

**City of Brooksville**  
201 HOWELL AVENUE  
BROOKSVILLE, FLORIDA 34601-2041  
(352) 540-3810

**Robert Battista**  
VICE-MAYOR



**Betty Erhard**  
COUNCIL MEMBER

**Frankie Burnett**  
COUNCIL MEMBER

**William Kemerer**  
COUNCIL MEMBER

**Natalie Kahler**  
MAYOR

*"The City of Brooksville must be responsive to the taxpayers. It must be as efficient as possible, functioning like the multi-million dollar a year business that it is. It must have leadership, set specific goals, develop a strong and motivated workforce, and be accountable to the taxpayers for its expenditures and performance."*

## **CITY COUNCIL AGENDA**

**NOVEMBER 21, 2016**

**REGULAR SESSION 7:00 P.M.**

**THOMAS S. HOGAN, JR.**  
CITY ATTORNEY

**T. JENNENE NORMAN-VACHA**  
CITY MANAGER

**VIRGINIA C. WRIGHT**  
CITY CLERK

## GENERAL INFORMATION AND INSTRUCTIONS

In addition to items listed as "Public Hearings", the Mayor will ask for comments from the public, usually requesting that anyone desiring to speak on an item, raise their hand. To insure that sufficient time is allocated for each item, unless extended by the City Council, representatives of the applicant/petitioners will have ten (10) minutes for presentation, and five (5) minutes for rebuttal. In addition three (3) minutes will be scheduled for others to provide additional comments. When recognized by the Mayor, please approach the podium and speak into the microphone, stating your name and address, and then present the information you desire. A special time period called Citizen Input is also scheduled following the Presentations and Regular Agenda items for those desiring to address the City Council.

Items listed in the "Consent Agenda" will be approved by Council in their entirety by a single motion, indicated by the (✓) symbol, unless otherwise indicated by Council. Other agenda items are considered individually.

Items identified on this agenda with an asterisk (\*) are land use and other quasi-judicial function of the City Council involving land use, and the following ex parte procedures apply:

- ❖ Consideration of applications to intervene as a party, if any. "Request to Intervene/Expert Witness" forms and instructions may be obtained from the recording secretary prior to the scheduled time for consideration of the item.
- ❖ Qualification of sworn witnesses who wish to testify as an expert, based on statement of credentials made orally or set forth in application file.
- ❖ Swearing of witnesses who wish to give sworn testimony.
- ❖ Testimony of City staff witnesses, with cross-examination by applicant and party-interveners, if they request.
- ❖ Testimony of applicant and applicants witnesses, with cross-examination by City and party-interveners, if they request.
- ❖ Testimony of party-interveners and their witnesses, with cross-examination by City and applicant, if they request.
- ❖ Testimony by members of public who wish to address application. Any individual, not requesting/designated as an intervening party or expert witness may, upon being recognized by the Mayor, present information to the Council, and may be questioned by the Council but is not required to be subject to cross examination, and need not be sworn in.
- ❖ Close of public hearing.
- ❖ Council deliberation/vote.

Items identified with a double asterisk (\*\*\*) are quasi-judicial functions of the City Council other than land use; the Council Members disclose any ex parte communications.

**In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact Lynn Sosa, ADA Coordinator, no later than 48 hours in advance of the meeting at (352) 540-3810. Meeting agendas and supporting documentation are available from the City Clerk's office, and online at [www.cityofbrooksville.us](http://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 an admissible verbatim record of the proceedings is made.**

**CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING  
JOSEPH E. JOHNSTON, III COUNCIL CHAMBERS  
201 HOWELL AVENUE, BROOKSVILLE**

**NOVEMBER 21, 2016**

**6:15 P.M.**

**AGENDA**

**A. CALL TO ORDER**

**B. ADJOURN MEETING AND CONVENE IN EXECUTIVE SESSION**

**EXECUTIVE SESSION PURSUANT TO F.S. CHAPER 286.011(8)**

The purpose of the Executive Session is to discuss settlement options and litigation strategy for pending City actions. The persons attending the meeting will be Mayor Natalie Kahler, Vice Mayor Robert Battista, Council Members Frankie Burnett, Betty Erhard, and William Kemerer; Attorney's for the City of Brooksville, Thomas Hogan, Jr., Debbie Hogan, Clifford A. Taylor, and Jennifer Rey; City Manager T. Jennene Norman-Vacha; and Court Reporter of Carolyn F. Engel & Associates. The meeting is expected to last approximately one-hour.

**ADJOURN EXECUTIVE SESSION**

**RECONVENE COUNCIL MEETING 7:00 P.M.**

**C. INVOCATION AND PLEDGE OF ALLEGIANCE**

**D. CITIZEN INPUT**

**E. PROCLAMATIONS & PESENTATIONS**

**1. Proclamation – Giving Tuesday**

Proclamation declaring Tuesday, November 29, 2016 as Giving Tuesday.

Presentation: Mayor  
Attachments: Proclamation

**2. Update Regarding 2016 Election**

Presentation: Supervisor of Elections,  
Shirley Anderson

**F. CONSENT AGENDA**

**1. Department of Public Works – Purchase of Backhoe Loader in the Amount of \$79,554**

Consideration for approval to purchase a Caterpillar 416F Backhoe Loader with specified options from Ring Power Corporation, utilizing the Florida Sheriffs Association, Associations of Counties, and Fire Chiefs Association Bid in the amount of \$79,554.

REGULAR COUNCIL MEETING –NOVEMBER 21, 2016

2. **Official Policy 2-2012 - Great Brooksvillian Screening Committee**  
Consideration for amendment to Official Policy 2-2012, Great Brooksvillian Screening Committee

**CONSENT AGENDA APPROVAL (√)**

Recommendation: Approval of Consent Agenda

Action: Motion to Approve  
Attachments: 1.) Memo from Public Works Director dated 11-01-2016; bid docs  
2.) Memo from Deputy City Clerk dated 11-16-2016; Policy 2-2012

**G. REGULAR AGENDA**

1. **Resolution No. 2016-16 – Florida Department of Transportation (FDOT) – Christmas on Main Street.**

Consideration of approval of Resolution supporting Christmas on Main Street and closing of State Road 50/Jefferson Street and U.S. Highway 41/Broad Street on December 8, 2016.

Presentation: Parks, Recreation & Facilities Director

Recommendation: Approval of Resolution No. 2016-16 upon roll-call-vote

Attachments: Memo from Parks & Recreation Director dated 11/15/16, Proposed Resolution

2. **Resolution No. 2016-17 - Certification of Canvassing Board Results**

Consideration of resolution officially declaring the results of the November 8, 2016, Municipal Election of as the Seat No. 2 City Council Member for a 4-year term of office beginning December 5, 2016, continuing until December 2020.

Presentation: City Manager

Recommendation: Approval of Resolution upon roll call vote

Attachment: Memo from City Clerk dated 11/16/16, Proposed Resolution, Qualifying Resolution No. 2016-17

REGULAR COUNCIL MEETING –NOVEMBER 21, 2016

**3. Letter of Support for Ground Lease Agreement with the Florida Blueberry Festival, Inc.**

Consideration of Letter of Support for Ground Lease with the Florida Blueberry Festival, Inc.

Presentation: City Manager  
Recommendation: Approval of Letter of Support  
Attachment: Proposed Letter of Support

**H. CITIZEN INPUT**

**I. ITEMS BY COUNCIL**

**J. ADJOURNMENT**

**CORRESPONDENCE TO NOTE**

1. TYPE: Letter  
DATE RECEIVED: November 3, 2016  
RECEIVED FROM: Florida Department of Revenue  
ADDRESSED TO: City Manager  
SUBJECT: Maximum Millage Levy Calculation Final Disclosure
2. TYPE: Thank You Note  
DATE RECEIVED: November 8, 2016  
RECEIVED FROM: The Junior Service League of Brooksville  
ADDRESSED TO: City Council  
SUBJECT: Appreciation of Support
3. TYPE: Letter  
DATE RECEIVED: November 8, 2016  
RECEIVED FROM: Theriaque & Spain Law Firm  
ADDRESSED TO: City Attorney  
SUBJECT: Statement for Legal Services

***In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact Lynn Sosa, ADA Coordinator, no later than 48 hours in advance of the meeting at (352) 540-3810. Meeting agendas and supporting documentation are available from the City Clerk's office and on line at [www.cityofbrooksville.us](http://www.cityofbrooksville.us).***

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# City of Brooksville

# Proclamation

**Whereas**, Giving Tuesday was established as a national day of giving on the Tuesday following Thanksgiving; and

**Whereas**, Giving Tuesday is a celebration of philanthropy and volunteerism where people give whatever they are able to give; and

**Whereas**, Giving Tuesday is a day where citizens work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and

**Whereas**, it is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Brooksville; and

**Whereas**, Giving Tuesday is an opportunity to encourage citizens to serve others throughout this holiday season and during other times of the year.

**Now Therefore, We the Undersigned as City Council for and on Behalf of the City of Brooksville**, do hereby proclaim November 29, 2016 as

## "Giving Tuesday"

in the City of Brooksville and encourage citizens to join together to give back to the community in any way that is personally meaningful.

**In Witness Whereof**, we have hereunto set our hand and caused to be affixed the seal of the City of Brooksville, Florida this 21st day of November, 2016.

City of Brooksville

\_\_\_\_\_  
Natalie Kahler, Mayor

\_\_\_\_\_  
Robert Battista, Vice Mayor

\_\_\_\_\_  
Frankie Burnett, Council Member

\_\_\_\_\_  
Betty Erhard, Council Member

\_\_\_\_\_  
William Kemerer, Council Member

**Attest:** \_\_\_\_\_  
Virginia C. Wright, City Clerk



## CONSENT AGENDA ITEM MEMORANDUM

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

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

**FROM:** RICHARD W. RADACKY, PUBLIC WORKS DIRECTOR

**SUBJECT:** BACKHOE PURCHASE

**DATE:** November 1, 2016

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**GENERAL SUMMARY/BACKGROUND:** The Public Works Department, Utility Division is requesting City Council approval to replace an existing 1993 Caterpillar Backhoe Loader, Equipment Number 657. The 23 year-old backhoe has a total of 6,797 operating hours. The estimated cost of needed repairs would exceed the backhoe's value.

The Public Works Department budgeted \$75,000 within the Water and Sewer Vehicle Replacement Fund (502) for the replacement of this equipment in FY2017. We are recommending purchasing through the Sheriff's bid list (Attachment 1) at a price of \$79,554 from Ring Power. A quote breakdown is provided in Attachment 2.

This pricing is \$4,554 more than budgeted; however, there are additional monies available within this line item for the additional costs.

This piece of equipment is invaluable to the Utilities Division; many repairs could not be made without it. Purchase of this equipment is vital for continued efficient, and successful, day-to-day repair and operation of our water distribution system.

**BUDGET IMPACT:** A cost of \$75,000 was planned in the Fiscal Year 2017 Budget in Account Number 502-000-166-19037. Monies for the total cost of the equipment of \$79,554 is available within Account Number 502-000-166-19037.

**Reviewed by Finance Department:** 

**LEGAL REVIEW:** Council has home-rule authority (Article VIII, 2(b), Florida Constitution/Section 166.011, Florida Statutes) to consider matters of fiscal and intergovernmental benefit. Pursuant to Section 5.04 of the City Charter, competitive bidding is required except to the extent that Council authorizes otherwise by ordinance.

Pursuant to Section 2-304 (a) (1) and (2) of the Code of Ordinances, the amount of expenditure for which the City may obligate itself without competitive bidding by the City is increased provided: (1) the City Manager recommends to the City Council that a specific purchase be made by piggybacking on an award by another governmental entity's competitive bidding process; and (2) the other governmental entity's competitive bidding process provides substantially equivalent guarantees of fairness and competitiveness to those of the City.

**Reviewed by City Attorney:** 

**STAFF RECOMMENDATION:** Staff recommends the City Council approve the purchase of a 2017 Caterpillar 416F Backhoe Loader with specified options from Ring Power Corporation, utilizing the Florida Sheriffs Association, Associations of Counties, and Fire Chiefs Association Bid for the amount of \$79,554.00.

**Attachments:**

1. Florida Sheriffs Association Contract Quote – Caterpillar 416F Backhoe Loader
2. Ring Power's detailed Quote for Caterpillar 416F Backhoe Loader

# ATTACHMENT 1

**FLORIDA SHERIFFS ASSOCIATION  
& FLORIDA ASSOCIATION OF COUNTIES**

**SPECIFICATION #025 - 4X4 LOADER BACKHOE WITH CANOPY (STANDARD STICK)**

2017 Case 580 SN ; 2017 Caterpillar 416  
2017 John Deere 310SL

Listed above you will find the model numbers of the vehicles that will be included in this year's contract. All items factory installed unless otherwise noted.

1. ENGINE:

- a. Minimum 87 HP Diesel engine
- b. Dry type, radial seal air cleaner and pre-cleaner unit
- c. Spin on type engine oil filter

2. TRANSMISSION:

- a. Four speed power shift or power shuttle transmission

3. OPERATOR ENVIRONMENT:

- a. OSHA approved ROPS canopy shall be integral
- b. Two front and two rear work and driving lights
- c. Stop and turn signals with flashing hazard lamps
- d. Instrument panel with a complete set of gauges or an electronic monitoring device
- e. Standard horn and audible back-up alarm

4. BRAKES:

- a. Brakes shall be oil immersed, hydraulically actuated, multiple disc on final drive input shaft
- b. Brakes shall be completely enclosed and sealed, fully self-adjusting

5. LOADER (SINGLE TILT CYLINDER):

- a. Loader shall be equipped with a return to dig mechanism
- b. Loader shall have positive down pressure sufficient to lift the tractor front end off level ground
- c. Loader bucket SAE heaped capacity of minimum 1.3 yards with replaceable bolt on edge

6. BACKHOE:

- a. Fixed length dipper stick digging depth approximately 14'
- b. Reach from swing center, approximately 18'
- c. Dump height, approximately 11'3"
- d. Digging force approximately 8,000 lbs.
- e. Bucket dig force, approximately 11,990 lbs.
- f. 24" general purpose bucket with replaceable teeth

Disclosure: The Florida Sheriffs Association working in conjunction with manufacturers, dealers and distributors of vehicles/equipment does their best to ensure Model names, numbers and codes represent the latest information available at the time the bid documents are prepared. However, do to the nature of the business, it is recommended that you confirm this information with your dealer representative at the time you are requesting a confirming quote.

# ATTACHMENT 2



Ring Power Corporation  
 500 World Commerce Parkway  
 St. Augustine, FL 32092

**QUOTE PER THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT**

Quote Prepared For:  
 The City of Brooksville

10/19/2016

**(1) NEW CATERPILLAR 416F BACKHOE LOADER**

**CONTRACT DETAILS**

Florida Sheriff's Association  
 Bid # FSA 16-VEH14.0  
 Specification # 25, 4x4 Loader Backhoe with Canopy ( Standard Stick ) And Options  
 Effective: October 1, 2016 Through September 30, 2017

**BASE MACHINE**

BASE	Caterpillar 416F Per Sheriff's Contract Specifications	<b>\$67,061</b>
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**MACHINE SPECIFICATIONS**

450-8726	STICK, STANDARD, 14FT
398-2496	CONTROLS, BACKHOE (ISO)
450-8604	PT, 4WD, STD SHIFT, MECH
450-8754	ENGINE, 70KW, C4.4 ACERT, T4F
450-8510	HYDRAULICS, GP, 4FCN/6BNK
450-8677	CANOPY, BASE
433-4804	SEAT, VINYL
206-1747	BELT, SEAT, 2" SUSPENSION
379-2161	TIRES, 12.5 80/19.5L-24, GY
337-9693	COUNTERWEIGHT, NONE
9R-1085	STABILIZER PADS, STREET
337-7382	BUCKET-GP, 1.0 CYD
9R-5321	CUTTING EDGE, TWO PIECE
219-3387	BUCKET-HD, 24", 6.2 CFT
430-9944	INSTRUCTIONS, ANSI
421-8926	SERIALIZED TECHNICAL MEDIA KIT
423-7607	PLATE GROUP - BOOM WEAR

**SPECIFIED OPTIONS**

450-8727	STICK, EXTENDABLE, 18FT, MECH	\$2,972
450-8514	HYDRAULICS, MP, 5FCN/7BNK	\$1,231
337-9696	COUNTERWEIGHT, 1015 LBS	\$1,113
398-2680	RIDE CONTROL	\$940
9R-6007	STABILIZER PADS, FLIP-OVER	\$209
337-7436	BUCKET-MP, 1.3 CYD	\$4,334
353-1389	GUARD, STABILIZER	<u>\$521</u>

**WORKTOOL DEDUCTIONS**

337-7382	BUCKET-GP, 1.0 CYD	(\$1,727)
<b>TOTAL OF NON-SPECIFIED OPTIONS</b>		<b>(\$1,727)</b>

**NON-CONTRACT OPTIONS**

	FRONT WINDSHIELD WITH WIPER / WASHER	\$2,900
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<b>TOTAL TRANSACTION PRICE</b>		<b>\$79,554</b>
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**OPTIONAL WARRANTY**

	3 YEAR / 5,000 HOUR PREMIER ESC	\$3,587
	3 YEAR / 5,000 HOUR POWERTRAIN	\$860

Best regards,

Bill Hartt  
Vice President / Regional Manager  
Ring Power Corporation



## CONSENT AGENDA ITEM MEMORANDUM

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

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

**FROM:** MELODIE MILER, DEPUTY CITY CLERK

**SUBJECT:** OFFICIAL POLICY 2-2012 – GREAT BROOKSVILLIAN  
SCREENING COMMITTEE

**DATE:** NOVEMBER 16, 2016

**GENERAL SUMMARY/BACKGROUND:** At the August 1, 2016 Council Meeting several members from the Great Brooksvillian Screening Committee were present to submit their recommendations for the 2016 Great Brooksvillian Award. There was much discussion between Council and Screening Committee members regarding the process in which the names and information are given to Council. City Policy No. 2-2012 is the official policy regarding the actions and process of the Screening Committee.

At that Council Meeting, it was discussed that a workshop with City Council to review Policy No. 2-2012 may be needed. In an effort to understand the concerns of the Screening Committee, the City Manager met with the Screening Committee on Thursday, September 15. The existing policy was discussed in detail with the committee.

After review and discussion, the only change requested by the Screening Committee was to remove the word "monthly" from Item 4 under General Guidelines of Policy No. 2-2012 (Attachment 1). Staff feels that this is a reasonable request and asked that City Council consider their suggested amendment.

**BUDGET IMPACT:** No Budget Impact.

**Reviewed by Finance Department:** \_\_\_\_\_

**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 make changes to policies and procedures.

**Reviewed by City Attorney:** \_\_\_\_\_

**STAFF RECOMMENDATION:** Staff recommends that the City Council amend Policy No. 2-2012 to withdraw the word "monthly" from Item 4 General Guidelines of Policy No. 2-2012 as requested by the Great Brooksvillian Screening Committee and as corrected by the attached Policy No. 2-2012.

**ATTACHMENTS:** 1. Policy No. 2-2012

# CITY OF BROOKSVILLE

## OFFICIAL POLICY NO. 2-2012

### Great Brooksvillian Screening Committee

The City Council for the City of Brooksville, in association with recognizing outstanding men and women who have made significant positive contributions to the history, culture and/or economy of our community, wish to annually appoint a committee to review nominations for the Great Brooksvillian.

#### General Guidelines:

1. Council will appoint the committee annually with terms of 1-year ending December 31, in conjunction with other Council appointed boards. The Screening Committee shall be representatives of the City at large, consisting of at least one (1) member from the Historical Association and four (4) members appointed by City Council.
2. In February, staff will begin the process to solicit nominations for the Great Brooksvillian.
3. Staff will contact the appointed Committee members, setting the first meeting at a date and time agreed upon by all members.
4. The Committee shall meet ~~monthly~~ as necessary.
5. At the first meeting annually a Chair and Vice Chair will be appointed and as nominations are received for the Great Brooksvillian they will be presented to the board at their next monthly meeting. The Committee shall review the applications to make sure the applicants meet the selection criteria.
6. The board, at their first meeting, will set a schedule of meetings, which will be forwarded to the City Manager and all Council Members.
7. The Committee shall submit the nominees to City Council in July for selection, along with their recommendation.
8. Committee members must be willing and able to properly review materials submitted in the nomination packages for accuracy and sufficient data compilation.

9. Committee members will decide amongst themselves how these tasks should be completed either by individual research or collectively. The final recommendations to Council will be made by the majority of the committee membership.
10. Consideration should be given to the historical perspective of nominees.
11. At the close of its deliberations, committee members may submit recommended changes to the process. The committee is also free to create an ongoing file of potential nominees, to be managed by the City Clerk.

**For questions or assistance, contact:**

**The Office of the City Clerk  
City of Brooksville, Florida  
(352) 540-3853**

**APPROVED BY CITY COUNCIL: June 18, 2012**  
**Amended June 16, 2014**  
**Amended September 21, 2016**

**CERTIFIED POLICY NO. 2-2012:**

**s/T. Jennene Norman-Vacha**  
**T. Jennene Norman-Vacha**  
**City Manager**



## AGENDA ITEM MEMORANDUM

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

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

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

**SUBJECT:** RESOLUTION NO. 2016-16 FDOT CLOSURE FOR CHRISTMAS  
ON MAIN STREET

**DATE:** November 15, 2016

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**GENERAL INFORMATION:** The 2016 Christmas on Main Street event is scheduled for Thursday, December 8, 2016. The event begins at 5:00 PM and will conclude at 8:30 PM. The event will take place on Main Street from Fort Dade to Liberty Street. Over the last few years this event has grown in attendance, which has led to the need for an Florida Department of Transportation (FDOT) street closure of Broad Street and Jefferson Street approaching Main Street for the safety of all in attendance.

The closures will be at Broad Street/Lemon Avenue (right on Lemon Avenue, left on Liberty Street, left on South Brooksville Avenue, right on Broad Street) and at Jefferson Street/North Brooksville Avenue (right on North Brooksville Avenue, left on Fort Dade Avenue, left on Orange Avenue, right on Jefferson Street).

Staff will need to submit a permit to the State of Florida FDOT, along with Resolution 2016-16 for the closure of Jefferson and Broad Streets.

**BUDGET IMPACT:** There is no budget impact associated with approval of this Resolution, outside the street closure and traffic control costs.

Reviewed by Finance Department: 

**LEGAL IMPACT:** Pursuant to Section 74-1 (b) and Section 74-165 (a) of the City's Code of Ordinances, the City Council may authorize street closures and right-of-way use for public events.

Reviewed by City Attorney: 

**STAFF RECOMMENDATION:** Staff recommends Council approval of Resolution No. 2016-16.

**ATTACHMENT:** 1. Resolution No. 2016-16

**RESOLUTION NO. 2016-16**

**A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD STREET BETWEEN LEMON AVENUE AND SOUTH BROOKSVILLE AVENUE IN DOWNTOWN BROOKSVILLE ON THURSDAY, DECEMBER 8, 2016; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to promote businesses in and to bring visitors to the downtown area; and,

**WHEREAS**, the City desires to support the Christmas on Main Street that brings visitors to the City and to the downtown area and to promote commerce in the downtown area; and,

**WHEREAS**, pursuant to the City of Brooksville Code of Ordinances, Section 74-1(b) and Section 74-165(a), the City Council may close streets for downtown events; and,

**WHEREAS**, the City of Brooksville is the sponsoring organization for the parade and has been approved for a right-of-way closure and use permit.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, that:**

**SECTION 1. STREET CLOSURES.** The City Council recognizes the closure of the following Brooksville roadway segments to street traffic is necessary for public safety during the downtown event; and the City Council authorizes the following closures from 5:00 p.m. to 8:30 p.m. on the date of the event:

- Main Street, from Ft. Dade Avenue to Liberty Street, crossing Jefferson Street (S.R. 50) and Broad Street (U.S. 41)
- Jefferson Street (S.R. 50), from South Brooksville Avenue to Orange Avenue
- Broad Street (U.S. 41), from South Brooksville Avenue to Lemon Avenue

**SECTION 2. CONFLICT.** Any prior resolution or policy of the City inconsistent with the provisions of this resolution are hereby repealed to the extent of such inconsistency.

**SECTION 3. SEVERABILITY.** If any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications, and to this end, the provisions of this resolution are hereby declared severable.

**SECTION 4. EFFECTIVE DATE.** This resolution shall take effect immediately upon adoption by the City Council.

**ADOPTED** this 21st day of November, 2016.

**CITY OF BROOKSVILLE**

ATTEST: \_\_\_\_\_  
Virginia C. Wright, City Clerk

BY: \_\_\_\_\_  
Natalie Kahler, Mayor

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

VOTE OF CITY COUNCIL

Battista \_\_\_\_\_  
Burnett \_\_\_\_\_  
Erhard \_\_\_\_\_  
Kahler \_\_\_\_\_  
Kemerer \_\_\_\_\_

\_\_\_\_\_  
Thomas S. Hogan, Jr., City Attorney  
City Attorney



## AGENDA ITEM MEMORANDUM

**TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

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

**FROM:** VIRGINIA C. WRIGHT, CITY CLERK

**SUBJECT:** RESOLUTION NO. 2016-17 - 2016 ELECTION RESULTS

**DATE:** NOVEMBER 15, 2016

**GENERAL SUMMARY/BACKGROUND:** Pursuant to Section 30-12(b) of the City's Election Code, we have received a certified copy of the Hernando County Canvassing Board's final report of the compiled election results for the Municipal Election included on the General Election Ballot for the City of Brooksville Seat No. 2. City of Brooksville Seat No. 2 is elected for a 4-year term beginning December 5, 2016, and continuing until the first regular meeting in December 2020. Results were as follows:

Seat No. 2

Joe Bernardini	<u>1,979</u> Votes (60.43%)
Frankie Burnett	<u>1,296</u> Votes (39.57%)

Joe Bernardini is declared the winner with 1,979 votes, or 60.43% of the total votes cast. Three certified copies of the complete precinct tabulations are on file in the City Clerk's Office. Percentages are based on the total number of Votes Cast.

Council, during Regular Session on July 18, 2016, adopted Resolution No. 2016-07 (attached), declaring the results of qualifying, which included the following:

Seat No. 3

William Kemerer was unopposed and shall fill the designated Council Member Seat No. 3 and that he shall serve on the City Council for the four year term beginning at the first regular Council Meeting in December, 2016 (12/05/2016) and ending at the first regular Council Meeting in December, 2020.

**FINANCIAL IMPACT:** There is no financial impact in adopting Resolution No. 2016-17.

**LEGAL REVIEW:** Process pursuant to Section 30-12(b) of the Election Code for the City of Brooksville.

**RECOMMENDATION:** Staff recommends Council officially declare the results of the 2016 General Election as tabulated above by adoption of Resolution 2016-17.

**ATTACHMENT:**

1. Resolution No. 2016-17
2. Resolution No. 2016-07

RESOLUTION NO. 2016-17

A RESOLUTION OF THE CITY OF BROOKSVILLE  
DECLARING OFFICIAL RESULTS OF MUNICIPAL  
ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a regular municipal election was held for City Council Member Seat No. 2 on November 8, 2016; and,

WHEREAS, Section 30-12(e) of the Election Code for the City of Brooksville stipulates that the Canvassing Board shall transmit the certification of the results of the tabulation of the ballots cast for the municipal election, to City Council at its next regular meeting thereafter; and,

WHEREAS, at such meeting City Council shall officially declare the results of the election; and,

WHEREAS, the candidate receiving the greatest number of votes for the specific seat qualified for shall be elected and the ballot question results shall be officially declared.

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

Section 1. City Council hereby officially declares the following results of the tabulation of votes cast at the November 8, 2016, regular municipal election, as certified by the Canvassing Board:

Seat No. 2 City Council Member Seat

Joe Bernardini is elected to fill the designated Seat No. 2 City Council Member Seat and that she shall serve on the City Council for the term beginning at the first regular Council Meeting in December, 2016 (12/05/2016) and ending at the first regular Council Meeting in December, 2020.

Section 2. This resolution shall take effect upon its passage and approval, this 21<sup>st</sup> day of November, 2016.

CITY OF BROOKSVILLE

By: \_\_\_\_\_  
Natalie Kahler, Mayor

ATTEST: \_\_\_\_\_  
Virginia C. Wright  
City Clerk

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

VOTE OF CITY COUNCIL

Batista \_\_\_\_\_  
Burnett \_\_\_\_\_  
Erhard \_\_\_\_\_  
Kahler \_\_\_\_\_  
Kemerer \_\_\_\_\_

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

RESOLUTION NO. 2016-07

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING REFERENDUM PROPOSITION FOR THE NOVEMBER 8, 2016, PRIMARY ELECTION; DECLARING APPOINTMENT OF CERTAIN CANDIDATES TO FILL THE COUNCIL SEAT NO. 2; DECLARING THAT NO MUNICIPAL ELECTION SHALL BE HELD FOR COUNCIL SEAT NO. 3; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, qualifying for the November 8, 2016, municipal election ended at Noon on June 24, 2016, for Council Seat No. 2 currently held by Frankie Burnett, Council Seat No. 3 currently held by William Kemerer; and,

WHEREAS, Frankie Burnett and Joe Bernardini are the two candidates who qualified to fill Council Seat No. 2, which term begins December 2016 and term ends in December 2020; and,

WHEREAS, William Kemerer, is the only candidate who qualified to fill Council Seat No. 3, which term ends in December 2020; and,

WHEREAS, Section 2.10(a) of the City Charter states: "In the event that no more than one (1) person qualifies as a candidate, either for ballot listing or write-in, for a designated seat on the city council, that seat or office shall not be listed on the regular city election ballot. The city council by resolution shall designate the qualified candidate as the council member for the designated seat."

NOW, THEREFORE, be it resolved by the City Council of the City of Brooksville, Florida as follows:

**Section 1.** That the regular municipal election, scheduled for November 8, 2016, shall continue for the purpose of the electorate deciding on Council Seat No. 2 thereupon scheduled, with the names of the candidates to appear on the ballot as follows:

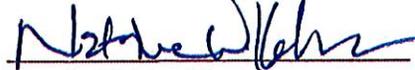
Frankie Burnett  
Joe Bernardini

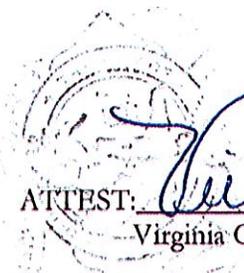
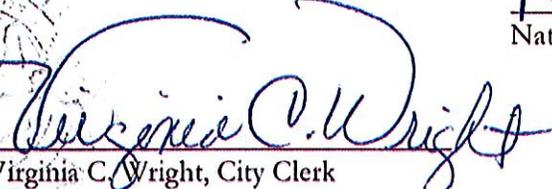
**Section 2.** That *William Kemerer* is qualified and shall fill the designated Council Seat No. 3 and that he shall serve on the City Council for the four year term beginning at the first regular Council Meeting in December, 2016 (12/05/2016) and ending at the first regular Council Meeting in December, 2020.

**Section 3.** This resolution shall become effective upon adoption.

PASSED AND ADOPTED this 18<sup>th</sup> day of July, 2016, A.D.

City of Brooksville

  
Natalie Kahler, Mayor

  
ATTEST:   
Virginia C. Wright, City Clerk

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

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

VOTE OF COUNCIL:

Burnett	<u>Aye</u>
Erhard	<u>Aye</u>
Kemerer	<u>Aye</u>
Battista	<u>Aye</u>
Kahler	<u>Aye</u>



November 21, 2016

Michael Heard, President  
Florida Blueberry Festival, Inc.  
Post Office Box 308  
Brooksville, Florida 34605-0308

Dear Ms. Heard:

The City of Brooksville is extremely excited to be working with you to finalize our Ground Lease Agreement on the City's Quarry Property. After several positive workshop meetings together, we are very close to finalizing the terms and conditions for the Agreement.

In anticipation of finalizing the agreement fairly soon, please accept this letter as our pledge and commitment to finalize the Lease Agreement, so that the Florida Blueberry Festival, Inc. can begin creating an amazing venue for public events in Brooksville.

Additionally, we are so very pleased that the Florida Blueberry Growers Association has made Brooksville their home and will be working together with you to build an educational and research center/auditorium adjoining the community events venue.

Regards,

Natalie Kahler  
Mayor

**CORRESPONDENCE TO NOTE  
REGULAR COUNCIL MEETING – NOVEMBER 21, 2016**

**CORRESPONDENCE TO NOTE**

1. TYPE: Letter  
DATE RECEIVED: November 3, 2016  
RECEIVED FROM: Florida Department of Revenue  
ADDRESSED TO: City Manager  
SUBJECT: Maximum Millage Levy Calculation Final Disclosure
  
2. TYPE: Thank You Note  
DATE RECEIVED: November 8, 2016  
RECEIVED FROM: The Junior Service League of Brooksville  
ADDRESSED TO: City Council  
SUBJECT: Appreciation of Support
  
3. TYPE: Letter  
DATE RECEIVED: November 8, 2016  
RECEIVED FROM: Theriaque & Spain Law Firm  
ADDRESSED TO: City Attorney  
SUBJECT: Statement for Legal Services



Executive  
Director  
Leon M. Biegalski

11-03-16 P06:09 RCVD

October 31, 2016

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

Dear Ms. Norman-Vacha:

Re: Maximum Millage Levy Calculation Final Disclosure

The Department of Revenue has reviewed the maximum millage levy calculation final disclosure documents your taxing authority submitted. The department's review included documents relating to the millage levying processes and the total taxes levied by your principal taxing authority and any dependent special districts and MSTUs (for counties). Based on the documents submitted for all these entities, the department has determined that your taxing authority is in compliance with the maximum total taxes levied requirements, and thus the maximum millage levy requirements, of section 200.065(5), Florida Statutes.

This determination applies only to the maximum millage levy requirements of section 200.065(5), Florida Statutes. We will send findings regarding the TRIM certification requirements of section 200.065, Florida Statutes, in a separate letter.

Sincerely,

Dr. Maurice M. Gogarty, Director  
Property Tax Oversight Program

twe #37.03

Child Support – Ann Coffin, Director • General Tax Administration – Maria Johnson, Director  
Property Tax Oversight – Dr. Maurice Gogarty, Director • Information Services – Damu Kultikrishnan, Director

<http://dor.myflorida.com/dor/>  
Florida Department of Revenue  
Tallahassee, Florida 32399-0100

CTN  
11.21.16  
cc: Finance Director  
J. W. [Signature]



# THERIAQUE & SPAIN LAW FIRM

REPLY TO: TALLAHASSEE

November 8, 2016

Jon Jouben, Esquire  
Hernando County Attorney's Office  
20 North Main Street, Suite 462  
Brooksville, Florida 34601

Clifford A. Taylor, Esquire  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

**Re: Account Balance**

Dear Gentlemen:

Enclosed is our Statement for Legal Services rendered in October 2016 in the amount of \$6,432.64. Each party is responsible for one-half share. When remitting payment, please note your invoice number on your check.

We appreciate the opportunity to assist you in this matter. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

David A. Theriaque

Enclosure

**TALLAHASSEE**  
433 NORTH MAGNOLIA DRIVE  
TALLAHASSEE, FLORIDA 32308  
(850) 224-7332  
FAX: (850) 224-7662

**WINTER GARDEN**  
12200 WEST COLONIAL DRIVE, SUITE 300C  
WINTER GARDEN, FLORIDA 34787  
(407) 347-5388  
FAX: (407) 264-6132

CTN  
11-21-16  
JW



433 NORTH MAGNOLIA DRIVE  
TALLAHASSEE, FLORIDA 32308

TELEPHONE : (850) 224-7332  
TELECOPIER: (850) 224-7662  
E-MAIL: dat@theriaquelaw.com

November 8, 2016

Jon Jouben, Esquire  
Hernando County Attorney's Office  
20 North Main Street, Suite 462  
Brooksville, Florida 34601

Clifford A. Taylor, Esquire  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

Client # 97-855

Invoice # 13204

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**STATEMENT FOR SERVICES RENDERED IN OCTOBER 2016**

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<u>DATE</u>	<u>INITIALS</u>	<u>DESCRIPTION OF LEGAL SERVICES</u>	<u>TIME</u>
10 /19/16	TRV	Travel to Brooksville [Travel Rate at \$200.00 per Hour].	3.75
	TKA	Prepare for Mediation; Draft Notice of Mediation; Draft e-mail to Sue Bishop; Draft e-mail to Pamela Hare; Review e-mail from Sue Bishop; Review e-mail from Cliff Taylor; Telephone conference with Pamela Hare.	3.40
10 /20/16	TRV	Return to Tallahassee [Travel Rate at \$200.00 per Hour].	3.75
	TKA	Conduct Mediation.	8.50
10 /21/16	TKA	Draft Mediation Statement; Review letter from Jon Jouban; Review Resolutions; Draft e-mail to Pamela Hare; Draft e-mail to Jon Jouban; Draft e-mail to Jon Jouban and Cliff Taylor.	1.80
10 /24/16	TKA	Review e-mail from Jon Jouban; Review Jon Jouban's proposed revisions to Mediation Statement; Draft e-mail to Cliff Taylor; Review e-mail from Cliff Taylor.	0.50
10 /25/16	TKA	Review e-mails from Cliff Taylor; Review letter from Jon Jouban; Review letter from Cliff Taylor; Draft e-mail to Jon Jouban and Cliff Taylor; Draft letter to Judge Scaglione.	0.90
<b>TOTAL HOURS:</b>			<b>22.60</b>

<b>FEES:</b>	<b><u>HOURS</u></b>	<b><u>RATE</u></b>	<b><u>TOTAL</u></b>
Travel Rate	7.50	\$200.00	\$1,500.00
Terrell K. Arline	15.10	\$300.00	\$4,530.00
<b>TOTAL FEES:</b>			<b>\$6,030.00</b>
<b>COSTS:</b>			
Travel -- Mileage (10/19-20/16)		\$229.60	
Travel -- Hotel (10/19-20/16)		\$119.10	
Travel -- Meals (10/19-20/16)		\$53.94	
<b>TOTAL COSTS:</b>			<b>\$402.64</b>
<b>TOTAL AMOUNT DUE THIS INVOICE:</b>			<b>\$6,432.64</b>

- the lives of residents in Hernando County. We truly can't thank you enough. We look forward to continuing to work together on future projects.

Sincerely,  
(and on behalf of the members of  
JSL of Brooksville)

Ginger Korbus  
2016-2017 President

CTN  
11-21-16  
JLH

The members of the Brooksville City  
Council,

We are so grateful for the support you have shown and continue to show the Junior Service League of Brooksville. By waving the park fees and promoting us on social media, among the other ways you show support, you pave the way for us to continue our fundraisers and our mission of bettering