

REGULAR COUNCIL MEETING – November 18, 2013

CONSENT AGENDA APPROVAL (√)

Recommendation: Approval of Consent Agenda
Action: Motion to Approve
Attachments: 1) Memo from Director of Parks, Facilities & Recreation dated 11/08/13, Email from Hernando County School District, 04/05/10 Agenda Item F-3, Memo from Architect; 2) Memo from Director of Finance dated 11/12/13, Budget Amendment Forms.

F. REGULAR AGENDA

1. Noise Ordinance Discussion and Staff Report

Staff report and discussion regarding the City's Noise Ordinance

Presentation: Chief of Police
Recommendation: Discussion with City Council
Attachments: Memo from Chief of Police dated 11/18/13

2. Resolution No. 2013-13 Public Comment

Consideration of Resolution adopting rules and policies governing public comment in compliance with Section 286.0114, Florida Statutes.

Presentation: City Attorney
Recommendation: Approval of Resolution No. 2013-13 upon roll-call vote
Attachments: Memo from City Attorney dated 11/18/13, Resolution

3. 2013 Annual Holiday and Meeting Schedule

Review and consideration of proposed meeting and holiday schedule for 2013, including tentative budget workshops and public hearing dates, pursuant to City Code and Policy.

Presentation: City Clerk
Recommendation: Approval of Schedule or Direction to Staff
Attachments: Memo from City Clerk dated 11/05/13, Schedule, Holiday Policy

G. CITIZEN INPUT

H. ITEMS BY COUNCIL

REGULAR COUNCIL MEETING – November 18, 2013

I. ADJOURNMENT

CORRESPONDENCE TO NOTE

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the City Clerk's office 48 hours in advance of the meeting at (352) 540-3853. Meeting agendas and supporting documentation are available from the City Clerk's office and on line at www.cityofbrooksville.us.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.

City of Brooksville Proclamation

Whereas, American farmers and ranchers help feed the world by producing a bounty of agricultural products, relying on essential partnerships with urban and suburban communities to supply, sell and deliver finished products across the country and around the globe; and,

Whereas, rural and urban communities, working together, have built our nation's rich agricultural resources so that they contribute to the health and well-being of our country and to the strength of our economy; and,

Whereas, during Farm-City Week, we recognize the importance of this cooperative network, with agriculture employing more than 24 million workers, including farmers, ranchers, shippers, processors, marketers, retailers, truck drivers, inspectors and others, who annually contribute more than \$1.3 trillion to our gross domestic product; and,

Whereas, Farm-City Week activities celebrate these vital rural-urban partnerships, we commend the many Americans whose hard work and ingenuity reflect the true spirit of our nation; and,

Whereas, during Farm-City Week, as we gather with family and friends around the Thanksgiving table, it is fitting that we count among our blessings the farm-city partnerships that have done so much to improve the quality of our lives.

Now Therefore, We the Undersigned as City Council for and on Behalf of the City Of Brooksville, do hereby proclaim November 22 - 28, 2013, as

"Farm-City Week"

and call upon all citizens in rural and urban areas to acknowledge and celebrate the achievements of all those who, working together, produce and supply our community and nation with an abundance of agricultural products.

In Witness Whereof, we have hereunto set our hand and caused to be affixed the seal of the City of Brooksville this 18th day of November, 2013.

City of Brooksville

Lara Bradburn, Mayor

Kevin Hohn, Vice Mayor

Joseph E. Johnston, III, Council Member

Frankie Burnett, Council Member

Joe Bernardini, Council Member

Attest: _____
Janice L. Peters, CMC, City Clerk

City of Brooksville

Proclamation

Whereas, Walmart's Private Fleet is one of the largest in the United States with more than 11,000 associates, including nearly 7,200 drivers, supporting more than 4,700 Walmart and Sam's Club locations in the U.S.; and,

Whereas, Walmart takes pride in recognizing their professional drivers' efforts to drive safely; and,

Whereas, Alan DeWitte has been driving for Walmart since July 15, 1991, driving a safe three million miles as of August 29, 2013; and,

Whereas, Alan is the first driver at the Walmart Transportation office Brooksville to reach this distinctive milestone, and receive his special personalized electric blue tractor.

Whereas, given this monumental milestone achievement, we applaud and recognize Alan as an obvious man of consistent integrity and character.

Now Therefore, We the Undersigned as City Council for and on Behalf of the City of Brooksville, do wish to recognize

"Alan DeWitte"

for his efforts to keep our roads safe and offer congratulations for reaching the three million mile safe driving milestone.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Brooksville to be affixed this 18th day of November, 2013.

City of Brooksville

Lara Bradburn, Mayor

Kevin Hohn, Vice Mayor

Joseph E. Johnston, III, Council Member

Frankie Burnett, Council Member

Joe Bernardini, Council Member

Attest: _____
Janice L. Peters, CMC, City Clerk

RESOLUTION NO. 2013-14

A RESOLUTION IN APPRECIATION OF THE YEARS OF SERVICE RENDERED TO THE CITY OF BROOKSVILLE AND ITS CITIZENS BY STEPHEN BAUMGARTNER.

WHEREAS, STEPHEN BAUMGARTNER was employed by the City of Brooksville on July 1, 2002, as Finance Director, and has since that time, faithfully rendered a high level of quality service to the Finance Department, the City of Brooksville, and the citizens of this community with his professional expertise, dedication, attitude, helpfulness, and enthusiasm; and,

WHEREAS, during his tenure with the City of Brooksville, **STEPHEN BAUMGARTNER** received comments from his superiors noting his interpersonal skills in dealing with fellow employees, his reliability, and his ability to work independently, which tended to positively influence those he worked with on a regular basis; and,

WHEREAS, STEPHEN BAUMGARTNER has completely transformed the City's financial systems to its current professional and sound state; and,

WHEREAS, STEPHEN BAUMGARTNER has decided to retire from his employment with the City effective November 27, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, as follows:

1. That this Resolution is hereby adopted in recognition of more than eleven (11) years of faithful performance of duty by **STEPHEN BAUMGARTNER**.
2. That this Resolution is further adopted to set forth the great affection and high esteem in which **STEPHEN BAUMGARTNER** is hereby held by the City of Brooksville, its Council Members, employees and citizens, and to make record of their appreciation and testament to the services performed by **STEPHEN BAUMGARTNER** as a servant of the people.

ADOPTED in regular session this 18th day of November, 2013.

CITY OF BROOKSVILLE

BY: _____
Lara Bradburn, Mayor

ATTEST: _____
Janice L. Peters, CMC, City Clerk

APPROVED AS TO FORM FOR THE RELIANCE OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF CITY COUNCIL

Bernardini	___
Bradburn	___
Burnett	___
Hohn	___
Johnston	___

Thomas S. Hogan, Jr., City Attorney



**CONSENT AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

**FROM: MIKE WALKER, PARKS, FACILITIES & RECREATION
DIRECTOR**

SUBJECT: METAL BUILDING – SURPLUS PROPERTY

DATE: November 8, 2013

GENERAL SUMMARY/BACKGROUND: At the Brooksville City Council meeting on November 4, 2013, the Consent Agenda item E-4, Metal Building-Surplus Property, was removed from the agenda. Council directed staff to discuss with the Hernando Historical Museum Association the possibility of using any of the metal from this building to see if it could be utilized for the roof of the One Room Schoolhouse building project that is to be built next to the Train Depot Museum on Russell Street.

Staff did meet with the architect for the project and it has been determined that a portion of the metal roofing from the city building that is 50 x 100 feet in size, could be used on the One Room Schoolhouse. The schoolhouse that is to be built will be a 24 x 32 foot building. The Association is requesting a donation of a total of 36 sheets of metal which are in 25 foot lengths. If the 36 sheets were purchased new, the value of the requested city donation would be an estimate of \$2,450 and the estimated scrap value for the 36 sheets would be \$165.

If Council deems appropriate, the city can donate the required amount of roof material in the amount of 36 sheets mentioned above to the Hernando Historical Museum Association. Staff would once again ask City Council to surplus the remaining unusable items of the building, to be disposed through auction or appropriate venue. We also request that the received funds for the building be placed in the McKethan Capital Projects Fund 302.

With Council's approval monies from the surplus building/metal will be utilized for outfield netting at the JBCC Adult Softball Complex. The netting will help in keeping softballs from landing in the large retention ponds behind the outfield fences on both fields.

We are uncertain if all components of the structure are onsite and it has not been determined actual salvage value of the building.

BUDGET IMPACT: Revenues received will be deposited in appropriate revenue and expenditure line items of the McKethan Capital Fund 302, with the appropriate budget amendment.

LEGAL REVIEW: Pursuant to Fla. Stat. §274.05 Surplus property, City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interests of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governmental units in the county for sale or donation.

STAFF RECOMMENDATION: Staff recommends City Council donate 36 sheets of metal material to the Hernando Historical Museum Association and declare the remaining unusable building metal/items as "surplus", authorizing the City Manager to dispose of through auction or appropriate venue. Staff also recommends approval of monies received from the surplus item to be allocated to the McKethan Capital Projects Fund 302 and used for expenditures in Parks, Recreation & Facilities Department.

ATTACHMENTS:

1. Email from Ken Pritz, Assistant Superintendent Hernando County School District
2. Agenda Item F-3 from the April 5, 2010, Brooksville City Council meeting
3. Agenda Item E-4 from the November 4, 2013 Brooksville City Council meeting
4. Email from John White, architect for the One Room Schoolhouse Project.

Attachment 1

From: Ken Pritz [pritz_k@hcsb.k12.fl.us]
Sent: Friday, October 18, 2013 11:39 AM
To: Mike Walker
Cc: tsims@simsgalleries.com
Subject: Re: Metal Building

Mike:

It appears that even though the City approved donating the building, the HCSB never accepted the donation. It was tentatively approved at workshop but not taken any further.

So, in my opinion the building still belongs to the City. You may dispose of it.

Ken Pritz, Assistant Superintendent
Division of Teaching and Learning
919 North Broad Street
Brooksville, FL 34601
352-797-7051
pritz_k@hcsb.k12.fl.us

IMPORTANT NOTICE: All e-mails sent to this address are public record and are archived. The School District does not allow use of School District equipment and e-mail for non-School District business purposes.

Attachment 2



AGENDA ITEM NO. F-3
4/5/10

AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *T. Jennene Norman-Vacha*

FROM: RICHARD RADACKY, INTERIM PUBLIC WORKS DIRECTOR AND
MIKE WALKER, PARKS, FACILITIES & RECREATION DIRECTOR *Mike Walker*

SUBJECT: Fleet Maintenance Surplus Property

DATE: March 29, 2010

GENERAL SUMMARY/BACKGROUND:

In FY 2001-02 the Parks and Recreation Department purchased a 50' x 100' building for the purpose of housing the Park Departments main office and a mining museum, this purchase was funded from the McKethan Capital Projects Fund in the amount of \$22,544.22. Additionally it was estimated in July 2003 to cost \$35,000 to construct the building. It has now been 9 years since the purchase and the building has yet been erected, the building is currently stored on the old basketball courts on the North side of the Quarry Golf Course driving range and staff does not guarantee that 100% of the building is available or onsite. In 04/05 the Building was transferred to Fleet Maintenance to consider using the metal building as an extension to our maintenance facility. The retrofitting of the building was not economically feasible due to code issues so this idea was abandoned.

Staff has recently been approached by the Hernando County School District to consider donating the structure to them for the purpose of utilizing the building for the Hernando High School football program at their practice facility adjacent to the District Offices off of Oakwood and Varsity Drive. The building would be used for football equipment storage and to house the players during practice times and inclement weather, due to the practice area being several blocks from the school campus and no additional building cover is available.

We feel this is a good opportunity to show the working relationship between governmental agencies and that this will provide a direct benefit to students at Hernando High School, which some are City of Brooksville residents.

BUDGET IMPACT/BUDGET AMENDMENT RECOMMENDATION:

There is no budget impact as far as an outlay of cash with the donation of the metal building. However, the building is currently in our Fleet Maintenance CIP and valued in

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 4/5/10 INITIALS *JP*

the amount of \$37,721.99. Due to the fact that the building is in Construction in Progress, it has not been depreciated. The budget amendment entry required to donate this building is as follows: Debit Fleet Maintenance (501-018-590-57301) Contribution in the amount of \$37,721.99 and Credit Fleet Maintenance CIP (501-018-590-57301) in the amount of \$37,721.99.

LEGAL REVIEW:

Pursuant to Fla. Stat. §274.05 Surplus property, the City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interests of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governmental units in the county for sale or donation.

STAFF RECOMMENDATION:

Staff recommends that City Council declare the above mentioned building as surplus and donate the structure to the Hernando County School District, along with the approval of the budget amendment mentioned above.

HERNANDO HIGH SCHOOL

Ken Pritz, Principal
Brent Gaustad, Assistant Principal
Mary Krabel, Assistant Principal
Jill Renlhan, Assistant Principal

**Leopard Pride..
Bring It!**

700 Bell Avenue
Brooksville, FL 34601
(352) 797-7015 Fax: (352) 797-7115
www.hcsb.k12.fl.us/hhs

March 19, 2010

To Brooksville City Council:

Hernando High School respectfully requests the donation of one (1) metal building to be made available to the Hernando County School Board on behalf of Hernando High School.

The requested item will be used by Hernando High School to house multiple sports as a locker room and storage area.

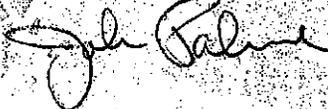
Thank you for your consideration. All donations are greatly appreciated.

Sincerely,



Brent Gaustad
Assistant Principal

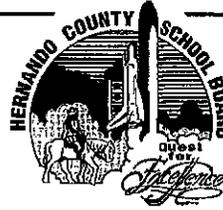
John Palmer
Athletic Director



The School Board of Hernando County, Florida

919 North Broad Street
Brooksville, Florida 34601
(352) 797-7000

Suncom 619-7050
Fax (352) 797-7101



Interim Superintendent

Sonya L. Jackson

Chairman
John K. Sweeney

Vice Chairperson
Sandra Nicholson

Members
Dianne Bonfield
Charles "Pat" Fagan
James C. Yant

April 1, 2010

Attn: City Council of Brooksville

Re: Donation of Metal Building

The Hernando County School Board met at a Board Workshop session on March 30, 2010 to discuss the possible donation of a metal building from the City of Brooksville to Hernando High School.

The consensus from the Board was to accept the donation if the City Council elects to donate this Metal Building.

A School Board Workshop is not a formal voting forum. If the City Council elects to donate the metal building to Hernando County School Board, this item will be placed on the May 4, 2010 Board Meeting Agenda, at which time a formal vote will be taken to accept this donation.

Please direct any correspondence regarding this donation to:

Roland Bavota, Director of Facilities
Hernando County School Board
8016 Mobley Road
Brooksville, FL 34601
Telephone: 352-797-7050
Bavota_r@hcsb.k12.fl.us

We would like to thank the Brooksville City Council for this most generous donation and we are looking forward to a positive response from the City Council members.

Sincerely,

Roland Bavota
Director of Facilities
Hernando County School Board

"A fully accredited school system" Southern Association of Colleges and Schools
Education: the vehicle for exploring the past and conquering our future

Attachment 3



**CONSENT AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

**FROM: MIKE WALKER, PARKS, FACILITIES & RECREATION
DIRECTOR**

SUBJECT: METAL BUILDING – SURPLUS PROPERTY

DATE: October 24, 2013

GENERAL SUMMARY/BACKGROUND: At the Brooksville City Council meeting on April 5, 2010, Council declared surplus and donated a 50' x 100' building to the Hernando County School District that was originally purchased in the FY 2001-02 by the Parks Department for a Park office.

Three and a half years have gone by, and the building is still being stored on City Park property. Staff has asked for the building to be removed by the School District, to now find out that the Hernando County School Board never accepted the donation from the city for the building (see Attachment 1). Which means the building is still city property. Staff would once again ask City Council to surplus the item to be sold through auction or appropriate venue and allow for the received funds to be placed in the McKethan Capital Projects Fund 302.

BUDGET IMPACT: Revenues received will be deposited in appropriate revenue and expenditure line items of the McKethan Capital Fund 302.

LEGAL REVIEW: Pursuant to Fla. Stat. §274.05 Surplus property, City Council has the authority and discretion to classify as surplus any of its property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. In addition, within the reasonable exercise of its discretion and having consideration for the best interests of the City, the value and condition of property classified as surplus, and the probability of such property's being desired by a prospective bidder in the event of surplus, the City Council may offer surplus property to other governmental units in the county for sale or donation.

STAFF RECOMMENDATION: Staff recommends City Council declare this item as "surplus" and authorize the City Manager to dispose of through auction or appropriate venue. Staff also recommends approval of monies received from the surplus item to be allocated to the McKethan Capital Projects Fund 302.

- ATTACHMENTS:**
1. Email from Ken Pritz, Assistant Superintendent Hernando County School District
 2. Agenda Item F-3 from the April 5, 2010, Brooksville City Council meeting

TABLED BY BROOKSVILLE
CITY COUNCIL
ON 11/14/13 INITIALS AL

Attachment 4

E-MAIL

From: jwhite198@tampabay.rr.com
Sent: Tuesday, November 12, 2013 10:01 AM
To: Mike Walker; Gretchen; Frasier Mountain
Subject: Metal Panels

Mike:

We will need 36 sheets and any accessories.

Thanks again. and I will drop some drawings by.

You have saved us a lot of money.

John W. White



CONSENT AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER 

FROM: JIM DELACH, ASSISTANT FINANCE DIRECTOR 

SUBJECT: FINAL 2012-2013 BUDGET AMENDMENTS

DATE: November 14, 2013

GENERAL SUMMARY/BACKGROUND: In finalizing the accounting/financial records for fiscal year (FY) 2012-13, we find that several budget amendments are necessary. The budget amendment forms are attached and are numbered as below in our summary explanation. The budget amendments requested are as follows:

- 1) Amend Fund 113 - Public Building Impact Fees in the amount of \$2,236. This amount is overage experienced in the Capital Improvement project for redesign and paving project to expand parking facilities for the build-out of the Enrichment Center, inclusive of Bud McKethan parking area, the center parking and John Gary Grubbs Boulevard. Overage is due to the pricing of lighting for the project being higher than that budgeted. Monies are to be used from Reserves of this fund for the increased expenditure.
- 2) Amend Fund 128 - Traffic Camera in the amount of \$261,108 due to additional/unbudgeted revenues. With additional revenue receipts, the fund also incurred higher expenditures (costs are tied to the revenue receipts) for payments to the State and the Traffic Camera contractor and wages line item due to hours worked to process the number of citation. An adjustment for criminal investigation expenditure line item is requested in the amount of \$3,829. These costs are reimbursed to the City from the contractor and included in the revenue monies above. The balance of \$110,653 is amended to be placed within the Reserve line item of the fund.
- 3) Amend Fund 139 - Enrichment Center in the amount of \$1,791 due to additional/unbudgeted revenues. Additionally, in error, monies for elevator maintenance for the facility was not budgeted in the amount of \$1,470, so we are requesting an increase in the expenditures, Contractual Services line item in that amount. The balance of \$321 will be placed within the Reserve line item of the fund.
- 4) Amend Fund 201 - 2006 Bond Sinking Fund in the amount of \$565 due to the actual interest payment being higher than the budgeted amount. Monies are to be used from Reserves of this fund for the increased expenditure.
- 5) Amend Fund 312 - 2001 Capital Improvement Loan Fund (Energy Loan) in the amount of \$230 due to actual costs of project for FY2013 being higher than budgeted amount.

- 6) Amend Fund 409 - Water & Sewer Construction Fund in the amount of \$20,334 for the final asset value realized with the Cobb Road Water Reclamation Facility Reuse Conversion project. This is an adjustment to the value realized and book the asset amount.
- 7) Amend Fund 409 – Water & Sewer Construction Fund in the amount of \$60,626 for the monies received through reimbursement from the Southwest Florida Water Management District (SWFWMD) for the Cobb Road Water Reclamation Facility Reuse Conversion project. The estimated receivables were higher than the actual eligible costs at the conclusion of the project. This adjustment aligns the expenditures with the actual costs of the project and realized reimbursements.
- 8) Amend Fund 502 – Vehicle Replacement Fund in the amount of \$8,497 of additional/unbudgeted revenues due to monies received for surplus Police vehicles at auction. Expenditures for replacement vehicles were budgeted in the amount of \$64,000. City Council approved purchase of vehicles plus equipment (totaling \$68,429) with the utilization of monies from the surplus vehicles. This amendment is to adjust the vehicles (inclusive of equipment) for asset value realized and to book the additional revenues. The balance of \$4,068 will be placed in the Reserve line item of this fund.
- 9) Amend Fund 503 – Equipment Replacement Fund in the amount of \$639 due to the actual cost of the equipment purchase being higher than the budgeted amount. Monies are to be used from Reserves of this fund for the increased expenditure.
- 10) Amend Fund 609 - Health Reimbursement Account in the amount of \$10,000 due to the actual amount of monies that have been reimbursed to employees being higher than the budgeted amount. Monies are to be used from Reserves of this fund for the increased expenditure.

BUDGET IMPACT and BUDGET AMENDMENT: The budget amendments discussed and provided include monies for unbudgeted revenues and associated expenditures as well as adjustments to asset values necessary for fiscal year 2012-13.

LEGAL REVIEW: The City is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes. Pursuant to Section 1.03 of the Charter, the City has all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services to include matters of fiscal impact.

STAFF RECOMMENDATION: Staff recommends that Council approve the attached fiscal year 2012-13 budget amendments.

ATTACHMENTS: 10 Budget Amendment Forms

BUDGET AMENDMENT FORM #2

Fiscal Year 2012 - 2013

Account Name/Dept	Account Number	Approved Budget FY 2012-13	Increase	Decrease	Amended Budget FY 2012-13
REVENUE-Court Fines	128-000-351-48801	\$0	\$29,888		\$29,888
REVENUE-Violations of Local Ordinances	128-000-354-48805	\$2,449,632	\$227,391		\$2,677,023
REVENUE-Miscellaneous Revenue - Police	128-000-369-48896	\$0	\$3,829		\$3,829
EXPENDITURE-Regular Salaries & Wages	128-013-521-51200	\$33,696	\$13,063		\$46,759
EXPENDITURE- Other Contractual Services	128-013-521-53400	\$581,399	\$56,374		\$637,773
EXPENDITURE- Criminal Investigations	128-013-521-53500	\$0	\$3,829		\$3,829
EXPENDITURE- Red Light Camera Remittance-State of Florida	128-013-521-54905	\$1,286,833	\$77,189		\$1,364,022
FUND BALANCE- Committed (Traffic Camera Fund)	128-000-282-30008	\$308,886	\$110,653		\$419,539
TOTAL		\$4,660,446	\$522,216	\$0	\$5,182,662

Reason for Amendment: To adjust for higher revenues received than estimated within the FY2013 budget and the associated expenses.

Department Director Signature

Date

Department Director Signature

Date

Finance Director Signature

Date

City Manager Signature

Date

Approved by City Council, during Regular Session:

Date

BUDGET AMENDMENT FORM #6

Fiscal Year 2012 - 2013

Account Name/Dept	Account Number	Approved Budget FY 2012-13	Increase	Decrease	Amended Budget FY 2012-13
CAPITAL EXPENDITURE- Construction in Progress(Asset Value Only)	409-000-169-19049	\$358,052	\$20,334		\$378,386
Retained Earnings- Unreserved (W& S Construction Fund)	409-000-272-30070	\$7,693,157		\$20,334	\$7,672,823
TOTAL		\$8,051,209	\$20,334	\$20,334	\$8,051,209

Reason for Amendment: Capital Asset Value realized for the Cobb Road Water Reclamation Reuse Facility with the completion was \$20,334 more than estimated within FY2013 budget.

Department Director Signature

Date

Department Director Signature

Date

Finance Director Signature

Date

City Manager Signature

Date

Approved by City Council, during Regular Session:

Date

BUDGET AMENDMENT FORM #7

Fiscal Year 2012 - 2013

Account Name/Dept	Account Number	Approved Budget FY 2012-13	Increase	Decrease	Amended Budget FY 2012-13
EXPENDITURE-Bad Debt Expenses	409-027-599-59992	\$0	\$60,626		\$60,626
Retained Earnings-Unreserved (W&S Construction Fund)	409-000-272-30070	\$7,693,157		\$60,626	\$7,632,531
TOTAL		\$7,693,157	\$60,626	\$60,626	\$7,693,157

Reason for Amendment: Adjustment to decrease estimated receivables due to City for reimbursable expenses of Cobb Road Water Reclamation Reuse Facility project from Southwest Florida Water Management District grant dollars. The *estimated* receivables were higher than the actual eligible costs at the conclusion of the project. The adjustment aligns the expenditures with actual costs of the project and realized reimbursements.

Department Director Signature

Date

Department Director Signature

Date

Finance Director Signature

Date

City Manager Signature

Date

Approved by City Council, during Regular Session:

Date

BUDGET AMENDMENT FORM #10

Fiscal Year 2012 - 2013

Account Name/Dept	Account Number	Approved Budget FY 2012-13	Increase	Decrease	Amended Budget FY 2012-13
EXPENDITURE-HRA Health Reimbursement Account	609-009-510-52302	\$30,000	\$10,000		\$40,000
Retained Earnings - Unreserved (HRA Fund)	609-000-272-30070	\$17,660		\$10,000	\$7,660
TOTAL		\$47,660	\$10,000	\$10,000	\$47,660

Reason for Amendment: Actual expenditures are estimated to be \$10,000 more than monies budgeted for FY2013.

Department Director Signature

Date

Department Director Signature

Date

Finance Director Signature

Date

City Manager Signature

Date

Approved by City Council, during Regular Session:

Date



AGENDA ITEM NO. F-1
11/18/13

AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCILMEN
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER
FROM: GEORGE TURNER, POLICE CHIEF
SUBJECT: DISCUSSION, WITH PRACTICAL SOUND DEMONSTRATION,
REFERENCE AMENDMENT TO ORDINANCE 730-A
DATE: November 18, 2013

GENERAL SUMMARY/BACKGROUND: In 2006 the City of Brooksville City Council passed Ordinance 730 which addressed/regulated noise from vehicles. A subsequent constitutional issue was raised which resulted in a stoppage of enforcement of said ordinance.

In 2013 the Florida Supreme Court ruled that the "plainly audible standard" was not unconstitutionally vague (*State v. Catalano, 104 So3d 1069.Fla 2013*). The Supreme Court ruling in this regard did address certain provisions in Ordinance 730 which required an amendment to Article III, Section 82-52(c) of existing Ordinance, referencing not excluding violations of motor vehicles used for business or political purposes.

On October 21, 2013 during Regular Session, the City Council adopted Ordinance 730-A to remove the exclusion of vehicles for business or political purposes.

Florida Statutes 316.3045(1), regarding the operation of radios or other mechanical soundmaking devices or instruments in vehicles, reads as follows:

- (1) *It is unlawful for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical soundmaking device or instrument from within the motor vehicle so that the sound is:*
 - (a) *Plainly audible at a distance of 25 feet or more from the motor vehicle; or*
 - (b) *Louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals.*

On November 4, 2013 the City Council requested additional information and consideration for review of the distance provisions for violation determination.

Prior to Regular Session of November 18th, a practical sound/distance demonstration will be held in the City Hall parking lot, beginning at 6:30 pm. Discussion of Ordinance 730A and any desired revision will be discussed with Council during Regular Session.

BUDGET IMPACT: There is no negative budget impact as a result of this Ordinance.

LEGAL REVIEW: Pursuant to home rule authority provided for by Article VII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Section 1.03 of the Charter of the City of Brooksville, the City Council has the power to conduct municipal functions and to adopt ordinances.

STAFF RECOMMENDATION: Staff seeks direction of City Council.

ATTACHMENT: Ordinance 730-A

ORDINANCE NO. 730-A

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, ARTICLE III, CHAPTER 82, "NOISE FROM VEHICLES", SECTION 82-52 PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA as follows:

SECTION 1. The Code of Ordinances of the City of Brooksville, Florida, Chapter 82, Section 82-52 "Noise From Vehicles," is hereby amended as follows:

Chapter 82

TRAFFIC AND VEHICLES

ARTICLE III. NOISE FROM VEHICLES

Sec. 82-52. Operation of radios or other mechanical sound making devices or instruments in vehicles; exemptions.

- (a) It is unlawful for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, audio player, or other mechanical sound making device or instrument from within the motor vehicle so that the sound is:
 - (1) Plainly audible at a distance of 25 (twenty-five) or more feet from the motor vehicle; or
 - (2) Louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals.
- (b) The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law

enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.

~~(e) The provisions of this section do not apply to motor vehicles used for business or political purposes, which in the normal course of conducting such business use sound making devices.~~

^(dc) The provisions of this section do not apply to the noise made by a horn or other warning device required or permitted by Florida Statutes, Chapter 316.

(ed) A violation of this section is a noncriminal infraction.

SECTION 2. Conflict. Any ordinance or code of the city, or any portion thereof, in conflict with the provisions of this ordinance, is hereby repealed to the extent of such conflict.

SECTION 3. Severability. In the event that any portion or section of this ordinance is determined to be invalid, unlawful or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance, which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

ADOPTED IN REGULAR SESSION THIS 7TH DAY OF OCTOBER, 2013, A.D.

CITY OF BROOKSVILLE

ATTEST: _____
Janice L. Peters, CMC, City Clerk

By: _____
Lara Bradburn, Mayor

PASSED on First Reading _____

NOTICE Published on _____

PASSED on Second & Final Reading _____

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

Thomas S. Hogan, Jr., The Hogan Law Firm, LLC
City Attorney

VOTE OF CITY COUNCIL

Bernardini _____
Bradburn _____
Burnett _____
Hohn _____
Johnston _____



AGENDA ITEM NO. E-7
11/18/13

AGENDA ITEM MEMORANDUM

TO: Honorable Mayor and City Council Members
VIA: T. Jennene-Norman Vacha, City Manager 
FROM: Clifford A. Taylor, Esq., Asst. City Attorney 
SUBJECT: Resolution to Adopt Rules and Policies Governing Public Comment
DATE: November 18, 2013

GENERAL SUMMARY/BACKGROUND:

The proposed resolution is required by the recent passage of Florida Statute 286.0114. The attached resolution is consistent with the public comment policies that the City of Brooksville currently utilizes, but places the practices of the city into a written form of rules and policy.

BUDGET IMPACT: No additional staff or other resources are anticipated. Accordingly, the resolution itself will have no budget impact.

LEGAL REVIEW: The City Council has Home Rule authority pursuant to (Article VIII, 2(b), Florida Constitution, and F.S. §166.011) to consider and adopt the proposed resolution. Further section 286.0114, Florida Statutes, requires the city to adopt rules and policy for public comment.

STAFF RECOMMENDATION: Staff recommends enactment of the proposed resolution upon roll call vote.

Attachments:

Proposed Resolution

RESOLUTION NO. 2013-13

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA; ADOPTING RULES AND POLICIES GOVERNING PUBLIC COMMENT; ADOPTING SAID RULES AND POLICIES IN COMPLIANCE WITH SECTION 286.0114, FLORIDA STATUTES; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING RULES FOR THE CONDUCT OF MEETINGS; PROVIDING RULES FOR PUBLIC PARTICIPATION AND CONDUCT; REQUIRING THE OBSERVANCE OF DECORUM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida recently enacted Florida Statute §286.0114; and,

WHEREAS, Florida Statute §286.0114 sets forth certain requirements for participation by the public at meetings of the City Council of the City of Brooksville, Florida, as well as other boards and commissions created by the City Council of the City of Brooksville; and,

WHEREAS, as a result of Florida Statute §286.0114, it is necessary for the City Council of the City of Brooksville, to adopt policies consistent with the requirements of the statute, related to public participation at City Council meetings; and,

WHEREAS, the City Council of the City of Brooksville, Florida, after publication of all required notice to the public of its consideration of this Resolution, has determined that it is in the best interest of the City of Brooksville, Florida, to approve the Resolution contained herein.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

SECTION 1. PURPOSE. The purpose of this Resolution is to adopt policies for public participation at meetings of the City of Brooksville, Florida, including any of its boards or commissions, for the reasons set forth in the above "Whereas" clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY. The City Council is authorized to adopt policies for the City of Brooksville pursuant to Article I of the City Charter of the City of Brooksville, and Chapter 2, Article II, Division III, of the General Provisions of the Code of Ordinances of the City of Brooksville, and as otherwise authorized by applicable Florida Statutes.

SECTION 3. FINDINGS; DECLARATION OF PUBLIC POLICY. It is the intent of these rules that the deliberations and actions of the City Council of the City of Brooksville, Florida ("City Council") be conducted and taken openly in order that the citizens may be fully informed, it being the finding of the City Council that the citizens must be fully informed if they are to be intelligently advised as to the conduct of public business by the City Council. Towards that end, the City Council makes the following findings and declares the following legislative intent:

- (1) The City has traditionally permitted public participation in its public meetings.

(2) Many Florida local governments allow public participation but have adopted rules to govern its conduct.

(3) Public participation in government business is the bedrock of American local government and should be protected, permitted, and not discouraged consistent with principles of common and statutory law.

(4) In 2013, the Florida Legislature adopted Section 286.0114, Florida Statutes, that requires municipal boards and commissions to provide members of the public a reasonable opportunity to be heard before official action is taken.

(5) At the same time, some forms of comment that slander, defame, libel, disparage, or smear individuals through ad hominem attacks are neither germane to public business and are inappropriate to the decorum of public meetings involving the public business of a city.

(6) The City Council is permitted to set reasonable ground rules for public participation within its meetings and within any other meetings of any board or commission of the CITY OF BROOKSVILLE or its agencies or authorities.

SECTION 4. DEFINITIONS. For the purpose of this policy, the following definitions shall prevail:

(1) A "meeting" is a gathering of a quorum of the membership of the City Council, or any board or commission of the City of Brooksville, Florida, or its agencies or authorities for the purpose of receiving information relating to public business, or for discussion of public business, or for official action upon a proposition related to public business.

(2) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by a board or commission to enact ordinances and resolutions, conduct public hearings, or otherwise discuss or act upon matters of public interest.

(3) A "special meeting" is any meeting other than a regular meeting held by a board or commission. A "special meeting" is held for the purpose of addressing matters requiring the immediate attention of a board or commission or for the purpose of addressing matters which the board or commission has determined are best addressed at a special meeting. When a special meeting is called, the Mayor or presiding officer of the board or commission shall specifically state the purpose of the meeting and the board or commission shall address only those matters for which the meeting was called.

(4) A "board or commission" shall refer to the City Council of the City of Brooksville, the City of Brooksville Planning Commission, the City of Brooksville Community Redevelopment Agency and any other board or commission created by the City Council.

(5) "City Council" shall refer to the Mayor and members of the City Council of the City of Brooksville, Florida.

(6) The "presiding officer" shall mean, in the case of the City Council, the Mayor, and in all other cases shall be the chairman of a particular city board or commission.

(7) "City" shall mean the City of Brooksville, Florida.

SECTION 5. MEETINGS.

(1) Location. All meetings of the City Council shall be held in City Hall, unless the City Council indicates another location, and shall be open to the public as required by law. All meetings of any other city board or commission shall be held in a suitable location within the city limits of the City of Brooksville, Florida, and shall be open to the public as required by law. The only exception to the requirement that meetings be open to the public shall be any executive session scheduled for those purposes expressly recognized by law.

(2) Regular Meetings. The City Council and the City's other boards and commissions shall hold regular monthly meetings as designated by the City Council or the City's other Boards and Commissions.

(3) Public Notice. The City shall give public notice of the schedule of meetings and shall state the dates, times and places for such meetings. Public notice of any special meeting or of any reconvened meeting shall be given before such meeting. Public notice shall be given by posting a copy of the notice at City Hall. The City shall supply copies of the notices of its meetings to any local newspaper of general circulation, or any local radio or television station that has filed an annual request with the City Clerk for such notice.

SECTION 6. CONDUCT OF MEETINGS.

(1) The presiding officer shall preserve order and decorum at all meetings.

(2) When considering matters noticed for a public hearing of the City Council, the applicable ordinances shall first be read by its title only. The presiding officer shall declare the public hearing open and receive comments from the public.

(3) During any board or commission meeting, board members and commissioners shall maintain order and decorum.

(4) City staff and citizens must be recognized by the presiding officer before speaking or asking questions. The purpose of this requirement is so that there is order and so that the recording equipment will properly record all comments made by individuals wishing to comment on a specific subject.

(5) All comments must be made from the podium which is located at the front of the City Council Chambers or by other reasonable accommodations in any other location in which a board or commission meeting is held, and shall address the subject of the agenda item. Individuals that appear before any city board or commission are required to state their legal name and their actual address for the public record. The purpose of this requirement is so that they are properly reflected in any board or commission minutes and are available for future reference.

(6) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. Members of the public shall be limited to three (3) minutes per person on all items that are not of a quasi-judicial nature.

(7) At the discretion of the presiding officer, public comments to be offered for an item during which the board or commission is acting in a quasi-judicial capacity will be limited to five (5) minutes per person so that all may be heard on the matter and the presiding officer, or his designee, shall in such instances monitor the timing and give the speaker a thirty (30) second notice prior to the expiration of the time allotted. The presiding officer may, at his discretion, or at the direction of a majority of the board or commission, extend the time allowed for an individual to speak or to allow a speaker a single opportunity to rebut comments made by another speaker. Any such rebuttal shall be limited to three (3) minutes. After receiving public comments as provided herein, the public hearing shall be closed and all further discussion on the matter shall be limited to members of the City Council. One participant's allotted time for addressing the board or commission may not be donated to another participant. This section shall not limit the time of an applicant or other individual or entity designated as a party to the proceedings under Florida law to make their presentation.

(8) Those persons wanting to express their opinion on an agenda item noticed for public hearing without addressing the board or commission may do so in writing by submitting the same to the clerk, which shall then be made part of the public record of the proceedings.

(9) As a board or commission considers consent agenda items, emergency items, items involving official acts that involve no more than a ministerial act, approval of minutes, ceremonial proclamations and other similar items, the presiding officer may, at his discretion, or at the direction of a majority of the board or commission, accept comments from those in attendance.

(10) When considering the first or second reading of an ordinance, the City Council shall accept comments from those members of the public who have indicated their desire to address the City Council concerning such ordinance by signing the sign-up sheet at the commencement of the meeting maintained by the City Clerk.

SECTION 7. PUBLIC PARTICIPATION AND COMMENT. The City has a long standing policy which encourages its citizens to participate during public meetings. In order to comply with Section 286.0114, Florida Statutes, the City Council hereby establishes a Public Comment Policy applicable to all city boards and commissions to allow members of the public an opportunity to address city boards and commissions. In addition to public hearings, a special time is hereby set aside at all city board and commission meetings for the purpose of receiving comments and suggestions from members of the public. All comments made during any Public Comment period shall be subject to the following procedures:

(1) The City Council shall provide an opportunity at the beginning of each regularly scheduled City Council meeting, and any other board or commission meeting for citizens who wish to appear before that city board or commission to make a request of City Council, board or commission, voice a complaint or concern, express an opinion, or for some other type of recognition. The presiding officer will provide each member of the public three (3) minutes to provide their input. The presiding officer may permit additional time to a given speaker on a case by case basis. The City Council, or the board or commission, as applicable, in its discretion, may authorize an additional period of public participation before the meeting is adjourned.

(2) Each person who wishes to address the City Council, or the Board or Commission must first be acknowledged by the presiding officer. Speakers shall address the City Council, or the

board or commission from the podium, and not approach that city board or commission or staff. Speakers will begin their statement by first stating their legal name and actual physical address.

(3) Statements are to be directed to the city board or commission as a whole, and not to individuals. Public comment is not intended to require a city board or commission to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(4) Speakers will be courteous in their language and presentation.

(5) Only one speaker will be acknowledged at a time. In the event a group of persons supporting or opposing the same position desires to be heard, in the interest of time, a spokesperson shall be designated to express the group's concerns. Likewise, in the event the number of persons wishing to attend the hearing exceeds the capacity of the meeting place, one or more delegates shall be selected to speak on behalf of each group.

(6) It should be understood that no city board or commission will likely take any action on subject matter for which it has not had the opportunity to fully investigate and gather complete information.

(7) These same rules shall apply to all city boards and commissions.

SECTION 8. DECORUM. The presiding officer shall preserve strict order and decorum at all meetings.

(1) In conducting the public's business, city boards and commissions are committed to the principles of civility, honor, and dignity. Individuals appearing before city boards and commission are requested to observe the same principles when making comments on items and issues presented to a given city board or commission for its consideration.

(2) Staff members and citizens are required to use proper language when addressing a city board or commission or the audience. Staff members and citizens shall not use profanity or cursing, aggressive or threatening behavior when addressing the city board or commission or other participants. All comments are directed to the presiding officer and not to individual members of the city board or commission or to the audience. No personal verbal attacks toward any individual will be allowed during the conduct of a city board or commission meeting. The presiding officer may have individual(s) removed from the podium and/or meeting chambers if such conduct persists after a warning has been issued.

(3) All members of a city board or commission shall accord the utmost courtesy to each other, the City employees and the public members appearing before the board or commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. During city board or commission meetings, cell phones are to be turned off or silenced. Use of cell phones by board or commission members and City staff for talking, texting, emailing or otherwise will not be allowed during meetings while at the dais, except for emergency communications, research, or during breaks.

(4) In addition to the prohibitions in (3), above, Section 871.01, Florida Statutes, declares that any person who willfully interrupts or disturbs any assembly of people meeting for any lawful purpose shall be guilty of a misdemeanor of the second degree, and may be arrested by police

officers present. This may be done in the absence of the conduct being noted, or of the offender being called to order, by the presiding officer.

(5) In the case that any person is declared out of order by the presiding officer and ordered expelled, and does not immediately leave the meeting chambers, the following steps shall be taken:

- i. The presiding officer shall declare a recess.
- ii. The person shall be advised that he has been ordered expelled.
- iii. In case the person does not remove himself from the area, he or she will be advised that they may be placed under arrest for violating Section 871.01, Florida Statutes.
- iv. In the event any person who is ordered expelled leaves the meeting chambers voluntarily and then returns to the same meeting, he or she may be subject to arrest for violation of Section 871.01, Florida Statutes.

The City Manager shall, during all City Council meetings, have a uniformed law enforcement officer present to enforce this policy.

SECTION 9. REPEAL OF CONFLICTING RESOLUTIONS. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 10. SEVERABILITY. The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence or paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

SECTION 7. EFFECTIVE DATE. This Resolution shall become effective immediately upon passage by the City Council of the City of Brooksville, Florida.

DULY ADOPTED this 21st day of October, 2013.

SEAL

CITY OF BROOKSVILLE

By: _____
Lara Bradburn, Mayor

ATTEST: _____
Janice L. Peters, CMC, City Clerk

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

Thomas S. Hogan, Jr., The Hogan Law Firm, LLC
City Attorney

VOTE OF CITY COUNCIL

Bernardini	_____
Bradburn	_____
Burnett	_____
Hohn	_____
Johnston	_____



AGENDA ITEM MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER

FROM: JANICE L. PETERS, CMC, CITY CLERK

SUBJECT: 2014 HOLIDAY/MEETING SCHEDULE

DATE: NOVEMBER 5, 2013

GENERAL SUMMARY/BACKGROUND: Pursuant to Section 5.00 of the Personnel Policies, the attached is the list of employee holidays for 2013, together with the regular council meetings, potential workshop meetings and ***tentative*** budget workshop/public hearings schedule.

The regular council meetings have been scheduled on the first and third Monday's of the month, unless there is a conflict with a holiday in the month, which results in only one regular meeting in the months of January, February, and September in 2013.

BUDGET IMPACT: Appropriate holiday pay and overtime compensation has been budgeted in accordance with City Personnel Policy and the proposed schedule.

LEGAL REVIEW: The proposed schedule is consistent with Section 5.00 of the Personnel Policies referencing employee holidays and Article II Legislative Procedures, Section 2.12 Procedure, of the City's code regarding meetings of Council.

STAFF RECOMMENDATION: Staff recommends Council approval of the proposed schedule or provide direction to staff for amendments thereto.

ATTACHMENT:

1. Proposed 2013 Schedule
2. Personnel Policy Section 5.00 Holidays

Attachment 1

City of Brooksville

2014 Council Meeting & Holiday Schedule

JANUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JANUARY

- 1 New Year's Day **
- 6 Council Meeting 7:00 pm
- 20 MLK, Jr., Day * & **

JULY

- 4 Independence Holiday * & **
- 7 Council Meeting 7:00 pm
- 14 Potential Workshop
- 21 Council Meeting 7:00 pm
- 22 Potential Budget Workshop 6:30 pm

JULY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

FEBRUARY

- 3 Council Meeting 7:00 pm
- 10 Potential Workshop 6:30 pm
- 17 President's Day * & **

AUGUST

- 4 Council Meeting 7:00 pm
- 12 Potential Budget Workshop 6:30 pm
- 18 Council Meeting 7:00 pm
- 26 Potential Budget Workshop 6:30 pm

AUGUST						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

MARCH						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

MARCH

- 3 Council Meeting 7:00 pm
- 17 Council Meeting 7:00 pm
- 28 Good Friday * & **

SEPTEMBER

- 1 Labor Day * & **
- 10 Proposed 1st Budget Hearing 6:30 pm
- 15 Council Meeting 7:00 pm
- 24 Proposed Final Budget Hearing 6:30 pm

SEPTEMBER						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

APRIL						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

APRIL

- 7 Council Meeting 7:00 pm
- 14 Potential Workshop 6:30 pm
- 21 Council Meeting 7:00 pm

OCTOBER

- 6 Council Meeting 7:00 pm
- 20 Council Meeting 7:00 pm

OCTOBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

MAY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

MAY

- 5 Council Meeting 7:00 pm
- 19 Council Meeting 7:00 pm
- 26 Memorial Day * & **

NOVEMBER

- 3 Council Meeting 7:00 pm
- 10 Potential Workshop 6:30 pm
- 11 Veteran's Day * & **
- 17 Council Meeting 7:00 pm
- 27 Thanksgiving Holiday * & **
- 28 Thanksgiving Holiday * & **

NOVEMBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JUNE						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

JUNE

- 2 Council Meeting 7:00 pm
- 9 Potential Workshop 6:30 pm
- 16 Council Meeting 7:00 pm

DECEMBER

- 1 Council Meeting 7:00 pm
- 15 Council Meeting 7:00 pm
- 24 Christmas Holiday * & **
- 25 Christmas Day Holiday * & **

DECEMBER						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Attachment 2

SECTION 5.00 HOLIDAYS

(Replaces Section 5.00 – 5.03)

I. POLICY

The City provides a competitive paid time off benefit to Employees in recognition of certain Holidays. The City reserves the right to add or delete any days from the list of Holidays if it is determined to be in the best interest of the City.

II. DEFINITIONS

- A. Full-time, Regular Employee is defined as an employee who is regularly scheduled to work thirty (30) or more hours per workweek.
- B. Holiday Pay is defined as a paid time off benefit that is equal to the time/hours that the Employee would typically be scheduled to work/earn during his/her normal workday.

III. PROCEDURE

- A. Eligibility.
 - 1. Only Full-time, Regular Employees are eligible for Holiday Pay. Part-time Employees are not eligible for Holiday Pay.
 - 2. To be eligible for Holiday Pay, an Employee must work the last regularly scheduled workday preceding the Holiday and the first regularly scheduled workday following the Holiday, unless the absence is approved in advance, or otherwise authorized, by the Department Director or designee.
 - 3. An Employee who separates or commences an unpaid leave of absence (a) on the last regularly scheduled workday preceding a Holiday, (b) on a Holiday, or (c) on the first regularly scheduled workday following the Holiday will not receive Holiday Pay.
 - 4. An Employee that is in a “no-pay” or unpaid leave status will not be eligible for Holiday Pay.
- B. Recognized Holidays. The following days will be observed as Holidays and offices will be closed, except for those Departments who are normally required for continuous or emergency duty:

New Year's Day
Dr. Martin Luther King Day
President's Day
Good Friday

Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

1. Annual approval of dates observed as Holidays shall be approved by the City no later than the first meeting in December of the preceding calendar year.
2. City paid Holidays which fall on Saturday may be observed on the preceding Friday, paid Holidays which fall on a Sunday may be observed on the following Monday.
3. Holidays shall be observed from 12:00 a.m. to 11:59 p.m.

C. Employees Required to Work on Holidays.

1. Exempt Employees. Holiday Pay for Exempt Employees is compensated as part of base pay. In the event that an Exempt Employee is either scheduled or called-in to work on a Holiday in which they would otherwise not be working, the Exempt Employee is granted an additional day of Vacation Leave in lieu of Holiday Pay. The additional day of Vacation Leave shall be added to the Exempt Employee's Vacation Leave balance in the same pay period in which the Holiday occurs.
2. Non-Exempt Employees on Regular Work Schedule. When a Non-Exempt Employee's regular work schedule requires the Employee to work on a Holiday, such Employee shall be compensated for all Hours Worked on the Holiday, at the Employee's Regular Rate of Pay; and the Employee shall be compensated an equivalent amount of Holiday Pay. For Example: If an employee whose regular work schedule on the holiday is 4 hours, the employee receives pay for a total of 8 hours at the employee's regular rate of pay.
3. Non-Exempt Employees Called In to Work on Holiday. A Non-exempt Employee called-in to work on a Holiday in which the Employee was not otherwise scheduled to work shall be compensated for all Hours Worked on the Holiday within a 24 hour period, or a minimum of four (4) hours, whichever is greatest, at time and one-half the Employee's Regular Rate of Pay, and shall be compensated Holiday Pay at the Employee's Regular Rate of Pay, for the hours that the Employee would have been regularly scheduled to work if the Holiday were not scheduled for observation. For

Example: For an employee regularly scheduled to work an 8 hour day who is called-in to work for 5 hours on a City Holiday will be paid for the 5 hours actually worked x (1.5 x pay-rate/hour) *plus* 8 hours holiday pay x pay-rate/hour.

- D. Extenuating Circumstances. When extenuating circumstances (i.e. car accident, death of immediate family member, etc.) have rendered the Employee unable to comply with all the conditions of this policy and procedure, the Employee may appeal his or her eligibility for Holiday Pay to the City Manager. The City Manager's decision is final.

CORRESPONDENCE-TO-NOTE
REGULAR COUNCIL MEETING – November 18, 2013

1. **TYPE:** Letter
 DATED: November 7, 2013
 RECEIVED FROM: Feldman & Mahoney, P.A.
 ADDRESSED TO: T. Jennene Norman-Vacha, City Manager
 SUBJECT: Southern Hills Plantation Amended & Restated Development
 Agreement/Annual Report

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VIA E-MAIL & U.S. MAIL

November 7, 2013

Ms. T. Jennene Norman-Vacha
City Manager
City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

Re: Southern Hills Plantation/Amended and Restated Development Agreement/Annual Report

Dear Jennene:

As you know, this firm represents the major owner and Developer of the Southern Hills Plantation project located in the City of Brooksville ("City"). Pursuant to Section 2.4.A. of the Amended and Restated Development Agreement, dated September 9, 2010, recorded in Official Records Book 2768, Page 951 of the Public Records of Hernando County, Florida ("DA"), the Developer is required to provide a written status report to the City describing the Developer's activities undertaken during the preceding year to achieve the obligations of the DA ("Annual Report"). This letter will constitute this year's Annual Report.

In accordance with the DA, the Developer and the City are close to finalizing a utilities service agreement pursuant to Sections 3.A.(vii), B.(v) and C.(iv) of the DA, having met earlier this week to agree on final terms.

Pursuant to Sections 3.D.(iv) and (v) of the DA, this firm has sent to the City's attorneys the conveyance instruments necessary to convey the right-of-way and associated easements relative to Phase 4 of Governor Boulevard, along with updated title commitments. Once the City's attorneys complete their review, the Developer will execute and deliver the conveyance instruments.

There are no other imminent deadlines under the DA, all of them having been extended through Florida statutory extensions.

CTN
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JVM

Ms. T. Jennene Norman-Vacha

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During the 2013 calendar year, several new homes were constructed and market interest in the project increased. Through a new joint venture relationship entered into by affiliates of GreenPointe Communities, LLC, SHP Group LLC has become the owner of the vacant lots and residential land owned previously by SH Venture I, LLC. SHP Group LLC is also now the primary homebuilder in the community. Developer expects to see increased activity within the Southern Hills Plantation project during 2014 as a result of the consolidation of the landholding and homebuilding operations. If you have any questions regarding the foregoing, please contact me.

Very truly yours,

FELDMAN & MAHONEY, P.A.

Donna J. Feldman

DJF/aej

cc: Mr. Graydon E. Miars (via e-mail)
Mr. Roger Postlethwaite (via e-mail)
Mr. Cliff Manuel (via e-mail)
Mr. Bill Geiger (via e-mail)