

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

July 16, 2012

7:00 P.M.

Brooksville City Council met in regular session with Acting 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.

The meeting was called to order by Acting Mayor Bradburn, followed by an invocation and Pledge of Allegiance.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

**Margaret R. Ghiotto Improvement Award – Residential Award**

Recognition of improvements to the property of Machella Boyle, Robert Moa and Douglas Helton, located at 472 Howell Avenue.

Scott Renz, Beautification Board Chair, reviewed the award, which will be delivered to the owners, who were not present.

**Margaret R. Ghiotto Improvement Award – Commercial Award**

Recognition of improvements to the property owned by Lowman Properties, LLC, located at 31 South Main Street, Lowman Law Firm.

Scott Renz, Beautification Board Chair, reviewed the award and presented it, along with Acting Mayor Bradburn, to the Lowman family.

**CITIZEN INPUT**

Acting Mayor Bradburn asked for public input.

Craig Giera, who lives at 1324 Candlelight Boulevard in Brooksville reviewed damage to his and surrounding properties as a result of the storm. He advised the drainage system is not being properly maintained and calls to Director Radacky have not been answered. Acting Mayor Bradburn advised the problem is being looked into, as well as numerous places needing attention. City Manager Norman-Vacha indicated Director Radacky will be out to visit with him.

Council Member Burnett indicated he and others had been out on Saturday and problems are being addressed to start cleaning up. He advised preventative maintenance, maybe annually, before the hurricane season starts. He recommended the culverts be covered with a device to prevent branches and debris from clogging the system.

APPROVED BY BROOKSVILLE  
CITY COUNCIL  
W 9/17/12 INITIALS AL

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City Manager Norman-Vacha advised Director Radacky has met with many residents, even before the storm. Mr. Giera indicated the residents to the north have all kinds of debris blocking the drainage system. Acting Mayor Bradburn indicated at one time tires were used to prevent erosion. Mr. Giera advised it is more than that and he will do what he can to help.

City Manager Norman-Vacha advised that at the next Council meeting, on August 6<sup>th</sup>, Director Radacky and staff will be presenting to Council on this very area because of the regional impact. Acting Mayor Bradburn asked for plans for other areas to be addressed as well since other neighborhoods in the City have had extensive complaints as well.

Council Member Burnett reiterated that tires can't be just thrown in the ditches to help erosion, there is a specific technique to that process.

Al Boutin, of 911 Moonlight Lane, advised the drainage ditch runs right behind his house. It is a mud patch for mosquito breeding. He also pointed out it is full of trash and debris. He reiterated the problem with the drainage system. Acting Mayor Bradburn requested he be a part of the meeting with Director Radacky as well.

Nancy Button, of 951 Moonlight Lane, while she appreciates Council's comments about the problem, advised it has been asked of the City to look at this for over 3 years. She indicated she has over \$10,000 damage to her property that the flood and property insurance will not cover, nor will disaster relief. She lives with her 89 year-old mother and the water was 6" from entering her home. Eight of her neighbors were fighting the rising water and debris from the floating islands from the retention pond and she saw no city workers dealing with the road closure.

They were all advised that Director Radacky will be bringing a plan to improve that area to Council and he will advise them of the date.

Council Member Bernardini advised that in an effort to keep taxes down, sometimes we reduce too much. People have been cut and projects have been put on the back burner and the time is coming very quickly that these problems have to be dealt with. And cleaning at the top of the hill only allows the backup at the bottom by the bridge to occur faster. He indicated that at any place the water goes under the road, Cortez and Emerson, for example, there is a lot of accumulation from the rains. It is his hope that something can be done as quickly as possible.

Council Member Burnett ask that the City Manager direct staff to look for short term fixes until the report for a larger fix is approved by Council.

Mr. Geira showed Council a picture of a large log blocking the ditch leading to the bridge.

### CONSENT AGENDA

#### **Budget Amendment – Police Department Parking Lot**

Consideration of budget amendment for the 2011-12 budget for paving of the police department parking lot.

#### **Mini Excavator Purchase – Department of Public Works**

Consideration of purchase of a 2012 Caterpillar Hydraulic Mini Excavator by piggybacking on the Florida Sheriffs Association, Association of Counties and Fire Chiefs Association Bid in the amount of \$41,905.

#### **Public Risk Management Renewal for 2012-13**

Consideration to accept preliminary renewal premiums for property, liability and workers' compensation insurance coverage and decision of not exercising Notice of Intent to Withdraw from participation in the PRM Pool effective October 1, 2012.

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Council Member Bernardini asked if the batting cages are being replaced. City Manager Norman-Vacha advised it has been looked at from several different angles. Without staff to manage the cages all the time, it is better for them to be surplus. They are quite old but still functional. Moving them to the other side by the softball field had been looked at but would cost \$30,000 for the foundation and base. Staff is looking at reclaiming the area for the tennis courts to improve and add to play.

### Motion:

Motion was made by Council Member Burnett and seconded by Council Member Hohn for approval of Consent Agenda items 1, 3 & 4. Motion carried 4-0.

### Surplus Equipment

Consideration to surplus determined to be obsolete, inoperable or no longer useful.

### Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Hohn for approval of Item #2 with the batting cages removed for discussion with the City Manager. Motion carried 4-0.

Council Member Bernardini would like those items that can, be recycled. All others will be auctioned via the normal venue. The batting cages will be brought back to the next meeting for consideration.

## REGULAR AGENDA

### Ordinance No. 831 – Land Development Code Update

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

City Planner Steve Gouldman reviewed the changes as referenced in the staff report and in the proposed ordinance. This is the first amendment to the LDC adopted by Council in October of last year and their intent is to bring back modifications twice a year at the most.

The first item is an amendment to Article I and provides language authorizing City Council to adopt by resolution a schedule of application fees for functions performed by the City in response to applications submitted. Currently, the only language addressing application fees is provided in Article VIII and applies to the Planning and Zoning Commission. The language addressing City Council's authority to adopt such a resolution applicable only to the Planning and Zoning Commission is proposed for removal from Article VIII.

In addition to correcting a paragraph numbering error in Section 4-8.46, two substantive modifications to Article IV are proposed. Specifically, a modification to the Alcoholic Beverage Use Permit regulations that establishes a refined approval process. Presently, the approval process for all Alcoholic Beverage Use Permit applications requires review by both the Planning and Zoning Commission and City Council. The proposed modification stipulates that requests for permits that include the sale and public consumption of alcoholic beverages on the licensed premises will be presented to City Council and considered for approval by Resolution. Applications for the sale of alcoholic beverages for consumption off the licensed premises, i.e., commercial use, will be reviewed and approved or denied administratively. The Table of Allowable Uses in Article II is modified to reflect the change to the approval process.

Also proposed as additions to Article IV are landscaping requirements for off-street parking areas and screening provisions for open storage uses. Presently the LDC does not address landscaping of parking areas adjacent to rights-of-way or abutting other properties. The proposed regulations require a landscaped buffer a minimum of five feet in width be provided between the parking area

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and the right-of-way and between the parking area and adjacent uses as well as different uses on the same site, unless the screening requirements of Section 4-4.3. apply and are more stringent, in which case the more stringent requirements must be met.

Open storage uses are also not addressed in the current LDC. As proposed, open storage areas will be screened from public view through the use of a solid masonry wall, solid PVC or wood fence or other material as may be approved by the Chief Administrative Officer. The screening will be a minimum of six feet in height opaque fence or wall.

The remaining changes to the LDC are to the regulations regarding floodplain management in Article V and Article X, as well as to definitions provided in Article XI. The changes are the result of the State of Florida's requirement that all jurisdictions modify their existing floodplain management regulations. Part 5-5 of the LDC as presently written is proposed for repeal and the language is replaced by the language in the attached ordinance. The language for Article X involving the *Florida Building Code* is as provided by the State of Florida Division of Emergency Management. As recommend by FEMA to all Florida communities, the proposed regulations of Article IV are based on the Florida State Model Ordinance which is designed to ensure that the minimum requirements of the National Flood Insurance Program (NFIP) are met. The attached proposed regulations will bring the City's current Flood Prevention and Protection Ordinance into conformance with Title 44 of the Code of Federal Regulations, as administered by the Federal Emergency Management Agency and the Federal Insurance Administration, and Chapter 163 of the Florida Statutes which mandates that communities enact regulations addressing development in areas subject to seasonal and periodic flooding.

Other than a few formatting issues the ordinance is good to go. The proposed new regulations more clearly specify what you can and cannot do. They make a clearer distinction of who is in charge of certain aspects, be it the Building Official or the Flood Plain Administrator. They also coordinated better with the Florida Building Code for clarification of what they have to do. The last thing, which is optional, is that communities were allowed to modify the building code to add a 1' free board for properties located in flood zones. This will lower the ISO rating and make a huge difference in insurance premiums.

Acting Mayor Bradburn asked if a property is raised 1-2 feet will that homeowner be responsible for the runoff to adjacent properties. City Planner Gouldman advised there will be no additional runoff because the only thing being raised is the foundation of the home. The differences between raising the foundation and creating a berm, as it relates to directional flow, was discussed.

After City Planner Gouldman spoke with the consultant this morning, there will be a couple of changes adding language relating to the building code.

On March 14, 2012, the Planning & Zoning Commission reviewed the proposed changes and recommended Council approval.

### **Motion:**

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

Acting Mayor Bradburn, regarding wood fences, advised we have no enforcement mechanism in place to dictate upkeep. Council Member Hohn asked if there is enforcement of any types of fences. Acting Mayor Bradburn advised a masonry fence would be structural and felt they could be enforced.

She pointed out that in Article IV, part 4-4.2, it mentions the landscaping shall be in place within 2 years of installation and asked why we are giving that amount of time to fulfill their obligation. City Planner Gouldman advised the minimum is 3' in height or 75% opaque. Typically this is hedge with

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a 3' minimum spacing and it takes that long for landscaping to mature. She then asked if we have a trigger mechanism for compliance. City Planner Gouldman advised that would be a building requirement, but it is not enforced at this time. Acting Mayor Bradburn requested a follow-up for enforcement be added. City Planner Gouldman advised language would be added that says hedge will be inspected 2-years after installation.

Regarding Item 1, referencing no buffer requirements adjacent to single family or two-family developments, Acting Mayor Bradburn took issue with regard to the two-family developments. She felt there should be a buffer between single and two-family developments, i.e. duplexes, which was discussed.

Following up on Section 6, Item B, regarding barbed wire, electric fences and potentially harmful objects or articles, Acting Mayor Bradburn asked if an industrial property, that is required to build a masonry fence is allowed to install barbed wire or electric fence. City Planner Gouldman advised no.

Referencing Page B-29, Sec. 55.13 Recreational Vehicles and Parked Trailers, under item A-1, Acting Mayor Bradburn would like the word "consecutive" taken out. City Planner Gouldman advised that language is State Statute, as defined by FEMA and the State of Florida and cannot be amended.

On part 4-5.7 Trees, Acting Mayor Bradburn asked that the requirement for trees every 50' be reduced to 40'. City Planner Gouldman offered that a 50' requirement in buffers allows for a larger growth, but advised it can be changed.

The Motion was amended and seconded to include the addition of a trigger mechanism for fences and the reduction of the requirement for the spacing of trees in from 50' to 40'.

City Clerk Peters read Ordinance No. 831 by title, as follows:

**AN ORDINANCE BY THE CITY OF BROOKSVILLE, FLORIDA, REPEALING PART 5-5, "FLOOD PREVENTION AND PROTECTION AREAS," OF ARTICLE V, "NATURAL RESOURCES," OF SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES; AMENDING PART 1-3, "INTERPRETATION AND REGULATORY EFFECT," OF ARTICLE I, "GENERAL PROVISIONS;" AMENDING PART 2-2, "ZONING DISTRICT USES," OF ARTICLE II, "ZONING DISTRICTS, USES AND LOT REQUIREMENTS;" AMENDING PART 4-4, "SUBDIVISION AND SITE DEVELOPMENT REQUIREMENTS," PART 4-5, "LANDSCAPING AND TREE PROTECTION," AND PART 4-8, "SUPPLEMENTAL DESIGN STANDARDS FOR CONDITIONAL USES, SPECIAL EXCEPTIONS AND SPECIAL USES," OF ARTICLE IV, "GENERAL REQUIREMENTS AND SUPPLEMENTAL REGULATIONS;" ADOPTING A NEW PART 5-5, "FLOOD PREVENTION AND PROTECTION AREAS" OF ARTICLE V, "NATURAL RESOURCES," OF SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES TO INCLUDE ADOPTION OF FLOOD HAZARD MAPS, DESIGNATION OF A FLOODPLAIN ADMINISTRATOR, ADOPTION OF PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; AMENDING PART 8-1, "ADMINISTRATION," OF ARTICLE VIII, "ADMINISTRATION, APPLICATION AND APPEAL PROCEDURES;" AMENDING ARTICLE X, "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY OF BROOKSVILLE CODE**

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OF ORDINANCES TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; AMENDING SECTION 11-1.2., “DEFINITIONS,” OF ARTICLE XI, “DEFINITIONS,” OF SUBPART B, “LAND DEVELOPMENT CODE,” AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES; PROVIDING FOR APPLICABILITY, CONFLICTS AND REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

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

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

The second reading is scheduled August 6<sup>th</sup>.

### **Resolution No. 2012-08 – Council Member Seniority**

Consideration of Resolution designating a senior councilmember to be empowered to declare local status of emergency in the absence of the Mayor and Vice Mayor.

Acting Mayor Bradburn reviewed the purpose of the proposed resolution, which was briefly discussed.

### **Motion:**

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval of Resolution No. 2012-08.

City Clerk Peters read Resolution No. 2012-08 by title, as follows:

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BROOKSVILLE, FLORIDA ESTABLISHING CRITERIA FOR DETERMINING THE SENIORITY OF COUNCILMEMBERS WHEN SUCH DESIGNATION IS NEEDED TO FULFILL CITY COUNCIL DUTIES; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.**

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

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

### **Screening Committee Appointment**

Consideration of appointment of the Screening Committee to review nominations received for the 2012 Great Brooksvillian.

Acting Mayor Bradburn advised four people applied.

### **Motion:**

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval of appointment of the four who applied. Motion carried 4-0.

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Council consensus was to advertise for a fifth member.

## **Resolution for the Florida League of Cities**

Consideration of Resolution to present to the Florida League of Cities Resolution Committee at their Annual Meeting in August.

City Attorney Battista reviewed the proposed language to be submitted to the Florida League of Cities Resolution Committee regarding the bond issue.

## **Motion:**

Council Member Burnett and seconded by Council Member Bernardini for submission. Motion carried 4-0.

## **CITIZEN INPUT**

Acting Mayor Bradburn asked for public input; there was none.

## **ITEMS BY COUNCIL**

### **Joe Bernardini, Council Member**

#### Tree Planting in the Park

Council Member Bernardini, referencing the current planting of oak trees at Tom Varn Park, asked if Crepe myrtles can be planted as well for color.

#### Fire Assessment

Being revenue neutral, he felt all the kinks should have been worked out before it was finalized.

### **Frankie Burnett, Council Member**

#### Revival at Grace World

Council Member Burnett advised that a revival will be sponsored by The Great Awakening International from July 22<sup>nd</sup> – 28<sup>th</sup>. There will also be street ministries in the City of Brooksville.

#### Staff Appreciation

He expressed appreciation to staff for their hard work

#### Specialist Clarence Williams

Council Member Bernardini offered condolences to the family of Specialist Clarence Williams. Council Member Burnett requested staff look into the possibility of lowering the flag to half-staff in honor of Specialist Williams.

### **Kevin Hohn, Council Member**

#### Youth Council

Council Member Hohn requested staff look into the possibility of having a Youth Council.

#### Public Input

He advised he was very disturbed to hear the stories from citizens about the flooding and damage to their homes and asked if some of the money from the latest grant can be used. City manager Norman-Vacha advised a CDBG for waterlines is being worked on. With Brownfield it would have to be used for hazardous materials. Staff will look for grants for funding drainage projects. Director Radacky advised they are working with SWFWMD to see if a cooperative funding grant can be acquired for the detention facility. He also indicated they are looking to see if storm water

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mitigation funds can be acquired for this project.

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

#### Budget Workshop

City manager Norman-Vacha reminded Council of the Budget Workshop on July 31<sup>st</sup> at 6:00 pm discussing the General Fund. Also a Special Meeting will be advertised for immediately following the workshop to set the trim notice.

She wished the Vice Mayor Happy Birthday, as did the rest of Council.

### Lara Bradburn, Acting Mayor

#### Ditch Witch

She asked Director Radacky if we have a Ditch Witch. He advised we don't but the Mini-Excavator approved by Council earlier will go far in helping with the ditches.

#### Specialist Clarence Williams

She reviewed the services for Specialist Clarence Williams, III and offered condolences to the family.

### ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:00 p.m.

  
City Clerk

Attest:   
Acting Mayor