

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

May 18, 2009

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joe Bernardini, Vice Mayor Lara Bradburn and Council Members Joseph E. Johnston, III, Richard E. Lewis and David Pugh present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, 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. A member of Hernando Today was also present.

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Law Enforcement Awareness

Presentation of Proclamations designating and supporting the month of May as Law Enforcement Awareness Month.

The proclamation was read by Mayor Bernardini and presented to Amy Mooreville of the FHP, Lieutenant Cinda Moore of the Hernando County Sheriff's Office, Chief Turner of the City of Brooksville PD and Special Agent Rick Singer of the FDLE.

Mickey Cook, President of the Committee Against Assaults on Law Enforcement Officers commended all law enforcement officers for putting their lives on the line everyday to protect our citizens and thanked them for a job well done.

Police Chief Turner spoke on behalf of the Police Department and presented Meritorious Police Service Awards for Investigations to Lieutenant Rick Hankins, Detective Sergeant John Messer, Detective Bryan Drinkard & Officer Shawn Terry. Officer Dixon also presented the awards and will help in the department accreditation process.

Chief Turner then presented Officer Krystal Nix with a Meritorious Award for her part in the "Operation Working Woman".

Vice Mayor Bradburn noted how much improvement the department has seen in the last couple of years and indicated that she is very proud of the Brooksville Police Department. Mayor Bernardini expressed appreciation for the leadership provided by Chief Turner and the support of the officer's families.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 7/6/09 INITIALS AP

REGULAR COUNCIL MEETING MINUTES – MAY 18, 2009

American Legion Auxiliary Poppy Days

Proclamation designating May 22-23, 2009, as “Poppy Days”.

Mayor Bernardini read and presented the proclamation to Pat Hewitt, Poppy Chairman of the local American Legion Post 99. She indicated the money for the poppies goes towards events in Hernando County such as a homecoming on June 14th for Wounded Warrior John Borders and his family. Commander Robert “Bubba” Perkins and Ed Baker have put in numerous hours getting the Borders’ home ready for them. She recognized the City of Brooksville for its assistance in distributing the poppies.

Fire Department - Muscular Dystrophy Association (MDA) Boot Drive

Consideration of approval to allow on-duty personnel and equipment to be used to collect money on weekends during the months of June and July 2009 from local store fronts.

Fire Chief Mossgrove asked for approval of Council for the drive.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn. Motion carried 5-0.

Proclamation - Muscular Dystrophy Association (MDA)

Presentation of Proclamation to MDA proclaiming the week of June 7-13, 2009 as Firefighter Appreciation Week.

Mayor Bernardini read the proclamation and presented to Fire Chief Mossgrove for Firefighter Appreciation Week.

CITIZEN INPUT

Mayor Bernardini asked for citizen input.

John & Louise Downey

The Downey’s represent the Nature Coast Tennis Foundation and expressed appreciation to the City of Brooksville and Mike Walker, Director of Parks & Recreation, for their support of tournaments and activities. She indicated USDA for Tennis has asked for the Regional Tournament to be held in the City of Brooksville at the tennis courts on August 8th. City Manager Norman-Vacha thanked the Downey’s for their dedication.

Pierre Desjardins

He commended Chief of Police Turner for the work he has done during his short tenure and thanked the entire department.

David Gilman

He asked that Council vote against the impoundment ordinance as he felt the punishment does not fit the crime.

REGULAR COUNCIL MEETING MINUTES – MAY 18, 2009

CONSENT AGENDA

Minutes

January 12, 2009 Workshop
March 2, 2009 Regular Meeting

Council Member Lewis noted a change on January 12, 2009, Page 3 of 7, remove “and sold” in the last sentence.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval with noted correction. Motion carried 5-0.

Appointment of Board Members to Public Risk Management of Florida

Consideration of appointing Stephen Baumgartner as the Board Member and T. Jennene Norman-Vacha as the Alternate Board Member.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn for approval. Motion carried 5-0.

Budget Workshops for FY2009-10

Consideration of proposed budget meeting for FY2009-10.

Vice Mayor Bradburn indicated August 11th and August 25th had already been scheduled. City Manager Norman-Vacha stated the dates will be changed accordingly.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval with change in dates as noted. Motion carried 5-0.

PUBLIC HEARINGS

Public Schools Facilities Element Stipulated Settlement Agreement

Consideration to ratify the State-approved “Stipulated Settlement Agreement” between the City and the Department of Community Affairs.

Bill Geiger, Director of Community Development, briefly reviewed the history of the agreement. He indicated no major changes have been made.

Mayor Bernardini asked for citizen input; there was none.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of Agreement. Motion carried 5-0.

REGULAR COUNCIL MEETING MINUTES – MAY 18, 2009

REGULAR AGENDA

Ordinance No. 774 – Impoundment

Consideration of ordinance addressing junked and abandoned vehicles and setting forth procedural requirements for impoundment of vehicles used in conjunction with certain crimes in violation of certain parking statutes and code violation.

Chief Turner indicated the City already has a noise ordinance that deals with loud music and radios and there is currently a state law as well. The current city ordinance has no enforcement and no recourse for collections of the fines. The impound ordinance mirrors many other Florida cities' ordinances and is modeled after the City of Sarasota. He reviewed the differences in the Civil and Criminal Violations fines.

Council Member Johnston asked about the timelines and fees, which Chief Turner explained further. The pros and cons were discussed.

Council Member Lewis recommended removing the existing noise ordinance if it is not working. City Attorney Rey explained the process as it relates to state and local laws.

Motion:

Motion was made by Vice Mayor Bradburn for the addition of habitual violations to the parking limits to Sections 2 and 9(d).

Hearing fees was further discussed. City Attorney Rey indicated she will review the City's parking ordinance and provide a definition as to what constitutes habitual violations.

Motion was seconded by Council Member Lewis as long as habitual is defined.

Council Member Pugh would like a \$100 fine instead of towing on first offense under Section 9(b). Discussion continued of criminal and non-criminal offenses and the importance of discretion of officers when writing tickets. Chief Turner further stressed that this mainly pertains to stereos that are extremely loud.

Chief Turner indicated there is currently no tracking mechanism for citations issued concerning the non-criminal violations.

Mayor Bernardini called for a point of order. He indicated there to be a motion and a second on the floor to add habitual violations to the parking ordinance to the proposed ordinance. The motion and second were withdrawn pending the end of discussions.

Discussion continued concerning tracking of violations within the City via a database based on issuance of citations.

Council Member Pugh indicated Section 2 states "seizure and impoundment of vehicles used in crimes. City Attorney Rey advised the title can be changed.

Towing and impounding issues were further discussed as well as security at police impound and the release of impounded vehicles after payment is made.

REGULAR COUNCIL MEETING MINUTES – MAY 18, 2009

City Clerk Peters read Ordinance 774 by headnote as follows:

AN ORDINANCE PROVIDING FOR THE IMPOUNDMENT OF VEHICLES USED IN CRIMES; PROVIDING FOR REMOVAL OF VEHICLES FROM UNLAWFUL PARKING IN PARKING SPACES DESIGNATED FOR PHYSICALLY DISABLED PERSONS; PROVIDING FOR PRELIMINARY AND FINAL HEARINGS ON SEIZURES AND IMPOUNDMENTS; ESTABLISHING PENALTIES AND FINES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Bernardini asked for public input.

John Masciarella

He indicated being against the impoundment of vehicles for playing a radio too loud.

Pierre Desjardins

He recommended moving versus non-moving violations be clarified and a database be established to track repeat offenders. He indicated he is for it if done properly.

Patrick James Ricketts

He agreed with Mr. Desjardins but indicated there are all types of noise violations and was not in favor of impounding on the first offense. City Attorney Rey clarified that impound is for violations of the code. There is an innocent owner defense in conjunction with the code.

David Gilman

He asked how the officer will decide if the offense warrants impounding. City Attorney Rey indicated it is whether a code violation has taken place. He asked if police had a way to measure decibels.

Chief Turner indicated it is not necessary and is subject to officer discretion.

Heather Gilman

She asked does the noise ordinance include a loud exhaust. Chief Turner indicated it does not cover for impounding.

Dan Patrick

He commented on the ordinance and asked about financed cars being impounded. City Attorney Rey indicated lien holders would be notified.

Vice Mayor Bradburn moved to approve item with the addition of reference to habitual violations of parking time limits and message of non-criminal violations to include impoundment on first offense for not impounding with tracking of violations.

Motion died for lack of a second.

Motion:

Motion was made by Council Member Council Member Pugh and seconded by Vice Mayor Bradburn to table item to the June 1st meeting for revisions. Motion carried 5-0.

REGULAR COUNCIL MEETING MINUTES – MAY 18, 2009

Ordinance No. 775 – Public School Facility Element

Consideration to ratify the State-approved “Stipulated Settlement Agreement” between the City and the Department of Community Affairs.

Director Geiger reviewed the ordinance and asked that the first reading be approved.

Vice Mayor Bradburn asked for confirmation that this mirrors previous discussions on this issue and is in concurrence with the City’s agreements with the County and the School District. Director Geiger confirmed.

Motion:

Motion was made by Council Member Pugh and seconded by Council Member Johnston for approval of Ordinance No. 775.

City Clerk Peters read Ordinance 775 by headnote as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, MODIFYING CHAPTER 11, PUBLIC SCHOOL FACILITIES ELEMENT, OF THE CITY’S COMPREHENSIVE PLAN, AND MODIFYING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN; SAID AMENDMENTS BEING ADOPTED 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 Johnston	Aye
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

Personnel Policy Amendments

Consideration of updates to the Personnel Policy.

Attorney Rey reviewed each recommended change.

a) Section 7 Orientation & Training

Attorney Rey indicated this section replaces two (2) separate policies consolidating the two (2) with no major changes. Mayor Bernardini indicated orientation should be done immediately after hiring. Council agreed. Council Member Pugh indicated in his experience orientation was done prior to starting a job. City Manager Norman-Vacha stated this will be brought back to Council after a review of wage and hour opinions should Council require a new hire to participate in orientation on their own time before they start employment. City Attorney Rey reviewed the issues.

REGULAR COUNCIL MEETING MINUTES – MAY 18, 2009

b) Section 7.1 Employee Performance Evaluations

City Attorney Rey indicated this section replaces existing plan and it provides more flexibility in evaluations with regular or routine evaluations and significant evaluations. Issues can be addressed periodically and is separate from merit reviews. City Manager Norman-Vacha indicated it doesn't negate the annual review or tie it to a certain date. City Attorney Rey reviewed the issues. Discussion of the time periods attached to reviews followed.

Council Member Pugh would like to see a rebuttal process. Vice Mayor Bradburn would like the rebuttal to be able to change the outcome of the evaluation. Mayor Bernardini indicated he would support a rebuttal process. Discussion ensued regarding the evaluation process. City Attorney Rey recommended a self-evaluation before the official evaluation. City Manager Norman-Vacha stated she has had brief discussions with department heads regarding how the form works and moving towards a performance measurement. Council Member Johnston recommended the final evaluation form be submitted to Council for review.

Motion:

Motion was made by Council Member Johnston and seconded by Vice Mayor Bradburn for approval of Personnel Policy Amendments Section 7.1 Employee Performance Evaluations with evaluation form brought back for Council review, subject to the self-evaluation and rebuttal options. Motion carried 3-2 with Mayor Bernardini and Council Member Pugh voting against.

c) Section 7.03 Travel Allowances

City Attorney Rey reviewed the policy and stated these policies do not apply to those employees in bargaining agreements (police & fire).

Attorney Rey stated the intent of the policy is to establish that meals provided during a conference do not also have a per diem rate of reimbursement. Mayor Bernardini indicated he is opposed since his opinion is that a continental breakfast is not a substantial meal.

Mayor Bernardini had concern with "immediate vicinity" of travel as outlined in the policy. Attorney Rey indicated it is defined as the county but could be changed as council desires and will research a statutory definition of relative distance of travel from place of business for clarification.

Mayor Bernardini asked why the rate established by the City is not the state or federal rate. Attorney Rey replied one can be set by statute and the other is the IRS allowable deductible which can be different and you don't want to prescribe a rate not compliant with State Statute. Establishing a fixed rate would make it necessary to have to go back and change the rate every time the State changes.

Mayor Bernardini wanted B5 defined as county travel with B6 being established by the state statute for reimbursement of mileage.

Discussion ensued regarding taking a personal vehicle and being reimbursed mileage versus taking a city vehicle.

REGULAR COUNCIL MEETING MINUTES – MAY 18, 2009

City Manager Norman-Vacha advised she will bring this section back to Council with more reference to Florida Statutes to be helpful with comparison.

CITIZEN INPUT

Mayor Bernardini asked for citizen input.

Pierre Desjardins

He complimented Emory Pierce on his department for trash removal. He indicated his business is relocated back downtown and stated FDOT did some shoddy work on the sidewalks as well as the manhole cover outside his store at Brooksville Avenue and Jefferson. City Manager Norman-Vacha indicated letters have been sent to FDOT requesting their review because the City has no jurisdiction to correct the issue. Council consensus was to address a more serious letter to FDOT stating several people have been injured at specific locations. City Manager Norman-Vacha will prepare a letter for the Mayor's signature.

Director Pierce indicated yellow curb had been previously painted and cost the City \$1500 in a trip and fall lawsuit that occurred in the vicinity and he did not recommend doing anything but send the letter.

Council Member Lewis recommended the letter be sent via legal to Mr. Prescott in the local office and copy the main office.

Kojack Burnett

He could not see the tennis presentation at the beginning of the meeting. He recommended dates and lines for comments on the evaluation form.

ITEMS BY COUNCIL

Lara Bradburn, Vice Mayor

Cost Recovery

Vice Mayor Bradburn indicated Legislature passed Senate Bill 2282 prohibiting municipalities from collecting cost recovery. Some communities are asking the Governor to veto and she recommended the Mayor write a letter requesting same. City Manager Norman-Vacha will send both a hard copy and electronically to get there immediately.

David Pugh, Jr., Council Member

Employee Appreciation

Council Member Pugh thanked and expressed appreciation to the Police Department, Fire Department and the city's employees for their work.

Joe Johnston, Council Member

Howell Avenue paving

Council Member Johnston noted it is nice to have Howell Avenue paved.

REGULAR COUNCIL MEETING MINUTES – MAY 18, 2009

T. Jennene Norman-Vacha, City Manager

2009 Hurricane Expo

City Manager Norman-Vacha reminded all that the 2009 Hernando County Sheriff's Office Hurricane & Safety Expo at Weeki Wachee Springs State Park is on Saturday, May 30th from 9:00 a.m. to 2:00 p.m.

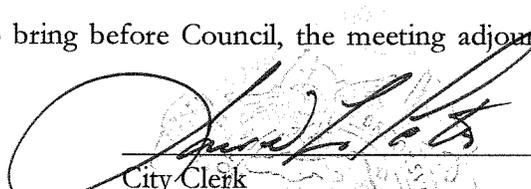
Joe Bernardini, Mayor

Appreciation

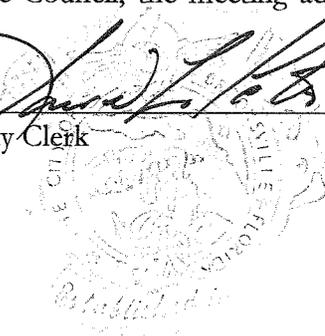
Mayor Bernardini expressed appreciation to Fire & Police personnel and to John and Louise Downey for their involvement with the tennis courts.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:15 p.m.



City Clerk



Attest: 

Mayor