

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

**September 21, 2015**

**5:44 P.M.**

Brooksville City Council met in regular session with Frankie Burnett, Mayor, Natalie Kahler, Vice Mayor, Council Members Robert Battista, Betty Erhard, and William Kemerer; Attorney Clifford A. Taylor, City Manager, T. Jennene Norman-Vacha, Janet Kato, Deputy Clerk and Court Reporter, Holly Kirchman of Carolyn F. Engel & Associates.

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

**ADJOURNMENT OF REGULAR MEETING**

**5:45P.M.**

An Executive Session was called to order at 6:30. Persons in attendance were Frankie Burnett, Mayor, Natalie Kahler, Vice Mayor, Council Members Robert Battista, Betty Erhard, and William Kemerer; Attorney Clifford A. Taylor, City Manager, T. Jennene Norman-Vacha and Court Reporter, Holly Kirchman of Carolyn F. Engel & Associates.

**ADJOURNMENT OF EXECUTIVE SESSION**

**7:08P.M.**

There was a ten minutes recess.

**COUNCIL MEETING RECONVENED**

**7:22P.M.**

The City Council meeting reconvened in regular session with Frankie Burnett, Mayor, Natalie Kahler, Vice Mayor and Council Members Robert Battista, Betty Erhard and William Kemerer. Also present were Tom Hogan and Clifford A. Taylor, City Attorneys; T. Jennene Norman-Vacha, City Manager; Janet Kato, Deputy City Clerk; Mike Walker, Director of Parks, Facilities & Recreation Director, George Turner, Police Chief; Tannette Gayle, Finance Director, Tim Mossgrove, Fire Chief, Richard Radacky, Public Works Department, Steve Gouldman, City Planner, Bill Geiger, Community Development, and citizens.

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

**PRESENTATION & REQUESTS FOR WAIVERS**

**Fee Waiver Request – Communities in Schools of Hernando**

Request for a fee waiver in the amount of \$275 for their 3<sup>RD</sup> Annual Harvest Festival event at Tom Varn Park on October 3, 2015.

Olin Glance, Interim Executive Director of Communities in Schools of Hernando County, introduced herself to the Council and described the work done through this program. Students who are most likely not to graduate or be promoted are referred to as “at risk” and

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have an 85.5% success rate with their program. A unique addition to the Festival this year will be the attendance of New York Life Insurance Company who will provide to parents, fingerprints and pictures of their children free of charge. She welcomed Council to be represented at the Harvest Festival, which is not a fund raiser but a direct service to the community.

Council Member Battista inquired as to the number of children referred to them in the past year, the answer of which was 130-150.

Vice-Mayor Kahler asked if it was possible for their brochures/flyers to reflect the City's sponsorship.

Mayor Burnett requested that in the waiving of fees, advertising of such events should recognize the City as sponsors.

Director Glance stated that the organization is willing to acknowledge the City on all publications. City Manager T. Jennene Norman-Vacha was consulted on the verbiage to be used.

### **Motion:**

Motion by Council Member Erhard, seconded by Vice-Mayor Kahler to grant a fee waiver to Communities in Schools of Hernando for their 3<sup>rd</sup> Annual Harvest Festival in the full amount of \$275.00 with the understanding to acknowledge the City of Brooksville in brochures and/or flyers. Motion carried 5-0.

### **Fee Waiver Request – Junior Services League**

Consideration for a fee waiver for their "Masquerade Madness Fun Run 10k/5k/1k Run on October 17, 2015.

Junior Services League representative, Paula Whitaker, acknowledged the City's graciousness in the past in providing fee waivers and thanked the City for the consideration of the same for their third Annual Masquerade Madness Run. The purpose of the run is to raise money for women and children's charities. No monies go directly to the League. This year's Masquerade Run will be the primary source in feeding 100 families over Christmas and spring break when breakfast and lunch is not provided at schools. She stated that the City's sponsorship will be printed on the shirts and bags used in promotions.

Mayor Burnett invited questions from Council.

Council Member Battista inquired if the four hours for the police department is adequate.

City Manager T. Jennene Norman-Vacha pointed out an error in the Memorandum stating that the more accurate total of the full fee waiver for this event is \$485.72, and \$242.86 if 50% of the fees were waived.

### **Motion:**

Motion by Vice-Mayor Kahler, seconded by Council Member Battista to grant a fee waiver to the Junior Services League for their October 17, 2015 Masquerade Madness Fun Run in the full amount of 485.72 providing that the City will be acknowledged as sponsors on all advertising materials. Motion carried 4-1 with Council member Kemerer voting Nay.

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### Fee Waiver Request Hernando High School

Request for a fee waiver for their Homecoming Parade on October 9, 2015. Joy Nagy, HHS SGA Sponsor was not able to attend due to illness.

Mayor Burnett clarified that this request does not have anything to do with the half-cent tax. It is for the children and hoped that Council would consider waiving the fee in the full amount.

Council Member Erhard asked if previous approvals for the full amount have been granted.

Vice-Mayor Kahler asked if there was an update as to the construction on US41, of which the City Manager answered there would be no barricades that would hamper the parade.

Council member Kemerer noted that the fee waiver schedule from last year was at 50% and not 100%.

Mayor Burnett stated that in previous years, there were not funds available to grant 100% fee waivers, but assisted events by granting 50%. Funds for 2016 were allocated in order to return to granting 100%.

Council Member Kemerer asked for clarification on whether granting the 100% is against policy, of which Mayor Burnett stated that the policy grants Council to approve fee waivers “up to” 100% with the super-majority vote of the Council.

Mayor Burnett has discussed with the City Manager on having a workshop on finding better language for the policy. The intent being; that those requesting fee waivers may ask for 100% but it would take a supermajority vote, or 4-0, for it to be granted.

### Motion:

Motion by Council Member Battista, seconded by Vice-Mayor Kahler to grant a fee waiver to Hernando High School Homecoming Parade in the full amount of \$555.40, providing that the City will be acknowledged as sponsors. Motion carried 5-0.

Mayor Burnett thanked the Council for their support.

## CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

### Constitution Week Proclamation

Proclamation in honor of the 59<sup>th</sup> Annual Constitution Week to be presented to representatives of the Daughters of the American Revolution.

The Proclamation was read by Council Member Battista.

### Presentation of “Best Tasting Water in Florida Award” to City of Brooksville

Presentation of “Best Tasting Water Award” to the City of Brooksville as judged by the Florida Rural Water Association.

Richard Radacky, Public Works Director, introduced Jon Dowler, Assistant Construction Project Manager, who was responsible in submitting a sample of water from the kitchen sink at the Water Department to Florida Rural Water Association, winning this award. Will Smith, Superintendent of Utilities, introduced to Council the individuals responsible for running

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the city's water system and protecting the health and welfare of the citizens of Brooksville.

Richard Radacky, Director  
William Smith, Utilities Superintendent  
Parish Hice, Plant Operator III, licenses- Waste Water- A, Water Distribution-C  
Tim Downin- Plant Operator II, licenses- Waste Water-B, Water Distribution-C  
David Kingsbury, Plant Operator II, licenses- Waste Water-C, Water Distribution-C  
Tim Downin, Plant Operator II, licenses- Waste Water- B, Water Distribution-C  
Scott Royal, Electrician/Mechanic  
Jon Dowler, Project Manager, Water Distribution-C

Will Smith, who is soon retiring, concluded that he is leaving the city with a good group of experienced, knowledgeable and dedicated individuals.

Brooksville has been invited to represent Florida in Washington, D.C. The date of which will be announced.

### CITIZEN INPUT

Shirley Miketinac thanked Council for supporting Communities in Schools; and showing appreciation to the front line workers from the Public Works Department who offer services needed and necessary to the city. She also acknowledged the patience and respect exhibited by Council during the budgeting process.

### CONSENT AGENDA

#### Minutes

- a. July 20, 2015 Regular Meeting
- b. July 27, 2015 Budget Workshop
- c. August 3, 2015 Regular Meeting  
Correction on page 2: Council Member Kemerer 's term was incorrectly stated as being through December of 2015 and should read December 2016.
- d. August 10, 2015 Budget Workshop would like to sit with the City
- e. August 17, 2015 Regular Meeting

Council Member Kemerer requested that August 10, 2015 Budget Workshop Minutes be pulled and placed on the next regular meeting for approval.

Council Member Battista requested that item G2, of the Consent Agenda, Youth League Agreement, be pulled for discussion.

#### **Rocky Mountain Holdings, LLC, d/b/a Bayflite Application for Renewal/Name Change for Certificate of Public Convenience & Necessity (COPCN)**

Consideration for Council to recommend that Hernando County Board of County Commissioners grant renewal and name change of COPCN for Rocky Mountain holdings, LLC, d/b/a Bayflight to provide advanced life support helicopter ambulance services within Hernando County.

#### **Motion:**

Motion by Council Member Kemerer, seconded by Vice Mayor Kahler to approve the Consent Agenda being; July 20, 2015 Regular Meeting, July 27, 2015 Budget Workshop, August 3, 2015 Regular Meeting, as amended, August 17, 2015 Regular Meeting; and the Rocky Mountain Holdings, LLC d/b/a Bayflite Application for renewal. Motion carried 5-0.

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### Hernando Youth League (HYL) Agreement

Request for the approval of 1-year renewal of 2010 Hernando Youth Leagues, Inc. (HYL) Agreement.

Council Member Battista requested if the dollar amounts of costs stated in the 2010 contract are current costs, of which the City Manager confirmed there were no increases.

### Motion:

Motion by Council Member Battista, seconded by Council Member Kemerer to approve the annual renewal of the Hernando Youth League (HYL) Agreement from October 3, 2015 through October 2, 2016. Motion carried 5-0.

## PUBLIC HEARINGS

- Entry of Proof of Publication into the Record

Community Development director, Bill Geiger confirmed the statute requirement for annexations is to advertise two consecutive weeks prior to the final adoption of the Ordinance, which is scheduled for October 5, 2015. Notices will be advertised September 25, 2015 and October 2, 2015.

### Ordinance No. 846 – AX2015-04; City of Brooksville Annexation of Jefferson Street Property

Consideration of voluntary annexation of approximately 0.13 acres south side West Jefferson Street, approximately 667 feet east of Cortez Boulevard, zoned C-2.

City Planner, Steve Gouldman, presented Ordinance 846, an undeveloped piece of property anticipated to serve as right-of-way for the Providence Boulevard extension. If annexation is approved, the City's Comprehensive Plan Future Land Use Element will require an amendment to reflect the incorporation and appropriate land use designations.

He requested that, as this property meets all requirements for voluntary annexation into the city, the Council consider adopting Ordinance 846.

Mayor Burnett invited questions and comments from the Public and Council.

### Motion:

Motion by Council Member Erhard, seconded by Council Member Kemerer to adopt Ordinance No. 846, Annexation of Jefferson Street AX2015-04.

The Deputy Clerk read Ordinance 846 title as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR**

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## SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

Motion carried 5-0 upon roll-call votes with final reading on October 5, 2015:

Council Member Battista	Aye
Council Member Erhard	Aye
Council Member Kemerer	Aye
Vice Mayor Kahler	Aye
Mayor Burnett	Aye

### **Ordinance No. 847 – AX2015-02; Devoe Management Services, Inc. Annexation of Property located at 18734 Cortez Boulevard**

Consideration of voluntary annexation of approximately 2.57 acres located at 18734 Cortez Boulevard, zoned C-2.

City Planner, Steve Gouldman, presented Ordinance 847 on behalf of Devoe Management Services, Inc., pursuant to the Annexation Element of the Utility Services Agreement dated June 10, 2008, and recorded in the public record at Book 2572, Page 174 in which the City is the appointed duly authorized representative serving as attorney-in-fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation. If annexation is approved, the City's Comprehensive Plan Future Land Use Element will require an amendment to reflect the incorporation and appropriate land use designations.

He requested that, as this property meets all requirements for voluntary annexation into the city, the Council consider adopting Ordinance 847.

Mayor Burnett invited questions from the Public and Council.

### **Motion:**

Motion by Vice Mayor Kahler, seconded by Council Member Battista to adopt Ordinance No. 847, AX2015-02, Annexation of 18734 Cortez Boulevard.

The Deputy Clerk read Ordinance 847 title as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE**

Motion carried 5-0 upon roll-call votes with final reading on October 5, 2015:

Council Member Battista	Aye
Council Member Erhard	Aye
Council Member Kemerer	Aye
Vice Mayor Kahler	Aye

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Mayor Burnett

Aye

## **Ordinance No. 848 – AX2015-01; Hooters Real Estate, LLC Annexation of Property Located at the Apex of Broad Street and Howell Avenue**

Consideration of voluntary annexation of approximately 2.99 acres located at the apex of Broad Street and Howell Avenue.

City Planner, Steve Gouldman, presented Ordinance 849 on behalf of Hooters Real Estate, LLC., pursuant to the Annexation Element of the Utility Services Agreement dated May 1, 2013, and recorded in the public record at Book 3002, Page 915, the City is the appointed duly authorized representative serving as attorney-in-fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation. He stated that John D. Sims, Sr. and Patricia A. Sims and pursuant to the Irrevocable Power of Attorney dated March 14, 2005, recorded in the public record at Book 2081, Page 1027. If annexation is approved, the City's Comprehensive Plan Future Land Use Element will require an amendment to reflect the incorporation and appropriate land use designations.

He requested that, as this property meets all requirements for voluntary annexation into the city, the Council consider adopting Ordinance 848.

Mayor Burnett invited questions from the Public and Council.

Council Member Erhard inquired whether the 2.99 acres is the city's responsibility for maintenance, in which Mr. Gouldman answered it was not.

Council member Kemerer asked why the power of attorney was signed so far in advance of the agreement, in which Mayor Burnett stated no known reason is given, but that it meets legal requirements.

### **Motion:**

Motion by Council Member Battista, seconded by Council Member Erhard to adopt Ordinance No. 848, AX2015-01, Annexation of Broad Street and Howell Avenue.

The Deputy Clerk read Ordinance 848 title as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE**

Motion carried 5-0 upon roll-call votes as follows:

Council Member Battista

Aye

Council Member Erhard

Aye

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Council Member Kemerer	Aye
Vice Mayor Kahler	Aye
Mayor Burnett	Aye

### **Ordinance No. 849 – AX2015-03; John D. Sims and Patricia A. Sims Annexation Property Located at 1505 West Jefferson Street**

Consideration of voluntary annexation of approximately 4.89 acres located at 1505 West Jefferson Street, currently zoned C-2 with a 45,450 square-foot building that houses a furniture sales and warehouse operation.

City Planner, Steve Gouldman, presented Ordinance 849 on behalf of John D. Sims, Sr. and Patricia A. Sims and pursuant to the Irrevocable Power of Attorney dated March 14, 2005, recorded in the public record at Book 2081, Page 1027 and is the appointed duly authorized representative serving as Attorney-in-fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation. If annexation is approved, the City's Comprehensive Plan Future Land Use Element will require an amendment to reflect the incorporation and appropriate land use designations.

He requested that, as this property meets all requirements for voluntary annexation into the city, the council consider adopting Ordinance 849.

#### **Motion:**

Motion by Council Member Kemerer, seconded by Vice Mayor Kahler to adopt Ordinance No. 849, AX2015-03, Annexation of Jefferson Street.

The Deputy Clerk read Ordinance 849 title as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE**

Motion carried 5-0 upon roll-call votes as follows:

Council Member Battista	Aye
Council Member Erhard	Aye
Council Member Kemerer	Aye
Vice Mayor Kahler	Aye
Mayor Burnett	Aye

#### **Direction to Staff**

Council Member Battista requested, presuming the final adoption of these ordinances on October 5, 2015 takes place, and as an aside, that the Council be provided an estimation of the taxes and fire fees that may be collected from these properties.

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## CITIZEN INPUT

Kojak Burnett thanked the Council for approving the fee waiver for Hernando High School, and acknowledged Council for its accomplishment in the efficient budget proceedings.

## ITEMS BY COUNCIL

### Council Member Kemerer

He inquired as to where Brooksville stood as far as the rating referenced in the ISO letter dated September 1, 2015, and would be interested in seeing the ISO report once it's issued.

Bill Geiger stated that Level 1 is the best and 9 the worst. 67% of cities fall within the range levels between 4-7, which places Brooksville at the upper range at Level 4.

Council Member Kemerer requested to receive minutes in advance so corrections may be made prior to them being placed on the Consent Agenda.

City Manager T. Jennene Norman-Vacha stated that the minutes can be emailed to Council with a week to review, giving more eyes of reading for corrections.

### Council Member Erhard

She thanked those who attended the meeting, and to Richard Radacky in Public Works for doing a great job. On the subject of fee waivers, she requested that applicants be informed in advance that they should attend meetings so Council may ask questions. She was also concerned that giving 100% would set a precedent that would deplete the allocated amount before the end of the fiscal year.

City Manager T. Jennene Norman-Vacha stated that there is an upcoming workshop of fee waivers and suggested that, at that time, the requirement for attendance be discussed.

Mayor Burnett stated it was always the desire of the Council to grant 100% fee waivers, but in prior years when funds were not as available, the Council offered the applicants 50%. The intent of the Fee Waiver Policy was to grant 100% “up to” 100% with a supermajority vote, or 4-0. This will be discussed at the workshop on fee waivers.

Council Member Erhard offered to attend the Communities in Schools Festival on October 3, 2015, of which Mayor Burnett encouraged other Board Members interested in attending to arrange it through the City Manager.

### Council Member Battista

He wanted to discuss the construction on Bell Avenue, which with the great rainfall, revealed defects in the substructure. He suggested an engineer of record, outside of City employees should be monitoring such road building projects, solving problems, such as water intrusion, before construction. These Engineers would, in turn, be the ones responsible for monitoring project and making sure it meets engineering requirements correctly, and not the city. The city would, basically, be off the project.

It was the consensus of the Council that this be a topic to discuss further, and to coordinate with the City Manager.

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### **Vice-Mayor Kahler**

She shared her excitement in the economical and educational opportunities of Florida A&M University moving to the County. She was pleased to see Communities in Schools here as they work with government as volunteers, spending countless hours of mentoring in the schools. Her historical note was on Mary A. Coogler whose impressionist art work is on display at the Chinsegut Hill Manor House. A luncheon from 10:30 – 2:00 will be held to support the artist and Chinsegut Hill.

### **Attorney Cliff Taylor**

He requested to set another Executive Session.

After discussion, the Council agreed to hold the Executive Session on October 5, 2015 at 5:30 prior to the Regular Council Meeting.

Mr. Taylor also mentioned that there are unique circumstances on Bell Avenue that he would like to discuss.

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

Several workshops were requested by Council. November 9th or any other day other than a Monday prior to Thanksgiving could be set for a discussion on fee waivers. She also stated that the four hours required on Ethics could take place in December; also that a workshop was suggested for business development.

After discussion, the Council agreed to hold the fee waiver workshop at 3:00 p.m. on November 9<sup>th</sup>. A date for the second workshop will be discussed at the next regular meeting on October 5, 2015.

City Manager T. Jennene Norman-Vacha will provide the information used in last year's fee waiver discussion and encouraged feed-back from Council members as to what specific information she can provide to help with the discussion.

Mayor Burnett suggested that a name change from "Fee Waiver" might be considered.

She wished Mayor Burnett a Happy Birthday on Saturday.

### **Mayor Burnett**

He thanked the Council for the hard work on the budget, and stated that it was meaningful to him for the Council Members to come together as a group to attend public functions. He also appreciated the helpfulness shown between the members and everyone's professionalism and collaboration in discussions.

He thanked the City Manager and her Staff for all their hard work, as well as the people at Public Works, for their efficiency and promptness.

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## ADJOURNMENT

There being no further business, the Council Meeting adjourned at 9:02 p.m.

Attest: Frankie Burrill  
Mayor

Deirdre Battista  
Deputy City Clerk

## CORRESPONDENCE TO NOTE

There was none.