

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
BROOKSVILLE, FL 34601**

MINUTES

June 4, 2012

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor Lara Bradburn, Council Members Joe Bernardini, Frankie Burnett 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.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Stadium Batting Cage Tunnel

Recognition of those individuals and corporations who contributed to the construction of the Batting Cage Tunnel at Tom Varn Stadium.

Director of Parks, Facilities & Recreation Mike Walker reviewed the project and a certificate of appreciation was presented to Alan Garman of Civil-Tech representing Hernando Youth League. Certificates of appreciation will be presented to: Cemex, Cheyenne Asphalt, Inc., Hernando Youth League Softball, Scott Lane and Withlacoochee Regional Electric Cooperative, Inc., all of which were not present.

Juneteenth Historical Festival

Presentation of event and request for assistance.

Paul Douglas reviewed the festival schedule and activities. He indicated it would be on Saturday, June 16th from 12:00 until 10:00 pm. He asked that Council waive the fees for three (3) police officers. Council Member Bradburn advised no funds were allocated in the budget for fee waivers. She is happy to see the community come together on the event but felt the fees could not be waived for traffic control police officers. She suggested the D.A.R.E. vehicle be there along with fire education.

Motion:

Motion was made by Council Member Burnett seconded by Vice Mayor Bradburn for approval of the street closure permit. Motion carried 5-0. No fees were waived.

CITIZEN INPUT

Mayor Johnston asked for public input.

Joe Mason asked if public comment would be allowed concerning the fire assessments. Mayor Johnston advised there would be an opportunity for public input. Mr. Mason referenced an article in the Wall Street Journal regarding loss of revenue nationally with municipal golf courses.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 8/6/12 INITIALS JP

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CONSENT AGENDA

Minutes

February 27, 2012 Financial Workshop
April 2, 2012 Regular Meeting

Collective Bargaining Agreement – 2nd Amendment

Consideration of 2nd amendment to the Collective Bargaining Agreement with the Brooksville Professional Fire Fighters Local 4661 with approval for the Mayor to sign.

Award of Bio-Solids Removal, Transport & Legal Disposal from the Cobb Rd. WRF Bid No. 2012-04

Consideration of award of bid to Appalachian Material Services for a 2-year contract with 2 additional 1-year renewals.

Council Member Bernardini pointed out there is a significant difference in costs submitted by the vendors. City Manager Norman-Vacha stated it is the City's current vendor and staff feels comfortable with it.

Department of Corrections - Work Crew Contract #WS715 Extension

Consideration of Inmate Work Squad Contract #WS715 for an amount not-to-exceed \$58,004.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval of Consent Agenda. Motion carried 5-0.

PUBLIC HEARINGS

Entry of Proof of Publication into the Record

Mayor Johnston called for proof of publication. City Clerk Peters indicated Items F1, F2 and F3 were published on Friday, May 25, 2012, in the Hernando Times legal section of the Tampa Bay Times and there is a copy of the affidavits for the record.

Ordinance No. 829 – Mosquito Control MSTU

Consideration of proposed ordinance providing for inclusion of the City in the Hernando County Mosquito Control Municipal Service Taxing Unit (MSTU).

[First Reading 5/21/12]

Director Radack reviewed the ordinance, advising the County Commissioners adopted a municipal service taxing unit for mosquito control and a resolution calling for a ballot referendum to continue to levy a property tax of up to a tenth of a mill. The resolution allows for cities to opt in for a one year period on the MSTU for Mosquito Control. He confirmed the City could not opt out at a later time. The service delivery would include contracting with Hernando County, or another public/private provider, and would be funded by the City's General Fund. He introduced county employees, Director of Environmental Services Susan Goebel-Canning, Budget Manager George Zoettlein, and Mosquito Manager Dr. Guangye Hu.

Vice Mayor Bradburn asked what the schedule of services would be. Ms. Goebel-Canning stated there is a cycle and they also investigate and respond to requests. Part of the overall program includes stations throughout the county, such as sentinel chickens. She then asked where the chicken coops are located and pointed out various watersheds. Dr. Hu indicated there may be a monitoring station on Darby Lane and pointed out several monitoring sites outside the City. He advised spraying for the City of Brooksville about every two (2) weeks based on surveillance data and have mosquito-eating fish in ponds in various areas. Vice Mayor Bradburn asked for a list of the locations and wanted to be sure service level meets the City's investment.

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Ms. Goebel-Canning stated she will provide a list of services. She is not aware of any concern of citizens due to lack of response but will address any areas of improvement and will ensure the City is covered for the sentinel program. She reported the preventive maintenance program is in good standing within the City.

Mayor Johnston asked how the City is currently paying for the service. Susan Goebel-Canning advised from the General Fund.

City Manager Norman-Vacha reviewed the county's process last summer wherein the Board of County Commissioners was going back and forth on whether to utilize environmentally sensitive lands funds for mosquito control. Late in their budget cycle, a resolution was adopted for a separate MSTU for funding this year at .0844 of a mill but that could change to a tenth of a mill. After the adoption of their 2012-2013 budget, on the ballot will appear a non-binding referendum question about whether the citizenry of Hernando County wants to continue utilizing a separate millage or MSTU for mosquito control services. Her opinion is that it would not affect fiscal year 2012-2013, but there would have to be discussions for 2013-2014 as to how to fund mosquito control services.

Susan Goebel-Canning advised Weeki Wachee is opting out, but pointed out they have not had much activity there. Vice Mayor Bradburn found that interesting because they have canals with lots of mosquitoes and that the mosquito population was up this year due to a mild winter.

Council Member Burnett requested maps as well and that staff ensures the City's ditches are included.

Vice Mayor Bradburn felt they had no choice but to opt in at this time, but she prefers this service be paid out of the County's General Fund to which City taxpayers already contribute.

City Attorney Battista recommended section one be amended to specify for one year only.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Bernardini for approval with addition of "for the budget year 2012/2013 only" to section 1.

City Clerk Peters read Ordinance No. 829 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, CONSENTING TO BE INCLUDED IN THE HERNANDO COUNTY MOSQUITO CONTROL MUNICIPAL SERVICE TAXING UNIT CREATED BY HERNANDO COUNTY ORDINANCE NO. 2011-11; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

Council Member Bernardini felt the citizens should be educated via the water bill advising to keep pools clean and be aware of standing water in their yards.

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Ordinance No. 827 – Emergency Management

Consideration of Ordinance updating Chapter 22 of the City’s Code of Ordinances relating to Emergency Management.

[First Reading 5/21/12]

Fire Chief Tim Mossgrove reviewed the ordinance. City Attorney Battista reviewed the amendments since the first reading. This related to regulating firearms, referring to the Florida Statute 252, which can be used if needed. The second amendment relates to no quorum for an emergency meeting. He recommended succession be set for the remaining three (3) following the Mayor and Vice Mayor be set annually. Council requested an item to be on the next meeting.

Vice Mayor Bradburn pointed out this only goes into effect during a catastrophic event and it is unlikely to happen, but she wanted it clarified that this would not mean Council’s selection would set in motion for the next year’s seniority and preferred drawing a name out of a hat or whoever is left standing.

Council Member Bernardini confirmed setting succession would determine who would chair the meeting.

City Clerk Peters read Ordinance No. 827 by title, as follows:

AN ORDINANCE RELATING TO DECLARATION OF A STATE OF LOCAL EMERGENCY IN THE EVENT OF A NATURAL, TECHNOLOGICAL OR MANMADE DISASTER OR THE IMMINENT THREAT THEREOF; PROVIDING THE PURPOSE AND INTENT OF THE ORDINANCE; PROVIDING DESIGNATION OF CERTAIN CITY OFFICIALS WITH AUTHORITY TO DECLARE A STATE OF LOCAL EMERGENCY; PROVIDING DEFINITION OF EMERGENCY; PROVIDING FOR LENGTH OF TIME AUTHORIZED FOR A DECLARED STATE OF LOCAL EMERGENCY AND PROVISIONS FOR EXTENSION AND/OR TERMINATION OF SAME; PROVIDING FOR ACTIVATION OF DISASTER EMERGENCY PLANS; PROVIDING FOR IMPOSITION OF CERTAIN EMERGENCY MEASURES OR REGULATIONS; PROVIDING DISCLAIMER OF LIMITATION OF AUTHORITY; PROVIDING PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Johnston asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Bernardini for approval with clarification of language.

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

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

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Ordinance No. 828 – Charter Changes for the Ballot

Consideration of Ordinance for Charter Amendments to be included on the November 6, 2012 Ballot for Voter Approval.

[First Reading 5/21/12]

City Manager Norman-Vacha stated this ordinance brings forth the referendum changes for the ballot if approved and will be placed on the ballot for electorate to make a decision.

City Clerk Peters read Ordinance No. 828 by title, as follows:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 287 RELATING TO THE GOVERNMENT OF THE CITY OF BROOKSVILLE; PROMULGATING, ESTABLISHING AND PROVIDING FOR A REVISED CHARTER OF THE CITY OF BROOKSVILLE; PROVIDING FOR A REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

Mayor Johnston pointed out the two (2) amendments presented by the Charter Review Board were increasing term limits for Council Members from two (2) full four (4) year terms to three (3) full four (4) year terms in office; and also allows for provision that in the event any Council Member moves outside of the City of Brooksville and becomes disqualified from holding office, he or she would forfeit their Council Seat.

Mayor Johnston asked for public input; there was none.

Motion:

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

Motion carried 4-1 upon roll call vote, as follows:

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

REGULAR AGENDA

Ordinance No. 830 – Fire Assessment

Consideration of Ordinance for the imposition and collection of Special Assessments to fund Fire Protection Services.

Fire Chief Mossgrove indicated this ordinance provides home rule procedures for imposition and collection of special assessments for fire protection services, it repeals the Brooksville Fire District created by City Ordinance Number 682 and Ordinance Number 788, which was established as a procedure for imposition of fire assessments product.

Mayor Johnston asked for public input.

Joe Mason felt Council should be looking at an assessment methodology and then adopting an ordinance which will fit the methodology that is adopted. He supported trying to get non-tax paying properties to contribute to services they receive from the City. However, he felt the assessments, with regard to vacant lots are bad, assessments on improved lots to be an increase in millage and there to be fundamental problems with the assessment.

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Council Member Bernardini was concerned about readiness to serve flat fee of \$106 as it applies to vacant lots and to those less able to pay such as homesteaded lots.

Council Member Hohn pointed out this is a procedural situation and methodology will be discussed later and appreciated the effort to get it started.

Council Member Burnett did not feel there is a perfect methodology but this is more in tune with what the City is looking for.

City Clerk Peters read Ordinance No. 830 by title, as follows:

AN ORDINANCE RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF BROOKSVILLE, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; REPEALING CITY ORDINANCE NOS. 682 AND 788; AND PROVIDING AN EFFECTIVE DATE.

Motion:

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

Motion carried 4-1 upon roll call vote, as follows:

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

Southern Hills Reclaimed Water Change Order #3

Consideration of Change Order #3 for the remaining piping structures and monitor wells in Southern Hills Plantation, which will complete the City's water reclamation facility infrastructure.

Director of Public Works Radacky reviewed the status of the project and the costs in the change order. He recommended the project be approved and to move forward with completion.

Vice Mayor Bradburn stated this is a monumental achievement for the City and the County being the first wastewater reuse project online. She thanked Southwest Florida Water Management District (SWFWMD) for helping get through this project. She referenced an e-mail from Donna Feldman in which she states there is advanced funding on delivery and acceptance in exchange for reducing the six (6) year agreement to three (3) years with the developer.

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City Attorney Battista advised the agreement has not been reached at this time.

Vice Mayor Bradburn felt it is prudent to do it but she is concerned about getting money back.

Director Radacky advised SWFWMD would work with the City. Community Affairs Manager Chris Zajac of SWFWMD advised the permittee has thirty (30) days to amend their permit once the reclaimed water has been delivered. He advised they are getting the name changed on the permit currently and it is due to expire in June 2014. If the reclaimed water is available at that time then their ground water withdrawals would be reduced to back-up quantities. He indicated wells are metered and a 20-year permit can be issued to permittees agreeing to reclaimed water.

Council Member Hohn asked how much they are paying now. Mr. Zajac advised it varies.

Council Member Bernardini confirmed with Mr. Zajac that the contract is satisfied as long as the SWFWMD money is used only for delivery. Mr. Zajac stated the funds allocated to that project will be exhausted even before acceptance.

Council Member Bernardini favored the change order until he read the e-mail from Donna Feldman and requested that it be read into the record. It was read by the City Clerk (Attachment A).

Council Member Hohn confirmed with Director Radacky that there is no Utility Service Agreement with GreenPointe as there was with Hampton Ridge.

Council Member Hohn asked how much it costs to deliver reuse for a year. Public Works Superintendent Will Smith advised about \$100,000 to run a reuse plant, including operational costs.

Mayor Johnston asked if the wells could be capped when complete, until the agreement is met.

Director Radacky indicated then the City would not be committing to sending water to each of the homes and the golf course with free water for three (3) years. He does not believe SWFWMD would agree that it should be capped and not be used.

Vice Mayor Bradburn felt the whole purpose was that water be put to use and stop sending it to the mines to be wasted. She felt GreenPointe cannot be depended upon or any bonds to pay the City back. She supported going forward tonight and felt there is no way to get around it. She suggested pursuing all legal remedy, including financial harm to the City, for not being able to collect money elsewhere for this water.

Council Member Hohn does not agree with giving free water at all. Other Council Members informed him the previous agreement provided free reuse for life.

City Attorney Battista advised there are references and protections within the current agreement that would protect the City to a point.

Council Member Bernardini felt the deliverance should be complete but he is not in favor of paying for acceptance.

Motion:

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

Vice Mayor Bradburn suggested adding verbiage that, should an agreement not be made, the City pursue all legal options. Amendment was accepted by Council Member Burnett and seconded by Council Member Hohn.

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Director Geiger advised adding a time limit to the motion. City Attorney Battista advised no legal action would be taken prior to getting Council approval.

Motion carried 4-1 with Council Member Bernardini voting in opposition.

Policy 3-2008 Great Brooksvillian - Criteria for Eligibility

Consideration of changes to the policy for nominations and selection of the annual Great Brooksvillian.

2011 Steering Committee Chair John Tucker reviewed minor changes to the criteria and is asking for Council approval of the amended policy.

Vice Mayor Bradburn recommended the following changes to add to the deliberations. There was significant discussion during the last two (2) committee rounds about the purpose and intent of the Great Brooksvillian award giving historic perspective of the nominations and an annual opportunity for the committee to suggest any changes and compiling historic data of potential nominees for the future. She felt it is an opportune time for City Council to consider at this time.

Mayor Johnston commented on the four (4) items presented by Vice Mayor Bradburn pointing out this refers to the application for nomination and felt number three is the only criteria that gives consideration to historical perspective to nominees. The other items are valid but refer to direction to the committee and that should be a separate policy. Vice Mayor Bradburn agreed and asked staff to bring to the next meeting.

Council Member Burnett asked for clarification of historical perspective of nominees so as to not exclude certain groups. Mayor Johnston indicated it is not the only criteria but that consideration shall be given without exclusion.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Hohn for approval with the addition of #3 and separation of the policy for committee direction. Motion carried 5-0.

CITIZEN INPUT

Mayor Johnston asked for public input.

Kojack Burnett asked about the red light cameras. City Manager Norman-Vacha reviewed that previous discussions advised Council did not take action on a resolution to provide for a warning period. She referenced the public awareness campaign with warning notices in the utility bills.

Mr. Burnett suggested warning signs for red light cameras by CVS and Walgreens. City Manager Norman-Vacha advised all working cameras have signage. He asked that the yellow lights timing be checked at the light by Winn-Dixie and Dunkin' Donuts.

Council Member Burnett reiterated the signage needs to be there if the cameras are working.

Council Member Bernardini felt a reasonable thing to do would be to give 30 days warning for every camera. He felt the contract should be amended if needed. Council Member Hohn felt the contract cannot be changed at this time since the contract has already been signed.

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ITEMS BY COUNCIL

Joe Bernardini, Council Member

Blueberry Festival Update

He asked about the Blueberry Festival update. City Manager Norman-Vacha advised there would be one soon. He asked would there be an accounting of the actual costs of the festival and the impact on the businesses. Dennis Wilfong advised many did see an increase. Vice Mayor Bradburn advised the committee is working on an economic statement.

Frankie Burnett, Council Member

Police Department Fencing

Council Member Burnett asked for an update on the fence to be fixed so that you cannot see through it.

Brooksville Housing Authority

He asked for an update from Brooksville Housing Authority on the details of rental vouchers.

Kevin Hohn, Council Member

Newspaper Reporting

He apologized to Council Member Bernardini for raising his voice regarding misquotes and referenced an article written by Tony Holt on May 31st. He asked Council Member Bernardini if his quotes in Hernando Today were accurate. Council Member Bernardini responded, "That's exactly what I said."

Lara Bradburn, Vice Mayor

Blueberry Festival

She commended staff on their efforts. Referencing the Blueberry Festival, she advised area businesses she has spoken with all had great weekends financially. She indicated Hernando Park is in better shape than ever.

T. Jennene Norman-Vacha, City Manager

Florida League of Cities Annual Conference

Florida League of Cities would like a voting delegate be designated. Mayor Johnston asked that it be brought back.

Joe Johnston, Mayor

Joint Legislative Auditing Committee

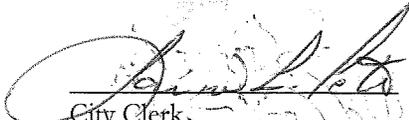
Mayor Johnston confirmed with City Manager Norman-Vacha that he signed the letter.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:40 p.m.

Attest:

Mayor



City Clerk