUBLIC HEARINGS

Entry of Proof of Publication into the Record

Mayor Bradburn called for proof of publication. City Clerk Peters indicated Item F1 was published on Friday, July 23, 2010, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavit for the record.

Ordinance No. 754-D - Firefighters' Retirement Trust Fund Amendments

Consideration of approval of ordinance amending Sections 4 and 5 of the City of Brooksville Firefighters' Retirement Trust Fund.

[First Reading 07/19/10]

Tim Mossgrove, Fire Chief, briefly reviewed that the ordinance changes to the trust fund.

Mayor Bradburn asked for public input; there was none.

Motion:

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

REGULAR COUNCIL MEETING MINUTES - August 2, 2010

City Clerk Peters read Ordinance No. 754-D by title, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-I, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Johnston	Aye
Council Member Burnett	Aye
Council Member Bernadini	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye

Ordinance No. 812 – Cemetery Annexation

Consideration of voluntary annexation of 51.50 acres ±, located north of Olmes Road and south of Mondon Hill Road between Champion Drive and Jasmine Drive.

Bill Geiger, Director of Community Development, reviewed the annexation of the City of Brooksville Cemetery property. This is the first of a two-part process to meet the contiguous process required by Florida Statutes Chapter 171. The Planning and Zoning Commission concurred with staff recommendations at their July meeting.

Director Geiger indicated no enclaves are being created by the annexation. Council Member Bernardini requested a larger area map showing boundaries be provided for the second reading.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Johnston for approval.

Mayor Bradburn asked for public input.

Doug Davis, Cemetery Board Member, indicated he is in favor of the annexation.

City Clerk Peters read Ordinance No. 812 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY, PARCEL'S ID NO. R23 422 19 0000 0480 0000 AND R26 422 19 0000 0050 0000, A PORTION OF THE BROOKSVILLE CEMETERY, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

REGULAR COUNCIL MEETING MINUTES – August 2, 2010

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

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

Mayor Bradburn announced a second reading is scheduled for the August 16, 2010, meeting.

REGULAR AGENDA

Red Light Camera Discussion

Joe Mason requested staff be allowed to present their report. Mayor Bradburn advised the report had already been reviewed and staff would be available to address any questions.

Dr. Pierre Desjardins indicated he has more than twenty-five years experience analyzing data and scientific studies, such as a research scientist at the School of Aerospace Medicine in San Antonio, Texas; a consultant to the United States Department of Justice in Washington, D.C. relating to the “Agent Orange” lawsuit; and twenty years in the banking industry. He pointed out that missing data presented to Council in July did not include 2010; no data pertaining to the control group; no data pertaining to traffic volume; and it did not establish whether the cameras were operational twenty-four hours a day or not. He reminded Council of more than twenty unbiased scientific studies he presented at the April 21, 2008, City Council meeting proving red light cameras cause more accidents and are used only as a revenue generating system, none of which have been verified by staff. He also pointed out the original motion to the resolution passed included a provision that there be a review of the program at a workshop within six months. He reviewed several legal decisions throughout the United States on the Red Light Camera program which he felt could result in it being costly for the City of Brooksville.

Jennifer Sullivan of Spring Hill stated she got a ticket for running a red light and felt the red light camera to be revenue generating. She voiced her opinion that Brooksville is not a friendly town.

Wayne Dukes indicated there is a very negative feeling about the cameras.

Shannon Dempsey indicated she has slammed on her brakes on more than one occasion to avoid entering the intersection on a yellow light.

James Wilkes spoke in opposition of the red light cameras.

Joe Mason stated sufficient credible analysis has to be presented to withstand a class action lawsuit for the citizens of Brooksville.

Doug Davis stated Council is made up of his friends and neighbors and he would not expect them to dictate as though big brother is watching.

Tom Dye stated Google has thousands of negative articles regarding red light cameras in Brooksville and implored Council to reconsider the red light cameras to keep that small-town feeling alive.

Dan Patrick spoke in opposition to the red light cameras.

Barbara Cherry spoke in favor of “Small Town USA” where red light cameras do not belong.

Susan Rupe, Hernando County Tourism Director, is concerned with the reputation Brooksville is

REGULAR COUNCIL MEETING MINUTES – August 2, 2010

sending. She indicated people have pointed out to her that they do not attend City events due to the red light cameras.

Doug Beyer stated the perception of the red light cameras is lack of degree of fairness with first time offenders being charged the same as repeat offenders with another charge to contest the fine. He believes the program is based on roll stops rather than red light running. He recommended Council find another way to get revenue instead of fining those coming into Brooksville to spend their money.

Dennis Purdy spoke of the timing-delay of yellow lights and stated Ken Crawford and MaryAnn Turcell of the Florida Department of Transportation stated in an email that the City has control of lengthening the timing. Council and staff indicated this is not the case and requested a copy of the e-mail.

Barbara Kight asked if the cameras are placed on private property and if so, are the property owners compensated.

Council Member Bernardini recommended that the public be allowed to ask questions regarding any part of the staff presentation.

Chief Turner and Sergeant Jason Brough reviewed the staff report presented the previous week. Chief Turner supports the red light camera program and insisted that it is entirely a traffic safety issue. He explained the citation review and appeal process.

Vice Mayor Lewis reviewed revenues for the months of March to June without the right-turn-on-red violations. He indicated that after reviewing all the statistics he could not support going forward with the program. Council Member Bernardini concurred with Vice Mayor Lewis and reviewed his misgivings about the program.

Council Member Johnston pointed out that Brooksville is not the only City in Florida with the cameras. He acknowledged that most of the problems have been right-turn-on-red but with the new law that will change. If there are increased incidents of rear-end collisions it is driver error such as driving too fast for conditions or not paying attention. He felt it prudent to put together a committee to review the statistics.

Council Member Burnett, taking into consideration points made by both sides, indicated the most important thing for him is to consider that the citizens do not want the program.

Mayor Bradburn indicated this Council has reduced taxes by twenty-three percent over three (3) years. She stated it is not known how many accidents have been prevented or lives saved by the cameras but there has been a thirty-five percent reduction in accidents. She supports the red light camera program to save lives and advised it has never been about revenue.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Bernardini for discontinuance of the red light camera program at this time. Motion carried 3-2 with Council Member Johnston and Mayor Bradburn voting in opposition.

Council Member Johnston asked if this is for permanent discontinuance or if Council would entertain the committee for review of the statistics. Vice Mayor Lewis and Council Member Bernardini indicated they would not support the committee at this time.

Council Member Bernardini agreed with Council Member Johnston that it be brought to Council at a future date to review statistics by a committee.

REGULAR COUNCIL MEETING MINUTES – August 2, 2010

Council Member Bernardini requested a letter be sent to the Florida Department of Transportation for review of the amber lights at the five (5) intersections with cameras. City Manager Norman-Vacha indicated staff has been working with County and Florida Department of Transportation representatives on the formal request process to inform Council on the requirements.

Elevated Water Tank Painting Bid No. UD2010-04 Award

Consideration of award to Utility Service Co., Inc., of Perry Georgia for an amount not-to-exceed \$179,000 and authorize the Mayor to sign the agreement after Legal Counsel review.

Richard Radacky, Interim Director of Public Works, reviewed the bid and responses received, as well as the safety issues involved with the project. Tim McDaniel of Utility Service Company presented Council with pictures of tank painting jobs they have completed. They have been in business since 1964 and carry a \$10 Million insurance policy. They also provide tank maintenance to 4,500 cities.

Council Member Bernardini recommended notifying County employees of the job.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Johnston for approval of the bid award per staff recommendation. Motion carried 5-0.

Fire Department HVAC System Upgrade

Consideration of authorization to use Impact Fee monies for upgrading the HVAC system at the Fire Department.

Tim Mossgrove, Fire Chief, reviewed the item as a caveat to construction of the fire station.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval of the purchase not-to-exceed amount of \$3,500 and approval of the budget amendment. Motion carried 5-0.

Chief Mossgrove will check on the warranty of the current system, which was questioned by Mayor Bradburn.

Discussion regarding the filtration system ensued.

Red Light Camera Agreement

Consideration to approve contract with Sensys America and to move forward with installations as State law permitting allows.

Not considered since Council voted previously to discontinue the program.

City Manager Evaluation

Removed from the agenda pending receipt of the City Manager review by Council Member Bernardini.

CITIZENS INPUT

Mayor Bradburn asked for public input.

Pierre Desjardins thanked Council for their consideration of the red light camera program.

Doug Davis indicated safety is still an issue for traffic and recommended the countdown method.

REGULAR COUNCIL MEETING MINUTES - August 2, 2010

Shannon Dempsey advised she is moving and has enjoyed working with the City as a volunteer.

Kojack Burnett asked when the cameras would cease to be in effect. Council indicated July 1.

ITEMS BY COUNCIL

Joe Bernardini, Council Member

Traffic Light

He has been asked about the possibility of installing a traffic light at Veterans Avenue and Jefferson Street.

Frankie Burnett, Council Member

Red Light Cameras

Council Member Burnett elaborated that he is concerned about the health, safety and welfare of the citizens, but based his decision against the red light cameras on talks with citizens.

Joe Johnston, Council Member

Quarry Golf Course

Council Member Johnston asked that a sign be erected indicating the golf course is closed.

T. Jennene Norman-Vacha, City Manager

Budget Workshop

City Manager Norman-Vacha indicated the next budget workshop will be held on August 10, 2010, at 6:30 p.m., minus the red light camera fund.

Next Regular Meeting

She asked that the meeting begin at 6:30 p.m. to allow time for presentation of the streetscaping professional services bid. Council consensus was to allow it.

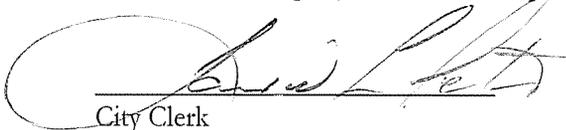
Lara Bradburn, Mayor

Red Light Cameras Program

Mayor Bradburn indicated she has been approached by several business owners who support the red light cameras program and two business organizations that refused to support the agenda against them.

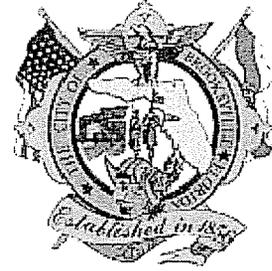
ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:25 p.m.


City Clerk

Attest: _____
Mayor

CITY OF BROOKSVILLE MEMORANDUM



To: Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager

From: Janice L. Peters, CMC, City Clerk

Subject: 2011 Holiday/Meeting Schedule

Date: November 15, 2010

Pursuant to Section 5.00 of the Personnel Policies, the attached is the list of employee holidays for 2011, together with the regular council meetings, potential workshop meetings and tentative budget workshop/public hearings schedule. The regular council meetings have been scheduled on the first and third Monday's of the month, unless there is a conflict with a holiday in the month, which results in only one regular meeting in the months of January, February, July and September in 2011.

The holiday list is consistent with the employee holidays that are being observed by Hernando County Board of County Commissioners and the School Board through June 2011.

Financial Impact

The holiday pay and overtime compensation have been budgeted.

Legal Impact

The proposed schedule is consistent with Section 2.11, Legislative Procedures, of the City's code regarding meetings of Council and Section 5.00 of the Personnel Policies referencing employee holidays.

Staff Recommendation

Council approval of these schedules or amendments thereto.

City of Brooksville

2011 Meeting & Holiday Schedule

JANUARY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

January

- 1** New Year's Day **
- 3** Council Meeting 7:00 pm
- 10** Potential Workshop
- 17** MLK, Jr., Day * & **

July

- 4** Independence Holiday * & **
- 11** Potential Workshop
- 18** Council Meeting 7:00 pm
- 26** Potential Budget Workshop

JULY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

February

- 7** Council Meeting 7:00 pm
- 14** Potential Workshop
- 21** President's Day * & **

August

- 1** Council Meeting 7:00 pm
- 9** Budget Workshop 6:00 pm
- 15** Council Meeting 7:00 pm
- 23** Budget Workshop 6:00 pm

AUGUST						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

MARCH						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

March

- 7** Council Meeting 7:00 pm
- 21** Council Meeting 7:00 pm

September

- 5** Labor Day * & **
- 14** Proposed 1st Budget Hearing 6:00 pm
- 19** Council Meeting 7:00 pm
- 28** Proposed Final Budget Hearing 6:00 pm

SEPTEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
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25	26	27	28	29	30	

APRIL						
S	M	T	W	T	F	S
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

April

- 4** Council Meeting 7:00 pm
- 11** Potential Workshop
- 18** Council Meeting 7:00 pm
- 22** Good Friday * & **

October

- 3** Council Meeting 7:00 pm
- 17** Council Meeting 7:00 pm

OCTOBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

MAY						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

May

- 2** Council Meeting 7:00 pm
- 16** Council Meeting 7:00 pm
- 30** Memorial Day * & **

November

- 7** Council Meeting 7:00 pm
- 14** Potential Workshop
- 11** Veteran's Day * & **
- 21** Council Meeting 7:00 pm
- 24** Thanksgiving Holiday * & **
- 25** Thanksgiving Holiday * & **

NOVEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

JUNE						
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19	20	21	22	23	24	25
26	27	28	29	30	31	

June

- 6** Council Meeting 7:00 pm
- 13** Potential Workshop
- 20** Council Meeting 7:00 pm

December

- 5** Council Meeting 7:00 pm
- 19** Council Meeting 7:00 pm
- 23** Christmas Holiday*
- 24** Christmas Holiday**
- 25** Christmas Day Holiday **
- 26** Christmas Holiday*

DECEMBER						
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25	26	27	28	29	30	31



AGENDA ITEM MEMORANDUM

To: Honorable Mayor and City Council Members

Via: T. Jennene Norman-Vacha, City Manager *[Signature]*

From: Stephen J Baumgartner, Finance Director *[Signature]*

Subject: Year end Budget Amendments for 09 10 Fiscal Year

Date: October 27, 2010

General Summary / Background: Staff is requesting the following 09/10 Budget Amendments. The amendments with a brief explanation follow below:

Decrease Streets Other Contractual Services	001-019-541-53400	\$13,000
Increase Street Lighting & Signal Division Electric	001-029-541-54302	\$13,000

Requesting Budget Amendment for Street Lighting which is over budget and reducing the Streets Dept. Contractual Services with like amount. Street lighting expenses are up over 5% from the previous year. Street Lighting and Signal is a Division of Streets. Streets Contractual Services is only at 41% of Budget and was used to offset the over budget line item. The 10/11 Budget for Street Lighting was raised \$14,202 to account for this increase in costs. Electricity costs have been rising with Progress Energy.

Increase Fund 109 Law Enforcement Investigative Trust Misc. Revenues	109-000-369-48896	\$30,000
----------------------------------------------------------------------	-------------------	----------

Requesting Budget 09/10 budget amendment for Miscellaneous Revenues in the Law Enforcement Investigative Trust. This represents revenues for the impounded vehicles. We budgeted \$35,000, but have collected at year end \$66,350.

Increase Fund 109 Law Enforcement Investigative Trust Contractual Services	109-013-521-53400	\$12,000
----------------------------------------------------------------------------	-------------------	----------

This budget amendment represents Towing Charges incurred by the Law Enforcement Investigative Trust for the impounded vehicles. Our impound fees are higher, but as a result of handling more impounds our towing expenses are also higher which is the reason for this amendment.

Increase Fund 128 (Traffic Camera) Violations of Local Ordinances	128-000-354-48805	\$234,000
Increase Fund 128 Contractual Services	001-013-521-53400	\$54,000

Requesting Budget Amendment for Fund 128 (Traffic Camera Fund) to amend Traffic Camera Violations of Local Ordinances (Revenue) and increase Contractual Services. The increase in revenues also created the increase in contractual services. The City paid ATS \$40.00 per violation and this fee was expensed to Contractual Services. Our revenues are higher than budgeted and as a result our Contractual Services paid to the ATS are higher because the Red Light Camera provider received \$40.00 for every \$125.00 the City collected. The \$40.00 was charged to Contractual Services.

Increase Fund 503 (Equipment Replacement Fund) Uncapitalized Equipment	503-019-572-55500 (Streets) 503-020-572-55500 (Parks & Facilities)	\$2,347 \$4,694
Decrease Fund 503 (Equipment Replacement Fund) Machinery and Equipment	503-000-166-19037	\$7,041

Mowers were purchased from Equipment Replacement Fund; however the mowers were budgeted as Capital, but were under our Capital threshold amount and therefore should be budgeted as Uncapitalized Equipment. This is changing a budgeted capital line item to an operating line item because each mower did not exceed our Capital threshold amount.

Budget Impact: The above 09/10 Budget amendments are authorized by Ordinance 778 approved 9/23/09 which states” consent and approval of the City Council may be given during duly called and constituted sessions of said Council identifying said budget amendments or adjustments.”

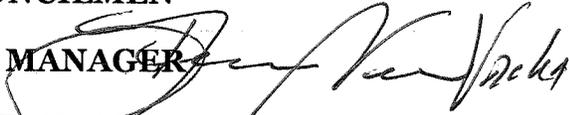
Legal Review: The City Council has home-rule authority (Art. VII, (2) Fla. Const. and §166.011 Fla. Stat.) to consider matters of fiscal and intergovernmental benefit. Ordinance No. 778 which set the Fiscal Year 09/10 Budget provides for budget amendments and transfer of funds. Pursuant to Section IV of Ordinance No. 778, “[c]onsent and approval of the City Council may be given during a duly called and constituted session of said Council identifying said budget amendments or adjustments.”

Staff Recommendation: Staff recommends approval of 09/10 budget amendments.



CONSENT AGENDA MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN

FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER 

SUBJECT: PROFESSIONAL SERVICES AGREEMENT; AMENDMENT

DATE: NOVEMBER 8, 2010

GENERAL SUMMARY: The City of Brooksville entered into that certain Professional Services Agreement dated October 1, 2007, as amended, (the "Agreement") with the Hogan Law Firm, LLC ("HLF"). Pursuant to paragraph 1 (a) (2) of the Agreement, the Firm may be retained for litigation services. I am requesting that the City Council authorize the City Manager to negotiate and the Mayor to execute an amendment to the Agreement to provide for contingency fee arrangements only in certain litigation matters. The contingency fee arrangements would be in accordance with the guidelines set forth in Sections §16.0155, §287.057, and §287.059, Florida Statutes, and the Florida Administrative Code Rule 2-37.030.

BUDGET NOTE: To the extent that a contingency fee arrangement is used, budgeted funds for legal services would not be expended for attorney's fees.

LEGAL REVIEW: The City is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes to consider and take action on matters of fiscal benefit. The City Council, pursuant to 2-141 of the City's Code of Ordinance, may appoint a lawyer, admitted to practice in the courts of this state, as city attorney, who shall hold office during the pleasure of the city council and act as legal advisor to, and attorney and counselor for, the City and all of its officers in matters relating to their official duties.

STAFF RECOMMENDATION: Staff recommends that the City Council authorize the negotiation of an amendment to the Professional Services Agreement to provide for contingency fee arrangement as outlined herein, and to authorize the Mayor to sign the Amendment.

11/15/10



**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL

**VIA: T. JENNENE NORMAN-VACHA
CITY MANAGER**

**FROM: JENNIFER C. REY, ESQ.
THE HOGAN LAW FIRM, LLC
AS CITY ATTORNEY**

SUBJECT: RESOLUTION 2010-21 OLIVE STREET CEMETERY

DATE: NOVEMBER 3, 2010

GENERAL SUMMARY: In follow up to the City's acceptance of the conveyance of the Olive Street Cemetery, the attached resolution is being proposed to recognize the City's commitment to the Mickler Family's condition to limit future burials in the Olive Street Cemetery.

BUDGET NOTE: As no revenue has been projected for sales of cemetery burial plots in the Olive Street Cemetery, there is no budget impact associated with adoption of this Resolution.

LEGAL REVIEW: The City Council is authorized to adopt resolutions establishing policies for use of City real property.

STAFF RECOMMENDATION: It is recommended that the City Council adopt Resolution 2010-21.

ATTACHMENTS: Resolution 2010 - 21

RESOLUTION NO: 2010-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR THE PRESERVATION OF THE HISTORICAL OLIVE STREET FAMILY CEMETERY; ESTABLISHING BURIAL RESTRICTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a small, historical family cemetery is located on Olive Street in Brooksville, Florida (the “Olive Street Cemetery”); and,

WHEREAS, the Olive Street Cemetery is of historical significance to the community worthy of being preserved; and,

WHEREAS, as a condition of the quiet title action to clear title to the Olive Street Cemetery enabling the Catholic Diocese of Saint Petersburg to convey the Cemetery to the City, an agreement was reached with surviving descendants of the original property owner to prohibit future burial rights being offered to the general public and to allow for familial descendants to be buried in the Olive Street Cemetery provided that space is available; and,

WHEREAS, the Olive Street Cemetery is limited in size, approximately .06 acres or 2500 square feet; and,

WHEREAS, the legal boundary of the Olive Street Cemetery contains no public street access; therefore, an easement across a neighboring property is required in order to provide lawful access to the Olive Street Cemetery; and,

WHEREAS, the City Council of the City of Brooksville, on May 17, 2010, accepted a donation from the Catholic Diocese of Saint Petersburg of the Olive Street Cemetery, on the conditions noted herein, along with an easement for access to the Olive Street Cemetery.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, that:

SECTION 1. INCORPORATION OF RECITALS. The aforementioned recitals are true and accurate and are incorporated herein as if set forth in haec verba.

SECTION 2. LIMITATION ON FUTURE PUBLIC BURIALS. No burial rights at the Olive Street Cemetery shall be authorized or offered to the general public. However, the City may grant burial rights, for future burials, only to direct familial or lineal descendants of the Adeline E. Mickler and Robert J. Mickler family.

SECTION 3. CONFLICT. Any resolution or policy of the City, or any portion thereof, in conflict with the provisions of this Resolution, is hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent

jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Resolution, which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This resolution shall be effective upon adoption by the City Council of the City of Brooksville, Florida.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, THIS 15TH DAY OF NOVEMBER, 2010.

CITY OF BROOKSVILLE

BY: _____
Lara Bradburn, Mayor

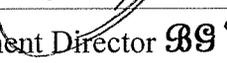
ATTEST: _____
Janice L. Peters, CMC, City Clerk

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF CITY COUNCIL
Bernardini _____
Bradburn _____
Burnett _____
Johnston _____
Lewis _____

Thomas S. Hogan, Jr., The Hogan Law Firm, LLC
City Attorney

MEMORANDUM

To:	Honorable Mayor & City Council Members
Via:	T. Jennene Norman-Vacha, City Manager 
From:	Bill Geiger, Community Development Director 
Subject:	Community Development Block Grant (CDBG) Application
Date:	October 26, 2010 (For 11/15/10 Council Meeting)

Background: Community Development Block Grant (CDBG) funds are a targeted source of funding to implement infrastructure projects for the South Brooksville area. It was initially the plan for Hernando County to apply for CDBG funds for the 2009 CDBG funding cycle (due July 22, 2010) to primarily improve/provide water and sewer infrastructure along St. Francis Street, Easy Street and Hazel Avenue. The City was not going to submit an application that would compete with the County’s application. However, at the May 27, 2010, South Brooksville Community Initiatives Team (CIT) meeting, it was acknowledged by a Hernando County representative to the team that they were informed just prior to the meeting by a representative from the Department of Community Affairs (DCA) that additional funds were being transferred into the Neighborhood Revitalization CDBG grant category, and that the City of Brooksville should also consider submitting an application.

Given the short window to put together a CDBG application, City staff coordinated with both the County and the City Utility Divisions to develop a scope of work for the City’s application that was complementary to the work contemplated by the County’s application. It was determined by the County that the waterline improvement that they initially contemplated for Hazel Avenue be dropped from their application since this road is within the incorporated area and the CDBG rule does not allow for work proposed that is not within the direct jurisdiction of the applicant.

The City prepared a 2009 CDBG application that outlined a project to upgrade fire protection capability in areas that do not meet current day standards. The City’s project specifically calls for adding approximately 5,961 feet of new water line (mostly 8”) and 25 new fire hydrants. Property owners that will benefit from these improvements are located along streets that include Main Street, Lemon Avenue, Hazel Avenue, Duke Street, Ellington Avenue, ACL Avenue, Railroad Place, Union Street, Crawford Street, Asmara Avenue, Bacon Street, Smith Street and Wood Drive. Additionally, unmet (future) needs have been identified that include approximately 4,902 linear feet of five-foot wide sidewalk along M.L. King, Jr. Boulevard, South Brooksville Avenue and Main Street.

To meet the requirements of applying for CDBG funds, the City held a Fair Housing Education Workshop and the first of two required public hearings on June 16, 2010, to discuss and receive public input on community development needs and to identify whether the needs could be met by the CDBG program. The City Council, at its’ June 21, 2010 meeting, appointed a three-member CDBG Citizen Advisory Task Force (CATF). The CATF met on June 29, 2010 to review and discuss the proposed application, and recommended that City Council approve submitting the proposed CDBG (NR) grant application to the DCA in the amount of \$750,000

for fire protection improvements and other related incidental improvements to address restoration for drainage, flood, pavement repair/replacement and targeting sidewalk improvements as unmet future needs projects in the South Brooksville area.

On July 19, 2010, the City Council approved Resolution No. 2010-11 to submit the CDBG application for the July 22, 2010 deadline. The application was self-scored at 459.92 points and submitted and processed by the State DCA. It ended up being ranked outside of the funding range, in large part due to the fact that the City did not have time to design the primary improvements prior to the application submittal, and the application did not include points for grant history that could have been claimed at the time.

The City was advised that if it did not get funded for the 2009 cycle (7/22/2010), it could resubmit its' application for the 2010 cycle (11/17/2010) without having to repeat all of the public hearings and workshops recently held for the 2009 cycle. Since the application was submitted for the 2009, the City has designed the potable water/fire protection infrastructure improvements and has improved its' application self-score amount to 711.62 points, which should be well within the range for being funded. The low-end score that was in the funding range for the 2009 cycle was 643.71.

*This project is proposed to be totally funded by grant proceeds. The budget for the 2010 cycle has been revised as follows:

<u>Activity</u>	<u>2009 Budget</u>	<u>2010 Budget</u>
Water Lines	\$451,299	\$447,645
Fire Hydrants	\$123,325	\$196,355
Acquisition	\$ 21,000	\$ 21,000
Subtotal	\$595,624	\$665,000
Engineering	\$104,376	\$ 35,000
Grant Administration	\$ 50,000	\$ 50,000
TOTAL	<u>\$750,000</u>	<u>\$750,000</u>

*Note – At this time the City is not planning to provide a local match. If a local match was provided (up to \$125,000), the City would make its' application more competitive and further improve its chances of being funded.

 **Financial Note:** The City is currently proposing to accomplish this project using 100% CDBG (NR) grant funds. No fiscal impact is anticipated other than the staff time allocated to process the application and grant, if funded.

 **Legal Note:** The City Council has home-rule authority (Art. VIII, (2), Fla Const/Section 166.011, F.S.) to consider matters of fiscal and intergovernmental benefit.

Recommendation: Staff recommends that City Council approve Resolution No. 2010-23, authorizing the submittal of the CDBG (NR) grant application request in the amount of \$750,000

Enclosures: 1.) Resolution to Authorize grant submittal
2.) Draft Application

RESOLUTION NO. 2010-23

A RESOLUTION OF THE CITY OF BROOKSVILLE CITY COUNCIL, FLORIDA, AUTHORIZING THE MAYOR TO MAKE APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR APPROVAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SPONSORED BY THE CITY OF BROOKSVILLE; MAKING FINDINGS; AUTHORIZING SUBMISSION OF THE GRANT APPLICATION; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida, (“City”) is a municipal corporation duly created and existing pursuant to the Constitution and laws of the State of Florida;

WHEREAS, the City is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida;

WHEREAS, pursuant to Chapter 166, Florida Statutes, and Section 1.03 of the Charter of the City, the City may exercise any power for municipal purposes except when expressly prohibited by law;

WHEREAS, a portion of the area known as “South Brooksville” lies within the City of Brooksville and within the City of Brooksville/Hernando County Enterprise Zone #2701;

WHEREAS, Enterprise Zones in Florida are established pursuant to Chapter 290 of the Florida Statutes entitled “Urban Development” and the creation of Enterprise Zones within Florida are intended to encourage revitalization of “areas that chronically display extreme and unacceptable levels of unemployment, physical deterioration and economic deinvestment;”

WHEREAS, the City has adopted and submitted to the Department of Community Affairs (DCA) an Amendment to the Comprehensive Plan to formally establish and create the “South Brooksville Planned Development District” which represents a new Planned Development District on the Future Land Use Map of the City;

WHEREAS, the Comprehensive Plan Amendment establishing the South Brooksville Planned Development District encourages the development and re-development of a mixed-use community containing retail, industrial, transit-oriented, institutional, service, recreational and open space land uses catering to residents and workers;

WHEREAS, prior to the City undertaking the steps to create the South Brooksville Planned Development District, a South Brooksville Community Initiative Team (CIT) was formed consisting of residents, business owners, property owners, church and community leaders of the South Brooksville area as a crucial step in identifying the specific problems and issues - and potential solutions – relative to the South Brooksville area;

WHEREAS, some of the fire protection capabilities, namely water lines and hydrants, which serve the South Brooksville Planned Development District of the City are inadequate, outdated, failing or under-serving – or in some instances non-existent (“Fire Protection Capabilities”);

WHEREAS, some of the pedestrian facilities which serve the South Brooksville Planned Development District of the City are inadequate, outdated, failing or under-serving – or in some instances non-existent (“Pedestrian Facilities”);

WHEREAS, the City has identified and prepared permit-ready design plans to address the inadequacies in the Fire Protection Capabilities (“Fire Protection Infrastructure Improvements”);

WHEREAS, City staff have estimated the cost for the Fire Protection Infrastructure Improvements at \$750,000 (“Targeted Funding”);

WHEREAS, a conceptual drawing has been prepared which shows how the Fire Protection and Pedestrian Infrastructure Improvements could be laid out or located;

WHEREAS, the Fire Protection and Pedestrian Infrastructure Improvements are not inconsistent with the existing Comprehensive Plan or the pending Amendment to the Comprehensive Plan establishing the South Brooksville Planned Development District;

WHEREAS, the Fire Protection and Pedestrian Infrastructure Improvements would greatly benefit the South Brooksville area, its property owners, residents and businesses, and promote the general health, safety and welfare of all residents;

WHEREAS, the City does not have the funds necessary to implement and construct the proposed Fire Protection and Pedestrian Infrastructure Improvements and must rely upon external financial resources if the improvements are to occur;

WHEREAS, the Florida Department of Community Affairs (DCA) has announced funding availability under the Florida Small Cities Community Development Block Grant (CDBG) Program;

WHEREAS, the City of Brooksville, Florida, intends to submit an application to the Department of Community Affairs under the 2009/2010 Community Development Block Grant (CDBG) program for project funding in the Neighborhood Revitalization (NR) category;

WHEREAS, a duly noticed Fair Housing Education Workshop for Real Estate Professionals was held on June 16, 2010 and a Fair Housing Education Workshop for Elected Officials and the General Public was held on July 19, 2010;

WHEREAS, a duly noticed public hearing, the first of two, was held on June 16, 2010 to discuss and receive input on community development needs and to identify whether the needs could be met by the CDBG Program;

WHEREAS, a second duly noticed public hearing was held on July 19, 2010, to discuss and receive input on the CDBG Program application;

WHEREAS, pursuant to Sec. 2-261 of the Code of Ordinances, the City established a Citizen's Advisory Task Force (CATF); and

WHEREAS, pursuant to City Policy 4-2008, and after taking volunteer applications, the City Council appointed citizen representatives to the CATF at its regularly scheduled meeting on June 21, 2010;

WHEREAS, the CATF met on June 29, 2010 to review and discuss the proposed application, and made a recommendation to the City Council to approve submitting the CDBG/NR grant application;

WHEREAS, the City Council of the City of Brooksville authorized the submittal of an application to the DCA under the 2009/2010 CDBG program for project funding in the NR category to obtain funding for the Fire Protection and Pedestrian Infrastructure Improvements;

WHEREAS, the City of Brooksville, Florida is experiencing a need for physical improvements in one or more low-to-moderate income neighborhoods;

WHEREAS, it is the desire of the City Council that local residents be assisted in creating an improved living environment in these areas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BROOKSVILLE CITY COUNCIL, FLORIDA:

SECTION 1. INCORPORATION OF RECITALS. That the foregoing recitals are deemed the findings of the City Council and are incorporated herein by reference and made a part hereof.

SECTION 2. AUTHORIZATION FOR APPLICATION. That the City of Brooksville is authorized to apply for and accept grant funding from the Florida DCA Florida Small Cities CDBG Program for the Fire Protection and Pedestrian Infrastructure Improvements.

SECTION 3. COMPREHENSIVE PLAN MATTERS. That the City's Comprehensive Plan is hereby adopted as the City's Community Development Plan and that the proposed CDBG application is consistent with the local comprehensive plan.

SECTION 4. PROGRAM WORKABILITY ASSURANCE. That the Community Development Block Grant (CDBG) program is declared to be a workable program for providing needed physical improvements in the low-to-moderate income area(s) indicated in the proposed 2009/2010 CDBG application.

SECTION 5. AUTHORIZED REPRESENTATIVE. That the City Council hereby directs the Mayor, Vice Mayor or City Clerk, in his or her absence:

- A. To serve as the authorized representative for the City with regard to the Community Development Block Grant application;

- B. To sign all necessary certifications of the Community Development Block Grant application, grant contract or other grant documents required by the CDBG program;
- C. To execute and submit the attached applications to the Florida Department of Community Affairs (DCA) for state approval; and
- D. Is authorized and directed to submit additional information in a timely manner as may be required by the Florida Department of Community Affairs during the application review process and after execution of a contract agreement with the Department.

SECTION 6. CONFLICTS. All resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 7. SEVERABILITY. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

SECTION 8. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED this 15th day of November, 2010.

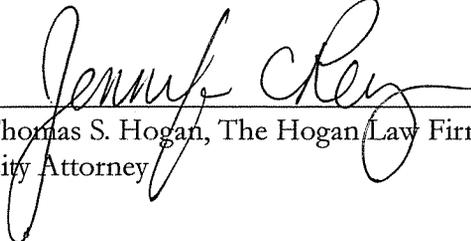
CITY OF BROOKSVILLE, FLORIDA

BY: _____
Lara Bradburn, Mayor

ATTEST:

Janice L. Peters, CMC, City Clerk

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:



Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

VOTE OF CITY COUNCIL

Bernardini	_____
Bradburn	_____
Burnett	_____
Johnston	_____
Lewis	_____



AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *T. Jennene Vacha*

FROM: MIKE WALKER, PARKS, FACILITIES & RECREATION DIRECTOR *Mike Walker*

SUBJECT: Brooksville Cemetery Green Burial Proposal

DATE: November 3, 2010

GENERAL SUMMARY/BACKGROUND: At the June 30, 2010, Brooksville Cemetery Advisory Board meeting a presentation was made by a representative from Brewer Funeral Homes to propose the idea of conducting green or natural burials, as well as a designated area to have scattering of remains on the premises of the Brooksville Cemetery. A green burial means that a person can only be buried in a bio-degradable container or shroud.

The proposed location area is in the NE corner of the Brooksville Cemetery, an area of 1-3 acres in size. We currently have in that location of the cemetery plotted burial spaces in the size of 5x10 ft space, which can accommodate one (1) full interment and one (1) cremated remains OR the other option of just two (2) cremated remains in the space mentioned above. With the 5x10 plot spaces in this area, we can have over 1000 burials per acre.

In a green cemetery, burial plots are traditionally larger in size and will have fewer burial spaces per acre than a traditional cemetery. The original presentation at the June 30, 2010, meeting stated that 200-300 burials could be accommodated in a one (1) acre parcel but in City Council's current packet the information states 400- 500 burials per acre. With the green burial plots being approximately twice the size, one plot can accommodate one of the three following interment options: one (1) casket; or one (1) casket and two cremated remains OR four (4) cremated remains.

Another note to mention with the current proposal is that there would be a discrepancy with the current Brooksville City Code, Section 18-46, which states "all concrete liners or vaults shall have six sides", which in the case of the green cemetery proposal, a vault is not utilized. So if green burials are implemented at the Brooksville Cemetery the code would need to be amended.

This presentation was approved by the Brooksville Cemetery Advisory Board at the June 30, 2010, meeting with recommendation to move forward to City Council.

BUDGET IMPACT: We believe, due to the nature of green burials requiring more land per burial, that our future lot sales revenues could be impacted. However, staff would have to analyze the budget impact more fully if Council is interested in pursuing this proposal. Council could consider a higher price for green burial plots to offset this financial impact.

LEGAL REVIEW: The City is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes. Pursuant to Section 1.03 of the Charter, the City has all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services including managing cemeteries.

STAFF RECOMMENDATION: Direction from Council to move forward with the proposal of a green cemetery at the Brooksville Cemetery and to come back to Council with a detailed business plan.



**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL

VIA: T. JENNENE NORMAN-VACHA
CITY MANAGER

FROM: JENNIFER C. REY, ESQ.
THE HOGAN LAW FIRM, LLC
AS CITY ATTORNEY

SUBJECT: PERSONNEL POLICIES AND PROCEDURES

DATE: NOVEMBER 4, 2010

GENERAL SUMMARY: Staff has initiated a comprehensive review of the City's existing personnel policy manual. The proposed polices, if approved, shall apply to all employees except those employees in collective bargaining units unless the union waives its right to bargain on these policies, the union has approved these policies, or as provided in a collective bargaining agreement. The following policies are proposed for City Council's approval:

- **Section 1.00 Purpose and Scope.** This is the preliminary introduction to the personnel manual containing the necessary advisories regarding the purpose and scope of the manual and it includes a personnel manual receipt.
- **Section 3.00 Hours and Pay.** This policy replaces Chapter I, Section 1.06, Chapter IV, Sections 4.00 – 4.02 and Chapter XII, Sections 12.08 – 12.10 of the current policy manual. The proposed policy sets forth specific definitions for compliance with the Fair Labor Standards Act and addresses various hours and pay matters including overtime, hours worked, and employment status.
- **Section 3.01 Salary Administration.** This proposed policy replaces Chapter II, Section 2.00 - 2.04, Chapter XI Section 11.00 – 11.03, and Chapter XII Sections 12.00 – 12.06 of the current policy manual. The proposed policy sets forth a standard method for applying and maintaining a salary administration plan for all occupations of the City.
- **Section 3.02 On-call Pay.** This proposed policy replaces Chapter XII, Sections 12.12 and 12.13 of the current policy manual. The proposed policy provides for on-call pay of \$7.00 per twenty-four (24) hour period, or portion thereof.
- **Section 4.00 Orientation and Training.** The proposed policy replaces Chapter III, Section 3.01 and Chapter VII, Section 7.00 of the City's current policy manual. It sets forth the City's policy with respect to new employee orientation and ongoing training.

11-04-10P04:31 RCVD

- ***Section 4.03 Tuition Reimbursement Program.*** This proposed policy replaces Chapter VII, Section 7.01 of the current policy manual. The proposed policy implements statutory requirements that tuition reimbursement address the essential functions of an Employee's current job, it sets forth achievement requirements and adopts a benefit limitation of \$1500 and continues the repayment requirement in lieu of completion of the service obligation.
- ***Section 5.00 City Property & Information.*** This proposed policy replaces Chapter I, Section 1.09 of the current policy manual; and sets forth requirements for care and use of City Property and Information..

BUDGET IMPACT: There is no budget impact as a result of the adoption of the proposed policies.

LEGAL REVIEW: Council has the legal authority to set policy for operations and management of its employees. With respect to collective bargaining units, the proposed policies will not apply to members of the collective bargaining units until such time as the policies are approved by the union, the union waives its right to bargain on the policy, or until the matters have been subject to bargaining in accordance with the collective bargaining agreement.

STAFF RECOMMENDATION: Staff recommends approval and adoption of the personnel policies as proposed. Said policies shall be effective upon adoption, except with respect to collective bargaining units as noted.

SECTION 1.00 PURPOSE AND SCOPE
(Replaces Chapter I, Sections 1.00 to 1.05)

I. POLICY

In accordance with the City Charter and Code, these policies and procedures (Policies and Procedures) are hereby implemented to act as a guide to administration of personnel actions which may arise. The final interpretation and application of these Policies and Procedures shall be made by the City Manager, or designee. The City reserves the right to amend, alter, modify, delete and add to these Policies and Procedures at any time and from time to time.

II. PROCEDURE

Amendments to these Policies and Procedures may be proposed to the City Manager. The City Manager shall promulgate amendments to these Policies and Procedures from time to time as determined to be in the best interest of the City.

Department rules, regulations, policies or procedures (collectively, “Departmental Procedures”) shall serve to supplement the Policies and Procedures within this Manual. Departmental Procedures will be in writing and submitted to and reviewed by the City Manager, or designee, for approval. Employees may be advised of the approved changes using standard communication channels. In the event of conflict between any Departmental Procedure, the Policies and Procedures stated herein will control.

Unless a specific section provides otherwise, the Policies and Procedures stated herein shall be applicable to all individuals in City service.

The City Manager or designee shall be responsible for the City’s personnel administration.

SECTION 3.00 HOURS AND PAY

(Replaces Chapter I Section 1.06, Chapter IV Sections 4.00 - 4.02, and
Chapter XII Section 12.08-12.10)

I. POLICY

The City will compensate its Employees for services provided in accordance with the established compensation plan, pay agreements and applicable law. The established Compensation Plan provides a systemic and structured method for payment of City Employees and outlines a uniform system of administration for compensation decisions.

II. DEFINITIONS

- A. Exempt Employee means an Employee within a position where the job duties and functions qualify for either an executive, administrative, or professional exemption under the tests and standards established within the Fair Labor Standards Act (FLSA). Exempt Employees are compensated on a salary basis and are exempt from overtime pay provisions.
- B. Non-exempt Employee means an Employee within a position where the job duties and functions are such that an exemption under the tests and standards of the FLSA does not qualify for an exemption. Non-exempt Employees are compensated for all Hours Worked at a regular rate of pay for hours up to and including 40 hours per workweek. Any Hours Worked more than 40 hours per week will be compensated at an Overtime rate of pay; except for those Non-exempt Employees employed in certain firefighter and law enforcement occupations which may have different requirements under the FLSA.
- C. Full-time Employee means an Employee that is regularly scheduled to work 30 hours or more per week.
- D. Part-time Employee means an Employee that is regularly scheduled to work less than 30 hours per week.
- E. New Employee means an Employee that has not completed a period of sixty (60) days of continuous service with City.
- F. Regular Employee means an Employee that has worked for the City for a continuous period of employment of sixty days or more. The status of Regular Employee is utilized for the determination of benefits with the City.
- G. Hours Worked means all hours that an Employee is necessarily required to be on the City's premises, on duty or at a prescribed work place. Hours compensated as Regular Hours and Overtime Hours are considered Hours Worked. Hours inclusive of time-off periods inclusive of paid time off for

holidays, jury duty, vacation, sick leave or any leave of absence are not Hours Worked.

- H. Regular Hours means Hours Worked up to and including 40 hours per workweek; except for those Non-exempt Employees employed in certain firefighter and law enforcement occupations which may have different requirements under the FLSA. Regular Hours will be compensated at an Employee's regular rate of pay.
- I. Overtime Hours means Hours Worked by a Non-exempt Employee in excess of 40 hours per workweek; except for those Non-exempt Employees employed in certain firefighter and law enforcement occupations which may have different requirements under the FLSA. Overtime Hours will be compensated at a rate of time-and-one-half the Employee's regular rate of pay.
- J. Section 7(K) is Section 7(K) of the Fair Labor Standards Act allowing certain Non-exempt Employees in Fire and Law Enforcement Occupations to be paid Overtime Hours based on a schedule other than after forty (40) hours in a seven (7) day period.
- K. Flexible Scheduling means a method of scheduling typically used for adjusting a Non-exempt Employee's work hours (start and stop times) within an Employee's regularly scheduled workday or work week within so as not to incur Overtime Hours whenever possible.
- L. Merit Pay Increase means an increase in compensation which may be established in conjunction with the budget process which may be granted to an Employee based on merit or performance evaluation.
- M. Pay Period means a two workweek period for which Employee's are paid for Hours Worked and paid-time off.
- N. Workweek means that period of time that begins at 12:00 A.M. on Wednesday and continues through Tuesday at 11:59 P.M.

III. PROCEDURE

- A. Employment Classification. The City maintains standard definitions of employment status and classifies Employees for purposes of personnel administration and related payroll transactions according to the definitions herein.
 - 1. Each job is classified as either Exempt or Non-exempt.

2. Positions may be periodically re-evaluated to properly classify positions.
 3. Classifications are determined by the City Manager, or designee, and decisions of the City Manager, or designee, as to classification status shall be final.
- B. Breaks. Breaks are not legally required to be provided; however, Employees may be allowed to take a break as work permits and in conjunction with Departmental procedures and approvals.
1. Breaks less than ten (10) minutes will be considered Hours Worked and are compensated accordingly.
 2. Employee break privileges may be revoked by the City if in the sole and absolute discretion of the City it is determined that an Employee abuses and/or misuses the Break privilege.
- C. Meal Periods. Employees are typically provided with a regular Meal Period of at least 30 minutes within an eight (8) hour workday. Meal Periods are scheduled by the Department Director, or designee.
1. Meal Periods should be observed away from the Employee's normal work area.
 2. Employees must utilize his or her Meal Period; it may not be saved for purposes of leaving work early and will not be accumulated.
 3. Meal Periods are generally not considered Hours Worked and Employees are not compensated for Meal Period time; however, if the Employee's work schedule requires that the Employee be "on-duty" during the Meal Period, the time will be considered as Hours Worked and the Employee will be compensated for the Meal Period.
- D. Authorizing and Calculating Overtime. Overtime compensation is paid for Overtime Hours and provided to Non-Exempt Employees only.
1. No Overtime Hours are to be worked without prior authorization from the Employee's Department Director, or designee.
 2. Compensating time-off in lieu of Overtime payments will not be granted after the close of a work week.
- E. Payroll Recordkeeping. General information and records are kept for Employees for payroll recordkeeping and compensation requirements.

1. Information will be provided and/or reported by the Employee and include the following:
 - a. The Employee's full name, as used for Social Security recordkeeping;
 - b. The Employee's home address, including zip code;
 - c. Date of birth;
 - d. Gender;
 - e. Hours Worked each workday; and
 - f. Total Hours worked each workweek.
 2. Compensation records are maintained by the City on Employees in accordance with the Fair Labor Standards Act. Records include a regular hourly rate of pay or salary, total wages, regular wages, overtime compensation, etc.
 3. Non-exempt Employees are required to track and report all Hours Worked utilizing the established time recording method. These records may include paper or electronic timesheets, timecards or other methods.
 4. Employees are required to track and report all Leave Time including Holidays, Vacation, Sick, and other paid time off, etc.
 5. Employees are solely responsible for the accuracy of the time reported as Hours Worked. An Employee must sign, either electronically or otherwise, his or her time record attesting to the accuracy of the Hours Worked as recorded on the time record. A Department Director's, or designee's, review or signature does not attest to or confirm the accuracy of the time reported by the Employee.
 6. Failure of the employee to submit a timesheet when required or submitting a fraudulent timesheet may result in disciplinary action.
- F. Pay Increases. An Employee may become eligible for pay increases at such time as the City determines a pay increase is warranted and when funding is available.

SECTION 3.01 SALARY ADMINISTRATION

(Replaces Chapter II, Sections 2.00 - 2.04; Chapter XI, Sections 11.00 - 11.03; and Chapter XII Sections, 12.00 – 12.06)

I. POLICY

The City maintains a salary administration plan to be used in compensation decisions that provides for standard pay grades, pay ranges, and position classification. The plan provides a systemic procedure for setting, adjusting or changing salaries for new hires, promotions, transfers, and any other pay practice related to position classification. The salary administration plan shall comply with the provisions of this policy, and it is the City's intent to maintain and update the plan periodically.

II. DEFINITIONS

- A. Salary Administration Plan means a written plan providing for a systemic approach to administering and implementing pay and salary practices.
- B. Pay Grade means a grade or number assigned to a particular pay range that is used in categorizing or classify positions.
- C. Pay Range means a range of salaries assigned a pay grade for a particular group of jobs with equivalent market or job value.
- D. Position Classification means the process of evaluating a job based on identified factors to determine an appropriate pay grade and pay or salary level.
- E. Job Description is a written description listing the essential and secondary functions, duties, and responsibilities of a job.
- F. Reclassification is movement of a job or job classification from one pay grade to another based on significant changes in the job duties, responsibilities, job market and/or other work-related factors.

III. PROCEDURE

- A. The Salary Administration Plan. The salary administration plan will establish systemic practices for setting salaries for:
 - 1. New Hires
 - 2. Transfers
 - 3. Promotions
 - 4. Temporary Position Assignments
 - 5. Educational, Certification or License Achievements
 - 6. Changes or Updates in Position Classification, Pay Grades or Pay Ranges; and

7. Other pay practices as needed or required.

B. Pay Grades and Ranges. The Salary Administration Plan may include pay grades and salary ranges and a set of parameters for compensation decisions.

1. A schedule of pay grades for each title in the classification plan consisting of minimum and maximum rates of pay is maintained.
2. Each Employee is paid within the rates set forth in the pay plan for the class of position in which he or she is employed.
3. Pay grades are linked directly to the position classification plan and are determined with due regard to the following conditions.
 - a. Relative difficulty and responsibility of position in the class.
 - b. Payment for the same or similar work in the community.
 - c. Availability of employees and applicants in particular occupational categories.
 - d. Cost of Living factors, the financial policies of the City, and other economic conditions.

4. Rating Positions and Evaluating Classification. New and/or existing positions may be rated or re-rated, periodically, utilizing the systemic methodology established in the Salary Administration Plan in order to place positions within the established pay grades and ranges to achieve internal and external equity or parity.

5. Adjustments of Pay Grades and Ranges. Periodically the City evaluates the need and feasibility of making market to the Salary Administration Plan based on a review of the Consumer Price Index (CPI) for All Urban Consumers, wage indices, comparative wage studies and other compensation trend indicators and the City's financial and budget conditions.

C. Maintenance of the Plan. The methodology established for the Salary Administration Plan, once approved by City Council, will be used to administratively maintain the Salary Administration Plan to include rating positions, classification of positions and adjustment of pay grades and ranges.

D. Position Titles. Position titles are assigned for the convenience of the City and its organizational structure.

1. Position titles do not in any manner imply duties and responsibilities of a position. Employees should refer to the job description for his/her position for duties, functions and responsibilities.
2. All position titles will be assigned by and approved by Human Resources. Position titles may be revised and changed, as needed within the overall organization.

SECTION 3.02 ON CALL PAY

(Replaces chapter XII, Sections 12.12 On-Call Personnel and
12.13 Emergency Scheduling and Compensation)

I. POLICY

The City pays certain Employees under certain conditions for being on-call and being available to be called in to work during an emergency or as needed.

II. DEFINITIONS

None.

III. PROCEDURE

A. On Call Duty. Upon the approval of City Manager, or designee, certain Employees may be utilized by the Department Director, or designee, to perform “on-call” duties.

1. “On Call” duties may require the Employee to remain accessible for call in purposes.
2. The “On-Call” Employee shall not be inhibited in freedom of travel or presence in any particular location other than the requirement that such Employee shall at all times during periods of “on-call” be able to respond within the City within a time period which shall be established by the Department Director, or designee.
3. On-call time occurs during other than normal hours of operation. Since said Employee may travel freely during periods of “on-call” time, subject to the restrictions noted above, the Employee’s time for an “on-call” assignment is not compensable as Hours Worked, unless the Employee is called-in to work.

B. On Call Pay. Employees receive pay for being placed in an “On-call” status.

1. An “On Call” Employee will be paid \$7.00 for each 24-hour period, or portion thereof, during which the Employee was “On-Call” (“On Call Pay”).
2. On Call Pay is not associated with nor considered regular pay for accrual or calculation of any benefits.
3. An Employee who is On Call may be Called In to perform work. If an On Call Employee is called in and performs work, the Employee is not in an

“On Call” status while working; and for any Hours Worked, the Employee will be compensated at his or her regular rate of pay.

- C. Disciplinary Action. Failure of the Employee, designated as “On Call,” to respond timely when called may result in a forfeiture of payment for the previous seven day “on-call” period, may result in ineligibility for future “on-call” assignments; and may subject the Employee to disciplinary action up to and including termination.

SECTION 4.00 EMPLOYEE ORIENTATION AND TRAINING
(Replaces Chapter III, Section 3.01 Induction and Orientation Procedures and Chapter VII,
Section 7.00 Employee Development and Training)

I. POLICY

Employees are offered training opportunities periodically during their employment with the City.

II. DEFINITIONS

A. New Employee means an Employee who has not yet completed ninety (90) days of continuous services with the City.

III. PROCEDURE

A. New Employee Orientation.

1. New Employees are provided orientation training at the organizational, departmental or team level.

a. Human Resources provides New Employees with an organizational orientation training which may include the following: an overview of City administration, organization, policies, personnel rules, benefit plans, rates of pay, terms and conditions of employment and all other matters related to general conditions of employment.

b. Departments provide New Employees with departmental/team orientation which may include the following: an overview of the Department administration, organization, and policies, duties to be performed, scheduled hours of work, standards of performance, safety rules, and other matters related to the job and to departmental operations.

2. New Employees are required to be familiar with the various City and Department rules and procedures.

B. Other Periodic Training.

1. Employees are encouraged to participate in training opportunities as offered and approved in order to improve their level of service rendered to the public.

2. The City may establish standards for training programs and employee training attendance requirements.

3. Employees are required to meet any minimum training requirements for the position in which they are currently employed. A failure to meet required training standards may be cause for disciplinary action up to and including termination of employment.
 4. Employees interested in participating in internal/in-house or external training opportunities shall request approval to attend the training from their Department Director, or designee.
 5. For any training opportunities requiring travel, please refer to the Travel Policy contained in this manual.
- C. Funding Limitations. Training opportunities may be offered and approved for payment by the City subject to the sole discretion of the City Manager, or designee and contingent upon budgeting limitations as set forth in the budget adopted by the City Council.

SECTION 4.03 TUITION REIMBURSEMENT PROGRAM

(Replaces Section 7.01 Tuition Reimbursement Program)

I. POLICY

The City may, within available and budgeted funds, approve reimbursement of the cost of tuition, books and certain fees incurred by an Employee taking course(s) of instruction at an approved educational institution which directly enhances the Employee's efficiency and effectiveness in his or her current job.

II. DEFINITION

A. Full-time, Regular Employee means an employee who is regularly scheduled to work 30 or more hours per workweek.

III. PROCEDURE

A. Eligibility.

1. Full-time, Regular Employees who have completed at least one (1) year of continuous service prior to the commencement of courses.
2. Employee must have a satisfactory or better performance evaluation for the most recent evaluation issued.
3. Employee may not be on any disciplinary, corrective action or improvement plan.
4. Employees must be current with any certification, license or other training requirements for their current position.

B. Eligible Coursework and Expenses.

1. The coursework must be designed to enhance the knowledge, skills, and abilities relating to essential functions of the Employee's current job.
2. Courses Offered by Regionally Accredited Institutions Only. The courses must be offered by a college or university, business or vocational school certified as being in compliance with the standards required by the Regional Accrediting Association of Colleges and Schools.
3. Eligible Expenses. Eligible expenses covered under this policy include tuition and costs for books only. Laboratory fees, if required for a course which is otherwise approved, may be included, subject to

separate approval by Human Resources. No reimbursement shall be made for other fees, costs or expenses of other materials.

4. Grade Requirements. To be eligible for reimbursement the Employee must complete the course with a grade of C or better in an alpha grading system or Pass in a pass/fail grading system.

C. Reimbursement Amount.

1. No Employee will receive tuition reimbursement greater than actual expenditures paid by the Employee.
2. Employees entitled to educational benefits under other programs or legislation (i.e., G.I. Benefits, scholarships, etc.) may not be eligible for an amount of reimbursement that when combined with other available benefits exceeds 100% of the total costs incurred for the course.
3. The reimbursable amount is based on the grade attained in the course in accordance with following schedule subject to a maximum annual benefit per Employee of \$1500 per fiscal year:

Grade	Amount of Reimbursement
Pass (in a Pass/Fail)	100%
A	100%
B	75%
C	50%

D. Requesting Reimbursement.

1. Employee submits a Tuition Reimbursement Request to his or her Department Director, or designee, for review and recommendation.
 - a. The Tuition Reimbursement Request shall be submitted not later than one month prior to actual registration for the course.
 - b. When completing the Tuition Reimbursement Request, the Employee is to:
 - i. Provide details as to the course, including but not limited to, a course description or syllabus, identification of course materials, time and dates, and costs;
 - ii. Identify what knowledge, skills or abilities would be enhanced; and

- iii. Describe how the Employee's performance of essential functions would be improved.
2. Upon recommendation from the Department Director, or designee, the Tuition Reimbursement Request is submitted to Human Resources for final review and approval.
 - a. Human Resources will return either approved or denied requests to the Department Director, or designee. The Department Director will then notify Employees if their request has been approved or denied.
3. For approved courses, the Employee must pay tuition costs directly to the college/school sponsoring the course(s).
4. Within thirty (30) calendar days following course completion, the Employee submits the approved Tuition Reimbursement Request along with documentation of course completion, official grades and payment of tuition or books to Human Resources for processing of payment of the reimbursable amount.

E. Other Requirements.

1. Time Off Not Granted. The eligibility for tuition reimbursement under this policy in no way obligates the City to grant time off or leave for the Employee to take the course. All course work must be accomplished outside the Employee's normal schedule unless approved in advance by Department Director, or designee, and the City Manager, or designee.
2. Use of City Property Prohibited. An Employee shall not be permitted to utilize any space, personnel, equipment, or supplies of the office by which he or she is employed in the process of fulfilling any of the requirements imposed by the coursework for which he or she is being reimbursed.
3. Continued Service Requirement. Employees who retire, resign or whose employment is terminated within two (2) years of receiving tuition reimbursement shall reimburse the City for tuition benefits paid, less a credit of four percent (4%) for each month of continuous service following the month reimbursement is received. Reimbursement to the City shall be by cash payment or deduction from any monies due at the time of separation.

SECTION 5.00 CITY PROPERTY, EQUIPMENT AND INFORMATION

(Replaces Chapter I, Section 1.09 Use of City Assets)

I. POLICY

City property, both tangible and intangible, shall remain the sole property of the City. The City designates certain Employees to serve as official spokespersons for the City.

II. DEFINITIONS.

- A. Property shall mean tangible property including, but not limited to, uniforms, equipment, safety equipment, cell phones, vehicles, computers, laptops, printers, manuals, and office supplies.
- B. Information shall mean data stored on computer discs/other electronic media, audio recordings, video recordings, systems, software and hardware, documents containing techniques, trademark matters, together with any copies, reproductions or adaptations thereof, in whatever form or medium.

III. PROCEDURE

- A. Employees have or will come into possession or knowledge from the City of Brooksville of certain tangible property (“Property”) and information (“Information”) during the course of their employment.
- B. Employees shall not use Property, except in the performance of their official duties, nor shall they permit use by any unauthorized person, unless approved by the City Manager, or designee, subject to a separate policy within this manual.
- C. Employees assigned equipment, tools and vehicles are expected to exercise reasonable care in its use and to observe safety precautions, including seat belt and traffic laws, as well as to take reasonable steps to preserve the equipment.
- D. Unauthorized personal use of equipment, tools and vehicles is not permitted.
- E. Unless release of City Information is a normal part of his or her duties, or unless under subpoena, Employees will not release City Information. All inquiries for City Information shall be directed to the Department Director, or designee, or other appropriate recordkeeper.
- F. City Property and Equipment used by Employees are subject to inspection by the City at any time.
 - 1. By signing the Policy Manual Receipt the Employee consents to these inspections.

2. If circumstance permit, the City may provide advance notice to the Employee of the inspection; however, in the event the Employee is unavailable or if circumstances require inspection without the Employee's presence, then Inspections may be conducted without the Employee's presence at the direction of the City Manager, or designee.
- G. Unless otherwise provided for under a separate policy, the City shall not be responsible for any personal property an Employee brings into the workplace which is either lost, damaged or destroyed in performance of one's duties;

CORRESPONDENCE-TO-NOTE
REGULAR COUNCIL MEETING – November 15, 2010

1. **TYPE:** Letter
 DATE: October 26, 2010
 RECEIVED FROM: Timothy A. Mossgrove, Firefighters' Pension Trust Board Chair
 ADDRESSED TO: Honorable Mayor and Council Members
 SUBJECT: Firefighters' Pension Trust Fund Board Annual Report of Investment Activity

2. **TYPE:** Letter
 DATE RECEIVED: November 1, 2010
 RECEIVED FROM: Bright House Networks
 ADDRESSED TO: T. Jennene Norman-Vacha, City Manager
 SUBJECT: Programming Changes

3. **TYPE:** Letter
 DATE RECEIVED: November 1, 2010
 RECEIVED FROM: Florida Department of Revenue
 ADDRESSED TO: T. Jennene Norman-Vacha, City Manager
 SUBJECT: Maximum Millage Levy Calculation Final Disclosure

4. **TYPE:** Letter
 DATE RECEIVED: November 1, 2010
 RECEIVED FROM: Florida Department of Revenue
 ADDRESSED TO: T. Jennene Norman-Vacha, City Manager
 SUBJECT: Truth in Millage (TRIM) Certification

5. **TYPE:** Memo
 DATE RECEIVED: November 4, 2010
 RECEIVED FROM: William Geiger, Director of Community Development
 Jennifer C. Rey, City Attorney
 ADDRESSED TO: Honorable Mayor and Council Members
 SUBJECT: Status Update – Impact Fee Ordinance, Issues and Timeline

FIREFIGHTERS' PENSION TRUST FUND BOARD OF TRUSTEES

85 Veterans Ave, Brooksville, Fl. 34601
352-540-3840 Fax- 352-544-5462

October 26, 2010

Honorable Mayor and Members of City Council
City of Brooksville
c/o T. Jennene Norman-Vacha, City Manager
201 Howell Avenue
Brooksville, Florida 34601

Re: City of Brooksville Firefighters' Retirement Trust Fund- Annual Report of
Investment Activity

Dear Ms. Norman-Vacha:

In accordance with Section 112.661(15), Florida Statutes, please find enclosed the annual report of the investment activity of the City of Brooksville Firefighters' Retirement Trust Fund. This report includes investments in the portfolio as of September 30, 2010 listed by class or type, book value, income earned and market value as of the stated date. This report must also be made available to the public.

Sincerely,



TIMOTHY A. MOSSGROVE
Chairman

cc: Steve Baumgartner, Finance Director
Scott Christiansen, Attorney

CHIEF TIMOTHY A. MOSSGROVE, CHAIRMAN DISTRICT CHIEF . GERALD E. WARD, VICE CHAIRMAN
REGINA ANN MARTIN, MEMBER PAUL D. BABCOCK SECRETARY WAYNE SUFFICOOL, MEMBER

CTN
11-15-10
JNK

1004 U.S. Highway 92 West
Auburndale, FL 33823

tel 863.965.7733
fax 863.288.2299



November 1, 2010

VIA FEDERAL EXPRESS

Ms. Jennene Norman-Vacha
City Manager
City of Brooksville
201 Howell Avenue
Brooksville, FL 34601

Dear Ms. Norman-Vacha,

This notice is to inform you of upcoming changes to our cable programming lineup.

Effective December 6, 2010, the programming for **Sportskool On Demand**, Channel 364, will move to Sports On Demand, Channel 356.

Effective on December 15, 2010, the programming for **Music Choice On Demand – Pop & Rock**, Channel 367, will move to **Music Choice On Demand – Urban & Latin**, Channel 368. Music Choice is renaming Music Choice On Demand – Urban & Latin, Channel 368, to “**Music Choice On Demand.**”

You should also know that from time to time our agreements with cable channels and television stations come up for renewal. While we do not anticipate any loss or disruption of service, regulations require us to notify you of the possibility of losing programming. Please be advised, therefore, that our agreements with IndiePlex, RetroPlex, Encore, Encore Action, Encore Drama, Encore Love, Encore Mystery, Encore WAM, Lifetime, Encore Westerns, E!, Style, Starz, Starz Cinema, Starz Comedy, Starz Edge, Starz in Black, Starz Kids & Family, Zee TV, TruTV, Weather Channel, BBC America, EWTN, CR1 Russia, TV Japan, Antena 3, and Filipino Channel remain in effect on a month to month basis, but we may have to cease carriage in all formats if our authority to continue is withheld. As well, our agreement with AmericanLife Network expires on November 16, 2010, and we may have to cease carriage in all formats if our authority to continue is withheld. We are working diligently at this time to come to acceptable and fair terms with all of these channels.

For more information on Bright House Networks programming, please call 1-866-976-EASY or visit our website at brighthouse.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Gillan". The signature is fluid and cursive, with a large initial "D" and "G".

Drew Gillan
Manager of Public Relations

CTN
11-15-10
JNV



Executive Director
Lisa Vickers

November 1, 2010

Ms. T. Jennene Norman-Vacha, City Manager
City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

Re: Maximum Millage Levy Calculation Final Disclosure

Dear Ms. Norman-Vacha:

The Department of Revenue has reviewed the maximum millage levy calculation final disclosure documents submitted by your taxing authority. The Department's review included documents relating to the millage levying processes and the total taxes levied by your principal taxing authority and any dependent special districts and MSTUs (for counties). Based on the documents submitted for all these entities, the Department has determined that your taxing authority is in compliance with the maximum total taxes levied requirements, and thus the maximum millage levy requirements, of s. 200.065(5), Florida Statutes.

This determination applies only to the maximum millage levy requirements of section 200.065(5), Florida Statutes. Findings regarding the TRIM certification requirements of section 200.065, Florida Statutes, will be sent in a separate letter.

Sincerely,

A handwritten signature in black ink, appearing to read "James McAdams", written over a circular stamp or mark.

James McAdams, Director
Property Tax Oversight Program

JM/ukc # 37.03

CTN
11-15-10
cc: Steve Baumgardner
JH



Executive Director
Lisa Vickers

11-03-10A11:33 RCVD

November 1, 2010

Ms. T. Jennene Norman-Vacha, City Manager
City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

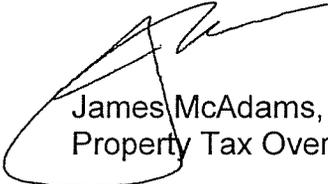
Re: Truth in Millage (TRIM) Certification

Dear Ms. Norman-Vacha:

The Department of Revenue has reviewed the millage certification documents submitted by your taxing authority and determined that it meets the certification requirements of subsections 200.065(1)-(4), (6)-(12), (14) and (15), Florida Statutes. The Department has found no violation of the requirements of the listed subsections and accordingly accepts your certification as meeting the stated requirements.

This determination applies only to the TRIM certification requirements in the listed subsections of section 200.065, Florida Statutes. A determination regarding the maximum millage levy requirements of section 200.065(5), Florida Statutes, will be sent in a separate notice.

Sincerely,



James McAdams, Director
Property Tax Oversight Program

JM/ukc # 37.03

CTN
11-15-10
e: 8:42 AM
[Handwritten initials]

MEMORANDUM



TO: HONORABLE MAYOR AND CITY COUNCIL

**VIA: T. JENNENE NORMAN-VACHA
CITY MANAGER**

A handwritten signature in black ink, appearing to read "T. Jennene Norman-Vacha".

**FROM: WILLIAM GEIGER, COMMUNITY DEVELOPMENT DIRECTOR
AND JENNIFER C. REY, ESQ., THE HOGAN LAW FIRM, LLC,
AS CITY ATTORNEY**

Handwritten initials in black ink, possibly "JCR".

**SUBJECT: STATUS UPDATE - IMPACT FEE ORDINANCE; ISSUES AND
TIMELINE**

DATE: NOVEMBER 4, 2010

At its meeting on November 10, 2009, the County Commission approved Ordinance 2009-14 for the purpose of temporarily reducing impact fee rates. The reduced rates were effective December 1, 2009; and, if the Commission takes no further action, the reduced rates are set to expire as of November 30, 2010.

The City currently opts-in to the County's impact fee structure through various interlocal agreements; therefore, the City's impact fee rates were reduced effective December 1, 2009. At its Regular Meeting on November 16, 2009, the City Council gave staff direction to move forward in preparing the City to adopt its own impact fee ordinances independent of the County. Staff brought the matter back before Council at its regular meeting on December 21, 2009 and Council directed staff to monitor the County's action and to report back to the City Council in June 2010 with a status update.

At its June 21, 2010 meeting, staff advised the City that the County had taken no further action on impact fees, and that, unless some further action is taken by the Board of County Commissioners, as of December 1, 2010 the current pre-2005 rates will revert back to the rates in effect prior to the adoption of Ordinance 2009-14. The City Council directed that it be kept apprised of actions the County takes with respect to the impact fee ordinance.

At its regular meeting on Tuesday, October 26, 2010, the Board of County Commissioners approved extending the reduced impact fees for one additional year; however, no formal action has been taken at this time. An ordinance extending the time period for the reduced impact fees will be considered at a public hearing that is likely to occur in November.

If you should have additional questions or wish to further discuss the matter, please feel free to contact the City Manager.

C7N
11-15-10