

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

**October 17, 2011**

**6:00 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 Kevin Hohn 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, 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 the Executive Session as follows:

The purpose of the Executive Session is to discuss settlement options and litigation strategy for pending City actions. The persons attending the meeting will be Frankie Burnett, Mayor; Joe Johnston, Vice Mayor; Council Members Joe Bernardini, Lara Bradburn and Kevin Hohn; Attorney's for the City of Brooksville, Jennifer Rey, Stephanie Chambers (not present) and Butch Battista; City Manager, T. Jennene Norman-Vacha; and court reporter Holly Kirchman of Carolyn F. Engle & Associates. The meeting is expected to last approximately thirty minutes.

The Council meeting was adjourned at 6:03 p.m. for the Executive Session and reconvened at 7:00 p.m.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

**"Florida City Government Week" Proclamation**

Consideration of Proclamation declaring the week of October 16-22, 2011, as "Florida City Government Week" in conjunction with the Florida League of Cities' sponsored annual statewide celebration of municipal government and its contributions to the quality of life of Floridians.

Mayor Burnett read the proclamation in its entirety, a copy of which will be sent to the Florida League of Cities.

**Kiwanis Club of Spring Hill Presentation**

Check presentation to the First Tee of Brooksville from the golf tournament held at Southern Hills Plantation.

Director Walker presented a Certificate of Thanks to the Kiwanis Club for their check in the amount of \$5,000, which was presented to Council by Dennis McKenna, John Grecco and Rich Sanvenero. A brief review of the event was given.

Council Member Bradburn advised the Florida League of Cities honored the City of Brooksville with their "Award of the Year" for Operation Backpack.

**Live Oak Gardens Presentation**

Presentation of tree donation to the City from Live Oak Gardens of 126 Oak Trees and 25 Holley Trees valued at \$10,000.

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Director Walker briefly reviewed the donation. Owner Mark Counihan acknowledged the donation to Council, who presented him with a Certificate of Appreciation.

Director Walker acknowledged cemetery staff members Rich Howard, Robert Johnson and volunteer Jamielove Miller.

Mayor Burnett requested, and Council concurred, to move Item 4, Energy Systems Group presentation to Item 7.

### **“Weatherization Day” Proclamation**

Consideration of Proclamation declaring October 30, 2011, as “Weatherization Day” sponsored by Mid-Florida Community Services.

Mayor Burnett read the proclamation in its entirety and presented it to Brenda Mobley for her efforts in helping low-income families within the community. Ms. Mobley, with Mid-Florida Community Services Weatherization, elaborated on the program, which is one of the top three (3) in the State of Florida.

Mayor Burnett expressed appreciation for the program, which reduces energy costs.

### **“Breast Cancer Awareness Month” Proclamation**

Consideration of Proclamation declaring October as “Breast Cancer Awareness Month” in conjunction with the 2011 Tampa Bay Susan G. Komen 3-Day For the Cure ® event.

Council Member Bradburn read the proclamation in its entirety and presented it to members of the Fire Department.

Joe Keefer of the Fire Department distributed shirts to Council and showed a brief video regarding the “Pink Heals” and advised a banners are available in front of stores this month for memorials.

Council Member Bradburn expressed her support for the City’s participation in the event.

Mayor Burnett directed City Manager Norman-Vacha to distribute pink ribbons to all employees to wear during this week of recognition.

Chief Mossgrove expressed his pride for the Fire Department staff.

Council Member Bernardini also acknowledged the Fire Department’s efforts for the Relay for Life event.

### **Proclamation Honoring Geoffrey “Jeff” Thomas Kirk**

Consideration of Proclamation paying tribute to Jeff Kirk.

Mayor Burnett read the proclamation in its entirety, which will be presented on Saturday to the family of Jeff Kirk.

### **Energy Systems Group (ESG)**

Presentation of “to date” status/timeline on the remainder of the project as well as the Radio Read Meter project.

Regional Director Chris Summers updated Council with a timeline of the project status, plan, walking trail lighting, City Hall roof replacement and City Hall and Department of Public Works air-conditioning replacement.

As of Friday, installation of the new water meters is complete.

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Council Member Bradburn asked if any accounts have increased significantly due to the change out of meters. Mr. Summers advised not to his knowledge, but the billing cycle evaluation is not complete. He also indicated the trail lighting material will be received next week with completion scheduled for November 11<sup>th</sup> and the City Hall roof replacement is scheduled to be complete by December 31<sup>st</sup>.

Council Member Bradburn referenced the City Hall roof project and asked if the collection of water system was installed as discussed. Mr. Summers indicated the cost was not conducive to the current main roof drainage system, advising the entry way roofing area is the only collection system.

The Department of Public Works air conditioning materials will be received by the end of October with a completion date of December 22<sup>nd</sup>.

The City Hall air conditioning materials were ordered in July and are scheduled to start the end of October with a completion date of December 29<sup>th</sup> for the 1<sup>st</sup> floor, with the 3<sup>rd</sup> floor scheduled to be complete by March 16<sup>th</sup>.

Council Member Bradburn asked for clarification on scheduled City Council meetings. City Manager Norman-Vacha indicated there are no meetings scheduled in January due to holidays but should Council want a meeting then staff will make arrangements accordingly.

Council Member Bernardini asked how much relocation of staff will cost. City Manager Norman-Vacha reviewed, indicating costs will be minimal.

Mayor Burnett elaborated on the process as well.

Mr. Summers advised Energy Systems Group will be helping with the relocation of employees at their expense.

### CITIZEN INPUT

Mayor Burnett asked for public input; there was none.

### CONSENT AGENDA

#### Award of Bid – Hope Hill Water Plant Modifications and Connection of Well 3 – UD2011-09

Consideration of bid award to BRW Contracting, Inc., for the not-to-exceed amount of \$240,795.

Council Member Bradburn asked when construction will start and be completed. Director Radacky advised they are finalizing and no interruption of service will occur.

Vice Mayor Johnston asked how long the lease with Pasco-Hernando Community College (PHCC) is good for. Director Radacky will provide that information.

#### Withlacoochee Regional Planning Council (WRPC) Professional Services Agreement

Consideration of renewal of annual agreement with WRPC for professional/planning services on an as-needed basis for the 2011/12 fiscal year and authorize the Mayor to execute the agreement.

Council Member Bradburn advised she is not a fan of the WRPC and hopes this will be utilized as a last resort and will be presented for Council approval.

#### State Bid Patrol Car Purchase and Surplus of Retired Patrol Cars

Consideration of authorization purchase on state bid and to surplus and trade retired vehicles.

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Council Member Bradburn asked about the two (2) different cars. Chief Turner advised the State Bid Patrol Car make changed from last year. Council Member Bernardini asked about the emergency equipment on both makes. Police Chief Turner indicated it is different kind of emergency equipment on the Charger and the Crown Victoria, thus a lesser cost.

### **Motion:**

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

### **PUBLIC HEARINGS**

Entry of Proof of Publication into the Record

Mayor Burnett called for proof of publication. City Clerk Peters indicated Item G1 was published on Friday, October 7, 2011, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavit for the record.

### **Ordinance No. 826 – Land Development Code Amendment**

Consideration of an ordinance amending the City's Land Development Code.

**[First Reading 10/03/11]**

Director of Community Development Bill Geiger briefly reviewed, indicating changes were made as directed by City Council. The Planning and Zoning Commission concurred with staff recommendation. The Builders' and Realtors' Association gave input as discussed at the October 3<sup>rd</sup> meeting. The Department of Community Affairs feedback initiated changes for the flood damage prevention ordinances consistent with FEMA requirements.

Council Member Bradburn confirmed with Director Geiger that the indexed numbers have been changed. City Planner Steve Gouldman further indicated Municode will reformat the numbers once it gets to them anyway.

Council Member Bradburn reiterated this amendment puts the City of Brooksville in better continuity and partnership with Hernando County and especially protects the historic area. She felt the next priority is to update the Future Land Use Map (FLUM). Director Geiger stated staff has been working with the Brooksville Vision Foundation for the past eight (8) months and will have an impact on any modifications to the Comprehensive Plan.

Mayor Burnett advised the South Brooksville area is incorporated into the Revitalization Plan.

Mayor Burnett asked for public input; there was none.

### **Motion:**

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval.

City Clerk Peters read Ordinance No. 826 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, REPEALING SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES; REPEALING DIVISION 3 OF ARTICLE III OF CHAPTER 2, "CODE ENFORCEMENT" OF THE CODE OF ORDINANCES; DIVISION 4 OF ARTICLE III OF CHAPTER 2, "CODE ENFORCEMENT HEARING OFFICER; ENFORCEMENT HEARINGS AND PROCEDURE;" CHAPTER 6, "ALCOHOLIC BEVERAGES;" CHAPTER 10, "AMUSEMENTS AND ENTERTAINMENT;" ADOPTING A NEW "LAND DEVELOPMENT CODE" INCLUDING ARTICLE I, "GENERAL PROVISIONS," ARTICLE II, "ZONING DISTRICTS, USES AND LOT REQUIREMENTS," ARTICLE III, "SPECIAL DISTRICTS AND

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DEVELOPMENT OPTIONS,” ARTICLE IV, “GENERAL REQUIREMENTS AND SUPPLEMENTAL REGULATIONS,” ARTICLE V, “NATURAL RESOURCES,” ARTICLE VI, “ADEQUATE PUBLIC FACILITIES,” ARTICLE VII, “SIGNS,” ARTICLE VIII, “ADMINISTRATION, APPLICATION AND APPEAL PROCEDURES,” ARTICLE IX, “INTERPRETATIONS AND NONCONFORMITIES,” ARTICLE X, “BUILDINGS AND BUILDING REGULATIONS,” AND ARTICLE XI, “DEFINITIONS;” PROVIDING FOR CONFLICTS AND REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

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

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

## REGULAR AGENDA

### Budget Amendment

Consideration of budget amendment in conjunction with the Traffic Infraction Detection and Enforcement Program.

Director of Finance Steve Baumgartner reviewed the recommended amendment.

Council Member Hohn proposed a Multi-Capital for Redevelopment Fund which would allow spending of the funds for a larger part of the City. He recommended 50% into Fund 314, the Multi-Capital for Redevelopment Fund, 40% to Multi-Capital Fund 308 and 10% to Marketing and Advertising Funds in the General Fund.

Council Member Bernardini advised he acquired more statistics and found that drivers ages 16-19 have the most crash instances. He recommended that approximately \$400,000 be given to the Hernando County School System for Driver Education classes. Council Member Hohn agreed that it is a great idea.

Council Member Bradburn advised the brick streets are in need of restoring because they present a safety issue and recommended Tampa’s system be followed. She spoke with Bob Titterington of Civil-Tech to discuss the City of Tampa’s offer to assess Brooksville’s Brick Street Program, estimating minimum start up costs of \$25,000 and would prefer that 65% be applied to the Multi-Capital Fund with the balance placed in other funds. She was not in favor of Driver Education funding since that is a school function; one that often fails to meet its goals. She would like to include a condition for the startup of the first phase of brick street restoration in Fund 308. Mayor Burnett agreed.

Council Member Bernardini added the school system has been impacted economically; therefore, driver education has not been properly funded. He stated defensive driving is a part of the educational process with computer-generated scenarios and pointed out the Sheriff’s Office is also involved in that program.

Council Member Hohn was not in favor of funding the school system driver education but rather contracting a private entity to do that type of training within funding limits.

Council Member Bernardini stated it will take several months to investigate the best approach for optimum use of the funds. He agreed with Council Member Hohn to have staff look into costs for utilizing an outside company as did Mayor Burnett.

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Vice Mayor Johnston felt discussion on this subject could wait until after March when the program starts to see how much revenue is generated for allocation for the next budget cycle, but to leave the traffic camera funds in reserves for now. Mayor Burnett agreed.

Mayor Burnett recommended funding \$10,000 for Special Event fee waivers and \$25,000 for Economic Development. He stated staff is working on the procedures to be presented to Council in late November.

Council Member Hohn recommended Council consider where the City wants to be in five (5) and ten (10) years. He recommended a policy for distribution of \$10,000; groups requesting and showing proof of need are funded at 100% the first year and 50% the second year encouraging more downtown events in the future.

Council Member Bradburn commended Michael Heard and City Manager Norman-Vacha for their work with community organizers and that they could make suggestions on a reasonable policy. She suggested research on the cost of an outreach program by the Brooksville Police Department similar to teaching bike safety.

Vice Mayor Johnston recommended letting the funds accumulate and staff to research. He also recommended consideration of a partnership with the school system to partially fund student driver education.

City Manager Norman-Vacha asked that City Council approve the budget amendment of estimated \$602,721 transferred to reserves in the traffic camera fund. She suggested staff would have information in conjunction with financial workshops in February and through the budgeting process.

### **Motion:**

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval with information to be provided in advance of the budget hearings. Motion carried 5-0.

### **Personnel Policy Amendments**

Consideration of updates to the Personnel Policy.

#### Section 8.03 Exposure Control

City Attorney Rey briefly reviewed the final policy for the Personnel Policy rewrite project. She stated this is a new section to the policy document. This policy would apply to all City employees except the collective bargaining unit at this time. There are three (3) parts to the policy; a plan that the City operates under to minimize exposure to blood borne pathogens, providing employees information training and option of having Hepatitis B vaccine. This policy, in conjunction with the Exposure Control Plan and departmental procedures, is intended to comply with OSHA's blood borne pathogen standards and will bring the City into compliance through 2011 updates.

Council Member Bernardini referenced Item III. E. and asked for clarification on periodic training. He felt "periodic" was vague and suggested a time limit instead. City Attorney Rey stated since employees are in different types of occupations the standard may vary.

Council Member Bradburn referenced Item II. E. and suggested adding "or other blood borne pathogens". City Manager Norman-Vacha advised employees are not asked or tested unless there was an exposure.

Vice Mayor Johnston referenced Item III. E. and suggested changing "are" to "shall be" and adding "as required by applicable laws and rules and departmental policy".

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## Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval as amended. Motion carried 5-0.

## CITIZEN INPUT

Mayor Burnett asked for public input.

Cecil Davis thanked Council Member Bernardini for thinking safety first regarding funds from the red light cameras. He stated the length of time of a legal stop at any traffic signal is three (3) seconds minimum according to the Department of Motor Vehicles and length of a yellow light is based on the speed limit; one second for every 10 mph. He asked to consider the number of accidents the cameras will cause. He also was in agreement with educating the citizens in the form of flyers to residents and recommended schools reassess their policies.

## ITEMS BY COUNCIL

### T. Jennene Norman-Vacha, City Manager

#### PHCC Lease Agreement

In regards to Vice Mayor Johnston's inquiry as to the length of the lease with PHCC for the Hope Hill Water Plant, City Manager Norman-Vacha stated the lease went into effect on March 19, 2002, for 99 years, with an automatic extension renewal of 99 years unless it is cancelled by either party.

### Lara Bradburn, Council Member

#### Report on Brick Street Program

Council Member Bradburn asked for a copy of data and report of update from Public Works Director Radacky on his meeting with the City of Tampa to assess Brooksville's Brick Street Program. Mr. Titterington will be provided with same information.

### Kevin Hohn, Council Member

#### Traffic Infraction Detection and Enforcement Program

Council Member Hohn proposed that a letter be created in reference to the current F.S. 316.0776, which covers the program and designates cities that have had red light programs do not have to do the 30-day public awareness time period. He recommended first time violators receive a letter instead of a ticket stating they have violated the red light law but are going to get a free pass on this first violation only. He felt the 30-day program does not help anyone because most are not from Brooksville and this would educate everyone. Council Member Bradburn agreed but clarified that while the many are from out of town the remainder is from the area surrounding the City of Brooksville. She also suggested Public Service Announcements on local radio stations or cable television.

Council Member Hohn clarified that this would replace the 30-day notice which includes a warning ticket and would be in effect for all first time offenders, even after the first 30-days. City Attorney Rey advised the City's Code provides for Council to adopt a resolution setting parameters around the introductory period. Based on prior practice, it was Council's direction to issue warnings within the 30-day period as each camera came on-line. The City also provided notice in the utility bills. The contract contemplates notice to the registered owner of the vehicle. Once the 30-day period is passed it becomes more difficult once citations are being written. She was not sure the program could track offenders. Council requested that information.

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## Joe Bernardini, Council Member

### Recycle Truck

Council Member Bernardini asked Director Radacky had the recycle truck been ordered. He indicated it had not been ordered and will meet with City Manager Norman-Vacha next week. He wants more emphasis on the recycling program for better participation. He also indicated it is difficult to find a company that will sort the recycling for weekly pickup.

### Red Light Running Video

His observation in watching the videos presented was that drivers were not paying attention.

## Joe Johnston, Vice Mayor

### Founder's Week

Vice Mayor Johnston thanked staff for their efforts during the event and organizers of the Cycling Classic. Staff organized a successful fundraiser at City Hall for the bike race.

## Frankie Burnett, Mayor

### Customer Service Employees Safety

Mayor Burnett stated he would like see protection in customer service and at the front desk. City Manager Norman-Vacha indicated she will provide costs.

Council Member Bradburn asked that Mayor Burnett send a letter of thanks to the organizers of the Cycling Classic.

## ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:28 p.m.

Attest:

  
Mayor

  
City Clerk