AGENDA ITEM NO. E-1
12.15.08

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

AGENDA

October 6, 2008 7:00 P.M.

Brooksville City Council met in regular session with Mayor David Pugh, Vice Mayor Frankie Burnett and Council Members Joe Bernardini, Lara Bradburn and Richard E. Lewis present. Also present was Thomas S. Hogan, Jr. and Debbie Hogan, City Attorneys; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Development Director; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. A representative of Hernando Today and St. Pete Times was also present.

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

CONSENT AGENDA

Minutes

August 4, 2008 Regular Meeting
August 25, 2008 Regular Meeting (Rescheduled from 08/18/08)

Radio Read Meter Project - USDA Loan Documents

Authorization for the Mayor to execute six (6) documents related to our proposed loan from USDA for up to $1.48 million for the project.

Ressel, Inc. Agreement - Generator Wall Bid No. GG2008-03

Approval of various documents related to an agreement with Ressel, Inc. to construct a brick wall around City Hall generator for the not-to-exceed amount of $25,050. Requesting authorization for Mayor to sign said documents as needed and for the Director of Public Works to issue a Notice to Proceed when the documents have been approved by USDA. Funds in the amount of $23,000 are available in the USDA Grant line item #001-000-331-43706, with transfer of the balance of $2,050 from General Fund Reserves as previously authorized (09/15/08).

Withlacoochee Regional Planning Council (WRPC) Professional Services Agreement

Consideration of renewal of annual agreement with WRPC for professional/planning services on an as-needed basis for the 2008-09 fiscal year and authorize Mayor to execute the agreement.

Edward Byrne Memorial Justice Assistance Grant Award - Patrol K-9 Program

Acceptance of Grant Award in the amount of $15,030 for a K-9 Drug Enforcement Program and authorize Mayor to execute.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of the consent agenda.

Concerning item C-3, Vice Mayor Burnett asked about the contradicting amount in the agreement for the Generator Wall Bid.

APPROVED BY BROOKSVILLE CITY COUNCIL
ON 12/15/08 INITIALS

City Manager Norman-Vacha explained that the contract is for the original amount with a change order attached which changes the amount to $25,050.

Concerning item C-4, WRPC, Council Member Bradburn indicated she would agree to the agreement on an emergency basis, as a backup plan, but encouraged the use of other options, such as the University of Florida.

Council Member Bernardini indicated he is opposed to item C-3, the Ressel, Inc. agreement. Mayor Pugh expressed his dislike of the building of the wall in this manner.

Motion carried 4-1, with Mayor Pugh voting in opposition.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

"Florida City Government Week" Proclamation

Consideration of Proclamation declaring the week of October 19-25, 2008, 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 Pugh read the proclamation in its entirety, which will be delivered to the Florida League of Cities. City Manager Norman-Vacha indicated the City has exciting events planned for the city to show off some of the things the departments do and encouraged all to participate.

Police Chief Turner advised that the K-9's would be on display, which the public is invited to attend.

Audit Services Interviews

Presentation of Qualifications by Auditors:
[Note: 15 min. presentation by each firm, followed by 5 minute question/answer period.]

Steve Baumgartner, Director of Finance, advised Mr. Baggett from Baggett-Henson is in the room and will be interviewed first.

Vice Mayor Burnett requested Council be given more than 5 minutes for the question and answer period. Mayor Pugh recommended limiting the firms to 10 minutes with as much time as Council needs for questions.

Baggett-Henson, CPA's

Judd Baggett, representing Baggett-Henson from Zephyrhills, thanked Council for the opportunity to be here. He reviewed Baggett-Henson's history as a company, experience, and their audit process, as well as points he feels separates their company from the others.

Council Member Bradburn asked Mr. Baggett's opinion on the 3-pronged approach to auditing Council proposes, aimed at catching potential financial problems before they become big problems. Mr. Baggett liked the approach and felt it relates to how good staff prepares financial statements monthly. Their approach would be to work with staff to teach them the proper way of preparing statements. He briefly reviewed their current clients.

Larson Allen, LLP

Jack Rybicki, Principle in Charge of the Tampa office, introduced the team who will be working on the City's audits and reviewed the structure of the Larson Allen companies. He felt the company's expertise in the industry separates them from other companies and reviewed their services.

Gil Hernandez, who has more than 25 years of experience auditing government agencies, reviewed the company's history and further reviewed their services.

Council Member Bradburn thanked the team of Larson Allen for attending. She asked if they are familiar with the City's finance department. Mr. Hernandez indicated he has spoken with Steve Baumgartner, Finance Director, but not pertaining to specifics. She asked about the 3-pronged audit system. Mr. Hernandez indicated they perform interim audits during the year working in conjunction with Council.

Mr. Rybicki indicated they will delve into the specific concerns of staff to design a process, stating that employees who work on government audits specialize in that branch of auditing. He noted that they specialize in cities just like Brooksville. The cities Norma Berrios has audited were reviewed. Mr. Hernandez commented on the distance of their office from the City of Brooksville which he indicated will not deter them from providing superior service.

Council Member Bernardini asked if their company performs peer reviews, which Mr. Rybicki confirmed. A brief discussion of auditing procedures relating to different sized companies ensued.

Oliver & Joseph, PA

Mary Beth Gary of Oliver & Joseph, the City's current auditors, addressed Council and reviewed their proposal, affiliates and experience.

Council Member Bradburn asked about the 3-pronged process and inquired how it could be employed given the short time schedule. Ms. Gary did not feel it could be implemented for the 2008 audit since they are already past the end of the fiscal year. She indicated for 2009 and 2010, once March has past, the auditors should come in twice before year end and reviewed the process that should take place at those sessions.

Council Member Bradburn advised that one of the concerns expressed in-house is that, while Oliver & Joseph has some very capable staff and the proposal states that they will pull from different members of staff, the feeling is that Ms. Gary and Ken Deason should be more involved in the process. Ms. Gary advised that they are involved in the meetings and on a day to day basis that is not readily visible to all, but they are certainly available if on-site presence is requested. Mr. Beeson reiterated that fact.

Williams, McCranie, Wardlow & Cash, PA

Robert Wardlow briefly reviewed the history of their company and services they provide as well as staff who will be working on the City's audit.

Council Member Bradburn asked how familiar Mr. Wardlow is with the City's financial process and his thoughts on the proposed 3-pronged system.

Mr. Wardlow felt being proactive in warding off problems is a great methodology and encouraged Council to adopt it. He indicated Ms. Brenna will be the lead CPA for the City's account but Paul Cash will be the Senior Accountant.

Council Member Bernardini asked if their company performs peer review audits on other firms which he answered negatively.

Mayor Pugh called a recess for Council to make their rankings. Vice Mayor Burnett indicated he does not feel comfortable ranking any of the firms at this time and requested more time to review the proposals in depth. Mayor Pugh advised Council is pressed for time but would leave it up to Council. After brief discussion it was Council consensus to make their rankings at this time. Mayor Pugh clarified the ranking procedure.

Upon reconvening, Mayor Pugh indicated the first place firm to be Oliver and Joseph with 11 points and Larsen Allen being second with 9 points. The ranking procedure was made on the basis of proposal, bid, verbal presentation, known performance and staff recommendation.

The Hogan Law Firm will contact Oliver and Joseph to negotiate a contract.

Mayor Pugh advised a copy of the rankings will be available upon request. Council Member Bradburn thanked all who participated.

PUBLIC HEARINGS

Ordinance No. 754-A - Firefighters' Retirement Trust Fund Amendments

Consideration of ordinance amending Sections 5, 6 & 10 of the City of Brooksville Firefighters' Retirement Trust Fund.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of Ordinance 754-A.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Ordinance No. 754-A by title, as follows:

> AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-C, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Ordinance No. 770 - Police Officers Retirement Trust Fund Plan Document Amendments

Consideration of ordinance amending Sections 7, 8, and 16 of the City of Brooksville Police Officers' Retirement Trust Fund.

Council Member Bradburn reviewed prior issues she had with the amendments which included support for death in-the-line-of-duty but not for increasing the multiplier to 4% because it ties the hands of future Council.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of Ordinance 770.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips pointed out that the head note has been amended since last reading for simplification.

City Clerk Phillips read Ordinance No. 770 by title, as follows:

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA; ENACTING INTO LAW AN AMENDED AND RESTATED PENSION PLAN FOR POLICE OFFICERS PROVIDING FOR A REVISED POLICE OFFICERS RETIREMENT TRUST FUND; PROVIDING FOR THE CREATION OF FUND; PROVIDING FOR DEFINITIONS; PROVIDING FOR PARTICIPATION; PROVIDING FOR BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR PRE-RETIREMENT DEATH; PROVIDING FOR DISABILITY; PROVIDING FOR VESTING; AMENDING VESTING PERIOD TO SIX YEARS OF CREDITED SERVICE; PROVIDING FOR OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING FOR CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO DIVISION OF RETIREMENT; PROVIDING FOR ROSTER OF RETIREES; PROVIDING FOR MAXIMUM PENSION; REVISING BASIC LIMITATIONS FOR INCREASES IN THE COST OF LIVING IN ACCORDANCE WITH THE REGULATIONS UNDER §415(d) OF THE CODE; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF PLAN; PROVIDING FOR EXEMPTION FROM EXECUTION, NONASSIGNABILITY; PROVIDING FOR FORFEITURE OF PENSION; CONVICTION AND FORFEITURE; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR PRIOR POLICE SERVICE; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR CONFLICT, SEVERABILITY, AND PUBLICATION; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Council Member Bradburn	NAY
Council Member Lewis	AYE
Council Member Bernardini	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

Ordinance No. 765 - Environmental Standards Ordinance

Consideration of ordinance amending Chapter 38, "Environment, Article II, "Junked, Wrecked, Abandoned, Lost, Seized Property" and Article III "Property Maintenance" of the City of Brooksville code.

Director Geiger reviewed the ordinance. He noted that on page 7, sub-section D, second to last paragraph, the word property should be added after personal. He clarified the intent of the ordinance as well.

Mayor Pugh asked for public input.

Mrs. Kemper indicated her house was the one photographed on Sunday, September 14 for the local newspaper and items in her yard were referred to as "cluttered property". She felt what the newspaper says and what Council says are two different things and she was concerned for potential fines. She urged Council to know when to stop.

Mayor Pugh reiterated the purpose of the ordinance and assured her that what she described is not what the City is going after.

Cary Smith indicated he has a problem with the way the ordinance is written. He thought the wording to be broad, inclusive, vague and ambiguous at the same time and elaborated. He was also concerned with the appeal process in that the time is too short and the final appeal should be to the elected officials.

Council Member Bradburn asked what effect this has on the ordinary disposal of appliances. Director Geiger indicated the ordinance provides for citizens who have contacted sanitation for arrangements to have the items picked up. On page 15, 3865 Section D, Council Member Bradburn indicated it references a Police Officer, which she felt should be changed to a Code Enforcement Officer. Director Geiger indicated the intent was for it to be a Police Officer. Discussion continued of possible issues surrounding the ordinance.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Bradburn for approval of Ordinance 765.

City Clerk Phillips read Ordinance No. 765 by title, as follows:

> AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 38, "ENVIRONMENT, ARTICLE II, "JUNKED, WRECKED, ABANDONED, LOST, SEIZED PROPERTY," PROVIDING FOR NOTICES OF VIOLATIONS, APPEALS TO THE CITY MANAGER, AND POSSIBLE EXTENSIONS OF TIME FOR THE REMOVAL OF VEHICLES OR OTHER ARTICLES UNLAWFULLY LOCATED ON ANY PUBLIC OR PRIVATE PROPERTY; AMENDING ARTICLE III "PROPERTY MAINTENANCE," PROVIDING FOR THE PROHIBITION OF THE ACCUMULATION OF JUNK OR LITTER ON PUBLIC OR PRIVATE PROPERTY; PROVIDING FOR

CODIFICATION, CONFLICTS AND REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

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

Council Member Lewis	AYE
Council Member Bernardini	AYE
Council Member Bradburn	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

City Attorney Hogan advised that the ordinance can be amended as needed in the future.

Ordinance No. 766 - Law Enforcement, Fire and Emergency Medical Services Cost Recovery

Consideration of ordinance providing for a recovery mechanism through insurance for costs associated with providing emergency services to our visitors and citizens.

Fire Chief Mossgrove indicated changes have been made from the first reading per Council direction.

Council Member Lewis, in order for him to support the ordinance, asked that any revenue created by the ordinance be set aside for use in the departments creating the revenue and not be put in general fund.

Mayor Pugh asked for public input; there was none.

Council Member Bernardini referred to the letter of opposition received by Darcy Keith and indicated someone is always at fault in an accident.

Vice Mayor Burnett asked Council Member Lewis to consider 25% of revenues collected being designated to continual road improvements within the city, which Council Member Lewis did not have a problem with. A brief discussion of accidents in which no citations are issued followed.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of Ordinance No. 766 with an amendment to the ordinance for the allocation of cost recovery funds to the actual agency that incurred the expense.

Mayor Pugh reviewed his concerns with regard to the fact that citizens already pay taxes to the fire district.

City Clerk Phillips read Ordinance No. 766 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE AUTHORIZING THE CITY TO SEEK REIMBURSEMENT OF COSTS OF CERTAIN POLICE, FIRE, EMERGENCY AND RESCUE SERVICES FOR SERVICES PROVIDED WITHIN THE RESPONSE AREA OF THE CITY OF BROOKSVILLE BY IMPLEMETING SERVICE CALL FEES; PROVIDING A RESIDENTIAL PROPERTY EXEMPTION; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	NAY

Ordinance No. 767 - Flood Prevention and Protection

Consideration of ordinance amending Chapter 113, "Flood Prevention and Protection" of the City of Brooksville code.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of Ordinance 767.

Council Member Bradburn indicated references to coastal areas were removed and recommended removing references to Mangroves. Also, it is presumed that as the flood maps are updated the ordinance will need to be updated as well. Director Geiger indicated that will not be necessary as it implements both State and Federal requirements as they exist today, which was further discussed.

Council Member Bradburn advised there are numerous references to mobile homes and asked that Council consider an amendment to require tie downs be done in accordance with South Florida standards. Director Geiger indicated the City is subject to the Florida Building Code which is 120 mph winds and advised the model state code is being proposed. Discussion continued.

Referring to page 23, section 113-20, variance procedures, Council Member Bradburn expressed concern in that it grants the authority of the variance to the Planning & Zoning Commission, which is an advisory board to the City Council, whom she felt the role should be the responsibility of. Mayor Pugh asked Director Geiger what the County's procedure is for variances. It was his understanding that the County Planning & Zoning Commission makes the final decisions on variances. Mayor Pugh was in favor of Council hearing the final requests for variances. Director Geiger indicated Council already has the authority to review any decisions made by the Planning & Zoning Commission.

Council Member Bradburn felt it sends an unfair signal to the petitioner to be told one thing by Planning & Zoning with the possibility that Council could want to hear the issue. She felt the guidelines should be clear up front and felt it more appropriate for the final decision to rest with Council. Vice Mayor Burnett concurred. Director Geiger indicated that all petitioners are made aware that there is a 10-day window for appeals or review by Council once approved by Planning & Zoning. Discussion continued.

Council Member Lewis advised that Section 113.20 states the Planning & Zoning Commission will hear and decide appeals and recommended that verbiage be removed.

Mayor Pugh recommended, and Council concurred, that the issue be continued until the October 20 meeting.

The motion on the floor was withdrawn.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn to table the ordinance to the October 20, 2008, meeting.

Mayor Pugh asked for public input; there was none.

Motion carried 5-0.

Ordinance No. 768 - Small Scale Comprehensive Plan Amendments - Petitioner: Innovators Investment Group. LLC and Brooksville Hotel and Office Park, LLC

Consideration of a request for a change to the Future Land Use Map designation from Residential (County) to City Single-Family Residential for a 0.95 acre ± parcel and from Residential (County) to City Commercial for a 4.81 acre ± parcel. Both parcels are located on the North side of Cortez Blvd. (S.R. 50), west of Hale Avenue and east of Mildred Avenue.

Director Geiger reviewed the petition and advised there to be a form on the table at the back of the room for citizens interested in receiving information on the disposition of the amendment as it is sent to the Department of Community Affairs.

Mike Gaylor, at the request of Council Member Bradburn, re-addressed the Hogan Property and Mildred Avenue as it relates to the project. He indicated the Hogan house property will remain a single family residence and the balance of 4.81 acres will be commercial. He reiterated that it is not the developer's intent to ever tie the project to Mildred Avenue.

Mayor Pugh asked for clarification from Director Geiger that Mildred Avenue is not an acceptable design to handle any more traffic, which Director Geiger verified.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of Ordinance 768.

Mayor Pugh asked for public input.

Jeff Werner of 1030 S. Mildred Avenue inquired of the signage, to which Director Geiger advised the signage was posted prior to the Planning & Zoning Commission meeting and reposted after the meeting. He indicated he is happy with the changes. He asked if the concerns stated at this meeting are forwarded to the state. Director Geiger indicated a copy of the ordinance once adopted is forwarded with copies of the staff report. Mr. Werner indicated he is opposed to the two acres next to his property being commercial.

City Clerk Phillips read Ordinance No. 768 by title, as follows:

> AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING AMENDMENTS TO THE FUTURE LAND USE MAP AND ELEMENT OF THE CITY OF BROOKSVILLE COMPREHENSIVE PLAN; PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Lewis	AYE
Council Member Bernardini	AYE
Council Member Bradburn	AYE
Vice Mayor Burnett	AYE
Mayor Pugh	AYE

REGULAR AGENDA

Resolution No. 2008-24 - Solid Waste Rate Increase

Consideration of resolution repealing previous resolution and increasing the Solid Waste rates, incorporating 3% cap on rate increase and freeze residential rates at $16.09 per month until 10/01/09.

Director Pierce reviewed the resolution. He explained that the strikeout rates were from several years ago and are for comparison purposes only.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of Resolution No. 2008-24.

Council Member Bradburn asked Director Pierce to restate his comments from the budget meeting where he made the statement that Public Works did not need to raise rates. Director Pierce explained he did not need to raise residential rates but felt the commercial rates should be increased to keep up with inflation. Mayor Pugh expressed that although he is pleased to see the freeze for residential rates he felt that with the current economy commercial businesses also need to be able to stay intact.

Mayor Pugh asked for public input; there was none.

City Clerk Phillips read Resolution No. 2008-24 by title, as follows:

RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA RESCINDING PRIOR SOLID WASTE COLLECTION FEE RESOLUTION; RESTATING AND ESTABLISHING SERVICE CHARGES AND RATES FOR SOLID WASTE COLLECTION SERVICES; PROVIDING FOR AUTOMATIC ANNUAL ADJUSTMENT OF RATES AND CHARGES; PROVIDING FOR A CAP ON SERVICE CHARGE AND RATE INCREASES; PROVIDING FOR SEVERABILITY AND CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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

Council Member Bernardini	AYE
Council Member Bradburn	AYE
Council Member Lewis	AYE
Vice Mayor Burnett	ABSENT
Mayor Pugh	NAY

Resolution No. 2008-25 - Utility Rate Increase

Consideration of resolution repealing previous resolution and increasing the Water & Sewer Utility Rates, incorporating 3% cap on rate increase.

In response to inquiry from Council Member Bradburn as to his prior statements at a budget workshop regarding the lack of need for an increase in water rates, Director Pierce advised that this is not what he stated since utilities has quite a few capital improvements that

need to occur and they need active cash flow from which to borrow money to move ahead with some of these badly needed projects. According to Director Pierce, one of the major ones is converting the system to radio read meters, with the original cost estimate of $1.48 million. They also need to extend some lines in order to protect our territory from our competition and he believes capping the rate increase at 3% is a reasonable compromise.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Burnett that the City keep the rates the same for the next year.

Council Member Lewis inquired if water & sewer customers outside the City limits would also receive the automatic rate increase since it was not indicated in the proposed resolution. Following discussion, it was confirmed that in addition to the 25% surcharge these customers pay, there is documentation in place which indicates these users would also be included in any rate increases but it was also agreed that it would be better to include language in any adopted resolution dealing with the rate increase.

Mayor Pugh asked for public input; there was none.

As to the action proposed by the motion on the floor, City Manager Norman-Vacha interjected that she felt Council would need to have staff bring back a revised resolution to the next meeting to freeze the rates because the existing resolution also states that there is a modifier that is applicable immediately and unless you are changing the resolution, the modifier stays in tact. This proposed resolution added the 3% cap. Council can further direct staff to modify the language where rates would remain intact for this year and it would then apply the modifier as the language is provided with a 3% cap going into next budget year. Council Member Bradburn indicated that was her intent.

The City Attorney clarified that the motion would be to deny passage of Resolution No. 2008-25 and adopt a resolution as described by the City Manager which would probably have to come back to Council.

Mayor Pugh pointed out that the current motion on the floor was to freeze and not to deny. Council Member Lewis commented that as much as he hates to say it, he concurs with Director Pierce that the City needs the increase and that the modifier was in there and adopted, with an extensive study done at the time in order to accomplish the utility improvements in water lines and replacement of pipes and he would support the resolution and vote against denying it.

Mayor Pugh concurred and understood why the Council had put that ordinance and resolution in place but felt Council should look at the economic times. The City was going through extraordinary growth and at the time did not have one of the highest unemployment rates in the state and facing these current tough economic times. He did not believe anybody wants to see what happened before when the City did have a 20% increase and this is why it was done, so the customers would never get that sticker shock again but it is tough right now.

Council Member Bradburn and Vice Mayor Burnett concurred and clarified that the motion was to deny the resolution and direct staff to come back with a resolution to freeze the rates this year and provide for a 3% cap in subsequent years.

Motion failed 3-2, with Burnett, Lewis and Bernardini voting against it.

Vice Mayor Burnett clarified that after hearing the conversation about why the automatic increases where instituted in the first place, he would rather not have to get in that situation again and this is why he voted against the motion, even though he had originally seconded it. Council Member Bradburn and Mayor Pugh did not feel that the City could get into that situation again with the 3% cap. Mayor Pugh further stated that he did not agree with some of the issues that were brought up about covering or protecting our territory.

City Attorney Hogan advised that with the failure of the motion, the resolution is back up for consideration and if Council wants it can amend the resolution to include Council Member Lewis' amendment suggestion as it relates to including a section specifying that any rate increases also apply to the 25% surcharge water and sewer customers outside the City.

Motion:

Motion was made Council Member Lewis and seconded by Vice Mayor Burnett to approve Resolution No. 2008-25 with inclusion of the above stated changes concerning all water and sewer users outside the City limits and keeping the 3% cap.

Mayor Pugh asked for public input; there was none.

Council Member Bernardini inquired what the rate increase would be and after discussion and calculations, water would go up 56¢ and sewer would go up 64¢, for a total of $1.20 or $13.50 per year.

Due to the extended discussion and motions associated with the resolution, the Title was inadvertently not read into the record.

Motion failed, 3-2, following roll call vote:

Council Member Bradburn	NAY
Council Member Lewis	AYE
Council Member Bernardini	NAY
Vice Mayor Burnett	AYE
Mayor Pugh	NAY

Mayor Pugh pointed out that even though it seems like a small increase, when you add it to all the other increases everyone is experiencing right now it all adds up, especially for commuters.

Discussion ensued that if no action is taken, the automatic increase would be in effect and there would be no 3% cap on the rate increase. The current CPI is estimated at 3.85, which is above the 3% cap on the CPI presented to Council with this proposed resolution, per the City Manager, so unless Council takes action and provides direction to not follow the resolution and hold in abeyance until this does come back, staff will have to apply the CPI increase for the next billing cycle because it is currently in place, which action the City Attorney confirmed could be taken since it was a resolution.

Council Member Lewis asked for clarification that there are no USDA stipulations on the CPI modifier for any of our bond or loan requirements, etc., which the Finance Director confirmed.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett to add the old resolution and CPI issue to the agenda for discussion and action.

Following further discussion the City Attorney advised that Council would need to pass a motion or verbal resolution to hold rates the same until staff can come back at the next meeting with a written resolution and proposal with your rates. Council Member Bradburn indicated that as a new resolution is brought forward she preferred a 3% cap and not the CPI, which she feels is indicative of metropolitan Tampa Bay and not Hernando County.

The above motion and second were subsequently withdrawn.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis to keep the present rates in accordance with existing Resolution 2004-01 (clarified per City Manager) and the rates as approved for the 2007/08 budget year to remain in effect until Council can rehear a separate resolution. Motion carried 5-0.

City Attorney Hogan confirmed that staff would bring back a resolution on October 20th which spells this all out.

Advisory Board Modification Process - Advisory Board Policy No. 4-2008

Consideration of approval of a) revised policy; b) repeal of Policy Nos. 1-87 and 1-94; c) conversion of terms of office for Beautification Board Members by one year; d) extension of expiration date to December 31st of each current expiration year for Beautification Board, Brooksville Cemetery Advisory Board, Parks & Recreation Advisory Board and Planning & Zoning Commission; and e) authorize staff to prepare appropriate ordinances or resolutions for future consideration to effectuate the changes.

City Clerk Karen Phillips reviewed the proposed policy.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of Policy No. 4-2008.

Mayor Pugh asked for public input; there was none.

Motion carried 4-1, with Council Member Bradburn voting in opposition due to the fact that she still supports term limits.

Election Process

Consideration of revised agreement with Hernando County Supervisor of Elections (SOE) turning over the entire elections process to the SOE office.

City Manager Norman-Vacha reviewed the proposed revised agreement with the SOE, which includes changing the qualifying official to the SOE and changing the qualifying period to coincide with the State standard which is currently used by the SOE for all other elections. The

qualifying fee would be retained by the SOE and additionally the SOE would be the official receiver of the Financial Reports of candidates. The final agreement will be brought back to Council for approval.

Discussion followed in which Council Member Lewis reiterated that he could not support this agreement as he does not feel the process is broken.

Mayor Pugh asked for public input; there was none.

Mayor Pugh felt the agreement addresses the issues and wanted the final agreement brought back to Council for another review before adoption. Vice Mayor Burnett thought this would be brought back after the election. Council Member Bradburn advised that all three SOE candidates are for the agreement. Discussion continued.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Bradburn to move forward with the drafted agreement that is in accordance with Council's desire. Motion carried 3-2 with Council Member Lewis and Vice Mayor Burnett voting in opposition.

Hometown Cloverleaf Phase II Utility Service Agreement

Consideration of entering into a Utility Service Agreement with Hometown Cloverleaf Phase II, LLC.

Director Pierce reviewed the proposed agreement stating the developer would like to add sixty-six mobile homes.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Burnett for staff to negotiate an agreement.

Council Member Bradburn questioned the impact fee credits as to why the City would be giving them the credits if they are asking to use the City's land, to which Director Pierce explained the City would be gaining a considerable amount of property. She would like to see this be negotiated and felt this was concurrency. Chief Mossgrove stated the code is specific and the additional 2-inches of line would benefit the City.

Motion carried 5-0.

The Enrichment Center of Hernando County

Update on proposed partnership with The Enrichment Center of Hernando County, thereby allowing them to relocate to the Jerome Brown Community Center.

Director Walker recapped the August 25, 2008 meeting, stating the special needs shelter would not be feasible. He asked for Council's approval to work with the City Attorney to draft an agreement and bring back to council.

Council Member Bernardini stated he is not in favor of drafting an agreement until the Enrichment Center outlines what they are requesting and bring it back to council.

Council Member Bradburn likes the fact that the City has the opportunity for another organization to utilize the center but not at

the expense of the City losing out on space. She explained she was in favor of it when they had proposed the shelter idea and felt this would be a great asset to the City of Brooksville.

Staff to bring back more information at a future meeting.

A 5-minute Recess was taken at 11:10 p.m.; Council reconvened at 11:15 p.m.

Hernando County Interlocal Agreement - Fire Dept. Co-Utilization of Fire Station

Review of proposed interlocal agreement for co-utilization of the Brooksville Fire Station by BFD and HCFR staff for a 25 year period of time.

Chief Mossgrove reviewed the proposed agreement.

Council Member Lewis made note to Council that if either side cancels the agreement a capital payment to the County has to be paid and 30 days notice will have to be given and felt this to be an unfunded liability.

Mayor Pugh felt this could work but is concerned that if for some reason the County was to leave the money would be put into a building that didn't need it compared to updating fire station #2.

Chief Mossgrove noted there have been no updates made since the station was built. He explained staff is cramped at this time and during hurricane season the upgrades would be helpful. Mayor Pugh stated he can not see putting money into that station.

Council Member Bradburn thought the liability is being exaggerated but the County should emphasize we are city and county taxpayers and this would give us the opportunity to utilize it.

Hernando County Fire Chief Nickerson stated he felt this was a win-win situation and their efforts would be combined and not duplicated.

Hillary Sanford, Brooksville Fire Department, is concerned with the living space but stated everyone is comfortable and looks forward to the opportunity to sit down with the County and discuss this proposal.

Council Member Lewis questioned how many beds are currently there to which Chief Mossgrove noted there were 6 currently and that would be increased to 14.

Discussion followed of the restroom and kitchen facilities.

Vice Mayor Burnett still felt the firefighters who will be living there should have more of a say in the design. Council Member Bradburn agreed.

Mike Dow, Brooksville Fire Department, stated he attended the Commission Meeting and after the meeting he approached both Fire Chief's for a group discussion, Chief Nickerson confirmed that the firefighters would have input on the designs.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Bradburn for approval. Motion carried 4-1 with Mayor Pugh voting in opposition.

City Manager Annual Performance Evaluation

Review of composite evaluation form and City Manager's self-evaluation form.

Mayor Pugh reviewed the rating form and comments. A copy will be placed in City Manager Norman-Vacha's personnel file.

Council Member Bernardini questioned some of the evaluation questions.

City Manager Norman-Vacha would like to sit down with each Council Member to go over the form and compile information for a revised form for next year's evaluation.

Appeal of Planning & Zoning Commission (P&Z) Decision - SE2008-05 Special Exception Use Petition - 611 N. Broad St.

Consideration of Notice of Appeal Petition to hear appeal of the P&Z Decision rendered 09/10/08.

Mayor Pugh clarified that according City Attorney Hogan the only thing being considered is whether or not to hear the appeal.

City Clerk Phillips advised that a Notice of Public Hearing would need to be publicized. Director Geiger added that all adjoining property owners had been notified prior to the P&Z Commission meeting.

Motion:

Motion was made by Vice Mayor Burnett and seconded by Council Member Lewis for approval of the appeal to be scheduled for October 20. Motion Carried 5-0.

ITEMS BY COUNCIL

Joe Bernardini, Council Member

City Staff

Council Member Bernardini noted there are a few volunteers at the Quarry; Joe Johansen, Ken Yeaton & his wife Mary, as well as Mrs. Gertrude Mobley at the Jerome Brown Community Center that put in a lot of volunteer time and thanked them for their dedication.

He also wanted to thank Julie Sherraden, whose position was eliminated, for her service to the City, as did Vice Mayor Burnett.

Frankie Burnett, Vice Mayor

MLK, Main and Daniel Railroad Tracks

Vice Mayor Burnett requested the items be added to the next agenda for discussion. City Manager Norman-Vacha advised she had information and would pass that along prior to the next Council Meeting.

T. Jennene Norman-Vacha, City Manager

Great Brooksvillian Award

City Manager Norman-Vacha indicated the Great Brooksvillian Award ceremony would not be at the traditional time but on December 13, with more information to follow.

David Pugh, Mayor

Campaign Signs

Mayor Pugh wanted to thank the person(s) who has ripped up 40 or more of his campaign signs. He added that DOT has campaign signs they thought were in the right-of-way on US41.

Julie Sherraden

Mayor Pugh added that Julie had been a dependable asset.

CITIZENS INPUT

There was none.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 12:00 a.m.

City Clerk

Attest:
Mayor

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