

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

December 20, 2010

7:00 P.M.

Brooksville City Council met in regular session with Mayor Frankie Burnett, Vice Mayor Joseph E. Johnston, III, Council Members, Joe Bernardini, Lara Bradburn and Emory Pierce 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 Burnett, followed by an invocation and Pledge of Allegiance.

Mayor Burnett announced Item C was removed from the Agenda as the City Attorney was not prepared to present the matter for an Executive Session.

COUNCIL MEMBER RECOGNITION

Mayoral Plaque to Lara Bradburn for 2010

Mayor Burnett, on behalf of City Council, presented outgoing Mayor Lara Bradburn with a Mayoral Plaque for her service as Mayor for 2009/10.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Beautification Board - Holiday Decoration Contest

Recognition of annual decoration contest winners for the best City of Brooksville Residential and Commercial Displays for the 2010 Holiday Season.

Scott Renz, Beautification Board Chair, presented the awards to the winners of the Holiday Decoration Contest as follows: Residential - 920 Buena Vista Avenue, William & Robin Bishop; Commercial - 5 North Main Street, Ida Lillie's, Deanna Yardas. Honorable Mentions were presented to Residential - 918 Cedar Drive, Robert Smith and Commercial - 7 North Main St, Edward Jones Financial Advisor, Brande Sanders.

Council Member Bernardini mentioned other properties that were very nicely decorated as well.

2nd Annual Christmas Cookie Bake-off Winners

Presentation of Certificates of Recognition for 1st, 2nd and 3rd place winners featuring the Hernando County Culinary Arts Programs at Central High, Hernando High and Nature Coast High Schools.

Rhonda Hancock, Art Gallery Curator presented the awards to the 2nd Annual Christmas Cookie Bake-off Winners. 1st Place went to Seth Bushell of Central High School, 2nd place went to Kara Masters of Central High School and 3rd place went to Wende Bossett of Central High School.

Certificates of Recognition – Council Christmas Parade Float

Presentation of Certificates of Recognition to Tina Nichols and Audrey Williams for their efforts in putting together the 1st Place Prize winning float for the 2010 Kiwanis Christmas Parade.

APPROVED BY BROOKSVILLE

CITY COUNCIL

ON 3/7/11 INITIALS JL

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Mayor Burnett presented Certificates of Recognition to City staff Tina Nichols and Audrey Williams.

PUBLIC HEARINGS (*Board Sitting in its Quasi-Judicial Capacity*)

- Entry of Proof of Publication into the Record
- Poll Council Members for Ex-Parte Communications
- Administering of Oath to All Persons Intending to Speak [Expert Witness Credentials]
- Adoption of the Agenda Back-up Materials into Evidence

**** Diamonds Childcare Center, Cortez Blvd./Barnett Road**

Consideration of special exception use petition for a daycare center in a C-2, commercial highway zoning district located at the southeast quadrant of the intersection of Cortez Boulevard (S.R. 50) and Broad Street (U.S. Highway 41).

All wishing to be heard on the issue were sworn by City Clerk Peters. Council Members were polled for Ex-Parte Communications and all indicated they had not had any communications regarding the subject matter. City Planner Steve Gouldman reviewed the petition and indicated the Planning and Zoning Commission heard the petition on December 8, 2010 and approved staff recommendation as presented.

Location and requirements for the play area was discussed.

The petitioners Eric and Jeralynn Kincade were present and elaborated on their business plan. Jim Hanson with Woolbright Development of Apopka and the managing agent of the shopping center also commented on the proposed plan, indicating their approval of the project.

Council Member Bradburn asked the age of children who would be able to attend. Ms. Kincade indicated infant to four (4) years of age with forty-five (45) to fifty (50) children. She also indicated the business is relocating from her home after five (5) years of being in business and is doing so to be able to expand to maximum capacity. She also indicated this project is not dependent upon any State or Government contract and she will not be transporting the children to any other program at this time. Council Member Bradburn stated her concern of possible bus traffic at this location in the future.

Council Member Bernardini asked who Ms. Rosa Bell is, to which Ms. Kincade replied she is her mother and was part of her business. He supports the concept of a daycare facility at this location. Vice Mayor Johnston pointed out there are other locations with childcare facilities in shopping centers for convenience. Council Member Bernardini stated his concern of another type of business moving in next door that would be detrimental to a daycare facility and that is the reason Council put an emergency ordinance in place for pain clinics. Steve Gouldman clarified that this is a special exception use for the tenant, not the plaza.

Mr. Hanson stated he has a background in law enforcement prior to being in the real estate business. He advised there is a long-term relationship with the present owner of the shopping center and also pointed out Woolbright Development manages properties only in Florida. The lease is for three (3) years with a three (3) year renewal option and he believes this will be a successful business. They are trying to improve the center and making an effort to lease out the vacant spaces. He has experienced the pain clinics and agrees with the way Council has handled that type of business as they do not lease to such businesses.

Mayor Burnett commended the Kincades on having a vision to grow their business to this capacity.

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CITIZEN INPUT

Mayor Burnett asked for Public Input.

Andrew Williams, 903 Buena Vista Avenue; Thomas Williams, 216 Hernando Street; Miyoshia Plummer, 6628 Freeport Drive, Spring Hill, FL; Ophelia Frazier-Brown, 216 B Street; and Frankie Scrivens-Plummer all having been sworn, spoke on behalf of the project and the Kincades encouraging Council to grant approval for the petition.

Eric Kincade, petitioner, elaborated on his family's history in the community and asked that Council grant approval as well.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bernardini for approval of the backup materials. Motion carried 5-0.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval of the project. Motion carried 5-0.

Council Member Bernardini asked that the Brooksville Housing Authority item be moved to the first of the regular agenda. Council concurred.

A 2-minute break was taken.

REGULAR AGENDA

Brooksville Housing Authority – Inventory Removal Application

Consideration to authorize the Mayor's signature on letter of support for inventory removal application.

Brooksville Housing Authority Executive Director Tommy Brooks reviewed the basis of the application that impacts the housing community at Hillside Estates and Summit Villas. He indicated a study done by an architectural firm indicated health and safety issues are present as well as structural, water and sewer issues. Based on the study, he felt an upgrade is necessary, which would include demolition and rebuilding of the current buildings. He stated the Department of Housing and Urban Development will still have to approve the application along with a study being done for the area. He reviewed ways of obtaining funding for rebuilding such as tax credits, bonds and financing. The Housing Authority will get funding to relocate current residents. He recognized Brooksville Housing Authority Board Chair Randy Woodruff who was present in support.

Council Member Bradburn asked Randy Woodruff, a Certified Public Accountant, his thoughts on the financial aspects of the issue, specifically demolition and relocation versus rehab. He indicated the study done supports the decision of the board and he is in favor.

Director Brooks further elaborated on the vouchers for relocation and counseling. He indicated Section 8 Housing is an electronic check; monies are budgeted based on the number of housing units available. An application is completed and an approved fair-market-rent is designated for this area. Vice Mayor Johnston stated that Lakeland public housing has the finest he has seen. Mr. Brooks distributed information on Lakeland's public housing.

Director Brooks indicated they are working with the residents concerning the changes being proposed.

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Mayor Burnett asked for public input.

Pierre DesJardins spoke in favor of this process and urged Council to approve the item.

James Lane, owner of Lane Electric, spoke of his pending lawsuit against Brooksville Housing Authority and asked if Council is concerned of their action tonight exposing the City of Brooksville. He specifically asked Council Member Bradburn if there is eminent danger in the condition of these buildings that they have to be torn down. Council Member Bradburn reminded Mr. Lane that Council cannot comment on any pending lawsuits and as far as any danger, she feels Mr. Brooks has everything under control.

Franchette Disamel indicated she understands the poor conditions, including mold problems, but feels the money being spent to relocate tenants should be used to renovate the buildings. She is concerned whether they will pay for her belongings to be moved back to Colorado where she recently moved from. Mr. Brooks explained he does not know the timeline for the demolition and is unaware of any voucher restrictions at this time, as they are good nationwide. Mayor Burnett assured Ms. Disamel that Council will not let a situation occur that would have a negative impact on the tenants or the community and he supports Mr. Brooks' request to correct an ongoing problem.

Summit Villas Tenant Association President Susan Goode indicated they were not asked to participate in the September 22nd meeting held by Mr. Brooks and stated the association does not agree with the demolition and would rather renovations be done instead. Mayor Burnett assured Ms. Goode that the main concern of everyone is for the tenants to live in a healthy and safe environment. He pointed out there were several well published meetings. Ms. Goode stated her concern to find affordable housing within Hernando County. Mayor Burnett stated it is a mobile voucher which enables relocation to another county or state. He also pointed out this is very early in the process but all will be worked out as it moves along.

Tenant Advocate James Singer of 25435 Withrow Road stated he is active in civic matters and he knows the Mayor is a good man and his word can be trusted. He contested the relocation plan by stating Section 8 refers only to housing and is not to be used for relocating purposes. He requested the Mayor's letter include the law wherein it requires notice be given to displaced tenants "970.10 Costs of Demolition and Relocation of Displaced Tenants". He also announced the law requires tenant associations be included in these types of procedures.

Patsy Lopez, who lives in Summit Villas, indicated vouchers are not being accepted elsewhere and Section 8 is not taking applications. She stated she is not aware of any roof or electrical problems and asked Council to consider renovations instead of demolition. She feels that this will no longer be low income housing once they are rebuilt and she cannot afford to live elsewhere, nor does she want to because her family is here. She referenced a 90 year old woman who lives there and feels she cannot go anywhere else.

Council Member Bradburn addressed Ms. Lopez's concerns stating there have been several reports regarding various building issues and assured her that Council is not taking this matter lightly.

Kojack Burnett indicated he will be monitoring the project for potential problems.

Joe Blunt, Jr., of 469 Howell Avenue, indicated the people should be first priority, as well as community relations.

Director Brooks indicated there has been erroneous information given out regarding Section 8 Housing. He explained The Brooksville Housing Authority will have Section 8 Housing vouchers from the Department of Housing and Urban Development specifically for the residents being

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affected. He stated he is not insensitive to the tenants and took the Director's position to help people with poor conditions that have existed for years. He reported the budget cannot cover maintenance costs and he is concerned with underlying issues that may arise in the future and feels that these residents deserve better than what they are currently living in.

Council Member Pierce commended Director Brooks for his efforts and asked if it is the Brooksville Housing Authority's intent to rebuild as low income housing. He answered affirmatively and also confirmed that the current residents would have priority in returning after the rebuild.

Council Member Bernardini elaborated on the history of the problems and indicated this program is something positive. He stated he has no faith in the Department of Housing and Urban Development after the ordeal with the prior administration but felt the current Brooksville Housing Authority Board has done a great job.

Council Member Johnston indicated the Department of Housing and Urban Development, and he felt sure, the Brooksville Housing Authority Board would not approve any funding for demolition until funding is available for relocation of existing residents is in place and all residents have been relocated.

Director Brooks asked that Council Member Johnston's statement be included in the letter.

Susan Goode asked for a final agreement when it is available, which was briefly discussed. Director Brooks indicated copies will be available in the Brooksville Housing Authority office when available. Council Member Bradburn ask that Ms. Goode be provided a copy.

Motion:

Motion was made by Council Member Pierce and seconded by Council Member Johnston for approval. Motion carried 5-0.

Ordinance No. 815 – City of Brooksville on behalf of Sea Gate Land Holdings, Inc./SeaGate Village Homeowner's Association, Inc., and Hernando County

Consideration of voluntary annexation of 77 acres, located south of Wiscon Road and north of Mason Smith Road.

City Planner Steve Gouldman reviewed the annexation petition as outlined in the staff report.

Council Member Bradburn asked if any drainage problems are being inherited with this property. Director Geiger indicated there are high risk flood zones on the property and development would have to be properly permitted through Southwest Florida Water Management District, meet City Code and Comprehensive Plan requirements. He pointed out the subdivision infrastructure has been built in compliance with the standards that existed as of 2007. Council Member Bradburn stated that the owners would have drainage self-contained within the development to comply with the previously promised requirement of the Utility Agreement and they will have to go through a full Comprehensive Plan Amendment.

Council Member Pierce asked who will maintain the road. Director Geiger indicated the paved public road is owned and maintained by Hernando County unless other arrangements are made.

Council Member Johnston stated it is currently residential on the Hernando County Future Land Use Designation and asked why their Comprehensive Plan was not amended to include it as the County combined and plan development project. City Planner Steve Gouldman replied the Comprehensive Plan would not have to be amended for zoning. It is still residential but the zoning map would have to be amended. Director Geiger further advised that in the Hernando County

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Residential Land Use District, under the Comprehensive Plan, they allow for mixed uses at certain densities and intensities.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval.

City Clerk Peters read Ordinance No. 815 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY 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.

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

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

Advisory Board Appointments

Appointment of advisory board members whose terms expire December 31, 2010.

Council Member Bernardini requested the Parks and Recreation Advisory Board appointment be removed and placed on the January 3, 2011 Agenda. He indicated there are some discrepancies that he would like to review regarding a resignation and Board Member Maletta applying for the full-time board position. There were no objections by City Council to postpone the appointments. City Manager Norman-Vacha indicated this vacancy has been duly advertised since January 2010 when Mr. Blanton resigned. Council Member Bernardini stated he would like to also fill the student position on the Beautification Board.

Parks and Recreation Advisory Board

One (1) Full-time board position to fill an expiring 4-year term of office through December 31, 2014

One (1) Alternate board position to fill an expiring 4-year term of office through December 31, 2014

One (1) Full-time board position to fill an unexpired 4-year term of office through December 31, 2013.

City Residency not required.

Richard Gant	Reapplying (Expiring Term)
Richard Howell	New Applicant
Ronald Lawson	New Applicant

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Toni Maletta
Sue Rupe

Reapplying (Expiring Alternate Term)
New Applicant

Council Member Bradburn requested the Planning and Zoning Commission full-time board position be re-advertised since there is only one applicant. She acknowledged that it is very difficult to get volunteers for the Advisory Boards but Council needs to be more diligent in pursuing applicants.

Council Member Bernardini stated Mr. Rodriguez is a highly qualified as he was the Building Official for Hernando County. Council agreed to remove this item from the agenda and placed on the February 7, 2011 agenda.

Planning & Zoning Commission

One (1) Full-time board position to fill a 4-year term of office through December 31, 2014. City residency is required.

George Rodriguez Reapplying (Expiring Term)

Beautification Board

Two (2) Full-time positions to fill expiring 4-year terms of office through December 31, 2014. City residency is not required.

Kim Lemon New Applicant
Scott Renz Reapplying (Expiring Term)

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Johnston for approval to appoint Kim Lemon and reappoint Scott Renz. Motion carried 5-0.

Cemetery Advisory Committee

Two (2) Full-time positions to fill expiring 4-year terms of office through December 31, 2014. Applicants must be a City resident or have a documented tie to the Brooksville Cemetery.

Jeff D. Cannon New Applicant
Luther E. Cason Reapplying (Expiring Term)
Jan Knowles Reapplying (Expiring Term)

All applicants have indicated that they are not City residents but have presented their documented tie within their applications.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval to reappoint Luther Cason and Jan Knowles. Motion carried 5-0.

Intergovernmental, Board Assignments and Organizations - City Council

Appointments to various Boards and Committees.

Board appointments were as follows:

City Boards/Committees

Beautification Board
Brooksville Cemetery Advisory Board
CDBG Citizens Task Force

Council Representative

Joe Bernardini
Frankie Burnett
Joe Johnston

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Good Neighbor Trail Advisory Committee
Parks and Recreation Advisory Board

Lara Bradburn
Joe Bernardini

External Boards/Committees

Anti Drug Coalition
Brooksville Business Alliance
Community Alliance
Florida League of Cities Legislative Action Committees:
 Intergovernmental Committee
 Energy & Environmental Committee
 Finance & Taxation Committee
 Growth Management & Transportation
 Urban Administration Committee
Metropolitan Planning Organization

Take Stock in Children
Tourist Development Council
Withlacoochee Regional Planning Council
Withlacoochee Regional Water Supply Authority
Youth and Family Alternatives

Council Representative

Frankie Burnett
Lara Bradburn
Emory Pierce

Joe Johnston
Emory Pierce
Frankie Burnett
Lara Bradburn
Joe Bernardini
Lara Bradburn
Joe Johnston, Alternate
Frankie Burnett
Joe Johnston
Joe Johnston
Emory Pierce
Emory Pierce

CITIZEN INPUT

Mayor Burnett asked for public input.

Pierre Desjardins thanked Council and staff for their hard work this past year and wished all a Merry Christmas and a Happy New Year.

Kojak Burnett congratulated Council on their Christmas Parade float and wished all a Merry Christmas and a Happy New Year.

ITEMS BY COUNCIL

Jennifer C. Rey, City Attorney

City Attorney Rey, on behalf of Hogan Law Firm, stated it has been a pleasure serving the City of Brooksville and wished all a Merry Christmas and a Happy New Year.

T. Jennene Norman-Vacha, City Manager

ESG Workshop

City Manager Norman-Vacha stated Energy Systems Group is moving forward and has requested a workshop in January to discuss the proposed performance energy audit. After brief discussion, Council agreed upon Tuesday the 25th at 6:00 p.m. for the workshop.

She wished all a Merry Christmas.

Lara Bradburn, Council Member

Condolences

Council Member Bradburn stated Dennis Wilfong's mother passed away. The memorial service will be on Thursday.

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Angel Food Ministries

She announced the Angel Food Ministries program at Christ Lutheran Church will be ceasing distribution due to decreasing volunteers and participants. She thanked them for their hard work.

First District Court of Appeals

She wanted Council to be aware that the First District Court of Appeals issued a ruling that stated for those who seek to appeal a planning or zoning decision and lose, they (the citizen) would be responsible for the legal fees. The intent of this ruling was to minimize frivolous lawsuits but citizens would be prevented from entering an appeal on growth management. She is not sure if the legislature will address this ruling but indicated she does not want the City of Brooksville in a position where people cannot appeal planning and zoning decisions because they do not have the financial means to do so.

Legislative Delegation

She mentioned the Legislative Delegation is meeting on January 18th and has the opportunity to consider proposed legislation. She stated, given the bonds issue, that with Council's approval she would suggest the City's legal team draft some points for proposed legislation to address the issue of whether or not cities and counties can depend on the government bonds. Council Member Pierce asked the legal cost to prepare draft points for the legislative delegation and advised he would only approve up to \$1,500. City Attorney Rey explained she could not give an estimate at this juncture but the City would be billed in accordance with the retainer agreement. Council agreed, with the legal cost not to exceed \$1,500.

She wished all a Merry Christmas and Happy New Year.

Joe Bernardini, Council Member

Condolences

Council Member Bernardini expressed his condolences to the Wilfong family.

Christmas Tree Cards

He encouraged all to read some of the Christmas Tree Cards made by the students.

Candlelight Estates Homeowners Association

He read a letter from Charles Price, President of the Candlelight Estates Homeowners Association (Attachment A) into the record.

Beautification Awards of Businesses

He mentioned the Tangerine Motel, Candlelight Estates, nursing home on Broad Street and Martin Luther King Boulevard.

He wished all a Merry Christmas and Happy New Year.

Joe Johnston, Vice Mayor

Countdown Signals

Vice Mayor Johnston asked for the status on countdown signals on major highways as previously discussed. City Manager Norman-Vacha replied staff has been discussing intersections of Martin Luther King Boulevard and US41 and downtown with the County and Florida Department of Transportation and she will get an update.

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Alarm System at City Hall

He stated that on Saturday there was a low battery signal and he spent several minutes trying to get in touch with the Police or Fire Departments unsuccessfully. He eventually went down to the fire station to inform them. City Manager Norman-Vacha stated she will look into it since calls should go into dispatch after hours.

He wished all a Merry Christmas and Happy New Year.

CITIZEN INPUT

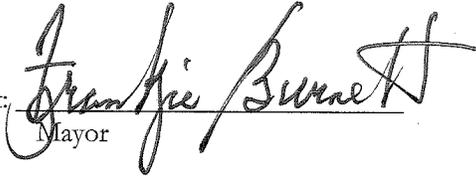
Kojak Burnett sent condolences to the Dean Family.

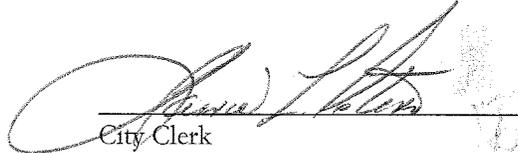
Brad Avery of Waste Pro is looking to build a facility with a Hernando County contract for solid waste and would like to meet with Council to see what transpires in the next couple of months. He distributed business cards to Council.

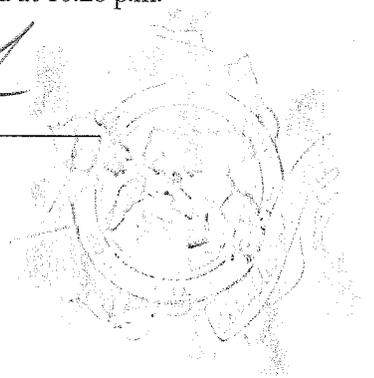
ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:28 p.m.

Attest:


Mayor


City Clerk



Candlelight Estates Homeowners Assoc

December 20, 2010

**Mr. Darrell Brown
Manager - Lowes Brooksville**

Dear Sir:

As Fred Pena's friends and neighbors, I wanted to let you know that we are aware of the help and kindness that you and Lowes have shown him and his family. It is not often that you find a large corporation like Lowe's that shows the caring for their employee and family during a difficult time. Lowe's actions for the Pena family have been exemplary and have earned the respect from this neighborhood.

These compassionate and generous measures for the grieving family of an employee demonstrate the way the business community should behave and I hope that others learn from this. By helping and promoting community & family involvement, business will grow and prosper.

Again, thanks from Fred's friends and neighbors in the Candlelight Estates Homeowners Assoc. and a very Merry Christmas to all.

Sincerely,



**Charles W Price
President
614 Erin Way**

Brooksville, FL 34601

Cc: Frankie Burnett, Mayor, City of Brooksville

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