

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

MINUTES

October 15, 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.

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

“Florida City Government Week” Proclamation

Consideration of Proclamation declaring the week of October 21-27, 2012, 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 Johnston read the proclamation in its entirety and a copy will be sent to the Florida League of Cities.

Mayor Johnston announced the City’s new recycling truck was on display outside City Hall tonight.

Jeff Bender with Land O’Lakes Recycling, the City’s provider, reviewed the single-stream recycling system.

Police Chief Turner indicated the police department recently refurbished their special use vehicle that was on display outside City Hall tonight as well.

CITIZEN INPUT

Mayor Johnston asked for public input; there was none.

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CONSENT AGENDA

Minutes

July 2, 2012	Regular Meeting
August 14, 2012	Budget Workshop
August 20, 2012	Regular Meeting
August 28, 2012	Budget Workshop
September 12, 2012	First Public Hearing
September 17, 2012	Regular Meeting

Motion:

Motion was made by Council Member Hohn and seconded by Council Member Bernardini for approval of Consent Agenda Item E-1. Motion carried 5-0.

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 1-year and authorize the Mayor to execute the agreement.

Vice Mayor Bradburn asked that Item E-2 be voted on separately. She requested this be approved only on an emergency basis with Council approval before utilization.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval of discussion of Consent Agenda Item E-2.

Vice Mayor Bradburn explained years ago the City used WRPC for assistance with Comprehensive Plan elements which had to be redone due to substandard quality. Most planning councils around the State are not looked on fondly. She felt City staff could service all required needs.

Council Member Bernardini did not agree with approval on an emergency basis only. Mayor Johnston agreed with Council Member Bernardini.

Council Member Burnett agreed to renew the annual agreement as long as there was no cost. Vice Mayor Bradburn confirmed there is only cost associated when the City utilizes the service.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval with Council approval before utilization. Motion carried 5-0.

REGULAR AGENDA

U.S. EPA Cooperative Agreement

Consideration of acceptance of Cooperative Agreement for the grant award in the amount of \$400,000 for Brownfields Assessments.

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Director of Community Development Geiger reviewed the item as outlined in the staff memorandum. He indicated a recommendation for an environmental consultant would be brought to Council on November 5th.

Mayor Johnston pointed out this is not a matching grant however the City has to initially lay out the funds and then get reimbursed.

Director Geiger stated the entire project must be completed within three (3) years, as outlined in the work plan to EPA.

Vice Mayor Bradburn is concerned the City has not outlined “target” properties. Director Geiger explained properties were identified in the original proposal but it was not an all inclusive list. The Public Community Outreach process will determine which properties are most likely going to be redeveloped.

Vice Mayor Bradburn felt the list should be determined before selection of an advisory committee. The committee should include members of communities selected but also community-wide since the entire City will be affected. Director Geiger explained committee responsibilities will be to assist in identification of properties as one of many aspects of this project.

Vice Mayor Bradburn referenced page 3 of the agreement and asked how the figures to be spent were compiled and questioned \$381,000 for contractual services. Director Geiger stated an outside firm assisted with the application process and this is their recommendation. He explained contractual services include technical requirements for administration of the grant for Phase I and Phase II assessments. It does not include the next step of acquiring funding for cleanup based on plans, which is part of the grant program. He indicated expending money responsibly and effectively makes the City more eligible for additional funding for the next step.

Mayor Johnston pointed out these contracts will be brought back to Council for approval before execution as always.

Council Member Hohn asked who selects the Brownfields Advisory Committee members. Director Geiger stated it will be advertised for applications based on criteria in the original proposal and suggested a City Council member should also serve. The applications will be brought to City Council for appointment.

Vice Mayor Bradburn suggested it is important to have a person with redevelopment and environmental knowledge on the committee.

Motion:

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

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Policy No. 3-2012 – Special Event Fee Waiver

Consideration of policy stating criteria and guidelines for allocation of fee waivers for activities.

City Manager Norman-Vacha reviewed the policy.

Council Member Burnett referenced #3 on page 1 of 4 and suggested it read “The event is supported by business, community and/or service groups. He also suggested deleting #6 on page 2 of 4 “The City will give greater consideration to those events with higher anticipated attendance.”

Council Member Bernardini agreed to delete #6. He stated there was a past event where the anticipated attendance was much lower than expected.

Council Member Hohn agreed to delete #6. It is very arbitrary and has no bearing on the value of the event.

Vice Mayor Bradburn referenced #9 and suggested it read “The City Council will give greater consideration to those events that promote significant positive economic impact. The applicant must provide an economic impact statement.”

Council Member Burnett felt not all events create an economic impact and that could create a problem. He suggested it read “The City Council will give greater consideration to those events that provide a service to mankind.” Vice Mayor Bradburn did not support Council Member Burnett’s suggested verbiage.

Council Member Burnett referenced #8 but did not agree with “...the Fee Waiver will allow the event to become more self-sustaining in future years”. There are many events that will never become self-sustaining such as the Veterans’ Appreciation Parade. He suggested that part be deleted.

Vice Mayor Bradburn has always supported fee waivers for events that have a positive economic impact. She felt as the Veterans’ Parade grows they will become self-sustaining and will have a potential positive economic impact. Events such as Hernando High Homecoming Parade will not have a positive economic impact.

Council Member Bernardini referenced #9 and suggested adding “one or more of the following...”

City Manager Norman-Vacha pointed out #4 reads “The event creates a positive impact for the city’s citizens and/or local businesses.” Vice Mayor Bradburn did not agree that statement directly relates to economic impact. Council Member Hohn felt economic impact is arbitrary that has no value in deciding who should get a fee waiver. He agreed with Council Member Burnett in supporting those events that are important for a community purpose rather than an economic purpose. He felt those events with economic impact are able to raise money to pay the City fees. The Veterans’ and Homecoming Parades do not have sponsorship so they should be given preference. He did not agree that the applicant submit an economic impact document because it is not relevant to issue a fee waiver. He suggested adding “This must be a non-political event.”

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Mayor Johnston pointed out he supports events that provide a positive economic impact on the City and believes \$7,000 is not enough to cover those events. He stated not everyone who requests a fee waiver will be approved. He has suggested approving half of what is requested and he has certain criteria that he will be looking for. He agreed to delete #6 because it is only a guess and exempt political events.

Council Member Bernardini clarified political events can request a street closure but not a fee waiver.

Council Member Burnett stated some organization events will not have an economic impact but they are doing a great thing on behalf of mankind. He felt the fee waivers will be considered as they always have, on a case by case basis.

Vice Mayor Bradburn agreed they have to be looked at individually but emotions can enter into play. She felt not every event is worthy of taxpayer funding so there has to be a line drawn and that should be in helping the economy.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Hohn for removal of Item B6 under Section 2 on Page 2 of 4. Motion carried 5-0.

There was further discussion of housekeeping items. Vice Mayor Bradburn referenced Section 3.A. on Page 2 of 4 and suggested adding “All persons who wish to conduct a Special Event in which fee waivers are requested must complete a form” because later on it contradicts that. City Manager Norman-Vacha clarified if they are doing a Special Event they have to complete the Special Event application. It goes further to say “If a Fee Waiver is requested, the completed application and Fee Waiver request will be forwarded to the City Council for consideration.”

Vice Mayor Bradburn referenced Section 4.C. and suggested revision to “If the Special Event application is approved and no Fee Waiver has been approved, the City Clerk will collect the appropriate fee before issuing the permit.” And “...the City Clerk will issue the permit after collection of remaining fees, if any.”

Vice Mayor Bradburn referenced Section 4.D. and suggested adding “If the Special Event application is denied, the City Clerk will notify the applicant in writing within 3 days and give the reason for denial.”

Council Member Bernardini preferred the City Clerk notify the applicant orally immediately and within 3 days in writing. He preferred revising “The appeal shall be heard at the next available Regular or Special Session...”

Mayor Johnston suggested eliminating “Regular” to cover either meeting.

Council Member Burnett referenced Page 3 of 4 Section 3.D. and asked why are Special Event organizers required to maintain additional liability insurance for the event when the City carries insurance. Mayor Johnston clarified they are insuring people involved in their event and the City’s insurance covers City staff. City Manager Norman-Vacha confirmed the

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City does not have control over the event and they are liable should a mishap occur.

Council Member Bernardini referenced Section 3.D. on page 3 of 4 “Special Event organizers will be required to maintain liability insurance for the event in an amount deemed acceptable by the City Manager...” and questioned flexibility for the City Manager to say less or more than the typical insurance requirements. City Manager Norman-Vacha stated it gives the option in the case of fireworks or alcohol consumption that require other types of coverage.

Mayor Johnston suggested changing the word “typical” to “minimum” insurance requirements.

Council Member Bernardini felt documentation of insurance at least 3 business days prior to the event is too short a notice. City Manager Norman-Vacha indicated some special events policy binders will not be issued prior to that time and this wording was put in to accommodate event organizers.

Mayor Johnston pointed out that Section 6 addresses any event that does not comply with provisions can be cancelled.

Council Member Bernardini referenced Section 3.E. and felt the City Manager being delegated the authority should be brought back to City Council for approval. City Manager Norman-Vacha explained this section was intended to implement the policy not to change it. She indicated staff would change the wording for clarification.

Mayor Johnston suggested changing the word “supplement” with “support”.

Council Member Bernardini suggested adding the organizers use recycling containers during their event. Vice Mayor Bradburn agreed. City Manager Norman-Vacha indicated City staff has provided recycling containers but find other materials thrown in them.

Vice Mayor Bradburn asked for Council support in keeping economic impact in the policy. Mayor Johnston supported keeping those criteria in the policy. Council Member Burnett agreed there will be some events with an economic impact.

Mayor Johnston reviewed all the suggested changes. He felt the policy is non-binding and are guidelines to follow in determining fee waivers.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval of the policy as amended. Motion carried 5-0

Brooksville Cycling Classic Fee Waiver Request

Consideration of request for fee waiver in the amount of \$2,065 for the annual Brooksville Cycling Classic event scheduled for October 20, 2012.

Laura Dewitt reviewed the request and the event, as well as the local charities the event helps; the Hernando Y Scholarships, Operation HeartFELT and ARC Nature Coast. She

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advised they received a grant from the Hernando Tourism Development Council for marketing.

Vice Mayor Bradburn invited all to join her and the City Manager for a ride down the Good Neighbor Trail on Saturday morning.

Council Member Bernardini pointed out \$1,750 of the requested amount is to cover Police Department traffic control and reminded he had suggested the fee waiver money be transferred from Fund 109.

Attorney Battista did not look into transferring the money because it is a separate fund. City Manager Norman-Vacha confirmed the budget was adopted including the \$7,000 fee waiver with no further discussion. Mayor Johnston requested the City Attorney and City Manager look into utilizing Fund 109 if possible.

Council Member Bernardini suggested using the Sheriff Department's recently graduated auxiliaries to supplement cost for traffic control. He also felt it is not the role of government to waive fees in order for the event organizers give away more money to charities. He suggested reviewing the policy with that in mind.

Council Member Burnett felt the event organizer meets all criteria Council has set forth in the policy.

Motion:

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

Mayor Johnston advised this is 29% of the budget allocated for fee waivers.

Motion carried 5-0.

CITIZEN INPUT

Mayor Johnston asked for public input.

Kojack Burnett thanked Council and wished all Happy Bosses day tomorrow.

ITEMS BY COUNCIL

Lara Bradburn, Vice Mayor

Letter from Department of Economic Opportunity

Vice Mayor Bradburn pointed out that the DEO found no findings or concerns during an on-site visit for the CDBG program. She commended city staff for their good work.

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Frankie Burnett, Council Member

Commendation to City Staff

Council Member Burnett thanked the City Manager and City Staff for a wonderful job they continue to do.

Joe Bernardini, Council Member

Value Adjustment Board Letter

Council Member Bernardini asked why there are duplicate names on the list. City Manager Norman-Vacha explained the petitioner has filed a petition with the Property Appraiser's Office.

He asked does the City have an opportunity to be heard at the hearing. Attorney Battista indicated the board is made up of County Commissioners, School Board Members and individuals at-large. They use hearing officers to hear the petitions and issues are based on value as determined by the Property Appraiser. He does not see any reason the City would benefit from being heard at the hearing.

Vice Mayor Bradburn indicated last year there were significant waivers from the adjuster and she is hoping that does not happen again this year.

T. Jennene Norman-Vacha, City Manager

Upcoming Workshops

City Manager Norman-Vacha indicated three (3) Council Members have a conflict with November 13th workshop for pensions and she would like to reschedule that. Council consensus was to schedule the workshop on Tuesday, November 27th or Monday, December 10th.

Joseph E. Johnston, III, Mayor

Mildred Ave/Jefferson Street Traffic Light

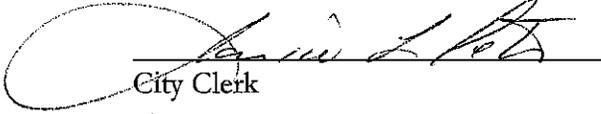
Mayor Johnston announced he saw traffic personnel working on the timing of the traffic light at Mildred Avenue and Jefferson Street today.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:39 p.m.

Attest:

Mayor



City Clerk