

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

September 19, 2011

7:00 P.M.

Brooksville City Council met in regular session with Mayor Frankie Burnett, Vice Mayor Joseph E. Johnston, III, Council Members Lara Bradburn and Kevin Hohn present. Also present were Thomas S. Hogan, Jr. and Jennifer Rey, City Attorneys; 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, 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.

The Mayor asked that Items G-7 and G-8 be moved to the beginning of the regular agenda.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Hernando County Association of Realtors – Certificate of Appreciation

Recognition of Hernando County Association of Realtors for their support of Friends of the Children's Operation Backpack, resulting in a donation of \$4,840.

Mayor Burnett read the Certificate of Appreciation in its entirety and presented it to Charles D'Angelo and Gary Budek of Hernando County Association of Realtors.

CITIZEN INPUT

Mayor Burnett asked for public input.

Bill Gilbert passed to Council paperwork regarding Instant Runoff Voting, explaining the process and asking Council to consider adopting the process.

CONSENT AGENDA

Budget Amendments for FY2010/11

Consideration of budget amendments for FY2010/11.

Employee Group Insurance Coverage Renewal

Consideration for renewal of employee benefit insurance coverages for FY2011/12.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval of Consent Agenda. Motion carried 4-0.

PUBLIC HEARINGS

Mayor Burnett reminded Council that Council Member Bernardini was not in attendance and would like Council to postpone voting on Agenda Item F-1 Sign Regulations until the next scheduled Regular Meeting of City Council.

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Motion:

Motion was made by Vice Mayor Johnston for approval to table the item but it died for lack of a second.

Mayor Burnett called for proof of publication. City Clerk Peters indicated Items F1, F2, F3 and F4 were published on Friday, September 9, 2011, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavits for the record.

Ordinance No. 819 - Sign Regulations Chapter 125 of the Code of Ordinances

Staff report and consideration of options relating to the Code of Ordinances Chapter 125 regarding signs. **[First Reading 7/18/11]**

Director of Community Development Bill Geiger briefly reviewed the history of the recommended changes to the Code regarding signage. He indicated it sunsets in one (1) year.

Council Member Hohn advised the ordinance is ambiguous on a couple of issues. He suggested changing thirty (30) continuous days to thirty (30) total days within a six (6) month period. He asked how Community Development will regulate this. Director Geiger indicated that was the reasoning for the thirty (30) continuous days but they can work with the business owner to schedule those days. Council Member Hohn advised a few businesses currently have more than the allotted signs. Director Geiger advised Code Enforcement has held off on enforcing until the final reading of this ordinance. Council Member Bradburn pointed out there are two (2) businesses just outside City limits that are flying a lot of flags, signs and banners.

Council Member Hohn asked if the signs are for special events or any business activity. Director Geiger stated it provides for any business activity. He also indicated the ordinance does not define a “new business”. Director Geiger indicated any new business established within one (1) year of the approval of the ordinance and expressed concerned with overgrowth of signs along US41.

Council Member Bradburn elaborated on the history as well. There were numerous new small businesses requesting the changes that were struggling to get established. She was part of the original group that helped create the City’s Sign Ordinance with the idea of making signs less intrusive. She felt changing to thirty (30) total days within a six (6) month period would make it difficult to enforce.

Mayor Burnett asked for public input.

Joe Mason felt it should be on the honor system or ask for a report of the days displayed.

Mayor Burnett thought passing this ordinance it would help businesses within the City limits.

Council Member Bradburn did not want to postpone passing the ordinance tonight as there are currently businesses that would qualify as a new business within the one (1) year time limit.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval of amendment changing to thirty (30) total days every six (6) months. Motion carried 4-0.

Motion:

Motion was made by Council Member Hohn and seconded by Council Member Bradburn for approval of Ordinance No. 819. Motion carried 4-0.

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City Clerk Peters read Ordinance No. 819 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING TEMPORARY SIGN OPPORTUNITIES FOR COMMERCIAL USES; PROVIDING STANDARDS AND ADMINISTRATIVE PROCEDURES FOR PERMITTING TEMPORARY SIGNS; PROVIDING FOR AN EFFECTIVENESS REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE.

Motion carried 3-1 upon roll call vote, as follows:

Council Member Bradburn	Aye
Council Member Bernardini	Absent
Council Member Hohn	Aye
Vice Mayor Johnston	Nay
Mayor Burnett	Aye

Ordinance No. 823 – Florida Department of Environmental Protection Permit Requirements

Consideration of ordinance establishing the legal authority and adopting an ordinance that meets the requirements of National Pollutant Discharge Elimination System and MS4 permit for the City of Brooksville for compliance with FDEP. **[First Reading 8/15/11]**

Director of Public Works Richard Radacky briefly reviewed the ordinance.

Mayor Burnett asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bradburn for approval of Ordinance No. 823.

City Clerk Peters read Ordinance No. 823 by title, as follows:

AN ORDINANCE PROVIDING FOR DEFINITIONS; RELATING TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS; PROVIDING FOR CONTROL OF STORMWATER DISCHARGES; PROVIDING FOR THE PROHIBITION OF ILLICIT DISCHARGES AND ILLICIT CONNECTIONS; PROVIDING FOR RIGHT OF ENTRY, INSPECTION, MONITORING, AND MAINTENANCE OF THE SYSTEM; PROVIDING FOR EXEMPTIONS; ESTABLISHING PENALTIES AND FINES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Motion carried 4-0 upon roll call vote, as follows:

Council Member Bernardini	Absent
Council Member Hohn	Aye
Council Member Bradburn	Aye
Vice Mayor Johnston	Aye
Mayor Burnett	Aye

Ordinance No. 824 – Competitive Bidding and Purchasing

Consideration of an ordinance amending Chapter 2 of the City's Code. **[First Reading 8/15/11]**

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Director of Finance reviewed the amendments proposed in the ordinance. The spending limit without competitive bidding was increased from \$6,000 to \$20,000.

Mayor Burnett asked for public input; there was none.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval of Ordinance No. 824.

City Clerk Peters read Ordinance No. 824 by title, as follows:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 2 ADMINISTRATION, AMENDING ARTICLE VI FINANCE, SECTION 2-303 “EMERGENCY PURCHASES AND DECLARATION PROCEDURE” AND SECTION 2-304 “COMPETITIVE BIDDING”; PROVIDING FOR EXPENDITURE AUTHORITY AND LIMITATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, REPEALING, SEVERABILITY AND EFFECTIVE DATE.

Motion carried 4-0 upon roll call vote, as follows:

Council Member Bradburn	Aye
Council Member Bernardini	Absent
Council Member Hohn	Aye
Vice Mayor Johnston	Aye
Mayor Burnett	Aye

Alcoholic Beverage Location Permit & Resolution No. 2011-08

Consideration of Category “A” Permit for the Quarry Golf Course located at 800 John Gary Grubbs Boulevard and Resolution amending Parks & Recreation Rules and Regulations.

Director of Community Development reviewed the permit application, which complies with the City’s Code. It was noted that Park Regulations would have to be amended through resolution.

Council Member Hohn asked if there would be a liability for purchasing alcohol at a public facility. City Attorney Rey advised the City would have statutory immunity and there is insurance coverage to allow for alcohol sale and consumption similar to the Art Receptions held at City Hall. Council Member Hohn indicated, according to the food and beverage director at Southern Hills Plantation, the sale of beer would not cover the initial cost of \$1,625. He did not want the City take on liability.

Vice Mayor Johnston pointed out the resolution permits the City to sell alcoholic beverages at the Quarry Golf Course should it be financially feasible. Director Geiger clarified the permit would be transferrable to a lessee but they would be required to get a separate State license. City Attorney Rey stated there would be joint liability in terms of the lease and insurance coverage.

Mayor Burnett asked for public input.

Alan Garman was in favor of the permit but felt the Parks and Recreation Board should have been involved in leasing of the golf course.

Joe Mason, on behalf of the Enrichment Center, reviewed their services and advised that The Enrichment Center does not feel the sale of alcohol to be consistent with their endeavors or image.

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Nick Morana, Chairman of the Enrichment Center Board, offered to volunteer his services to try to work out programs in an effort to reduce the deficit. He indicated the City may lose the state work crew if the City approves the permit and recommended against it.

Fred Clement, having owned bars and restaurants, and also being on the board of The Enrichment Center, felt if the permit is approved the Pro Shop should be moved to the first floor. He would much rather see a flea market or a miniature golf course.

Council Member Bradburn felt there should be conditions to the permit. During Emergency Operations Center controlled periods the sale be suspended, as well as when the Department of Corrections is on the premises. She relayed the County allows alcohol sales at parks without problems.

Vice Mayor Johnston supported closing sales during an emergency event and felt we should look at the County's restrictions.

Mayor Burnett felt the Parks and Recreation Board should review the item and it be brought back to Council at a later date.

City Attorney Rey advised that prior to adopting the permit, a resolution changing the Rules and Regulations of the Parks and Recreation would need to be adopted.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval to move Resolution No. 2011-08 to the Regular Agenda. Motion carried 4-0.

City Attorney Rey clarified the action taken by Council and advised accordingly.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Hohn for approval to table items A and B to the October 3, 2011 Meeting. Motion carried 3-1 with Council Member Bradburn voting in opposition.

REGULAR AGENDA

Quarry Golf Course Lease

Consideration for Approval of Quarry Golf Course Lease Arrangement.

City Manager Norman-Vacha reviewed the history leading up to this agreement and budget impact. She reviewed the bid process and introduced sole bidder Bob Carson, owner of Just So You Know, LLC and the Ridge Manor Golf Course.

Vice Mayor Johnston indicated on page 3, IV A (ii) 2017 should be 2016 to begin the second 5-year lease.

Mr. Carson of Just So You Know, LLC came forward to answer Council questions. Council Member Hohn asked what his estimated Capital Improvements would be. Mr. Carson indicated between \$30,000 and \$35,000.

Council Member Hohn asked how long Mr. Carson felt it would be before the Quarry turned a profit under his management. Mr. Carson indicated three (3) years based on increased play at the golf course and driving range. He also stated there is a large profit margin on the sale of beer and he has not had problems associated with alcohol use by patrons.

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Council Member Bradburn asked Mr. Carson how he would integrate entities utilizing the Ridge Manor Golf Course with the Quarry Golf Course. Mr. Carson explained the Quarry Golf Course is a unique par three golf course and best place for short game shots allowing players experience for a regulation course.

Vice Mayor Johnston confirmed the Pro Shop could not be moved to the first floor as suggested by Mr. Clement. He also confirmed with City Manager Norman-Vacha that all current memberships are monthly.

Council Member Hohn asked Mr. Carson to please consider the current employees of the Pro Shop when hiring. Mr. Carson indicated they would be their first choice.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval with changes to dates on Page 3. Motion carried 4-0.

A five-minute break was taken.

City Attorney Contract Agreement

Consideration for Approval of amended contract with The Hogan Law Firm for a reduced contingency rate.

City Manager Norman-Vacha reviewed the issue.

City Attorney Hogan indicated this only applies to the Westchester v. City of Brooksville case. He indicated they would be buying back the previously paid hourly rate at a total of approximately \$85,000 and is willing to decrease the contingency fee to 18%. He reviewed the case as it currently stands and several possible outcomes.

Vice Mayor Johnston pointed out the page 2 Item 11 correction of “pro-rata” to “prorated”. He asked if an outside legal party reviewed on behalf of the City. City Manager Norman-Vacha indicated no outside party reviewed the agreement.

Council Member Bradburn supported the contingency fee as the most cost efficient method for this matter.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval with the correction on page 2 of 3. Motion carried 3-1 with Vice Mayor Johnston voting in opposition.

Resolution 2011-09 – Purchasing Limits

Consideration of a resolution amending the Purchasing Policy.

Director of Finance reviewed the resolution. He indicated City Attorney Rey advised a resolution be proposed to amend the ordinance. The purchase order limit is being increased from \$1,000 to \$2,000 and oral competitive bids from \$3,000 to \$6,000.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval of Resolution No. 2011-09.

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City Clerk Peters read Resolution No. 2011-09 by title, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, ESTABLISHING PURCHASING AND EXPENDITURE AUTHORITY LIMITATIONS; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

Motion carried 4-0 upon roll call vote as follows:

Council Member Bernardini	Absent
Council Member Hohn	Aye
Council Member Bradburn	Aye
Vice Mayor Johnston	Aye
Mayor Burnett	Aye

Resolution No. 2011-10 – Florida Department of Transportation (FDOT) – Annual Veteran’s Appreciation Parade Route

Consideration of approval of Resolution supporting the Annual Veteran’s Appreciation Parade route and closing of State Road 50/Jefferson Street and U.S. Highway 41/Broad Street.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval of Resolution No. 2011-10.

City Clerk Peters read Resolution No. 2011-10 by title, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD STREET BETWEEN ORANGE STREET AND MAGNOLIA AVENUE IN DOWNTOWN BROOKSVILLE ON SATURDAY, NOVEMBER 12, 2011; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Motion carried 4-0 upon roll call vote as follows:

Council Member Hohn	Aye
Council Member Bradburn	Aye
Council Member Bernardini	Absent
Vice Mayor Johnston	Aye
Mayor Burnett	Aye

Coastal Engineering Amended and Restated Agreement

Consideration of Amended and Restated Agreement with Coastal Engineering for completion of the Water Reuse Facility.

Richard Radacky, Director of Public Works, reviewed the amended and restated agreement and a timeline for task orders.

Council Member Bradburn asked what the change would entail. Director Radacky stated the capacity will remain the same at 1.9 mgd but the project would allow the City to capitalize on the Southwest Florida Water Management District funds.

Council Member Bradburn asked about the scope of services work and stated the economy should produce a much lower price. Cliff Manual stated the work pertains to construction of reuse facilities

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to tie into existing lines for Southern Hills Plantation customers, but original plans have been reconfigured according to the downgraded status. He indicated the supplemental services obligated by the original developer have been completed.

Director Radacky stated the cost is low for negotiated construction services and certification by Florida Department of Environmental Protection for this project to go online. Mayor Burnett felt 6% is a very generous offer compared to the usual 10% to 12%.

Council Member Bradburn referred to Page 5, Section 10 and opposed the City being charged for copies at direct printing costs. Mr. Manual indicated the scope of work attached to the agreement is from City staff for review by Coastal Engineering and has been formatted electronically for duplication by the City at no cost.

Council Member Bradburn next referred to Page 6, Section 14 and she would like added that the City may withhold payment to consultant for all work until unsatisfactory work is either rectified by termination or correction. She suggested stronger language under Section 22 on Page 9; Consultant shall be compensated for its services rendered satisfactory. City Attorney Hogan felt the contract to be very stringent based on his many years of experience with contractors.

Director Radacky commented on the permit and its expiration date.

City Attorney Hogan stated Section 22 is the only change.

Motion:

Motion was made by Council Member Hohn and seconded by Vice Mayor Johnston for approval with amendment to Section F1 changing the permit expiration date and Section 22 adding the word satisfactorily.

Council Member Bradburn asked that the minutes reflect Mr. Manual's and Mr. Radacky's assurances that the deadline will be met with no additional costs and the City will receive an electronic copy prior to construction.

Motion carried 4-0.

Official Policy 1-2011 - Tobacco Use

Consideration of policy 1-2011 for tobacco use for the City of Brooksville.

City Clerk Peters reviewed the policy.

Mayor Burnett remarked on the policy. He did not agree with not hiring applicants who smoke or the stipulation that employees not smoke in their personal vehicle when transporting others in conjunction with City business. Council Member Hohn agreed with Mayor Burnett.

Council Member Bradburn felt harmful effects from smoking and its impact on the workforce cannot be disputed. She supported cessation programs that lower healthcare costs.

Vice Mayor Johnston felt the policy brought back to Council is a good compromise from the original version.

Motion:

Motion was made by Council Member Hohn and seconded by Vice Mayor Johnston for approval with the exception of adding to III. PROCEDURE A. Prohibited Activities 3. "...unless agreed upon by all passengers", the elimination of D.2. and D.3., and adding the word "strongly" to C. Smoking Cessation Programs. Motion carried 4-0.

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GASB 54 Fund Balance Policy

Consideration of updated Policy clarifying Fund Balance Reporting and Governmental Fund Type Definition.

Director of Finance Baumgartner briefly reviewed the policy.

Motion:

Motion was made by Council Member Hohn and seconded by Vice Mayor Johnston for approval. Motion carried 4-0.

Personnel Policy Amendments

Consideration of updates to the Personnel Policy.

City Attorney Rey reviewed the amendments.

Section 3.02 On-call Pay

She clarified that On-call Pay is for an employee to be “available” to be called in should the need arise and is \$10.00 per 24-hour period or portion thereof.

Council Member Hohn recommended reiteration of the drug and alcohol policy for those who are on-call.

Council consensus was to increase On-call Pay to \$12.00 per 24-hour period.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bradburn for approval with changing the rate under B.1. to \$12.00 per 24-hour period and the insertion of language under C. Disciplinary Action for employees in violation of the City’s Workplace Drug and Alcohol Policy. Motion carried 4-0.

Section 5.01 Communications and Cell Phone Use

City Attorney Rey stated this policy will replace Section 1.09 Use of City Assets and does address all communication devices including radios and cell phones.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval. Motion carried 4-0.

Section 7.06 Military Leave

City Attorney Rey stated certain provisions have been clarified in this policy to distinguish between active duty service for an extended period of time versus Reserves or National Guard service for routine training. She clarified State Statute mandates reservists must be paid up to two hundred forty (240) hours.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval. Motion carried 4-0.

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Section 7.08 Leave of Absence Without Pay

City Attorney Rey stated this policy replaces Section 6.06 and 6.11 and structures when the City is willing to grant a leave of absence without any type of compensation after all leave has been exhausted.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval. Motion carried 4-0.

CITIZEN INPUT

Mayor Burnett asked for public input.

Kojack Burnett referenced Tobacco Use Official Policy stating it had no public input. Mayor Burnett pointed out it was under the Regular Agenda.

ITEMS BY COUNCIL

Jennifer C. Rey, City Attorney

City Attorney Rey clarified Firefighter Reserves and volunteers under Florida Statute Chapter Plan 175 the city is not obligated to include volunteers or part-time employees as pension plan participants but since 1990 the City's Plan by Ordinance has included reservists and part-time firefighters.

Council Member Bradburn felt staff research for the final budget hearing next Wednesday the 28th should include where else reservists are employed to compare Chapter Plans.

City Manager Norman-Vacha advised this would require extensive research and an ordinance amendment. She preferred staff present this requested information to Council during Pension hearings later in the new fiscal year. Council concurred.

Lara Bradburn, Council Member

Council Member Bradburn requested City staff research when the Post office public hearing will take place.

She asked for an update on US41 historic bridge designation and Energy Systems Group project. City Manager Norman-Vacha indicated staff is working on the designation and scheduled to present status of radio read meter project to Council.

Frankie Burnett, Mayor

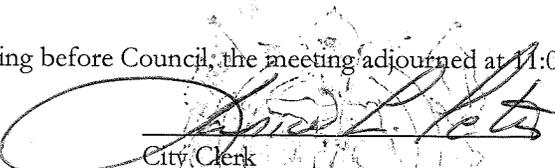
Mayor Burnett commended the City Manager and employees on a wonderful job they are doing on a daily basis.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 11:05 p.m.

Attest:


Mayor


City Clerk