

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

MINUTES

March 17, 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 were Thomas S. Hogan, Jr., George G. Angeliadis and Debbie Hogan, City Attorneys; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk/Director of Administration; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today, Hernando Times and Brooksville Belle were also present.

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

CONSENT AGENDA

United Way Grant Application - JBCC

Approval of submittal of 2008/09 Grant Application to United Way for continuation of the Jerome Brown Community Center Bus Program in the amount of \$10,000.

Recreational Trails Program (RTP) Grant Application

Consideration of approval to apply for funds in the amount of \$50,000 to resurface the walking trail at Tom Varn Park and authorize the \$10,000 match to come from the McKethan Fund account #302-020-572-556-50.

Reuse Reimbursement #3 and Repayment of Oversizing Costs

Authorization to refund \$169,838.62 of Water Management District Reuse Reimbursement #3 to Hampton Ridge Developers, LLC., and retain the balance of \$52,254.60.

Radio Read Meter Project

Consideration of request to go out for bids.

Amendment to Seagate Utility Service Agreement

Approval of request to extend the payment date for the utility fees to April 30, 2008, or to prior to issuance of building permit for the project.

Vice Mayor Burnett asked staff to read all grant applications to ensure the City is in compliance as agreed, especially where partnerships are concerned. City Manager Norman-Vacha, referencing Item C-1, the United Way Grant, advised that United Way requests their logo be used in conjunction with the grant money being applied for.

Mayor Pugh asked for clarification of the request for the extension of the Seagate Utility Service Agreement. Director Pierce explained the issue of the payment was not raised by either Seagate or the City.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of the consent agenda. Motion passed 5-0.

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CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

WWJB Proclamation

Presentation of Proclamation in honor of the 50th Anniversary of WWJB Radio.

The proclamation was read in its entirety by Mayor Pugh and presented to Mr. and Mrs. Steve Manuel of WWJB Radio.

24th Annual Hernando County Arts, Crafts and Music Festival

Consideration of requests from the Hernando County Fine Arts Council (FAC) for their annual Art Festival at Tom Varn Park on May 3rd & 4th, 2008.

Motion:

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

Council Member Bradburn expressed concerns about the request for use of BERT and was not in favor of private groups using BERT. Fire Chief Mossgrove clarified that the rate quoted is based on FEMA rates and personnel costs cover on-duty personnel and volunteers.

City Manager Norman-Vacha pointed out the request includes services for sanitation and garbage, which was discussed.

Council Member Bradburn noted that the money being requested must come out of contingencies (reserves) and it was requested that staff keep a running total of fees being waived. She recommended, for taxpayers' sake, that in the future private groups contact private companies for services.

Motion passed 5-0.

Hernando County Fair Association (HCFA) - 2008 Fair Support

Consideration of requests from the HCFA for the 2008 Hernando County Fair & Youth Livestock Show, which runs April 7-13, 2008:

Council Member Bernardini reviewed the request. Director Pierce indicated the City's rules and regulations do not allow private entities to come into the City to provide services but they could buy a trash compactor and recycling companies are allowed. Council Member Bernardini indicated they are working on the recycling.

Attorney Angeliadis read from the code provisions for allowing the City to contract with private companies to provide services for events.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for approval of the request and authorize the release of fees from reserves for contingency to be paid to sanitation.

Council Member Bradburn requested Council Member Bernardini relay to the Fair Association to look at alternative services for next year.

Motion passed 5-0.

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PUBLIC HEARINGS

**Ordinance No. 735-A - Master Plan Revisions - Villa Rosa (Underwood Property) - Bob Colverd, Agent for Underwood Family Trust

Consideration of petition for a master plan revision of 9.33 acres + located on the south side of North Avenue, between Stafford Avenue and Zoller Street. [Approved on First Reading 03/03/08]

Mayor Pugh indicated this to be a quasi-judicial hearing.

Attorney Angeliadis asked if any were present that wished to be sworn. All who wished were sworn by City Clerk Phillips.

Attorney Angeliadis stated: "Please note that only competent, substantial, fact-based testimony or evidence will be considered by the Council in deciding the quasi-judicial matters listed on today's agenda. Pure speculation or opinion not based on competent facts cannot be legally considered by the Council when weighing the appropriateness of the quasi-judicial application. If you intend to speak on an item marked quasi-judicial please keep this in mind. Finally, when you approach the podium to speak on a quasi-judicial matter please state your name, address and whether or not you have been sworn."

Mayor Pugh polled Council Members individually as to ex-parte communication concerning this item. All answered negatively.

Council accepted by consensus the qualifications of Bill Geiger, Director of Community Development, Don Lacey of Coastal Engineering and Bob Colvard, Agent for the Underwood Family Trust, all of which were sworn.

Director Geiger proceeded to review the request and recommendations of the Planning and Zoning Commission, with modifications, and requested the entire staff report be entered into the record as if it were read. (Attachment A)

Don Lacey of Coastal Engineering reviewed the project changes as well.

Mayor Pugh asked for public input.

The following citizens, having been sworn, expressed their concerns for the project:

Elizabeth Ward requested another neighborhood meeting to ask the developer questions. She indicated they are curious about other developments by the petitioner and, once approved, does the petitioner's company run the facility.

Linda Theodore commented the project would not be consistent with their neighborhood.

Mr. Colvard addressed their concerns.

Council Member Bradburn again remarked on the previous submission for a project for this property, expressing her opinion that it is not an appropriate project for that specific neighborhood. Discussion continued.

Mayor Pugh questioned Chief Mossgrove about the highest amount of emergency calls the Fire Department receives. Chief Mossgrove, having been sworn, indicated the highest amount of calls is to elderly sites, nursing homes, etc. Discussion continued.

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Skevos Theodore of Jeff-A-Lee Street commented that the larger townhouses were not built because of the economy and elaborated on traffic issues.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of Ordinance 735-A.

City Clerk Phillips read Ordinance No. 735-A by title, as follows:

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 735 PERTAINING TO THE REZONING OF CERTAIN PROPERTY FROM C-4 (COMMERCIAL DISTRICT) TO PLANNED DEVELOPMENT PROJECT (PDP) DISTRICT WITH A SPECIAL EXCEPTION USE (SEU) FOR A RESIDENTIAL PLANNED DEVELOPMENT PROJECT (RPDP) FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN, SPECIFICALLY PROVIDING FOR AMENDMENTS TO THE CONDITIONS STATED IN SECTION 1, SUBSECTION 1.a. THROUGH 1.p., ADDING ADDITIONAL CONDITIONS THERETO, IN RESPONSE AND CONSIDERATION OF A MASTER PLAN REVISION FOR THE RPDP; AND PROVIDING AN EFFECTIVE DATE.

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

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

Ordinance No. 757 - Repeal of Occupational License Code

Consideration of ordinance repealing Local Business Tax (Occupational License) Code effective September 30, 2008.

[Approved on First Reading 03/03/08]

City Clerk Phillips reviewed the ordinance. She stated the ordinance also includes revisions to other sections of the City Code which contained references to the occupational license ordinance.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of Ordinance No. 757.

Mayor Pugh asked how the City will monitor businesses going in certain places. City Manager Norman-Vacha indicated the City Building Department will handle that and Utility Customer Service will also coordinate. Council Member Lewis elaborated and requested a policy be established to regulate businesses.

City Clerk Phillips read Ordinance No. 757 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES REPEALING CHAPTER 78, ARTICLE III - OCCUPATIONAL LICENSE TAXES; PROVIDING FOR NON-ISSUANCE AND NON-RENEWAL; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROHIBITING REVIVAL BY REPEAL; AND PROVIDING AN EFFECTIVE DATE.

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

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

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REGULAR AGENDA

Ordinance No. 758 - Photographic Traffic Enforcement Program

Consideration of ordinance establishing a red light photographic traffic enforcement program to help reduce vehicle crashes and resulting injuries.

Police Chief Turner indicated it to be a lifesaving program. Greg Parks of American Traffic Solutions reviewed the program via a Power Point Presentation. He stressed that there is no cost to the City for this program. Discussion followed in which he clarified questions of FDOT infringement and enforcement. Attorney Debbie Hogan indicated violations are civil infractions against the vehicle unless an affidavit is provided, stating the auto was stolen. Attorney Angeliadis indicated the vendor is also responsible for the SunPass program software.

Mayor Pugh indicated he is in favor of investigating the intersections and Mr. Parks indicated they will monitor the intersections free of charge, to determine where the cameras should go. Attorney Hogan advised the ordinance needs to be in place to move forward. Discussion continued.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bradburn for approval of the first reading of Ordinance No. 758.

Council Member Bernardini expressed concern for the reasoning behind the installation of the cameras. He requested the statistics of accidents at the intersections in question by the next meeting. Discussion continued.

Mayor Pugh asked for public input.

Kojack Burnett expressed concern for internet and credit card requirements for payment of infractions related to the Photographic Enforcement Program.

Vice Mayor Burnett requested time to finish his research on the subject and stressed the safety issue.

City Clerk Phillips read Ordinance No. 758 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, RELATING TO TRAFFIC LIGHT SAFETY; PROVIDING FOR LEGISLATIVE FINDINGS AND PURPOSE; ESTABLISHING DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF TRAFFIC CONTROL SIGNAL MONITORING SYSTEM FOR RED LIGHT INFRACTIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES AND COLLECTION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REFERRAL OF APPEALS TO HEARING OFFICERS AND MATTERS RELATING THERETO; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Motion carried 3-2 upon roll call vote, as follows:

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

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Mayor Pugh requested the second reading be continued to the April 21st meeting.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Burnett for extension of the second reading of Ordinance 758 to the April 21st Council Meeting for the second reading with statistical information being provided to Council before that meeting.

Discussion continued regarding the cost of prosecuting.

Motion carried 5-0.

Resolution No. 2008-07 - Repealing Occupational License Fee Structure

Consideration of resolution repealing Resolution No. 95-13, which provided for Local Business Tax (Occupational License) fees.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Bernardini for approval of Resolution No. 2008-07.

City Clerk Phillips read Resolution No. 2008-07 by title, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE REPEALING RESOLUTION NO. 95-13 IN ITS ENTIRETY; 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

Brook Haven, LTD (Brook Haven Apartments) - Request for Connection Fee Refund

Consideration of a refund of connection fees in the amount of \$73,427 as provided for in Developer's Utility Service Agreement; and approval of staff recommendation for amendment to the Capital Needs Plan.

Director Pierce reviewed the request. He clarified that the \$55,350 for water and \$18,077 to sewer connection fee numbers had been transposed in the memo.

For future developments, Mayor Pugh wanted to make sure that the developer bears the cost of the lines to their projects. Concerning the prices, Director Pierce indicated the Utility Service Agreement stated reasonable costs up to the amount of impact fees would be reimbursed.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Bradburn for approval of the refund.

Mayor Pugh asked for public input; there was none. Motion carried 5-0.

KMS Investment Partnership Radio Tower Issue

Review of Release Agreement providing for restoration costs of \$25,000 from General Fund Reserve Contingencies to restore the ground radial wiring system and authorize Mayor to execute accordingly.

City Manager Norman-Vacha reviewed the issue, indicating the difference of \$633.59 is additional costs submitted by KMS.

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Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Lewis for approval of the Release Agreement in the amount of \$25,633.59.

Mayor Pugh asked for public input; there was none.

Council Member Bradburn further conveyed her apologies for damages to the property.

Motion carried 5-0.

Brooksville Going Green Initiatives

Discussion and review of plans to work on "green" initiatives.

City Manager Norman-Vacha reviewed potential green initiatives.

Jean Lamb and Bill Everly of Progress Energy gave a background of green perspectives and the benefits of going green as well as Progress Energy's Program Mix.

Jean Lamb had literature and compact florescent bulbs for anyone interested and elaborated on the cost savings of using them. She thanked Vice Mayor Burnett for assisting them at the Neighborhood Energy Savings kickoff, which assists low-income neighborhoods in becoming energy efficient.

City Manager Norman-Vacha provided auditing information collected by staff. Director Walker gave an overview stating that just by changing the lighting in City Hall, at a cost of \$11-12,000, would save about \$3,700 annually. Other prospective projects were discussed as well, such as green gardening, recycling and water conservation efforts.

Council Member Bradburn recommended moving forward with changing out the lighting.

Mayor Pugh asked for public input.

A discussion ensued regarding faulty street lights, wherein Jean Lamb recommended pole numbers to report faulty lights.

Council consensus was to move forward with the going green project.

Concerning the Neighborhood Energy Saving Program, Vice Mayor Burnett thanked Progress Energy for coming out and encouraged citizens to participate in the program. He commended City Manager Norman-Vacha for her work on the issue and Council for considering it.

City Manager Norman-Vacha will come back with a plan to move forward.

ITEMS BY COUNCIL

George Angeliadis, City Attorney

Attorney Angeliadis wished all Happy St. Patrick's Day and Happy Easter.

Lara Bradburn, Council Member

Urban Land Institute's One Bay/Reality Check Seminar

Council Member Bradburn indicated she had attended the seminar and One Bay has agreed to present Council with regional planning activity.

Reorganization of Water Authority

She indicated there is a move to reorganize the Water Authority and asked staff and legal to keep an eye on those activities.

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She wished everyone a wonderful Resurrection Day.

Richard E. Lewis, Council Member

Council Member Lewis wished everyone a Happy St. Patrick's Day as well.

T. Jennene Norman-Vacha, City Manager

Brooksville Housing Authority Workshop

City Manager Norman-Vacha reminded Council of the Tuesday, April 15 workshop with the Brooksville Housing Authority, at 6:00 p.m.

911 Safety Training

She invited all to a 911 safety training provided by Progress Energy tomorrow either from 10:00 a.m. - Noon or 1-3:00 p.m. and thanked Progress Energy for all they do in working with the City.

Thomas S. Hogan, Attorney

Levitt & Sons Cascades Bond Issue

Attorney Hogan indicated the lawsuit has been dismissed without prejudice and he has a Forbearance Agreement signed by Westchester Bonding Company which allows the City to reinstitute the lawsuit if necessary.

Joe Bernardini, Council Member

Council Member Bernardini wished all a Happy St. Patrick's Day and Happy Easter.

Frankie Burnett, Vice Mayor

Waiver of Fees Workshop

Vice Mayor Burnett requested a workshop on "waiver of fees" requests.

Vacant Positions

He requested an update on the positions Council approved to be filled.

He wished all a Happy Easter.

Karen M. Phillips, City Clerk

City Clerk Phillips wished all happy holidays.

David Pugh, Mayor

Utility Tax

Mayor Pugh commented on the utility tax comparing it to the ad valorem millage rate and Amendment 1.

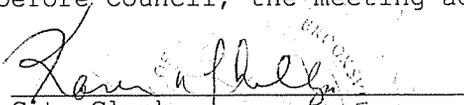
CITIZENS INPUT

There was none.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:45 p.m.

Attest: _____
Mayor



City Clerk