

## REGULAR COUNCIL MEETING

### MINUTES

**JANUARY 6, 2003 7:00 P.M.**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lindsay A. Morgan, Interim Deputy City Clerk; Emory Pierce, Director of Public Works; Steve Baumgartner, Finance Director; David Pugh, Parks and Recreation Director; Bill Geiger, Community Development Director; B. Ed Tincher, Police Chief; and James Daugherty, Fire Chief;. Also present was a member of the St. Petersburg Times.

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

Wayne Vutech thanked Council, Karen Phillips, Howie Jackson and Mike Hannigan for their support of the Tangerine Time, New Year's Eve event.

### **CONSENT AGENDA**

#### Minutes

October 21, 2002 - Regular Council Meeting

November 18, 2002 - Regular Council Meeting

November 25, 2002 - Special Council Meeting

December 2, 2002 - Regular Council Meeting

Council Member Wever stated that two changes needed to be made as follows:

1) October 21, 2002, top of page 5, "...consideration of agreement with Angie Brewer and Associates to process grant application in the amount of \$1,000..." that it sounds like we are applying for a grant of \$1,000, which is probably her fee that Council approved. He suggested that the wording be changed to show that it is a fee.

2)December 2, 2002, bottom of page 5, "Motion made by Vice Mayor Lewis and seconded by Council Member Bernardini to appoint Joseph E Johnston III as an elected official to serve as the Hernando County voting member..." should read Hernando County Municipal voting member.

#### Motion:

Motion was made by Council Member Wever and seconded by Council Member Johnston to approve the consent agenda with the noted changes. Motion carried 5-0.

### **CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

#### National Blood Donor Month

Proclaiming the month of January as "National Blood Donor Month".

Proclamation was read and presented to Ms. Lucy Colburn, Operations Manager by Mayor Lewis.

FACC - 30<sup>th</sup> Anniversary

Proclamation supporting the Florida Association of City Clerks.

Proclamation was read by Mayor Lewis and forwarded to the FACC for their display at their annual conference.

NAACP Annual Martin Luther King Jr. Birthday Celebration

Proclamation supporting the NAACP's Annual Martin Luther King Jr. Birthday Celebration from January 15-20, 2003.

Proclamation was read and presented to Frankie Burnett, NAACP President by Mayor Lewis.

**PUBLIC HEARING\*\***

Rezoning Ordinance No. 649 - 701 W. Martin Luther King Jr. Blvd.

Consideration of rezoning SW corner of Buena Vista Avenue and Martin Luther King Jr. Blvd. from Residential to Commercial.

[First Reading 12-16-02]

City Clerk Phillips read Ordinance No. 649 by headnote only, as follows:

**AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT) TO P-1 (PROFESSIONAL DISTRICT), REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING AN EFFECTIVE DATE.**

Community Development Coordinator Geiger stated that the base information was presented to Council at the First Reading. He stated that he was submitting the staff report in its entirety as the staff recommendation, as well as the Planning and Zoning Commission recommendation, for approval of the Ordinance.

There was no public input.

Motion:

Motion made by Council Member Staib and seconded by Council Member Wever to approve the Second and Final Reading of Ordinance No. 649.

Council Member Johnston noted that the Ordinance is not zoned to Commercial but from Residential to Professional.

Upon roll call vote, Motion carried 5-0:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

## **REGULAR AGENDA**

### NAACP Annual Martin Luther King Jr. Birthday Celebration March

Request for co-sponsorship of 2003 march from Josephine Street along Martin Luther King Jr. Blvd. and ending on School Street on January 20, 2003.

Mayor Lewis stated that this item has been moved up in the agenda as requested by Rev. Frankie Burnett.

City Manager Anderson informed Council that last year an insurance certificate was submitted which did not necessitate a formal sponsorship from the City. He stated that he was unaware if a certificate had been submitted which is why the City is being asked to co-sponsor. Member Johnston stated that the City would like to co-sponsor.

#### Motion:

Motion made by Council Member Bernardini and seconded by Council Member Staib to approve the co-sponsorship of the march. Motion carried 5-0.

### Resolution No. 2003-01 - 1<sup>st</sup> Quarter Budget Amendment for FY 2002-03

Consideration of amendment to Fiscal Year 2002-03 Budget.

Finance Director Baumgartner presented the resolution to Council and stated that he also had documentation available to answer questions Council may have. He stated that Section 1 of the resolution was the one-quarter revenue reduction resulting from the loss of Township 22, as previously directed by Council.

Member Wever suggested to staff that it be made a policy in the future for Finance to provide Council with an analysis of reserve funds when a request to adjust a fund was made. He also commented that Section 6 had no unallocated reserves in the budget, that all were R&R reserves, so if this figure was to be adjusted, a change would have to be made to the wording in order to take it back out of that R&R reserve. City Manager Anderson responded that it was the intent to have two separate reserves but it was overlooked at the budget meeting. He said that there is no separate reserve, so technically the money would be transferred out of the R&R fund into the reserve and then appropriated from reserve to line item 4.

Member Wever commented that he came up \$956,610 on the budget (930-03 fund - page 26), which is a different figure than the one shown in the General fund reserves. He stated that approval of the recommended adjustments would bring the reserve down to \$812,360. City Manager Anderson stated that the total of the first two columns equaled the figure Member Wever quoted. He said that he would return a revised report to Council for the section in question.

Member Wever stated his intent was to keep track of that reserve because of the possibility of a decline in budgeted revenues on the Revenue Sharing programs and that we also have the potential of not collecting anything on Township 22. He stated that he had no problem with approval of the resolution, but he is trying to emphasize that the reserve be kept track of and ensure that it does not get too low.

City Clerk Phillips read Resolution No. 2003-01 by headnote only, as follows:

## **A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2002-03 BUDGET AND SETTING AN EFFECTIVE DATE.**

Motion:

Motion was made by Member Wever and seconded by Member Bernardini to approve resolution 2003-01 with change as recommended by City Manager Anderson.

Upon roll call vote, Motion carried 5-0.:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

Capital Purchases (Budgeted Items)

Consideration of releasing temporary hold on purchasing certain budgeted General Fund items. Administration - Copier \$16,000; Parks and Recreation - Office Building \$61,626; Police Department - Phone system \$18,300; Fire Department - Air Packs \$50,000 and Air Compressor Upgrade \$25,000.

Council Member Johnston asked if this was asked for by resolution and commented that it was basically amending the budget reserve for Capital Outlay. Finance Director Baumgartner replied that the procedure has been to present amendment in April if Council approves at this meeting. Member Wever asked if Council would be approving an amendment to the budget to authorize these purchases and transfer out of the reserve to the individual departments to cover the purchases. Finance Director Baumgartner responded that the resolution would follow in April when all of the budget amendments, for first quarter are to be presented, and these Capital items will be included in that.

In response to Member Johnston's question regarding alternatives for the Parks and Recreation Department building, City Manager Anderson stated that some information had been obtained that had not been solidified to the point to make a formal presentation to Council, but he had been speaking with the Department Director about the possible acquisition of property adjacent to the park, and if that occurs, we could then use the building money toward purchasing the lot and relocating the building to the new site. Parks and Recreation Department Director Pugh said that Mr. Carter had asked him if the City might be interested in purchasing his property at a figure of \$85,000, which was down from the \$110,000 to \$115,000 when he approached us before. He said that the subject of the hole behind his house was raised and Mr. Carter said it was not a sink hole and that it never held water.

Parks and Recreation Department Director Pugh said he approached City Manager Anderson and Member Wever about just moving the building on the back of that property, as it would involve pouring a slab and erecting a building on that slab, with Mr. Carter's house possibly serving as the recreation offices. City Manager Anderson introduced another option of another lot about three lots down with a mobile home that the owner, Mr. Innes, may be interested, as indicated before, in doing something with the City in relocating his home off that parcel. He stated that due to it's size and location, that parcel would eventually allow another access to the adult complex as well as additional parking. Mayor Lewis agreed with Member Johnston that \$85,000 was still above market value for Mr. Carter's parcel, which is assessed at \$43,000. Parks and Recreation Department Director Pugh stated that Carter's property must be worth more than \$43,000.

Member Johnston stated that the discussed option would be preferable. City Manager Anderson asked if

Council desired to direct staff to pursue other options and return them to Council. Member Johnston stated that the option was worth looking at. Discussion ensued.

Mayor Lewis stated that, in the event Mr. Innes' property was obtained by the City, the other properties would become more marketable, as Member Johnston said, at a reasonable price that was closer to the assessed value. Further discussion ensued.

Mayor Lewis suggested that staff check into and come back to Council, including a fixed allowance amount to Mr. Innes to hire a professional to move the home as part of the contract and that it would be his responsibility to move it. Parks and Recreation Department Director Pugh stated that the Innes property was more viable due to access and more parking space.

Consent of Council was to postpone the Parks and Recreation office building construction.

Motion:

Motion made by Member Wever and seconded by Member Johnston to transfer funds out of reserves to the appropriate departments budget with the exception of the Parks and Recreation office building.

Member Bernardini questioned if the funds were to come out of reserves or the Capital fund outlet. Member Wever responded it was to come out of the reserves and directed attention to page 26 of the budget. City Clerk Phillips stated that only lines 11 and 32 were provided and apologized to Council. Member Wever stated that items on line 32 were not budgeted to be spent. Member Bernardini stated the Budget Summary sheet is confusing. Member Wever said that whatever is approved to spend will have to come out of General Fund reserves.

Motion carried 4-1.

Request to purchase vehicles

Consideration of authorizing staff to seek lowest price on purchasing two (2) replacement patrol vehicles, not to exceed state contract bid prices.

In response to Vice Mayor Staib's question, Chief Tincher responded that the program she mentioned provided for the City negotiating with local businesses to sponsor a vehicle, and entering into a contract with a company in North Carolina, which will then go about soliciting for the purchase of police cars. He said the company would then be the owners of the car and would give them to the City for \$1. However, it would be a year or two process by the time the cars were acquired through this method. Member Wever asked if the only identification of these cars as police vehicles would be the lights on top. Chief Tincher responded that the contractual arrangement provides the City with discretion as to tasteful advertisement.

Chief Tincher stated that, traditionally, the City would locate a car available on bid and then request Council's approval to purchase the car. He said that on several occasions, a supplier on the state or sheriff's office bid has ordered more cars than they needed, which has allowed Council to save a couple thousand dollars in the past. However, the supplier wants an immediate response and the opportunity and savings may be lost in the time it takes to return to Council for approval. Chief Tincher stated that he did not want to violate any policies and was simply requesting approval from Council to obtain advanced authorization from the City Manager. He said he was prompted to ask by advertisements received out of Georgia for cars that were \$22,300 that were completely outfitted and that he would like permission to consider such methods that would save the tax-payers and City money.

In response to Member Wever's question, Chief Tincher said that the vehicles from the Georgia dealer are standard Crown Victoria police cruisers that meet Florida specifications. Chief Tincher reiterated that he was

looking to be able to make a commitment once the City Manager authorizes a purchase, stressed his intent to stay within the City's purchasing guidelines, and stated that under no circumstances would cost be higher than the State of Sheriff's Office bids, whichever happened to be lower.

Member Wever questioned the request for two vehicles, stating that the budget allowed for three. Chief Tincher responded that he was attempting to be cognizant of the impacts on the budget. Member Wever stated that the money was already available for three vehicles and asked if a better price could be acquired for three. Chief Tincher responded that he did not know but could include it into his negotiation strategy. Member Wever asked if the two Luminas needed to come off of patrol. Chief Tincher answered that the vehicles are being used in Code Enforcement and would continue to be used for non-patrol functions.

Motion:

Motion was made by Member Wever to approve up to three vehicles, not to exceed the State bid prices, and authorize the City Manager or Police Chief to determine whether or not to buy the third vehicle. Mayor Lewis seconded for discussion.

Mayor Lewis stated that he would support approving up to the third vehicle with the stipulation that it did not exceed the State contract bid price and agreed with Member Wever that it is a budgeted item.

Member Bernardini stated that Council should wait a quarter before spending more money to see what happens with the economy. He stated that he had no opposition to the Police Chief getting three cars, only that he disagrees with the current time due to the economy. Member Johnston stated that he felt Chief Tincher was very prudent in his request for two vehicles rather than three and that he agreed with his motivation. He stated that, under the current circumstances, two would be sufficient until this new purchasing method proves successful. Member Wever restated that the money was already in the fund to replace these vehicles and that an opportunity to buy three save money should be seized. Vice Mayor Staib favored two with a presentation for the third.

Motion failed 3-2.

Motion:

Motion was made by Member Johnston and seconded by Member Vice Mayor Staib for staff recommendation for the purchase of two vehicles not to exceed State contract prices. Motion carried 3-2.

Member Wever raised the issue of the problem with rear-end collisions and fires, stating that he had the pleasure of riding to a meeting in Orlando with John Kendall, Crystal River Council Member, who is a retired Ford Motor Company employee and worked on the assembly lines that build the Crown Victorias. Mr. Kendall told him that the problems with fires in the Pintos years ago was due to having the plastic shield between the gas tank and the rear frame removed for a savings of \$0.19 per car, and that this protection would probably have to be re-added to the Crown Victorias. Chief Tincher stated that the issue is getting some attention and they have had some recalls. Member Wever asked if it would be necessary to have the Mayor write a letter to Ford Motor Company to have the City's vehicles replaced. Chief Tincher stated that he would like to see what Ford's position is currently and report back to Council, stating some headway being made recently.

Yontz Road and Howell Avenue 50'x 80' Lot

Consideration of sale of property to Carl Ratcliff "as-is" in the amount of \$2,000.

City Manager Anderson requested Council direction and stated that the property owner has expressed interest in having a final determination by the City in order to incorporate the additional space in his plans. He also stated that another item that should have been included in the recommendation that was recently

brought up by the Public Works Director was that the City should reserve a 10 foot utility easement along the Howell side of the property if it is to be sold. He informed Council that the Public Works Director had obtained a quote from the City's contractor that was demolishing other City facilities, and that his price would be substantially higher than the estimated price indicated in the letter from the property owner.

City Manager Anderson stated that staff is recommending that since the City has no need for the site, that it be sold as is with the afore mentioned reservations. In response to City Clerk Phillip's question, he stated that the 10 foot utility easement reservation would be on Howell near Yontz.

In response to Mayor Lewis' question, Public Works Director Pierce stated that at this time it is very unlikely that a future lift station would be designed for that property, citing the small size of the site, and said his recommendation was to sell it.

Motion:

Motion was made by Member Wever and seconded by Vice Mayor Staib for approval to sell the property to \$2,000 with the easement conditions. Motion carried 5-0.

City Clerk Phillips asked for clarification whether the buyer was to pay 50% of the closing costs and Council consented.

Intergovernmental, Board Assignments and Organizations

City Council Member Appointments

The following are the current appointments on various boards and Committees, which are scheduled for reappointment or replacement:

Outside Boards/Committees Current Council Representative

Brooksville Again Joe Bernardini

Hernando County Fair Association Joe Bernardini

Sheriff's Department/Community Board Joe Bernardini

Take Stock in Children Joe Bernardini

Metropolitan Planning Organization Joseph E. Johnston, III

Tourist Development Council Joseph E. Johnston, III

Withlacoochee Regional Planning Council Joseph E. Johnston, III

Heart of Florida Richard E. Lewis

Juvenile Justice Council Mary A. Staib

S.A.L.T. Council/Elder Affairs Mary A. Staib

Suncoast League of Municipalities E.E. "Ernie" Wever, Jr.

Withlacoochee Regional

Water Supply E.E. "Ernie" Wever, Jr.

City Boards/Committees Current Council Representative

Good Neighbor Trail Advisory Committee Richard E. Lewis

Parks and Recreation Advisory Board Richard E. Lewis

Beautification Board Mary A. Staib

Brooksville Cemetery Advisory Board Mary A. Staib

CDBG Citizens Task Force E.E. "Ernie" Wever, Jr.

Vice Mayor Staib stated the need for the following corrections: 1) The Juvenile Justice Council is ad hoc to the Hernando County Community Alliance and that she served on that Board; 2) That she was on the Youth and Family Alternatives New Beginnings Youth Shelter, as the State mandated a City representative.

Member Johnston stated for reference purposes that the Tourist Development Council now meets at the old City Hall. Member Wever stated that the Suncoast League address was incorrect, that it is the Florida Institute of Government at USF.

Mayor Lewis directed staff to make sure of dates and times of meetings if any other changes are to be made. City Clerk Phillips asked if it could be given as "just for reference" so that she would not have guarantee the information therein due to the extent of the Council Member's schedules.

Member Bernardini stated his opposition to appointing him to Take Stock in Children at the Community College, stating that the meeting times are difficult for him to make. Mayor Lewis said that he had no problem taking that if Council did not object and no one else wanted it.

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini for re-appointment the current Council Members to the Outside Boards/Committees for an additional year with the change in the Take Stock in Children board which removed Bernardini and appointed Mayor Lewis to the board. Motion carried 5-0.

Motion:

Motion made by Council Member Johnston and seconded by Council Member Bernardini to re-appointment the current Council Members to the City Boards/Committees for an additional year. Motion carried 5-0.

**CITIZEN'S INPUT**

Dennis Gomas, Somebody Cares

Gomas gave a report on Somebody Cares that took place on December 21, 2002 in the park. He stated that 1,000 holiday meals were served and thanked Council for their support on the event. Mr. Gomas stated that he would like to do a smaller event and a regular series of programs with City Attorney La Croix and City Manager Anderson, and that he would like to hold an Valentine's Day event on February 8 or 15, 2003 as well as a Mother's Day program. He stated that 90% of the funding for Holiday for Hope came from outside of the community. City Clerk Phillips reminded Mr. Gomas that only one Council meeting was scheduled for February. Mr. Gomas asked for Council's input as to whether or not he should pass this year due to the time

constraints. Member Wever stated his willingness to accept a letter requesting the use of the facility, depending upon the date needed, to be presented at the first meeting in February. Mayor Lewis commended the efforts and stated that he heard many good comments regarding the last program. Vice Mayor Staib commented on the large number of volunteers that help with the events.

In response to Member Wever's question, City Manager Anderson stated that the cost of the last event had not been ascertained to date, but that there could be a report to Council when it was determined. Mr. Gomas stated that a large donor was discovered for the four programs which would be in the range from \$2,500 to \$10,000.

Member Bernardini asked for clarification as to what Mr. Gomas was requesting the Council to do. Mr. Gomas responded that he wanted to invite the City to sponsor or participate. Member Bernardini suggested that if Mr. Gomas wanted the City to waive the fees for the event then he should request that of Council, or to supply security if that is what he desires. Mr. Gomas agreed that waiving of fees and the occasional need for traffic control would be the two areas of expense to the event. City Clerk Phillips commented on the magnitude and impact of the event to the City. Mayor Lewis said that he understood Member Bernardini's thought and agreed that he would like to see an actual letter that described the cost of the event so that the Council could take that into consideration and allow for extra expenses incurred elsewhere in the City from participating in these worth-while events. Mr. Gomas stated that there is a World Wide Web site at [somebodycares.us](http://somebodycares.us) that has information available on regularly scheduled events. Mayor Lewis stated that Council would request that Mr. Gomas return with costs, as well as a listing of the dates of the events for the year, so that the facility could be reserved.

#### Brent Gaustad

Mr. Gaustad of 207 Alpine Circle presented a problem concerning drainage on Alpine Circle. Mr. Gaustad provided pictures for Council of the flooding caused by inadequate drainage. He said he was concerned about the safety issue involved that the pictures show ditches with 4 to 5 feet of water running very fast, and that about three years ago he had to grab a child out of one of the ditches. He said that the neighbors have problems as well and he had attempted to patch up the damage, but that his main concern was running water and preventing a possible tragedy from occurring. Mr. Gaustad asked Council whether the City can do anything about it in the future.

Director of Public Works Pierce provided an update on a major City project on the north side of that road. He stated that permission had been obtained from the property owners to enlarge the easement in the rear of the lots, but ran into a problem with Bell South telephone cables that need to be moved. He stated that Mr. Gaustad had presented his driveway problems to the Department of Public Works some time ago and that obviously something heavy had rolled across it breaking the pavement. He stated that in cases where the City drives a backhoe across a driveway and damage occurs, the City repairs that damage. He said that other driveways in that area need maintenance and, as far as he is aware, the City does not maintain private driveways. He suggested that Council determine a dollar amount to contribute to repair and improvement and the residents hire a private contractor, citing the large number of driveways with various degrees of maintenance needs.

Mayor Lewis stated that culvert replacement had previously been discussed by Council in that area. He stated that most of the culverts under the driveways appear to be very small and asked if the ditches in the front of these homes were sufficient for a larger culvert. Director of Public Works Pierce stated that it was his opinion that most of the culverts under the driveways were too small. Mayor Lewis asked if an alternative was available, such as a new easement and an intersecting ditch, to re-direct the water flow. Director of Public Works Pierce stated that a survey of Alpine Circle and a ditch along the top of the hill to route the water behind these properties has been budgeted. He stated that he would follow up with Bell South to move the cable so that they could proceed with the work in the easement. Mayor Lewis suggested contacting Ms.

Small, the power company's governmental liaison, explaining the problem with proceeding with correct the drainage project, and seeing if she could put in another pole as a community service to the City. Vice Mayor Staib agreed that they would be generous.

Mr. Gaustad asked Council to clarify whether it was his responsibility for the drainage or the City's. Member Johnston responded that the City owns the easement and the City has the right to have the water flowing through the easement. He said Mr. Gaustad putting a driveway over that easement makes him responsible for that portion of the driveway that goes over the City's easement.

Mr. Gaustad stated that he witnessed a driveway on Whiteway being replaced, which is why he presented the problem to Council. Director of Public Works Pierce explained that was a special circumstance as the City damaged the driveway. He stated that he thinks that it is the responsibility of the private property owner to fix this driveway. Member Johnston stated that this is an interrelated problem and is more than just a few driveways. He recognized the driveway as Mr. Gaustad's immediate concern but brought attention to the need to resolve some of the other related issues in order to alleviate the overall problem, which the City is trying to do.

In response to Member Bernardini's question, City Manager Anderson stated that the Council adopted a policy last year that specifically addressed under what circumstances the City was responsible for replacing culverts. Member Bernardini recognized that Mr. Gaustad has brought two issues to the attention of the Council: 1) his driveway, and 2) the standing water. He stated that he understood Mr. Gaustad's position on the futility of repeatedly throwing good money after bad when eventually the same thing is likely to happen again. He said that the culvert must be a hazard and that the City considers sidewalk problems to be a hazard. He suggested that City Manager Anderson and Mr. Gaustad might reach an agreement as to how the City can assist with the removal of the culvert, as policy would direct. City Manager Anderson said that the policy addresses this issue in detail.

Mayor Lewis stated that Council recognized the problem of the water flow in that area and suggested that staff look into the issue further and return to Council with a report and recommendations.

## **ITEMS BY COUNCIL MEMBERS**

### **MARY A. STAIB, VICE MAYOR**

#### File of Life

Vice Mayor Staib stated that she had asked Chief Daugherty if he knew anything about the "File of Life", not the Vile of Life, which contrived emergency medical information and that he said he did not. She brought samples to Council that contains up-to-date information on the program.

#### Prescription Drugs update

Vice Mayor Staib reported on the proposed legislative bill on prescription drugs to eligible seniors. She stated that the legislators involved would be Rep. Mike Fasano, Rep. Paula Dockery, Rep. Charles Dean, Rep. Dave Russell, and Rep. Johnny Byrd, who proposed the bill.

### **RICHARD E. LEWIS, MAYOR**

#### New Year's Celebration and Tangerine Draw

Mayor Lewis thanked staff and everyone involved in the New Year's Celebration and gave a report on the Tangerine Draw.

### Heart of Florida League meeting

Mayor Lewis informed Council that Brooksville would be the host city for the Heart of Florida League meeting to be held on January 16, 2003 at the Fireside Inn on Broad Street, with registration beginning at 5:30 PM and dinner served at 6:00 PM. He encouraged staff and Council attendance and asked that Lindsay Morgan be notified of plans to do so.

### Out-dated parking signs

Mayor Lewis brought it to Director of Public Works Pierce's attention that 30 minute parking signs were still in the parking lot of the old utilities building that has since been torn down which should be removed.

Mayor Lewis said that he hoped everyone had a good holiday and a happy new year.

### **E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER**

#### Annexation on US 41 South and SR 50 West

Member Wever reported that the annexation on 41 south and 50 west has been recorded. He said that a letter probably needed to be sent to DOT to notify them of the annexation and request that the city limit signs be moved accordingly.

#### Possible Annexation of 50A/West Jefferson

Member Wever suggested that Council being proceedings to annex the right-of-way from Darby Lane to Cortez Boulevard.

#### Sanitation Department's R&R Fund

Member Wever suggested that Council consider changing Chapter 7, section 7.6, paragraph C to reduce the 9% revenue requirement and place a limit on it. He also suggested a change to the wording in Chapter 17, section 17.26 and 17.73, on utilities and connections, to track the wording in the bond resolution as to the limit referred to.

#### Correspondence to note

Member Wever brought attention to the notice that SWFWMD was no longer going to publish their monthly report and suggested that a copy of their website added to the agenda packet on the first meeting of each month in order to keep track of water levels that pertain to irrigation restrictions. Member Wever stated that No. 23 lists that correspondence was received from SWFWMD website but the item included was from the Hernando County Office of Management.

#### CRA payment

Member Wever suggested that if no response was received regarding the CRA tax payment due within the set time limit, that the City Attorney be directed to begin proceedings to collect that money.

### **DAVID La CROIX, CITY ATTORNEY**

#### City co-sponsoring events

City Attorney La Croix expressed some concern as to the requested co-sponsorship of community events would define the City's participation as being a joint-venture or partnership of that activity which would place liability on the City. He stated that for the City to be considered a co-sponsor. He recommended a written

agreement to specifically define responsibilities. He said it is imperative that the City be sure that the organization has insurance to cover the event. He recommended that it was preferable to inform these organizations that the City can waive fees, contribute some staff time or equipment, or provide some measure of traffic control, and be listed as a "contributor" rather than a co-sponsor.

**RICHARD E. ANDERSON, CITY MANAGER**

**Tampa Bay Federal Emergency Medical DMAT Team**

City Manager reported that on Saturday the Tampa Bay Federal Emergency Medical DMAT Team asked that the City provide B.E.R.T. II, which is our rehabilitation unit, as part of their annual expo. He stated that the City has participated in the past and that some employees may wish to go down this year. He said it will be held at the St. Petersburg airport and stated that we would like the City to participate if Council had no objection.

**KAREN M. PHILLIPS, CMC, CITY CLERK/DIRECTOR OF ADMINISTRATION**

**New Year's Eve event**

City Clerk Phillips stated that Brooksville Rotary Club was a key sponsor of the New Year's Eve event and commended the community response with door prizes.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting adjourned at 9:32 p.m.

/s/Karen M. Phillips

City Clerk

ATTEST: /s/Richard E. Lewis

Mayor

:dhc

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**CITY OF BROOKSVILLE**  
**REGULAR CITY COUNCIL MEETING**  
**MINUTES**

**FEBRUARY 3, 2003 7:00 P.M.**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Lindsay A. Morgan, Interim Deputy City Clerk; Emory Pierce, Director of Public Works; Will "Smitty" Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Rick Shew, Police Lieutenant; James Daugherty, Fire Chief; Ron Baker, Human Resource Manager; and Raymond Hess, Community Redevelopment Coordinator. Also present was a member of the St. Petersburg Times and Hernando Today.

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

**CONSENT AGENDA**

Quit Claim Deed to Brooksville Mini Storage, Inc.

Release of easement on property located at NW corner of Howell and Yontz recently sold by City.

Brooksville Again - 2003 Monthly Cruise In/Community Event

Presentation of events schedule for 2003 and authorization of annual street closing permit with contribution by City of insurance coverage.

Good Neighbor Trail Settlement

Consideration of proposed settlement for unauthorized tree removal.

[\$65,000 plus three adjoining parcels totaling .958 acres and valued at \$43,110 for a total of \$108,110]

**CONSENT AGENDA APPROVAL\***

Motion:

Motion was made by Member Bernardini and seconded by Vice Mayor Staib to approve the July 1, 2002 Consent Agenda.

In response to Member Wever's question, Mayor Lewis stated that the construction would not interfere with the Brooksville Again's February 15 Cruise In event. Vice Mayor Staib stated that City Clerk Phillips had said she was coordinating it with Sue Rupe and she expected that Council would be kept advised. Evelyn Duncan, Brooksville Again President, came forward and stated that the construction was not anticipated to cause any interference since they were moved over to the Brooksville Avenue area for the time being.

Member Wever and Vice Mayor Staib commended Bill Geiger and City Attorney La Croix for their work on the Good Neighbor Trail Settlement.

Motion carried 5-0.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

## Somebody Cares - Valentines Day Event

Proclamation supporting "Valentines Day & Freedom Festival" program in the Jerome Brown Community Center planned for February 8, 2003.

Proclamation was read and presented to Mr. Dennis Gomas by Mayor Lewis.

Request to waive fees associated with the Center use and assign police patrol.

Member Bernardini asked if the attached waive agreement was per event. Mayor Lewis stated that it was, that staff requested that Council waive rental fees for this event, and that it would be necessary to address each individual event.

City Manager Anderson clarified that the last line on the memo, the \$20 cost reference should be per hour per officer.

In response to Member Wever's question, City Manager Anderson stated that the City did not have a location for the requested storage. Mr. Gomas stated the Penske would provide back up trucking support if a location is found.

### Motion:

Motion was made by Vice Mayor Staib and seconded by Member Wever for approval.

Motion carried 5-0.

## "Brotherhood Day"

Proclamation supporting "Brotherhood Day" on March 9, 2003 at th Jerome Brown Community Center.

Proclamation was read and presented to Mr. Doug Davis by Mayor Lewis.

Request to waive fees associated with the Center use (\$310 plus tax & deposit; insurance).

### Motion:

Motion was made by Vice Mayor Staib and seconded by Member Bernardini for approval.

Motion carried 5-0.

## **REGULAR AGENDA**

### Ad Valorem Tax Abatement

Proposed Resolution No. 2003-02 - Amending Original Ad Valorem Tax Abatement Resolution

Consideration of amending original resolution to add a category for businesses located in the Enterprise Zone.

### Motion:

Motion was made by Vice Mayor Staib and seconded by Member Wever for approval.

Interim Deputy City Clerk read Resolution 2003-02 by headnote only, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA ADOPTING REVISED GUIDELINES FOR AD VALOREM TAX ABATEMENT FOR QUALIFIED NEW OR EXPANDING BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE.**

There was no public input.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

Proposed Ordinance No. 650 - A.L. Covell Ad Valorem Tax Abatement Application

Approval of application for exemption of 50% of the improved property value assessment for a period not to exceed 5 yrs. beginning 1/1/04 and providing for compliance guidelines.

[Note: Subject to approval of Res. No. 2003-02]

Motion:

Motion was made by Vice Mayor Staib and seconded by Member Bernardini for approval of First Reading of Ordinance No. 650 with Second and Final Reading scheduled for March 3, 2003.

Interim Deputy City Clerk Morgan read Ordinance No. 650 by headnote only, as follows:

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR QUALIFIED TAX ABATEMENT FOR UP TO FIVE YEARS FOR THE ESTABLISHMENT OF A NEW COMMERCIAL PROPERTY OWNED BY A. L. COVELL ELECTRIC, INC., LOCATED AT 600 SOUTH MAIN STREET, BROOKSVILLE, FLORIDA 34601; PROVIDING THAT THE PROJECT HAS CREATED AND MUST MAINTAIN A MINIMUM OF FIVE FULL-TIME JOBS; PROVIDING A SUMMARY OF THE ESTIMATED VALUES AND PROPOSED ABATED TAX REVENUE; PROVIDING FOR RESTRICTIONS, CONDITIONS AND TERMINATION; PROVIDING FOR THE EXEMPTION THROUGH THE HERNANDO COUNTY PROPERTY APPRAISER; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

There was no public input.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

Vice Mayor Staib asked that it be brought to Mr. Mazourek's attention

### Mural - 20 S. Broad Street (North Wall)

Approval of proposed mural on rear wall of building occupied by The Hogan Law Firm as an exemption to sign code prohibition pursuant to Section 12.5-5(11).

#### Motion:

Ms. Queiros stated that the Brooksville Mural Society was withdrawing it's requested for approval of this mural due to the fact that the artist's second rendering has not been approved by all members. She stated that it would be brought back to Council at that time.

Request for approval was withdrawn.

### 2001-02 Fiscal Audit - Status Report

Six month review of progress and schedule.

Vice Mayor Staib asked and received clarification from Finance Director Baumgartner and Mary Beth Gary, City's Auditor, on the "Info-span" system referred to in Oliver & Company's recommendations.

Member Bernardini and Vice Mayor Staib commended Ms. Gary on her report and recommendations.

#### Motion:

Motion was made by Member Wever and seconded by Member Bernardini to accept the report.

Motion carried 5-0.

### Interlocal Agreement - Hernando County Building Department

Review of options regarding the re-establishment of the Building permit function internally and creating a Building and Zoning Division in the Community Development Department, and consideration of amending the Interlocal Agreement with the County to facilitate the reorganization.

#### Motion:

Motion was made by Vice Mayor Staib for approval of Option 3 set forth in the City Manager's memorandum.

Community Development Director Geiger explained the options as follows:

Option 1) Hire a Full-time Building Official and permit-processing Secretary

Option 2) Contract with a Private Permitting & Inspection Agency

Option 3) Hire a Full-time Building Official and permit-processing Secretary, and contract with the County or a private agency to provide temporary support service as needed.

In response to Member Wever's question, City Manager Anderson stated that discussion has been to find an individual to serve in the capacity of the Building Official in late summer. He said the existing agreement with the County expires October 1, 2003 and amendment would be necessary sometime between now and then to provide a menu of services and agreed upon rates which would need to be declared before March 30, 2003 to be within the 180 day notice period. He said staff would like to bring it back to Council at the March 3<sup>rd</sup> meeting. In response to Member Wever's question regarding space for the Building Official, he stated that it would be included in the report. In response to Member Wever's question regarding a budget, City Manager Anderson stated that one would be prepared

in the near future.

Member Bernardini asked that staff provide Council with the cost to the department for this addition as well as the current cost in order to compare the two.

In response to Member Wever's question, City Manager Anderson stated that the recommendation on Option 3 was to deal with the County rather than a private agency. Community Development Director Geiger said that the intent would be that there be a stand-alone department eventually.

Member Johnston agreed with Member Bernardini that a cost analysis was necessary to determine if the timing is appropriate as to the impact to the City's finances. He stated that, of the options presented, Option 3 made the most sense.

Mayor Lewis stated that it was the consensus of Council for staff to consider Option 3 with the contract with the County rather than a private agency.

The consensus of the Council was to provide further direction to staff and bring back at a later date.

### Demolition of Various Facilities - Change Order #1

Approval of change order to complete demolition of former racquetball court structure near the Quarry Golf Course, in the amount of \$6,000 and extend contract with Cross Environmental Services, Inc. for 45 days (until 3/24/03) with funding from Reserve Contingencies.

Member Bernardini stated that he did not have a problem with agreeing to the amount of money and modifying the contract but questioned taking it from Reserves. City Manager Anderson responded that staff recommends not transferring the funds until further information is obtained from USDA which should be by the March 3<sup>rd</sup> meeting. Pierce stated that a reimbursement request could be processed.

Member Bernardini stated that he did not have a problem with taking the funds out of Contingencies but would like to know the balance of the Reserves and how much will remain after the transfer. Finance Director Baumgartner apologized to Council for not having the information requested, and explained that it was unclear as to whether the money was coming out of Reserves or USDA. Mayor Lewis requested that he prepare a memo and bring it back to Council.

Member Johnston questioned if the \$3,000 to be paid to Cross Environmental was coming out of Schweickert's (the contractor for the courts) fund or how was to be paid. Director of Public Works Pierce stated that Schweickert would not be paid the total amount of his contract but that payment was to come from grant funds so the City does not have the money for the racquetball courts.

Member Wever asked if the grant agency gets the benefit of the delay penalties rather than the City. City Attorney La Croix responded that, in general, if the contractor was supposed to have been paid from grant funds and the City ends up reducing the amount of payment because there was a default, the City does not have to pay him those grant funds and they should be available to pay this contractor to complete the job.

Member Wever asked if contract for demolition of the old building was in the grant contract. Director of Public Works Pierce responded that Schweickert's contract included demolition of the old courts that whether demolition was included in the grant application would have to be checked. Member Wever suggested that if it was originally included in the grant contract then attention should be directed there first. Director of Public Works Pierce stated that there is a possibility that the grant would allow for payment of the extra cost. In response to Member Wever's question, Director of Public Works Pierce stated that the grant monitoring staff were notified of the City's problem with the contractor. Member Wever suggested that, in the event that grant money does not cover the extra cost, then see if USDA will. City Attorney La Croix said that seemed reasonable.

Motion:

Motion was made by Vice Mayor Staib and seconded by Member Johnston for approval.

Motion carried 5-0.

Appointment of Board Member to the Brooksville Housing Authority

Appointment of member to an unexpired four year term of office through November 30, 2005.

[Note: If current Alternate Member is appointed, appointment of replacement Alternate Member through 5/31/07 will be required.]

Motion:

Motion was made by Vice Mayor Staib and seconded by Member Wever to move Nathaniel Sims to the permanent Board Member vacancy, to take staff recommendation to appoint Marcus Cattell to the alternate Board Member position and to make that a full four-year term since the current term will expire May 31, 2003.

Member Johnston reminded Council that previous agreement of Council was to bring qualified applicants before Council to be interviewed when it came time to replace members on the Board. He stated that this is the only opportunity Council has to influence or exercise authority over the manner in which the Housing Authority is run. Vice Mayor Staib stated that, regarding Nathaniel Sims, the Housing minutes expressed his concern regarding the agency and she felt that he was more than qualified. Mayor

Lewis said that he was impressed with the number of applicants. Vice Mayor Staib stated that her reasoning for choosing Mark Cattell was that the 23 findings resulting in the Board obtaining an attorney to straighten things out and he would be capable of offering his legal experience to the Board on a regular basis.

Member Wever stated that, based on Member Johnston's reminder, Council could go ahead and approve moving Nathaniel Sims to the permanent Board position due to his past involvement and follow up with interviews for the other position. Member Bernardini agreed with Member Johnston to have all applicants explain to Council their thoughts on the direction of the Board.

Vice Mayor Staib asked if it was a 5-0 vote or if consensus was taken on interviewing. Member Wever affirmed that it was a consensus. Mayor Lewis stated that a motion and second were on the floor.

Member Wever withdrew the second.

Motion denied for lack of second.

Motion:

Motion was made by Member Wever and seconded by Vice Mayor Staib for the advancement of Nathaniel Sims to fill the vacancy and have Mark Cattell and Sarah Williams come in for interviews to fill the vacancy for the alternate.

Member Johnston stated that he would like to see all applicants return for interviews.

Motion was changed by Member Wever to bring all five applicants back for interviews.

Member Bernardini suggested that anyone involved should be interviewed in the future before anyone is appointed. Mayor Lewis reiterated the involvement and attendance of Mr. Sims as recorded in the Board minutes

as being adequate.

Motion carried 3-2.

### South US 41 Utility Easements Condemnation Settlements

Status report on remaining 2 parcels.

City Attorney La Croix suggested to leave this on the table with no time limit until an offer is obtained on the other parcel. Member Wever recommended leaving it and going on with construction.

Direction to staff was to update the settlements.

### US 41 South to Fairgrounds Project - Water & Sewer Lines Contract

Authorization of negotiated contract in the total amount of \$42,850 with Coastal Engineering Associates for water line (\$19,750 from W&S Reserve Capital Improvement Project Budget Line Item) & sewer line (\$23,100 from USDA Grant Funds) for design & construction phase management of the project.

#### Motion:

Motion was made by Member Bernardini and seconded by Member Johnston for approval.

Member Wever stated that his intent when recommending the Reserve for Capital Improvement Project budget was for that money to be reserved for this project, Hope Hill, the College project, and 50 West and that it would be appropriate for this to come out of that account.

Motion carried 5-0.

### Terrorism Insurance

Consideration of purchasing terrorism insurance coverage in the amount of \$7,125.

#### Motion:

Vice Mayor Staib stated she would like more protection included for the water supply.

In response to Member Wever's questions, City Manager Anderson stated that the time period of the premium would be for 1 year with the same policy limit as the current coverage which he believes to be \$2,000,000. He stated that the remaining time of the current year could be negotiated. Member Johnston stated that \$7,000 additional premium for something that is so narrowly restrictive does not seem to be cost effective. Member Wever stated that he would pass on it until more information was provided and questioned what the Florida League's experience was from other cities. City Manager Anderson responded that they have all received the same type of information and that there is no pattern as of yet.

Consensus of Council was to not obtain the coverage at this time.

### Solid Waste Fund Audit

Consideration of advertising RFP to prepare a rate and rate structure analysis.

Member Wever stated that his opinion was that the City could prepare a rate restructure itself rather than pay someone else to do it. He said that he recalls that twice in past years the sanitation fee has been reduced by \$1 per month and asked what position it would put the City in if that \$2 per month were to be changed again and returned to that fund. He suggested that Emory Pierce could do the analysis, that the Code be changed to take the 9% R&R requirement out of the fund, and that a method be determined to proceed in the manner as has been done to replace the General fund equipment. Director of Public Works Pierce stated that doing the analysis in house can be accomplished but would take

longer than two months.

Motion:

Motion was made by Member Wever that Section 7.6, paragraph C, be put on hold regarding the amount of addition to go to that R&R fund during the fiscal year pending a revision of the Ordinance.

City Attorney La Croix asked Member Wever for clarification of putting it on hold. Member Wever responded no monthly transfers. City Attorney La Croix stated that the Ordinance requires monthly transfers and the Ordinance would have to be amended. Member Johnston stated that he interpreted the Code to state only as to be paid which would mean at any time up to the end of the fiscal year. City Attorney La Croix concurred.

Member Johnston seconded the motion. Motion carried 5-0.

Motion carried 5-0.

In response to Member Bernardini's question regarding advertisement for a rate analysis, City Manager Anderson stated that the procedure was established in the late 1980's and a series has been done outside. However, he was unsure as to whether or not it was Council policy. He said that he was aware that the Department of Public Works could not address the issue as quickly as someone from the outside. Member Johnston stated that it could be done in-house and if Council was not satisfied with the in-house analysis then it could be sent out for bid for conformation or re-analysis at that time. Member Bernardini agreed that in-house would likely be more economical.

Water/Sewer Project and Rate Restructuring

Status Report.

Member Wever asked if authorization was necessary for the application of the loans so that they could be presented to Council. He stated he agreed with Public Works Director Pierce's suggestion that the SR 50 West project be considered a separate application to USDA.

Motion:

Motion was made by Member Wever and seconded by Vice Mayor Staib to apply to USDA for two financing's, including grant application, with A project including Hope Hill, the College, and US 41, and B including the FL 50 West project.

In response to Member Wever's question regarding if the financing was based on 100% loan, Director of Public Works Pierce stated that negotiations would take place for grant funding and interest rate options. He agreed that the applications would include the engineering cost estimates of the projects.

Motion carried 5-0.

**CITIZEN'S INPUT**

Brent Gaustad came forward to present a driveway problem to Council. He stated that he did not believe the driveway which was caving in would make it through the next rainy season and provided pictures. He said that Mr. Anderson had said that they maybe could come to an agreement as to how much the City would pay. He stated that at the last meeting, Council said that they hoped to transfer some of the water around the Alpine Circle area so he sought an estimate of how much that would help. He asked that since the City would be in that area anyway, they consider doing the rip-up part and drop in a pipe and he could take care of the cement itself, which would be about 60% of the expense to him and 40% expense to the City. He said that he believed that it would take about half a day work to accomplish.

Member Bernardini asked Mr. Gaustad specifically what he wanted the City to do. Mr. Gaustad responded that just to tear up the existing driveway, take it away, drop in pipe and cover it over. He stated that he would take care of the framing and the cost of the concrete. Mr. Bernardini asked Director of Public Works Pierce if he would agree to the proposal. Director of Public Works Pierce stated that it seemed like a reasonable compromise and stated that other residents in that area may request the same deal, however this is by far the worst driveway. Director of Public Works Pierce stated that the removal of the cracked concrete, bringing in more fill and replacing the pipe could be done quickly and efficiently by City staff. However, he stated that he did not want to re-pour concrete driveways.

Motion:

Motion was made by Member Bernardini and seconded by Vice Mayor Staib that Council accept the proposal to remove the driveway and replace pipe and dirt with Mr. Gaustad providing the concrete and forming for it.

Motion carried 5-0.

**ITEMS BY COUNCIL MEMBERS**

**JOE BERNARDINI, COUNCIL MEMBER**

Construction Impact on Businesses

Member Bernardini commented on the impact the Broad Street construction has had on downtown businesses and questioned if there was anything that could be done to assist those businesses. Mayor Lewis stated that Community Development Director Geiger would be the best person to respond because he has been in contact with those businesses on a daily basis. Community Development Director Geiger stated that things were going along very well and were on schedule. There was one major complaint from Amy's Diner but their concern had been alleviated and the business owner is satisfied. He stated that the Department of Public Works crews have been quick to respond to minor problems and questions that come up. He encouraged the press to remind the public that the business are open, that people are welcome to come down and see what is being done, and to continue to patronize the businesses.

Member Bernardini asked if DOT had been contacted to put up detour signs and make the trucks detour around the City projects. Mayor Lewis responded that a letter had been sent to about 25 trucking outfits notifying them of the downtown construction and asking them very politely if they could possibly use the truck bypass to facilitate the faster movement of their trucks. Member Bernardini asked if DOT could be asked to declare that construction and force the trucks around. Community Development Director Geiger stated that DOT was very clear that the City maintain a thoroughfare. Vice Mayor Staib agreed with Member Bernardini that the project has come a long way.

In response to Member Johnston's question, Community Development Director Geiger said the expected date of completion was March 21, 2003. Vice Mayor Staib commented that many people are not aware of that.

**E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER**

Howell sidewalk

Member Wever asked Community Development Director Geiger if he had a chance to check on whether any of the Transportation Outreach Program's money could be used for the Howell sidewalk. Community Development Director Geiger stated that he had not checked into it specifically but has asked that question of Alva Lopez, who is the Project Coordinator, some time ago, and that it was indicated that it was pretty much to the City's discretion. He stated that it was put into the application that the money was earmarked for downtown improvements. He said that it was budgeted so that the balance of the budget left from finishing up the project on State Road 50 would be put into various downtown improvements. He said that, as progress is made, options will be brought back to Council. Member Wever stated that the sidewalk is a potential liability to the City, as well as the County if they re-pave Howell, and it is the City's responsibility. Director of Public Works Pierce stated that putting in the sidewalks with ADA accessible features will be a big job.

## SWFWMD Aquifer Report - CTN

Member Wever asked that Council be given the most recent report immediately before Council meeting once a month and not include every report in the packet.

## **MARY A. STAIB, VICE MAYOR**

### Main Street Renovation

Vice Mayor Staib commented that the newspapers should consider pointing out that all of the renderings of the Main Street renovation are in the SunTrust bank if people would like to go in and have a look at them.

### Florida Power

Vice Mayor Staib stated that she has received calls from residents in the Forest section of Cloverleaf regarding Florida Power's rate increases asking why their bills were more than double. City Manager Anderson suggested they call Florida Power's Customer Complaint Resolution Office. Mayor Lewis suggested that the resident also watch the fuel adjustment charge on her statement or that she have Florida Power and Light check if the meters are operating properly.

### Howell Avenue Yard Sale Signs

Vice Mayor Staib stated that Mr. Phillips has complained about Yard Sale signs being left in yards and on telephone poles. She said it was suggested to get the telephone number off the sign, warn these people and follow up with a fine if necessary.

### Cold Weather Shelter/Elder Affairs

Vice Mayor Staib stated that there was no attendance at the Cold Weather Shelter on the first night and one person on the second night. She was told that the response would be greater if the area agencies knew in advance that shelters were designated and opened upon a declaration of emergency by the Governor. She stated that Francine Ward from Mid Florida remarked, "the earlier notification would certainly improve the ability of the community organizations to spread the word to those in need of the shelter. Transportation to the shelter should also be addressed."

### Brooksville Regional Hospital Auxiliary Meeting

Vice Mayor Staib stated that the ground breaking for the hospital is scheduled for February 15, 2003 and building is scheduled to begin by June or July.

## **RICHARD E. ANDERSON, CITY MANAGER**

### Extra Item

City Manager Anderson stated that a fax was received that afternoon from the Department of Labor about the ongoing review of some of the City positions that were historically considered salary which they advise should be hourly. He stated that the City was to return an agreement to their office not later than Friday to make the change and to pay the effected employees for overtime during the past two years. He stated that he attempted to contact a Labor Attorney as advised by City Attorney La Croix to see if additional time could be obtained but was unable to reach him and asked for direction from Council.

City Attorney La Croix explained that the Department of Labor allow appeals so the City's position could be presented. He stated that the City was told that it would be taken up with their Council in Atlanta and that there was no further discussions or communications until we received this letter and demand. He stated that the options are usually either to pay it or if we decline to pay it, they will take action against us, with the possibility of triple damages and \$10,000

individual fines. He stated that the Department of Labor told him that the City's best course was to pay this or else suffer the penalties.

Member Johnston stated that the second paragraph of the Department of Labor's Back Wage Compliance and Payment Agreement says that the investigation covered the employer's operations from 11-01-2002 to 11-30-2002, that is not the actual dates covered, and it is erroneous information and should probably be 2000 to November 30, 2001. City Attorney stated this was discussed previously and these were termed "scribbler's errors."

Mayor Lewis asked City Attorney La Croix what the legal basis was as far as the appeals process. City Attorney La Croix stated that the Labor Laws were specialized and that he would need time to learn about it if Council so advised. He stated that he would call a Labor Attorney tomorrow and get with City Manager Anderson.

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini to add this item to the agenda.

Motion carried 5-0.

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini to authorize the City Attorney and City Manager to discuss this item with a Labor Attorney and to authorize payment or to call a special meeting if necessary.

Motion carried 5-0.

**RICHARD E. LEWIS, MAYOR**

Presentation

Mayor Lewis presented an award to E.E. "Ernie" Wever, Jr. for recognition of distinguished service as Mayor of the City of Brooksville, 2002.

Recent Events

Mayor Lewis stated that on January 17, 2003 Brooksville was the Host City for the Heart of Florida Municipal meeting which was held at the Fireside Inn and it was a wonderful program with great attendance from City employees. He said that on Tuesday, January 14, 2003 he attended a lunch at the Country Club where former U.S. Congressman Bill McCollum was speaker. He stated that at that time he had the privilege to present to Rotary Club the following presentations from the City of Brooksville: 1) Certificate of Appreciation for their annual contribution and support of our Winter Wonderland for our annual Christmas Festival, and 2) Certificate of Appreciate for their annual support of our Jerome Brown Community Center. Mayor Lewis encourage visiting the Valentines Day program at the Jerome Brown Community Center this Saturday.

**JOSEPH E. JOHNSTON, III, COUNCIL MEMBER**

Tourist Development Council

Member Johnston notified the Council that the Tourist Development Council elected him Chairman this year.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 9:25 PM.

S/Lindsay A. Morgan

Interim Deputy City Clerk

ATTEST: S/Richard E. Lewis

Mayor

:dhc

## REGULAR COUNCIL MEETING

### MINUTES

**MARCH 3, 2003 7:00 P.M.**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Darcy H. Chase, Deputy City Clerk; Lindsay A. Morgan, Interim Deputy City Clerk; Bill Geiger, Community Development Director; Tim Mossgrove, Fire Captain; Steve Baumgartner, Finance Director; Emory Pierce, Director of Public Works; B. Ed Tincher, Police Chief; and Ron Baker, Human Resource Manager. Also present was a member of the St. Petersburg Times and Hernando Today.

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

#### **CONSENT AGENDA**

##### CDL Contract

Renewal of FDOT agreement providing for employee commercial license training.

##### Bulk Solid Waste Containers Purchase

Authorization to purchase "dumpsters" from City of Clewiston bid by Florida Can Inc. at unit prices in the amount of \$8,588. Funds budgeted in account number 402-022-564.05.00.

##### Sewer Backup - Damage Settlement - 420 Stafford Avenue

Authorization of reimbursement to Harry Shuler in the amount of \$535. Funds budgeted in account number 401-021-545.06.00.

##### Golf Cart Rental

Confirmation of month to month lease of twenty (20) carts at \$55.00 each from E-Z-Go Textron. Funds budgeted in account number 001-026-544.03.00.

##### 2003-04 United Way Grant for JBCC

Authorize grant application for continuation of the bus transportation project in the amount of \$15,000.

##### Bid No. UD 2002-12 - Elevated Water Tower Painting Services

Award of base bid to Utilities Service Company, Inc. for the not to exceed amount of \$97,450 for cleaning/washing exterior, painting interior and misc. repairs of Liberty St. Tank; painting exterior and interior, together with misc. repairs of Hope Hill tank.

Approval of Change Order No. 1 in the amount of \$6,000 to Howie Green Tank Inspection to monitor and inspect above projects.

Funds for all of above budgeted in Utility Capital Outlay.

##### Downtown Development Project - Traffic Control

Confirmation of utilizing off-duty police officers to provide increased traffic control in downtown redevelopment construction areas.

### LLEBG Grant - Project Back Talk

Acceptance of LLEBG grant, in the amount of \$10,000 for project "Back Talk" computerized audio notification system, #03-CJ-2Q05-37-02-040, for the period of 3/01/03 through 8/31/03.

### Re-appointment of Board Members

Re-appointment of Members to the Personnel Advisory Board (1), Planning & Zoning Commission (3) and Firefighters' Pension Trust Fund Board of Trustees (1).

### Motion:

Motion was made by Johnston and seconded by Wever to accept Consent Agenda with condition as discussed.

Regarding the Downtown Development Project - traffic control, City Manager Anderson responded to Council Member Wever's question by stating that furnishing police officers is supplemental traffic control and would not be paid out of the grant, under which the contractor is responsible for doing a certain amount of traffic control but not at the level that Chief Tincher indicates is necessary for the amount of traffic flowing through the construction zone. Chief Tincher responded that overtime may become necessary in order to protect citizens down-town.

Regarding re-appointment of board members, Member Wever suggested pulling the item from the Consent and including on the regular agenda so that the item could be discussed. Mayor Lewis requested to postpone considering John Wanat as an alternate member and recommended that he be considered for a permanent position. Community Development Director Geiger said that Mr. Wanat usually attends every meeting. Mayor recommends considering him for full time position and advertise the alternate, or the permanent position if he declines. Member Johnston suggested leaving the item as is with appointment of permanent position and in the event that Mr. Wanat turns it down, then make a motion including that he will be referred to the alternate position, whichever one he opts to do. Member Wever stated that the approval of consent agenda needed to reflect the consent of Council.

Regarding the dumpsters, Director of Public Works Pierce responded to Member Bernardini's question stating that delivery was included at said price.

Motion carried 5-0.

## **CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

### Community Health Awareness Day

Proclamation supporting the Health Fair sponsored by the Ebenezer Missionary Baptist Church scheduled for March 15, 2003 at 9:00 a.m. to 2:00 p.m., and consideration of request to waive associated fees for the event.

### Motion:

Mayor Lewis read the proclamation of support and presented it to Earl Simmons, Chairman of the Trustee Board at Ebenezer Missionary Baptist Church. Mr. Simmons thanked the Council for supporting the March 15<sup>th</sup> Health Fair. In response to Member Johnston's question, he stated the location of Health Fair would be at the corner of Martin Luther King, Jr. Boulevard and Union Street.

Motion was made by Vice Mayor Staib and seconded by Member Bernardini to approve waiving of the associated fees. Motion carried 5-0.

#### Margaret R. Ghiotto Residential Beautification Award

Recognition of improvements to the residence located at 253 Howell Avenue owned by the McKenzie Family.

Mayor Lewis, Beautification Board Chairman, presented the award to Mr. Edward McKenzie.

#### American Legion Post 99

Presentation of the American Legion's, Post 99 photographic of the Patriot Day remembrance for temporary display at City Hall.

Mayor Lewis accepted the photograph from Del Gibson, Commander, and Anna Liisa Covell.

#### Donation of Personal Artwork Collection

Collection of artwork of various Aripeka artists to be donated to the City in memory of Paul Simmons.

Mary Alice Queiros presented the personal art collection of Professor Hamilton Stirling which consists of six works.

### **PUBLIC HEARING**

#### Ordinance No. 650 - Ad Valorem Tax Abatement Application - A.L. Covell - 600 S. Main Street

Adoption of Ordinance approving application for conditional tax exemption of 50% of the improved property value assessment subject to certain conditions for a period not to exceed 5 yrs. beginning 1/1/04 and providing for compliance guidelines. [First Reading 02-03-03]

Interim Deputy City Clerk Morgan read Ordinance No. 650 by headnote only, as follows:

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR QUALIFIED TAX ABATEMENT FOR UP TO FIVE YEARS FOR THE ESTABLISHMENT OF A NEW COMMERCIAL PROPERTY OWNED BY A. L. COVELL ELECTRIC, INC., LOCATED AT 600 SOUTH MAIN STREET, BROOKSVILLE, FLORIDA 34601; PROVIDING THAT THE PROJECT HAS CREATED AND MUST MAINTAIN A MINIMUM OF FIVE FULL-TIME JOBS; PROVIDING A SUMMARY OF THE ESTIMATED VALUES AND PROPOSED ABATED TAX REVENUE; PROVIDING FOR RESTRICTIONS, CONDITIONS AND TERMINATION; PROVIDING FOR THE EXEMPTION THROUGH THE HERNANDO COUNTY PROPERTY APPRAISER; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

There was no public input.

Motion:

Motion was made by Vice Mayor Staib and seconded by Member Wever to approve First Reading of Ordinance No. 650. Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

## **REGULAR AGENDA**

### **Impact Fee Waiver - 600 S. Main Street**

Consideration of request from A.L. Covell for waiver of impact fees totaling \$2967.60 on redevelopment structure.

#### **Motion:**

Motion was made by Member Bernardini and seconded by Member Wever to recommend the continued use of County policy and deny the requested waiver.

Mayor Lewis expressed concern about previously developments on site not having been addressed by Council and stated that direction is needed as to what to do when redevelopment is sought for residential or commercial lot that no longer has a structure on it. He said that he would be in favor of exemption for the purpose of replacing buildings where the previous structure burnt down.

Member Johnston stated that, per any future Ordinance or Policy to be brought before Council, if the previous building existed prior to impact fees being paid, it should be assessed impact fees. He suggested that Covell consider waiting until a policy was in place and then submit at that time if so desired. Covell stated that she could withdraw until a policy is developed.

In response to Mayor Lewis's question, City Attorney La Croix stated that he was not aware of an impact fee Ordinance that gave credit for buildings that burned down for uses that were abandoned before an impact fee agreement was adopted. He stated that the typical impact fee Ordinance provided that if the use is abandoned for a period, say three to five years, then a new use coming in must pay impact fees and that, unless there is an exemption in the County Ordinance that the City adopted, he does not think the impact fees can be exempted. He advised that a challenge could be made if those revenues are pledged to bonds.

Member Bernardini stated that the interlocal agreement meant that the City's policy was that of the County and suggested that their procedure for settling disagreement should be followed. City Attorney La Croix responded that the City's adoption of the County Ordinance does not mean that the City must adopt policies that were adopted administratively by the County. He stated that if the Ordinance is unclear then the City might consider adopting its own policy. Covell said she would withdraw request until such time as is prudent. Council consensus was to bring something back in the form of an Ordinance.

Member Bernardini withdrew the motion and Member Wever seconded.

City Manager requested clarification on whether the Ordinance was to be written as to adopt the County standard or write a new one. City Attorney recommended that the County Ordinance be reviewed. Member Wever directed that the City Attorney prepare something based on the law that could be used.

#### Sheriff Sub-Station - Status Report

Presentation of plans for new Sheriff's Dept. sub-station located in the City on Dr. Martin Luther King, Jr. Boulevard near Union Street by Sheriff Nugent.

Member Wever suggested that Council consider the elimination of impact fees as the City of Brooksville's contribution. Mayor Lewis advised Sheriff Nugent to bring back an official request so it can be decided by Council and commended him for his efforts.

#### Brooksville Housing Authority Alternate Member Appointment

Applicant interviews and subsequent appointment of Alternate Member for a full four year term of office through May 31, 2007.

Frances L. Brown

Mark S. Cattell

Clifford B. Fouts

Andrew Williams, Jr.

Sarah Lee Williams

Each applicant addressed the Council and expressed their interest in serving on it's Board, except for Mr. Williams, who withdrew.

#### Motion:

Mayor Lewis opened to Council for questions to each applicant and then brought it back to Council for discussion. Member Johnston commended the applicants and suggested that those not selected return in May for other open positions at that time and stated that the number of applicants was very encouraging.

Vice Mayor Staib nominated Clifford B. Fouts, citing the need for organizational skills and business sense on the Board. Member Johnston seconded. Motion carried 5-0.

Mayor Lewis invited the other applicants to reapply and stated that applications will be kept on file if so desired. Member Bernardini suggested that those who have not already attended a board meeting consider doing so prior to next application process. Member Johnston stated that the applicants would be contacted by staff to be advised of the next board meeting and provided copies of the audit, budget, and other pertinent information. He stated that the Housing Board directly affects the lives of the city residents in the housing and it is necessary to appoint good board members.

#### Proposed Ordinance No. 651 - Sewer Line Extensions - Connection Fee Credits

Consideration of proposed ordinance providing for certain credits relating to sewer line extensions.

In response to Member Wever's question, City Attorney stated that the Ordinance tracks the State's statutes and is ~~not~~ consistent with the Bonds Resolution. **As amended 3/17/03** \_\_kmp\_\_

Motion:

Motion was made by Vice Mayor Staib and seconded by Member Bernardini to approve First Reading of Ordinance No. 651.

In response to Member Bernardini's question, City Attorney La Croix stated that the time period for mandatory connection was changed from ninety days because State statute says one year. In response to Member Bernardini's question as to current sewer rates, City Manager Anderson stated that commercial rates are based on meter size and residential rates are a flat fee. City Attorney La Croix stated that the wording should change to may be based on water consumption.

In response to Member Bernardini's question, City Manager Anderson stated that the standard application package for requesting water/sewer connection includes a Power of Attorney form that basically states that the City may exercise the option to annex in the future.

In response to Mayor Lewis' question, City Manager Anderson stated that sometimes there are justifications for those individual residents that are surrounded on all sides by City sewers not being connected, such as their elevation being such that they could not be connected to a gravity line, and that he would verify that those justifications still exist and will supply Council with that list. City Attorney stated that State statute referenced in the Ordinance indicates that when sewer is available, connection must be done to a gravity line, so in those instances the City is in compliance with those statutes.

Interim Deputy City Clerk Morgan read Ordinance No. 651 by headnote only, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17, "UTILITIES," ARTICLE V, "CONNECTION AND SERVICE OF WATER AND SANITARY SEWER FACILITIES OF CITY," BY THE AMENDMENT OF SECTIONS 17-195 AND 17-196 AND SUBSECTION 17-73(a), BY THE RENUMBERING OF EXISTING SECTION 17-201 AS SECTION 17-202, AND BY THE ADOPTION OF A NEW SECTION 17-201, AND BY THE ADOPTION OF A NEW SECTION 17-183; AMENDING PROVISIONS FOR CERTAIN CONNECTION FEE CREDITS FOR WATER LINE EXTENSIONS; PROVIDING FOR CERTAIN CONNECTION FEE CREDITS FOR SEWER LINE EXTENSIONS; PROVIDING FOR CONNECTION FEE CREDITS AND VARIANCES TO CERTAIN REQUIREMENTS OF CHAPTER 17 BY CITY COUNCIL AGREEMENTS WITH CERTAIN PROPERTY OWNERS; PROVIDING THAT ALL PROVISIONS OF CHAPTER 17 APPLY THROUGHOUT THE CITY OF BROOKSVILLE SERVICE AREA; PROVIDING FOR MANDATORY CONNECTIONS TO THE SEWER SYSTEM WHEN AVAILABLE AS DEFINED, ALONG WITH MANDATORY CONNECTIONS TO THE WATER SYSTEM IN SOME INSTANCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

There was no public input.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

## Solid Waste Fund

### Repair & Replacement Fund

Consideration of proposed amendments to R&R reserves to establish annual transfer to maintain the fund at \$200,000 plus 150% of debt service.

Member Wever suggested that Council go ahead with modifying the R&R fund now rather than waiting for budget time and wondered if staff was comfortable with the \$200,000 figure based on the anticipated costs for new vehicles over the next several years according to the budget. In response to Member Wever's question, City Manager Anderson stated that ~~in the past the budgeted General Fund Replacement fund is for new vehicles which did not capture depreciation now limited to General Fund Departments~~, and that the new solid waste and utility vehicles would be provided for in an expanded Replacement fund in next year's budget. Member Wever suggested that the wording be not to exceed 9% and that it would be a good idea to ~~including~~ include Utilities & Solid Waste in a separate ~~the~~ Replacement Fund, as we do for the General Fund, in next year's budget. ~~was a good idea.~~ **As amended 3/17/03 \_kmp\_**

Motion was made by Member Wever and seconded by Vice Mayor Staib to approve the revision of the Ordinance as discussed. Motion carried 5-0.

### Cheyenne Landfill- Compliance with DEP Closure Requirements

Consideration of transferring \$27,303.42 from solid waste reserves to other contractual services.

#### Motion:

Member Wever stated that transferring the said amount would put a negative in the Unallocated Reserve. City Manager Anderson suggested the transfer and charging it to that account, stating that though it will be temporarily overextended, the integrity of the total budget will be maintained, and the appropriate transfers will be present at the next meeting.

It was the general consent of Council that the item be postponed to a later date.

### Resolution 2003-03 - Cable Franchise

Acknowledgment and approval of transfer of local cable television operation to TWEAN Subsidiary, LLC.

#### Motion:

Motion was made by Vice Mayor Staib and seconded by Member Wever for approval.

In response to Member Johnston's question, City Attorney La Croix stated that Time Warner's violation of the franchise agreement requires prior approval does not nullify the agreement, and that the concern does not effect collecting franchise fees.

Interim Deputy City Clerk read Resolution 2003-03 by headnote only, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA CONSENTING TO NEW RESTRUCTURING OF TIME WARNER CABLE FRANCHISE AGREEMENT**

There was no public input.

Upon roll call, motion carried 3-2, as follows:

Bernardini Aye Nay

Johnston Nay

Lewis Aye

Staib Aye

Wever Aye

Petition to BCC to Vacate a Portion of Mildred Avenue Located in Unincorporated Area South of the City

Update on issues relating to proposed vacation of unimproved portion of Mildred Avenue by Board of County Commissioners.

Motion:

Community Development Director Geiger stated that the County is recommending approval of the vacation subject to retaining an easement for utilities in the same area. He agreed with Member Johnston that the option to extend Hale Avenue due to potential annexation to State Road 50 goes off the table if it is vacated. Member Johnston stated that Council should recommend to the County not to vacate the right-of-way at this time.

Member Wever said he was presented material by Nancy Robinson to bring to the possible Council meeting. He stated that she is concerned about vacating because of the need to extend the road and specifically said that if they vacate it the City would have trouble getting that road extended out to State Road 50 after the property was annexed. He said that he did not agree with vacating that right-of-way.

Member Johnston stated that he would have to vote against vacation.

Motion was made by Member Johnston and seconded by Member Weaver to send the County a request to not vacate that portion. Motion carried 5-0.

Personnel Policy Revisions

Family Medical Leave - Section 7.01B

Consideration of proposal to clarify eligibility period to once in a 12- month period.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston to approve. Motion carried 5-0 as described in City Manager February 3, 2003 memo.

Tuition Reimbursement Program

Consideration of proposal to clarify expand eligibility and provide for additional educational expense reimbursements as outlined in City Manager's memo of February 3, 2003.

Motion:

Motion was made by Member Johnston and seconded by Member Wever to approve.

City Attorney La Croix recommended Council accept another change to the policy where it reads in six places refund of up to, stating that there is no criteria for determining when something less might be paid, and advised striking up to. City Manager Anderson said that it could be stricken when the policy is amended if Council approves the rule changes.

Motion carried 5-0.

### Reorganizations

#### Ordinance No. 291-G Human Resources Dept.

Establish Human Resources, current division of Administration, as a separate department effective March 17, 2003.

Interim Deputy City Clerk Morgan read Ordinance No. 291-G by headnote only, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 2, "ADMINISTRATION," ARTICLE IV, "DEPARTMENTS," SECTION 2-126, "ENUMERATED, ADMINISTRATION, DUTIES," BY THE AMENDMENT OF SUBSECTION (a) THEREOF; DELETING THE DEPARTMENT OF PUBLIC SAFETY AND ADDING DEPARTMENTS OF POLICE, FIRE, HUMAN RESOURCES AND COMMUNITY DEVELOPMENT AS DESIGNATED CITY DEPARTMENTS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

There was no public input.

#### Motion:

Motion was made by Member Bernardini and seconded by Vice Mayor Staib to approve First Reading of Ordinance No. 291-G.

Member Johnston noted that the agenda does not accurately describe the Ordinance as three other departments are being affected along with the Human Resources Department. Mayor Lewis stated that the headnote on the Ordinance was accurate.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

### Building and Zoning

Establish Building and Zoning as a separate Division of the Community Development Department effective July 1, 2003.

City Attorney La Croix stated that the City can negotiate a different interlocal agreement at anytime or

substitute a new agreement, though this probably can not be done by the end of the month, which according to the agreement notice, is deadline for automatic renewal on October 1<sup>st</sup>.

Vice Mayor Staib questioned if the proposed Building Official position would be advertised full-time. City Manager Anderson responded that it would although it may not be necessary initially.

In response to Member Bernardini's question, City Manager Anderson responded that the \$10,000 budget increase would need to be transferred out of Contingency Reserves. Member Bernardini questioned the cost of creating the department and budget projection. Baumgartner stated that payments from the County have been erratic, making a total fiscal year payment amount difficult to project. Community Development Director Geiger stated that his projection is around \$120,000 to include anticipated development currently in negotiation.

Member Wever stated that due to the uncertainty of revenues, he would be inclined that the Council wait a year to decide this matter. City Manager Anderson suggested that an attempt be made to meet on a staff level with the County Administrator to determine the County's position for flexibility to address it later in the fiscal year. Member Bernardini stated that he did not have a problem with that.

Vice Mayor Staib agreed with Mayor Lewis's statement that a 90 day notice period would be preferable. City Attorney La Croix stated that the 90 day notice could also be determined for any time rather than at the end of the fiscal year.

It was the general consent of Council that the item be postponed to a later date.

#### Sewer Rehab Project - Grant Program Management Services

Authorize Request for Proposals for Engineering Services of the sewer rehabilitation project to include grant management services.

#### Motion:

Motion was made by Member Bernardini and seconded by Vice Mayor Staib to authorize staff to include grant management services as part of solicited engineering services to be prepared for the sewer rehabilitation process. Motion carried 5-0.

#### Fire Hydrants in Unincorporated Area - Interlocal Agreement for Use by County Fire Department

Consideration of Fee Schedule for City fire hydrant located in the unincorporated area surrounding the City used by County Fire Department.

#### Motion:

Member Bernardini agreed with Member Wever's statement that the City service and maintain the hydrants for a fee.

Mayor Lewis stated that he had observed County fire vehicles hooked to City hydrants while fighting a fire in Township 22 and questioned who pays for that water, and the stand-by use of those hydrants. He stated that an agreement needed to be worked out to compensate the City for the expense of those hydrants and agreed with Member Wever, suggesting that a hydrant fee structure be developed. Fire Captain Mossgrove stated that National Fire Protection Association (NFPA) Standard 291 requires the Fire Department visit

those hydrants twice per year for inspection and commented on the manpower needed to accomplish it. Mayor Lewis stated that a fee should cover those manpower costs.

Vice Mayor Staib questioned the City's liability. Mayor Lewis stated that no liability would be incurred to the City per the County's use of the hydrant.

City Attorney La Croix stated that the Attorney General says that the County can not enter into an agreement to indemnify the City if someone sues for the hydrant not working, nor can they assume all liability for the City. The County can agree to waive any liability, but not to a third party.

Member Bernardini stated that a per hydrant fee was more practical than a flat fee which would require monitoring usage.

Member Wever noted that some of these hydrants are probably in areas being looked at for annexation, therefore the City should continue to maintain these hydrants and water lines.

Member Johnston stated that he would not have a problem with the County maintaining the hydrants that are not within the City limits or as annexed within the City based on the monetary and liability standpoints. He stated that in such case there would not necessarily be a fee unless Council wanted a fee for water usage. He stated that he did not see the expense of the City's manpower necessary to inspect and maintain these hydrants as being beneficial to the City or the Fire Department when the county could do those things. Fire Captain Mossgrove stated that it would require two men at an estimated \$45 per hydrant to maintain them properly.

In response to Mayor Lewis' question, Fire Captain Mossgrove responded that on average 2,000 to 2,500 gallons of water would be used on a working house fire.

Member Wever stated that the residents in the area being discussed are paying utility bills to the City which entitles them to that water. Mayor Lewis questioned what to do about using these hydrants to fight a fire in a residence that is not on the City's water system, and questioned if this might involve money pledged under bonds.

Vice Mayor Staib stated that more information was needed and suggested that the item be brought back to Council.

City Attorney La Croix stated that the two options of the City are that A) the City maintains these hydrants and the County pays the City or B) enter into an agreement where the County maintains those hydrants, stating that the County be obligated to immediately report any low water pressure, damage to the hydrant, or things of that sort that would be the City's liability. He stated that once that policy issue is decided, the City Manager can come up with the details of an agreement.

Member Johnston stated his opinion as direction to staff that he does not mind the initial option with a fee for water usage be added into the agreement with the County but let the County do the maintenance.

Motion was made by Member Johnston and seconded by Member Wever to direct staff to draw up an agreement to be presented to Council prior to being presented to the County to provide for the first option with a provision for water usage. Motion carried 5-0.

### Racquetball Court Final Payments

Authorize direct payment to sub-contractors Edward Shade (\$957.99) and John Scott (\$6,298.36).

City Attorney La Croix recommended not to pay subcontractors without a final affidavit for final amount owed.

Member Wever advised that a letter be obtained from Rinker Materials acknowledging payment. City Attorney La Croix stated that an affidavit from Mr. Schweickert should included the status of fees, whether paid or unpaid, and payment would go directly to him. He stated that liens can not be obtained on City-owned property and need not be a concern of Council.

In response to Member Johnston's question regarding the number of days listed, Director of Public Works Pierce stated that rain days, holidays and weekends were deducted. He stated that an amount for liquidated damages were also deducted for the expenses of paying Cross Environmental to finish the job, the cost of time for City staff to do clean up, and for a poor quality interior.

Authorize final payment to project contractor R. A. Schweickert (up to \$16,330.00) upon proof of release of lien from additional sub (Rinker Materials).

Motion:

Motion made by Member Bernardini and seconded by Member Johnston for approval. Carried 5-0.

City Hall HVAC System

Consideration of replacement options for air conditioning components.

In response to Member Johnston's question, Director of Public Works Pierce said that if the services of a structural engineer were obtained to put a roof unit on the third floor it would be possible to have him design it for the possible future installing two additional units on the roof as well which will replace the entire system.

In response to Member Wever's question, Street and Building Supervisor Jackson explained that there was not enough room to put a unit on each floor. In response to Vice Mayor's question regarding the new Freon law, he stated that it would be more economical to replace the units rather than update them.

Mayor Lewis agreed with Member Johnston to look further into putting all three units on the roof. He stated that it is a possibility of renegotiating to split the third floor onto a separate unit that can be controlled by the third floor and look at changing out the units for ~~the units for~~ the other two floors later. **Amended 4/7/03**  
kmp

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini to waive/expedite purchasing procedures. Motion carried 5-0.

**Format of Motion Layout Amended 3/17/03** kmp

ORC Report & Hampton Ridge Development Agreement Workshop

Set date for a workshop to review the draft documents related to the DCA Objection, Recommendation & Comment (ORC) Report on the City's EAR based Comprehensive Plan Amendment and the Hampton Ridge Development Agreement. Tentative dates for consideration are March 19, 24 or 26, 2003.

Motion:

It was the general consent of Council that a primary date be set for Friday, March 28, 2003 at 6:00 PM with a secondary date of Friday, March 21, 2003.

Capital Project Update

Hope Hill and North Well Fields

U.S. 41 South and S.R. 50 West

Water and Sewer Line Extensions

Alpine Circle Drainage

Project status reported by Director of Public Works Pierce.

Motion:

It was the general consent of Council that the new Well at Hope Hill Road and the North well fields be put out to bid and brought back to Council.

**CITIZEN'S INPUT**

Proposed Ordinance No. 651 - Sewer Line Extensions

Kojak Burnett questioned whether the Ordinance will require residents to be annexed into the City. Council explained if annexation was desired, a neighborhood petition for voluntary annexation could be compiled.

**ITEMS BY COUNCIL MEMBERS**

**E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER**

Contribution to Inaugural Fund - FLC President Elect Dottie Reeder

Council Member Wever requested that Council consider a contribution as done in the past.

Motion:

Motion was made by Vice Mayor Staib and seconded by Council Member Wever to approve the contribution of \$100 to the Inaugural Fund of Dottie Reeder. Motion carried 5-0.

Florida Institute Of Government Plan

Council Member Wever asked if cost figures had been provided by FIOG for the annexation study. Community Development Director Geiger gave an update and stated that copies of the proposal would be distributed at the next council meeting.

Annexation Project

Council Member Wever gave an update on the Florida League Committee and some current legislation issues of interest to the City. Staff is still waiting for a letter/proposal from the league and will be brought back

to Council at the next meeting.

#### Labor Attorney / Wage and Hour Ruling

Human Resources Director Baker stated that the salary change was still being reviewed but that the opinion of the Department of Labor is that nothing has changed and their decision is final.

#### Payment from County of CRA

Discussion took place on the City's commitment to the CRA. City Attorney La Croix stated that an agreement should be adopted and more information was needed to prepare the resolutions. Mayor Lewis said he would like to see it on the next agenda.

#### Utility Agreements for Service Outside City

Council Member Wever mentioned the possibility of annexing property along US 98 N out to Yontz which would provide an opportunity to annex the future housing project. City Manager Anderson provided an update.

#### **MARY A. STAIB, VICE MAYOR**

#### Bio-terrorism and Weapons of Mass Destruction International Lecture

Vice Mayor Staib stated that she attended the February 28<sup>th</sup> lecture and thought that Dr. Robin McFee was excellent.

#### Brooksville Regional Hospital Groundbreaking and Health Fair

Vice Mayor Staib advised that the March 7<sup>th</sup> groundbreaking and health fair had been moved to April 7<sup>th</sup> from 12:00 to 4:00 PM on the new hospital site.

#### Cloverleaf Breakfast

Vice Mayor Staib reminded of the Cloverleaf Mobile Home Park's breakfast on March 8<sup>th</sup>. She stated that proceeds last year went to Shriner's Children's Hospital.

#### St. Patrick's Day Parade in Cloverleaf

Vice Mayor Staib stated that an elected officials list had been submitted and invitations will be coming and the date has been set for March 17<sup>th</sup>.

#### **JOE BERNARDINI, COUNCIL MEMBER**

#### Downtown Traffic

Council Member Bernardini stated that the truck traffic downtown was previously discussed and brought up at the Brooksville Again meeting. He expressed concern about the integrity of the new bricks just put in on Jefferson Street and suggested that trucks coming through that area be checked for weight and leaking of load.

#### Dirt the Bulb Outs

Council Member Bernardini stated that he thought better dirt should be added. Community Development

Director Geiger gave an update and stated that the specifications of the soil would be the responsibility of the landscape contractor, who should be in at the end of this week.

### **JOSEPH E. JOHNSTON, III**

#### Old Carlton Building

Council Member Johnston stated that the building has fairly large holes in the roof and expressed concern and the church should be contacted.

#### DPW Construction Materials

Council Member Johnston asked that the construction materials stored by train depot be removed at end of construction period. Director of Public Works Pierce stated that the materials would be gone when the project was completed.

#### Regional Planning Council Meeting

Council Member Johnston gave an update on last month's meeting regarding negotiations on merging regional planning councils. He stated that this may take away local control of smaller counties and that he would like to be sure we maintain this control and wanted to bring it to the Council's attention.

### **RICHARD E. ANDERSON, CITY MANAGER**

#### Upcoming County Commission Meeting Continued Discussion on Sheriff's Services

City Manager Anderson stated that County Commissioner Rowden had invited the Mayor or City Manager to the March 4<sup>th</sup> Commission meeting to express its position on the Sheriff's budget and establishing a MSTU. Discussion took place and it was agreed that the City will not attend at this time.

### **RICHARD E. LEWIS, MAYOR**

#### Recent City/Community Events

Mayor Lewis gave a report on Arbor Day and the establishment of Brooksville's own nursery at the Brooksville cemetery. He stated that members of Hernando Association of Retarded Citizens planted 180 trees and were looking forward to an invite to help again in the future.

#### Access Health Care

Mayor Lewis stated that he attended the grand opening and ribbon cutting of the Access Health Care building on Thursday, February 27<sup>th</sup> and commended the renovation work. He stated that in spite of the heavy rain, there was no standing water in the parking lot.

#### Dedication of Bud McKethan Park Batting Cages and Tom Varn Park Racquetball Courts

Mayor Lewis stated that the official dedication of the batting cages and racquetball courts took place earlier in the evening and that both facilities were being utilized before the dedication began.

### **ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 10:42 PM.

s/ Linday A. Morgan

Interim Deputy City Clerk

ATTEST: s/ Mary A. Staib

Vice Mayor

:dhc

**CITY OF BROOKSVILLE**  
**REGULAR COUNCIL MEETING**  
**MINUTES**

**MARCH 17, 2003 7:00 P.M.**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Director of Public Works; Steve Baumgartner, Finance Director; David Pugh, Parks and Recreation Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Tim Mossgrove, Fire Captain; and Norm Cartwright, Police Sargent. Also present was a member of the St. Petersburg Times.

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

**ADJOURN AS CITY COUNCIL TO PARTICIPATE IN COMMUNITY REDEVELOPMENT AGENCY MEETING**

**RECONVENE REGULAR COUNCIL MEETING FOLLOWING THE COMMUNITY REDEVELOPMENT AGENCY MEETING**

**CONSENT AGENDA**

Minutes

January 6, 2003 - Regular Meeting

February 3, 2003 - Regular Meeting

March 3, 2003 - Regular Meeting

CDBG-CR (Main Street) Construction Contract - Change Order No. 3

Installation of two additional lights, banner arms, tree/grates, and underground wiring were included in plans but inadvertently not included in bid specification. Additional cost \$5,866.76, available in project budget of \$850,000.

**CONSENT AGENDA APPROVAL\***

Member Wever commented on format of the February 3, 2003 minutes, page 9, beneath Water/Sewer Project and Rate Restructuring, and directed that the word motion needed to be moved to just above where the motion was made. Regarding the March 3, 2003 minutes, Member Wever directed that the word not at the top of page 6 needed to be removed. He questioned the wording on page 7. Following discussion on corrections and questions, City Clerk Phillips suggested removing the March 3<sup>rd</sup> minutes so that she could review the tape.

Member Bernardini suggested the use of the same format for the consent agenda in the future as was referenced on the regular agenda item Community Event - Housing Authority Funding Request.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston for the March 3, 2003 minutes to be removed and for approval of the balance of consent agenda with minutes amended. Motion carried 5-0.

**PUBLIC HEARING**

Ordinance No. 651 - Sewer Line Extensions - Connection Fee Credits

Consideration of proposed ordinance providing for certain credits relating to sewer line extensions. [First Reading 03-03-03]

City Attorney LaCroix presented Ordinance No. 651 to Council and explained that it provides credits as a way of financing the sewer line extensions.

Motion:

Motion was made by Vice Mayor Staib and seconded by Member Wever to approve Second and Final Reading of Ordinance No. 651.

City Clerk Phillips read Ordinance No. 651 by headnote only, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17, "UTILITIES," ARTICLE V, "CONNECTION AND SERVICE OF WATER AND SANITARY SEWER FACILITIES OF CITY," BY THE AMENDMENT OF SECTIONS 17-195 AND 17-196 AND SUBSECTION 17-73(a), BY THE RENUMBERING OF EXISTING SECTION 17-201 AS SECTION 17-202, AND BY THE ADOPTION OF A NEW SECTION 17-201, AND BY THE ADOPTION OF A NEW SECTION 17-183; AMENDING PROVISIONS FOR CERTAIN CONNECTION FEE CREDITS FOR WATER LINE EXTENSIONS; PROVIDING FOR CERTAIN CONNECTION FEE CREDITS FOR SEWER LINE EXTENSIONS; PROVIDING FOR CONNECTION FEE CREDITS AND VARIANCES TO CERTAIN REQUIREMENTS OF CHAPTER 17 BY CITY COUNCIL AGREEMENTS WITH CERTAIN PROPERTY OWNERS; PROVIDING THAT ALL PROVISIONS OF CHAPTER 17 APPLY THROUGHOUT THE CITY OF BROOKSVILLE SERVICE AREA; PROVIDING FOR MANDATORY CONNECTIONS TO THE SEWER SYSTEM WHEN AVAILABLE AS DEFINED, ALONG WITH MANDATORY CONNECTIONS TO THE WATER SYSTEM IN SOME INSTANCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

There was no public input.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

Reorganizations - Ordinance No. 291-G Human Resources Department

Establish Human Resources, currently a Division of Administration, as a separate Department effective March 17, 2003. [First Reading 03-03-03]

City Manager Anderson presented Ordinance No. 291-G and explained that it implemented Council's discussion at budget time.

Member Johnston called attention to the agenda headnote's indication that the Ordinance was only for the Human Resources Department and reiterated that it covers more reorganizations than that one.

City Clerk Phillips read Ordinance 291-G by headnote only, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 2, "ADMINISTRATION," ARTICLE IV, "DEPARTMENTS," SECTION 2-126, "ENUMERATED, ADMINISTRATION, DUTIES," BY THE AMENDMENT OF SUBSECTION (a) THEREOF; DELETING THE DEPARTMENT OF PUBLIC SAFETY AND ADDING DEPARTMENTS OF POLICE, FIRE, HUMAN RESOURCES AND COMMUNITY DEVELOPMENT AS DESIGNATED CITY DEPARTMENTS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

City Manager Anderson explained that this section basically restated operating departments of the City.

Motion:

Motion was made by Member Bernardini and seconded by Vice Mayor Staib for approval of the Second and Final Reading of Ordinance 291-G.

There was no public input.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

## **REGULAR AGENDA**

Florida Institute of Government

Presentation of proposal for planning services relating to possible future annexation areas.

Dr. Mark Rogoff presented the Florida Institute of Government's proposal as discussed at the planning workshop and stated that Tony Arrant was also present to answer any questions Council may have.

Member Wever commented that the Legislature may come out with a revised annexation statute and suggested tabling action until after the next legislative session. He stated that the City must grow in size by expanding boundaries or it will continue to decrease in revenue sharing since the County's population is increasing. He said that the Florida Institute of Government's information is needed to study expansion options and that doing it in phases may be necessary.

Member Johnston asked how long the study would be good for without having to be updated for use. City Attorney LaCroix responded that there is no statutory time limit, though the study may need to be updated after about five years. Dr. Rogoff agreed that the update would not be significant.

Member Bernardini asked whether the cost included in the proposal was accumulative or for the individual projects. Dr. Rogoff answered that the cost analysis was done individually. Member Bernardini noted that Area 3, which consists of only 80 parcels, had a higher cost than Area 1, which consists of 601 parcels. Mr. Arrant explained that the calculations were based on a weighted average, not on geographic size, but admitted that the costs for the two parcels were probably reversed. Member Bernardini asked what the other services were as stated on page 3, number 6. Mr.

Arrant responded that staff would decide those services and provide the numbers. City Attorney LaCroix advised that Florida Statutes require a plan as to how services are to be provided.

Mr. Arrant explained that the proposal is intended to create a model. He said that Council will say what the next two scenarios would be and that they would then return for Council's input to incorporate changes.

Member Bernardini asked if the money would come from reserve contingencies. City Manager Anderson stated that there was currently no proposal for funding so direction would be needed from Council.

Member Wever restated that this was a good suggestion but Council should hold action until the Legislature finishes, then decide which way to go, although he said his view was to do the project. Member Bernardini agreed to doing the project that totaled \$62,775. Mayor Lewis also concurred. Vice Mayor Staib and Member Johnston agreed that Council should wait until after the Legislative session. In response to Member Wever's question, Mr. Arrant said that they could certainly return and would have the numbers straight.

Mayor Lewis directed that Mr. Arrant bring back the proposal on urban service areas 1,2,and 3 for \$62,775 and identify what area to concentrate on and how much to devote to it. Council concurred with waiting thirty (30) days. Member Bernardini asked the City Manager to return with where the money would come from.

#### Community Event - Housing Authority Funding Request

Consideration of \$150.00 contribution to Annual Easter Egg Hunt. (General Government, Promotional Activities, \$16,000 Budgeted, current balance \$4,818.32)

Mr. Pat Brayton, Brooksville Housing Authority Advisory Board Member, made the presentation to Council and stated that the Annual Easter Egg Hunt averaged between 200 and 400 participants with a total cost of between \$400 and \$600.

Motion:

Motion was made by Member Wever and seconded by Vice Mayor Staib to authorize a contribution of \$150.00 to the Housing Authority Community Event. Member Bernardini stated that he was not opposed to giving donations to benefit the children of the community, however, he was opposed to donating to the Brooksville Housing Authority after their recent budget history. He commented that they should have budgeted accordingly.

Motion carried 5-0.

Resolution No. 2003-04 - City/Agency Interlocal Agreement Providing for Contract Services, Grant Project Funding, Loans from the City, and Repayment Requirements

Consideration of authorizing execution of agreement setting forth certain responsibilities for the CRA and the City relating to redevelopment activities.

City Attorney LaCroix stated that Resolution 2003-04 is the same agreement that the Community Redevelopment Agency approved. He suggested that the same amendments to the agreement should be included in the minutes of the City Council meeting, which should be taking out the second word in the next to last line in paragraph 2, which is be, and adding the sentence "as of September 30, 2002, the amount owed to the City for such services for fiscal years 2000-2001 and 2001-2002 to the repayment of which the CRA had previously committed TIF funds was \$111,800 and the CRA's cash on hand was only \$40,141" to the end of paragraph 2. He said the third change is the amendment of paragraph 9 to read "This agreement shall have a retroactive effective date of October 1, 2002".

City Clerk Phillips read Resolution 2003-04 by headnote, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, APPROVING AN AGREEMENT REGARDING THE FUNDING OF CERTAIN SERVICES TO THE CITY OF**

**BROOKSVILLE COMMUNITY REDEVELOPMENT AGENCY AND THE CITY'S MATCHING GRANT FUNDS OBLIGATION UNDER A GRANT AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Motion:

Motion was made by Member Bernardini and seconded by Vice Mayor Staib to authorize execution of the agreement.

There was no public input.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

Solid Waste Fund - Renewal & Replacement Fund - Proposed Ordinance No. 652

Consideration of proposed ordinance amending R&R Reserve requirements to establish annual transfer of up to 9% to maintain a minimum balance of \$200,000 plus 150% of annual debt service.

City Manager Anderson explained that Ordinance No. 652 was a compilation of suggestions and inputs that have been made since the start of the current fiscal year regarding a provision in the existing ordinance. He proposed that the contribution to the R&R fund should be set at \$200,000 plus any debt service requirements and it can be brought back to Council at a later date if the amount needs to be adjusted. He stated that the second portion was in response to something Council Member Wever had pointed out that, in the future, a provision should be set up to fund replacement vehicles next time a purchase is made as done with a general fund vehicles.

Member Wever asked the City Manager if he was comfortable with the \$200,000 amount since a new vehicle will have to be purchased in the next budget year. City Manager Anderson said that he would recommend waiting until budget time since that figure depends on the extent the City raises rates between now and October 1, and what impact that would have on the fund balances. Regarding the Public Works truck to be replaced within the next year or so, whether it be financed or paid cash for would depend on the fund balance when the time comes. He commented that the big problem was with funding the Cheyenne Pass portion, which has been anticipated. He stated that portion may require all of that fund and may subsequently delay the purchase of vehicles or require obtaining financing.

Member Wever asked City Manager Anderson if he had checked the difference between the R&R fund that shows in the 2001 audit of \$367,000 and today's figure of \$301,000. City Manager Anderson responded that the City is trying to get a current figure through the efforts of trying to finish the budget, however, he advised that the general fund is being done first in the current audit, with the enterprise funds second, so an accurate number is not available as of yet. In response to City Manager Anderson's question regarding numbers on the enterprise funds for year ending September 30<sup>th</sup>, Finance Director Baumgartner responded that they are currently in August and should know those numbers in about another month.

In response to Member Wever's question, City Manager Anderson clarified that this would be a temporary change and there will be another change again during the budget time.

City Clerk Phillips read Ordinance 652 by headnote, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 7, "GARBAGE, REFUSE, AND LAND CLEARING," ARTICLE I, "IN GENERAL," SECTION 7-6, "RENEWAL AND REPLACEMENT FUND," THEREOF; REVISING THE ANNUAL CONTRIBUTION AND MINIMUM FUND BALANCE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston to approve First Reading of Ordinance 652 with Second and Final Reading scheduled for April 7, 2003.

There was no public input.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

Member Wever suggested that staff include a formal request to authorize transfer of moneys in excess of \$200,000 out of the R&R fund on the next agenda.

Water System - Connection Requirement - Proposed Ordinance No. 653

Consideration of proposed ordinance requiring developed property within the City to connect to the City water system and providing for interest free annual installment payments up to five years if connection is required for an existing building.

City Attorney LaCroix explained that the first part of the proposed Ordinance regarding the required connection to the water system had been discussed at the last meeting in conjunction with the sewer mandatory connection requirement and was being brought back to Council as directed. He commented that it required connection within a certain period of time after notice by the City of one year that the service is available by being in a public right-of-way or easement abutting a lot or parcel on which there is an existing building or development. He explained that most Cities have adopted requirements for mandatory connection to sewer but not water for the reason that in the past it was felt that there was a public health, welfare, and safety issue sufficient to justify the connection to sewer systems and the abandonment of septic tanks for the protection of ground water resources. He said that he believed there was now a public health, welfare, and safety concern with small wells drawing down the aquifer, which presents a need to regulate the public water system. He commented that the Ordinance was justifiable, that there was nothing in code about requiring connection when it was not requested, and that, therefore, impact fees could be required to be paid over a period of five years with no interest unless payment was on a rate basis, then 10% interest would be applicable.

Member Wever asked if this Ordinance tracked the intent of the last bond resolution where connection to the water and sewer systems is required within the City limits and the utilities service area. City Attorney LaCroix responded that this applies in the utilities service area, with a provision from the last Ordinance that says anything that applies within the City applies throughout the whole service area.

City Clerk Phillips read Ordinance 653 by headnote, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17,**

**"UTILITIES," BY THE AMENDMENT OF SECTIONS 17-26, "CONNECTIONS WITH WATERWORKS SYSTEM," AND 17-195, "CONNECTION (IMPACT) FEE PAYMENTS;" PROVIDING FOR MANDATORY CONNECTIONS TO THE WATER SYSTEM; PROVIDING FOR INSTALLMENT PAYMENT OF CONNECTIONS FEES WHEN EXISTING BUILDINGS ARE REQUIRED TO BE CONNECTED TO WATER OR SEWER SYSTEMS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Motion:

Motion was made by Member Bernardini and seconded by Vice Mayor Staib to approve First Reading of Ordinance 653 with Second and Final Reading scheduled for April 7, 2003.

There was no public input.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Aye

Staib Aye

Wever Aye

Fire Hydrants in Unincorporated Area - Interlocal Agreement for Use by County

Consideration of proposed Agreement for hydrant use by County.

City Manager Anderson commented that this item was being brought back to Council due to the confusion on how to proceed. He said he did not read the minutes until after he had written a letter to the County proposing the terms of a potential agreement. He explained that the attached was really a fee schedule that had two components: one to cover the cost of semi-annual testing and preventative maintenance; the second having to do with major repair replacement, water use, and a standby component. He asked for direction from Council to 1) contract and let the County do the flow testing or 2) have the City do the flow testing and include that in the rate.

Member Wever recommended that Council approve the option for the City to maintain the hydrants and the County pay the City. Vice Mayor Staib agreed. Mayor Lewis verified that the option mentioned was Attachment III, the draft agreement. Member Wever also called attention to Attachment II, the copy of the March 3, 2003 minutes, at the bottom of page 12.

Member Wever asked the City Manager if he felt comfortable with the dollar amount included for the service. City Manager Anderson responded that those were the best numbers staff could come up with and that he thought that was a fair number.

Motion:

Motion was made by Member Wever and seconded by Vice Mayor Staib to approve Attachment III, the interlocal agreement.

Member Bernardini asked Fire Chief Daugherty if the City firefighters that would be servicing the hydrants outside of the City limits would be the on-duty firemen that were also responsible to respond to a fire that might arise in the City or would they be firefighters called in on off-duty status. Fire Chief Daugherty responded that four hours would be scheduled in the beginning of each shift with work to be done by off-duty staff to give attention to these hydrants until

they are completed. He said he could not risk the on-duty firefighters going out there in the rescue truck and have something happen within the City while they were out. Member Bernardini asked if the cost was reflected in the amount provided. City Manager Anderson and Fire Chief Daugherty concurred.

Member Johnston recalled that, based on previous discussion, Attachment IV represented more of what he had made the original motion for: ie, to direct staff to draw up the agreement based on having the County do the maintenance and pay a water fee for the usage. Member Wever commented that was not the intent of his second. City Manager Anderson said that he thought Member Johnston's recollection was correct, but while the motion was being made, other members were still discussing the previous alternative and confusion incurred. He said this is why he needed further clarification from Council. Mayor Lewis reviewed the following from the attached portion of the March 3, 2003 minutes: "Motion was made by Member Johnston and seconded by Member Wever to direct staff to draw up an agreement to be presented to Council prior to being presented to the County to provide for the first option with a provision for water usage." He said that the City Attorney had mentioned the two different options and that both had been discussed and stated that he preferred Attachment III. Vice Mayor Staib agreed.

Mayor Lewis asked Fire Captain Mossgrove if he felt comfortable with the price that was included in the draft agreement. Captain Mossgrove clarified to Council that his understanding from the previous discussion was that Council's intent was for the City to take care of the hydrants and agreed that the proposed infrastructure fee seemed adequate to cover the cost of the maintenance.

Again, City Manager Anderson explained that after listening to the discussion, Member Johnston made a slightly different proposal that got seconded and approved and that the other members were not listening to what the motion was. Vice Mayor Staib commented that she had felt all along that the City should maintain control of the hydrants.

Motion carried 4-1, with Member Johnston in opposition.

#### CDBG-CR (Main Street) Construction Contract - Additional Street Lighting

Consideration of additional decorative light fixtures adjacent to City Hall, estimated cost \$3,600 each, including "banner arms" and underground wiring.

City Manager Anderson explained that the project ended in front of City Hall but did not include the entire property. He said he thought it would be appropriate to extend the project a little farther, but did not expect it to be that expensive. He was assured by Community Development Director Geiger that the underground conduit and such necessitated that cost. He explained the options as being: 1) to run one light down to the driveway entrance of the teller, and 2) to run one down the other side of Fort Dade Avenue. Vice Mayor Staib agreed that City Hall should be included. City Manager Anderson stated that the contractor has given him until tomorrow morning to decide, and advised that it would be cheaper to do this now.

Member Wever asked if this was still within the funds available. City Manager Anderson responded that it is going to be close but that would depend on if any change orders are received. Community Development Director Geiger stated that, regarding the change order included in the consent agenda, there was a budget surplus of approximately \$3,500, which means there is a deficit of about \$3,500 if Council approves the additional two lights. He added that the \$150,000 that had been set aside for this project has been gaining interest income to total about a \$30,000 surplus in interest income. Finance Director Baumgartner said that the interest income balance was about \$137,000. Community Development Director Geiger and City Manager Anderson agreed that about \$37,000 of that was surplus from this project.

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini to approve staff recommendation of adding two additional fixtures as presented. Motion carried 5-0.

#### Parks and Recreation Building

Consideration of authorizing negotiations to acquire property adjacent to the park.

City Manager Anderson informed Council that he had obtained market appraisals and met with both property owners. He said that both sites have some benefits and was seeking direction from Council as to how to proceed.

Member Wever stated that he was not in favor of buying either property.

Member Bernardini stated that he was in favor of negotiating for the property on the corner if the money was available. Vice Mayor Staib expressed her agreement with his statement.

Mayor Lewis commented that \$61,000 had been budgeted for the Park Building Expansion project. He recognized that there were advantages and disadvantages, such as the price and location, and recommended that staff return to the owners and make an opening offer with an expressed interest of buying one of the two for \$75,000. Member Bernardini said that he had no problem with that recommendation if the money was available.

Member Wever stated that the unpaved area by the Jerome Brown Community Center building could be covered with limerock without necessitating any additional retention area. Mayor Lewis responded that the Carter property would provide additional parking for the Jerome Brown Community Center.

Member Bernardini suggested doing a contract where the cost was split between two budgets so as to pay the \$61,000 up front and the balance in six months.

Member Johnston asked if the price for parcel B included the mobile home. Mayor Lewis responded that the owner was aware that the City would not be interested in the mobile home and the offer included moving it. Member Johnston called attention to the appraisal amount including the value of the mobile home. Mayor Lewis said the appraisal allowed \$58,000 for the mobile home and the improvements thereon which would include the septic and such. He said the land value was at \$20,000 and parcel A was \$13,000 for the raw land value. Member Wever commented about the raised septic drain field on parcel B.

Parks and Recreation Director Pugh commented that the intent was to add on to the park. His suggestion was that the parcel with the mobile was too high of a price and Carter's property had been discussed because of location of the current building, which could be used as the park office. He said the steel building could then be constructed behind the house which would lower construction costs to include only the slab and the plumbing. He also stated that the berm on the property was from the old railroad track and could be removed to allow for additional parking. Vice Mayor Staib asked what the intent was for the residence next to the park. Parks and Recreation Director Pugh responded that it could be converted into a conference room for meetings. Member Wever asked about the location of the septic system on Carter's property. Mr. Albert Carter, property owner, responded that it was approximately 100 feet behind the house. Parks and Recreation Director Pugh said that the building could be connected to the City's sewer system. Public Works Director Pierce agreed that it could be done.

Mr. Carter added that there was 372 additional square feet from an addition that was not included in the appraisal, which brought the total square footage to 1,702.

Member Bernardini asked where the savings would be if this property were purchased. Parks and Recreation Director Pugh responded that he did not know of much savings, but he said it would cost \$20,000 at the highest to construct the steel building. Member Bernardini replied that would mean a savings of about \$13,000. City Manager Anderson commented that the projected cost of the new building as planned was approximately \$80,000. Mayor Lewis stated that the difference would be noticed in the land acquisition. He asked if the property was suited to the City's needs. He said the cost of the building would be unchanged. He expressed his feelings that with the Carter property the aesthetics were better, but said it would come down to which parcel would serve us best and which owner was willing to deal.

Member Johnston expressed his preference for the Carter site, stating that paying \$15,000 more for the property was worth saving \$13,000 on the building, and that moving the park office out of the park was preferable to waiting 6 to 9 months for the new building to be constructed. Parks and Recreation Director Pugh commented that the security would be better on Carter's property.

Member Bernardini said that he would agree to negotiate for parcel A with a price not to exceed \$78,000 if it could be worked out. Mayor Lewis commented that the appraisal was on the high side and that he had a problem with paying more than appraisal. He said he would completely disagree with a relocation allowance of \$25,000 for parcel B.

Mr. Carter approached Council and stated that the 372 square feet of improved living area not included raised the appraisal to \$83,656 and he felt the property would be a good addition to the park. He confirmed that they are planning on relocating and that they would be willing to consider something in neighborhood of \$80,000.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston to negotiate a price with Mr. Carter. Motion carried 4-1, with Member Wever in opposition.

## **CITIZEN'S INPUT**

Kojak Burnett

Mr. Burnett asked Council what the decision was on the Parks and Recreation Building. Member Johnston responded the action was to authorize staff to negotiate a price with Mr. Carter and bring back at next meeting.

Tim Mossgrove

Mr. Mossgrove, speaking as a citizen, expressed his support of conducting the FIOG study. He felt it was very important to the City to expand its boundaries.

Mr. Mossgrove, speaking as an employee, shared information he was given in a casual conversation with a representative of the engineering firm that gathers data for Lowes. He said that this gentleman expressed that Lowes would possibly be willing to put in part of the infrastructure to make a deal work with the City. He thought this information might be of interest to the Council.

Mr. Mossgrove, speaking as a father, stated that there is a petition being circulated with other residents of Underwood Avenue to return to Council with a request for a traffic control device to slow down the school traffic. He told Council that the high school students are using Underwood Avenue as an alternate route to US 98 to avoid the 25 mile hour speed limit on North Avenue. He said that he has witnessed a few close calls with neighborhood children and was concerned for their safety.

## **ITEMS TO ADD TO AGENDA**

Special Purchase Approval

City Manager Anderson explained that the Police Department needs to purchase a special lens for a camera that is used jointly with the Sheriff's Department. He stated that the money is budgeted for the item, however, the amount of the item is over the limit set by policy to spend on a single item purchase so he would need to have the item added to the agenda in order to seek approval from Council.

Member Bernardini asked where the money would come from. City Manager Anderson responded that grant funds were already designated for the purchase and explained to that no paperwork was provided because it was a last minute item and Chief Tincher had expected to be in attendance but was held up.

Motion:

Motion was by Member Johnston and seconded by Member Wever to add the item to the agenda for consideration. Motion carried 5-0.

Mayor Lewis stated that paperwork can be requested from staff as a follow up if Council so desires.

Member Wever suggested providing a copy of the current budget and last audit to have on the shelf in Council Chambers. Finance Director Baumgartner offered to take care of that.

Motion:

Motion was made by Member Johnston and seconded by Member Wever to authorize staff to negotiate a purchase using money from grant funds not to exceed \$6,600, and for the appropriate paperwork to be furnished to Council. Motion carried 5-0.

Building Dept. Permit Interlocal Agreement Update

City Manager Anderson gave a status report on discussions with the County on interlocal agreement. He said if the City was planning to terminate the agreement at the end of the fiscal year then it would be necessary to make that position known to the County by the end of this month. He reported that the County has not responded to the suggestions of reducing the 180 day period or to put in the agreement a provision for the City to make changes during the year rather than at end of year.

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini to add the item to the agenda for consideration. Motion carried 5-0.

Motion:

Motion was made by Vice Mayor Staib and seconded by Member Johnston to accept option 2 to obtain agreement before March 30, 2003, to reduce the termination notice period from 180 days to 60 or 90 days.

Member Johnston responded to Member Bernardini's question, stating that if agreement can not be obtained to reduce the termination notice period, then option 4 to terminate the agreement effective September 30, 2004 is automatic.

Motion carried 4-1 with Member Wever in opposition.

## **ITEMS BY COUNCIL MEMBERS**

### **E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER**

Merging of MPO's

In response to Member Johnston's comment regarding the possibility of planning councils being merged, Member Wever reported on a movement to merge currently underway in Hillsborough, Pinellas, and Pasco Counties and stated that it would take something on the local level to make a merge work.

Member Johnston said that the chairman's coordinating committee is meant to be a model for the coordination of interregional projects. He advised that the Hernando County MPO will have jurisdiction over part of Pasco County due to census statistics, which is why boundaries are beginning to merge. He stated that our area wants to maintain local control.

Member Wever reported that Pinellas has said it is definitely going to fight the merge.

Member Johnston concurred that a merge is not popular with MPOs.

Current Legislation

Member Wever stated that some current legislation may need a stand from Council. He suggested opposing the new

disability for fire fighters and paramedics, as well as a bill to take away a municipality's ability to control the locations of wireless communications towers. He also suggested supporting the bill that gives municipalities the right to set their own per diem and travel amounts. He recommended that the Mayor submit correspondence on behalf of the Council.

#### Double Taxation

Member Wever shared a news item from the Citrus County Chronicle about Inverness dealing with double taxation. He recommended that the City look at taking a stand to support legislation that would put a percent limit on the ad valorem rate that the County could set on property in the City. He said he will bring more information back to Council for next meeting.

#### Suggestion to Save Money

Member Wever suggested that money be saved if material in the packets were duplexed.

City Clerk Phillips responded that a policy could be made accordingly as soon as the new copier is acquired.

#### Annexation

Member Wever suggested looking into how much the City could exercise annexation under the utility annexation agreements.

City Manager Anderson stated that the parcels must be contiguous and advised that a map is in the works.

#### **MARY A. STAIB, VICE MAYOR**

##### Cloverleaf St. Patrick's Day Event

Vice Mayor Staib thanked everyone who attended the 30<sup>th</sup> celebration of the opening of Cloverleaf this morning and said she appreciated the turn out from City staff.

#### **JOE BERNARDINI, COUNCIL MEMBER**

##### Police Department Traffic Control Downtown

Member Bernardini commended the efforts of the Brooksville Police Department in the construction zones and confirmed that traffic on Bell Avenue has increased due to construction.

#### **JOSEPH E. JOHNSTON, III**

##### Traffic Follow Up

Member Johnston commented that DPW had also blocked off one lane of Bell Avenue when the main thoroughfare was also under construction. Director of Public Works Pierce confirmed that the repairs were not conducted very well.

#### **DAVID LACROIX, CITY ATTORNEY**

##### Annexation

City Attorney LaCroix stated that he would look into the involuntary annexation project to determine if the contiguous areas mentioned meet the requirements for involuntary annexation. He recommended that, if so, the City go ahead annexation and he would bring back a report to the next meeting.

#### **ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 9:04p.m.

S/ Karen M. Phillips

City Clerk

S/ Mary A. Staib

ATTEST: \_\_\_\_\_

Vice Mayor

:dhc

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

MINUTES

MARCH 28, 2003

6:00 P.M.

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Director of Public Works; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Emory Pierce, Director of Public Works; James Daugherty, Fire Chief; and Ed Tincher, Police Chief.

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

SUMMARY REVIEW AND DISCUSSION OF CITY'S DRAFT RESPONSE TO THE DEPT. OF COMMUNITY AFFAIRS OBJECTION, RECOMMENDATION AND COMMENT (ORC) REPORT ON THE CITY'S EVALUATION AND APPRAISAL-BASED COMPREHENSIVE PLAN AMENDMENT

Community Development Director Geiger summarized the coordination efforts that resulted in the previously distributed City's Response to the Department of Community Affairs Objection, Recommendation and Comment (ORC) Report. He also noted that the State had been asked for a courtesy review and eight (8) objections of the thirteen (13) were still being addressed, which, in response to Council Member Johnston's question, he identified as numbers 2 - 6, 9, 16, and 20.

Council directed staff to continue to proceed in the direction to satisfactorily address the remaining Department of Community Affairs concerns.

Jake Varn, Fowler White law firm representing the developers, expanded on Community Development Director Geiger's explanation by stating that they were currently working to evaluate what needed to be done to work out the details with the Department of Community Affairs.

Community Development Director Geiger anticipated that this may be ready to be presented to Council as a public hearing the first part of May.

HAMPTON RIDGE DEVELOPMENT AGREEMENT - REVIEW AND DISCUSSION OF THE DRAFT AGREEMENT WITH STAFF RECOMMENDATIONS

Community Development Director Geiger asked Council to address an issue regarding the Executive Summary on a section by section basis, which occurred as follows:

WHEREAS CLAUSES:

Council Member Johnston identified a typographical error on page 4, where "acknowledge" should be "acknowledged".

1. PURPOSE AND DEVELOPMENT USES PERMITTED:

Vice Mayor Staib questioned the percentage that the developer may increase land

APPROVED BY BROOKSVILLE CITY COUNCIL

## CITY COUNCIL WORKSHOP - March 28, 2003

uses as referenced on the bottom of page 2. Community Development Director Geiger explained that the developer would not be able to increase the overall intensity or density of use on the property.

### B. ZONING APPROVAL:

Council Member Johnston questioned Exhibit D on page 44 of the development agreement which was referenced in this section and wanted to know what standard single-family residential units per acre were allowed for detached housing. Community Development Director Geiger responded that seven (7) units per acre were allowed under PDP regulations.

Council Member Johnston also felt that the five (5) feet perimeter buffer as referenced in item 9 on page 45 should be increased somewhat. Discussion followed regarding the appropriate level of specificity necessary at this point in the planning process. Staff was directed to negotiate the buffer and bring it back to Council.

### 2. PUBLIC FACILITIES AND EXACTIONS:

#### A. POTABLE WATER

Discussion took place regarding the consistency with the language under section 3 and the ordinance referring to "impact fees" or "connection fees."

Mr. Varn stated that three (3) issues have been identified from the developer's standpoint that need Council direction, one of which is the point in time that the City determines impact fee credits. City Attorney LaCroix explained that the credits will be given on a per unit basis at the rates in effect at the time of construction, which Mr. Varn did not have opposition to. Staff was directed to make sure that the language adequately addressed the intent discussed.

Discussion followed regarding the developers intent to apply the impact fee credits to contiguous property that they may plan to annex in the future, which Council expressed their understanding that such would be the case as long as the contiguous property was owned by the developer and was within the City.

Council Member Bernardini received clarification on connection fees from a third party developer from Community Development Director Geiger, who stated that the developer had the ability to assign impact fee credits to a third party, though the City had a clause that would allow the City to collect the impact fees and credit it back to the developer. City Attorney LaCroix expressed his intent to ensure that the language maintained that the developer assign such credits at the City's then prevailing rates and be prevented from refusing to give credits to parties unless a higher rate is paid.

Mr. Varn stated that a second issue is with the language that states that unused impact fee credits shall expire upon the termination of this agreement, which he felt might short-change the developer if they put the money into a completed infrastructure project that will be intended to serve the development as well as outside property that may be developed by a third party in the future. City Attorney LaCroix felt that some time limit should be established, even if it is fifty (50) years from now. Staff was directed to negotiate acceptable language to adequately address the interests of both parties.

In response to Council Member Johnston's question, Director of Public Works Pierce commented that this development would be installing the so-called "smart" water meters.

APPROVED BY BROOKSVILLE CITY COUNCIL

## CITY COUNCIL WORKSHOP - March 28, 2003

Mr. Varn said that they would negotiate with staff regarding the Easement for water main to Powell Road as listed under item 11.

### B. SANITARY SEWER CAPACITY AND SERVICE:

Council Member Bernardini asked about the Cortez Extension under item 2, to which Community Development Director Geiger stated that the waste water line has already funded that portion. Council Member Bernardini wanted to make sure that the language allowed for construction to be done to the City's standards, which was confirmed.

Community Development Director Geiger assured that the language for item 4 would be worked out with the developer to ensure that the intent was as clear as possible.

Council Member Bernardini questioned the provision for the developer to provide the required easements at no cost to the City on item 5 and its relation to item 2 on page 8 where it appeared that there would be a cost to the City. Community Development Director Geiger said that the language for water and sewer easements should be comparable. Mr. Varn added that the distinction would be that the developer would pay for easements required on-site and the City would pay if they were required off-site.

City Attorney LaCroix pointed out that current language in the section on impact fees gives the developer credit for everything constructed by them at the full cost without referring to the \$2.5 million that the City will be reimbursing them, which should be corrected by inserting "less any funds provided by the City."

Discussion ensued regarding the City's cost of wastewater effluent treatment, where the effluent would be diverted to, the difference in cost to expand the Cobb Road wastewater treatment plant versus construction of a new treatment plant on-site, the cost of operations of a reuse plant, and intended allocation of potential grant funds for reuse systems as they would relate to City contributions.

Cliff Manual, President of Coastal Engineering, commented on the lack of a reuse component in the City's code and thus certain aspects of the reuse system that were eligible for SWIFTMUD grants would not be a credit to the City because there was no ordinance in place allowing for such credits. Discussion continued on the City's investment in the planned improvements with a cap of \$2.575 million, the developer's submission for grants to cover fifty percent (50%) of their costs of the reuse elements of the treatment plant, and certain levels of its planned operation.

### D. TRANSPORTATION SYSTEM REQUIREMENTS

#### 2. IMPACT FEE CREDITS

Mr. Varn identified this as the last issue the developer had concerns related to ambiguous language. City Attorney LaCroix explained that the County collects impact fees for the City through an interlocal agreement and their rules and regulations must be clarified. He said the City will adopt by resolution a set of criteria for impact fee credits. Mr. Varn wanted to be sure that the criteria for credits were further clarified. Community Development Director Geiger added that the transportation impact fee was the most costly to the developer and conversely would also carry the highest credit.

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## CITY COUNCIL WORKSHOP - March 28, 2003

In response to Council Member Johnston's question about the realignment of Barnett Road as shown in Exhibit H, Community Development Director Geiger stated that it would be the developer's responsibility. Mr. Varn said that he would make sure that the language referenced that, which Community Development Director Geiger agreed was a good point to clarify.

Council Member Wever noted that the water and sewer lines as referenced on page 12 of the development agreement on the third (3<sup>rd</sup>) line from bottom of section 1 were not located within the US 41 right-of-way as indicated but were in easements that the City purchased. Director of Public Works Pierce suggested adding the words "or easement" after the US 41 right-of-way.

### E. SCHOOL SITE RESERVATION

Community Development Director Geiger felt that any additional details should be worked out in a separate interlocal agreement with the Hernando County School Board and the developer. He assured that this had been reviewed by the School Board's attorney and their comments had been considered in the modifications that were made to this section.

### F. PUBLIC FACILITY SITE(S)

City Manager Anderson expressed concern with the wording that addresses the City's option to reject certain sites and said that the language would be corrected.

### G. FEES AND REVIEW TIMES

In response to Mayor Lewis' question, Mr. Manual anticipated that permits would be drawn to begin the project this fall, but the majority of the permits would come in late spring or early summer.

## 3. CITY COMMITMENTS AND OBLIGATIONS

Council Member Johnston noted that, under this section, it appears that additional property would be covered under this agreement until its expiration, as long as the density remains the same so he understood it to also imply that impact fee credits could transfer to adjacent property. In response to City Manager Anderson's question, City Attorney LaCroix said that the developer may petition to voluntarily annex but they must own the property they want to annex.

### C. PUBLIC RIGHTS OF WAY

City Manager Anderson noted that some further modifications may be made to this section since the City is not able to waive the building code requirements since they are statutorily defined, but the intent will remain the same.

Council Member Johnston received clarification that a gate for a private community could be in the right-of-way for the abutting public road. City Manager Anderson felt that some additional language would be included for further clarification.

Discussion followed regarding indemnification provisions to address liability as may be associated with landscaping and maintenance of right-of-ways. City Attorney LaCroix felt that a license would be sufficient to cover terms and conditions, but additional language could be added.

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## CITY COUNCIL WORKSHOP - March 28, 2003

### G. TREE LANDSCAPE AND MITIGATION ORDINANCES AND REQUIREMENTS

Discussion took place regarding the replacement trees as specified on Exhibit K and the associated City code standards. It was suggested that the language be modified to specify that "minimal specimen tree retention is anticipated."

### H. CSX ROW ABANDONMENT

City Attorney LaCroix assured that the developer's first priority right was subject to the City's right to acquire ownership for municipal purposes.

### M. INTERIM AGRICULTURAL USE

Community Development Director Geiger explained that this section allows that a property can continue to be used as it has been historically used prior to the annexation and the City's land use designation of the property.

### P. BUILDING PERMITS

Council Member Johnston suggested adding "or its designee" to allow for any future instance wherein the City may contract with someone in the future.

### Q. COMMUNITY DEVELOPMENT DISTRICT(S)

City Manager Anderson stated that a separate presentation would be made to Council in the future if the developer decided that this might be an avenue they would like to pursue. The language he provided in his memo would be incorporated in the agreement and would be presented for further Council review, which would allow for Community Development District to be formed to pay the cost of the infrastructure that would provide services to that project.

### 4. DEVELOPER OBLIGATIONS

Regarding Exhibit D on page 46 of the draft agreement, Community Development Director Geiger pointed out that item 11 referencing set back issues should be removed, which was done by Council consensus. The developer will work with staff to establish the set backs with more specificity. Under item 14 on page 46 of the draft agreement, City Manager Anderson recommended that a provision be added to the existing watering ordinance to allow irrigation with reuse water.

### MONETARY COMMITMENT OF CITY

City Manager Anderson explained that, due to the way the agreement was currently structured, the City may have to pursue outside funding, and said that this would need to be discussed further.

Jim Harvey, Project Manager, said an aggressive marketing program would be targeted nationwide and that the anticipated ten-year build-out for the property was a feasible estimate. He also noted that his experience with similar sized projects saw development at an approximate 200 to 300 units per year.

Council Member Johnston expressed concern with the City putting forth true money for the cost of expansion of utilities and then not being able to recoup impact fees. Mr. Varn disagreed because of the substantial investment the developer had in real property and their large investment into infrastructure. Council Member Johnston maintained that the income scale represented a large percentage of the City's financial picture compared to the percentage of financial impact to the

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CITY COUNCIL WORKSHOP - March 28, 2003

developer.

Council Member Wever reviewed his concerns with the financial analysis that was previously presented. He asked that the analysis be broken down and the funds separated with a firm basis shown as to how the figures were derived. He reiterated that utilities and sanitation should be making money to fund the general fund rather than underwriting utilities. He mentioned the pending USDA grant application and felt that the City may also have to pursue the market to get the balance of the money necessary for this project.

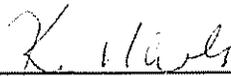
Council Member Wever recommended that consideration of retaining the same bond attorney and financial advisor be brought back on the next Council agenda. It was the consensus of Council to bring back a status report for the next meeting and seek action on the April 21<sup>st</sup> agenda.

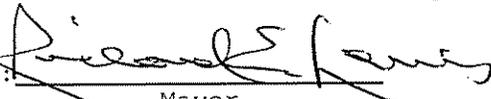
The Bus

City Clerk Phillips stated that a "Start the Bus" event would take place at the Jerome Brown Community Center at 3:00 p.m. on Monday and invited Council to attend.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 8:35 p.m.

  
\_\_\_\_\_  
City Clerk

ATTEST:   
\_\_\_\_\_  
Mayor

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ON 5-3-04 INITIALS Ⓚ

## **REGULAR COUNCIL MEETING**

**April 1, 2002 7:00 P.M.**

Brooksville City Council met in regular session with E.E. Wever, Jr., Mayor, Richard E. Lewis, Vice Mayor, and Council Members Joe Bernardini, Joseph E. Johnston, III and Mary A. Staib, present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Ron Baker, Human Resources Manager; Jim Delach, Finance Department; Karen M. Phillips, CMC, Director of Administration; Tim Mossgrove, Lt., Fire Department; Bill Geiger, Community Development Director; Emory Pierce, P.E., Director of Public Works; Boyce E Tincher, Police Chief. A member of the St. Petersburg Times and Hernando Today was also in attendance.

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

### **CONSENT AGENDA**

#### Approval of Minutes

March 4 and 18, 2002

#### Urban and Community Forestry Grant Program

Approval of amendment revising the reporting and auditing provision of \$7,500 Street Tree Inventory Grant Program to incorporate statutory changes.

#### CDBG Application Preparation and Administration Services

Consideration of utilizing WRPC to represent the City at the CDBG Application workshop.

#### Solid Waste Bulk Containers (Dumpsters) - Public Works

Declaring unusable equipment surplus and authorizing disposition.

Federal Emergency Management Agency - Fire Administration Grant

Consideration of authorizing grant application for replacement vehicle (tanker/pumper). Grant request \$189,000; City Match \$21,000.

Motorcycle Lease (Police Department)

Approval of twelve (12) month contract with Fort Lauderdale Harley Davidson, Inc., for the lease of motorcycles (2 at \$150.00 per month each) totaling \$3,600.00, and authorize City Manager to execute agreement.

Appointment to Brooksville Housing Authority

Appointment of Sandra K. Hoffman to four year term of office through March 31, 2006.

Recodification of the City Code Book and Supplemental Services Contract, AD2001-11

Award of proposal to Municipal Code Corporation in the amount of \$13,250 and authorize negotiation of contract for codification and subsequent supplemental services.

Visit Florida Advertising Grant

Consideration of authorizing grant application for matching fund advertising grant in the amount of \$2,500 with a \$2,500 match from General Government Printing & Binding for a design, production and distribution of a full color brochure.

Council Member Bernardini requested that the appointment on the Housing authority be tabled until the next meeting to allow him time to review the information with staff.

Motion:

Motion was made by Bernardini and seconded by Lewis to delete the Housing Authority item and approve the balance of the April 1, 2002 Consent Agenda. Motion carried 5-0.

## **CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

### Week of the Young Child

Proclaiming the week of April 7 - 13, 2002 as Week of the Young Child.

Penny Oliver and Lenore Zulauf accepted the proclamation that was presented by Mayor Wever. They presented the City with a collage of pictures taken from the 2001 event.

### Fair Housing Month

Proclaiming the month of April, 2002 as Fair Housing Month.

There was no one present to accept the proclamation and it would be forwarded to the HUD office in Tampa.

### Habitat for Humanity of Hernando County

Presentation of plan to reduce the amount of sub-standard housing in City.

Cecil Bradley gave a history of Habitat for Humanity and updated Council on what the organization is doing in Brooksville. He went over the qualifications needed to apply for housing assistance. He advised Council of what their goal is on the number of housing projects they are hoping to accomplish in Brooksville.

Cliff Fouts, Chairman, Habitat for Humanity Housing Challenge, was introduced and he also went over the housing projects that Habitat for Humanity has planned within the City of Brooksville, which they felt had a higher degree of need than other locations in the County. He went over the steps involved from the beginning which is to assess the substandard housing to determine need as well as major or minor repair. Funding through the federal government is being pursued for those houses in which the residents have no way of helping or no way of meeting qualifications for assistance such as handicapped, disabled or fixed income.

In response to Council Member Staib's question, City Manager Anderson stated that there is no City limitation on how many houses can be demolished as a part of the process.

## **REGULAR AGENDA**

### **Resolution No. 2002-08 - Water and Sewer Service Area**

Consideration of resolution reinitiating Dispute Resolution process relating to utility extensions in City's water and sewer service area.

City Clerk Phillips read Resolution No. 2002-08 by headnote only, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, INITIATING CONFLICT RESOLUTION PROCEDURES, PURSUANT TO FLORIDA STATUTES, SECTIONS 164.101 THROUGH 164.1061, REGARDING THE RIGHTS AND OBLIGATIONS OF HERNANDO COUNTY CONCERNING THE EXTENSION OF UTILITY FACILITIES WITHIN THE CITY OF BROOKSVILLE'S UNINCORPORATED WATER AND SEWER SERVICE AREA ESTABLISHED PURSUANT TO CHAPTER 180, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE**

#### **Motion:**

Motion was made by Staib and seconded by Lewis to approve Resolution No. 2002-08.

City Attorney LaCroix recommended inserting dates in the resolution before it is approved, which were discussed at length. Motion and second were modified to include the dates of April 17<sup>th</sup> at 10:00 a.m., which is staff meeting, and May 13<sup>th</sup> at 7:00 p.m., which would be a joint City/County meeting in the Council Chambers. The resolution would be sent to the County the following day.

Upon roll call, motion carried 5-0, as follows:

Bernardini Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

### Injunctive Relief

Consideration of authorizing City Attorney to file Declaratory Judgment Action and, if appropriate, seek temporary injunction in the event City Manager identifies unauthorized extension into City's water and sewer service area.

City Attorney LaCroix reminded Council that at the last Council meeting, Council voted to delay until this meeting instituting the Dispute Resolution Process and a good faith gesture was requested of the County to agree not to extend utilities in the City's service area during these joint City/County discussions without the City's consent. He advised that it is his understanding that the Board of County Commissioners declined to do that.

LaCroix stated that Council is now faced with their back-up position which they discussed at their March 18<sup>th</sup> meeting which is to reinstitute the Dispute Resolution Process and, possibly, file Declaratory Judgment Action. The City, according to Statute, must ask the Court to abate that action until the Dispute Resolution Process is completed. The City may also file a Motion for Temporary Injunction asking the Court to enjoin the County from further extension into the City's service area without City consent. The City Attorney went on to state that it is possible, if the City gets the injunction, a bond may be required to be posted. A lot of times, Courts will waive the bonds if it is a municipality or state agency. If a bond is required to be posted and depending on the size of the bond, Council would have to decide at that point if they really want the injunction. There may not be a bond required and he would ask the Court to dispense with that. If there is a bond, it would be conditioned on if the City loses the litigation and the Court holds that the County is entitled to lines into the City's area without our consent and if during the course of litigation the County requests our consent and we deny it, the County may be able to prove damages. The bond would take care of that.

LaCroix stated that there is no necessity to file suit right away but is an option.

### Motion:

Motion was made by Lewis and seconded by Staib to direct the City Attorney to file a Declaratory Judgment Action against Hernando County and also a Motion for Temporary Injunction and Motion to Abate until the outcome. Vice Mayor Lewis stated that he was disappointed by the County's lack of cooperation when he felt there was a sense of cooperation at the March 13<sup>th</sup> joint meeting.

Council Member Johnston questioned the timing of the Motion to Abate. City Attorney LaCroix advised that if the next joint City/County meeting does not solve the problem, then arbitration is sought unless both parties agree to waive the arbitration.

Mayor Wever expressed his opinion that the City has tried their best to work with the County and supported the motion.

Council Member Johnston pointed out that it will not preclude continuing to try to negotiate the issue. Vice Mayor Lewis agreed, adding that this sets the time limit and the clock is running. The County is now obligated by a time frame. Council Member Johnston stated that the time constraint may force the County to deal with it in a more serious manner.

Motion carried 5-0.

#### Enterprise Zone Development Agency

Review of proposed County Commission appointment of nine members to the Board.

Community Development Director Geiger explained that this is an agency being formed by the County pursuant to a joint City/County application filed for designation of an enterprise zone.

As Steve Emerson was the only application received for the Financial/Insurance category, he was approved by Consensus.

#### Motion:

Motion was made by Lewis and seconded by Bernardini to recommend approval of Viennessee Black in the nonprofit category. Motion carried 5-0.

Motion:

Motion was made Lewis and seconded by Bernardini to recommend approval of Burton Harres, Jr. in the at-large member category. Motion carried 5-0.

Final Plat Approval - David/Manuel Partnership

Consideration of Final Plat of parcel located at SE corner of SR 50 and Whitfield Ave.(reviewed by Planning and Zoning Commission 3/20/02 - recommendations attached), and subject to certain conditions.

City Attorney LaCroix advised that final plat approvals are not quasi-judicial.

Community Development Director Geiger reviewed the staff report, which included Planning and Zoning Commission recommendations as follows:

*The Planning & Zoning Commission approved the final plat as submitted at their meeting on March 20, 2002 subject to the following staff recommendation:*

**\*Recommendation** - Staff recommends the Commission and City Council approve the final plat for "David/Manuel Commercial Park" subdivision and authorize the Chairperson's signature on the plat, subject to the condition that the final plat be modified to specify that the land use for Lot 9 be restricted for use as a Drainage Retention Area (DRA) and potential communication tower, and further note that the DRA will accommodate the construction of the road section designated as Tract "A" on this plat.

\*It may be noted that additional minor language modifications may be made prior to final signatures being placed on the plat pursuant to the review of the surveyor retained by the City to ensure compliance of the plat with Chapter 177, Florida Statutes. Once approved and signed by the City Council, the final plat must be recorded in the office of the Hernando County Clerk of the Circuit Court within 30 days.

Motion:

Motion was made by Staib and seconded by Lewis to approve the Final Plat approval with Planning and

Zoning Commission recommendations. Motion carried 5-0.

Joint City/County Intergovernmental Workshop

Consideration of position paper on the following agenda items to be discussed at next workshop meeting scheduled for April 22, 2002.

- a. Negotiations of an annual payment for fire service of county-owned properties inside the city limits in lieu of an assessment fee
  
- b. Funding of certain sheriff's office functions by an MSTU
  
- c. Possible annual payment for police patrol services of county-owned properties inside the city limits
  
- d. A provision requiring a payment in lieu of taxes for services provided for leases to private entities of county-owned land and buildings inside city limit

City Attorney LaCroix reminded Council that at the last meeting, Council briefly discussed the fact that the Board of County Commissioners seemed unaware of the last four items on the March 13<sup>th</sup> joint workshop agenda and the City did not really provide any information. A position paper would at least be a way to describe the projects. If approved, it will be sent to the County, return receipt requested.

Council Member Bernardini suggested sending a copy to the Sheriff as well, especially as it relates to b and c. Chief Tincher advised that he and Mayor Wever have an appointment with Sheriff Nugent to discuss the position paper and the Sheriff will also be invited to the next joint meeting.

Motion:

Motion was made by Bernardini and seconded by Lewis to approve the position paper and authorizing it to be sent to the County. Motion carried 5-0.

In response to Mayor Wever's request, City Manager Anderson stated that he had made contact with the company that performed the fee assessment district study for the City of Tallahassee and the information would be distributed to Council the next day. City Attorney LaCroix stated that Council needs to look at it at their next meeting as a hefty cost is involved.

Regarding the position papers, it was decided that the language should reflect that the City is considering "all" government agencies. It was agreed by consensus to change this.

### North Well Field - Project Reactivation

Authorization to proceed with Phase I (test well) and seek funding alternatives.

Director of Public Works Pierce requested direction from City Council on how to proceed and recommended that the City negotiate an amendment to existing contract with Coastal Engineering for drilling test wells and seeking funding. The contract would be brought back to Council for approval after modifying.

### Motion:

Motion was made by Staib to authorize staff to negotiate an amendment to the existing Coastal Engineering Associates, Inc. contract. Discussion ensued whether it would be an amendment or new contract. Council Member Bernardini expressed concern that if it is a new contract, RFP's should be obtained. City Attorney LaCroix stated that the scope of work on the original contract may need to be reviewed. City Manager Anderson interjected that it would be an amendment to the existing contract but agreed that the alternative could be to seek proposals.

It was pointed out that several implementing funding purchase orders regarding this project were canceled at a previous Council meeting. The entire contract was not canceled.

Motion was withdrawn.

Motion:

Motion was made by Bernardini and seconded by Staib to authorize staff to seek grant and loan financing and to negotiate an amended contract. Motion carried 4-1, with Johnston voting in opposition.

**CITIZEN'S INPUT**

There was no citizen's input.

**ITEMS BY COUNCIL MEMBERS**

**E.E. WEVER, JR., MAYOR**

Consideration of Fire Service Cost Recovery Program for non-residents.

Mayor Wever explained that the information before Council for consideration may have originated mainly for volunteer fire departments, but could be modified to fit the City's needs. He stated that it is his understanding that this company will take a report that is produced by the City's Fire Department involving accidents within the City in an effort to seek a type of recovery from people that are non-City residents. Lt. Mossgrove contributed that the company will set up a form that can be filled out by the firefighters at the time of the accident that delineates between city and non-city residents which would then be turned over to the insurance company.

City Attorney LaCroix stated that first an ordinance would need to be established that imposes the cost and he suggested the City references could be contacted to obtain copies of their ordinances. City Manager Anderson advised that he would like to talk to these other cities.

City Attorney LaCroix stated that the City needs to see what will happen with Fire District 22, because if the City is still covering District 22 and imposing the fee on non residents of the City, if they are residents of District 22 they are already paying it. Mayor Wever stated that the ordinance would have to exclude District 22.

It was pointed out that the assessment only applies to automobile accidents and fires.

The City Manager and Fire Chief were directed to get information from other locations, including sample ordinances, for the City Attorney to review.

City Attorney LaCroix pointed out that the City does not have the authority to legislate outside the City limits and could only impose the charge on people who do not live in the City or Fire District 22 when the City responds to an incident within the City. LaCroix stated that the City may want to suggest that the County adopt a similar ordinance.

### Bond Refinancing Update

Mayor Wever stated that further correspondence has been sent to Mr. Whitfield at USDA which stated that the City does not agree with the position taken by Mr. Whitfield that the 1999 bonds must be on parity with the new bonds and will automatically become first lien when the 1988 and 1992 bonds are paid off.

Mayor Wever informed Council that he will be in contact with Bond Counsel at Foley and Lardner to discuss details of the new bond resolution and also ask that they contact USDA's bond attorney.

Mayor Wever advised that if a parity test is required, it would probably be the first of July before it is done and unfortunately, bond rates are rising and the City's savings will decrease.

Mayor Wever stated that this bond refinancing needs to be done before trying to get financing for the new well field and there is also the possibility that the 1999 bond issue will include \$2 million dollars for a 1999C issue to be put there to help pay for the US 41/SR 50 relocation expense.

### Fire District 22

Mayor Wever questioned if any more community meetings had been set up at this time, to which Lt. Mossgrove indicated that he did not believe any had been set up. Mayor Wever questioned if a letter should be sent to the residents of District 22 about the next joint meeting. City Clerk Phillips stated that the next joint meeting does not include discussion of Fire District 22. City Manager Anderson stated that he and County Administrator Radacky are to meet to discuss alternate ways to continue to provide service with the County changing the funding mechanism. Mayor Wever stated that although staff from both the City and County are meeting on the issue, a status report on Fire District 22 needs to be brought back at the next joint meeting, as well as the Utilities Dispute issue.

### Building Plans Legislation

Mayor Wever questioned if staff had a chance to review the proposed legislation giving developers and

builders the right to have a private review of their plans, as well as a private inspection service. City Clerk Phillips indicated that staff is in the process of researching the legislation. Mayor Wever stated that the City Attorney needs to review it to see how it may affect the City's future plans for a building department.

#### Exchange of Impact fees for easement

Mayor Wever felt that some type of contract between the City and property owner should be developed. City Attorney LaCroix stated that an agreement for S.R. 50 is being drafted. It was the consensus of Council to direct the City Attorney to draft a standard form. Council Member Johnston stated that he did not have a problem with a standard form but offered his opinion that each come back before Council for approval.

### **MARY A. STAIB, COUNCIL MEMBER**

#### Fire District 22

Council Member Staib advised that Fran Flannery had questioned if a petition could be circulated around Cloverleaf. She was advised that she could not circulate a petition but could go to management and ask if it can be posted and put an ad on Cloverleaf TV.

#### Growth and Development Workshop

Council Member Staib advised that she attended a workshop held recently at the Hernando Performing Arts Center regarding growth and development.

### **RICHARD E. LEWIS, VICE MAYOR**

#### Growth and Development Workshop

Vice Mayor Lewis advised that he also attended the workshop and there was a lot of information supporting the need for towns, villages and cities to grow.

### **JOSEPH E. JOHNSTON, III, COUNCIL MEMBER**

#### City Hall Parking Lot

Council Member Johnston stated that he had received complaints from citizens regarding City cars parked in the spaces designed as 90 minute parking for customers. He also noticed that one space is "Reserved for City Maintenance Vehicle". City Manager Anderson stated that it would be removed the next day.

### Heritage Museum - Funding Assistance

Council Member Johnston called attention to a letter received from the Heritage Museum requesting funding assistance from the City. City Manager Anderson indicated that it would be brought back up during budget discussions.

### **DAVID LACROIX, CITY ATTORNEY**

#### Condemnation of properties - U.S. 41 S.

The City Attorney advised that letters had been sent to property owners, who were given 30 days to respond and that he would probably be filing a condemnation suit the end of April.

#### CSX/Timber Harvest

City Attorney LaCroix stated that he would be giving CSX a little longer to respond as they had indicated they would like to meet with staff to look at the site.

### **RICHARD E. ANDERSON, CITY MANAGER**

#### Finance Director Position

City Manager Anderson stated that he has written a memo formalizing the announcement of the resignation of the Finance Director and that the City is in the midst of recruiting a replacement. In the meantime, the four major divisions within the Finance Department are reporting to him.

### **KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION**

#### Heart of Florida

City Clerk Phillips reminded Council that the next Heart of Florida meeting will be held in the Brooksville Council Chambers on April 18<sup>th</sup> with City Attorney LaCroix speaking on municipal annexations.

### **ADJOURNMENT**

There being no further business to bring before Council, the meeting adjourned at 8:53 p.m.

City Clerk

ATTEST: \_\_\_\_\_

Mayor

:jjb

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## REGULAR COUNCIL MEETING

### MINUTES

**APRIL 7, 2003 7:00 P.M.** Brooksville City Council met in regular session with Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Director of Public Works; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; and Boyce E. Tincher, Police Chief. Also present was a member of the St. Petersburg Times.

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

#### Motion:

Motion was made by Member Bernardini and seconded by Member Wever to add Additional Dumpsters for the Fair and Contract with Coastal Engineering as additional items to the agenda as Items J and K. Motion carried 4-0.

### CONSENT AGENDA

#### Minutes

December 9, 2002 - Council Workshop

March 3, 2003 - Regular Meeting

March 17, 2003 - Regular Meeting

Member Wever asked that the December 9, 2002 minutes be amended on page three in the middle of the paragraph to read "some of the city blocks" rather than "one of the city blocks." He also called attention to a typographical error on the March 3, 2003 minutes, page thirteen (13), where there was a double reference in the last sentence at the top paragraph.

#### Good Neighbor Trail Phase I - Land Water Conservation Fund Grant

Request for approval to apply for LWCF Grant in the amount of \$150,000 using MPO enhancement funds as the 50% match (total project \$300,000) for construction from Trailhead to Jasmine Boulevard.

#### Somebody Cares - Mothers' Day/Operation Backpack/Holiday of Hope Events

Consideration of authorizing City Manager to waive fees and expense reimbursements for scheduled events at Tom Varn Park/Jerome Brown Community Center in an amount not to exceed \$1,500, with reduction of revenue and costs being absorbed in respective department budgets.

#### Sewer Rehabilitation Project - Manhole & Video Inspection Bids

- Manhole Rehabilitation

Staff requests approval to advertise for bids to support application for pursuant to WAP grant funds. This project involves adjusting manhole rings and covers in unpaved areas.

- Videoing of Sewer Lines

Staff requests approval to advertise for bids ~~to support application for~~ pursuant to WAP grant funds.

Funding anticipated under WAP Grant Award.

Member Wever pointed out that the wording of the agenda descriptions for this item imply that an application is being made for WAP grant funds whereas the actual intent is to request approval of the use of the grant funds, and therefore, should be reworded accordingly. [Amended as approved.]

#### Police Department Phone System Contract

Award of bid to Southeastern Telecom, Inc., piggybacking Polk County bid, in the amount of \$10,971.47 with funds from the Police Department capital line item (funds transfer of \$18,300 approved 1/6/03, leaving balance of \$7,328.50).

Member Bernardini questioned the location of the service company and the anticipated response time of Southeastern Telecom in the event that a problem arose. Chief Tincher assured him that he would follow up with them.

#### **CONSENT AGENDA APPROVAL \***

##### Motion:

Motion was made by Member Johnston and seconded by Member Bernardini to approve as amended. Motion carried 4-0.

#### **CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

##### ABWA 9<sup>th</sup> Mermaid Rod Run Show

Recognition of City Council's support and waiver of fees for use of Tom Varn Park.

This item was tabled due to the absence of the presenters.

##### Pasco-Hernando Community College

Proclamation celebrating their 30<sup>th</sup> anniversary.

Vice Mayor Staib read the proclamation, which was accepted by Burt Harres, Provost of Pasco-Hernando Community College.

#### **PUBLIC HEARING**

##### Solid Waste Fund - Renewal & Replacement Fund - Proposed Ordinance No. 652

- a) Consideration of proposed ordinance amending R&R Reserve requirements to establish annual transfer of up to 9% to maintain a minimum balance of \$200,000 plus 150% of annual debt service. [First Reading 03-17-03]
- b) Authorize transfer of funds in excess of \$200,000 from R&R Fund into Reserves
- c) Authorize transfer of \$27,303 from Reserves into Other Contractual Services to cover Cheyenne Pass

expenses previously approved.

City Clerk Phillips read Ordinance 652 by headnote, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 7, "GARBAGE, REFUSE, AND LAND CLEARING," ARTICLE I, "IN GENERAL," SECTION 7-6, "RENEWAL AND REPLACEMENT FUND," THEREOF; REVISING THE ANNUAL CONTRIBUTION AND MINIMUM FUND BALANCE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini to approve Second and Final Reading of Ordinance 652.

There was no public input or discussion.

Upon roll call, motion carried 4-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Absent

Staib Aye

Wever Aye

Motion:

Motion was made by Member Wever and seconded by Member Johnston to authorize transfers. Motion carried 4-0.

Water System - Connection Requirement - Proposed Ordinance No. 653

Consideration of proposed ordinance requiring developed property to connect to the City water system and providing for interest free annual installment payments of water and sewer connection fees up to five years if connection is required for an existing building. [First Reading 03-17-03]

City Clerk Phillips read Ordinance 653 by headnote, as follows:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17, "UTILITIES," BY THE AMENDMENT OF SECTIONS 17-26, "CONNECTIONS WITH WATERWORKS SYSTEM," AND 17-195, "CONNECTION (IMPACT) FEE PAYMENTS;" PROVIDING FOR MANDATORY CONNECTIONS TO THE WATER SYSTEM; PROVIDING FOR INSTALLMENT PAYMENT OF CONNECTIONS FEES WHEN EXISTING BUILDINGS ARE REQUIRED TO BE CONNECTED TO WATER OR SEWER SYSTEMS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini to approve Second and Final Reading of Ordinance 653.

There was no public input or discussion.

Upon roll call, motion carried 4-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Absent

Staib Aye

Wever Aye

Alcoholic Beverage Permit - 1147 S. Broad Street

Approval of location permit for sale of beer and wine for onsite consumption (Permit A). Petitioner: Pit Box, Inc. (Robert L. Woods, Jr.) d/b/a The End Zone.

This item was a quasi judicial function and there was no ex parte communication.

There was no public input.

Motion:

Motion was made by Member Bernardini and seconded by Member Wever for approval. Motion carried 4-0.

**REGULAR AGENDA**

Resolution No. 2003-05 - Second Quarter Budget Amendment for FY 2002-2003

Consideration of amendment to Fiscal Year 2002-03 Budget (1/1/03 - 3/31/03).

Member Wever commented that number seven (7) of the resolution needed to read "Water and Sewer Capital Improvement Reserves" instead of "Water and Sewer Reserves."

City Clerk Phillips read Resolution No. 2003-05 by headnote, as follows:

**A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR THE SECOND QUARTER OF FY 2002-03 BUDGET AND SETTING AN EFFECTIVE DATE.**

Motion:

Motion was made by Member Johnston and seconded by Member Wever for approval as amended.

Upon roll call, motion carried 4-0, as follows:

Bernardini Aye

Johnston Aye

Lewis Absent

Staib Aye

Wever Aye

Providence Blvd Extension/SR 50 Reverse Frontage Road TOPS Grant Project - Berryman & Heniger Contract

Authorization to negotiate a contract based on the Scope and Proposal presented for engineering services and grant administration consistent with TOPS Grant funding.

Community Development Director Geiger reported on the aspects of the project. Member Wever took exception to the basis of deriving the fees for the engineering services. Community Development Director Geiger assured him the fees were determined as such because Berryman & Heniger would be providing administrative assistance on the entire grant but the engineering services would only be for a portion of the grant.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston for approval of staff recommendation. Motion carried 4-0.

Member Wever questioned if right-of-way had been acquired for the north side of Providence and reported that the church had a "For Sale" sign. Community Development Director Geiger agreed to make that a high priority on Jefferson Street.

Elevated Tank Painting Services Bid No. UD2002-12 - Change Order #1

Consideration of Change Order #1 for additional work on Liberty Street water tower in the amount of \$10,600, subject to prior approval by Public Works Director, including additional work on Hope Hill tank for up to \$10,600, which would increase the tank painting contract by a maximum \$21,200 for a total project cost of \$135,650 (\$118,650 new contract total plus \$17,000 tank inspection contract). The bid was awarded in the amount of \$130,000, leaving a balance required of \$5,650. Request transfer from W/W Contingency Reserves in the amount of \$5,650, leaving balance of approximately \$857,000 in reserves.

Director of Public Works Pierce explained that the water tower needed to be painted due to the oxidation of the metal, which was a common occurrence. Vice Mayor Staib expressed concern about the possibility of the water running down the street when the tank was drained. Director of Public Works Pierce stated that businesses would be notified in advance. In response to Member Bernardini's question, Director of Public Works Pierce reported that the last time the tower had been painted was approximately ten years ago. Member Bernardini expressed support for this change order due to the length of time since painting has been done.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston for approval. Motion carried 4-0.

Hope Hill and Northwest Wellfields Construction & Testing Bid No. UD2003-02

Authorization to negotiate with Integrity Well and Pump for the drilling of two test wells, one supply well and minor additional testing for the combined total not to exceed the amount of \$201,082. Transfer of funds from W/W Capital Reserves will be requested upon final execution of agreement with contractor.

Member Wever objected to spending money when the loan from USDA had not been applied for yet. He reiterated the intent of the Capital Reserves fund and stated that the Hope Hill and Northwest Wellfields

project should not be charged to that fund. He suggested putting this on hold until a response was received from USDA. Discussion ensued. Member Bernardini and Member Johnston expressed their support of negotiations.

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini for approval of staff recommendation. Member Wever felt that the last line needed to be amended or removed. Following further discussion, City Manager Anderson recommended that the last line be omitted since it's purpose was just for Council notification. Motion carried 4-0.

Wellfield/Water Supply Improvements - USDA/Rural Utility Service Grant

Consideration of application for federal assistance for construction of four (4) public supply wells and new elevated storage tank. Request transfer of funds from W/W Capital Improvement Reserves in the amount of \$238,000.

Director of Public Works Pierce explained that USDA suggested to have more than one funding source. He stated that the Coastal contracts were not to USDA format, therefore their fees are included in the application as the City's contribution for expediency purposes. Member Wever commented that this project could be paid out of the contingency fund if it must get done before negotiations with USDA are complete. Director of Public Works conveyed that considerable negotiations with USDA were likely as to what they will be willing to fund.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston for approval. Member Johnston pointed out that the hyphen in Ginny Brown-Waite's name was in the wrong place on the application. Finance Director Baumgartener received clarification from Member Wever that the funds for this project should come from W/W Capital Improvement Reserves pending USDA funding. Motion carried 4-0.

Motion:

Motion was made by Member Wever and seconded by Member Bernardini to approve the transfer of \$238,000 from W/W Capital Improvement Reserves to the appropriate expenditure fund to pay the bill on Coastal Engineering. Motion carried 4-0.

2003 FEMA Grant Application

Consideration of application for Fire Administration Grant in the amount of \$89,400, with a federal share of \$80,460 and City match of \$8,940, with funds coming from line item cost savings in the Department Operating Budget or Reserves, dependent upon timing of subsequent grant award.

Motion:

Motion was made by Member Bernardini and seconded by Member Wever for approval. Motion carried 4-0.

Proposed Purchase - 215 Howell Avenue

Consideration of acquiring building next door to City Hall for additional office space needed as a result of reestablishing the Building Official functions and/or expenses associated with annexations for \$325,000 with funding options to be brought back to council.

City Clerk Phillips spoke on behalf of Mayor Lewis and expressed his support of consideration of purchase of the building due to its prime location and the options referenced by the City Manager. City Manager Anderson explained that refinancing City Hall to take advantage of lower interest rates and subsequently combing the note for this purchase with it would allow the City to maintain the same payment amount by extending the mortgage to ten years rather than five. Member Johnston agreed with the City Manager that the asking price was high but felt that extending the mortgage at no payment increase was worth considering. Discussion continued. City Attorney LaCroix said he would check on the tax bracket as it would apply to the leasing of the building to for-profit or not-for-profit organizations.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston to authorize staff to research financing options and bring back to Council. Motion carried 4-0.

City Attorney Contract

Review and approval of revised three year contract with David LaCroix. \$38,000 budgeted; Current balance estimated at \$18,800 as of the end of March.

Director of Human Resources Baker recommended that, due to insurance premiums having to be paid in advance by the first of the month, the insurance portions become effective on the first day of May. City Attorney LaCroix explained that the contract only had minor changes to remove any reference to part-time employee and replace "salary" to "retainer."

Motion:

Motion was made by Member Wever and seconded by Member Bernardini for approval as amended for the May 1, 2003 effective date. Motion carried 4-0.

Item J - Additional Dumpsters for the Fair

Request that City provide dumpsters for the Hernando County Fair and waive associated fees.

City Clerk Phillips explained that the Chairman of the Fair Board requested that Council approve the provision of three additional dumpsters for the fair and waive fees. City Manager added that the City would be appropriating money to the enterprise fund and thus would be covering the cost. Member Bernardini offered the explanation that this need was not realized until the last minute.

Motion:

Motion was made by Member Wever and seconded by Member Bernardini for approval to include the transfer funds. Motion carried 4-0. Member Bernardini commended the hard work of the women's prison crew as well as the responsiveness of the City Fire Department and Department of Public Works.

Item K - Contract with Coastal Engineering

Request approval of \$9,500 for negotiated costs in the Coastal Engineering contract associated with the total project inadvertently omitted from the agenda item description on February 3, 2003, with funding from W/W Reserve Capital Improvements Project.

City Clerk Phillips explained the mistaken exclusion of the services fee of \$9,500 that was included in the body of the contract but not included on the request for approval on February 3, 2003.

Motion:

Motion was made by Member Bernardini and seconded by Member Wever for approval. Motion carried 4-0.

**CITIZEN'S INPUT**

Parks & Recreation

Chief Tincher complimented the Council's efforts with the parks system and recognized the remarkable benefit derived from the children and families who utilize our parks.

**ITEMS BY COUNCIL MEMBERS**

**E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER**

Hampton Ridge Project Workshop Meeting with Coastal Engineering

Member Wever explained that the agreement was being redone as a result of the recent workshop and subsequent meeting with staff. A new workshop will be scheduled shortly.

Annexation Committee

Member Wever provided an update on a proposed revision to two Florida statutes and explained the motives of some primary legislators. The proposal is expected to be presented with the requirement that every county have an interlocal agreement on plans of growth and annexation with each municipality. Upon receipt of the material on Tuesday, Member Wever would provide a copy to the City Attorney. Another conference was scheduled for Friday morning, with Hampton Ridge included on the agenda along with three other areas being considered for annexation.

Bond Attorney and Financial Advisor

Member Wever advised that this item needs to be included on the agenda for the next meeting.

Memorial Day Programs

Member Wever asked if any programs had been planned in the City for Memorial Day. City Clerk Phillips advised that, instead of holding the annual event on its regular date when so many people have vacation plans, the Brooksville Cemetery is planning a ceremony for the first or second week in May in conjunction with the dedication of the Crum memorial and their family reunion in an effort to draw larger crowds.

DOT Plans for 98/Yontz

Member Wever stated that this topic was on the County Commission agenda as pertaining to Jefferson Street, US 98, and Yontz Road, and asked the Public Works Director what the preferred action was. Public Works Director Pierce responded that plans for that area were done a couple of months ago and that no conflicts were expected. He understood that one-way pairs would not be extended. Further discussion ensued.

July 19<sup>th</sup> Suncoast League of Municipalities Meeting

Member Wever asked the City Clerk if the Jerome Brown Community Center would be available for the meeting. City Clerk Phillips answered affirmatively and stated that Rep. Ginny Browne-Waite was expected to call back as to her availability as well. Discussion briefly continued.

### Water/Sewer Rate Change Workshop

Member Wever asked for an update. City Manager Anderson said that staff was still trying to solidify dates with Council and the consultant.

### **MARY A. STAIB, VICE MAYOR**

#### Upcoming Events

Vice Mayor Staib updated Council on the following upcoming events: the Hernando Times ribbon cutting next week, the Chamber of Commerce event, the Founder's Lunch near Blanche's Service Station, the Red Cross event at the Church of the Latter Day Saints, and the PHCC 30<sup>th</sup> Anniversary Celebration on April 15<sup>th</sup> from 6:00 to 7:30 p.m. She would be volunteering at the Hernando County Fair on April 24<sup>th</sup> for the hospital auxiliary.

### **JOE BERNARDINI, COUNCIL MEMBER**

#### Hernando County Fair

Member Bernardini reminded everyone of the Hernando County Fair on April 17<sup>th</sup>-27<sup>th</sup>. He said a letter about the Celebrity Milk-off should be arriving any day. He also advised of the opening ceremony, stating that the Chamber of Commerce's monthly mixer is scheduled for the same night, so a large crowd was expected. The rodeo scheduled is expected to be the biggest in the southeast this year and should attract a lot of people from out of town and out of state.

#### Stop-bar Markings at Broad & Main

Member Bernardini advised that he had been approached about the south side of that intersection because the stop-bar was not marked correctly and was causing traffic to encroach into the crosswalk. Community Development Director Geiger stated that the contractor was responsible for correcting such problems, but agreed to look at it.

### **JOSEPH E. JOHNSTON, III**

#### Kiwanis Proclamation

Member Johnston inquired about the proclamation he had requested from City. City Manager Anderson explained that the date had passed before staff was able to prepare it. Member Johnston asked staff to prepare it and backdate it to before the event.

### **RICHARD E. ANDERSON, CITY MANAGER**

#### Building Department Agreement

City Manager Anderson stated that he had sent a letter to Radacky and that he understood it was on the County Commission agenda with a proposal by the County Building Official to change the notice period to 60 or 90 days so that more time is provided for discussion, which was a positive reaction on his request.

### **DAVID LACROIX, CITY ATTORNEY**

#### Fire District Case

Due to his father's passing, the City Attorney asked the appellant court to continue tomorrow morning's oral

argument in the fire district case, which they did until July 23, 2003 at 10:00 a.m. He apologized for the delay.

Letter from Assistant County Attorney Kent L. Weissinger

City Attorney LaCroix read the letter that he had received today, which cited misgivings about fund transfers between the City and the CRA, noted no interest rate or schedule of repayment, and suggested that the City consider requesting an Attorney General opinion as to the constitution of outstanding indebtedness for the purpose of the TIF statutory obligation. City Attorney LaCroix explained the process for statutory litigation and advised that requesting an Attorney General's opinion was an alternative, which would save attorney's fees. He said that he could draft a request that states the facts in a non-argumentative manner and forward it to the Board of County Commissioners through their attorney's office asking them to agree to be bound by the Attorney General's decision and to join in that request. He asked Council's direction as to how to proceed.

In response to the City Manager's question, City Attorney LaCroix said that the letter to the Attorney General would address the issues raised in the letter from the County Attorney. Community Development Director Geiger said that he would prepare the next bill with interest.

Motion:

Motion was made by Member Bernardini and seconded by Member Wever to add this item to the agenda. Motion carried 4-0.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston to direct the City Attorney to take action as he advised and to agree to be bound by the opinion of the Attorney General. Member Johnston questioned an effective date of implementation if the City would have to do those things discussed in the County Attorney's letter. City Attorney LaCroix responded that it would be determined by the CRA and the City Council as to the effective date. Motion carried 4-0. Member Wever commented that the repayment schedule should be on demand with a zero interest rate and the City Attorney agreed that is how it is set up and he would represent it as such.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 8:35 p.m.

S/Karen M. Phillips

City Clerk

ATTEST: S/Richard E. Lewis

Mayor

:dhc

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## REGULAR COUNCIL MEETING

### MINUTES

**APRIL 21, 2003 7:00 P.M.**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Darcy H. Chase, Deputy City Clerk; William "Smitty" Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; and Richard Hankins, Police Detective.

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

### **CONSENT AGENDA**

#### Minutes

April 7, 2003 - Regular Council Meeting

#### Land and Water Conservation Fund Grant - Good Neighbor Trail

Request to rescind April 7, 2003 Council approval of submitting a grant application to the LCWF Grant Program due to unavailability of grant match funding.

#### US 41 South Landscaping Project - Bid No. CD2003-03

Authorization for staff to negotiate a contract with Morelli Landscaping, Inc., up to \$183,600 [base bid \$148,700 plus negotiated alternates up to DOT fund allowance], or with the second low bidder if negotiations are not successful. [Project within budget]

#### Interlocal Agreement for Building Official Services - City/County

Authorize agreement incorporating new regulations, providing for adjustments in service levels and automatic renewal on October 1, subject to cancellation by July 31 of each year.

### **CONSENT AGENDA APPROVAL**

#### Motion:

Motion was made by Member Bernardini and seconded by Member Johnston for approval. Motion carried 5-0.

#### Motion:

Motion was made by Member Bernardini and seconded by Member Johnston to add proclamation for Junior Service League to the agenda. Motion carried 5-0.

### **CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

#### Week of the Young Child - 4/6/03 -4/12/03

Proclamation designating the Week of the Young Child and supporting the festival sponsored by the

Hernando County Interagency Council scheduled for Saturday, May 3, 2003 from 10:00 a.m. to 2:00 p.m. at the Jerome Brown Community Center.

Mayor Lewis recognized Lenore Zulloff and Sheila Chambers, representatives for the Week of the Young Child. He read the proclamation and designated the week of April 6 through 12, 2003 as Week of the Young Child. Ms. Zulloff thanked those that participate in the event every year.

#### Civility Month - May, 2003

Proclamation supporting the Florida Bar Association's pledge of civility for the month of May, 2003.

Mayor Lewis read the proclamation designating May, 2003 as Civility Month. The proclamation will be mailed to the local Hernando County Bar Association.

#### National Volunteer Week - 4/27/03 - 5/3/03

Proclamation commemorating National Volunteer Week and the committed services of volunteers to our community.

Mayor Lewis read the proclamation commemorating the efforts of volunteers in our community. The proclamation will be presented at the Volunteer Reception scheduled for April 28, 2003.

#### National Day of Prayer - 5/1/03

Proclamation joining and encouraging the observance of a day of united prayer.

Mayor Lewis read the proclamation and stated that it would be presented at the scheduled event in front of the courthouse on May 1, 2003.

#### Junior Service League

Proclamation extending a most sincere welcome to the delegates assembled, and offering to make this visit to our community a pleasant and memorable experience for the members of this outstanding organization.

Mayor Lewis recognized the annual convention of the Junior Service League which is hosted in Brooksville this year and the contribution of the organization to the community. He read the proclamation and presented it to Theresa Brown, President.

### **REGULAR AGENDA**

#### Motion:

Motion was made by Member Johnston and seconded by Member Bernardini to add the additional item of the Barbara Langley rental of the Jerome Brown Community Center issue to the agenda. Motion carried 5-0.

#### Jerome Brown Community Center - City Co-sponsored Events

City Manager Anderson explained that Ms. Langley submitted a normal application for lease of the Jerome Brown Community Center for an event that was scheduled to take place this past Sunday. He advised Ms. Langley that it would be necessary to present the application to Council since the event did not meet normal administrative guidelines. However, there were no interim meetings and the applicant was unable to lease the Jerome Brown Community Center. Mr. Frank Barnett, N.A.A.C.P., and Ms. Langley requested reimbursement of the cost of the insurance for the event and explained that insurance had been obtained at a cost of \$345.23 prior to submittal of the application as was instructed by City of Brooksville staff and

provided a receipt of funds rendered. Ms. Langley stated that the event took place at another location with poor attendance due to the ensuing confusion regarding its location. Discussion followed, with Member Johnston stating his opinion that the City should bear the responsibility if the applicant was given incorrect information.

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini. Further discussion occurred in regard to the clarifying of the language in the application and policies to avoid similar problems with interpretation in the future. Motion carried 5-0.

Interlocal Agreement for Public School Facility Planning - City, County, School Board

Review of provisions to be incorporated in agreement.

Community Development Director Geiger explained that the agreement, as required by statute, was being presented to allow Council an opportunity to offer any suggestions or changes. He reported that a statement to prevent the creation of a moratorium had been included, and it was intended to be used as a tool for planning purposes. The agreement will be brought back to Council in July for formal consideration. It was also discussed that the City of Weeki Wachee has the ability to opt out of a portion pursuant to statutes.

Brick Sidewalks - City Hall

Consideration of extending brick sidewalks adjacent to City Hall; Option I - \$7,403; Option II - \$10,170; Option III - \$5,754; Funds available in the Project Budget.

City Manager Anderson explained the options as follows: I) Base bid of \$5,803 for the work on Ft. Dade including \$2,610 to extend the sidewalk along Howell to the driveway entrance into the City Hall parking lot minus a twelve percent (12%) discount of \$1,010; II) Base bid of \$5,803 including \$2,610 to extend the sidewalk to the driveway entrance along Howell into the City Hall parking lot and an additional \$3,144 to remove the grass strip and install bricks the full width of the street, minus a twelve percent (12%) discount of \$1,387; III) \$2,610 to extend the sidewalk to the driveway entrance into the City Hall parking lot plus \$3,144 to remove the grass strip and install bricks the full width of Howell with no work on Ft. Dade. Following discussion on the options, Member Johnston pointed out that option II would tie City Hall into the downtown project. Community Development Director Geiger responded to Member Bernardini's question regarding the availability of funds, stating that interest had accumulated on CDBG funds that had been committed to the downtown project. Finance Director Baumgartner also pointed out that annual funding would come from the \$60,000 that had been budgeted to cover the MPO funding in case it did not come through.

Motion:

Motion was made by Member Johnston and seconded by Vice Mayor Staib for approval of Option II with payment to come from available funds within the project. Motion carried 5-0.

Bid No. SD2003-04 - Tree Cutting & Trimming Services

a.) Part I - Annual Tree Cutting and Trimming Services

Consideration of rejecting the bid by Panzner's Tree Service, which lacked clear comprehensive prices, and rebidding for Annual Tree Cutting & Trimming Services.

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini for approval of staff recommendation. Motion carried 5-0.

b.) Part II - Alpine Circle Tree Cutting and Removal

Consideration of awarding bid to Panzner's Tree Service in the total amount of \$16,350, which is within the budget of \$25,500 for the drainage project leaving a remaining balance of \$1,250 (surveying costs of \$6,000 previously deducted).

City Clerk Phillips reported that the contractor had tied up all loose ends with the bid proposal earlier in the day.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston for approval of staff recommendation. Discussion occurred. Motion carried 5-0.

Parks and Recreation Building - 306 Darby Lane

Consideration of acquiring property adjacent to the park to serve as Park office, storage building site, and overflow parking at a net sales price of \$80,000, together with estimated costs of \$13,000 to erect the storage building and renovate the office space. A transfer of \$31,500 from General Fund Reserves would leave a balance of \$399,867.

City Manager stated that results of a revised market appraisal were being provided to Council as directed, and that the property was now appraised at \$86,500. He said the owner has expressed his willingness to sell to the City at a net price of \$80,000.

Motion:

Motion was made by Member Bernardini and seconded by Member Johnston for approval, authorizing the City Manager to negotiate and sign a contract for purchase on the terms of the City paying all closing costs with the exception of unpaid taxes, liens, or obligations incurred by the seller, closing within thirty (30) days, and all other terms consistent with the standard Florida contract. Motion carried 5-0.

Rental Fee Waiver Requests

Consideration of waiver of fees for use of Jerome Brown Community Center for upcoming community events.

a.) Above Ground Vineyard Church

Consideration of waiver of fees for use of Jerome Brown Community Center for Sunset Serenade on Friday, June 6, 2003 (fees undetermined).

Pastor Ryan Temple was recognized by Council and explained the intent of the free community event. Richard Sweet, an executive member of the church, also commented on the purpose of promoting participation of families with a low-key event compromised of local people providing contemporary music. City Clerk Phillips reported that as Member Johnston had previously noted, the applicant's needs were not for the leasing the Community Center, but would fall more under the use of the picnic pavilion. Discussion followed regarding security, sanitation, electricity, and insurance needs. The applicant provided Council with a diagram of the location where the band would be placed within the park. The City Manager suggested that security could be arranged with Council approval. Pastor Temple mentioned the possibility of police presence being provided through a family-oriented information booth at the event. Member Johnston agreed

with Mayor Lewis that they saw no problem with that.

Motion:

Motion was made by Member Johnston and seconded by Member Bernardini for approval subject to negotiations of staff on various minor matters. Motion carried 5-0.

b.) Mother's Club of Hernando County (Dawn Center)

Consideration of waiver of fees for use of Jerome Brown Community Center on Saturday, June 7, 2003 (estimated fees: \$200 refundable deposit plus \$180 rental fees).

City Clerk Phillips explained that the event was to raise money for the Dawn Center, which was a not-for-profit organization. She reported that the entertainer would be providing the insurance certificate.

Motion:

Motion was made by Vice Mayor Staib and seconded by Member Wever to waive the deposit and rental fees. Member Bernardini stated his opposition to waiving the deposit. Member Johnston was also opposed, citing that the deposit was fully refundable. Member Bernardini suggested that this item be tabled to allow the applicants time to determine their ability to pay the refundable deposit. Vice Mayor Staib and Member Wever withdrew their motions. Council consented to table the item to the next meeting.

c.) Chamber of Commerce (Leadership)

Consideration of waiver of fees for use of Jerome Brown Community Center on Wednesday, June 11, 2003 (estimated fees: \$200 refundable deposit plus \$280 rental fees).

Ms. Brenda Frazier, Leadership Hernando Committee Co-chair, reported that the request to waive fees was a duplicate of the previous year's waiver. Member Wever asked if she could guarantee the clean up of the facility after the event, which she responded that she could.

Motion:

Motion was made by Vice Mayor Staib and seconded by Member Wever for approval of fees as requested. Motion carried 3-2, with Member Bernardini and Member Johnston expressing their support of the event but opposition to waiving the refundable deposit.

Financial Advisor & Bond Attorney

Consideration of financial advisor and bond attorneys, respectively, for proposed water and sewer project funding

City Manager Anderson reported that negotiations for the next bond issue would soon be necessary and asked Council to designate consultants or to request proposals if desired. Brief discussion ensued regarding obtaining services on an hourly rate as opposed to contracting for services. City Clerk Phillips added that if USDA is involved as anticipated, a separate agreement form provided by them will be required to be brought back for approval based on the actual amount of the bond.

Motion:

Motion was made by Member Wever and seconded by Vice Mayor Staib to continue with Foley and Lardner as bond counsel, and Public Financial Management as financial advisor. Motion carried 5-0.

## Temporary Utility Service- Policy #3-96 Revision

Consideration of revising and extending provision for temporary service to commercial accounts and amending deposit provision.

City Manager Anderson commented on the current procedure for obtaining temporary utility service and the recent request that tied the needs into a cross between commercial and residential.

### Motion:

Motion was made by Member Bernardini and seconded by Vice Mayor Staib for approval. Member Wever recommended adding "if applicable" for sewer and solid waste due to the fact that those services are optional depending on the circumstances. Motion carried 5-0 as amended.

## **CITIZEN'S INPUT**

### Ms. Jackie Sterling, 969 Coachlight Lane

Ms. Sterling presented issues of concern and requested that Council advise as to how to rectify them. She cited flooding on Village Drive and Coachlight Lane which is causing erosion problems that are affecting the right-of-way; persistent leakage of fluids from the City garbage truck which is causing an odor problem; residents in the neighborhood putting trash on the road on days not regularly scheduled for trash collection; and mattresses and other debris being left on right-of-way between houses.

### Ms. Grace Lesch, 929 Coachlight Lane

Ms. Lesch also spoke on the issues raised by Ms. Sterling, commenting on flooding, drainage being impeded by neighbors obstructing water flow, garbage left on road side on non-collection days, and traffic speeding through the neighborhood. She also advised that one of her backyard neighbors had constructed a fence/obstruction along the right-of-way which further impedes the water flow. Member Johnston asked if the subdivision restrictions had a provision for enforcement. Mayor Lewis suggested obtaining a neighborhood petition requesting speed humps for traffic control. Member Wever called attention to a problem with meeting requirements for speed humps because they cannot be placed in front of a driveway or on a curve and suggested that Public Works Director Pierce look at the street. City Manager Anderson told Ms. Lesch he would be out to take a look at the drainage situation.

### Jeff Duvall, 977 Coachlight Lane

Mr. Duvall addressed issues regarding the drainage problem in the neighborhood, stating that there was nowhere for the water to go. He reported that he telephoned DPW and two employees told him that he lived in a swamp. He asked to talk to Mr. Pierce and was told that he was out. He stated that he was only asking the City to offer some assistance. Mayor Lewis said that someone from DPW that understands the engineering would come out to see about sloping off an area to direct the water flow.

Mr. Duvall also commented on the garbage truck leakage. Utilities Superintendent Smith assured Mr. Duvall that he would inspect the truck himself.

Regarding the traffic speeds through the neighborhood, Mr. Duvall reiterated the need for speed humps, especially on the east end of Candlelight Boulevard. Council agreed to look into it.

City Attorney LaCroix informed Council that it is a violation of City Code to put trash out any earlier than 8:00 p.m. the day prior to collection. Mayor Lewis requested that Code Enforcement be notified of the problem. Member Bernardini reported having witnessed the citizens' flooding problem and recommended that any

impediment of natural water flow be looked into by Code Enforcement as well.

## **ITEMS BY COUNCIL MEMBERS**

### **JOE BERNARDINI, COUNCIL MEMBER**

#### Hernando County Fair

Member Bernardini reported that the Fair had great weekend attendance. He said some of scheduled events were to include a motor cross the following weekend, along with a car show Friday and Saturday night, and a motorcycle ride-in Sunday. Vice Mayor Staib reminded of the Health Fair on the 24<sup>th</sup> from 9:00 to 2:00, which is Seniors' Day at the Fair. Member Bernardini again commended City and County staff for assistance with the Fair.

#### Traffic Signal on Main Street

Member Bernardini called attention to the shortened signalization of the traffic light on Main Street. Mayor Lewis and City Manager Anderson commented that the problem was being attended to.

### **JOSEPH E. JOHNSTON, III, COUNCIL MEMBER**

#### Hernando County Fair

Member Johnston commented that the attendance during the first hour and a half that he sold tickets saw more people than the attendance during his entire shift the previous year.

#### Jerome Brown Community Center Fees

Member Johnston noted the list provided with the agenda item regarding Ms. Langley's refund of insurance costs. He pointed out it showed a history of twenty-seven (27) free events and nineteen (19) paying events, and assumed that the reason for granting the fee waiver was due to the events being community-based projects. He advised that staff define the guidelines that are being followed to ensure that policy is being enforced and that the insurance provision regarding the deposit be revised. It was determined that deposit checks should be held until after the event to facilitate timely refunding procedures and only deposited if necessary.

### **E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER**

#### Annexation Committee Meeting

Member Wever reported on a change of direction regarding the joint annexation proposal. Pinellas County representatives went to Tallahassee and are planning on returning again to oppose sections of the bill. He explained that the original purpose of the bill was to cleaning up boundaries for the jurisdictions for law enforcement and that the new bill sounded like it would be worse than the old one.

#### Water Supply Board Meeting

Member Wever read the Water Bill HB0129 and noted the provision for "county commission jurisdiction." Member Wever recommended that the highway annexation projects needed to begin before July 1, 2003, which is the anticipated date this new law will take affect, and stated that the City should take a look at the enclaves for annexation.

#### Congratulations to Bill Geiger

Council joined Member Wever in congratulating Bill Geiger for being nominated for the Government Official for the Chamber of Commerce. Bill pointed out that Karen Phillips was also nominated.

#### Hernando County Sheriff's Deputies Patrolling within the City

Member Wever stated that he had witnessed a Deputy who had stopped a car in the construction area downtown, and a Deputy backing up a City Police Officer on a separate occasion. He reported hearing that Deputies were being dispatched to calls within the City. Member Bernardini explained that back-up was common courtesy among officers. City Manager Anderson responded that he had discussed the County's dispatch of City calls with the Chief of Police and was told that no request has been made by the City to that end. Discussion continued and it was recognized that this could be an indication of a change in County policy. Member Johnston added that the possibility of MSBU's going into effect is being foreseen and an attempt was being made to make a case that services are being provided. In response to Member Wever's question, Member Johnston stated that he would support limiting legislation, though determining a percentage as a basis for the limit would prove difficult. The City Manager will ask the chief to report back to Council on this.

#### **MARY A. STAIB, VICE MAYOR**

##### Missing Road Sign

Vice Mayor Staib commented that Ms. Betty Aiello had reported the absence of a directional road sign on McIntyre Road at the rear entrance of Clover Leaf Mobile Home Park. She advised Ms. Aiello to contact the County Public Works Department since that property was not in the City.

##### ARC Founders Luncheon

Vice Mayor Staib reported that the luncheon was enjoyable and stated that she appreciated the equestrian portion very much. She encouraged anyone interested to visit the facility, which is located off Neff Lake Road.

##### PHCC Anniversary Celebration

Vice Mayor Staib shared that she and Member Wever attended the 30<sup>th</sup> anniversary celebration on the 16<sup>th</sup>.

##### Hernando Times Building Grand Opening

Vice Mayor Staib said that she and City Clerk Phillips attended the grand opening ceremony and commented that they put on a great party.

#### **RICHARD E. LEWIS, MAYOR**

Mayor Lewis thanked Council for the flowers and everyone for the cards, letters, and prayers during his surgery and recovery. He announced that he had been given a clean bill of health.

#### **RICHARD E. ANDERSON, CITY MANAGER**

City Manager Anderson gave a status report on obtaining proposals for interest rates on the available property next door. He had some conversations with the property owner on the other side who also expressed an interest in selling to the City. He said he would bring further information back to Council at a later date.

#### **DAVID LACROIX, CITY ATTORNEY**

City Attorney LaCroix had nothing to report.

**KAREN M. PHILLIPS, CMC, CITY CLERK**

City Clerk Phillips also had nothing to report.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 9:13 p.m.

S/Karen M. Phillips

City Clerk

ATTEST: S/Richard E. Lewis

Mayor

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**CITY OF BROOKSVILLE  
REGULAR COUNCIL MEETING**

**MINUTES**

**MAY 5, 2003**

**7:00 P.M**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David La Croix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Darcy H. Chase, Deputy City Clerk; William "Smitty" Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; B. Ed Tincher, Police Chief; and James Daugherty, Fire Chief. Also present were representatives of the Hernando Today and the St. Petersburg Times.

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

**CONSENT AGENDA**

The Consent Agenda was presented for approval.

Minutes

December 16, 2002 - Regular Council Meeting

Vice Mayor Staib pointed out the incorrect spelling of the word "vial" on pages nine and ten.

April 21, 2003 - Regular Council Meeting

Vice Mayor Staib commented that the word "bear" on page three was also incorrectly spelled. Council Member Wever called attention to the omission of the name of the member who seconded the motion on the top of page three.

Surplus Property

Declare certain City vehicles and computer equipment/supplies obsolete and authorize appropriate disposition by the City Manager.

Discussion took place on the condition of the property being presented for consideration.

Mayor Lewis asked for the status on the previous surplus vehicles at DPW. City Clerk Phillips reported that the intention was to contact the auction company handling our surplus equipment by next week to have them included in the upcoming auction. She explained that recent reports from the auction company have indicated that cities working with that agency have experienced improved auction results.

Kodak American Greenways Award Grant

Authorization for Mayor to execute support letter for Hernando Heritage Museum's application for the Kodak American Greenways Award Grant, not to exceed \$2,500.

Council discussed the figure on the first page of the fax that was presented among the paperwork for Council's consideration and it was determined that the illegible number was \$1,000. City Clerk Phillips clarified that the grant is being sought by the museum and not by the City.

**CONSENT AGENDA APPROVAL\***

Motion

## REGULAR CITY COUNCIL MEETING - MAY 5, 2003

Motion was made by Council Member Bernardini, seconded by Vice Mayor Staib for approval as amended, and carried unanimously.

### CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

#### Margaret R. Ghiotto Commercial Beautification Award

Recognition of improvements to the business located at 119 E. Martin Luther King, Jr. Boulevard.

Mayor Lewis read the award for Sun Fiberglass Pools, recommended by the Beautification Board. He presented a certificate and public recognition award which was to be displayed in front of the business in recognition of their achievement.

Mr. Curt Prystupa accepted the award and expressed his appreciation to the City Council.

#### Elder Law Month - National Academy of Elder Law Attorneys

Proclamation designating the month of May, 2003 as Elder Law Month and recognizing the intrinsic value and worth of Florida's older population.

Mayor Lewis read the proclamation.

City Clerk Phillips explained that Richard Padgett, Hernando County Elder Law attorney, was regrettably unable to attend due to the Hernando County Bar Association Banquet being scheduled for that night and had requested that the proclamation be mailed to him.

#### National Public Works Week - 5/18/03 - 5/24/03

Proclamation commemorating "The Strength of Public Works" in acknowledgment of the men and women who have chosen this profession and perform so well.

Mayor Lewis read the proclamation honoring the contribution of Public Works employees to the community.

City Clerk Phillips explained that the proclamation would be presented to the Director of Public Works upon his return.

#### Somebody Cares - Mothers Day Festival

Proclamation supporting an organized day of community appreciation of mothers on Saturday, May 10, 2003 at the Jerome Brown Community Center from 10:00 a.m. to 2:00 p.m.

Mayor Lewis read the proclamation in support of the Mothers Day Event.

Somebody Cares Hernando Director Dennis Gomas accepted the proclamation and thanked the City Council for its support.

#### National Law Enforcement Appreciation Week - 5/12/03 - 5/18/03 and Peace Officers' Memorial Day - 5/15/03

Proclamation honoring the contribution of the Brooksville Police Department, Hernando County Sheriff's Department, and the Florida Highway Patrol in protecting our citizens.

Mayor Lewis read the proclamation encouraging the citizens to express their support of the commitment of law enforcement through word and deed.

Chief Tincher, Brooksville Police Chief; Sheriff Nugent, Hernando County Sheriff; Captain McElreath, Florida Highway Patrol; and Trooper Michelle Inge, Florida Highway Patrol were present to accept the proclamation.

## REGULAR CITY COUNCIL MEETING - MAY 5, 2003

Assaults on Law Enforcement Officers Committee Founder Mickey Cook also thanked the law enforcement officials for their dedication and service to our community.

### National Tourism Week

Declaring the week of ~~May 5 - 11, 2003~~ May 10 - 18, 2003 as National Tourism Week. **As amended 5/19/03 kmp**

Mayor Lewis read the proclamation recognizing the many contributions of tourism to our community.

Bobbi Mills accepted the award on behalf of the Hernando County Tourist Development Council and presented a certificate and materials to City Council in appreciation for their support.

### **REGULAR AGENDA**

#### Jerome Brown Community Center Rental Agreements

Mayor Lewis explained that part "b" of this item had been rescinded by the applicant. He also stated that a request had been made by the Black Educators' Caucus to add their request to the agenda.

#### Motion

Council Member Johnston moved to remove item b and include the additional item on the agenda. Council Member Bernardini seconded the motion, which carried unanimously.

#### a) Mother's Club of Hernando County (Dawn Center Fundraiser)

Consideration of waiver of fees for use of Jerome Brown Community Center on Saturday, June 7, 2003 (estimated at \$180 with a \$200 refundable deposit).

City Clerk Phillips explained that the waiver request did not include insurance. She stated that the applicant had indicated hardship with funding for the deposit but guaranteed that their staff and support would clean up the center.

#### Motion

Council Member Wever moved for approval; seconded by Council Member Johnston; unanimously carried.

#### b) Item Removed

#### c) Black Educator's Caucus

Consideration of waiver of fees for use of Jerome Brown Community Center for Scholarship Banquet May 17, 2003 from 7:30 to 10:00 p.m.

Lorenzo Hamilton presented the request on behalf of the Black Educator's Caucus and invited Council to assist them in their endeavor to help needy children receive their education through scholarships.

#### Motion

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib and unanimously carried.

## REGULAR CITY COUNCIL MEETING - MAY 5, 2003

### Brooksville Again - "Main Street Market"

Consideration of authorizing use of the City parking lot on Main Street by Brooksville Again for the purpose of holding a "Main Street Market" on the third Saturday of each month, without the City requiring additional insurance coverage.

City Clerk Phillips explained that Anna Liisa Covell had expressed her concern regarding the event in a memo which had been provided to Council.

Brooksville Again Chairman Evelyn Duncan offered that the intent of the event was to increase the amount of foot traffic in downtown Brooksville on the weekend, stated that they now have record of praise from vendors due to their professionalism for the downtown events they now do on a regular basis, and assured that the event would not be a flea market. She explained that the scheduled date was to coincide with the monthly Cruise-Ins.

### Motion

Council Member Bernardini motioned for approval of staff recommendation for a three month trial basis. Council Member Johnston seconded the motion, which carried unanimously.

### Brooksville Housing Authority Alternate Members

#### a) Rescind Alternate Board Member Appointments

Rescind appointment of current BHA Alternate Members Onnie O'Banner and Clifford Fouts.

City Attorney LaCroix advised that the Florida Constitution prohibits service of members on more than one board or agency. He also conveyed that state statute does not provide for the appointment of alternate members and recommended rescinding those positions to avoid any future conflict.

City Clerk Phillips added that both dual office holders have resigned.

### Motion

Council Member Johnston moved for approval; seconded by Council Member Bernardini; unanimously carried.

### Resolution No. 2003-06 - Rescind Alternate Board Member Authority

Consideration of Resolution rescinding prior authorize to add two alternate members to the BHA.

City Attorney LaCroix explained the amendment to the original resolution that provided for alternate members. He also confirmed that the increase from five to seven regular members was allowable, as also done by previous resolutions.

City Clerk Phillips read Resolution 2003-06 by headnote.

### Motion

Vice Mayor Staib moved for approval; seconded by Council Member Wever. Following brief discussion, motion carried unanimously upon roll call vote, as follows:

## REGULAR CITY COUNCIL MEETING - MAY 5, 2003

Council Member Bernardini	Aye
Council Member Johnston	Aye
Council Member Wever	Aye
Mayor Lewis	Aye
Vice Mayor Staib	Aye

### Bid No. PR2003-05 Golf Cart Lease

Consideration of rejecting bid and authorizing the City Manager to execute an alternative contract with E-Z Go Textron to lease 20 golf courts for a 48 month term at a total monthly cost of \$1,148. Funds available in departmental budget.

City Manager Anderson stated that only one multi-part proposal was received which varied from the bid specifications. Discussion ensued.

### Motion

Motion for approval as recommended was made by Vice Mayor Staib, seconded by Council Member Wever, and unanimously carried.

### CRA - County Tax Increment Payment - Status Report

Report on proposed joint request for Attorney General's opinion and consideration of the following options: I)Withdraw request for County payment; II)Initiate statutory dispute resolution procedures; or III)Request Board of County Commissioners review County staff decision not to pay the tax obligation.

City Attorney LaCroix stated his last correspondence had received an immediate response from the County Attorney specifying that they did not suggest being bound to the Attorney General's opinion. He suggested that the time line of the attorney's response indicated that the City's request had not been presented to the Board of County Commissioners. He recommended that the City not ask for payments under option I, but rather see if the Board of County Commissioners supports their staff's decision. He added that the information to present was already outlined in the draft letter to the Attorney General and therefore could go out this week.

### Motion

Council Member Wever moved for option III to prepare a letter to the Board of County Commissioners and hand deliver it, with the original to the Chairman and copies to Commissioners, at the next meeting. Vice Mayor Staib seconded the motion, which carried unanimously.

### South 41 Final Utility Easement Condemnation Settlements (Last two parcels)

#### a) Kerry Owens Smith Parcel

Consideration of counter-counter offer to property owner for 180% of the appraised value (\$12,312) and statutory attorney's fees (\$1,824) for a proposed settlement of \$14,136, together with agreement of the balance of the terms contained in the owner's original counter-offer, subject to approval from staff. [Funding available in budgeted Water & Sewer Capital Projects 2001-UT04a].

City Attorney LaCroix reported on the status of the settlement on the parcel and the offer received. He suggested that, if Council chose to approve the counter-counter offer, condition number two (#2) be revised to begin as follows: "In the area of any pine tree greater than four (4)

## REGULAR CITY COUNCIL MEETING - MAY 5, 2003

inches in diameter or any oak tree greater than six (6) inches in diameter, the utility lines to be installed in easement will be installed by..." He commented that Utilities Superintendent Smith had reviewed the change and was in agreement. Due to the \$13,680 plus attorneys fees being an arbitrary number, City Attorney LaCroix recommended not accepting the offer and suggested making the counter-counter offer of one hundred eighty percent (180%) of the easement appraisal and appropriate attorneys fee, which is based on the difference between that number and the City's appraised value, with all of the conditions in the counter offer, except for the changes to be specified by staff, which should save the City money on not having to go to trial.

### Motion

\_\_\_\_\_ Vice Mayor Staib moved for approval of the City Attorney's recommendation with input from the Public Works Director. Following further discussion, motion was seconded by Council Member Bernardini and unanimously carried.

### b) Stocker & Van Fossen Parcel

Consideration of counter-offer from property owner for approximately 180% of the appraised value (\$6,130) and attorney's fees (\$903.33) for a settlement of \$7,033.33. [Funding available in budgeted Water & Sewer Capital Projects 2001-UT04a].

City Attorney LaCroix offered his recommendation that Council accept the counter offer, conditioned upon Mr. Smith accepting the City's counter-counter because, if one has to be tried, then the City might as well try two.

### Motion

\_\_\_\_\_ Council Member Bernardini moved for approval; seconded by Council Member Johnston and carried unanimously.

### Request for Traffic Control Devices

Consideration of requests for speed humps and increased enforcement of speed limits in the following locations:

City Manager Anderson commented that a request had also been received for Lemon Avenue but the background review had not been completed due to the absence of the Director of Public Works. He corrected that the third line of his attached memo should state "attached sketch" rather than "attached schedule." Discussion continued on various portions of the requests. Action on each was determined, as follows:

1. Wood Dr. (Union St. to Kings Cr.)

### Motion

\_\_\_\_\_ Council Member Wever moved for approval to conduct a speed study and authorize staff to install two humps if appropriate, and to double line the center line; seconded by Council Member Bernardini and carried unanimously.

2. Saxon Ave. (Cleveland Ave. to Liberty St.)

### Motion

\_\_\_\_\_ Council Member Wever moved to authorize the installation of up to two

## REGULAR CITY COUNCIL MEETING - MAY 5, 2003

speed humps at the judgement of staff; seconded by Council Member Bernardini with discussion, which resulted in a suggestion from the City Manager to have staff bring back further options of altering traffic flow and withdrawal of the motion.

3. Mt. Fair Ave. (N. Broad to Rogers Ave.)

Discussion ensued regarding speed issues. Chief Tincher commented that a speed study could be viable for that location. Council consented to that action, to include Rogers Avenue and Oak Street as recommended by Chief Tincher.

4. Liberty St. (Main St. to Lemon Ave.)

Discussion took place regarding designating a school zone, utilizing crossing guards, and the previous street closure to enable efficient student pick-up and drop off at the Methodist School which was not being done.

Chief Tincher reported on the expressed desire of the school. He stated that the speeds in that area are not excessive for the roadway but could be considered excessive where the children were crossing. He suggested that it might be beneficial to reduce the speed to fifteen (15) miles an hour, which would need to be done by resolution. Discussion continued.

### Motion

Council Member Wever moved to designate a school zone on appropriate sides of Liberty Street and to remind the school of the purpose of vacating Orange Avenue; seconded by Vice Mayor Staib. Following further discussion, Council Member Wever and Vice Mayor Staib agreed to restate the motion to authorize the City Attorney to research the implementation of a school zone on Liberty Street and the use of crossing guards, to authorize staff to review the options to slow traffic and enforce traffic and pedestrian flow and meet with church representatives, and bring the appropriate documents back to Council at the next meeting. Motion unanimously carried.

### CITIZEN'S INPUT

#### Mr. Donnell LaRonde (Donnell Davis)

Mr. LaRonde presented his complaints to Council regarding the JT Money concert that was not held at the Jerome Brown Community Center. He requested further reimbursement of expenses incurred by him as a result of mis-communication with Ms. Barbara Langley and City staff during the application process. Following extensive dialogue, Council directed Mr. Davis to provide his complaints in written form to the City Manager's office and it would be forwarded to our insurance company for consideration.

### ITEMS BY COUNCIL MEMBERS

#### JOE BERNARDINI, COUNCIL MEMBER

##### Requests for waiver of fees

Member Bernardini suggested that staff look into preparing a policy as to specifying guidelines for the waiver of fees for the Jerome Brown Community Center.

## REGULAR CITY COUNCIL MEETING - MAY 5, 2003

### **E. E. "ERNIE" WEVER, JR., COUNCIL MEMBER**

#### Legislative Update

Member Wever reported that the annexation and various water bill legislation the City was following died in committee.

#### Proposed Purchase - 215 Howell Avenue

Member Wever expressed his opposition to the consideration of purchasing the property next to City Hall because he felt it was overpriced.

#### Needed Park Sidewalk & Rail

Member Wever commented that the foot traffic on Darby Lane between the Park parking lot and the Jerome Brown Community Center was frequent enough to consider putting in a sidewalk to ensure the safety of the patrons that utilize it and also suggested a railing of some kind along the driveway and pond.

### **MARY A. STAIB, VICE MAYOR**

#### Correspondence to Note

Vice Mayor Staib commented that she had not seen monthly reports in the last couple of meetings. Chief Tincher assured her that the quarterly enforcement reports would be provided for the next meeting. Vice Mayor Staib suggested that an item be included on the agenda to allow for discussion of anything from CTN. Mayor Lewis explained that the intent of Items by Council was to allow an opportunity for such discussion.

#### Recent Citizen Complaints

Vice Mayor Staib received an update from the City Manager on the current progress being made on recent citizen complaints on Ederington Drive.

#### Proposed Purchase - 215 Howell Avenue

Vice Mayor Staib asked that the attachments as cited in the memorandum on the above subject be provided to her and asked that, in the future, any corresponding information mentioned in memo be included.

#### Recent Events

The health fair did not have high attendance at the fair which was a concern to hospital volunteers. Vice Mayor Staib explained that the recent hospital site celebration could have affected the turnout.

Vice Mayor Staib attended an event at the Green Gable Inn & Tea Room and encouraged others to stop in.

Vice Mayor Staib reminded everyone that non perishable items were being collected by the Post Office for those less fortunate and encouraged putting them by the mailbox for the May 10<sup>th</sup> collection.

### **RICHARD E. ANDERSON, CITY MANAGER**

Mr. Anderson referred to the City Clerk.

### **KAREN M. PHILLIPS, CMC, CITY CLERK**

#### Re-designation of County Boundaries regarding Representation

City Clerk Phillips reported on her file note as a result of communication from a concerned citizen who is also a school board member, advising of the pending conversion to one boundary for representation. The Board of County Commissioners and the Hernando County School Board would be addressing the item on their

## REGULAR CITY COUNCIL MEETING - MAY 5, 2003

respective agendas tomorrow.

### JoAnn Munford - Lifetime Achievement "Hometown Hero" Award

City Clerk Phillips shared that JoAnn Munford had been nominated by several people and would be given the regional Lifetime Achievement Hometown Hero award. She was the only Tampa Bay recipient that we know of and would be going to New York May 7-9 to appear on the tv show for the awards banquet, which will then be broadcast May 22 on Lifetime Television. We are very proud of her and would like to show her some kind of recognition, which is being coordinated.

### Dedication of Downtown Brooksville Project

City Clerk Phillips asked for ideas for the project be presented to Bill Geiger, Ray Hess, or herself. It will be scheduled to take place in a month or two to allow for the completion of the project and the return of some staff members who are on leave.

### DAVID LACROIX, CITY ATTORNEY

#### Thank You

City Attorney LaCroix thanked everyone for the outpouring of sympathy with the passing of his father last month. The City's contribution to Hospice in his father's name was greatly appreciated.

### BILL GEIGER, COMMUNITY DEVELOPMENT COORDINATOR

#### Development Agreement Workshop

Community Development Coordinator Geiger reminded Council of the workshop at 6:00 p.m. on Wednesday.

### RICHARD E. LEWIS, MAYOR

#### Recent Events

Mayor Lewis reported on the good attendance at the Week of the Child event at the Jerome Brown Community Center on Saturday.

The plaque dedication for Mrs. Crum at Brooksville Cemetery was later that day and her grave was now a State recognized historic site.

This morning Representative Ginny Brown-Waite presented the GOP prescription drug plan which is intended to provide coverage for everyone that is eligible for medicare.

### JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

#### Transportation Enhancement

The MPO approved a three year program on transportation enhancement, and Member Johnston reported that five of the next six projects are to be within the City of Brooksville.

### ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:25 p.m.

\_\_\_\_\_  
/s/ Karen M. Phillips  
City Clerk

ATTEST: /s/Richard E. Lewis  
Mayor

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**CITY OF BROOKSVILLE  
REGULAR COUNCIL MEETING**

**MINUTES**

**MAY 19, 2003**

**7:00 P.M**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; William "Smitty" Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Raymond Hess, Community Redevelopment Coordinator; Ron Baker, Human Resource Director; B. Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Steve Guckian, Fire Captain. Also present were representatives of the Hernando Today and the St. Petersburg Times.

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

**ADJOURN AS CITY COUNCIL TO PARTICIPATE IN COMMUNITY REDEVELOPMENT AGENCY MEETING**

**RECONVENE REGULAR COUNCIL MEETING FOLLOWING THE COMMUNITY REDEVELOPMENT AGENCY MEETING**

**CONSENT AGENDA**

Minutes

May 5, 2003 - Regular Council Meeting

May 7, 2003 - Council Workshop

Vice Mayor Staib pointed out that the date for the National Tourism Week on page three (3) of the May 5, 2003 minutes was last year's date. Council Member Wever had a correction for the May 7, 2003 minutes on page four (4), third line from the bottom of the first paragraph, striking "those" and inserting "the hospital."

Surplus Property

- a) Declare fifteen (15) dumpsters obsolete & authorize the City Manager to dispose of properly.
- b) Declare certain miscellaneous pieces of equipment and/or items acquired as a result of drug case surplus & authorize the City Manager to dispose of through on-line auction.
- c) Declare miscellaneous pieces of jewelry acquired as a result of drug case surplus & authorize the City Manager to dispose of through on-line auction.

United Way of Hernando County

Authorization to execute Agency Agreement to accept 2003-04 grant in the amount of \$10,000, together with \$505 in designated funds for the operation of the JBCC bus program.

Vice Mayor Staib commented that number thirteen (13) on page six (6) should be "2003" rather than "2002."

2003 Federal Anti-Drug Abuse Act Grant Funds

Authorization for Mayor to execute letter to be forwarded to FDLE approving allocation of grant funds from 2003 Federal Anti-Drug Abuse Act Grant for the Adult Drug Court III in the amount of \$67,582; Sheriff's

## REVISED REGULAR CITY COUNCIL MEETING - MAY 19, 2003

Office Education Initiative II in the amount of \$11,877; and Drug Task Force in the amount of \$37,500. The total allocation available is \$116,959.

In response to Vice Mayor Staib's question regarding when the task force agreement would need to be signed, Chief Tincher stated that the City had to support the application or no grant funds would be awarded, therefore a letter of support would precede the signing of the agreement.

### Change Order No. 4 - CDBG-CR (Main Street Project) Construction Contract

Consideration of approval of Change Order No. 4 to provide for furnishing & installing 2 additional lights (including base, poles, bulbs & associated underground wire and conduit), 4 additional banner arms, and additional brick sidewalks around City Hall (all approved by City Council on 3/17/03 & 4/21/03, respectively) for a total amount of \$17,510, together with construction contract extension thru August 29, 2003.

### Motion

Council Member Bernardini moved for approval of the consent agenda as corrected; seconded by Council Member Wever; carried unanimously.

## **CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

### Timmons Family of Hernando County

Proclamation supporting the Timmons Family Reunion May 24-26, 2003 at Ballard's Wayside Park in "Timmons Settlement," Brooksville, Florida.

Mayor Lewis read the proclamation welcoming the Timmons Family to Brooksville. He explained that it would be picked up the next day.

### ABWA 9<sup>th</sup> Mermaid Rod Run Car Show

Recognition of City Council's support and waiver of fees for use of Tom Varn Park. [Tabled from 4/07/03 meeting]

Carol Brantley, Past President/Publicity Chairperson of the American Business Women's Association introduced Susan Carroll, President, Paula O'Kane, Vice President, and Shirley Hammitt, Recording Secretary/Membership Chairperson. She thanked Council for the prior approval of the waiver of fees for the use of Tom Varn Park and stated that the proceeds were used to award scholarships. She presented a certificate of appreciation to Mayor Lewis in recognition of the City's support.

## **PUBLIC HEARING**

### Hampton Ridge Development Agreement

First Public Hearing for agreement between the City of Brooksville and Hampton Ridge Developers, LLC for the Hampton Ridge project. [Second Public Hearing scheduled for May 28, 2003]

Community Development Director Geiger announced that the second public hearing for the development agreement was scheduled for May 28, 2003 at 6:30 p.m. in the City Hall Council Chambers. He reviewed the latest changes to the agreement. He asked that the word "property" as found on page eight (8), subsection seven (7) and page twelve (12), subsection five (5) be stricken and replaced with the word "project." He recommended that an indication to the value of the waste water treatment plant based on the acquisition cost of the developer be added to this section as a clarification statement. The developer stated that he would like to address that suggestion briefly later.

Community Development Director Geiger explained that the added section on page fourteen (14) was for the purpose of ensuring a long-term location to dispose of water from the waste water treatment plant and will require another agreement in the future.

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Regarding the Economic Impact Analysis, Community Development Director Geiger responded to the concern over the \$2.5 million the City of Brooksville is contributing. He stated that an option was available for State Revolving Loan Funds and that Angie Brewer & Associates were preparing a proposal and had been invited to make a presentation at the special meeting on May 28<sup>th</sup> to answer any questions Council may have that would be related to obtaining the funding for this project. Due to the Department of Environmental Protection overseeing the SRF funds and wanting to ensure that the procurement process is done competitively, he recommended that some general language be added to the agreement that would require the developer to work with the City to obtain financing and funding, provide support in the way of engineering services in conjunction with the project, and provide the City with documentation as to how they will go about doing procurement for the project.

### Council Questions

Vice Mayor Staib stated that she had a concern with possible nitrate levels on the planned golf course and asked what measures were being taken to prevent pollution. Community Development Director Geiger responded that the developer had agreed to implement the Florida Yards and Neighbors program through the Cooperative Extension Service which would be available to the individual residents, but it was not reflected in the agreement at this time.

Council Member Bernardini commented that he was in favor of the fifty percent (50%) transportation impact credits to the developer. Community Development Director Geiger pointed out that the new exhibit directly reflected the area recommended by Council Member Johnston for fifty percent (50%) amount on the west side of US 41 and one hundred percent (100%) amount on the east side. In regard to future developers that may want to do something similar to what this developer is doing as far as getting impact fee credits for building infrastructure, it is understood that as the agreement is written if they fall within the target area (transportation, water, sewer) and impact fee credits were not being collected, then impact fee credits or offsets would not be returned to the developer. However, if impact fee credits are collected annually, the City has committed to return those back to this developer.

### Developer Input

Jake Varn, of the Fowler White Law Firm in Tallahassee, stated that they would like to work with the City on the additional language suggested by Community Development Director Geiger in order to better state the intent in order to safeguard the City from a loophole that could allow for the acquisition price to be arranged against the best interest of the City. He added that they would cooperate with obtaining financing. Regarding the nitrates, Mr. Varn stated that various fertilization programs were available, though some were not reputable in his opinion. He assured Council that a water quality monitoring system is planned which should satisfy the concern of pollution problems.

### Public Input

Mr. Tony Covell came forward and spoke in favor of the development. He said that it was time for the City to experience some growth which would bring better services to the community through the added revenue.

Mr. Brad Bates was recognized and spoke in opposition to the development. He read an article titled "Annex with Eyes Wide Open" reportedly from a February 19 edition of the Daytona Beach Journal. He cited urban sprawl similar to that of Pinellas County, water quality/usage, and habitat issues. He also commented that he had received a faxed list of concerns from the Department of Community Affairs (DCA) and asked what was being done to address the concerns of the state. Mayor Lewis addressed a few of Mr. Bates concerns by stating that all sixteen (16) items from DCA had been taken care of, and that the developer has agreed to install a water treatment plant to reuse the water and had also done a habitat study.

Community Development Director Geiger added that several meetings had taken place with DCA and Council to implement changes resulting from those meetings for

## REVISED REGULAR CITY COUNCIL MEETING - MAY 19, 2003

adoption of an EAR-based comprehensive plan amendment. In regard to urban sprawl, he stated that the policy of the department is to address any planned land use amendment for indicators in relation to problem areas. He assured that each issue had been addressed appropriately, and that the mixed use concept was very appropriate for the area. He admitted that the City is aware that the development may not pay for itself early on, but will overall as indicated by the economic analysis with exception of the waste/water treatment plant, which will bring about a positive recovery with future growth.

Mrs. Anna Liisa Covell spoke in favor of the development, commenting that it was a rebirth for Brooksville. She thanked the developer for working so closely with the City. She responded to Mr. Bates' concern about urban sprawl by stating that Pinellas County's growth had all occurred before a comp plan was in place. She commended Bill Geiger for doing a tremendous job in making sure that all issues were covered and felt that this would be a high-end development with mixed use which will bring money back into the City and help residents in the long run.

Mr. Mike Dow also spoke in favor, stating that the developer had worked hard to foresee all problems and address them. He said that this is not the first project of LandMar and he appreciated what they have done. However, he stated his concern regarding the large amount of money that came out of the budget this past year and said that he hoped this development would bring more back in to offset the loss.

Mr. Allen Scott stated that he did not blame the developer for wanting to be in the City and felt it should be approved. He said he lived on US 41 and would like to annex in if he lived close enough, but there was one parcel between his parcel and the development.

Mrs. Rose Rocco commended Council for their efforts with this project, citing that a good developer bringing an upscale development will encourage other growth. She also complimented the improvements within the City with the walkways and the artwork and said that it now well represented the county seat.

Mr. Jim Kimbrough commented that SunTrust was interested in working with the City to arrange for the financing. He commended the developer's foresight which should result in untold positive economic benefits to the City of Brooksville, Hernando County and the surrounding area. He stated that the developer has a sound reputation and results, and he heartily endorsed the project for the City and the County.

### Council Discussion

Discussion took place regarding the expected element of risk with the project, it's anticipated effect on future business and political representation, and Council's awareness that the revenue will be slow for the first couple of years.

### Motion

Council Member Wever moved for approval of the agreement with the changes; Vice Mayor Staib seconded the motion. Community Development Director Geiger stated that no action was necessary at this time since another public hearing had to be held at which Council would consider approval. Council Member Wever and Vice Mayor Staib withdrew their motion and second.

### Ordinance 654 - Annexation of McIntyre & Malicoate Properties

Consideration of requested annexation of parcels totaling approximately

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twenty-four acres located in the proximity of the southwest corner of US 41 and Wiscon Road. [Second and Final Reading scheduled for June 2, 2003]

City Attorney LaCroix stated that this item was a quasi judicial function and asked Council to disclose any exparte communications they may have had. Each Council member responded in turn that no exparte communications had taken place.

Community Development Director Geiger reported that the two parcels were contiguous and that the owners have petitioned for annexation. He said that it appeared that they meet all the requirements and no land use or zoning is being considered at this time, however they are anticipated to return later this year to ask for commercial land use designation to facilitate negotiations with Lowes.

City Clerk Phillips read Ordinance No. 654 by headnote.

### Motion

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib. Brief discussion followed. Community Development Director Geiger stated that the Planning and Zoning Commission had met on May 14<sup>th</sup> and determined that the parcels met requirements, was consistent with the comp plan, and recommended annexation.

### Public Input

Mrs. Anna Liisa Covell commented that this project for rezoning was approved by the Hernando County Planning and Zoning Commission about a year ago for commercial use, but the Board of County Commissioners turned it down. She added that county zoning requirements prevented Lowes from coming in. She said the Walmart project was very pleasing, commended the City for its efforts, and felt that this would turn out the same way.

Hearing no further discussion, Mayor Lewis called for the roll call vote. Motion carried unanimously, as follows:

Council Member Johnston	AYE
Council Member Wever	AYE
Mayor Lewis	AYE
Vice Mayor Staib	AYE
Council Member Bernardini	AYE

Mayor Lewis reiterated that the second reading of this ordinance was scheduled for June 2, 2003.

## REGULAR AGENDA

### Department of Public Works Projects - Status Report

Status report on various projects underway within the Department of Public Works.

Public Works Director Pierce gave a report on particular projects, as follows:

#### Water/sewer Line Extensions from Wiscon Road to Oliver Street

The deadline for the money to be spent for the sewer portion is December, 2003, which has been confirmed by USDA. Coastal is also aware of the deadline.

#### Wellfield Projects

Final approval should be received from the County in June. Bid

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negotiations with the low bidder have not been successful. USDA's policy of three (3) bidders is not absolute if advertising is done adequately. Public Works Director Pierce will confirm that and bring a recommendation back to next meeting.

Regarding the WRWSA grant, Public Works Director Pierce is requesting an extension. Council Member Wever commented that others are getting extensions as well.

Public Works Director Pierce stated that funding requests for the wellfield improvements have been delivered to USDA. They are backlogged and have said that a response won't come until after October 1, 2003, with the actual authorization to spend money not expected prior to January of 2004. He added a CAD draftsman will need to be hired to finish up the US 41 drawings. Following discussion, Public Works Director Pierce agreed to provide Council with a plan of action and schedule of costs for the water line on US 41 south, along with the amount that may be owed on the engineering work on SR 50 west and what will be left to pay on the two wellfields.

Discussion also took place regarding consideration of beginning design work on Wiscon as related to the new hospital and painting the bulb outs. Community Development Director Geiger commented that the plans did not call for them to be painted. He suggested letting them get some traffic history to see if it continues to be a problem.

### Operation P.R.I.D.E.

Consideration of waiver of fees for use of Jerome Brown Community Center hall and kitchen on Saturday, October 4, 2003 (rain date Saturday, 10/11/03) for the "Taste of Hernando" celebration to be held after the 3<sup>rd</sup> annual countywide community cleanup of Hernando County (estimated at \$310 - \$200 refundable deposit & insurance to be provided by applicant).

Ms. Rose Rocco, representative of Operation P.R.I.D.E., explained that the proceeds from the event were anticipated to be routed toward recouping the funds expended for the event. She stated that anything Council could do to help would be appreciated. She also requested that the names of those given the beautification awards by the City throughout the course of the year be provided in order for them to be recognized for the work in the community. She provided a check for the deposit to City Clerk Phillips.

### Motion

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib. City Clerk Phillips added that the applicant would be paying for their own insurance as well. Motion carried unanimously.

## **CITIZEN'S INPUT**

### Candlelight Issues

Mr. Jeff Duvall, elected spokesperson for his Candlelight neighborhood, asked for an update on problems that were presented to Council about a month ago. City Manager Anderson responded that he had met with Ms. Sterling before he left for vacation and would arrange to meet with the property owners again. Mr. Duvall thanked Mr. Anderson for his quick response and stated that he would be glad to meet with anyone since Ms. Sterling will be out of town for a while. City Manager Anderson added that it was being set up for Wednesday or Thursday and apologized for not getting back in touch sooner.

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Ms. Grace Schlesch of Coachlight Lane in Candlelight commented on the garbage issue previously presented. Though some of it had been taken care of, there was still some garbage being left out for two or three days before pick up. She reported that Village Drive was where most of the problem was, closest to Candlelight Drive. City Manager Anderson responded that Code Enforcement did contact some of the residents and indicated that the city would follow up with citations if necessary.

### ITEMS BY COUNCIL MEMBERS

#### E.E. "Ernie" Wever, Jr., Council Member

##### Proposed Sidewalk - Tom Varn Park to JBCC

Council Member Wever reported that he had seen families walking on both sides of the pavement pushing strollers and had to drive between them. He reiterated the need for a walkway from the parking lot at the park to the road going into the JBCC driveway area. Public Works Director Pierce commented that little of the budgeted money for the sidewalk study had been spent and said that he would look into the issue but cautioned that there may not be adequate available right-of-way.

##### MPO

Council Member Wever asked Council Member Johnston if the plan to move US 98 was being deferred. Council Member Johnston responded that DOT was still on the originally stated time line of seven (7) to eight (8) years. Discussion ensued.

##### Sheriff's Patrol Activity in Town

Council Member Wever commented that he had seen a report from the sheriff's department for the calendar year 2002 showing calls within the city as forty-two (42) per page in eighty-five (85) pages, totaling over three thousand five hundred (3,500) calls within the City by deputies. He added that it is plain to see that some of them were not actually within the City limits. He suggested that the activity could be another indication of a drive by the sheriff's department to take over the city department.

Chief Tincher reported on a telephone conversation he had with the Chief Deputy at the Sheriff's Department during which he asked if a policy had been instituted regarding city calls. He was told that rather than transferring the call, they will respond unless it is an accident or a 911 cell phone call, since those callers have no option as to where their call is received. Discussion followed. Chief Tincher explained the content of the Sheriff's activity as to the number of recorded responses in the City for 2002. Mayor Lewis suggested that he pick a dozen traffic stops at random to determine if the fines were being directed back to the City.

##### Double Taxation

Council Member Wever stated that he anticipated approaching the Florida League of Cities to have them ask the Legislature to pass a bill limiting ad valorem taxes assessed by counties to municipal residents, and seek a constitutional amendment if that was not successful.

##### Financial Advisor Meeting

Council Member Wever asked City Manager Anderson if Council had been advised of the upcoming meeting with PFM. City Manager Anderson reported that a meeting was scheduled for this Friday to review some funding options for some of the City's projects.

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### **Mary A. Staib, Vice Mayor**

#### Recent Events

Vice Mayor Staib reported on the Surprising Springs Event she attended on the 15<sup>th</sup>, at which she saw a PBS film on the divers going through the springs. She stated that it would be shown on PBS at the end of the month. Community Development Director Geiger added that it would be airing throughout the summer and was very well done.

### **Joe Bernardini, Council Member**

#### Darby Lane Property

Council Member Bernardini asked if the owners could be contacted regarding the wooden house that was falling down, though it's in the County and not the City, and noted that some people had voiced complaints. Community Development Director Geiger responded that they would be contacted again. **As amended 6/2/03 kmp**

### **Joseph E. Johnston, III, Council Member**

#### Parks Department - Possible Interim Director Status

Council Member Johnston asked for a report on the status of finding a possible interim director. City Manager stated that Dave Pugh was in the process of getting further doctors' opinions. He stated that there was an individual he was considering for contractual interim employment.

### **David LaCroix, City Attorney**

#### Schweikert - Racquetball Courts

City Attorney LaCroix reported on Council's previous action to approve the second request of payments payable jointly to Schweikert and the subcontractors. He stated that an agreement had been reached with Schweikert last week and payment had been made, hopefully in time not to lose the grant money.

#### Forfeiture

City Attorney LaCroix provided an update on a pending forfeiture in the amount of approximately \$10,130. He stated that the arrestee and his parents had filed a claim for the money in court so the City must prove that the money was used in drug trafficking and that the parents knew, or should have known, if the money belonged to them. He said that none of the three showed up for the depositions that had been scheduled. A proposed settlement has been received from their attorney providing for the City to return \$10,000 to them, which he passed along to Council for formal action.

#### Motion

Council Member Johnston moved to add the item to the agenda; seconded by Council Member Wever; carried unanimously.

#### Motion

Council Member Johnston moved to reject the settlement offer; seconded by Council Member Wever; carried unanimously.

### **Karen M. Phillips, Director of Administration/City Clerk**

#### Hernando County Fine Arts Council Festival

City Clerk Phillips commented that the Hernando County Fine Arts Council Festival was to be held in Tom Varn Park this Saturday and Sunday.

#### JoAnn Munford Recognition Reception

City Clerk Phillips also reported that the reception for JoAnn was scheduled for this Thursday at 7:00 p.m., and that the focus had changed since Lifetime did not tape as anticipated. She said she was hoping to present JoAnn with the award on behalf of Lifetime Television if it arrives in Hernando County in time.

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### Grant from Visit FL to Produce City Tourist Brochure

City Clerk Phillips stated that photos of downtown for the grant project could not be postponed any longer. A consultant had been contracted with this past Friday since the brochure was to be printed by June 30<sup>th</sup>. She asked that anyone with ideas to incorporate please see her or Bill Geiger.

### **ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 9:36 p.m.

\_\_\_\_\_  
/S/Karen M. Phillips

City Clerk

ATTEST: /S/Richard E. Lewis

Mayor

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**CITY OF BROOKSVILLE  
SPECIAL COUNCIL MEETING**

**MINUTES**

**MAY 28, 2003**

**6:30 P.M.**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; William "Smitty" Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; B. Ed Tincher, Police Chief; and James Daugherty, Fire Chief. Also present was a representative of the St. Petersburg Times.

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

**PRESENTATION**

State Revolving Funds (SRF)

A) Presentation on the state revolving fund (SRF) loan program; B) Proposal to update the City's "Facilities Plan" to incorporate the new WWTP project (a prerequisite to applying for SRF funding) and a proposal to submit the application for SRF funding to FDEP.

Mr. Mark Brewer, of Angie Brewer & Associates (ABA), gave a brief description of the provisions of the State Revolving Fund (SRF) program, which included the reimbursement of costs for annual planning, engineering, and construction of waste water facilities, through low interest loan funds, with the current standard rate of 2.93 percent. Mr. Brewer stated that, as of June of last year, about three hundred fifty million dollars (\$350,000,000) was available to communities, and that the funds were received June 1 with a twenty percent match from the State to the eighty percent from the Environmental Protection Agency. He described the revolving nature of the program and the steps involved in the procurement process.

Community Development Director Geiger commented that Part II of this item, as it is stated on the agenda, is related to the consideration of proposals that have been submitted by ABA to directly update the Facilities Plan as well as to apply for the loan as it relates to the development agreement that is also under consideration.

In response to Council Member Wever's question, Mr. Brewer explained that the money is passed down to the State from Congress so IRS could not attach arbitrage requirements to those funds since most of the projects were on a reimbursement basis. He also added that no repayment penalty was assessed to SRF, that no time stipulations were set on drawing the funds, that payment prior to final loan amendment would be reflected in the loan payments, and that a loan agreement could be received within about sixty (60) days of application. He provided clarification in response to Council Member Johnston's question regarding funding availability in that, once Authorization to Incur had been received, eligibility for construction would be maintained for any construction done after that date.

City Manager Anderson stated that the City's financial advisor, Public Financial Management (PFM), was preparing a package to reference other obligations compared to the availability of funding sources, therefore he would recommend that Council continue this until that package was available. As to the second part of the recommendation, he added that direction from Council was needed as to how

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

to proceed on updating the Facilities Plan.

It was the consensus of Council to hold action until information was received from the financial advisor.

### PUBLIC HEARING

Annexation Ordinance No. 633 - South of S.R. 50, East of U.S. 41, West of Hope Hill Road and North of Powell Road (AX2002-02)

Second and Final Reading of Ordinance No. 633 to annex described property into the City of Brooksville.

City Attorney LaCroix stated that this was a quasi-judicial decision which did not involve land use and asked Council to identify any ex parte communications that may have taken place.

Council Member Wever reported that he had some meetings with representatives of Coastal Engineering Associates and City staff on the financial analysis.

Council Member Johnston stated that he had meetings a couple of years ago with representatives of the developer which involved conceptual matters as to how they planned to proceed and what they planned on doing with profits.

Mayor Lewis reported that he had a meeting with Coastal Engineering Associates regarding the conceptual design and the plans of the development.

Vice Mayor Staib and Council Member Bernardini stated that no communications on the issue had taken place.

Mayor Lewis noted that the first reading of the ordinance took place on January 28, 2002.

Community Development Director Geiger entered his staff report into the record as written. [attached as Exhibit I hereto]

Community Development Director Geiger stated that staff had reviewed the annexation petition materials in detail and determined that it met the requirements of Chapter 171.044 of Florida Statutes, and recommended adopting the ordinance to annex said property into the City of Brooksville. He reviewed modifications to the ordinance, as follows:

Page 1, first paragraph following head note, "...properties into the City of Brooksville, Florida," the phrase "as shown on attachment A which is hereby incorporated herein by this reference, described as" was added. He also stated that attachment A was an actual map that showed the physical location of the property in relationship to roads and other properties located in that area.

Page 6, Section 1 amended as follows: "The property described herein is hereby annexed by the City of Brooksville, subject to the conditions set forth as follows. The annexation shall take effect upon the approval and execution by the City of the Development Agreement, dated May 28, 2003, between the City and Hampton Ridge Developers, LLC, and upon the final legal adoption of the Comprehensive Plan Amendment and zoning approval described therein."

### Public Input:

Kent Weissinger, Assistant Attorney in the Hernando County Attorneys Office stated that the County believed that the proposed annexation would create a pocket in the northern end of the parcel and therefore was not in compliance with the Florida Statutes on voluntary annexation. He added that they reserved their right to object to other parts of the ordinance as applied to the statute. In response to Council Member Wever's question, City Attorney LaCroix stated that counties always had standing in town annexations.

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

Mr. Mark Steingart expressed opposition to the annexation, citing that it was a project of minimalism as to compliance to statute with contiguity and that the impact should be decided by referendum by the City of Brooksville.

Ms. Nicki Johnson expressed her concern regarding the amount of public input on the project, the number of houses planned, water issues, and the amount of traffic increase on the back roads. She agreed that the City needed growth but objected to the size of this project for the location.

Mr. Tony Covell felt that the Legislature's intent was to help small, struggling cities through annexation to allow for development, employment growth, etc., and that the proposed annexation was a good idea.

### Council Discussion:

Mayor Lewis stated that the County expressed concern regarding enclaves and pockets yet refused a recent request for involuntary annexation of an enclave.

City Clerk Phillips read the ordinance by head note, as follows:

**AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.**

### Motion:

Motion was made by Vice Mayor Staib and seconded by Council Member Wever to approve the second and final reading of Ordinance No. 633. City Attorney LaCroix advised that it be clarified that the motion was to adopt the ordinance as amended and to approve staff recommendations. Vice Mayor Staib and Council Member Wever agreed.

Upon roll call vote, motion carried 5-0 as follows:

Council Member Johnston	AYE
Council Member Wever	AYE
Mayor Lewis	AYE
Vice Mayor Staib	AYE
Council Member Bernardini	AYE

### Hampton Ridge Development Agreement

Second Public Hearing for agreement between the City of Brooksville and Hampton Ridge Developers, LLC for the Hampton Ridge/Southern Hills Plantation project.

City Attorney LaCroix stated that the next two items on the agenda were not quasi-judicial.

Community Development Director Geiger explained modifications that were made since the first public hearing, as follows:

- On page seven (7), reference to "easement" in bottom third of the page, inserted the word "permanent" for clarification.
- On page eight (8) under section seven (7), replacement of the word "property" with the word "project".
- On page 11, prior to the word "easement" inserted the word "permanent" and added the section related to the very last line of the page, "The value of the treatment plant site shall be determined by each party at their own costs obtaining an independent fair market value appraisal of the subject parcel. The appraisals will be obtained within ninety (90) days of the treatment plant's operational start up and the average results of the appraisals will be the basis for establishing impact fee credits/offsets for the site being purchased."
- On page thirteen (13), at the top of the page, replacement of the word "property" with the word "project".
- On page eighteen (18) inserted "permanent" in front of "road easements".

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

- A new section was added, Section 4E, Cooperative Assistance and Accountability, which pertains to additional developer obligations, which reads: "The City's ability to fund applicable portions of the infrastructure that will serve this project is dependent on the developer providing information and following certain guidelines for procuring services. The developer agrees to provide planning, engineering, and financial support documentation to the City and follow procurement procedures and processes as may be required by grant or lending agencies that insure competitive selection for project components that are either partially or fully funded by the City, including phases of the project in which the developer is paying directly for infrastructure in exchange for impact fee credits and offsets. Notwithstanding any provision herein to the contrary, all construction contracts in which the developer is eligible for impact fee credits/offsets shall be subject to City approval of the contract amount prior to the start of construction."
- The final major change was to the signature page related to the portion dealing with the developer.

### Public Input:

Mr. Mark Steingart questioned the intent of LandMar based on their application for the number of homes, which fell beneath the DRI threshold. He cited the Department of Environmental Protection's ten (10) specific threats to the Florida aquifer and said that this project introduces five (5) of those. He recognized that the City had to grow, but felt that the City dealing with this developer was equivalent to a little league team going against the New York Yankees. He added that the collector roadway would worsen traffic congestion at Hope Hill Road and SR 50.

Mr. Larry Jennings, Director of Growth and Development Services for Hernando County, expressed concern with the City allowing credits to the developer for the roadway. In response to his question about the City's rules regarding impact fees, Community Development Director Geiger stated that no approved policy was in place. He added that, with the time line associated with how long the developer would be eligible for the impact fees, they would never recoup their investment.

Mr. Tony Covell asked if the service road which had been discussed in the past to go in front of the churches could be reinstated. City Manager Anderson responded that the City had been opposed to the petition to abandon the service road, but the County had eliminated that option.

### Council Discussion:

Community Development Geiger stated that one other change was made to the Development Agreement, under Section 4E on page twenty-six (26), at the end of the section, with an addition to the phrase that begins "start of construction," to include the statement ", and the city's approval should not be unreasonably withheld."

Council Member Bernardini expressed his surprise at the lack of response from City residents that will be impacted from this project, since the political structure of the City will be drastically changed. He also noted that the County residents that spoke had all stated that the City needed to grow and asked where that should take place. He named two options that he saw for the City: 1)downsize the total City like the City of Weeki Wachee for only planning and zoning, or 2)continue as a full service City, which required growth. He agreed that the City was up against big leaguers and commended the staff on their

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

negotiations that were in the best interest of the City as well as everyone involved. He liked the total reuse system with tertiary treatment of the water, said that he would have to support the project, and added that development was inevitable.

Council Member Wever commented that a developer would not start a project without an intent to make money, which he had no problem with. He felt that this was just the beginning of the plans for growth for the City of Brooksville.

Council Member Johnston stated that his understanding at the beginning of negotiations was that the developer would build a sewer plant that the City would operate. The City would be paying for the building, either through impact fees or direct contribution, and since the development will be the only customer for the foreseeable future, he questioned whether the City should be funding the full cost of the development of the reuse facility and the affluent into it. He also expressed concern over the change that land would no longer be donated to the City as initially discussed. Discussion followed pertaining to the economics of the project, the demographic anticipated to be serviced by the treatment plant, the developer's intent to leverage the City's future growth plans, and the issues regarding reuse of the treated water.

### Motion:

Mayor Lewis passed the gavel to Vice Mayor Staib and moved for approval of the development agreement. Vice Mayor Staib returned the gavel to the Mayor before seconding the motion. City Attorney LaCroix asked for clarification that the motion included all of the amendments read into the record by Community Development Director Geiger and for direction that the adopted version carried the date of May 28, 2003. The Mayor and Vice Mayor concurred. Motion carried unanimously.

### Ordinance No. 637 - Evaluation and Appraisal Report - Comprehensive Plan Amendment

Consideration of approval of Second Reading of Ordinance No. 637 to amend the City of Brooksville Comprehensive Plan as designated by the Comprehensive Plan Amendment draft dated May 28, 2003; consideration to approve the Adoption Amendment Package, including the findings contained therein, and authorizing the Mayor's signature on the transmittal letter prepared pursuant to Section 9J-11.011(5), F.A.C.

Community Development Director Geiger entered his staff report into the record as written. [attached as Exhibit II hereto]

Community Development Director Geiger advised citizens that desired a courtesy information statement from the DCA to sign the "Comprehensive Plan Citizen Courtesy Information List" form located on the press table. [attached as Exhibit III hereto] He explained that the last update to the Comprehensive Plan was 1994 and that objections contained within the Department of Community Affairs' (DCA) Objection, Recommendation and Comments (ORC) report on the City's Evaluation and Appraisal Report (EAR) based Comprehensive Plan Amendment had been adequately addressed.

Council Member Wever asked if the copies of the transmittal letter going to the School Board could be hand delivered. Community Development Director Geiger stated that the packages were in Ocala awaiting release, thus hand delivery would not be possible.

Council Member Wever recommended the following changes be made:

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

- On the response to the courtesy review, page seven (7) in the first paragraph, include US 98 and SR 50.
- On page eight (8), third paragraph, second line, a typographical error should correct "been" to "be".
- On page eleven (11), the last line of the ORC recommendation, a number should be included after "requirements of rule".

### Public Input:

Mr. Mark Steingart stated concerns with CPA2002-04 on page four (4) regarding threatened/endangered species and species habitat. He used a newly discovered cave in the Brooksville Ridge as reasoning to warrant his desire to have every acre explored.

Mr. Larry Jennings, Director of Growth and Development Services for Hernando County, commented that the County had concerns regarding transportation, capital improvement, environment, population projections, a school board site, and the comp plan amendment adoption process. He added that the map in the data analysis section regarding potable water service needed to be addressed further.

Community Development Director Geiger stated that the concerns had been adequately addressed. He agreed that, though the EAR-based amendments did not anticipate this annexation, the appropriate steps are being taken to address these issues.

Mr. Jeff Kirk, a City resident and an employee of Hernando County, spoke on the traffic impacts, anticipated degradation of the level of service to roadways, water and sewer impacts, and urban sprawl. He provided written comments for the record. [attached as Exhibit IV hereto]

### Council Discussion:

Council discussed the Department of Transportation PD&E studies regarding expansion associated with the widening of the roadways and projected population growth, as well as planning issues and impact fee credits.

City Clerk Phillips read Ordinance No. 637 by head note only, as follows:

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

### Motion:

Vice Mayor Staib moved for adoption of Ordinance No. 637; seconded by Council Member Bernardini; carried unanimously upon roll call vote, as follows:

Council Member Wever	AYE
Mayor Lewis	AYE
Vice Mayor Staib	AYE
Council Member Bernardini	AYE
Council Member Johnston	AYE

### Motion:

Council Member Johnston moved for approval of the Adoption Amendment Package, including the findings contained therein, and to authorize the Mayor's signature

**SPECIAL CITY COUNCIL MEETING - MAY 28, 2003**

on the transmittal letter; seconded by Council Member Bernardini; carried unanimously.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 8:57 p.m.

S/ Karen M. Phillips  
City Clerk

ATTEST: S/ Richard E. Lewis  
Mayor

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**SPECIAL CITY COUNCIL MEETING - MAY 28, 2003**

**EXHIBIT I**

**MEMORANDUM**

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**To:** Honorable Mayor & City Council Members  
**Via:** Richard E. Anderson, City Manager  
**From:** Bill Geiger, Community Development Director  
**Subject:** AX2002-02 Hampton Ridge Developers LLC Property (Petition represented by Coastal Engineering Associates) Requesting annexation for 1600 acres ±  
**Location:** The property is located South of SR 50, East of US 41, West of Hope Hill Road and North of Powell Road  
**Date:** May 21, 2003

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**General Information**

The subject property is 1,600 acres ±, and is located South of SR 50, East of US 41, West of Hope Hill Road and North of Powell Road. The legal description by metes and bounds is given in full in the petition packet. The petitioner is requesting, through the voluntary annexation process outlined in Chapter 171 Florida Statutes, to be annexed into the City of Brooksville, effective upon the City's amendment of its Comprehensive Plan that successfully incorporates the land uses and policies requested by the applicant. The petitioner is requesting a land use/zoning designation for the middle portion of the property (904± acres) as a mixed use Planned Development Project (PDP). The petitioner is requesting the City to amend its comprehensive land use plan to reflect residential use for the majority of the remaining site (655± acres) with two smaller tracts along US 41 (40± acres) designated as commercial.

**Current Land Use/Zoning**

The subject property is generally designated as Residential and Rural on the Future Land Use Map of the Hernando County Comprehensive Plan. The property is dominated by native forest with some portions containing improved pasture and planted pine.

**Staff Findings**

Data and analysis related to this Property may be found under the section labeled L-4 in the City's "Future Land Use Map Amendments" that are being considered for adoption on May 28, 2003 as part of the City's Evaluation and Appraisal Report-based Comprehensive Plan Amendment.

City staff have negotiated a Development Agreement with this property owner/developer that, among other things, addresses detail related to providing required infrastructure and service to this site. This

## **SPECIAL CITY COUNCIL MEETING - MAY 28, 2003**

### **EXHIBIT I**

Agreement will be considered as a separate action at the May 28, 2003 meeting.

The City's action related to annexation of this property is quasi-judicial, but does not involve land use. As such, members of the City Council are required to disclose any ex parte communications.

This report does not include the perspective of adjacent landowners, who may be present at the public meeting to address and present questions and comment.

### **Planning & Zoning Commission & Staff Recommendation**

At their meeting on January 16, 2002 the Planning & Zoning Commission found that the annexation and authority to address the land use and zoning issues associated with the subject property is not inconsistent with the City's Comprehensive Plan, and subsequently, approved a motion to recommend that City Council:

- A.** Approve the annexation of the 1,600 acre  $\pm$  tract of land; and
- B.** Authorize staff to proceed in coordinating with the petitioner to amend the Future Land Use Element of the City's Comprehensive Plan with appropriate mixed land use policies that may include the following:
  - 1. Each community developed within a Mixed Use category will be required to provide a master plan layout that is subject to approval by the City Council, or their designee, addressing proposed land uses, densities, access, public services and infrastructure.
  - 2. The following list of land uses will be allowable within a Mixed Use category, provided that access and buffering standards are met: multi-family housing up to 16 units per acre (i.e., townhomes, condominiums, apartments, etc.); single family housing up to 7 units per acre (i.e., standard lot, Z-lot, cluster homes, patio homes, etc.); resort residential housing up to 16 units per acre; hotels; general highway commercial; neighborhood commercial; golf courses; golf clubhouse complex (including dining, alcohol consumption, retail, etc.); office, schools; churches; community centers; recreation; and uses of similar nature to the above.
  - 3. Appropriate setbacks, parking standards, right-of-way widths, signage and other standards will be reasonably considered where communities being proposed are using innovative planning and architectural concepts.
  - 4. Individual communities may be developed as private entities with appropriate signage and gating. Community roadways that provide for adequate access and traffic circulation for both emergency vehicles as well as traffic volumes generated by the development may be private, at the discretion of the developer and with the approval of the City. Roadways proposed for dedication to the public must be built to meet public standards and acceptance would be at the discretion of the City. It may be noted that City staff would recommend that roads located within a gated community would remain privately owned and maintained.

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

### EXHIBIT I

5. Individual communities must provide access to a collector or arterial roadway to ensure continuance of City-designated connector roadways.
  6. Where green space/pedestrian corridors have been established on adjacent parcels, individual communities shall consider extension of such corridors in their master plan.
  7. In areas where green space corridors or golf course fairways are factors in design criteria, cul-de-sac lengths may exceed City subdivision standards, provided that due consideration is given to emergency services and access.
  8. Flexibility will be considered in the standard right-of-way cross-section of roadways where tree preservation, pedestrian walkways, or community signage are factors.
  9. Where specimen trees are located in abundance throughout the property, it will not be necessary to provide a detailed tree survey as a condition of the master plan approval. Master plans for each community must address the retention of large trees and the amount and placement of green space within the community. A tree survey will be required in conjunction with permitting construction phase development related to the master plan. Deviations may be made in the master plan where the developer can realign infrastructure to protect existing trees that have been identified within the survey. Open space and density credits may be considered in conjunction with innovative planning and design that significantly preserves existing trees and vegetation.
  10. Where golf courses or common irrigation areas are proposed, private irrigation wells will be allowed, subject to permitting through the Southwest West Florida Water Management District. Emphasis should be placed on using water re-use sources whenever feasible.
- C.** Authorize staff to proceed in coordinating with the petitioner to amend the Future Land Use Element of the City's Comprehensive Plan with the land use designations as portrayed on the "Proposed Comprehensive Plan Designations" map dated 12/12/2001; and
- D.** Approve a Combined Planned Development Project zoning category to be assigned to the mid-portion of the property (as per the map titled "Hampton Ridge Rezoning" dated December 12, 2001) subject to the following land use and design considerations:
1. The following list of land uses will be allowable within the C-PDP zoning approval: multi-family housing up to 16 units per acre (townhomes, condominiums, apartments, etc.); single family housing up to 7 units per acre (standard lot, Z-lot, cluster homes, patio homes, etc.); resort residential housing up to 16 units per acre; hotels; general highway commercial; neighborhood commercial; golf courses; golf clubhouse complex (including dining, alcohol consumption, retail, etc.); office, schools; churches; community centers; recreation; and uses of similar nature to the above.
  2. Up to 799 dwelling units, 125 hotel units, and 40,000 square feet of retail space may be constructed within the 839 acres  $\pm$  subject property. The density and intensity of use as issues related to actual site development may be addressed via a development agreement as part of the master plan approval process for the site.

## **SPECIAL CITY COUNCIL MEETING - MAY 28, 2003**

### **EXHIBIT I**

3. The project will require an approved master plan layout addressing proposed land uses, densities, access and infrastructure prior to development.
4. Appropriate setbacks, parking standards, right-of-way widths, signage and other standards will be reasonably considered where innovative planning and architectural concepts are included in the master plan.
5. Individual communities may be developed as private entities with appropriate signage and gating. Community roadways that provide for adequate access and traffic circulation for both emergency vehicles as well as traffic volumes generated by the development may be private, at the discretion of the developer and with the approval of the City. Roadways proposed for dedication to the public must be built to meet public standards and acceptance would be at the discretion of the City. It may be noted that City staff would recommend that roads located within a gated community would remain privately owned and maintained.
6. Points of access may be gated provided that the design of the project ensures access for emergency services and appropriately accommodates for anticipated project traffic impacts.
7. If green space/pedestrian corridors have been established on an adjacent parcel, the master plan shall consider the extension of such corridors.
8. If a City corridor roadway has been established on an adjacent parcel, the master plan shall consider the extension of such roadway.
9. The City will address building setbacks and buffers in conjunction with the Combined PDP master plan review and approval process and/or via a development agreement.
10. In areas where green space corridors or golf course fairways are factors in design criteria, it is recognized that cul-de-sac lengths may exceed the City's subdivision standards. Actual design and approval of the lengths of cul-de-sacs will be determined as part of the master plan approval process and/or via a development agreement.
11. Single family lot widths shall generally be determined as part of the master plan review and approval process and/or via a development agreement.
12. Flexibility will be considered in the standard right-of-way cross-section of roadways where tree preservation, pedestrian walkways or community signage are factors.
13. Where specimen trees are located in abundance throughout the property, it will not be necessary to provide a detailed tree survey as a condition of the master plan approval. Master plans for each community must address the retention of large trees and the amount and placement of green space within the community. A tree survey will be required in conjunction with permitting construction phase development related to the master plan. Deviations may be made in the master plan where the developer can realign infrastructure to protect existing trees that have been identified within the survey. Open space and density credits may be considered in conjunction with innovative planning and design that significantly preserves existing trees and vegetation.
14. Prior to a making a concurrency determination, a comprehensive impact report and analysis must be completed by the developer and provided to the City for the proposed project. The City would need to evaluate the information provided and then make a determination on the

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

### EXHIBIT I

adequacy of public facilities available and/or planned to serve the development. The City will address this issue as part of the master plan approval process and/or via a development agreement.

15. Where golf courses or common irrigation areas are proposed, private irrigation wells will be allowed, subject to permitting through the Southwest West Florida Water Management District. Emphasis should be placed on using water re-use sources whenever feasible.
- E.** Approve the Ordinances addressing annexation, zoning and land uses for the subject property in consideration of the referenced recommendations listed above.

This action by the Planning & Zoning Commission was consistent with the City staff recommendation. Updates to this information are include in the Comprehensive Plan (Future Land Use Map Amendments” staff report, that is part of the amendment package being considered by the City Council at the May 28, 2003 meeting..

The City Council approved the first reading of Ordinance No. 633 to annex this property at their regular meeting on January 28, 2002.

#### **Council Action**

Motion to Approve the second and final reading of Ordinance No. 633 annexing this property as described into the City of Brooksville.

- Enclosures:**
- 1) Property Area Land use Sketch
  - b) Annexation Petition
  - c) “Proposed Comprehensive Plan FLU map dated 5-21-03
  - d) Hampton Ridge Developers LLC Property Annexation/Comprehensive Plan Narrative
  - e) Proposed Annexation Ordinance

SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

EXHIBIT II

# MEMORANDUM

To: Honorable Mayor & City Council  
Via: Richard E. Anderson, City Manager  
From: Bill Geiger, Community Development Director  
Subject: City of Brooksville Comprehensive Plan EAR-Based Amendment Summary  
Date: May 21, 2003

**Purpose:**

The EAR-Based Amendments are intended to amend the Comprehensive Plan based on the recommendations found within the adopted Evaluation and Appraisal Report. The EAR-Based amendments also stand as a major update and rewrite of Brooksville's Comprehensive Plan.

**Summary of EAR-Based Amendments:**

There are five main types of Evaluation and Appraisal Report-Based amendments that are addressed in the EAR-Based Amendment Report. These include:

- Objectives and policies that have been revised due to an implementation date.
- Objectives and policies that have been added or revised due to statutory changes.
- Objectives and policies that have been revised as they are not feasible for the City to meet.
- Objectives and policies that have been revised in order to enhance the clarity of the text and to delete redundant or duplicate policy text.
- Objectives and policies that have been revised in order to enhance internal consistency.

In addition to the above-mentioned text amendments, the following major changes have also been made to the City's Comprehensive Plan. These include:

**MAJOR CHANGES**

- **Future Land Use Element** - This element has been updated to provide densities and intensities for the various land use categories. New "Mixed Use" and "Suburban Residential" categories have been created. The Future Land Use Map has been updated with a new city limit boundary that reflects all annexations since the adoption of the 1989 plan. Future Land Use designations are also being adopted for annexed lands. Data and analysis have been updated to examine the supply and future demand for various land uses and to project population growth.
- **Traffic Circulation Element updated to a Transportation Element** - Created due to

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

### EXHIBIT II

statutory changes in Chapter 163, F.S. and Rule 9J-5 in order to eliminate language that is biased toward the planning for automobile traffic for local governments located within the boundaries of an MPO.

- **Housing Element** - Data and analysis have been updated in order to provide an affordable housing analysis using the Affordable Housing Needs Assessment Methodology from the Shimberg Center for Affordable Housing (University of Florida). The Element has been reorganized in order to follow the requirements in 9J-5.
- **Infrastructure Element** - This element has been renamed from the old title: “Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Ground Water Aquifer Recharge Element.” Analysis includes the projection of infrastructure needs through 2015.
- **Intergovernmental Coordination Element Update** - Revised in order to meet new statutory requirements in Chapter 163 that require the City to establish procedures to identify and implement joint planning areas, particularly in the case of annexations and joint infrastructure service areas; recognize campus master plans; utilize a voluntary dispute resolution process; coordinate with the Hernando County School Board and to establish guidelines that coordinate the Brooksville Comprehensive Plan with the Hernando County School Board and other units of government that provide facilities and services but do not have regulatory authority over the use of land. In addition, this update amends the Intergovernmental Coordination Element in order to describe joint processes for collaborative planning and decision making as it relates to population projections, public school siting, the siting of facilities with Citywide significance and locally unwanted land uses.
- **Capital Improvements Element Update** - The Capital Improvements Element has been updated with a new schedule of planned improvements that will accommodate projected growth in the City and will provide a strategy for delivery of City services.
- **Economic Development Element** - This Element was added to the Plan and incorporates the City’s adopted Revitalization Plan as a vision statement that was developed and approved in a cooperative private/public effort to be used as a guide for future economic development initiatives in and around the City.
- **Public Participation Procedures.** Procedures have been written into the Comprehensive Plan to allow for public involvement and Plan evaluation within the comprehensive planning process as required by rule 9J-5.004 FAC.

### Planning & Zoning Commission Recommendation:

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

### EXHIBIT II

The City's Planning & Zoning Commission reviewed the proposed amendment in a special meeting on April 24, 2002. The document was reviewed in workshop format and the Commission recommended one change to language contained in Chapter Eight - Capital Improvements Element, Policy 1-4 (page 8-5 of the Goals, Objectives and Policies Section of the Amendment). They recommend that the portion of the Policy that addresses Drainage (Citywide) read as follows:

- \* Drainage Citywide: Equivalent to and not less than the technical criteria and regulations of the Southwest Florida Water Management District for closed basins, as provided for in the Florida Administrative Codes 40D-4 and 40D-40 as ~~effective on March 1, 1988~~ currently effective.

In addition to the City's Planning & Zoning Commission review, Jerry Greif, a representative for Hernando County, presented and submitted a letter for the record stating areas of concern that they have following a cursory review of the draft document. Also Bill Buztrey, Senior Assistant County Attorney, noted that the County would also object under general grounds that the City is attempting to revise a comprehensive plan with property still within jurisdiction of the County and not yet within the jurisdiction of the City (Specifically referencing the Hampton Ridge property identified in the amendment packet as CPA 2002-L4).

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#### ***The City Council took the following actions at their May 8, 2002 meeting:***

- A. The City Council, sitting as the Local Planning Agency (LPA), held a public hearing to receive and consider input from the general public related to the Comprehensive Plan Amendment.
  - B. The City Council then held a public hearing to take action on the first reading of Ordinance No. 637, to adopt the plan amendments.
  - C. The City Council took specific action, via a majority vote on a motion, to authorize the transmittal of the proposed Comprehensive Plan Large-scale Amendment to be sent to the appropriate agencies as specified in Section 163.3184, Florida Statutes, for compliance review.
- 
- 

#### ***Department of Community Affairs (DCA) Objection, Recommendation and Comment (ORC) Report:***

On July 29, 2002 the City received the State's DCA ORC report. The report listed twenty-one objections to the City's Comprehensive Plan as transmitted. In response, City representatives have had several meetings with the DCA to review and revise the transmittal document to address the

## SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

### EXHIBIT II

listed objections. City representatives have also met with Hernando County staff to review and accommodate their concerns. As a result, modifications have been made to the transmittal draft of the Comprehensive Plan, which are summarized in the "Specific Description of Unreviewed Changes", "Summary of ORC Response" and "Response to Courtesy Review" documents that are attached to this memorandum. Changes that are summarized in these three documents have been integrated into the Comprehensive Plan draft (attached) that is being considered for adoption.

***The following is a list of Council action items to be considered and acted upon for the May 28, 2003 Public Hearing:***

- (1) Approval of the second and final reading of Ordinance No. 637, approving amendments to the City of Brooksville Comprehensive Plan as designated by the draft dated May 28, 2003
- (2) Approve the Adoption Amendment Package, including the findings contained in said documentation, and authorize the Mayor's signature on the transmittal letter prepared pursuant to Section 9J-11.011(5), F.A.C.
- (3) Advise citizens that desire a courtesy information statement from the DCA to sign the "Comprehensive Plan Citizen Courtesy Information List" form located on the press table in the City Council chambers.

- Attachments:
- (1) Transmittal Letter prepared pursuant to Section 9J-11.011(5), F.A.C.
  - (2) Ordinance No. 637
  - (3) "Response to Courtesy Review" Document
  - (4) "Specific Description of Unreviewed Changes" Document
  - (5) "Summary of ORC Response" Document
  - (6) EAR-based Comprehensive Plan (Adoptable Portion -May 28, 2003)
  - (7) Comprehensive Plan Data and Analysis (May 28, 2003)
  - (8) Future Land Use Map Amendments (May 28, 2003)

EXHIBIT III

Comprehensive Plan Citizen Courtesy Information List

Local Government: City of Brooksville Hearing Date: May 28, 2003

Type Hearing:  Transmittal (Proposed)  Adoption DCA Amendment Number 03-1ER (DCA Official Use)

Please Print Clearly

by providing your name and address you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs

Citizen Name	Address, City State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Geoffrey (Jeff) Kink	1071 Candlelight Blvd, # E 70 Brooksville FL 34601	✓	✓	Several provisions of 1ER
MARK STENHART	6025 Hope Hill Rd Brooksville, FL 34601	✓	✓	All
Tony Cowell	400 S Main St Rt 1 Brooksville FL 34601	✓	✓	all
Long Jennings	20 N Main St Brooksville FL 34601	✓	✓	03-1ER

SPECIAL CITY COUNCIL MEETING - MAY 28, 2003

EXHIBIT IV

**Jeff Kirk**  
1071 Candlelight Blvd, E-70  
Brooksville, FL 34601  
(352) 799-9966  
May 28, 2003

**Via Hand Delivery**

Honorable Mayor & City Council  
City of Brooksville, City Hall  
201 Howell Avenue  
Brooksville, FL 34601

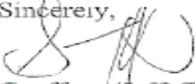
**Re: Adoption of City of Brooksville Comprehensive Plan Amendment 02-1ER**

Dear Mayor & Council:

I am a resident and water/sewer customer of the City of Brooksville and an employee of Hernando County. I am expressing my concerns both as a City resident and in my official capacity with Hernando County pursuant to ss. 163.3181 and 163.3184, *Fla. Stat.*

1. **Traffic Impacts.** I live in close proximity to SR 50 and SR 41. The proposed Plan Amendment does not appear to mitigate against the increased traffic from the proposed development which will feed into SR 50 and SR 41. Absent funding the widening of these roads and similar improvements, this will decrease the Level of Service standards for these roads. As a local commuter, the bottom line will be longer travel times and more traffic congestion.
2. **Water and Sewer Impacts.** I am a City water and sewer customer. I understand that the City does not presently have the capacity and in-place distribution lines to serve the new development proposed in the Plan Amendment. The Plan Amendment does not adequately address how the new capital water and sewer infrastructure (which projects a need for a new wastewater plant) will be funded by the new development it is going to serve. Absent such dedicated funding, this will likely result in higher water and sewer rates being passed through to the existing water and sewer customers of Brooksville.
3. **Urban Sprawl.** One of the reasons I live in Brooksville is because I like the rural non-congested lifestyle. The proposed development through the Plan Amendments promotes low-density single family development on the edge of the City. More importantly it changes large rural areas to urban use. The Plan Amendment appears to promote urban sprawl and in contravention to the City's Adopted Evaluation Appraisal Report dated December 31, 1998 (see Table 1-10, at p. 21).
4. **Need.** Based on the City's growth history, is there an established need for the significant increase of new single family homes and resulting population increase?
5. **Police.** The proposed Plan Amendment and development therein will undoubtedly strain existing levels of police response. This does not appear to be adequately addressed here.
6. **Taxation.** Unfunded infrastructure costs and the demand for more services will inevitably result in higher taxes which will affect homeowners and renters.

Thank you for your consideration

Sincerely,  
  
Geoffrey (Jeff) T. Kirk

**CITY OF BROOKSVILLE  
REGULAR COUNCIL MEETING**

**MINUTES**

**JUNE 2, 2003**

**7:00 P.M.**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present was David LaCroix, City Attorney; Richard E. Anderson, City Manager; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Raymond Hess, Community Redevelopment Coordinator; Pat Jobe, Planning and Zoning Coordinator; Ron Baker, Human Resource Director; B. Ed Tincher, Police Chief; James Daugherty, Fire Chief. Also, present were representatives of the Hernando Today and the St. Petersburg Times.

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

**ADJOURN AS CITY COUNCIL TO PARTICIPATE IN COMMUNITY REDEVELOPMENT AGENCY MEETING**

**RECONVENE REGULAR COUNCIL MEETING FOLLOWING THE COMMUNITY REDEVELOPMENT AGENCY MEETING**

**CONSENT AGENDA**

Minutes

May 19, 2003 - Regular Council Meeting

Council Member Wever suggested noting in the minutes, on page 8, second paragraph, that the property on Darby Lane is in the County, not in the City.

Public Works and Parks Dept. Uniforms

Authorization to "piggyback" on the County's bid and sign a separate agreement with Unifirst. It is presently anticipated that we should realize a 5% savings in cost and funds are available in Department budgets.

Water Use Permit Renewal Fee Reduction

Certification of figures for request of fee reduction for renewal of the Water Use Permit with SWFWMD from \$750 to \$100.

Motion:

Vice Mayor Staib moved for approval of consent agenda as amended; seconded by Council Member Wever; carried unanimously.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

MAD DADS of Greater Ocala, Inc.

Proclamation supporting the Graduation Ceremony to be held at the Jerome Brown Community Center on June 3, 2003, and commending the efforts of MAD DADS of Greater Ocala, Inc. in Hernando County.

Mayor Lewis read the proclamation. It would be presented to the recipients the next day.

# REGULAR CITY COUNCIL MEETING - JUNE 2, 2003

## PUBLIC HEARING

### Ordinance 654 - Annexation of "McIntyre & Malicoate" Properties

Consideration of annexation of parcels totaling approximately twenty-four acres located in the proximity of the southwest corner of US 41 and Wiscon Road. [First Reading May 19, 2003]

City Clerk Phillips read the ordinance, by head note only, as follows:

**AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF BROOKSVILLE, FLORIDA; PROVIDING AN EFFECTIVE DATE.**

#### Motion:

Vice Mayor Staib moved for approval of Ordinance No. 654; seconded by Council Member Wever.

City Attorney LaCroix stated that this was a quasi judicial issue not involving land use and asked Council to reveal any ex parte communications. No ex parte communications had taken place.

There was no public input.

Upon roll call vote, motion carried unanimously as follows:

Council Member Johnston	AYE
Council Member Wever	AYE
Council Member Bernardini	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

## REGULAR AGENDA

#### Motion:

Council Member Bernardini moved the June 2, 2003 Additional Item memo and attachments regarding the bid for trees in connection with the City's Streetscaping Tree Planting Program from the City Manager be added to the agenda; seconded by Council Member Johnston; carried unanimously.

#### Motion:

Council Member Bernardini moved to accept the low bid of Sherwood Forest Nursery in the amount of \$9,868; seconded by Council Member Johnston; carried unanimously.

#### Request for Waiver of Fees - Park Facilities

a) American Business Women's Association - 10<sup>th</sup> Annual Mermaid Rod Run Car Show

Consideration of waiver of fees in the amount of \$275 for the use of Tom Varn Park parking lot on Sunday, January 18, 2004.  
[No deposit required per policy; proof of insurance to be provided]

#### Motion:

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib; carried 4-1, with Council Member Johnston in opposition.

b) Hernando County Health Department - All Day Staff Event

Consideration of waiver of fees in the amount of \$305 for the use of the Jerome Brown Community Center on Thursday, July 17, 2003. [Applicant will pay deposit; proof of insurance provided]

## REGULAR CITY COUNCIL MEETING - JUNE 2, 2003

Ms. Erika Holback of the Hernando County Health Department explained the need for the use of the Community Center and stated that the facility was used last year and was found very accommodating.

### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Wever; carried 4-1, with Council Member Johnston in opposition.

### Appointment of Brooksville Housing Authority Board Applicants

Applicant interviews and subsequent appointments to advisory board positions, as follows:

1 position to fill the balance of an unexpired four (4) year term of office through 3/31/06

3 positions for full four (4) year terms of office through 5/31/07

### Interviews:

Pat Brayton (Current Member)  
Helen Fleming (Current Member)  
Carvel Lael Holton  
Olga M. Kane (Resident)  
Onnie Bell O'Banner (Resident & Ex-Alternate Member)  
Carl Pilcher (Current Member)  
Allen W. Rhodes

### Previously Interviewed on 3/3/03:

Frances L. Brown  
Mark S. Cattell  
Clifford B. Fouts (Ex-Alternate Member)  
Andrew Williams, Jr.  
Sarah Lee Williams (Resident)

Mr. Pat Brayton came forward. Council Member Johnston stated that he had spoken to him in general following his decision to stay on the board. Council had no further questions for Mr. Brayton.

Mrs. Helen Fleming came forward and responded to Council Member Johnston's question that, in spite of surgeries, she was generally in attendance at the board meetings.

Mrs. Onnie Bell O'Banner came forward and stated that she had attended the board meetings as an alternate member and did not foresee any difficulty with attendance in the future. In response to Council Member Bernardini's question, she stated that she had been a resident at Hillside for the past thirty (30) years. Council Member Bernardini commented that she would be one of the first residents.

Mr. Allen Rhodes came forward and responded to Council Member Johnston's question that he could rearrange his schedule to make the meetings so he did not foresee a problem attending.

Carvel Holton, Olga Kane, and Carl Pilcher were not in attendance.

Mayor Lewis read the names of those previously interviewed as Frances L. Brown, Mark S. Cattell, Clifford B. Fouts, Andrew Williams, Jr., and Sarah Lee Williams.

### Motion:

Vice Mayor Staib moved to appoint Mr. Fouts to the unexpired term; seconded by Council Member Johnston.

## REGULAR CITY COUNCIL MEETING - JUNE 2, 2003

Mr. Brayton asked to be recognized and commented that Onnie O'Banner had been involved quite a few years as an alternate member to the Board and wanted to make Council aware of her service.

City Attorney LaCroix stated that the Board does not currently have a resident member and advised that Florida Statute says that we should at least try to have two. He also noted that the deceased member that held this term was a resident member.

The motion and second were withdrawn.

Motion:

Council Member Bernardini moved to appoint Ms. O'Banner to the unexpired term of office through May 31, 2006; seconded by Council Member Johnston; carried unanimously.

Motion:

Council Member Johnston moved to reappoint Pat Brayton to a four year term through May 31, 2007; seconded by Council Member Wever; carried unanimously.

Motion:

Council Member Johnston moved to reappoint Helen Fleming to a four year term through May 31, 2007; seconded by Council Member Bernardini; carried unanimously.

Motion:

Vice Mayor Staib moved to appoint Clifford Fouts to a full four year term through May 31, 2007, citing his expertise with Habitat for Humanity; seconded by Council Member Bernardini; carried unanimously.

Council Member Johnston commented that two more terms would expire this year. Mayor Lewis directed staff to send out a letter informing the other applicants of the anticipated openings.

City Clerk Phillips asked direction as to those applicants that were not in attendance to interview. Council Member Bernardini suggested that staff contact them to determine if they are still interested.

Various Advisory Board Position Appointments

Consideration of applicants for appointment to the following advisory board positions, as follows:

a) Beautification Board

1 position to fill the balance of an unexpired three (3) year term of office through 1/31/05

1 position to fill a full three (3) year term of office through 1/31/06

1 position to fill a full three (3) year term of office through 5/31/06

Applicants:

Delores W. Jackson

Brad Montgomery (Current Member)

Motion:

Council Member Bernardini moved to reappoint Mr. Montgomery to a full term through May 31, 2006 and Mrs. Jackson to the unexpired term through January 31,

**REGULAR CITY COUNCIL MEETING - JUNE 2, 2003**

2005; seconded by Vice Mayor Staib; carried 4-0, with Council Member Johnston out of the room.

- b) Brooksville Cemetery Advisory Committee  
1 position to fill a four (4) year term of office through 4/30/07

Applicants:

Thelma Ann Dawson (Current Member)  
Kathleen A. Hodak

Motion:

Vice Mayor Staib moved to reappoint Thelma Dawson to a full four year term through April 30, 2007; seconded by Council Member Johnston; carried unanimously.

City Clerk Phillips stated that the City had critical needs on the Police Pension, Fire Pension, and Planning and Zoning Boards, and noted that those applicants must be city residents.

Resolution 2003-08 - Amendment to CRA Interlocal Agreement

Consideration of resolution amending 10/1/02 Interlocal Agreement between the City of Brooksville and the Brooksville Community Redevelopment Agency regarding the funding of certain services through tax increment financing.

City Clerk Phillips read the resolution by head note, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, APPROVING AN AMENDMENT TO AN AGREEMENT REGARDING THE FUNDING OF CERTAIN SERVICES TO THE CITY OF BROOKSVILLE COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Johnston; carried unanimously by roll call vote, as follows:

Council Member Wever	AYE
Council Member Bernardini	AYE
Council Member Johnston	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

Parks and Recreation - Facility User Fees

Review of fee schedule.

City Manager Anderson explained that the schedule was established so as not to discourage use but to offset costs, and that the differences between hourly rates reflected overtime needs to staff the facility. Discussion followed regarding covering the cost of operating the outdoor lights. City Manager Anderson said he would bring something back to include that. Mayor Lewis suggested that Parks run the total amounts collected for league fees in 2002 to determine how much was paid out, especially in softball, and added that team rates may need to be increased.

Following further discussion regarding cancellation fees, Council Member Johnston asked the City Manager to determine possible alternatives, suggesting refund percentages of 90% if notice is given 45 days in advance, 75% if notice is

## REGULAR CITY COUNCIL MEETING - JUNE 2, 2003

received between 20 and 30 days, and 10% if notice is received less than 20 days. Council Member Wever stated that, instead of waiving all fees, some costs needed to be recouped. Council Member Johnston recommended that special rate categories be derived.

City Attorney LaCroix advised that, if Council was considering establishing a policy, there were some potential legal problems with waiving fees for a charitable organization because it would involve the use of City tax dollars, which in essence, was making a charitable contribution. He stated that it might not stand up if challenged in Court and that there must be a municipal purpose for the expenditure of tax money. An event open to the general public and anticipated to hold some public benefit should be used as a guideline in such a policy. He also noted that other cities had established a policy not to waive fees in order to pay for the facility.

Discussion took place on the frequency of the waiver of fees, the intended use of Tom Varn Park as dedicated to the youth of Hernando County, and use of the facility for a non-public purpose. City Attorney LaCroix stated that staff could come up with a proposed policy to include a list of criteria to be considered at the budget hearing since it was a budget issue.

### Experience Works - Formerly "Green Thumb"

- a) Acknowledgment of new business name and consideration of authorization of contract for programming assistance in Parks and Recreation;
- b) Consideration of partnership support payment totaling \$750 to partially offset programming costs with funds available in Department Budgets.

### Motion:

Vice Mayor Staib moved for approval of both a) & b) portions of staff's recommendation; seconded by Council Member Bernardini; carried unanimously.

### CITIZEN'S INPUT

No one citizen came forward to speak.

### ITEMS BY COUNCIL MEMBERS

#### E.E. "Ernie" Wever, Jr., Council Member

#### Suncoast League of Municipalities Update

Council Member Wever stated that the head of DOT for this district had made a presentation during the SLM luncheon where he identified a problem with the transportation bill that recently passed, which included a section where DOT was to disregard any municipal ordinance or policy. He recommended that staff draft a letter from the Mayor to ask the Governor to veto the bill and send it back to be redone.

#### FDOT Projects Update

Council Member Wever provided the following updates:

The US 98 move had been postponed several years to 2006 or 2007.

SR 700 from Fort Dade to US 41 would be four-laned.

West Jefferson from Mildred to SR 700 would also be four-laned, in spite of our sending word to DOT that we did not want four lanes.

Council Member Wever asked Council Member Johnston if he had heard anything regarding the sidewalks on Darby Lane. Council Member Johnston responded that

## REGULAR CITY COUNCIL MEETING - JUNE 2, 2003

it was switched with Candlelight Boulevard. Council Member Wever recommended that direction be provided to request to the MPO that Darby Lane be done first.

### Jeff Kirk Letter from May 28, 2003

Council Member Wever suggested that it might be appropriate to respond to Mr. Kirk's letter. City Manager Anderson noted that he was an Assistant County Attorney.

### Mary A. Staib, Vice Mayor

#### Cloverleaf

Vice Mayor Staib stated that the manager of Cloverleaf was upset because residents were not permitted to close in existing porches and asked staff for clarification on permitting procedures. Planning and Zoning Coordinator Jobe explained that twenty-four (24) feet was required between mobile homes because of the fire hazard. She noted that some contractors were erecting carports without permits and those structures must be taken down and that the mobile home park managers were aware of this. Planning and Zoning Coordinator Jobe said she would provide Vice Mayor Staib with the written correspondence on file. She added that a porch in front of a home was allowable as long as it met the setbacks.

### Recent and Upcoming Events

Vice Mayor Staib noted that Rick Foti's interview with JoAnn Munford would be televised on Channel 19; the Hernando Arts Crafts and Music Festival on May 24<sup>th</sup> was wonderful; the Fair Board general membership meeting had taken place on May 27<sup>th</sup>; and Julia Jenkins' celebration on May 30<sup>th</sup> was really good. She also expressed concern about fireworks on July 4<sup>th</sup> and suggested possibly addressing it at the next meeting. Fire Chief Daugherty explained that the City followed no-burn notices set by the Division of Forestry.

### Joe Bernardini, Council Member

#### Hernando County Fair Board

Council Member Bernardini reported that the Hernando County Fair Board had its meeting, that the dinner was good, as was the turn out.

### Joseph E. Johnston, III, Council Member

#### Tourist Development Council

Council Member Johnston noted that the Tourist Development Council meeting was held at the new local bed and breakfast, where they served a five-course meal which was very reasonably priced.

### David LaCroix, City Attorney

City Attorney LaCroix had nothing to report.

### Richard E. Anderson, City Manager

City Manager Anderson had nothing to report.

### Karen M. Phillips, Director of Administration/City Clerk

#### Founder's Week

City Clerk Phillips noted that Founder's Day would be renamed Founder's Week and was scheduled for October 11<sup>th</sup> through the 18<sup>th</sup>.

### Preliminary Budget Workshop June 11, 2003

City Clerk Phillips noted that the preliminary budget workshop was scheduled for next Wednesday, June 11<sup>th</sup>, at 7:00 p.m., pending postponement.

## REGULAR CITY COUNCIL MEETING - JUNE 2, 2003

### ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 8:20 p.m.

\_\_\_\_\_  
S/ Karen M. Phillips  
City Clerk

ATTEST: S/ Richard E. Lewis  
Mayor

Originally approved 7/7/03. Amended 7/21/03.

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**CITY OF BROOKSVILLE  
PRELIMINARY BUDGET WORKSHOP**

**MINUTES**

**JUNE 11, 2003**

**7:00 P.M.**

Brooksville City Council met for in workshop session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present was Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Steve Baumgartner, Finance Director; Raymond Hess, Community Redevelopment Coordinator; Ron Baker, Human Resource Director; B. Ed Tincher, Police Chief; James Daugherty, Fire Chief; Joe Tyberghein, Parks and Recreation Manager.

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

**2003-2004 BUDGET**

Review of preliminary projections for 2003-2004 Fiscal Year.

City Manager Anderson and Finance Director Baumgartner explained revenue trends and cost increases as outlined in their staff memorandums.

A water and sewer resolution would be proposed at the first meeting in July, to become effective October 1<sup>st</sup>.

Council Member Wever suggested that the capital purchases be moved into a separate list for each fund. He also suggested that the transfers into the vehicle maintenance fund for the current fiscal year be backed out of the budget and returned to reserves in each of the three areas. He did not believe that any money would have to be budgeted into the vehicle maintenance fund this coming budget year.

City Manager Anderson stated that direction would be needed in regard to redefining the ad valorem tax and increasing the City utility tax.

Finance Director Baumgartner added that he had researched the utility service taxes of forty-five other cities and only one other city besides Brooksville did not have that in place. He explained that the purpose of a utility service tax was to spread the taxes over all of the residents. He believed the City's lack of this tax explained why the millage was high.

Council Member Wever commented that the utility tax would have to be approved before the ad valorem tax could be lowered. Finance Director Baumgartner stated that the Department of Revenue had to be notified one hundred twenty days (120) prior to instilling the tax, which would allow it to be done January 1<sup>st</sup>. Mayor Lewis added that the millage could be lowered in October of 2004. Council Member Wever added that a minimum dollar amount could be included to take care of the indigent type.

Council Members Bernardini, Wever, and Johnston agreed that the establishment of a building official should be left out of the budget and added later in the year.

Mayor Lewis felt that the departments needed to withhold spending any unnecessary funds throughout the remainder of the year.

Council Member Johnston clarified that direction to staff had been given to bring back information on utility service revenue enhancement. City Manager Anderson added that what was previously referred to as the utility tax was now known as

## PRELIMINARY COUNCIL WORKSHOP - JUNE 11, 2003

the general services tax.

Council Member Wever stated that the Cemetery tractor purchase of \$34,000 needed to be taken out and put into the separate capital purchase list, as well as the Streets and Drainage equipment purchases of \$95,000. He noted that the Solid Waste R & R account was set at \$200,000 with the rest set as unallocated. He added that the figure for the transfer to the Internal Service fund needed to be taken out.

City Clerk Phillips verified that the next budget workshop was scheduled for July 2<sup>nd</sup> and August 12<sup>th</sup>. It was the consensus of Council to cancel the July workshop. The August workshop was to be determined.

### **ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 7:55 p.m.

\_\_\_\_\_  
S/ Karen M. Phillips  
City Clerk

ATTEST: S/ Richard E. Lewis  
Mayor

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**CITY OF BROOKSVILLE  
REGULAR COUNCIL MEETING**

**MINUTES**

**JUNE 16, 2003**

**7:00 P.M.**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; William "Smitty" Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Raymond Hess, Community Redevelopment Coordinator; Ron Baker, Human Resource Director; B. Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Julie Sherraden, Administrative Secretary. Also present were representatives of the Hernando Today and the St. Petersburg Times.

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

**CONSENT AGENDA**

South 41 Utility Easement Condemnation Settlements - Kerry Owens Smith Parcel  
Authorize the City Attorney to advise City's offer of 180% of our market appraisal will expire June 23, 2003.

City Attorney LaCroix responded to Council Member Wever's concern, stating that this settlement would not affect the USDA deadline to begin the work since the right-of-way easements had already been obtained.

Veteran's Day Parade and Patriot Day Remembrance

Request that City support the events and waive cost associated with permit as well as insurance requirements for a Veteran's Day Parade on November 15, 2003, and the Patriot Day Remembrance on September 11, 2003. [Police Dept. costs for each event - \$180 and \$80, respectively]

Mayor Lewis noted that the cost on the street closure application was \$160, though the agenda reflected an incorrect figure of \$180. Vice Mayor Staib commented on the form being incomplete and suggested that staff obtain the information necessary to complete the appropriate form prior to the Council meeting in the future.

Hernando County School Board Interlocal Agreement

Approve Addendum #2 extending term five (5) years with automatic renewal unless cancelled by either party.

FDOT State Highway Lighting Maintenance and Compensation Agreement

Revised agreement to correct signature page and clarify the amount FDOT will compensate (\$5,074 for 2002-03).

Vice Mayor Staib pointed out that the reference lacked the paragraph on the bottom of page eleven (11) as cited.

Motion:

Council Member Wever moved for approval of the consent agenda; seconded by Council Member Johnston; carried unanimously.

**PUBLIC HEARING**

Right-of-Way Annexation Ordinance No. 655

Consideration of annexation of portions of the rights-of-way of State Road

## REGULAR CITY COUNCIL MEETING - JUNE 16, 2003

50, State Road 50A, U.S. 41, and Cobb Road, which are bounded on one side primarily by the City limits. [Second and Final Reading scheduled for July 7, 2003]

No one in the public wished to speak.

City Attorney LaCroix stated that this was a quasi judicial issue not involving land use and asked Council to reveal any ex parte communications. No ex parte communications were reported.

Mayor Lewis stated that the second and final reading of the ordinance was scheduled for July 7, 2003.

Deputy City Clerk Chase read the Ordinance No. 655 by head note, as follows:

**AN ORDINANCE ANNEXING INTO THE CITY OF BROOKSVILLE, FLORIDA, A PORTION OF THE RIGHT-OF-WAY OF STATE ROAD 50 FROM THE NORTH SIDE OF ITS INTERSECTION WITH THE RIGHT-OF-WAY OF STATE ROAD 50A-WEST RUNNING SOUTHERLY TO THE EXISTING CITY LIMITS LOCATED APPROXIMATELY 350 FEET NORTH OF CLINTON BOULEVARD, A PORTION OF THE RIGHT-OF-WAY OF STATE ROAD 50 FROM THE WEST SIDE OF ITS INTERSECTION WITH THE RIGHT-OF-WAY OF RAY BROWNING ROAD RUNNING EASTERLY TO THE EXISTING CITY LIMITS LOCATED APPROXIMATELY 547 FEET EAST OF HALE AVENUE, A PORTION OF THE RIGHT-OF-WAY OF U. S. 41 FROM THE SOUTH SIDE OF ITS INTERSECTION WITH WISCON ROAD TO THE SOUTH SIDE OF ITS INTERSECTION WITH JACKSON STREET, A PORTION OF THE RIGHT-OF-WAY OF STATE ROAD 50A-WEST FROM THE EXISTING CITY LIMITS AT DARBY LANE TO THE WEST SIDE OF ITS INTERSECTION WITH STATE ROAD 50, AND A PORTION OF THE COBB ROAD RIGHT-OF-WAY FROM THE NORTH SIDE OF THE RIGHT-OF-WAY OF STATE ROAD 50 TO THE EXISTING CITY LIMITS LOCATED APPROXIMATELY 450 FEET NORTH OF FORT DADE AVENUE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

### Motion:

Vice Mayor Staib moved for approval of first reading of Ordinance No. 655; seconded by Council Member Johnston. Motion carried unanimously upon roll call vote, as follows:

Council Member Wever	AYE
Mayor Lewis	AYE
Vice Mayor Staib	AYE
Council Member Bernardini	AYE
Council Member Johnston	AYE

### **REGULAR AGENDA**

#### Brooksville Housing Authority Board Applicant Interview

\_\_\_\_\_ Applicant interviews and consider appointment to full four (4) year term (through 5/31/07):

Ms. Kane was not in attendance.

Mr. Carl Pilcher came forward to be interviewed by City Council. He stated that, though he had missed some meetings due to family illness, it was not a regular occurrence. Vice Mayor Staib pointed out that the board minutes reflected that Mr. Pilcher was a contributing member to the board.

Mayor Lewis commented that other applicants previously interviewed were Frances L. Brown, Mark S. Cattell, Allen Rhodes, Andrew Williams, Jr., and Sarah Lee Williams. Council Member Bernardini added that, though he remembered Mr. Williams stating during his interview that he wished to withdraw his application, he had spoken with him a few weeks prior and Mr. Williams had stated that he had

## REGULAR CITY COUNCIL MEETING - JUNE 16, 2003

not. He suggested that Mr. Williams be contacted to verify his application status.

### Motion:

Vice Mayor Staib moved to appoint Carl Pilcher to a four year term through May 31, 2007; seconded by Council Member Wever; carried 5-0.

Mayor Lewis added that two positions were due to expire September 30, 2003 and October 31, 2003, and directed staff to contact those applicants that were not selected to notify them accordingly.

### North Well Fields

Consideration of (a) modifying scope of work and awarding contract to Diversified Drilling for a test and a production well, at a total estimated amount of \$182,000; and, if the above is approved, (b) \$32,250 for engineering and management fees to Coastal Engineering Associates.

Director of Public Works Pierce explained that two bids were received. He expressed his agreement with Coastal Engineering Associates' evaluation recommendation that the low bid be rejected based upon information from the State which revealed various violations and licensing issues.

Mr. Bob Schumm of Integrity Well Drilling requested additional time to respond to deficiencies outlined in the letter from Coastal Engineering.

Following discussion, City Attorney LaCroix suggested that this item could be continued at the next meeting without delaying the process to afford the company an opportunity to refute any factual allegations in writing. Council consented. City Manager Anderson clarified that Integrity had until June 30<sup>th</sup> to address the deficiencies for the next Council agenda.

### Jerome Brown Community Center - Alcoholic Beverage Policy

Consideration of requiring 13CT License for sale or distribution in the Center, except for distribution only at private events.

### Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Staib for approval. City Attorney LaCroix advised that a regulating decision should be in the form of an ordinance or resolution. The motion and second were withdrawn; continued to the July 7<sup>th</sup> meeting.

### Resolution No. 2003-09 - CRA Interlocal Agreement for Management & Planning Services

Approval of Resolution authorizing Amendment to 10/1/02 Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for compliance with Section 163.387, F.S. as it relates to payment of obligations through tax increment financing (TIF) funds.

City Attorney LaCroix updated Council on the June 12<sup>th</sup> City/County staff meeting at which the conflict was resolved by allowing them to make minor changes to the agreement in paragraph four (4) and the last sentence. He recommended that Council accept the amended agreement. He added that City staff agreed that their part toward this end would be to recommend to the CRA to waive the interest charges that have been assessed as long as payment was received within the next thirty (30) days, which he would do at the CRA meeting.

Mayor Lewis asked City Attorney LaCroix if the question was ever asked as to what date the County Attorney received the Attorney General's opinion he had requested. City Attorney LaCroix stated that he was not aware that such an opinion had been requested.

Deputy City Clerk Chase read the resolution by head note only, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE,**

## REGULAR CITY COUNCIL MEETING - JUNE 16, 2003

**APPROVING AN AMENDMENT TO AN AGREEMENT REGARDING THE FUNDING OF CERTAIN SERVICES TO THE CITY OF BROOKSVILLE COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Motion:

Council Member Johnston moved to approve Resolution 2003-09; seconded by Council Member Bernardini. Motion carried unanimously upon roll call vote, as follows:

Mayor Lewis	AYE
Vice Mayor Staib	AYE
Council Member Bernardini	AYE
Council Member Johnston	AYE
Council Member Wever	AYE

The meeting was adjourned at 7:42 p.m. Following the City of Brooksville Community Redevelopment Agency meeting, City Council reconvened at 7:45 p.m.

### **CITIZEN'S INPUT**

Lynn Crawford

Ms. Crawford, of Little Peoples' Day Care, expressed a desire to rent the Jerome Brown Community Center conference room on Thursday, June 26, 2003 for a graduation ceremony of the Child Development Agency childcare certification class.

Motion:

Motion was made by Council Member Bernardini to add this item to the agenda; seconded by Vice Mayor Staib; carried unanimously.

Motion:

Vice Mayor Staib moved for approval. Council Member Bernardini seconded for discussion.

Ms. Crawford told Council Member Bernardini that money would have to be collected from each class member to cover the deposit. Vice Mayor Staib pointed out that security would not be necessary and asked Ms. Crawford if she would guarantee the clean up of the facility, to which Ms. Crawford responded affirmatively.

Motion carried 4-1, with Council Member Johnston in opposition.

Anna Liisa Covell

Mrs. Covell thanked Council for their support of the Veteran's Day Parade and Patriot's Day event. She said that she would like to work with Chief Tincher and Audrey Williams as liaison's of the City since they were instrumental in the success of last year's events.

### **ITEMS BY COUNCIL MEMBERS**

**Joe Bernardini, Council Member**

Council Member Bernardini advised Council that he had received a petition for speed humps from residents on Colonial Drive, which he had forwarded to the City Manager.

**Joseph E. Johnston, III, Council Member**

Pending Absence

Council Member Johnston reminded Council that he would be out of town during the

## REGULAR CITY COUNCIL MEETING - JUNE 16, 2003

week of July 7, 2003.

### MPO Projects Update

In response to a request by Council Member Wever, he provided the information on the following MPO projects:

US 98 Rerouting: funding had diminished due to the County Line Road project expense outlay; the project needed to be redesigned.

Four-lane W. Jefferson: this was not going to happen; it was cost prohibitive.

Darby Lane/Candlelight Sidewalk: the Candlelight sidewalk could not be funded by DOT; Darby could be done on the park side - DOT requests a letter from the City stating which parcels might be available to construct the sidewalk on.

### Mary A. Staib, Vice Mayor

#### FFPTF Minutes

Vice Mayor Staib commented on the dates of the Fire Fighter's Pension Trust Fund minutes and asked the Fire Chief to inquire into the delay. City Manager Anderson explained that one board position was unfilled which caused a difficulty in reaching a quorum when there was an absence. Vice Mayor Staib suggested that the meeting could be held at the Fire Station in the event that they are short of a quorum when a fire fighter/board member was on duty.

#### 228<sup>th</sup> Army Birthday Celebration

Vice Mayor Staib reported that the celebration held Friday, June 13<sup>th</sup> at City Hall was very nice.

### E.E. "Ernie" Wever, Jr., Council Member

#### Legislative Round-up

Council Member Wever spoke about the June 13<sup>th</sup> Legislative Round-up he attended along with Vice Mayor Staib in Orlando and suggested that the Mayor send a letter opposing HB27B "Extra Benefits Law."

#### Health Problems

Council Member Wever shared that he was having more heart problems and would have to go in for a heart catheterization, with possible surgery immediately following if it the prognosis was not good.

### David LaCroix, City Attorney

#### Alcoholic Beverage Regulation

City Attorney LaCroix stated that the State now regulated all alcoholic beverage permits and the City's current policy lacked legal standing. He suggested that Council consider repealing the policy prior to the completion of Municipal Code's first draft of the codification project to avoid incurring additional costs at a later date. Following discussion, Council consented to rescind the current policy.

#### Joint Independent Utility Authority Creation - Florida Water Acquisition

#### Motion:

Motion was made by Council Member Wever and seconded by Council Member Johnston to add this item to the agenda; carried unanimously.

City Attorney LaCroix explained his memo to Council outlining the City's

## REGULAR CITY COUNCIL MEETING - JUNE 16, 2003

extraterritorial authority, potential purchasers for Florida Water's utility systems, Hernando County's negotiations with Florida Water, the City's negotiations with Florida Water, and Council options, which he read as follows:

1. Direct staff to cease any further inquiries into the possible purchase of Florida Water's Spring Hill utility system.
2. Have a public presentation of what information is now available on the condition of the Spring Hill system, its rate structure, its revenue and expenditure history, and the potential revenues available for payment of bonds necessary to purchase the system.
3. Authorize staff to hire its own consultants to evaluate the condition of the system and its worth to the City.
4. Wait and see what Hernando County eventually proposes as its final offer for the system and consider whether to offer Florida Water the same price (which, as discussed above, would net Florida Water an extra \$1.3 million).
5. Explore the possibility of joining with Hernando County in its efforts to acquire the Florida Water Spring Hill utility system, rather than bidding against it.

Vice Mayor Staib expressed her favor for making an approach to the County. Council Member Johnston questioned what incentives the County would have and stated his support of option five (5), to fall back to option four (4) if cooperation was not there. Council Member Wever felt that a joint authority was a good move. Council Member Bernardini liked the idea of an independent utility authority. Mayor Lewis directed the City Attorney to contact the County regarding the possibility of a joint acquisition and stated that he would prefer avoiding condemnation. City Attorney LaCroix said he would like to ask Council for a vote so that he could tell them it was unanimous.

### Motion:

Motion was made by Vice Mayor Staib and seconded by Council Member Bernardini; carried unanimously. **See minutes of July 7, 2003 for clarification of motion.**

### Darcy H. Chase, Deputy City Clerk

Deputy City Clerk Chase stated that a letter had been received from the Timmons Family thanking Council for its support of their 37<sup>th</sup> annual (continuous) family reunion, along with a Certificate of Appreciation, which Mayor Lewis read.

### ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 8:50 p.m.

\_\_\_\_\_  
S/ Darcy Chase  
Deputy City Clerk

ATTEST: S/ Richard E. Lewis  
Mayor

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**CITY OF BROOKSVILLE  
REGULAR COUNCIL MEETING**

**MINUTES**

**JULY 7, 2003**

**7:00 P.M.**

Brooksville City Council met in regular session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Raymond Hess, Community Redevelopment Coordinator; Bill Geiger, Community Development Director; Raymond Hess, Community Redevelopment Coordinator; Ron Baker, Human Resource Director; Rick Hankins, Police Detective Sergeant; James Daugherty, Fire Chief. Council Member Joseph E. Johnston III was not in attendance. Also, present were representatives of the Hernando Today and the St. Petersburg Times.

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

**CONSENT AGENDA**

Minutes

\_\_\_\_\_ May 28, 2003 - Special Council Meeting  
\_\_\_\_\_ June 2, 2003 - Regular Council Meeting  
\_\_\_\_\_ June 11, 2003 - Preliminary Budget Workshop  
\_\_\_\_\_ June 16, 2003 - Regular Council Meeting

Council Member Wever pointed out that the motion on the June 16, 2003 minutes, page six, did not reflect the intent of the Council. He stated that the preceding paragraph reflected that three or four options had been discussed but did not recall any motion being stated. He stated that he believed the intent was to join with the County in creating a county-wide utility district but no motion was defined. Council Member Bernardini said that he thought that was the Vice Mayor's motion that he was seconding. Vice Mayor Staib agreed that was her intent.

Motion:

Council Member Wever moved that the minutes of June 16, 2003 be clarified as follows: "Council voted unanimously to join the County in creating a county-wide utility district"; seconded by Vice Mayor Staib. Vice Mayor Staib responded to Mayor Lewis' question that, regarding the possible Florida Water acquisition, she had stated that they would take it one step at a time. Council Member Wever added that, though all of the options presented were discussed, Council focused on the last option which only dealt with creating the county-wide district. Motion carried 4-0.

Surplus Property - Public Works

Consideration of retaining and repairing vehicle previously declared surplus (estimated cost \$3,375), in lieu of requesting an additional vehicle.

Suncoast League of Municipalities - Use of City Bus

Authorization of use of bus to provide City officials and guests from other cities with a tour of the City's historic district on Saturday, July 19, 2003 and waiver of associated costs.

Water and Sewer Line Extensions - US 41

Approval of constructing utility lines in portions of FDOT right-of-way south of the fairgrounds instead of within utility easements.

Council Member Wever questioned the outlined locations of the water and sewer

## REGULAR CITY COUNCIL MEETING - JULY 7, 2003

lines with the sewer on the east side of US 41 and the water one the west side. Discussion took place as to the reasoning behind the plan. Direction was given to staff to bring back the final results for Council's review prior to beginning the work.

### Settlement of Forfeiture (Strowder/Langley)

Approval of proposed settlement agreement returning \$9,360 relating to a forfeiture and authorize City Attorney to execute agreement.

### Motion:

Motion was made by Council Member Wever and seconded by Vice Mayor Staib to approve the consent agenda with the June 16, 2003 minutes amended as clarified; carried 4-0.

### PUBLIC HEARING

#### Right-of-Way Annexation Ordinance No. 655 \*\*

Consideration of annexation of portions of the rights-of-way of State Road 50, State Road 50A, U.S. 41, and Cobb Road, which are bounded primarily by the City. [First Reading June 16, 2003]

City Clerk Phillips read Ordinance No. 655 by head note only, as follows:

**AN ORDINANCE ANNEXING INTO THE CITY OF BROOKSVILLE, FLORIDA, A PORTION OF THE RIGHT-OF-WAY OF STATE ROAD 50 FROM THE NORTH SIDE OF ITS INTERSECTION WITH THE RIGHT-OF-WAY OF STATE ROAD 50A-WEST RUNNING SOUTHERLY TO THE EXISTING CITY LIMITS LOCATED APPROXIMATELY 350 FEET NORTH OF CLINTON BOULEVARD, A PORTION OF THE RIGHT-OF-WAY OF STATE ROAD 50 FROM THE WEST SIDE OF ITS INTERSECTION WITH THE RIGHT-OF-WAY OF RAY BROWNING ROAD RUNNING EASTERLY TO THE EXISTING CITY LIMITS LOCATED APPROXIMATELY 547 FEET EAST OF HALE AVENUE, A PORTION OF THE RIGHT-OF-WAY OF U. S. 41 FROM THE SOUTH SIDE OF ITS INTERSECTION WITH WISCON ROAD TO THE SOUTH SIDE OF ITS INTERSECTION WITH JACKSON STREET, A PORTION OF THE RIGHT-OF-WAY OF STATE ROAD 50A-WEST FROM THE EXISTING CITY LIMITS AT DARBY LANE TO THE WEST SIDE OF ITS INTERSECTION WITH STATE ROAD 50, AND A PORTION OF THE COBB ROAD RIGHT-OF-WAY FROM THE NORTH SIDE OF THE RIGHT-OF-WAY OF STATE ROAD 50 TO THE EXISTING CITY LIMITS LOCATED APPROXIMATELY 450 FEET NORTH OF FORT DADE AVENUE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

### Motion:

Motion was made by Vice Mayor Staib and seconded by Council Member Bernardini to approve Ordinance No. 655.

Mayor Lewis stated that this was a public hearing and a quasi judicial function. No ex parte communications were reported to have occurred.

There was no public input or discussion.

Upon roll call vote, motion carried 4-0 as follows:

Council Member Johnston	ABSENT
Council Member Bernardini	AYE
Council Member Wever	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

# REGULAR CITY COUNCIL MEETING - JULY 7, 2003

## REGULAR AGENDA

### Florida League of Cities Annual Conference - Voting Delegate Selection

Designation of Council Member to serve as voting delegate to Florida League of Cities Annual Conference August 14-16, 2003.

#### Motion:

Council Member Wever recommended they appoint Mary Staib as the voting delegate. Council Member Bernardini seconded; carried 4-0.

#### Motion:

Council Member Bernardini moved to appoint Ernie Wever as the alternate; seconded by Vice Mayor Staib; carried 4-0.

Council Member Wever asked Mayor Lewis if he would consider taking his place if he was unable to attend. The latest date for registration changes was August 1<sup>st</sup> and hotel reservations August 8<sup>th</sup>. Mayor Lewis said he would check his calendar.

### Resolution 2003-10 - 3<sup>rd</sup> Quarter Budget Amendment for FY2002-03

Consideration of amendment to Fiscal Year 2002-03 Budget.

City Clerk Phillips read Resolution 2003-10 by head note only, as follows:

#### **A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2002-03 BUDGET AND SETTING AN EFFECTIVE DATE.**

#### Motion:

Motion was made by Vice Mayor Staib for approval; seconded by Council Member Wever; carried 4-0 upon roll call vote, as follows:

Council Member Wever	AYE
Council Member Bernardini	AYE
Council Member Johnston	ABSENT
Vice Mayor Staib	AYE
Mayor Lewis	AYE

Council Member Wever commented that the general fund balance was too low based on the schedule provided by the Finance Director, therefore plans should be made not to take any more money from that fund.

### Hope Hill and North Well Fields

Consideration of rejecting bids, direct that the project be rebid with a revised scope of work for well drilling at PHCC site only and authorize \$4,750 to Coastal Engineering Associates for additional work.

Director of Public Works Pierce explained that the previous recommendation to go with the other bidder was reconsidered due to permitting specifications put on by SWFWMD at the last minute which will result in modifications to the scope of work. He added that, if the bid were to be awarded, a change order would be inevitable. His recommendation was to rebid and come back to council with a modified scope of work.

City Clerk Phillips received clarification from Director of Public Works Pierce that the contract amount to Coast Engineering Associates was amended to \$4,500.

Mr. Bob Schumm of Integrity Well and Pump stated that he would still like to have the opportunity to work out a price with staff for the scope of work that their competitors had.

City Attorney LaCroix advised that State Statute prohibited the negotiation of a reduced scope of work contract with one bidder, which is why it is necessary to rebid.

## REGULAR CITY COUNCIL MEETING - JULY 7, 2003

Director of Public Works Pierce added that no verbal negotiations were carried on with the other bidder.

### Motion:

Vice Mayor Staib moved for approval of staff recommendation with the revised fee for Coastal Engineering; seconded by Council Member Wever; carried 4-0.

Council Member Wever commented on the WRWSA grant that was approved with a 4-1 vote and suggested that there may have been a possible Sunshine Law violation since Board Member Aiken was reportedly reprimanded for her assenting vote.

### Personnel Board Vacancy

- a) Consideration of modifying personnel policy provision requiring City residency for Personnel Board Advisory Members to extend eligibility not only to City residents but to owners of property or a business in the City or for individuals who have Human Resources experience and if approved;
- b) fill the open position for a 3 year term through 1/31/06.

### Motion:

Council Member Wever moved for approval of staff's recommendation with the clarification that "not a City resident" be included.

Council discussed the implications of expanding the current eligibility requirements as to the vested interest of property owners versus business owners and the possibility of inadvertently making non-county residents eligible.

City Clerk Phillips re-read the motion. Motion died for lack of second.

City Clerk Phillips said she would re-advertise the open positions.

### Settlement of US 41 Utility Easement Condemnations (Last 2 Parcels)

- a) Kerry Owens Smith Parcel  
Consideration of accepting latest offer from property owner for 190% of the appraised value (\$12,996) and statutory attorney's fees (\$2,052) for a proposed settlement of \$15,048, together with agreement of the balance of the terms contained in the owner's original counter-offer, subject to approval from staff. [Funding available in budgeted Water & Sewer Capital Projects 2001-UT04a].

### Motion:

Motion was made by Council Member Bernardini for approval; seconded by Vice Mayor Staib; carried 4-0.

- b) Stocker & Van Fossen Parcel  
Consideration of counter-offer from property owner for approximately 180% of the appraised value (\$6,130) and attorney's fees (\$903.33) for a settlement of \$7,033.33. [Funding available in budgeted Water & Sewer Capital Projects 2001-UT04a].

### Motion:

Motion was made by Vice Mayor Staib for approval; seconded by Council Member Wever; carried 4-0.

Resolution 2003-11 - Request to County to Fund Litigation Against City from

## REGULAR CITY COUNCIL MEETING - JULY 7, 2003

### Non-County-wide Revenues

Consideration of requesting the Board of County Commissioners to develop a funding mechanism so that the City taxpayers are not paying to defend against litigation filed against the City.

City Attorney LaCroix explained that State Statute provides that the City may by resolution identify any program or service that the City Council believes does not benefit the residents of the City and request that the County fund or remit a portion of the money used for that purpose. He stated that one of these services was the County Attorney's office, and that City residents were paying to sue themselves of defend litigation filed on their behalf. He added that Council may identify other programs and do a follow up resolution so that the County can deal with them all at the same time.

City Clerk Phillips read the resolution by head note only, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, IDENTIFYING A SERVICE OR PROGRAM WHICH BENEFITS ONLY PROPERTY OR RESIDENTS OF THE UNINCORPORATED AREA OF HERNANDO COUNTY AND REQUESTING THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS EITHER TO FUND SUCH SERVICE OR PROGRAM FROM TAXES OR CHARGES LEVIED SOLELY UPON RESIDENTS OR PROPERTY IN THE UNINCORPORATED AREA OF HERNANDO COUNTY OR TO REMIT TO THE CITY A PROPORTIONAL PART OF THE COST OF SUCH SERVICE OR PROGRAM, PURSUANT TO SECTION 125.01(6), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

City Attorney LaCroix responded to Council Member Wever's comment by stating that nothing can be done retroactively. He also said that old case law has established that a taxpayer can bring individual action against the Board of County Commissioners for unlawfully using expenditures under subsection 7 that were not providing benefit to City residents.

### Motion:

Motion was made by Council Member Wever for approval; seconded by Vice Mayor Staib. Motion carried 4-0 upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Wever	AYE
Council Member Johnston	ABSENT
Vice Mayor Staib	AYE
Mayor Lewis	AYE

### Litigation Filed by Hernando County

- a) Consideration of participation in a dispute resolution process and authorize the Mayor's signature as recommended; and
- b) schedule a "shade meeting" or executive session for Wednesday, July 9, 2003 at 7:00 p.m.

City Attorney LaCroix explained that the County did not properly comply with Florida Statute regarding conflict resolution since it initiated Ch. 164 proceedings after it filed suit. He advised that any conflict resolution meeting with County staff would be in the City's best interest and recommended that the Mayor advise the Board of County Commissioners by letter that the City is interested in resolving the issue but, in doing so, was not waiving any objection to them not having properly complied with the dispute resolution provision of State Statute.

## REGULAR CITY COUNCIL MEETING - JULY 7, 2003

Vice Mayor Staib suggested that the letter be hand delivered and that our copy be date stamped upon receipt.

Motion:

Council Member Wever moved to authorize the letter as described by the City Attorney to be signed by the Mayor; seconded by Vice Mayor Staib; carried 4-0.

b) need to discuss this litigation in greater detail re: strategies and litigation costs - requesting setting a closed meeting to discuss - 7/9 at 7PM

Motion:

Council Member Wever moved to authorize the scheduling of a closed executive meeting with City Attorney, City Manager, City Council, and court reporter Patti Marshall on July 9, 2003 at 7:00 p.m. Motion was seconded by Vice Mayor Staib; carried 4-0.

City Attorney LaCroix advised that a new lawsuit had been filed by Marisol Berroa, City employee, and that they could also have a closed meeting about that but he had nothing else to advise Council and it will be handled under the City's insurer. The Township 22 pending litigation was scheduled under the District Court of Appeal on July 23, 2003 at 10:00 a.m. He added that there was nothing further to discuss on that, either, and that he was sure the Court would enter a decision that would be in the best interest of everybody involved.

Ordinance No. 656 - Amendment to Annexation Ordinance No. 633

\_\_\_\_\_ Consideration of amendment to Hampton Ridge annexation ordinance to include a retroactive date of May 28, 2003 and provision for an automatic repeal if rezoning or the Comprehensive Plan Amendment is not adopted by a specific date.

[Second and Final Reading scheduled for July 21, 2003]

City Attorney LaCroix explained that the Department of Community Affairs (DCA) had notified the City about concerns. He stated that the annexation ordinance delayed the effectiveness of the annexation until after the development agreement was signed and the comp plan amendments were approved, sent to DCA and returned to the City. He added that the City could avoid a problem by amending the annexation ordinance. He explained that the proposed amendment modifications strike those conditions from Section 1 of the ordinance and add Section 7 which provides that the ordinance shall be automatically repealed and be of no further force and effect if by November 30, 2003 rezoning proposed to be considered in good faith by the Council is not adopted and the comprehensive plan amendments for the property have not taken effect.

City Clerk Phillips read the ordinance by head note only, as follows:

**AN ORDINANCE AMENDING ORDINANCE NO. 633; DELETING A PORTION OF SECTION 1 THEREOF WHICH CONDITIONED THE EFFECTIVENESS OF THE ANNEXATION APPROVED THEREIN; ADDING THERETO A NEW SECTION 7 PROVIDING FOR AUTOMATIC REPEAL IF CERTAIN CONDITIONS ARE NOT MET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

## REGULAR CITY COUNCIL MEETING - JULY 7, 2003

### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Bernardini; carried 4-0 by roll call vote, as follows:

Council Member Wever	AYE
Council Member Bernardini	AYE
Council Member Johnston	ABSENT
Vice Mayor Staib	AYE
Mayor Lewis	AYE

City Clerk Phillips noted that the second and final reading was scheduled for July 21, 2003. City Attorney LaCroix added that the ordinance was not a quasi judicial issue but would be presented at a public hearing.

### CITIZEN'S INPUT

There were no citizens present that wished to speak.

### ITEMS BY COUNCIL MEMBERS

#### E.E. "Ernie" Wever, Jr., Council Member

##### Finances

Council Member Wever commented that the reserve fund is too low, that the utilities department unallocated contingency fund carried a substantial balance that might be available to use if the construction fund money could not be used. He also felt that it was still necessary to hold onto what was in the capital improvement fund for the 41 S and Hope Hill/North well fields.

##### Suncoast League of Municipalities

Brooksville will host the SLM meeting on July 19<sup>th</sup> at the Jerome Brown Community Center.

#### Mary A. Staib, Vice Mayor

Vice Mayor Staib expressed her dissatisfaction with the transportation service for seniors going over to Weeki Wachee for the fourth of July celebration. She was unable to represent the City for the grand opening because of the heat after standing in line for about an hour waiting for the bus, and asked the City Manager to notify the proper people.

#### Joe Bernardini, Council Member

##### Traffic Light at Mildred Street & Jefferson Street

Council Member Bernardini stated that trip bars previously signaled the light to change but it now seemed to be on a regular cycle regardless of traffic, specifically the one coming from Mildred traveling from north to south.

Director of Public Works Pierce said that he would contact the County and notify them of the problem.

Council Member Wever recalled that he had seen a few County trucks working on them but they were still on a regular cycle.

#### Joseph E. Johnston, III, Council Member

Absent

## REGULAR CITY COUNCIL MEETING - JULY 7, 2003

### Richard E. Lewis, Mayor

#### Draft Letter in Reply to the County Regarding Florida Water/Joint Utility Authority

Mayor Lewis welcomed any additions or deletions from Council and stated that they would need to be given to staff first thing in the morning to be incorporated. He hoped that the Council would continue to take the high road, which he believe they have done with this particular issue, and stated that he hoped that the rest of the Council was in consent not to change their venue on this and go into any type of situation otherwise.

City Attorney LaCroix suggested that an addition be made to page four (4) following the first paragraph, with the insertion of "In addition, the City provides some equipment and manpower to the county free of charge but County residents pay no taxes whatsoever to the City for these City services." He suggested that Council add this to the agenda to approve the basic substance of the letter with minor changes and authorize the Mayor to send it.

#### Motion:

Motion was made by Council Member Wever moved that it be added to the agenda; seconded by Vice Mayor Staib; carried 4-0.

#### Motion:

Motion was made by Council Member Wever to approve the letter substantially in the form presented with the addition on page four (4) and subsequent to any minor changes suggested by various Council members; seconded by Vice Mayor Staib. Motion carried 4-0.

### David LaCroix, City Attorney

#### Hampton Ridge Dispute with the County

City Attorney LaCroix shared that Jim Harvey, the Hampton Ridge developer, had called to express some concern about not wanting to get in the middle of any dispute between the City and the County that does not involve his project. He is willing to work with us any way he can to resolve any dispute or issue the City has with the County but he does not want any challenge with his project and the annexation to get tied up with other issues.

### Richard E. Anderson, City Manager

#### Budget

City Manager Anderson stated that staff was plodding along with the budget and preliminary information would be available later in the week.

#### Additional Item - Peck Sink Study

City Manager explained that a City resident had contacted staff concerning a potential problem and suggested the City offer his assistance with any of the groups that will be studying those issues.

#### Motion:

Motion was made by Council Member Wever and seconded by Vice Mayor Staib to add the Peck Sink Study item to the agenda; carried 4-0.

Council Member Wever commented that the major drainage coming into the Peck Sink area appears to come from within the City and recommended that there was a definite need for the City to participate in any study pertaining to that drainage, further suggesting that a member of the Council as well as the City Engineer/Public Works Director be a part in it also.

City Manager Anderson pointed out that Bill Geiger and Raymond Hess were on

## REGULAR CITY COUNCIL MEETING - JULY 7, 2003

the Ground Water Guardian Committee.

Motion:

Council Member Wever moved to add Vice Mayor Staib and Public Works Director/Engineer Pierce to Raymond Hess and Bill Geiger as the committee from the City and that the County Planning Department and SWFWMD be so notified of those four (4) names.

Mayor Lewis asked about Council's position on the recommendation in the City Manager's memo regarding the appointment of a knowledgeable resident to the committee. Council Member Wever responded that he would consider that separate from the motion.

Council Member Bernardini seconded the motion; carried 4-0.

Motion:

Council Member Wever moved to recommend that Monroe Treiman be included on the committee because of his knowledge of this area; seconded by Vice Mayor Staib; carried 4-0.

**Karen M. Phillips, Director of Administration/City Clerk**

Director of Administration/City Clerk Phillips reported on the City of Brooksville Brochure that will be placed in the welcome centers, the Chamber of Commerce, and the Tourist Development Council once the details were worked out with the State Tourism Department.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 8:40 p.m.

\_\_\_\_\_  
S/ Karen M. Phillips  
City Clerk

ATTEST: S/ Richard E. Lewis  
Mayor

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**CITY OF BROOKSVILLE  
SPECIAL COUNCIL MEETING**

**MINUTES**

**JULY 9, 2003**

**7:00 P.M.**

Brooksville City Council met in special session with Richard E. Lewis, Mayor and Vice Mayor Mary A. Staib, and Council Members Joe Bernardini and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; and Patti Marshall, Joy Hayes & Associates.

The meeting was called to order by Mayor Lewis at approximately 7:05 p.m., followed by an invocation and pledge of allegiance.

City Council adjourned at approximately 7:08 p.m. and met in executive session pursuant to F.S. Chapter 286.011, to discuss HAMPTON RIDGE LITIGATION - HERNANDO COUNTY vs. CITY OF BROOKSVILLE, CASE NO. 03-H-27-CA-2003-606-RT. In attendance were Richard E. Lewis, Mayor; Mary A. Staib, Vice Mayor; Council Members Joe Bernardini and E. E. "Ernie" Wever, Jr.; attorney for the City of Brooksville David LaCroix; City Manager Richard E. Anderson; and court reporter Patti Marshall, Joy Hayes & Associates.

Upon adjournment of the executive session, City Council reconvened in special session at 8:05 p.m.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 8:06 p.m.

S/ Karen M. Phillips  
City Clerk

ATTEST: S/ Richard E. Lewis  
Mayor

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**CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING**

**MINUTES**

July 21, 2003

7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Raymond Hess, Community Redevelopment Coordinator; Bill Geiger, Community Development Director; Raymond Hess, Community Redevelopment Coordinator; Ron Baker, Human Resource Director; Rick Hankins, Police Detective Sergeant; Tim Mossgrrove, Fire Captain. Also present were representatives of the Hernando Today and the St. Petersburg Times.

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

**CONSENT AGENDA**

Minutes

July 7, 2003 Regular Council Meeting

July 9, 2003 Special Council Meeting - Dispute Resolution Executive Session [Note Executive Session Minutes Sealed and not scheduled for approval]

Amended Minutes - June 16, 2003 Regular Council Meeting

Approval of insertion on page 2 of minutes approved by Council on 7/7/03 to complete motion as stated.

Surplus Property/Exchange - Fire Department Air Compressor

Consideration of declaring incompatible air compressor valued at \$2,700 surplus, and approval to trade with manufacturer for a portable cascade system of equal value.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Johnston for approval as amended to include a correction to the July 7<sup>th</sup> minutes on the second page in the motion near the bottom, to correct the name of the council member who seconded the motion; carried unanimously.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

Somebody Cares - School DaZe/Operation Backpack

Proclamation recognizing the efforts of Somebody Cares to organize a community outreach to provide school children with necessary school supplies.

Mr. Gomas updated Council on the ongoing plans for Operation Backpack and advised that the Office Depot Foundation had donated 1,000 more backpacks to the project.

Mayor Lewis presented Mr. Gomas with the proclamation on behalf of the City Council.

**PUBLIC HEARING**

Ordinance No. 656 - Amendment to Annexation Ordinance No. 633

Consideration of amendment to Hampton Ridge annexation ordinance to include a retroactive date of May 28, 2003 and provision for an automatic

## REGULAR CITY COUNCIL MEETING - JULY 21, 2003

repeal if re-zoning or the Comprehensive Plan Amendment is not adopted by a specific date.

[First Reading July 7, 2003]

City Attorney LaCroix explained that the amendment to the ordinance added a provision which would allow that, if the Comprehensive Plan Amendments were not approved by November 30, 2003, or if the annexation was not approved, then the ordinance would be repealed.

### Motion:

Vice Mayor Staib moved for approval; Council Member Bernardini seconded.

City Clerk Phillips read by head note only, as follows:

**AN ORDINANCE AMENDING ORDINANCE NO. 633; DELETING A PORTION OF SECTION 1 THEREOF WHICH CONDITIONED THE EFFECTIVENESS OF THE ANNEXATION APPROVED THEREIN; ADDING THERETO A NEW SECTION 7 PROVIDING FOR AUTOMATIC REPEAL IF CERTAIN CONDITIONS ARE NOT MET; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

### Public Input:

Mr. Jeff Kirk, Assistant County Attorney, referenced comments from the May 28, 2003 meeting, stating that the County believed that those comments were still valid and that the amendment did not cure the problems.

Upon roll call vote, motion carried unanimously, as follows:

Council Member Bernardini	AYE
Council Member Johnston	AYE
Council Member Wever	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

### REGULAR AGENDA

Mayor Lewis stated that a request had been made to move the Firefighters Pension Trust Fund item up. Council Member Bernardini asked that the Mowing Service Agreement and Flatlanders Race items be moved up as well. Council consented.

#### Firefighters' Pension Trust Fund - Proposed Changes

\_\_\_\_\_ Consideration of increasing benefits and lowering normal retirement age requirement.

City Manager Anderson explained that the proposed changes were a result of a request from the advisory board to reduce the normal retirement requirement to 20 years of service. The other changes relate to increasing the benefits for the DROP program, which would strictly be through employee contribution. He understood that the intent was that the City's contributions would not increase and he suggested that such a provision be included in the ordinance to state that additional contributions would be paid by employees.

### Motion:

Council Member Bernardini moved for approval subject to item D, with a three (3) month notification on DROP requirement. He specified that a clarification be added to the ordinance that stipulates that the employees would be responsible for any contribution increases and not the City. City Clerk Phillips clarified that this item would be brought back to Council for first reading. Council Member Johnston seconded the motion.

Mr. Scott Christiansen, FFPTF Attorney, responded to the concern about members paying more into the pension plan and stated that they had voted in

## REGULAR CITY COUNCIL MEETING - JULY 21, 2003

acknowledgment that they were in favor of the increase. Regarding the DROP, he stated that the intent of the provision was to open the window to enter the program so that employees can enter any time after they become eligible but for the lesser of five (5) years or the date they reach thirty (30) years of employment. He added that the City has the authority to reduce benefits prospectively if the cost of the pension plan were ever to become a concern. Further discussion occurred.

Council Member Bernardini retracted the Item D requirement from his motion; Council Member Johnston agreed. Motion carried unanimously.

City Clerk Phillips added that the ordinance will be brought back for first reading. Mr. Christiansen stated he would provide an updated draft electronically.

### Mowing Services Agreement - Extension of Term and Assignment of Ownership (Sandra Elliott's Lawn Care)

Consideration of contractor's request to extend agreement for additional one year term (2/12/03 - 2/12/04) and assignment ownership to Joshua Hoyle, d/a/b Hoyle's Lawn and Landscape, with the same terms & conditions of original agreement.

#### Motion:

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib; carried unanimously.

### Flatlander's Race

Consideration of request to hold the 25<sup>th</sup> Annual Flatlander's Challenge 10K on the original downtown Brooksville course on 2/14/04.

Mr. Charles Boldt, President, expressed their desire to return to downtown if permitting and financial issues would allow. Discussion took place regarding necessary street closures, police protection, volunteer involvement, and estimation of costs.

Police Chief Tincher commented that he would like to meet with Mr. Boldt to discuss planning options. He asked if they might be willing to add the City to the event's insurance and, since the club paid \$441 to the Sheriff's Department for protection at the previous events in Spring Lake, would they be willing to contribute that much to the City to cover costs. Mr. Boldt readily agreed and assured that they would do their part to get volunteers to help as well.

#### Motion:

Council Member Bernardini moved for approval and waiver of law enforcement costs to \$1,200 maximum, subject to reduction by agreement between the Chief and petitioner, which was seconded by Vice Mayor Staib and carried unanimously.

Mr. Boldt commended the City on its downtown revitalization efforts.

## REGULAR CITY COUNCIL MEETING - JULY 21, 2003

### Resolution 2003-12 - Retirement of Police Lieutenant Rick Shew

Resolution honoring over 13 years of service by Lieutenant Shew effective May 31, 2003.

City Clerk Phillips read by head note only, as follows:

### **A RESOLUTION IN APPRECIATION OF THE MANY YEARS OF SERVICE RENDERED TO THE CITY OF BROOKSVILLE AND ITS CITIZENS BY POLICE LIEUTENANT RICKEY N. SHEW.**

Mayor Lewis read the resolution in its entirety and stated that it would be presented to Lieutenant Shew at his retirement party. Chief Tincher added that it would probably be held in early August, and he would advise City Clerk Phillips when he had a definite date.

#### Motion:

Council Member Johnston moved for approval; seconded by Council Member Bernardini. Motion carried unanimously upon roll call vote, as follows:

Council Member Johnston	AYE
Council Member Wever	AYE
Council Member Bernardini	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

### RFQ #UD2003-06 WAP ENGINEERING AND GRANT ADMINISTRATION SERVICES

Consideration of accepting highest ranked firm (Adams Engineering) by the City's Selection Review Committee and authorize negotiation of contract for subsequent Council approval.

Director of Public Works Pierce explained that errors had been discovered in the point tabulation by Coastal Engineering Associates, which had been corrected and did not change the ranking order of the firms.

#### Motion:

Vice Mayor Staib moved for approval and to authorize negotiations; seconded by Council Member Johnston; carried unanimously.

### RFP #FI2002-11 FINANCIAL SOFTWARE SERVICES

Consideration of awarding the bid to MIP Software in the estimated amount of \$37,313. [\$24,500 budgeted in Finance account #001-012-564-04-00, \$8,500 available in Water and Sewer account #401-021-564-04-00, and \$4,313 in Solid Waste account #406-022-564-04-00]

[Note: Maintenance costs estimated at \$7,000 to be budgeted in FY 03/04]  
Opening Minutes

Finance Director Baumgartner explained the reasoning behind the recommendation and stated that Accounts Payable, Payroll, and General Ledger would be implemented by October 1<sup>st</sup> with Council's approval. He also added that the audit would be completed by the end of the month.

Council Member Bernardini commended the staff for their work on the review process and subsequent report.

#### Motion:

Council Member Bernardini moved for approval to include the transfer of money from capital reserves; seconded by Vice Mayor Staib; carried unanimously.

### 2003/2004 Fiscal Year Budget

#### a) Tentative Millage Rate and Rolled-Back Rate

## REGULAR CITY COUNCIL MEETING - JULY 21, 2003

Set Tentative Millage Rate and announce rolled-back rate of 7.5740 per \$1,000.

Mayor Lewis stated that the figure on the agenda was only taken out three (3) decimal places and the requirement was to go to four (4) places, so the correct rolled-back rate was 7.5738.

Finance Director Baumgartner added that the Trim notices would go out in thirty-five (35) days.

### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Wever; carried unanimously.

### b) Proposed TRIM Compliance Schedule

Review alternate dates for Public Hearings (current tentative 1<sup>st</sup> Public Hearing 9/10/03 in conflict with County TRIM schedule; current tentative 2<sup>nd</sup> Public Hearing 9/24/03).

Vice Mayor Staib pointed out that the Beautification board meeting on September 9<sup>th</sup> would have to be moved, and that she would be on vacation on September 3<sup>rd</sup>. Council Member Johnston will be away that day as well.

### Motion:

Vice Mayor Staib moved to set the first hearing for September 9, 2003 with the second hearing on September 24, 2003, both at 7:00 pm.

City Manager Anderson commented that he would miss the September 24<sup>th</sup> meeting, but he had every year, so he did not foresee that being a problem.

Council Member Bernardini seconded the motion; carried unanimously.

### c) General Service Tax

Consideration of implementing General Service Tax on electric, water, fuel oil and gas effective 1/1/04.

Council Member Wever suggested the possibility of excluding the City's water service in the area to be taxed and contracting the franchise fees. Council Member Bernardini questioned the stability of the tax as a revenue source. Mayor Lewis felt the roll back rate would need to be addressed if the service tax was approved in order to compensate and make the tax base more equitable for everyone. Council Member Johnston suggested coupling it with a roll back once it comes into its first full year of existence.

### Motion:

Vice Mayor Staib moved for approval.

City Manager Anderson suggested that staff bring back an ordinance with changes and said that the City cannot tax people outside of City. Council Member Wever reasoned that excluding City Water customers now would preempt the possibility of no longer having a City water utility if we are successful in getting the County to join into a joint utility authority. City Attorney LaCroix advised that no one provides water inside the city limits besides the City and we cannot discriminate between providers.

Council Member Wever seconded the motion, which carried 4-1, with Council Member Bernardini stating that he voted in opposition because he could not abstain.

### Water and Sewer Rates Restructuring

Consideration of proposed restructuring rate base and increasing rates.

## REGULAR CITY COUNCIL MEETING - JULY 21, 2003

Director of Public Works Pierce explained that all water and sewer users pay the same rate for 1,000 gallons of usage under option (a). He explained that under option (b), the same base rate would apply but an additional \$286,000 would be raised. He stated that this would raise the rates for everyone but only forty-six percent (46%) of the customers would see about \$1.00 per month increase.

City Manager Anderson added that a notice will be sent out well in advance to advise customers that a public hearing will be held on August 19, 2003 on the rate resolution, which will provide a window for the first billing cycle to begin in October and go out in November. Discussion continued regarding irrigation meters and the number of gallons included in the base rate for water versus sewer.

Council Member Wever stated that the resolution needed to be changed to show the sewer flow as eighty percent (80%) of the water usage. Director of Public Works Pierce said that he would work with the Utilities Superintendent to produce a revised memo. City Attorney LaCroix will review the resolution further. City Manager Anderson added that the schedule would not be presented until August 19<sup>th</sup> for consideration, but will be a discussion item at the next meeting, therefore it was only necessary to approve the notice to notify customers of the meeting where the rates will be considered. City Clerk Phillips reiterated that the present intent was just to notify the public that the issue is going to be discussed and meet the statutory requirement for announcing it, which was approved by consensus.

Council consented that option B was preferred. Mayor Lewis stated that this item will be brought back August 4<sup>th</sup> for discussion and August 19<sup>th</sup> for action.

### CDBG Appraisal Agreement

Consideration of approval of proposal submitted by American Acquisition Group, Inc. in the not-to-exceed amount of \$14,300. [funded through CDBG project]

#### Motion:

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib; carried 4-0.

### City/County Interlocal Agreement - Fire Hydrants

Consideration of proposed agreement providing for reimbursement by the County of City hydrant maintenance in the unincorporated area of Township 22.

Mayor Lewis noted that the reference to "THE COUNTY" on page two (2), item three (3) regarding flowing testing needed to be changed to "THE CITY". He also noted that the date should be October 1<sup>st</sup> for item nine (9) on page three (3).

#### Motion:

Council Member Bernardini moved for approval with corrections; seconded by Vice Mayor Staib; carried 4-0.

Mayor Lewis directed staff to get back to Council if the credit amount to the County would be different than \$580.

### Tourist Development Council (TDC) Grant for Founder's Week

Authorize grant application to TDC to offset advertising expenses associated with October 2003 Founder's Week Events.

#### Motion:

Council Member Bernardini moved for approval as requested, together with permission for any other funding options that become known, which was seconded

## REGULAR CITY COUNCIL MEETING - JULY 21, 2003

by Vice Mayor Staib and carried 4-0.

City Clerk Phillips commented that TDC may come forward with a recommendation to apply for funding for the subsequent year due to the timing of our event and that it may be necessary to come back to Council for direction.

### CITIZENS INPUT

Chief Tincher showed a brief video on Tasers, answered questions posed by Council, and stated that he is proposing using money obtained from a drug operation with a portion from grant funds, which would be brought back for approval.

### ITEMS BY COUNCIL

#### Joe Bernardini, Council Member

##### Signalization on Main Street

Council Member Bernardini said the signals were out of sync on Main Street. Utilities Superintendent Smith explained that the County was connecting a computerized network and it is likely to take a little time to work all of the bugs out of it.

##### Howell/Ft. Dade Drainage

To Council Member Bernardini's concerns about this intersection holding a lot of water, Community Development Director Geiger responded that the engineer had looked into the problem and it was determined that the best course of action would be to remove the northeast bulb, which would solve vehicle conflicts as well.

#### E.E. "Ernie" Wever, Jr., Council Member

##### Florida League of Cities State Conference

Council Member Wever said he would be cancelling his plans for the state conference and that credits would come through on the credit card.

##### Suncoast League of Municipalities Meeting

Council Member Wever reported on the meeting held Saturday, June 19<sup>th</sup> at the Jerome Brown Community Center. He expressed concern about the condition of the place and suggested that work needed to be done. City Clerk Phillips responded that the prison crew had been on a quasi vacation because their crew leader was in the Reserves. Council Member Wever added that the P.A. system worked well. Vice Mayor Staib commented on the disrepair of the walls. City Clerk Phillips said that capital improvements to the facility would have to be a Council decision, and that Department of Public Works and Parks and Recreation staff were looking into options. Mayor Lewis added that the City bus was used for a tour of the historic district, murals, and Art Gallery, and there was standing room only.

##### 7/16/03 Memo from City Manager Anderson

Council Member Wever recommended having a special meeting to take action on transferring funds to raise the general fund reserves in this year's budget. Council consented to schedule a Special Council Meeting for Monday, July 28, 2003 at 7:00 p.m.

##### City Hall Refinancing

Council Member Wever recommended that Council authorize Finance Director Baumgartner to seek an additional \$90,000 to \$95,000 in the refinancing of City Hall, which would cover the purchase price of the property at Tom Varn Park so the funds could be returned to Reserves.

##### General Fund Reserve

## REGULAR CITY COUNCIL MEETING - JULY 21, 2003

Council Member Wever stated that this fund has taken a \$630,000 hit this year between the DOL findings and Township 22.

### **Mary A. Staib, Vice Mayor**

#### Patriot Day Meeting:

Vice Mayor Staib suggested that the Sheriff's Department and Police Department think of a person to honor as Person of the Year at that event. She said that the bell ringing is still in the plans and that flags would be presented by Congresswoman Ginny Brown-Waite and Representative David Russell. She would like to see someone else from the City there.

#### Main Street Market

Vice Mayor Staib spoke in favor of continuing the Main Street Market.

#### Art gallery on Shoal Line Blvd.

Vice Mayor Staib reported favorably on the new art gallery.

#### Chemical Warfare Materials Security Study

Vice Mayor Staib said that no one else from the City was in attendance.

#### New Airport Runway

Vice Mayor Staib reported that she was assured that a study would be done before the new runway was built.

### **Richard E. Anderson, City Manager**

#### Downtown Lighting Project Completion Celebration

Community Development Director Geiger responded to City Manager Anderson's question that we are at the mercy of the utility companies and he was hoping the lights would be ready by the end of August. City Clerk Phillips suggested having the celebration during Founder's Week.

### **Karen M. Phillips, Director of Administration/City Clerk**

#### Great Brooksvillian of the Year

Director of Administration Phillips said that she needed suggested candidates and direction whether Council wants to keep it for deceased residents only or open it up to anybody that was duly noteworthy. She said a policy would hopefully be on the August 4<sup>th</sup> agenda.

# REGULAR CITY COUNCIL MEETING - JULY 21, 2003

**David LaCroix, City Attorney**

County Lawsuit - Hampton Ridge Annexation

City Attorney LaCroix reported that today was the last day to file on two of the counts in the county lawsuit and explained the motions he filed. He advised that copies were available for anyone who wanted to read them and he would put a set in the Council office for their review.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 9:29 p.m.

\_\_\_\_\_  
S/ Karen M. Phillips  
City Clerk

ATTEST: S/ Richard E. Lewis  
Mayor

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**CITY OF BROOKSVILLE  
SPECIAL COUNCIL MEETING**

**MINUTES**

JULY 28, 2003

7:00 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib and Council Members Ernie Wever, Jr. and Joe Bernardini present, together with Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; David LaCroix, City Attorney; Ron Baker, Human Resource Director; James Daugherty, Fire Chief; Jim Delach, Accountant II; Ed Tincher, Chief of Police; Joe Tyberghein, Parks & Recreation Manager; Will Smith, Utilities Superintendent; Emory Pierce, Department of Public Works Director; and Bill Geiger, Community Development Director.

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

**2002-2003 FISCAL YEAR BUDGET (GENERAL FUND)**

Review of current budget, revenues, reserves and expenditures

The City Manager reviewed his prior memo of July 16, 2003, and advised that staff has identified approximately four hundred thousand one hundred dollars (\$400,100) in available funds to transfer into General Fund Reserves. Those funds would then be carried forward to the General Fund for the next fiscal year.

Council Member Wever commented that the purpose the of meeting was to make transfers into unallocated reserves now so that the end of year financial picture will be clearer for 2004 budget preparation. One million, five hundred sixty-five thousand, seven hundred forty-five dollars (\$1,565,745) is the anticipated fund balance audit figure according to the auditor as of this date. He recommended reversing the Township 22 last quarter figures and not wait until the fourth quarter of the fiscal year.

**Motion:**

Council Member Wever moved to write off the remaining fourth quarter eighty-three thousand dollars (\$83,000) due from Township 22; seconded by Vice Mayor Staib; carried 4-0.

**Motion:**

Council Member Wever moved to direct the Finance Director to seek additional financing for the Parks and Recreation building to increase the remaining balance on the City Hall building on the existing loan to ninety-three thousand dollars (\$93,000) with funds to go into the General Fund; seconded by Vice Mayor Staib; carried 4-0.

**Motion:**

Council Member Wever moved to authorize the transfer of thirty thousand dollars (\$30,000) from Public Facilities Emergency Repair and Maintenance Fund to General Fund Reserves; seconded by Council Member Bernardini; carried 4-0.

**Motion:**

Council Member Wever moved to transfer thirty thousand dollars (\$30,000) from City Hall Renovation to General Fund Reserve; seconded by Council Member

## SPECIAL CITY COUNCIL MEETING - JULY 28, 2003

Bernardini; carried 4-0.

Motion:

Council Member Wever moved to transfer one hundred ten thousand dollars (\$110,000) from Major Storm Readiness Fund to General Fund Reserves; seconded by Council Member Bernardini; carried 4-0.

Motion:

Council Member Wever moved to transfer ninety-five thousand dollars (\$95,000) from Multi Year Capital Project Accumulation Fund to General Fund; seconded by Vice Mayor Staib; carried 4-0.

Motion:

Council Member Wever moved to transfer from Fleet Maintenance Reserve back to the General Fund Reserves the balance above five thousand dollars (\$5,000) plus a good estimate for operating expenses for the remainder of this year estimated at approximating one hundred twenty-five thousand dollars (\$125,000); seconded by Vice Mayor Staib; carried 4-0.

Council Member Wever asked the City Attorney if there would be any restitution if the City prevailed on the Township 22 lawsuit, which the attorney did not believe would happen.

Council Member Wever reviewed several points regarding the financial situation and the current audit underway, and pointed out that Sanitation still appeared tight. Jim Delach reviewed some of the changes that have been made since the preliminary audit figures had started to come in.

The City Manager reviewed some of the preliminary budget figures and subsequent financial strategies that will be brought back to Council during budget workshops. Staff will attempt to adjust the budget with reductions in expenditures and/or personnel costs and take a closer look at revenue projections in order to increase the Reserve Contingency figures to a positive side. Staff had just turned in updated year end budget projections to determine if the fund balance figures will increase so that the budget can be balanced.

Council Member Wever pointed out that transfers into the Vehicle Replacement Fund will go through this year as budgeted.

Council Member Bernardini asked if a hiring freeze had been implemented by the City Manager, especially since the employee count had gone up but population had not increased. The City Manager advised that, as vacancies occur within public safety, he will most probably process applications, however, other vacancies will be scrutinized until the financial condition is closer, although positions will be included in the budget but unfilled until later determination.

Council Member Wever felt that the increase in the number of staff recently can be attributed to the Jerome Brown Community Center and the Quarry golf course. He also suggested looking into leasing the Quarry, which had recently been proposed by an outside party. Parks and Recreation Manager Tyberghein reported that a former employee, who was now with another golf course landscaping company, said that his new employer would like to discuss the matter further with the City.

### ITEMS TO DISCUSS

E.E. "Ernie" Wever, Jr., Council Member

Council Member Wever inquired about Weeki Wachee's condemnation action for Florida Water at a dollar value above the recent contract negotiated with the County, as recently reported in the newspaper. The City Attorney confirmed that they apparently had filed a notice the day before the County's contract was

**SPECIAL CITY COUNCIL MEETING - JULY 28, 2003**

executed, so it may be subject to legal determination.

Council Member Wever brought up the recent story about the County creating a county-wide drainage district and suggested that the City should consider joining the County in that effort and include the City boundaries in it as well. The City Manager will make contact with the County Administrator to see if they would be interested in entering into an arrangement with the County as to combining forces. Mayor Lewis pointed out that the Southwest Florida Water Management District matches the funds dollar for dollar. Council felt that the City should have representation on the District Board.

**Mary A. Staib, Vice Mayor**

Vice Mayor Staib reported that the Elder Affairs Committee had extra wheelchairs and walkers available if anyone needed them.

Also, Jim Kimbrough is sponsoring a special recognition program for seniors one hundred (100) years of age or older.

Suzanne Hayes, Brooksville Elementary School, was one of the "Teachers of the Year" recognized at the Burdine's event recently on television.

The Adult DayCare grand opening on August 7<sup>th</sup> had a ribbon cutting at noon and an open house from 11:00 a.m. to 3:00 p.m.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 7:45 p.m.

ATTEST:   
Mayor

  
City Clerk

CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING

AGENDA ITEM NO. C-1  
9/15/03

MINUTES

AUGUST 4, 2003

7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Raymond Hess, Community Redevelopment Coordinator; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present were representatives of the Hernando Today and the St. Petersburg Times.

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

CONSENT AGENDA

Minutes

July 21, 2003 Regular Council Meeting

FDLE Memo of Understanding - First Responders Equipment

Authorize execution of agreement for 15 "Personal Protection Kits" and training participation program for the Police Department Program.

AARP Host Agency Agreement (SCSEP)

Approval of participation as a work site with approximately 3 enrollees assigned to the Parks & Recreation Department with AARP Foundation Service Community Service Employment Program (formerly Green Thumb Inc./Experience Works), and authorize City Manager to execute agreement.

Advisory Board Appointments

- a) Police Pension Trust Fund - Approval of appointment of Brooksville Police Officer Jason Brough to a two year term of office through August, 2005 as the fifth member pursuant to F.S. 185.05(1)(a), as recommended by the PPTF Board on July 23, 2003.

Appointment of Larry Kinner to a two year term of office through August, 2005 to fill the current vacancy in the City Council appointed position. (Mr. Kinner is a city resident and registered voter)

- b) Planning & Zoning Commission - Transfer of Louise Taylor from her alternate position to fill the balance of a term of office through January 31, 2007.

FRDAP Grant - Good Neighbor Trail

Authorize submittal of grant application for a Florida Recreation Development Assistance Program Grant in the amount of \$260,000, with the required 50% match of previously acquired land and MPO funding in the amount of \$75,000.

Interagency Agreement for MAD DADS

Approval of agreement with MAD DADS of Florida, Inc. for use of JBCC to conduct after-school tutoring, therapy and intervention program for the

<sup>1</sup> APPROVED BY BROOKSVILLE CITY COUNCIL

ON 9/15/03 INITIALS RC

## REGULAR CITY COUNCIL MEETING - AUGUST 4, 2003

upcoming school year and authorize execution of letter of support to state agency.

### "Day of Caring" - September 10, 2003

Consideration of authorization for City staff to participate in United Way campaign kickoff event.

### LLEBG Grant Application/Board Members

- a) Authorize submittal of entitlement grant application in the amount of \$12,168, with a 10% match of \$1,419 (funding in Acct. #109-013-581-12.60)
- b) Appointment of Board Members as recommended.

### JBCC Waiver of Fees - U.S. Rep. Ginny Brown-Waite

Consideration of request to waive fees of \$120 (deposit in the amount of \$300 paid) for use of the JBCC on August 14, 2003 from 2-4 pm for a White House Briefing and Workshop on "Working with the Federal Government".

### Candlelight Drainage Ditch

Waiver of purchasing policy requirements to rent equipment to clean out the drainage ditch at Candlelight in an amount not to exceed \$7,000 (funds available in Acct. #001-119-553-05.00).

### Police Department Equipment Purchases

- a) "Tasers" - Authorize purchase of 14 tasers and accessories from Tasers Int'l. in the amount of \$11,977.15, with funding from Acct. #109-013-551-01.00 (\$7,266.78) and Acct. #001-013-551-01.00 (\$4,710.37)
- b) Bullet Proof Vests - Acceptance of grant in the amount of \$4,710.37 from the U. S. Attorney General and Bureau of Justice Assistance as partial reimbursement for purchase of 23 bullet proof vests over the past 3 years.

### Dept. of Corrections Work Crew Agreements

Renewal of one year annual agreements with the Florida Department of Corrections from July 1, 2003 through June, 30, 2004 for (a) D.C. Supervised Work Crew for the Parks & Recreation Dept.; and (b) City Supervised Work Crew at Public Works, respectively.

City Clerk Phillips stated that the petitioner had requested to table the MAD DADs item.

Chief Tincher provided clarification on the expected impact on staff in meeting the training requirements stated in the FDLE Memorandum of Understanding.

City Attorney LaCroix advised that the City participation with the "Day of Caring" while on City time was not a legitimate public purpose and therefore they should not be paid to work on private property through tax revenues. Council Member Johnston preferred to have this item removed & have the City Attorney draft a memo identifying the obstacles and alternative avenues to take.

Council discussed the silting issue of the Candlelight drainage ditch. Public Works Director Pierce stated that the failing sewer outside of Liberty Street and Saxon Avenue would be fixed as well with the equipment that would be rented, with a time line of two (2) weeks to excavate the Candlelight ditch, one (1) week for the sewer job, and one (1) week for bad weather. Council Member Bernardini recommended using funds from the emergency fund in sewer for the Saxon and Liberty job rather than using sidewalk money.

### Motion:

Council Member Wever moved for approval, with the exception of the Interagency

## REGULAR CITY COUNCIL MEETING - AUGUST 4, 2003

Agreement for MAD DADS and the "Day of Caring"; seconded by Council Member Johnston; carried 4-1 with Council Member Bernardini in opposition.

### CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

#### Margaret R. Ghiotto Residential Beautification Award

Recognition of improvements to the residence located at 617 Howell Avenue - William & Jill Vandenboogaart.

Mayor Lewis read the certificate and stated that, since the recipients were unable to attend, it would be presented to them along with the sign at their convenience.

### REGULAR AGENDA

#### ADDITIONAL ITEM - CITY OF BROOKSVILLE TEMPORARY USE OF COUNCIL CHAMBERS - SENATOR BILL NELSON

##### Motion:

Council Member Bernardini moved to add this item to the agenda; seconded by Vice Mayor Staib; carried unanimously.

#### Brooksville Mural Society - "Hogan/Becker Mural"

Approval of request for exemption to "Sign Code" for latest mural to be placed on rear of building located at 20 W. Broad St. (Old Hogan Drug Store) by Artist Diane Becker.

Diane Rodriguez, Mural Society Chairperson, explained that the Brooksville Mural Society had selected a site for the mural, designed by Artist Diane Becker, to be painted on the back side of the Tom Hogan Law Firm building, which faces Jefferson Street. The design, which will be a tribute to the pioneer doctors of Hernando County, was presented to Council. It was sponsored by Victor Heins and the Tourist Development Council, for a total cost of three thousand dollars (\$3,000). She requested that Council approve the mural pursuant to Section 12.5-5, Exceptions to the Sign Code Ordinance.

##### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Bernardini; carried unanimously.

#### Brooksville Again - Market on Main Street

Consideration of request for use of the City's parking lot property off Main Street on the 3<sup>rd</sup> Saturday of each month to conduct a "Market on Main Street" until rescinded by the City.

Evelyn Duncan, President of Brooksville Again, thanked Council for the opportunity to try out the Market on Main Street for three months and asked permission to continue beyond August, citing an exciting turn out from vendors and the public. She also noted that merchants had seen a marked increase in patronage as a result of the Market.

##### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Bernardini.

Council Member Johnston suggested that a period of time be determined at the end of which approval would be automatically renewed and the petitioner would be notified. Council consented to an automatic renewal to allow for a review period. Council Member Bernardini suggested an annual renewal rather than every six months.

The motion and second were amended to include a one year renewal clause; carried unanimously.

## REGULAR CITY COUNCIL MEETING - AUGUST 4, 2003

### FIOG Proposal - Annexation & Land Use Study

Review of revised scope to conduct an urban service area study as proposed in an amount not to exceed \$52,000 and authorize staff to negotiate a contract or provide further direction (funds available in Acct. #001-015-534-00.00).

Community Development Director Geiger explained that the proposal before Council was a result of follow up from the Florida Institute of Government's March proposal presentation, which was being brought back as directed by Council following the 2002-2003 Florida Legislative Session. The mathematical errors in the proposal had been corrected.

#### Motion:

Council Member Wever moved to deny the staff recommendation and wait until Council was assured that the money was available; seconded by Council Member Bernardini; carried unanimously.

#### Motion:

Council Member Wever moved to set a policy for no expenditures except approved by Council. Council Member Johnston recommended to direct staff to bring back a written policy at the next meeting. City Manager Anderson commented that a written policy was not necessary if it were not for a day-to-day service level, only direction to staff was needed. Council Member Wever clarified his intent to include items that were included in the budget.

Motion died for lack of second.

### School Planning/Siting Interlocal Agreement Draft

Review and comments on draft interlocal agreement between the City, County and School Board.

[Note: Tentative final approval in September]

Community Development Director Geiger reported that the agreement was the same one that Council reviewed in April, that the agencies were getting closer to finalization, and that it would be presented back to the three agencies for formal approval prior to the October 1<sup>st</sup> deadline.

In response to Council Member Wever's question, Community Development Director Geiger explained that Weeki Wachee had chosen not to be included in the agreement. Council provided direction on minor typographic modifications. Mayor Lewis asked that a threshold be specified to allow sufficient time for review and comment as addressed under item E on page five (5).

### NAACP Donation Request

Consideration of request to donate public funds in the amount of \$300 for annual banquet.

Vice Mayor Staib stated that decisions to give donations should be an individual basis. Council Member Johnston stated that it was a worthwhile event but Council could not make a contribution with City funds. Mayor Lewis noted that they had the cost of facility rental for one thousand five hundred dollars (\$1,500) and suggested that they consider renting the Jerome Brown Community Center. Mr. Wright said that Moton had been considered as well, and he would pass that on to Mr. Burnett.

#### Motion:

Vice Mayor Staib moved to deny the request; seconded by Council Member Wever; carried unanimously.

### Proposed Traffic Control Devices - "Speed Humps"

Consideration of installing speed humps on Wood Drive (2), Saxon Avenue, Mt. Fair Avenue, Liberty Street, & Colonial Drive, at an approximate cost

## REGULAR CITY COUNCIL MEETING - AUGUST 4, 2003

of \$1,500 each (funding available in department operating budget).

Public Works Director Pierce explained the staff recommendation as reported in his memo. Mayor Lewis noted that a letter had been received from Frasier Mountain about his concern regarding the impact of speed humps on drainage and his suggestion that the funds be used instead to repave streets. Discussion followed.

### Motion:

Council Member Johnston moved to approve Wood Drive only, per staff recommendation; seconded by Council Member Bernardini; carried unanimously.

### Water and Sewer Rate Restructuring

Consideration of proposed rate base restructuring and increase.

Public Works Director Pierce explained that the changes proposed by Council at the previous meeting were incorporated into the proposed resolution to allow for sewer flow to be billed at eighty percent (80%) of water flow, with the first three thousand gallons of water being billed at a rate of \$16.25 per month, two thousand four hundred gallons of sewer for \$18.50 per month, with each additional thousand gallons of water at \$1.80 up to eight thousand gallons, then a step rate will apply. The rate for sewer remains at \$3.00 per thousand gallons. He stated that the effect on the users would be an increase of \$1.09 per month for forty-six percent of the users, with a reduction in the sewer rate to \$3.75 per thousand.

City Manager Anderson added that notices were sent out with this month's bill stating that this would be presented to Council at the next meeting for consideration and this time for direction to staff. Public Works Director Pierce stated that it was intended for the new rates to go into effect October 1, 2003. City Manager Anderson said that, due to the cycle of billing, the first readings under the new rate will not begin until the middle of October.

Discussion followed regarding billing options for the installation of irrigation meters. Council directed staff to bring back a policy on this issue.

### DPW Uniform Contract

- a) Rescind prior contract award to Unifirst previously approved by Council on 6/2/03.
- b) Waive purchasing policy requirements and authorize contract with G&K in the amount of \$11,747.32 for uniforms (funding available in department operating budget)

### Motion:

Council Member Johnston moved for approval; seconded by Council Member Wever; carried 4-1, with Council Member Bernardini in opposition.

### Dispute Resolution

Discussion of Dispute Resolution Process regarding Annexation/Comp Plan Amendment.

City Attorney LaCroix reported on the staff meeting held on July 25<sup>th</sup> with the County legal staff. He said it was obvious that they had no intention of attempting to resolve anything and their intent was to derail the annexation any way they possibly could. The next step is to have a joint meeting with the Board of County Commissioners and the City Council. He stated that the letter received from the Chairman of the Board of County Commissioners dated July 31, 2003, indicates that she had confused the City Manager's memo regarding the staff meetings with a position from the City Council. He recommended that City Council authorize the Mayor to send a letter to Mrs. Whitehouse to advise her that Mr.

## REGULAR CITY COUNCIL MEETING - AUGUST 4, 2003

Anderson's memo had nothing to do with joint City Council/Board of County Commissioners meeting and that you look forward to an opportunity to meet with them and attempt to resolve the issue.

Jeff Kirk, Assistant County Attorney, stated that the County Attorney's office agreed with the interpretation of the dispute resolution statute and noted that the Board of County Commissioners would be taking up the issue of a joint workshop with City Council at 10:15 at tomorrow's meeting. He said they would like to meet on or before August 22<sup>nd</sup> according to statute and suggested August 14<sup>th</sup>.

Following Council discussion, Mayor Lewis presented August 20<sup>th</sup> through the 22<sup>nd</sup> as available dates, with a preference for early evening, such as 6:00 p.m. He added that August 7<sup>th</sup> or 8<sup>th</sup> could be possible alternative dates. Mr. Kirk would present those dates to the Board of County Commissioners.

### ADDITIONAL ITEM - CO-COUNCIL FOR ANNEXATION LITIGATION TO BE HELD IN TAVARES

City Attorney LaCroix reported that Judge Willard Pope had been assigned and that he sits in Tavares. A hearing has been scheduled on the City's Motion to Dismiss, Motion to Disqualify the County Attorney's Office, and Motion to Sever, for August 22<sup>nd</sup> at 1:30 p.m. in Tavares. City Attorney LaCroix proposed retaining Co-council in that area to assist with the hearings and save the City money.

#### Motion:

Council Member Johnston moved to add this item to the agenda; seconded by Council Member Wever; carried unanimously.

#### Motion:

Council Member Johnston moved to authorize Council to obtain Co-council to assist with the annexation litigation hearings in Tavares, in an amount not to exceed two thousand dollars (\$2,000); seconded by Council Member Wever; carried unanimously.

### Township 22 Litigation

Discussion of Township 22 Litigation status.

City Attorney LaCroix explained his supplemental memorandum dated August 4<sup>th</sup> regarding the Appellant Court denial of the City's appeal. He reported that the City had no further appeal, and that the only available option would be to file a Declaratory Judgement Action against Hernando County, a separate legal entity from the Fire District. However, he maintained that the suit would be much stronger if some of the residents, voters, and taxpayers of Township 22 joined in as plaintiffs, or could bring their own independent action against the District. He recommended that Council consider putting a proposal on the table before the Board of County Commissioners, even if not filing suit again, because their proposal to change to an MSBU will levy an assessment against properties in the District for about thirty-three percent (33%) more than the cost of the City's service to that area.

He indicated that the obvious intent of the County taking over Township 22 was to use tax monies or assessments from that area to subsidize fire prevention in other parts of the County, which would become even more evident if they reject an offer from the City to provide fire protection services. He also clarified that the total cost of the lawsuit against the District and the appeal was a little over ninety-one hundred dollars (\$9,100).

Council Member Johnston felt there was some merit in offering some contract-fee basis to provide the services for Township 22 in an amount of three hundred forty-nine thousand (\$349,000) or three hundred fifty thousand (\$350,000) plus cost of living increases based on reviews after five (5) years, which would save

## REGULAR CITY COUNCIL MEETING - AUGUST 4, 2003

the County one hundred thousand dollars (\$100,000) a year, would be beneficial to County taxpayers as well. City Manager Anderson stated that something would be brought back at next meeting in the form of a proposal. Mayor Lewis directed that pertinent information, such as our ISO rating, be included, as well. City Attorney LaCroix added that a provision could also be included in the proposal that we could enter into a contract with the district if they wanted to and they could change the charter of the district so that it is done by assessments rather than ad valorem millage, which would benefit everyone.

### City Hall Refinancing Project

Discussion of City Hall refinancing status.

Finance Director Baumgartner stated that Lief Erickson, from the Municipal Financing Division of SunTrust, quoted an interest rate of three point eight six percent (3.86%), which was subject to change since interest rates have risen since April. Compared to the previous rate, the City will save about nineteen thousand dollars (\$19,000), excluding closing costs, which were estimated not to exceed seven thousand five hundred dollars (\$7,500), though the Parks and Recreation office building purchase was not included in that cost. He added that SunTrust was the most competitive of the twelve (12) proposals received and asked Council for direction as to pay for the cost of issuance or have that included in the financing.

Council Member Wever suggested that the cost of issuance in the loan be utilized and recalled that Mr. Kimbrough had quoted two point ninety-nine percent (2.99%) before Council and wondered if that offer was still available.

### Motion:

Council Member Wever moved for approval of refinancing of City Hall, to include the purchase amount of the Parks and Recreation office building of ninety-three thousand dollars (\$93,000) plus closing costs over roughly a seven (7) year period at the best rate that the Finance Director could negotiate; seconded by Council Member Johnston; carried unanimously.

### CITY OF BROOKSVILLE TEMPORARY USE OF COUNCIL CHAMBERS - SENATOR BILL NELSON

City Clerk Phillips explained that Senator Bill Nelson was interested in holding a town meeting in the Council Chambers at City Hall. The representation for the prearranged bookings from the Division of Hotels and Restaurants and the Florida Restaurant Association have been contacted and are agreeable to adjusting to the Jerome Brown Community Center given as much notification as possible.

### Motion:

Council Member Johnston moved to waive the rental fee since the City is requesting them to move to the Jerome Brown Community Center; seconded by Vice Mayor Staib; carried unanimously.

### CITIZENS INPUT

Mr. Henry Wright asked Council to consider including Early Street in their traffic control measures.

Mr. Wright also asked Council for the intent behind the water rate increase. Council Member Johnston responded that the City was currently in the middle of a series of rate increases that had been mandated by USDA several years ago. He said that City Council and staff were endeavoring to come up with a structure that will be fair to the residents in a form that USDA will approve and added that it really had nothing to do with Southern Hills and that it was anticipated that those customers using up to 3,000 gallons of water would see an increase of about \$1.00 per month. Director of Public Works Pierce commented that those customers using eighty percent (80%) of sewer or less would actually see a decrease in rates.

## REGULAR CITY COUNCIL MEETING - AUGUST 4, 2003

Mr. Wright asked if the lights on Main Street could be synchronized again. City Manager Anderson explained that the County was working to correct the problem.

Mr. Wright commended City Council for their efforts to resolve issues with the County.

### ITEMS BY COUNCIL

#### Joseph E. Johnston, III, Council Member

Council Member Johnston thanked everyone for their thoughts and prayers during his hospitalization and recovery.

#### Mary A. Staib, Vice Mayor

##### Somebody Cares - Operation Backpack

Vice Mayor Staib complimented both of the local newspapers for their nice coverage of Operation Backpack. She also congratulated Mayor Richard Lewis for his full day of service at the event. She noted that three- to five-thousand children were expected to attend.

##### Recent Events

Vice Mayor Staib reported on the Art Reception at City Hall and the Hospice Open House Ribbon Cutting Ceremony.

#### E.E. "Ernie" Wever, Jr., Council Member

##### Potential Annexation:

Council Member Wever stated that the City owned two or three pieces of land on Hope Hill Road that are contiguous to each other and abut the Hampton Ridge Development. He suggested that the City Attorney begin annexation proceedings on those properties if Council agreed. Council consented.

##### Newspaper Article Regarding the Bus:

Council Member Wever pointed out that a key bit of information was left out of the article, being that the County had requested that the bus match the buses they already had and that the City had to special order that bus because the manufacturer was discontinuing that model.

##### Memo on the Transfer of Funds from Fleet Maintenance Account:

Council Member Wever asked if it would be necessary to add this item to the agenda and noted that the transfers could be provided for through utilities and the general fund.

##### Motion:

Council Member Wever moved to add this item to the agenda; seconded by Vice Mayor Staib; carried unanimously.

##### Motion:

Council Member Wever moved to amend the previous motion to transfer funds to include the transfer of excess funds in the fleet maintenance reserves to utilities, sanitation, and the general fund based on the percentages shown in the budget; seconded by Vice Mayor Staib; carried unanimously.

##### Possible County Drainage District

Council Member Wever commented that information had been received indicating that the County was proposing to set up a drainage district outside of and excluding the City and asked how they could avoid having a plan in the city limits. He noted that it was too late to get approval for the City to be included but recommended notifying the County that City needs to be part of that plan, was willing to join that plan, and would commit the 0.115 current millage levy, include it in our millage and pay it to them through an interlocal agreement.

City Manager Anderson said he would check with SWFWMD as to matching funds.

**REGULAR CITY COUNCIL MEETING - AUGUST 4, 2003**

Newspaper Article about Money Being Diverted from US 98

Council Member Johnston commented that he will be voting against that change. He said he would bring up the possibility of making Cobb Road a mandatory truck route to DOT.

Memo on Fire Department - Special Assessment

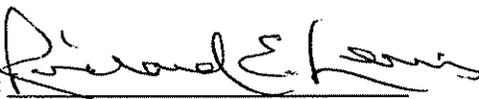
Council Member Wever suggested that staff go back to work on that. He also commented that the ratio of the Fire Department budget to the general fund was about 1.75 mills of the ad valorem taxes that go into the Fire Department budget rather than the 4 mills cited in the memo. City Manager Anderson clarified that his intent was to point out that 4 mills generates a little over one million dollars, which is about what the Fire Department budget costs. Council Member Wever responded that it was almost 5 mills.

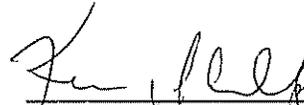
Richard E. Anderson, City Manager

City Manager Anderson asked Council for direction on limiting expenditures on anything but necessities. He assumed that was from this point forward and not retroactive. Council Member Wever gave the example of spending as little as possible converting the new Tom Varn Park office and postpone constructing the metal building until later. Council Member Bernardini added that if there is anything that staff has a question about, to bring it back to Council.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:04 p.m.

ATTEST:   
Mayor

  
City Clerk

CITY OF BROOKSVILLE  
CITY COUNCIL BUDGET WORKSHOP

MINUTES

AUGUST 12, 2003

7:00 P.M.

Brooksville City Council met in workshop session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; William Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Raymond Hess, Community Redevelopment Coordinator; Margaret Bosack, Human Resources Administrative Assistant I; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present were representatives of the St. Petersburg Times.

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

2003-2004 PROPOSED BUDGET

1. Review of preliminary Revenue and Expenditure projections for 2003-2004 Fiscal Year.

City Manager Anderson explained that the budget was not yet balanced and asked Council for general areas of direction as to potential revenue sources or reduced service levels. He also asked that an additional workshop be scheduled, before the first budget hearing scheduled for September 9<sup>th</sup>.

Finance Director Baumgartner commented that the revenue problems from last year have been rectified as far as the projections and noted that the ad valorem tax of eight (8) mills plus zero-point-one-three-five (0.135) has been added for storm water, and that Township 22 was not included. He anticipated having an entire draft package for Council at the next meeting. He added that we were running out of reserve money and will have to raise revenues or cut some expenses.

Council Member Wever offered some recommendations which he felt were harsh but necessary to bring reserves to over three hundred fifty thousand dollars (\$350,000) at the end of next year. He proposed that salary increases be frozen with the commitment that by the end of July, if projected unallocated reserves were over three hundred fifty thousand dollars (\$350,000), then a retroactive salary increase could be given back to October 1<sup>st</sup>. He suggested that the one hundred twenty-two thousand dollars (\$122,000) in the vehicle replacement fund be kept in unallocated reserves if replacements were not to be done this year. He stated that the Quarry Golf Course showed significant losses and recommended that it be closed and a groundskeeper be retained for irrigation and maintenance of the grass, at a higher level, and lease it by October 1<sup>st</sup>, even if for a one dollar (\$1) per year for two (2) to three (3) years. He also stated that the Jerome Brown Community Center had a substantial operating loss and urged Council to consider no more free use except for organized youth activities. Council Member Wever admitted that an increase in ad valorem tax was the worst part of his recommendations to add at least zero-point-five (.5) to one-point-zero (1.0)

<sup>1</sup>  
APPROVED BY BROOKSVILLE CITY COUNCIL

ON 9/15/03 INITIALS (D)

## CITY COUNCIL BUDGET WORKSHOP - AUGUST 12, 2003

mill for one (1) year. He summarized that his recommendations would provide a total of about three hundred fifty-eight thousand dollars (\$358,000) in unallocated reserves.

Discussion ensued regarding inclusion of the City in the County's storm water utility study. Council Member Johnston noted that a portion of the City will be included in the study to some degree and suggested waiting to formally join next year. It was the consensus of Council to leave this item out of the budget.

Council Member Wever thanked all of the departments for their concerted effort to cut expenses so dramatically.

Discussion ensued regarding the proposed golf course lease. Mayor Lewis suggested setting up an escrow account if the course was leased so that taxes would be paid monthly and suggested that specifics on maintenance be included in the agreement, with periodic inspections. Parks and Recreation Manager Tyberghein asked that the batting cages be included in the lease, however, he stated that he had some ideas for the golf course operations that he would like the opportunity to go over prior to Council agreeing to a lease.

Council Member Johnston suggested closing the main portion of golf course and keeping the driving range open to keep it in front of the public until it can be leased.

Council Member Bernardini stated that shutting it down would likely create a bad public image.

Mayor Lewis added that he would like to see staff put a bid out and see what offers come in. Council consented, with the batting cages to be included in the bid.

### Utility Revenues

Council Member Wever questioned the utilities item on page one (1), footnote six (6), and stated that it should be included in this budget since it is not completed. He also suggested that the R&R fund should be two (2) funds and noted that two hundred fifty thousand dollars (\$250,000) is required by the bond issue and three hundred thirty-seven dollars (\$337) is a fixed amount which does not increase.

Finance Director Baumgartner agreed that two hundred fifty thousand dollars (\$250,000) was on parity for the 2002 bonds, but the auditor recommended that three thousand dollars (\$3,000) per month be set aside, along with the sinking fund money. Discussion followed. Finance Director Baumgartner responded that the money does exist in a special SBA account, that both were in the same account, and that it could be separated with a spread sheet. Council Member Wever commented that the capital outlay figures needed to be reviewed, and that the four hundred thousand dollars (\$400,000) anticipated from the USDA in the remaining grant money needed to be included as well if the US 41S sewer line extension project to the fairgrounds was to be done in the next fiscal year.

Director of Public Works Pierce stated that the grant funds would be expended beyond October 1<sup>st</sup> and that the money would not be received until we have a payment request from the contractor, so it should probably be included in fiscal year 2003-04.

City Manager Anderson added that the City had eight million dollars (\$8,000,000)

## CITY COUNCIL BUDGET WORKSHOP - AUGUST 12, 2003

to ten million dollars (\$10,000,000) worth of projects. Council Member Wever responded that both bond issues needed to be put in the budget for fiscal year 2003-04.

Discussion ensued regarding an anticipated request from the hospital for the status of extending utility service to their site. City Manager Anderson said that the City appears to be in a better position to provide service and that the hospital was anticipating proposals from both the City and County. He added that it was reputed that the County was going to waive first-right-of-refusal on that site, but we would not go any farther until official confirmation of that had been received. Council Member Johnston responded that an interconnect could be done, but that the hospital needed to go to the County and get a response from them first. He suggested that the City advise them of that so that we do everything that is pursuant to the agreement we had signed with the County, and that no negotiations would be made until those procedures had been followed. He recommended that they be given thirty (30) days to respond. Mayor Lewis directed that staff contact the hospital and tell them to get in touch with the County.

In response to Council Member Wever's suggestion that the money in utilities be transferred to the general fund, Director of Public Works Pierce recommended that Council not do that. He stated that the rate increases were anticipated to generate an additional two hundred eighty-six thousand dollars (\$286,000), and though the capital projects list is about two (2) times that, if we keep eating at utility revenues, the City will always be in this situation. City Manager Anderson added that Council may want to consider increasing the size of that bond issue. Discussion ensued.

Vice Mayor Staib noted that the hospital reported that they would break ground in November and start construction in January.

Director of Public Works Pierce reported that Coastal Engineering was on notice about the funding situation and that he anticipated submitting something to DOT/USDA/DEP, then proceeding with as short a bidding as possible for the US 41 S extension project. He added that the well field project was not the critical project and we may have to lose sixty-seven thousand dollars (\$67,000) in order to focus the appropriate time on the more pressing projects.

### SANITATION

Discussion transpired regarding the purchase of a truck as it would relate to the R&R fund and resulting debt service. Finance Director Baumgartner noted that the fund was losing money and the cash reserves had decreased significantly by the end of the 2003 fiscal year, from four hundred thirty-four thousand dollars (\$434,000) to two hundred ninety-two thousand dollars (\$292,000), and that it would be logical to borrow money in order to keep the R&R fund at two hundred thousand dollars (\$200,000) as specified by code. Council Member Wever responded that the policy set by Council specifies that the R&R fund be set at two hundred thousand dollars (\$200,000) with the provision to buy out of it and replace that fund from gross earnings. He stated that a special exception would have to be made to vary from that code. It was the consensus of Council to follow the code and borrow money if necessary.

### COST SAVING MEASURES

City Manager Anderson recommended that all hires be delayed to save personnel service money. Council Member Johnston stated that he would like to see lines

## CITY COUNCIL BUDGET WORKSHOP - AUGUST 12, 2003

including and excluding the pay grade adjustment (on separate pages) and hoped that the cost saving measures could be revisited at a certain point if targets are met. Discussion continued on potential annexation revenues and millage increases. Mayor Lewis agreed that vacant positions should be held but not funded until April or June of next year.

2. Consideration of implementation of Public Service Tax effective January 1, 2004.

City Clerk Phillips commented that it was necessary to have two (2) meetings before August 28<sup>th</sup> for the public service tax. Mayor Lewis suggested Friday, August 15<sup>th</sup> for the first reading of the public service tax ordinance, with a special meeting on Tuesday, August 26<sup>th</sup> for the second and final reading, which could also include the second budget workshop, both at 7:00 p.m. Council consented. It was noted that the public service tax ordinance had to be in Tallahassee by September 1, 2003 for implementation by January.

Discussion ensued regarding the inclusion of gas and fuel oil in the ordinance. Council Member Johnston suggested that staff determine a way to include both as being subject to the tax but allow for implementation at different times and different stages.

### REMINDERS

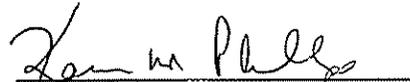
City Clerk Phillips reminded Council that August 14<sup>th</sup> Ginny Brown-Waite would be meeting at the Jerome Brown Community Center and asked for them to tell her if they were planning on attending since sixty (60) reservations had already been made. She noted that the event would be televised on Channel 19. She also noted that Senator Nelson was holding a town meeting at City Hall on August 28<sup>th</sup> at 9:00 a.m.

### ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 8:48 p.m.

ATTEST:

  
Mayor

  
City Clerk

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**CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING**

**MINUTES**

AUGUST 19, 2003

7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Darcy H. Chase, Deputy City Clerk; Julie Sherraden, Administrative Assistant; Emory Pierce, Public Works Director; William Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; Rick Hankins, Police Detective Sergeant; Tim Mossgrove, Fire Captain; Bobby Daniel, Fire Lieutenant; Joe Tyberghein, Parks & Recreation Manager; and David Pugh, Parks & Recreation Director [on medical leave]. Also present were representatives of the Hernando Today and the St. Petersburg Times.

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

CONSENT AGENDA

Minutes

July 28, 2003 Special Council Meeting

FRDAP Grant Application (II)

Consideration of grant application for improvements outlined in the Good Neighbor Trail to Russell Street Park Management Plan for funds to pave the trail from Russell Street to Jasmine Boulevard. [50% required match available through MPO enhancement funds]

Community Redevelopment Agency - Loan Payback Schedule

Consideration of schedule for repayment of debt incurred by the Community Redevelopment Agency to the City (\$328,392 as of 7/31/03) of annual payments of \$18,889 effective 2008.

Surplus Equipment - Various Departments

Declare certain equipment and materials surplus/obsolete and authorize City Manager to dispose of appropriately.

Council Chambers - Temporary Use - Patriot's Day

Approval of request by Patriot's Day committee as outlined in staff memo.

City/County Fire Hydrant Interlocal Agreement

Approval of revised agreement.

Motion:

Council Member Bernardini moved to approve consent agenda as amended, changing two dates in the interlocal agreement, in section three (3) of page two (2) and section nine (9) on page three (3), to September 1, 2003; seconded by Council Member Johnston; carried unanimously.

REGULAR AGENDA

<sup>1</sup>APPROVED BY BROOKSVILLE CITY COUNCIL

ON 9/16/03 INITIALS (18)

**REGULAR CITY COUNCIL MEETING - AUGUST 19, 2003**

Motion:

Council Member Wever made a motion to move the City Hall Refinancing item to the front of the agenda; seconded by Vice Mayor Staib; carried unanimously.

City Hall Refinancing - Resolution 2003-14

Consideration of proposed refinancing of City Hall and purchase of Parks and Recreation office building.

Finance Director Baumgartner reported that, per Council direction, the loan was pursued due to the rapid increase in interest rates, and that pre-closing had been taken care of prior to the meeting, contingent upon Council's approval of the Resolution.

Deputy City Clerk Chase read Resolution 2003-14 by head note only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE FINANCING OF THE COST OF ACQUISITION OF A BUILDING FOR USE BY THE PARKS AND RECREATION DEPARTMENT OF THE CITY AND THE REFUNDING OF CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; THE ISSUANCE OF A PROMISSORY NOTE IN THE MAXIMUM PRINCIPAL AMOUNT OF \$573,968 THEREFOR; PLEDGING THE CITY'S ELECTRIC FRANCHISE FEES TO SECURE THE REPAYMENT OF THE NOTE; PROVIDING FOR TERMS OF THE NOTE; MAKING CERTAIN COVENANTS IN CONNECTION WITH THE NOTE; PROVIDING FOR THE SALE OF THE NOTE; AUTHORIZING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Wever; carried unanimously upon roll call vote, as follows:

Council Member Wever	AYE
Council Member Johnston	AYE
Council Member Bernardini	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

Water and Sewer Rate Restructuring - Resolution No. 2003-13 & Ordinance No. 658

Consideration of proposed water conservation rate restructuring and increase with sewer fees based on water consumption.

Council Member Wever pointed out that Item B on page one (1) of the resolution should be 2004 rather than 2003. City Manager Anderson noted that the rate change would not begin until the October billing cycle and thus would not be reflected on the billing until the November statement. Council Member Bernardini shared results of some figures that he had gathered on the impact he anticipated the increase will have, which he averaged to be about twenty-seven percent (27%). Council Member Johnston reiterated that the restructuring was a result of a mandate by USDA and DEP.

Deputy City Clerk Chase read the Resolution No. 2003-13 by head note only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA REVISING CERTAIN WATER AND SEWER SERVICE CHARGES AND RATES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Council Member Wever for approval; seconded by Vice Mayor Staib; carried unanimously upon roll call vote, as follows:

Council Member Johnston	AYE
Council Member Bernardini	AYE
Vice Mayor Staib	AYE

## REGULAR CITY COUNCIL MEETING - AUGUST 19, 2003

Mayor Lewis	AYE
Council Member Wever	AYE

Deputy City Clerk read Ordinance No. 658 by head note only, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17, "UTILITIES," BY THE DELETION THEREFROM OF SECTIONS 17-127, 17-128, 17-129, 17-130, AND 17-132; ELIMINATING RATE-SETTING STANDARDS IN CONFLICT WITH CURRENT RATE STRUCTURE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Wever; carried unanimously upon roll call vote, as follows:

Council Member Bernardini	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE
Council Member Wever	AYE
Council Member Johnston	AYE

### Public Input:

Mr. Paul Neuhan shared figures he came up with regarding the impact the rate increase would have on his fixed income and questioned Council's reasoning for deciding on the issue without allowing public input prior to voting on it.

Mr. Carey Smith commented that private schools should pay for their own traffic control. He noted that money could be saved through only installing flashing lights.

Mr. James Repanti expressed his opposition to the rate increase. He also voiced complaint about the amount of calcium in his water, his location on the water line, and asked what could be done to rectify the situation. Public Works Director Pierce assured him that his concerns would be addressed.

Mr. Louis Hallal questioned the large percentage of increase in utility rates at one time when Council mentioned that it has been planned. The approval process through USDA was explained by members of Council and staff. Mayor Lewis responded to Mr. Hallal's question that the Southern Hills developer was not being given a "free ride" as was rumored.

### Traffic Calming Device - Methodist School Center

Consideration of creation of speed table with cross walk on Liberty Street between Main Street and Lemon Avenue.

Chief Tincher reviewed his recommendation to Council. Discussion followed regarding enforcement of speed violations, the location of the speed table, the anticipated planning of a school zone, and the cost outlay necessary. Council Member Johnston reminded Council that several requests were recently denied due to monetary issues and also noted that this request could be categorized as commercial as opposed to residential, which may necessitate setting a precedent and requiring some participation from the petitioner.

### Motion:

Council Member Bernardini moved to authorize discussion with the church to determine the design, location, and cost, to be brought back to Council; seconded by Vice Mayor Staib; carried unanimously.

### "Great Brooksvillian of the Year"

Consideration of proposed policy/criteria for annual recognition to be presented during Founder's Week events.

## REGULAR CITY COUNCIL MEETING - AUGUST 19, 2003

### Motion:

Council Member Bernardini moved for approval; seconded by Council Member Johnston; carried unanimously.

### Personnel Policy Revisions

- a) Section 12/09 - Overtime  
Consideration of proposed revision to clarify overtime rules in conformity with DOL regulation, and deleting leave other than Council declared Holidays as "time worked", in calculated overtime.
- b) Community Service Time Allowance  
Consideration of proposed revision to Section 6.11 to allow City employees up to 6 hours of paid leave to participate in community functions which Council determines to be a benefit the City.

Mayor Lewis directed that these items be brought back to Council after the Personnel Board had an opportunity to meet and review them.

### Motion:

Council Member Bernardini moved to table these items and refer them to the Personnel Board; seconded by Council Member Johnston; carried unanimously.

### Youth Intervention Program Agreement with Samaritan Corporation, Inc.

Consideration of agreement for use of JBCC to conduct after-school tutoring, therapy and intervention program for the current school year, and authorize Mayor's signature on a letter of support to state agency.

Mr. Clyde Carter explained the scope of the program that will be operating under a new agency name. He stressed the success of last year's program with the youth and the positive impact the program has on the community.

### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Bernardini; carried unanimously.

### Pre-disaster Mitigation Grant/Local Mitigation Strategy (LMS)

Consideration of applying for grant funding of priority #1, retrofitting City Hall (window protection & generator)  
[cost to be determined].

City Manager Anderson recalled that Council declined the generator last year due to the amount of the required match. He also clarified that he did not intend for his memo to imply that the City would not be able to participate if Council refused to seek the grant funding. Discussion followed. It was the consensus of Council to direct staff not to apply for the grant at this time.

### Quarry Golf Course Lease

Status Report on bid for lease of golf course and batting cages.

Parks and Recreation Manager Tyberghein asked Council to consider postponing their previous direction to go out for bids on leasing the Quarry and allow a period of time to raise efficiency and revenue. He reported that usage and revenues had already increased. Vice Mayor Staib stated that, since a lease is a long-term commitment, she would like to give staff a year to see what can be done. Council Member Wever would only agree to six (6) months. David Pugh, Parks and Recreation Director, stated that he attended the meeting in spite of his medical leave in order to have the opportunity to remind Council that the Quarry paid for itself two (2) years ago as an enterprise fund, and called attention to the recent road construction that impacted all businesses in that area. It was the consensus of Council to retain management of the Quarry with a six (6) month review. Mayor Lewis added that all departments should have expenses reviewed every six (6) months as well.

## REGULAR CITY COUNCIL MEETING - AUGUST 19, 2003

### CITIZENS INPUT

Chief Tincher advised Council that he had spoken with representatives from the Methodist School outside Council Chambers and they felt that the school may be able to absorb some of the costs associated with the speed table.

Mr. Henry Wright clarified that the NAACP item on the August 4<sup>th</sup> agenda was misinterpreted and that they were requesting support in the form of a resolution. Mayor Lewis said that could be arranged. Mr. Wright also commented that numerous requests had been made for speed humps, stated that the safety of other children in the community was equally as important as the safety of the children at the Methodist school, and asked Council to consider those requests as well.

### ITEMS BY COUNCIL

#### Joe Bernardini, Council Member

Council Member Bernardini asked the City Manager if he could provide recommendations of other cost saving options as they would relate to the rate increases. City Manager Anderson said he would bring something back at the August 26<sup>th</sup> meeting, figured on the assumption of no revenue increase.

#### Joseph E. Johnston, III, Council Member

Council Member Johnston asked for an update on the coordination of the Main Street signalization and was assured by staff that the County should have their new system operational soon.

Council Member Johnston informed the audience that the entire agenda with back-up material was available on the web, and congratulated staff.

#### E.E. "Ernie" Wever, Jr., Council Member

Council Member Wever received an explanation from City Manager Anderson on the response from the County pertaining to the Township 22 service offer listed in CTN and why Council did not receive a copy of the initial letter. He led discussion on the joint City/County Dispute Resolution meeting regarding the Hampton Ridge lawsuit. Community Development Director Geiger informed Council that his report would be faxed to the Board of County Commissioners' Office in the morning for distribution.

Council Member Wever gave a report on the Legislature's proposed annexation bill related to interlocal agreements being required for expansion plans on the boundaries of cities.

#### Mary A. Staib, Vice Mayor

Vice Mayor Staib received clarification from Community Development Director Geiger on the public hearing to be held about State Road 50, and whether further correspondence had taken place about The Bus. She also received an update from Council Member Johnston on the MPO's Cobb Road project, as well as an update from Public Works Director Pierce on the brick street repair underway. She asked Chief Tincher to prepare an opinion on a code enforcement issue from the Florida League of Cities that she would fax to him. She provided Council with an overview of the Florida League of Cities conference she attended.

Vice Mayor Staib suggested that the adult entertainment ordinance be scheduled for the next regular Council agenda.

#### David LaCroix, City Attorney

City Attorney LaCroix asked permission of Council to miss the final budget hearing on September 24<sup>th</sup> for a planned vacation. City Manager Anderson noted that he would not be in town for that meeting, either.

Relating to the annexation hearing in Tavares on Friday, City Attorney LaCroix left copies in the Council office.

**REGULAR CITY COUNCIL MEETING - AUGUST 19, 2003**

City Attorney LaCroix requested a vote of Council to have the Township 22 letter presented to the Board of County Commissioners for a formal vote.

Motion:

Council Member Johnston moved to add this item regarding the City's offer to the County to provide fire service to Township 22 for the amount of two hundred twenty-five thousand dollars (\$225,000) to the agenda; seconded by Vice Mayor Staib; carried unanimously. Council Member Johnston moved that the letter be sent to the Board of County Commissioners for formal action as recommended by the City Attorney; seconded by Council Member Wever; carried unanimously.

Richard E. Lewis, Mayor

Mayor Lewis reported on his meeting with Chairwoman of the Board of County Commissioners, Betty Whitehouse. Discussion followed on various topics, including the upcoming joint City/County Dispute Resolution meeting, possible annexation of South Brooksville, and first-right-of-refusal of Majestic Oaks.

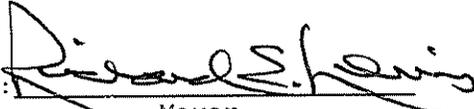
Darcy H. Chase, Deputy City Clerk

Deputy City Clerk Chase reminded everyone that U.S. Senator Bill Nelson will hold a town meeting at City Hall in the Council Chambers on August 28<sup>th</sup>.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:46 p.m.

ATTEST:

  
Mayor

  
Deputy City Clerk

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HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS  
BROOKSVILLE CITY COUNCIL

JOINT CONFLICT RESOLUTION  
PUBLIC MEETING

MINUTES

August 20, 2003

6:00 P.M.

Brooksville City Council and Hernando County Board of County Commissioners met in special session with Richard E. Lewis, Mayor, Mary A. Staib, Vice Mayor, and Council Members, Joseph E. Johnston, III and E.E. Wever, Jr. Chairwoman Betty Whitehouse, Vice Chair Diane Rowden, and Commissioners Mary Aiken, Robert Schenck,, and Nancy Robinson present from the Board of County Commissioners. Also present were David LaCroix, City Attorney; Garth Collier, County Attorney, Jeff Kirk, Assistant County Attorney; Richard E. Anderson, City Manager; Richard Radacky, County Administrator and various City and County Department and Division Heads. A representative from the Hernando Today was also in attendance.

CALL TO ORDER

The meeting was called to order by Chairwoman Whitehouse, followed by an invocation and the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Lewis asked for any additions or corrections to the agenda from City Council. Council Member Bernardini asked that Item V, Project Review - Southern Hills Plantation, be moved up prior to Public Comments.

City Council Motion:

Council Member Wever moved for approval; seconded by Vice Mayor Staib; carried unanimously.

Board of County Commissioners Motion:

Commissioner Robinson moved for approval as amended; seconded by Vice Chair Rowden; carried unanimously.

Chairwoman Whitehouse reminded everyone to use the microphone since the meeting was being televised.

PROJECT REVIEW - SOUTHERN HILLS PLANTATION

Presentation by Edward Burr and Jake Varn, Esq.

Ed Burr, President and Chief Executive Officer of LandMar gave a history of how LandMar decided to get into Hernando County and the City of Brooksville. He noted that LandMar was a higher quality developer in terms of their developments and their subsequent impact upon the communities. He stated that they wanted to be assured that they were wanted and accepted.

Mr. Burr said that they had chosen the City of Brooksville in order that they may be able to annex into the jurisdiction where they would be served. He expressed that they had encouraged an agreement between the city and the county upon realization of an existing dispute and that they felt it was important to work

1 APPROVED BY BROOKSVILLE CITY COUNCIL

ON 10/6/03 INITIALS Jan

**JOINT CITY/COUNTY DISPUTE RESOLUTION MEETING**  
**August 20, 2003**

with the county as well. Mr. Burr also noted that all of the filings with Department of Community Affairs were also filed with the county staff and that they had comments dating back to the beginning of 2002 that were incorporated into the agreement. He emphasized that LandMar did not want to be involved in disputes between any city and county. He reported on efforts that have been made to alleviate concerns regarding transportation, schools, a public park, fire and safety, and drainage, and stated that no issue was deemed as unresolvable from a development standpoint.

Mr. Jake Varn, Fowler White Law Firm, also commented that the County's concerns, as well as those of the Department of Community Affairs, have been received in writing and would be addressed. He added that the development agreement and comprehensive plan amendment were going to have to be redone so anything else that needed to be done to resolve the issues could be incorporated.

Mayor Lewis stated that the City also wished to resolve the issues. He assured that every issue from the Department of Community Affairs was being addressed and there was nothing that could not be addressed or resolved. He hoped that a consensus could be reached as a result of the meeting.

In response to Commissioner Schenck's question, Jerry Greif, of the Hernando County Planning Department, stated that all of their issues could be worked out or were resolved. Commissioner Schenck expressed his desire for some mechanism to resolve these issues with the City and the developer.

Jerry Greif also responded to questions from Vice Chair Rowden regarding the frontage road along US 41 and confirmed that the County would have provided impact fee credits for any eligible portion beyond the standard of development. In response to Commissioner Aiken, Mr. Greif explained that the County's reasoning for requesting the road was to provide connectivity to pods should emergencies occur, as well as to preserve to some capacity the integrity of the state roadway system. In response to Commissioner Robinson's question, Mr. Greif estimated that it would take a couple of months to achieve addressing all of the issues with the County, City, and LandMar depending upon what kind of formulation is drafted to resolve them, but added that it would be difficult to put into a time line.

Commissioner Schenck received clarification from Mr. Burr that nine hundred ninety-nine (999) households were planned in the development. Mr. Burr also recognized that Mr. Greif's time frame met theirs as well, as long as it was no later than the middle or end of October since they plan to develop in the fourth quarter of this year.

Chairwoman Whitehouse reiterated that she and Mayor Lewis had met on Monday regarding the need for a cooperative effort and expressed her hope for an outcome from this meeting.

In response to Vice Chair Rowden's inquiry as to what assurances would be provided to the County that the City's planning deficiencies would not result in continued annexation problems, Chairwoman Whitehouse stated that the City and the County were getting into an area where they can work together and that she anticipated input from the public.

Vice Chair Rowden felt that Hernando County was being much more progressive than

**JOINT CITY/COUNTY DISPUTE RESOLUTION MEETING**  
**August 20, 2003**

other counties south of here, citing frontage roads as an example.

**PUBLIC COMMENTS**

Mr. Joe Lemieux questioned the Developer's intent behind the number of homes planned within the development, as well as what benefits county residents would see for their tax dollars. He also expressed his concerns regarding an additional wastewater treatment plant, flooding, and the quality of life in Hernando County.

Mrs. Anna Liisa Covell welcomed the development. She stated that the annexation conflict was only going to hurt the taxpayers because of the money that would be spent for legal fees through the duration of the conflict. She shared how she felt the development would benefit the City and the County through allowing an opportunity for industry as well as providing a stronger tax base to both.

Mr. Gary Shraut described the development as smart growth, citing the commitment of the Developer to build a quality project. He strongly urged both boards to resolve this issue because there are very few opportunities like this one, which he felt would lead to others.

Mr. Brad Bates complained that the public had been totally excluded from this process and said that the development encourages urban sprawl and that he was opposed to it due to the cost.

No other public input was forthcoming.

Mayor Lewis commented that the developer was investing an additional thirteen million dollars (\$13,000,000) to construct a wastewater treatment plant which was encouraged by SWIFTMUD, and the taxpayers would be paying for the infrastructure if the money had to be borrowed to cover construction costs. He added that the developer's investment was a testimony to their commitment and noted that Duke Energy owned LandMar, which further attested to their ability to do this project.

Commissioners sought further input from Jerry Greif regarding the number of units in relation to impact, flooding concerns, and stormwater management goals.

Vice Chair Rowden asked County Administrator Radacky if the airport wastewater facility was set up for recyclable water. County Administrator Radacky said that sand filters would have to be constructed. He affirmed that Chairwoman Whitehouse was correct in that the County had committed the reclaimed water to Silverthorn when that capacity was developed.

**HERNANDO COUNTY VS. CITY OF BROOKSVILLE**

Conflict Resolution, pursuant to Chapter 164, Florida Statutes - joint public meeting of County Commission and City Council relating to lawsuit initiated by County

City Attorney LaCroix stated that the mechanism that Commissioner Schenck referred to was already in place through the litigation and administrative hearing with the Department of Community Affairs, the County, and the City. He added that these must be resolved before the City can move forward and pointed out that there were two (2) separate issues: planning and annexation. He added that they will not get through the administrative hearing without the Department

**JOINT CITY/COUNTY DISPUTE RESOLUTION MEETING**  
**August 20, 2003**

of Community Affairs, County and City being in agreement, and stated that this meeting was really about the annexation and whether the County was going to continue the lawsuit against that issue.

Assistant County Attorney Jeff Kirk responded that the lawsuit had three (3) parts: 1) a challenge that the development agreement violates the comprehensive plan through cross-tying language that was mutually dependent on each other, 2) a challenge of the planning issues in the development agreement, and 3) a challenge of the annexation due to County rights. He stated that all three were interrelated to the other issues.

Chairwoman Whitehouse directed that the purpose of the meeting was to air all of the issues and continue negotiating these issues, then have another meeting to make sure all of the issues have been covered to both boards' pleasure.

Mr. Varn said that LandMar has purposely stayed out of the litigation relative to the annexation, that they desired peace, and wanted the City and the County to work together. He recommended that the County abate the hearing scheduled for Friday in Tavares to provide time to make peace.

The Board of County Commissioners each expressed their agreement to an abatement, with Commissioner Aiken pointing out that abate could also be defined as extinguish, which was a course of action that she preferred.

Vice Chair Rowden suggested that a joint planning commission be formed with the City Council and County Commission for the future.

Board of County Commissioners Motion:

Commissioner Robinson moved to put the lawsuit on hold; seconded by Vice Chair Rowden; carried 4-1 with Commissioner Aiken opposed.

Council Member Johnston suggested that another joint meeting be scheduled in forty-five (45) days with a report back by staff to their individual boards in thirty (30) days as to what type of agreement could be reached.

City Council Motion:

Council Member Johnston moved that the City join in the County's motion to abate in order to allow both staffs to work on planning and procedural issues and that they report back within thirty (30) days with an aim at reaching a resolution within forty-five (45) days, and that if the issues are resolved, then the lawsuit be dismissed; seconded by Vice Mayor Staib; carried unanimously.

The meeting was recessed at 7:55 p.m. and reconvened at 8:23 p.m.

Mr. Varn reported that he had corresponded with both attorneys during the recess and they had drawn up an agreement that included the following: 1) abate the pending lawsuit; 2) the City, County, and Developer would work together to resolve the issues; 3) if the comprehensive plan amendments were approved by the Department of Community Affairs and the City, County, and Developer could resolve the annexation pocket and procedural issues, the County shall dismiss the lawsuit; 4) staff will meet within thirty (30) days; and 5) the City, Council and County Commission will meet within forty-five (45) days.

Chairwoman Whitehouse asked Mr. Burr to respond as to whether he was comfortable

**JOINT CITY/COUNTY DISPUTE RESOLUTION MEETING**  
**August 20, 2003**

with this, to which he affirmed that he was and added that a commitment to drop the lawsuit once the issues were resolved was very important.

Board of County Commissioners Motion:

Commissioner Robinson moved for approval; seconded by Commissioner Schenck. Mr. Varn stated that, for clarity, number three (3) would read, "If the City's comprehensive plan amendment is approved by the Department of Community Affairs final order or by a compliance agreement by all parties in proceeding, and the City, County, and Developer can resolve, then the County will dismiss the lawsuit." The motion was carried unanimously by the Board of County Commissioners.

City Council Motion:

Council Member Johnston moved to adopt as stated by Mr. Varn; seconded by Council Member Bernardini. The motion was carried unanimously by City Council.

Vice Chair Rowden commented that she would like to discuss the possibility of setting up a joint planning commission and recommended that staff be directed to get together and present something similar to that of other counties. City Council consented.

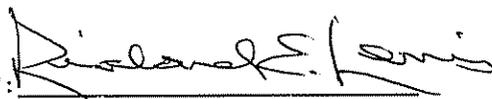
Commissioner Robinson added that it may be good to have the Mayor and Chairwoman develop an agenda separately as to what to deal with in future meetings and have staff prepare that as well.

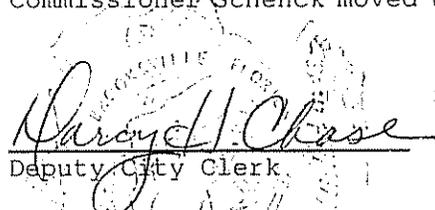
City Council consented to Vice Chair Rowden's request to put the Township 22 issue to rest.

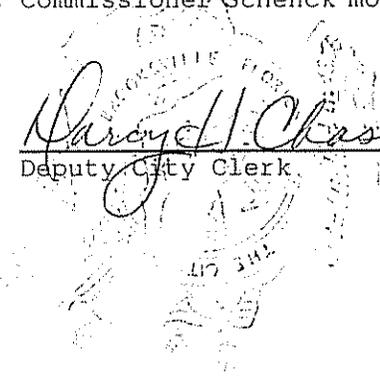
ADJOURNMENT

There being no further business to discuss, Commissioner Schenck moved to adjourn the meeting at 8:30 p.m.

ATTEST:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Deputy City Clerk



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**CITY OF BROOKSVILLE  
SPECIAL CITY COUNCIL MEETING**

**MINUTES**

AUGUST 26, 2003

7:00 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Darcy H. Chase, Deputy City Clerk; Julie Sherraden, Secretary I; Emory Pierce, Public Works Director; William Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Jim Delach, Accountant II; Autumn Glover, Accountant I; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; Eddie McConnell, Police Officer III; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present were representatives of the Hernando Today and the St. Petersburg Times.

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

PUBLIC HEARING - ORDINANCE NO. 657 - PUBLIC SERVICE TAX

Consideration of proposed ordinance providing for implementation of Public Service Tax, effective January 1, 2004. [first reading August 15, 2003]

Deputy City Clerk Chase read Ordinance No. 657 by head note, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 14, "TAXATION," BY THE ADDITION THERETO OF A NEW ARTICLE III, "PUBLIC SERVICE TAX;" PROVIDING FOR THE LEVY OF A PUBLIC SERVICE TAX, AS PERMITTED BY FLORIDA STATUTES, SECTION 166.231, ON ALL PURCHASES WITHIN THE CITY OF ELECTRICITY, METERED OR BOTTLED GAS (NATURAL GAS, LIQUIFIED PETROLEUM GAS, AND MANUFACTURED GAS), AND FUEL OIL; PROVIDING FOR EXEMPTIONS; PROVIDING FOR COLLECTION OF TAX AND RECORD-KEEPING REQUIREMENTS OF SELLERS OF SUCH UTILITIES; PROVIDING FOR NON-PAYMENT INTEREST AND PENALTIES; PROVIDING FOR VIOLATIONS; PROVIDING FOR NOTIFICATION; PROVIDING FOR TERMS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Manager Anderson gave details of the public service tax and noted that it would become effective in January of 2004, with anticipated revenues to be approximately three hundred eighty-five thousand dollars (\$385,000), which will be an increase of about six to seven percent (6-7%).

Public Input:

Mr. Josh Brown and Ms. Donna Wood presented a petition to Mayor Lewis, which he read into the record. [attached as Exhibit I hereto] They expressed concern that the annual increase for their family would be four hundred fifty dollars (\$450) or more and asked the City Council to consider the County Administrator's offer to take over the City's Fire Department and save the City money. Mr. Brown asked how to go about getting a referendum vote.

Mr. Alan Rhodes asked that the budget be balanced without increasing taxes or

1 APPROVED BY BROOKSVILLE CITY COUNCIL

ON 9/15/03 INITIALS (Signature)

salaries.

Council Member Johnston explained that this increase was tied into the following agenda items. City Attorney LaCroix noted that this increase can be adjusted at anytime, as long as the Department of Revenue is notified four (4) months in advance. In response to Mayor Lewis' question regarding the percentage of registered voters needed for a referendum vote, City Attorney LaCroix advised that ten percent (10%) can warrant placing an ordinance on the ballot for vote.

Ms. Lori Manual commented that the public needed more time to understand what the City Council was doing. She questioned whether other avenues of revenue had been explored, such as pursuing a loan from the City of Gulf Breeze, and alleged that political agendas were behind the Council's decision to increase taxes.

Mr. Joseph Quinn asked if these increases were a result of proposed developments and questioned the impact they would have on long-time Brooksville citizens. He inquired as to whether a sunset provision had been considered to cover any shortfalls that may result.

Mr. Bill Spratt commented that he would see an increase in taxes from one thousand eight hundred dollars (\$1,800) to two thousand six hundred dollars (\$2,600), which was too much.

Mr. Louis Hallal asked why the City did not have emergency reserves for situations such as this. He suggested that the City look ahead, and noted that the traditional ten (10) year plan could not prepare the City for everything that occurred last year.

Mr. Terry Sellers requested that the City Council table this item until more advertisements could be made to further notify the public.

Discussion followed regarding the timing of the increase, the impact of the budget situation on employees' salaries, and the County's proposal to take over fire services in Brooksville. Council Member Johnston presented a memorandum to City Council that he authored earlier in the day [attached as Exhibit II hereto], in which he proposed to contract with the County for ten (10) years for fire services. He also suggested that the increase be reduced to five percent (5%).

Mayor Lewis noted that a telephone message had been received late in the afternoon from Ms. Odessa Samon, who wanted to state her opposition to the tax increase but was unable to attend the meeting because she was working two (2) jobs.

Motion:

Vice Mayor Staib moved to approve Ordinance No. 657, with a quarterly review; seconded by Council Member Wever; carried 3-2 by roll call vote, as follows:

Mayor Lewis	AYE
Vice Mayor Staib	AYE
Council Member Bernardini	NAY
Council Member Johnston	NAY
Council Member Wever	AYE

City Council recessed at 8:34 p.m. and reconvened at 8:41 p.m.

**SPECIAL CITY COUNCIL MEETING - AUGUST 26, 2003**

AGENDA

AUDIT - 2001-2002 FISCAL YEAR

Presentation of independent audit prepared by Oliver & Company.

Finance Director Baumgartner presented the audit and noted that Phil Guthrie from Oliver & Company was in attendance if Council had any questions.

Council Member Johnston noted that the date on page ninety-eight (98) should be 2004 rather than 2003, and there was also a typographical error in the last line of Section 02-6. Council Member Bernardini commended the finance staff on their work.

Motion:

Council Member Bernardini moved for acceptance of the audit; seconded by Council Member Johnston; carried unanimously.

2003-2004 PROPOSED BUDGET

Review of preliminary Revenue and Expenditure projections for 2003-2004 Fiscal Year.

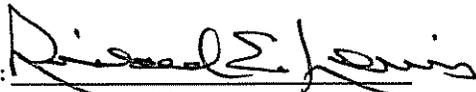
City Manager Anderson indicated that staff had made an attempt to implement Council's previous suggestions and noted that the proposed budget was based on a ten percent (10%) increase in revenues. Discuss followed about the Quarry losses, employee raises, and insurance liability claims. Council review the proposed budget by line item and suggested various changes or corrections.

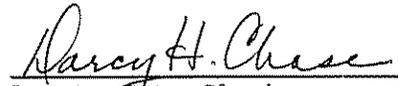
Council Member Johnston asked if it was the consensus of Council to allow staff to approach the County about his fire proposal. Council consented. City Manager Anderson said he would transfer Council Member Johnston's outline and conditions and bring something back at the September 9<sup>th</sup> meeting.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 10:08 p.m.

ATTEST:

  
Mayor

  
Deputy City Clerk

**SPECIAL CITY COUNCIL MEETING - AUGUST 26, 2003**

EXHIBIT I

We, the undersigned residents of the City of Brooksville, strongly urge each member of the Brooksville City Council and Mayor R. Lewis to fully consider all options available for correcting the current budget deficit. On August 19, 2003, Council passed an increase in water and sewer rates. On August 26, 2003, Council will vote on a utility tax (up to 10%) to be added to Progress Energy bills for accounts within the City of Brooksville. Council is also discussing an increase of up to 1 mill on property taxes for city property owners. While we are all understanding of the deficit created in the City budget when fire service for Township 22 was taken by the County, we feel that the City MUST consider means other than increased taxes for city residents. We have reviewed the County's proposal for absorbing the Brooksville Fire Department and feel that this should be considered as an option for resolving the deficit. The County has offered to provide fire service to city residents at approximately 1/3 of the current budget for Brooksville Fire Department. They are also able to hire on 9 - 11 of the 17 employees of B.F.D. We feel that the City Council should consider this viable, affordable solution.

Printed Name	Address	Signature
Lee Middleton	212 Sunset Dr.	<i>[Signature]</i>
JASON McLEER	914 Cedar Dr.	<i>[Signature]</i>
Carolyn S. Holton	915 Cedar Drive	C. S. Holton
Stephanie Hearn	922 Cedar Dr.	<i>[Signature]</i>
Robin Coley	930 Cedar Dr.	<i>[Signature]</i>
RA Smith	918 CEDAR DR	<i>[Signature]</i>
Josh Brown	275 SUNSET DR	<i>[Signature]</i>
Kevin and Jana Knox	528 Oakhill Court	<i>[Signature]</i>

**SPECIAL CITY COUNCIL MEETING - AUGUST 26, 2003**

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Printed Name	Address	Signature
Lori Manuel	2105 Oak St.	Lori Manuel
JOSEPH QUINN	1071 CANDLELIGHT	Joseph Quinn
CHARLES H. MILLER	760 FERNWOOD DR.	Charles H. Miller
Jody Heiney	6010 Erin Way,	Jody Heiney
Deborah Holdsworth	154 OAK ST.	Deborah Holdsworth
SAUND H. WELTON	154 Oak St	SAUND H. WELTON
Rita Laska	475 Rogers Ave.	Rita Laska
EL-DONNA MYLREA	460 ROGERS AVE	EL-DONNA MYLREA
CRAIG MYLREA	460 ROGERS AVE	CRAIG MYLREA
MARK BROWNING	457 ROGERS AVE	MARK BROWNING
M. Kathleen Shayer	458 Rogers Ave.	M. Kathleen Shayer
Dorothy & Frank Hauber	159 Mt. Zion Ave.	Dorothy Hauber



**SPECIAL CITY COUNCIL MEETING - AUGUST 26, 2003**

We, the undersigned residents of the City of Brooksville, strongly urge each member of the Brooksville City Council and Mayor R. Lewis to fully consider all options available for correcting the current budget deficit. On August 19, 2003, Council passed an increase in water and sewer rates. On August 26, 2003, Council will vote on a utility tax (up to 10%) to be added to Progress Energy bills for accounts within the City of Brooksville. Council is also discussing an increase of up to 1 mill on property taxes for city property owners. While we are all understanding of the deficit created in the City budget when fire service for Township 22 was taken by the County, we feel that the City MUST consider means other than increased taxes for city residents. We have reviewed the County's proposal for absorbing the Brooksville Fire Department and feel that this should be considered as an option for resolving the deficit. The County has offered to provide fire service to city residents at approximately 1/3 of the current budget for Brooksville Fire Department. They are also able to hire on 9 - 11 of the 17 employees of B.F.D. We feel that the City Council should consider this viable, affordable solution.

Printed Name	Address	Signature
Lawrence Smith	901 Hammock Rd	Lawrence Smith
Patti Smith	901 Hammock Rd	Patti Smith
DARWIN ELLINGHUYSEN	120 BROCKWAY RD.	Darwin Ellinghusen
MARKENE GOTTSMAN	498 NORTH AVE W.	Markene Gottsmann
FREEMAN REIGN	910 HAMMOCK RD	Freeman Reign
Barbara T. Reign	910 Hammock Rd.	Barbara J. Reign
STEPHANIE DAGGARD	915 HAMMOCK RD.	Stephanie Daggard
John Marsnowsky	915 Hammock Rd.	John Marsnowsky
Natalie Darby	519 Underwood Ave.	Natalie Darby
Patrick Darby	" " "	Patrick Darby
Thomas SEARS	570 UNDERWOOD AVE	Thomas Sears
Gary Nichols	1014 WHITEWAY DR.	Gary Nichols

**SPECIAL CITY COUNCIL MEETING - AUGUST 26, 2003**

We, the undersigned residents of the City of Brooksville, strongly urge each member of the Brooksville City Council and Mayor R. Lewis to fully consider all options available for correcting the current budget deficit. On August 19, 2003, Council passed an increase in water and sewer rates. On August 26, 2003, Council will vote on a utility tax (up to 10%) to be added to Progress Energy bills for accounts within the City of Brooksville. Council is also discussing an increase of up to 1 mill on property taxes for city property owners. While we are all understanding of the deficit created in the City budget when fire service for Township 22 was taken by the County, we feel that the City MUST consider means other than increased taxes for city residents. We have reviewed the County's proposal for absorbing the Brooksville Fire Department and feel that this should be considered as an option for resolving the deficit. The County has offered to provide fire service to city residents at approximately 1/3 of the current budget for Brooksville Fire Department. They are also able to hire on 9 - 11 of the 17 employees of B.F.D. We feel that the City Council should consider this viable, affordable solution.

Printed Name	Address	Signature
CLARK DANCE	435 EDERINGTON DR.	Clark Dance
LISA WALLACE	416 EDERINGTON DR.	Lisa Wallace
JOHN HARWOOD	912 HAMMOCK RD	John Harwood
JOHN CHILDERS	301 LONWOOD DR	John Childers
HARLEY CUTLIP	916 WHITEWOOD DR	Harley Cutlip
PHILLIS CUTLIP	917 WHITEWOOD DR	Phyllis Cutlip
MIKEL FIRMAN	810 BUENA VISTA AVE	Mikel Firman
FRANK DEASLEY	424 EDERINGTON DR	Frank Deasley

SPECIAL CITY COUNCIL MEETING - AUGUST 26, 2003

EXHIBIT II

To: Richard E. Lewis, Mayor  
Mary A. Staib, Vice Mayor  
F. J. "Joe" Bernardini, Council Member  
E. E. "Ernie" Wever, Council Member

From: Joe Johnston III, Council Member

Date: August 26, 2003

Re: Fire Service Proposal

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I propose consideration of contracting Fire Services to Hernando County, with the following provisions and conditions:

- 1 Contract with Hernando County to provide service to City at a cost savings of \$500,000+ per year (compared to 2002-2003 COB funding level) - per purported offer of 8/03
  2. Initial Contract term of 10 years, with only cost of living adjustment in Contract price. (total savings to City over life of initial Contract of \$5,000,000 00+)
  - 3 During the Contract term, lease Fire Station No. 1 and equipment to County for nominal consideration. Station must be utilized by Hernando County as a Fire Station serving COB during life of the Contract and manned at level not less than COB staffing. Station and equipment to be returned to COB at end of Contract (or extensions), with only reasonable wear and tear. Any vehicles purchased during the Contract term and used in conjunction with the City station will be offered for sale to COB at expiration of Contract for the then-current depreciated value.
  - 4 All current COB personnel to be retained by County at a position which pays not less than current salary. Provision shall be made for transfer of current pension benefits with COB personnel.
  - 5 The Department shall remain known as The COB Fire Department
  6. If, in any year during the term of the Contract, the ISO rating rises above the 2003 level for area serviced within COB (for reasons unrelated to water supply provided by COB), the County will pay a penalty to the City for each point greater than the 2003 level (suggested penalty \$50,000-\$100,000)
-

**CITY OF BROOKSVILLE**  
**FIRST PUBLIC HEARING FISCAL YEAR 2004 BUDGET**  
**AND SPECIAL MEETING**

**MINUTES**

SEPTEMBER 9, 2003

7:00 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present was David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present were representatives of the Hernando Today and the St. Petersburg Times.

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

Fee Waiver Request for Tom Varn Park - Brooksville Kiwanis' "Kids Day"

Consideration of request to waive \$305 user fee for September 13, 2003 event.

Mayor Lewis stated that a request had been made to move item D2, Kiwanis Kids Day, up to the front of the agenda. Mr. Tom Hammat, President of the Brooksville Kiwanis Club, explained that this was a long-standing community service event that was aimed at six (6) to twelve (12) year old children. Due to their budget being particularly tight he felt it would be difficult to meet the three hundred five dollar (\$305) fee and requested a waiver. Council Member Johnston disclosed that he would be the incoming president of Kiwanis. Discussion ensued regarding the structure of the usage fee as it applies to uses other than the community center.

Motion:

Council Member Wever moved for approval; seconded by Vice Mayor Staib; carried unanimously.

PUBLIC HEARING - PRESENTATION OF PROPOSED BUDGET FOR FISCAL YEAR STARTING OCTOBER 1, 2003

Public Announcement - Ad Valorem Tax Rate (TRIM Notice)

City Clerk Phillips read the public announcement, as follows:

Pursuant to Section 200.069, F.S., "Notice of Proposed Property Taxes" (TRIM NOTICE) the proposed ad valorem rate for the Fiscal Year 2004 was advertised to be a maximum of 10.000 mills. This millage rate would be a 32.03% increase over the rolled back rate of 7.5738 mills. After reviewing revenue projections and proposed expenditure levels for the 2003-04 Fiscal Year, the General Fund budget is balanced at a proposed rate of 9.000 mills, which is 18.83% over the rollback rate.

2003-04 Fiscal Year Budget Projections

Recommended Revenue Projections - by Fund (Including Transfer and Beginning Fund Balances):

**APPROVED BY BROOKSVILLE CITY COUNCIL**

ON 10/06/03 INITIALS Jan

**FIRST PUBLIC BUDGET HEARING AND SPECIAL MEETING**  
**September 9, 2003**

General Fund	\$ 6,500,662
Special Revenue Funds	2,921,802
Capital Projects Revenue	617,133
Proprietary Funds	12,425,745
Trust and Agency Funds	5,057,566
<b>TOTAL REVENUES</b>	<b><u>\$ 27,522,908</u></b>

Recommended Expenditures Projections - by Department and Budget Centers:

<u>General Fund Expenditures</u>	
General Government	\$ 406,786
City Council	52,768
Administration Department	487,958
Human Resources	133,098
Community Development Department	266,110
Finance Department	462,198
Police Department	1,352,735
Fire Department	1,089,113
Parks & Recreation Department	710,053
Public Works Department	904,754
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b><u>\$ 5,825,573</u></b>

<u>Special Revenue Expenditures</u>	
Police Special Education	\$ 3,000
Law Enforcement Investment Trust Fund	1,352
Police LLEGB	11,111
Local Option Gas Tax Fund	246,500
Parks & Recreation - Transportation	10,000
CDBG Projects (CR & ED)	479,551
Withlacoochee Reg. Water Supply Auth.	67,000
TOPS	1,168,629
<b>TOTAL SPECIAL REVENUE FUND EXPENDITURES</b>	<b><u>\$ 1,987,143</u></b>

<u>Capital Projects Expenditures</u>	
McKethan Park	\$ 23,000
FRDAP Grant - Basketball Court	122
Fleet Vehicle Replacement Fund	522,919
<b>TOTAL CAPITAL PROJECTS EXPENDITURES</b>	<b><u>\$ 546,041</u></b>

<u>Proprietary Fund Expenses</u>	
Utilities-Water & Wastewater	\$ 7,556,280
Solid Waste Collection	1,225,828
Vehicle Maintenance Internal Service Fund	156,023
<b>TOTAL PROPRIETARY FUND EXPENSES</b>	<b><u>\$ 8,938,131</u></b>

<u>Trust and Agency Expenditures</u>	
Butterweck Bond Fund	\$ 2,156
Firefighter's Retirement Fund	195,000
Police Officer's Retirement Fund	16,300
Self Insured Dental Plan	35,000
<b>TOTAL TRUST AND AGENCY EXPENDITURES</b>	<b><u>\$ 248,456</u></b>

**TOTAL/ALL FUNDS** **\$ 17,545,344**

City Manager Anderson noted that the revenues & expenditures were balanced assuming an adjustment in the tax rate.

Council Member Johnston interjected that the City Manager's memorandum with the support material for item 3a included various proposals to allow Council not to

**FIRST PUBLIC BUDGET HEARING AND SPECIAL MEETING**  
**September 9, 2003**

increase the millage rate. He reviewed his proposal regarding the fire department and said, though he felt Council still needed to look at the possibility, they must apply some type of logic to the operation of the Quarry Golf Course and reconsider its operation.

Public Hearing - Fiscal Year 2004 Proposed Budget

Consideration of the recommended 2003-04 fiscal year budget.

Public Announcement

City Clerk Phillips read the public announcement a second time, as follows:

Pursuant to Section 200.069, F.S., "Notice of Proposed Property Taxes" (TRIM NOTICE) the proposed ad valorem rate for the Fiscal Year 2004 was advertised to be a maximum of 10.000 mills. This millage rate would be a 32.03% increase over the rolled back rate of 7.5738 mills. After reviewing revenue projections and proposed expenditure levels for the 2003-04 Fiscal Year, the General Fund budget is balanced at a proposed rate of 9.000 mills, which is 18.83% over the rollback rate.

Public Input

Mr. Paul Neuhan, 907 Whiteway Drive, demonstrated the impact of the increases would have on his expenses. He asked Council about the public service tax and the trim notice and questioned what the increases were going to provide to him. Members of Council explained the unforeseen losses in revenue that occurred, the procedure associated with the trim notice as defined by the State, and the necessary renovation of the City's infrastructure.

Mr. Josh Brown, 275 Sunset Drive, and Ms. Donna Wood, 28 Pine Street, stated that they felt the City should out-source fire department services. They felt the City was imposing an incredible amount of increase all at once. In response to their question regarding the official status of the fire department negotiations, Council Member Johnston stated that the budget needed to be balanced with the fire department included because nothing could be done prior to October 1<sup>st</sup>. Mayor Lewis assured them that Council was looking at every option and must focus on balancing the budget first and foremost.

Ms. Brandi Dunn, 1516 Arnold Avenue, asked what her money was being spent on and suggested special services such as new technologies, customer service training, and free parks services. She questioned the rumored waiving of fees for the Southern Hills Development and the subsequent raising of taxes.

Mr. John Weipz, 315 S. Brooksville Avenue, complained about illegal activities in the City.

Mr. Donald Warner, 202 E. Liberty Street, commented that his taxes were going up over twice the current amount.

Mr. Kevin Knox, 528 Oakhill Court, questioned Council about Township 22 litigation costs, which City Attorney LaCroix said amounted to a total of about nine thousand dollars (\$9,000), and the amount of time the City has been working on balancing the budget.

Mr. Pat Brayton, 205 Alpine Circle, asked what a mill was valued at, to which Finance Director Baumgartner responded approximately two hundred seventy-five dollars (\$275) and is in the budget at ninety-five percent (95%) as required by law. Mr. Brayton stated that he would like to see the millage kept at 8 mills.

**FIRST PUBLIC BUDGET HEARING AND SPECIAL MEETING**  
**September 9, 2003**

Police Chief Ed Tincher, who stated he paid taxes on property owned within the City, recalled the respect that was afforded the police officers and fireman following September 11, 2001 and recommended that they be offered that respect as some of them have put their lives on the line for over twenty-five (25) years. He stated his willingness to forego ten percent (10%) of his salary to offset the shortfall if necessary.

Fire Captain Tim Mossgrove, 507 Underwood Avenue, commented that less than two percent (2%) of Florida cities do not have the public service tax, Brooksville being one of them, and added that the public was unaware of the impact inflation has on the City's finances.

Mr. Josh Brown readdressed Council to confirm his support of the men and women that work in the fire and police departments and added that he is employed by the Sheriff's department.

Mayor Lewis assured that the issue would go to the Board of County Commissioners to be considered, reiterated that Council would look at this proposal very vigorously and expressed his appreciation for the guidance of the public. Further discussion ensued.

Mr. Donald Lambert, of Massaryktown, asked Council to look at options other than contracting out the fire department and stated that the extra EMS tax he was paying as a result of the County taking over that service did not provide him with a better and cheaper service as he was told it would.

Sandra Wilfong, Violet Road, suggested that, since Tangerine Cove was still receiving services, Council may consider billing them for services received since they are no longer being taxed.

Mayor Lewis limited discussion to the budget only.

Mr. John Thornton, 17 Croom Road, felt that taxes were a lose-lose situation for everyone and asked that, since inflation affects the home owner twice, that Council be gentle.

Council Discussion

Council discussed and took action on the City Manager Anderson's list of possible alternatives to increasing taxes, as follows:

1. Reduce the Reserve for capital replacements (\$145,000)  
(as the recommended levels were less than half of departmental requests, future deferrals would not be cost effective, i.e., replacements would need to be added to the schedule for funding next year.)

Motion:

Council Member Wever moved to change the budget to eliminate reserves to capital outlay in the amount of three hundred ninety-three thousand nine hundred one dollars (\$393,901) on page nine (9) and put those funds into unallocated reserves; seconded by Vice Mayor Staib. City Manager Anderson noted the anticipated impact of no budgeted capital outlay funds on any vehicle replacement needs. Mr. Pat Brayton commented that about ninety-five percentage (95%) of the ad valorem taxes that are budgeted will be received. Finance Director Baumgartner stated that there needed to be a caveat to Mr. Brayton's theory and used Tangerine Cove as an example, in that three (3) years of the tax certificates were sold but the judge also relieved them of the next two (2) years' tax certificates, which resulted in a refund of funds that will not be

**FIRST PUBLIC BUDGET HEARING AND SPECIAL MEETING**  
**September 9, 2003**

replaced. Motion carried unanimously.

2. General Government  
Promotional Activities (\$17,000)  
Holiday events, Receptions, Founders Day, etc.

Motion:

Council Member Johnston moved that item two (2) listed in the City Manager's memo be put into general reserves; seconded by Council Member Bernardini; carried 4-1, with Council Member Wever in opposition.

4. Parks & Recreation
- A. Close Quarry Golf Course two days a week (\$25,000)  
(Monday and Tuesday?). Reduce staffing  
from 3 to 2

Council Member Wever asked Parks and Recreation Manager Tyberghein to provide figures based on his projections for the Quarry for a possible change in the budget. Council Member Johnston added that he would like to have alternate proposals at the final budget hearing, as well, reminding Council that it was a matter of eliminating losses, not just reducing them.

- B. Close Jerome Brown Community Center during (\$30,000)  
the day while school is in session (except  
for rentals). Reduce staffing from 2 to 1.

Motion:

Council Member Johnston moved to accept City Manager Anderson's recommendation regarding the Jerome Brown Community Center; seconded by Vice Mayor Staib. Discussion followed regarding safety and security issues and providing a secondary staff person when necessary, with Chief Tincher offering that an officer could be placed in the center to do their reports during hours of operation. Motion carried unanimously.

Budget Changes

Council recommended the following changes to the budget:

- Page 17: Footnotes should be moved to the outside of the table for continuity
- Page 19: The Anticipated Revenue at Given Millage columns and Revenue Difference from 8.0000 columns should not be the same figures
- Page 31: ... "placed them in Reserves" should be removed from the sentence (as well as in numerous other pages where it occurs) and the wording should be changed to show that the capital purchases are on hold. Clarification of "units" should be included next to the number seven (7) for the Fire Department's air packs.
- Page 35: A note should be added to the narrative to show the four (4) items that totaled the six hundred thirty-one thousand dollar (\$631,000) reduction in Reserves and an itemized list of the transfers from Special Reserves to offset that reduction.
- Page 40: "Current Year 2002 Debt Service" should be changed to

**FIRST PUBLIC BUDGET HEARING AND SPECIAL MEETING**  
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2003. Transfers Out should not be listed there since they are not part of this budget.

- Page 82: It should be noted that Capital Outlay is "not budgeted"
- Page 97: The fiscal year should be 2004. Council Member Wever commented that he liked the statement under that and suggested that it be used throughout.
- Page 136: The paragraph indicating pending litigation should be removed.
- Pages 137-138: Council Member Wever noted that Council was asking for some revised figures for the Golf Course that may be incorporated.
- Page 142: Council Member Wever commented that the statement under the picture "...pending revenue shortfalls..." was another good statement.
- Page 191: Council Member Wever suggested that seven hundred sixty-seven thousand two hundred fifty dollars (\$767,250) be moved from Water & Wastewater Contingencies into reserves for capital improvement projects.
- Page 198: Council Member Wever recommended that the Utility Fund R&R be raised to one hundred thousand dollars (\$100,000) as previously agreed by Council and the difference be taken from Unallocated Reserves, to become effective October 1, 2003.
- Page 211: Council Member Wever pointed out that borrowing the money to buy the new truck would encumber a lower interest charge than borrowing that money from Contingency Reserves.
- Page 223: Council Member Wever recommended that the money that was previously moved to General Reserves be returned to the Internal Service Fund.
- Page 224: Change of wording to "Annual Transfers deferred from 2003-04 by City Council."
- Page 225: Total Transfer Out on page 225 should match Total Annual Required Transfer on page 224.
- Page 231: Footnote indicating the transfer to the General Fund for Cemetery Maintenance should be included.
- Page 239: This page should be landscaped and enlarged.

Ad Valorem Tax Rate for Fiscal Year 2004

Consideration of establishing ad valorem tax rate at 9.000 mills.

City Attorney LaCroix advised that the re-computed percentage rate be announced if Council was going to adopt a lower ad valorem rate.

Motion:

Council Member Johnston moved to adopt a tentative millage rate for the 2004 fiscal year of 8.0000, which is the same as last year; seconded by Council Member

**FIRST PUBLIC BUDGET HEARING AND SPECIAL MEETING**  
**September 9, 2003**

Bernardini; carried unanimously.

City Clerk Phillips read the revised public notice at 8.0000 mills with the adjusted rolled back rate of 7.5738, and adjusted percentage increase of 5.63%.

Ordinance No. 659 - Recommended Budget for Fiscal Year 2004 [FIRST READING 9/9/03]

Consideration of proposed budget effective October 1, 2003.

City Clerk Phillips read Ordinance No. 659 by head note only, as follows:

**AN ORDINANCE APPROPRIATING CERTAIN MONIES FOR THE GENERAL OPERATIONS OF THE CITY OF BROOKSVILLE, FLORIDA, FROM ITS SEVERAL FUNDS FOR THE TWELVE MONTH PERIOD BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004.**

Council Member Johnston moved to adopt Ordinance No. 659 with the changes made this evening to be incorporated before the second and final reading; seconded by Vice Mayor Staib; carried unanimously upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Johnston	AYE
Council Member Wever	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

SPECIAL MEETING

CONSENT AGENDA

Engineering Service Agreement/SR 50 Frontage Road - TOPs Program - Berryman & Henigar

Approval of agreement in the amount not to exceed \$111,888.49 (funding from TOPs Grant).

Change Order #1 - U.S. 41 Landscape Project - Bid No. CD2003-03

Consideration of change order to contract with Morelli Landscape in the amount of \$12,400 (FDOT refundable) for additional landscaping.

Change Order #5 - Downtown Commercial Infrastructure Revitalization Plan - Bid No. 01DB-79-05-37-02-C03, AD2002-07

Consideration of change order to contract with Atlantis Construction in the amount of \$3,900 (\$7,900 if the traffic loops have to be repaired) to remove bulb out on the corner of Howell Avenue and Main Street and install a drain inlet and piping to resolve ponding issue.

Motion:

Council Member Bernardini moved for approval of the consent agenda; seconded by Council Member Wever; carried unanimously.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

United Way of Hernando County, Inc. - "Day of Caring"

Proclamation in support of the Day of Caring event to be held Wednesday, September 10, 2003 from 9:00 a.m. until 12:00 p.m.

Patriot's Day

Proclamation designating September 11, 2003 as Patriot's Day and remembering those who lost their lives in the terrorist acts upon the United States of America on September 11, 2001.

**FIRST PUBLIC BUDGET HEARING AND SPECIAL MEETING**  
**September 9, 2003**

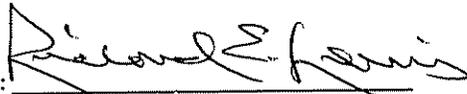
Motion:

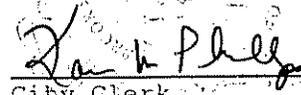
Council Member Bernardini moved to approve the proclamation for United Way Day of Caring and Patriot's Day; seconded by Council Member Johnston; carried unanimously.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:40 p.m.

ATTEST:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

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CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING

AGENDA ITEM NO. C-1

10-6-03

MINUTES

SEPTEMBER 15, 2003

7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present was David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present was a representative of the St. Petersburg Times.

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

CONSENT AGENDA

Minutes

August 4, 2003 Regular City Council Meeting  
August 12, 2003 City Council Budget Workshop  
August 19, 2003 Regular City Council Meeting  
August 26, 2003 Special City Council Meeting & Budget Workshop

LLEBG Grant Award Acceptance

Authorization to accept grant award in the amount of \$10,951 with a match of \$1,217.  
[Account No.109-013-581.12.60]

Tax Certificate "Tangerine Cove" (Atlantic Community Care, Inc.)

The Bankruptcy Court in Tampa has ordered a refund for the tax certificates for 1998, 1999, and 2000; City's portion is \$94,018.44  
[Account No. 001-009-549.00.00]

RFP No. HR2003-08 - Workers Compensation

Reject proposal and authorize renewal with current carrier.

Purchase of Additional Taser Units & Funding Designation

Authorization to purchase 6 additional Taser units to outfit the entire department in the amount of \$4,200 (funding from Law Enforcement Impact Fees Fund) and designate transfer of portion of funding allocation (\$4,710.37) from initial purchase of 16 units authorized on 8/4/03 from Uncapitalized Equipment in the General Fund to the Law Enforcement Impact Fees Fund.

Coca-Cola Bottling Corp. Agreement Amendment #2

Approval of Amendment No. 2 to original agreement dated 10/7/96 to provide for donation of sound system to the City and for product sales at the Quarry Golf Course and placement of additional vending machines.

Mayor Lewis noted a correction to the Taser Purchase item, that the initial purchase was for fourteen (14) units rather than sixteen (16) as stated on the agenda.

Council Member Wever provided corrections to the minutes. He also requested that account names be used on support material provided to Council rather than account numbers.

APPROVED BY BROOKSVILLE CITY COUNCIL

1

ON 10/06/03 INITIALS Lan

**REGULAR CITY COUNCIL MEETING - SEPTEMBER 15, 2003**

Motion:

Council Member Johnston moved for approval of consent agenda as amended; seconded by Council Member Bernardini; carried unanimously.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Kids Day America

Proclaiming Saturday, September 20, 2003 as Kids Day America.

Mayor Lewis read the proclamation. It was noted that the request was made by a nationally affiliated organization.

American Business Women's Association Day

Proclaiming Monday, September 22, 2003 as American Business Women's Association Day.

Mayor Lewis presented the proclamation to members of the American Business Women's Association and thanked them for their involvement in the community.

John Capel

Recognition of winning the gold medal in the 200 meters at the World Track and Field Championships in Saint-Denis, France as he continues his "Quest for the Gold" in Athens, Greece at the 2004 Summer Olympic Games.

Mayor Lewis presented the proclamation to Mr. and Mrs. Capel, parents of John Capel and noted that Ms. Julia Jenkins had suggested that John be named "The Come Back Kid" when he wins the gold medal at the 2004 Summer Olympic Games.

Bishop Theodore N. Brown

Recognition of Bishop Brown's many accomplishments and attributions which are to be commemorated at a banquet in his honor on September 25, 2003.

Mayor Lewis presented the proclamation to Mrs. Brown, wife of Bishop Theodore Brown. Mrs. Brown thanked Council and said the banquet was to be a surprise to her husband.

PUBLIC HEARING

Ordinance No. 658 - Water and Sewer Code

Consideration of ordinance amending the City of Brooksville Code of Ordinances to eliminate conflict with the current rate structure. [First Reading August 19, 2003].

City Manager Anderson stated that the ordinance would eliminate inconsistencies and/or conflicts in the code that may result from the utility rate change.

City Clerk Phillips read by head note only, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17, "UTILITIES," BY THE DELETION THEREFROM OF SECTIONS 17-127, 17-128, 17-129, 17-130, AND 17-132; ELIMINATING RATE-SETTING STANDARDS IN CONFLICT WITH CURRENT RATE STRUCTURE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Wever. There was no public input. Motion carried unanimously upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Johnston	AYE
Council Member Wever	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

REGULAR CITY COUNCIL MEETING - SEPTEMBER 15, 2003

REGULAR AGENDA

Ordinance No. ~~660~~ 525-F - Firefighters Pension Trust Fund Amendment

Consideration of ordinance amending the Ordinance No. 525-C to provide for increasing benefits and lowering normal retirement age requirement. [Second/Final Reading October 6, 2003]  
[Note: Proposed ordinance includes modification requested by City Council on 7/21/03]

City Clerk Phillips clarified that the ordinance number would be corrected on final reading to reflect the appropriate amendment designation to Ordinance 525. City Manager Anderson added that the ordinance reflected previous Council direction.

City Clerk Phillips read the Ordinance by head note only, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-C, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Bernardini; carried unanimously upon roll call vote, as follows:

Council Member Johnston	AYE
Council Member Wever	AYE
Council Member Bernardini	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

Traffic Calming Device - Liberty St. between Main and Lemon (Methodist Church School)

Consideration of construction of two speed tables; the Church has agreed to contribute \$600 for estimated material costs and requests the City provide the labor and equipment (\$800).

Chief Tincher reported that, as previously directed by Council, he met with the school regarding a possible contribution and they had agreed to provide for materials at a cost of about six hundred dollars (\$600).

Motion:

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib; carried unanimously.

Interlocal Agreement - School Planning/Siting

Consideration of approval of interlocal agreement between the City, County and School Board.

Community Development Director Geiger acknowledged that the Board of County Commissioners had approved the agreement at the September 9<sup>th</sup> meeting.

Motion:

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib. Council Member Johnston received clarification about the representative for the School Board to be appointed to the Planning and Zoning Commission as a non-voting member, which would take place in the future. The motion carried unanimously.

## REGULAR CITY COUNCIL MEETING - SEPTEMBER 15, 2003

### REF No. HR2003-07 - Group Health Insurance

Consideration of proposal for PPO/Cost Sharing Plan from Blue Cross & Blue Shield, as recommended by a review committee.

Human Resources Director Baker explained that the proposed plan would establish a health reimbursement account which would be available to members to be applied toward the deductible cost. He noted that representatives of Blue Cross and Blue Shield were available to answer any questions. Vice Mayor Staib commented that she liked the approach.

#### Motion:

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib; carried unanimously.

### Street Lighting Conversion

Consideration of a) upgrade of street lights on Cook Ave., Schoolhouse St., Stubbs St., Peach St., and Shayne St. (to include damage resistant shields in the amount of \$4,792.10); and, b) upgrade and extension of service area on Broad St. south from Cortez to the Fairgrounds (22 lights) and on Jefferson St. from East Ave. to Cobb Rd. (19 lights). [funding available in Account No. 001-019-543.02.00]

a) Vice Mayor Staib spoke in favor of the upgrade. Chief Tincher noted that the primary reason for the upgrade was one of safety. Discussion followed on the extent of Florida Power's involvement in the cost and replacement of damaged lights and the remaining budget for street lighting. Council Member Wever noted that the charge for this part of the item would come out of the current budget but the next part of the item would have to come out of the next year's budget. City Manager Anderson responded that staff would have to come back with a budget estimate.

#### Motion:

Council Member Wever moved for approval; seconded by Council Member Johnston, carried unanimously.

b) City Manager Anderson noted that the streets that were recently annexed into the City spanning from Hardees to the Park were a continuation of the City's urban lighting standards. Discussion followed regarding an estimated DOT compliance date and the remaining current budget balance, together with an anticipated annual rebate for street lighting. Vice Mayor Staib suggested that this project be delayed until a six (6) month review of the finances had been completed.

#### Motion:

Council Member Wever moved for approval as presented; seconded by Council Member Johnston; carried 4-1, with Vice Mayor Staib in opposition.

### Interlocal Agreement - Transfer of the Passenger Bus

Consideration of agreement to transfer City-owned bus to Hernando County for incorporation in and expansion of countywide transit system in and around the City.

Community Development Director Geiger stated that the City had entered into a prior agreement with the County in March of 2002 that worked out how the transit systems would be handled. It was determined that amending the prior agreement would be the most appropriate way to facilitate the transfer of the bus to the County. He noted that the Board of County Commissioners had not taken any action on this, so it may have to come back to Council for final approval if any changes are made by the County. Discussion followed regarding the workshop meeting that evening at which four options of routes were presented to the public, on previous discussion about leasing the vehicle to the County, and on the anticipated enhanced service resulting from the transfer of the bus.

## REGULAR CITY COUNCIL MEETING - SEPTEMBER 15, 2003

### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Bernardini; carried unanimously.

### City Hall Copy Machine Purchase - Department of Administration

Consideration of proposed purchase of copier from Lanier in the amount of \$15,350 (\$16,000 transferred by Council from general fund reserves to general fund on 1/6/03).

City Clerk Phillips explained that the revised memo specified that this purchase was under a State of Florida contract. She reported that the proposed purchase was the best economic deal and that Lanier would be including another copier to put downstairs since the previous copier, which historically would have been passed on to Finance, was no longer operational or repairable.

### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Bernardini; carried unanimously.

### Comprehensive Plan Amendment Update

Report on meeting with the Department of Community Affairs held Wednesday, September 10, 2003.

Community Development Director Geiger reported that DCA met with the County and City staff and reviewed issues that were in the Notice of Intent statement. They would like to see more specificity of classification on the land use map to limit the use of the development of Southern Hills to nine hundred ninety-nine (999) homes on nine hundred four (904) acres for maximum development potential. He stated that an amendment to the Comprehensive Plan would have to be made for that purpose and language would be added that would relate to an effort of entering into an agreement with the County to address issues of US 41 as a growth corridor and deal with land use in that area. He added that there were extra issues that the County had above and beyond the State's issues, and said that staff would be meeting with the County next Wednesday to address those issues and hopefully move forward. Vice Mayor Staib requested a memo when a clear direction had been determined.

City Manager Anderson informed Council that Wednesday's meeting was on a staff level prior to the thirty (30) day report to the boards, and that it was necessary to set up dates for the forty-five (45) day joint meeting between City Council and the Board of County Commissioners. City Clerk Phillips noted that these dates needed to be prior to October 11, 2003. City Attorney LaCroix said he would not be back from vacation until September 29<sup>th</sup>. Council agreed that Tuesday, September 30<sup>th</sup>, Thursday, October 2<sup>nd</sup>, and Thursday, October 9<sup>th</sup> were available, after 6:00 or 6:30 p.m.

### CITIZEN'S INPUT

Mrs. Anna Liisa Covell thanked the Police Department and Fire Department for their participation on Patriot's Day. She responded to discussion from previous meetings regarding the Hernando County Fire Rescue possibly taking over the City's Fire Department, expressed her displeasure of the level of service provided by the County in her neighborhood and advocated that this was an essential service. She felt that funding things other than essential services, such as the Quarry and the Jerome Brown Community Center, should be discontinued. She also commented on the anticipated result of an ISO rating change charge cited in the City's request to the County regarding the Fire Department and asked Council to "look before you leap."

### ITEMS BY COUNCIL

#### Joe Bernardini, Council Member

Council Member Bernardini expressed his support of Vice Mayor Staib's position in her letter to the Florida Delegation in opposition of the code enforcement

**REGULAR CITY COUNCIL MEETING - SEPTEMBER 15, 2003**

board and asked Council to join in support if they, too, were in agreement. Mayor Lewis stated that consensus was reached to send a letter of support from entire Council.

Joseph E. Johnston, III, Council Member

Council Member Johnston had nothing to report.

E.E. "Ernie" Wever, Jr., Council Member

Council Member Wever received a report from City Manager Anderson on his search for information from the State on the ISO rating, in which he explained that the rate making is done within the insurance companies and the State did not have access any information other than the net premium.

He noted that Council's decision to balance the budget at an ad valorem tax rate of eight (8.0000) mills would probably not allow for replacement of funds in the special reserve funds and cautioned that Council may not be able to lower that millage rate with the utility tax implementation because it would take another year of revenues to replace that money in those reserves.

Community Development Director Geiger responded to Council Member Wever's question about the progress of Lowes development, and stated that DCA will allow the City to process the revised Comprehensive Plan amendment. They acknowledged an intent to approve the school siting portions within the plan, which if the time line was going to be longer than anticipated prior to adopting the amendment, may be done separately.

Council Member Wever commented that the Withlacoochee Regional Water Supply Authority was working on plans to ship water in the district south, which could help some proposed legislation going into Tallahassee this coming session. He said there were also plans to create a statewide water board to supervise the districts, and that he would have more material at the end of week.

He reported that the Florida League of Cities was going to draft its own bill and find sponsors without seeking the participation of county associations on annexation legislation.

Council Member Wever congratulated City Manager Anderson for thirty (30) years of public service.

Mary A. Staib, Vice Mayor

Vice Mayor Staib stated that she was placing a copy of the material from the judge that spoke on case law at a recent event on the Council table.

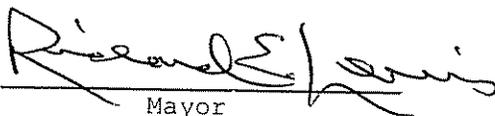
Richard E. Lewis, Mayor

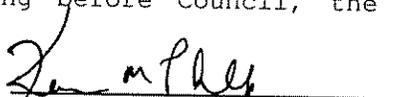
Mayor Lewis reported that there was a good turn out at the Kids Day event with Kiwanis on Saturday and that the Police Department and Sheriff's Department had very informative displays.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 8:25 p.m.

ATTEST:

  
Mayor

  
City Clerk

**CITY OF BROOKSVILLE**  
**FINAL PUBLIC HEARING FISCAL YEAR 2004 BUDGET**  
**AND SPECIAL MEETING**

**MINUTES**

SEPTEMBER 24, 2003

7:00 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present was Karen M. Phillips, Director of Administration/City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present was a representative of the Hernando Today.

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

**PUBLIC HEARING - PRESENTATION OF PROPOSED BUDGET FOR FISCAL YEAR STARTING OCTOBER 1, 2003**

Public Announcement - Ad Valorem Tax Rate (TRIM Notice)

Pursuant to Section 200.069, F.S., "Notice of Proposed Property Taxes" (TRIM NOTICE) the proposed ad valorem rate for the Fiscal Year 2004 was advertised to be a maximum of 10.000 mills. This millage rate would be a 32.03% increase over the rolled back rate of 7.5738 mills. After reviewing revenue projections and proposed expenditure levels for the 2003-04 Fiscal Year, the General Fund budget is balanced at a proposed rate of 8.000 mills, which is 5.63% over the rollback rate.

City Clerk Phillips read her memo [attached hereto as Exhibit I] explaining the necessity that the final budget hearing be continued to Monday, September 29, 2003, and suggested public input be solicited but Council refrain from discussing the budget.

There was no one in the public that wished to speak.

Motion:

Council Member Johnston moved to postpone the final budget hearing until Monday, September 29, 2003 at 7:00 p.m.; seconded by Vice Mayor Staib; carried 4-0.

**RECESS FINAL BUDGET HEARING - CONVENE SPECIAL MEETING**

The final budget hearing was recessed and the special meeting was convened.

**SPECIAL MEETING - CONSENT**

Disaster Relief Funding Agreement

Consideration of agreement accepting \$7,887.59 reimbursement for storm-related expenses pursuant to Governor's disaster declaration (75% to be paid by FEMA; 12.5% to be paid by the State of Florida).

Motion:

Vice Mayor Staib moved for approval of consent agenda; seconded by Council Member Wever; carried 4-0.

Mayor Lewis noted that the two (2) items passed out about the Taser Units and the TDC Grant Founders Week Advertising would be part of the agenda for Monday night's continuation meeting.

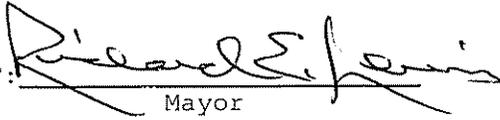
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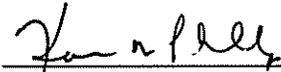
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**FINAL PUBLIC BUDGET HEARING**  
**September 24, 2003**

ADJOURNMENT

There being no further business to bring before Council, the special meeting was adjourned at 7:06 p.m.

ATTEST:   
Mayor

  
\_\_\_\_\_  
City Clerk

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**FINAL PUBLIC BUDGET HEARING**

**September 24, 2003**

**EXHIBIT I**

**City of Brooksville MEMORANDUM**



**To:** Honorable Mayor and City Council Members

**From:** Karen M. Phillips, CMC, Director of Administration/City Clerk 

**Subject:** FINAL BUDGET PUBLIC HEARING

**Date:** September 22, 2003

We have just been informed that the Board of County Commissioners had apparently rescheduled their final budget hearing to the evening of Wednesday, September 24, 2003 (the same day as our scheduled public hearing). The Trim Notice Requirements pursuant to S. 200.065(2)(e)2, F.S. prohibit the City from holding our hearing on the same date as the School Board or County in order to insure that the public has the opportunity to attend both meetings if they so desire.

In order to meet the Trim Notice Requirements without a violation, we will need to convene our public hearing as advertised, read the public statement on the agenda as to the millage rate and roll back, make a motion to recess and continue to Monday, September 29, 2003 at 7:00 p.m. Since there may be citizens in attendance who wish to speak during the public hearing portion of the meeting and attended in good faith based on the advertisement, and who may not be able to attend the subsequent meeting on Monday, it would be advisable to allow public input before the motion to recess, however, I would recommend that Council Members hold off actually discussing the budget or taking any action on the budget itself until Monday night.

You will note that there is a special meeting also scheduled on this agenda and that business may be taken care of on Wednesday night.

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**CITY OF BROOKSVILLE**  
**FINAL PUBLIC HEARING FISCAL YEAR 2004 BUDGET CONTINUATION**  
**AND SPECIAL MEETING**

**MINUTES**

SEPTEMBER 29, 2003

7:00 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joseph E. Johnston, III and Joe Bernardini. Also present was Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; William Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Jim Delach, Accountant II; Bill Geiger, Community Development Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present was a representative of the St. Petersburg Times.

The meeting was called to order by Mayor Lewis, followed by an invocation and pledge of allegiance. Council Member Wever absent.

Kathy Small of Progress Energy presented a check in the amount of \$3,200 for their sponsorship for the Founder's Week Event (\$1,000) and support for the printing and distribution of the revised *Brooksville Walking Tour Guide* (\$2,200). She apologized for the power outage on Saturday which was due to a lightening strike which affected twenty-two (22) stations.

Mayor Lewis announced that this was a public hearing.

**Public Announcement - Ad Valorem Tax Rate (TRIM Notice)**

City Clerk Phillips read the public announcement, as follows:

Pursuant to Section 200.069, F.S., "Notice of Proposed Property Taxes" (TRIM NOTICE) the proposed ad valorem rate for the Fiscal Year 2004 was advertised to be a maximum of 10.000 mills. This millage rate would be a 32.03% increase over the rolled back rate of 7.5738 mills. After reviewing revenue projections and proposed expenditure levels for the 2003-04 Fiscal Year, the General Fund budget is balanced at a proposed rate of 8.000 mills, which is 5.63% over the rollback rate.

**Public Hearing - Fiscal Year 2003-2004 Proposed Budget**

Finance Director Baumgartner explained that the chart of accounts was being revised and certain items that were previously listed separately had been combined into one line item. He assured Council Member Johnston that the seventeen thousand dollars (\$17,000) from General Government Promotional line item on page forty-five (45) had been removed as directed at the first public budget hearing.

Council Member Johnston asked that three thousand dollars (\$3,000) be returned from the Reserve fund to the General Government Promotional budget for the Founder's Day events for the 2004 year, which would bring the balance to twenty-two thousand two hundred dollars (\$22,200). City Clerk Phillips explained that the expenses for the event get split between the two fiscal years as a result of its date.

APPROVED BY BROOKSVILLE CITY COUNCIL

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**CONTINUATION - FINAL PUBLIC HEARING FISCAL YEAR 2004  
BUDGET AND SPECIAL MEETING - SEPTEMBER 29, 2003**

Finance Director Baumgartner pointed out an omission on the part of the Finance Department where nine thousand dollars (\$9,000) that had been requested by Fire Chief Daugherty for a medical director to meet current requirements for the administration of oxygen had been adjusted as if it were an actual expense. He asked Council to increase the one thousand five hundred dollar (\$1,500) amount budgeted on line one hundred twelve (112), line item one (1), to that amount. Fire Chief Daugherty answered questions that Council posed regarding the need for a medical director. It was the consensus of Council to allow the increase to that line item, but directed that other bids be sought.

Finance Director Baumgartner reviewed minor notes that were made for housekeeping purposes to the carry-forward reserve balances and organization charts. He also noted that an updated capital fund sheet would be inserted.

Vice Mayor Staib suggested that the narrative for the Parks and Recreation Department reflect the years of service for David Pugh since he had already submitted his paperwork for retirement. City Manager Anderson assured her that an appropriate notation would be made.

Public Input

Mr. Paul Neuhan, 907 Whiteway Drive, thanked the City administration for cooperating with his recent requests for information. He commented that the Quarry Golf Course was not meeting its mission statement and asked Council if they had their priorities straight when the amount of money that was going to subsidize the Quarry could be spent to fill vacancies in the Police and Fire Departments.

Ms. Gail Samples, 437 Bell Avenue, spoke in favor of leasing the Quarry Golf Course and maintaining the opportunity to take it back over in the future, but felt a year time period for the Parks and Recreation Manager to turn it around would be more appropriate due to the natural growing season of the grasses on the greens.

Ms. Anna Liisa Covell, 600 S. Main Street, reiterated her concern for keeping the essential services in the City. She complained about the response time of the Hernando County Fire Rescue in the northern part of the County and chastised Council for leaving their Fire Department on a string for three (3) months while discussing a possible consolidation with the County.

Council Discussion

Vice Mayor Staib stated that she was prepared to ask Council to put this on the ballot for the presidential election so the public could decide the fate of the Fire Department.

Council Member Bernardini suggested that since prior records show that approximately ninety percent (90%) of the park users were county residents, the City may be able to ask the County for help to subsidize them since the money will either be spent on a source of recreation or on police response costs if it is not available. He also suggested that lighting could be put on the golf course to provide an opportunity for people to use it when other courses may be closed and thus increase revenue. Ms. Covell responded to Council Member Bernardini's question that she had brought her concerns about the Hernando County Fire Rescue response times to the County. To her request for a vote on the Fire

**CONTINUATION - FINAL PUBLIC HEARING FISCAL YEAR 2004  
BUDGET AND SPECIAL MEETING - SEPTEMBER 29, 2003**

Department issue, Council Member Bernardini explained that he did not see how Council could vote on something when they did not have all of the facts. City Manager Anderson added that the next joint meeting was on a staff level with the County Administrator, County Fire Chief, Chief Daugherty, and himself on Friday morning, and that he and Chief Daugherty had come up with a broader list of concerns than the one from the City Fire employees which would be discussed. He said staff should have an update within the next couple of weeks with provisions that should be included in an interlocal agreement if there is going to be one.

Mayor Lewis stated that he was in agreement with a lease for the golf course that would still offer the service to the citizens of Brooksville and allow the City to maintain ownership. He agreed that Council could not vote on anything without having something in writing and stated that his mind was not made up as to the best course of action that would be best for the citizens and financially feasible. Regarding Vice Mayor Staib's request for a referendum vote, he contended that it was the Council's responsibility to decide about the fire department and felt he could not support any interlocal agreement if all the City's provisions were not met.

Council Member Johnston added that both the Quarry Golf Course lease and the discussion of leasing the Fire Department to the County needed to be looked at to see if they made sense fiscally.

Council Member Bernardini took a moment to clarify to the public that, though Council would like to reduce the ad valorem tax next year after receiving one (1) year of tax increases from the utility tax, it was not likely to do so due to the need for two (2) years fiscal reports to determine the actual impact on revenue, citing such variables as winter residents and energy conservation efforts following the increase that could skew the numbers.

Council Member Johnston added that, should the discussed leases come to pass, he would like to see those savings passed on to the residents through an ad valorem tax reduction as well.

Mayor Lewis felt that other funding mechanisms for subsidizing the Fire and Police Departments, such as an MSBU or special taxing unit, should be looked into, and agreed that it was a goal of Council to roll back the ad valorem millage.

Council Member Bernardini observed that Florida had one of the highest below poverty level in the country. He noted that public responses had been reported that the people were moving from Tampa to the new developments in the Land-o-Lakes area due to better roads and lower taxes, and reminded Council that people are watching and that they do move.

Approval of Resolution No. 2003-15 - Levying a General Fund Ad Valorem Millage Rate for the Fiscal Year 2003-2004

City Clerk Phillips read Resolution No. 2003-15 by head note only, as follows:

A RESOLUTION LEVYING AN AD VALOREM MILLAGE RATE FOR THE YEAR 2003-2004 FOR THE OPERATION OF THE VARIOUS DEPARTMENTS AND FUNDS OF THE CITY OF BROOKSVILLE, FLORIDA, AND PROVIDING AN EFFECTIVE DATE.

Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Bernardini;

**CONTINUATION - FINAL PUBLIC HEARING FISCAL YEAR 2004  
BUDGET AND SPECIAL MEETING - SEPTEMBER 29, 2003**

carried 4-0 upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Johnston	AYE
Council Member Wever	ABSENT
Vice Mayor Staib	AYE
Mayor Lewis	AYE

Ordinance No. 659 - Proposed Budget for Fiscal Year 2004 [FIRST READING 9/9/03]  
Consideration of proposed budget effective October 1, 2003. 3c:

City Clerk Phillips read Ordinance No. 659 by head note only, as follows:

AN ORDINANCE APPROPRIATING CERTAIN MONIES FOR THE GENERAL OPERATIONS  
OF THE CITY OF BROOKSVILLE, FLORIDA, FROM ITS SEVERAL FUNDS FOR THE  
TWELVE MONTH PERIOD BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER  
30, 2004.

Motion:

Council Member Bernardini moved for approval as amended with the two (2) changes that were addressed in promotions and the fire department budget; seconded by Vice Mayor Staib. There was no public input. Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	AYE
Council Member Bernardini	AYE
Council Member Wever	ABSENT
Vice Mayor Staib	AYE
Mayor Lewis	AYE

SPECIAL MEETING - CONSENT

Motion:

Council Member Johnston moved for approval of the consent agenda; seconded by Council Member Bernardini; carried 4-0.

ITEMS BY COUNCIL

Richard E. Lewis, Mayor

Acknowledgment of Police Officer Lucy Stacio

Mayor Lewis read a letter that he had received from a Spring Hill resident acknowledging Police Officer Lucy Stacio's care and compassion on two different occasions that she was within the City. Chief Tincher stated that letters like this were refreshing and that it meant a lot to have Council recognize them as well.

Request of Attorney General's Opinion

Mayor Lewis asked Council for a consensus for him to request that the City Attorney seek an Attorney General's opinion as to whether an elected official could serve two appointed offices. He had been asked to serve on the Federal Selective Service Board for this area and did not want there to be a conflict between the offices.

Karen M. Phillips, CMC, Director of Administration/City Clerk  
Great Brooksvillian of the Year

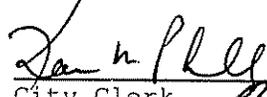
City Clerk Phillips reported that she had received Council's responses to the

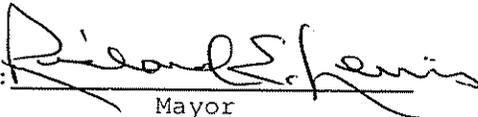
CONTINUATION - FINAL PUBLIC HEARING FISCAL YEAR 2004  
BUDGET AND SPECIAL MEETING - SEPTEMBER 29, 2003

nominations for Great Brooksvillian of the Year and was pleased to announce that it was a unanimous decision that this year's award be given to Mrs. Margaret Ghiotto.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 8:11 p.m.

  
\_\_\_\_\_  
City Clerk

ATTEST:   
\_\_\_\_\_  
Mayor

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HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS  
BROOKSVILLE CITY COUNCIL

JOINT CONFLICT RESOLUTION  
PUBLIC MEETING

MINUTES

October 2, 2003

6:00 P.M.

Brooksville City Council and Hernando County Board of County Commissioners met in special session with Richard E. Lewis, Mayor; Mary A. Staib, Vice Mayor; Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. Wever, Jr.; Chairwoman Betty Whitehouse; Vice Chair Diane Rowden; and Commissioners Mary Aiken, Robert Schenck, and Nancy Robinson. Also present were Richard E. Anderson, City Manager; Richard Radacky, County Administrator; City and County legal staff and various Department and Division Heads. A representative from the Hernando Today was also in attendance.

CALL TO ORDER

The meeting was called to order by Chairwoman Whitehouse, followed by an invocation and the pledge of allegiance.

SUMMARY REPORT BY STAFF

Bill Geiger, Community Development Director for the City of Brooksville reported that several meetings had taken place subsequent to the August 20<sup>th</sup> joint conflict resolution meeting between county and city staff as well as with the Department of Community Affairs (DCA) to review issues related to the City's Comprehensive Plan Amendment and DCA's Statement of Intent. An exhibit to a Compliance Agreement with DCA that answers planning issues with the City's Comp Plan Amendment was collaboratively developed and delivered to county legal staff on October 1<sup>st</sup>. He requested that the boards consider tabling discussion to allow time to review the exhibit and schedule a meeting before the end of October.

Larry Jennings, Director of Growth and Development Services for Hernando County, agreed with Mr. Geiger's synopsis and added that progress had been made toward resolving waste water and transportation issues, and discussions were ongoing. He reported that he would meet with Mr. Geiger again in the upcoming week to continue working on resolving these issues. He agreed to setting a convenient date to report back to both boards once more progress has been made.

BROOKSVILLE CITY COUNCIL

Council Member Johnston expressed his agreement to City and County staff continuing to work toward a resolution.

Mayor Lewis stated that it was the consent of Brooksville City Council to postpone discussion until the end of the month.

HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS

Commissioner Robinson recognized that progress was being made and stated that she was flexible to another meeting.

Commissioner Aiken received clarification on the report referred to that was

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under staff review.

PUBLIC COMMENTS

No members of the audience addressed the boards.

Motion:

Council Member Bernardini moved to continue to a date not later than the end of the month; seconded by Council Member Wever. City Attorney LaCroix suggested that direction to staff be included in the motion to execute a written agreement incorporating the terms of this motion to meet statutory requirements. County Attorney Collier agreed to the amendment, with authorization for the agreement to be signed by the appropriate Chairs and Mayors. Motion carried unanimously.

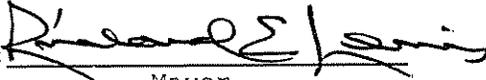
Commissioner Robinson moved to accept the City Council's motion; seconded by Commissioner Schenck; carried unanimously.

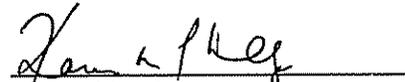
Chairperson Whitehouse announced that the Peck Sink cleanup was scheduled for Thursday, October 9, 2003, that travel would commence from the Wal-Mart on US 41 and Wiscon, and asked that anyone planning to attend contact Kay Adams at 540-4368, extension 149.

ADJOURNMENT

There being no further business to discuss, Commissioner Schenck/Commissioner Robinson and Council Member Johnston/Council Member Bernardini moved to adjourn the meeting at 6:30 p.m.

ATTEST:

  
Mayor

  
City Clerk

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**CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING**

**MINUTES**

OCTOBER 6, 2003

7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present was David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Lindsay A. Morgan, Administrative Assistant; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present was a representative of the Duane Bourne from the St. Petersburg Times.

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

CONSENT AGENDA

Minutes

- August 20, 2003 - Joint City/County Dispute Resolution Meeting
- September 9, 2003 - First Budget Hearing/Special Meeting
- September 15, 2003 - Regular City Council Meeting
- September 24, 2003 - Final Budget Hearing/Special Meeting
- September 29, 2003 - Final Budget Continuation/Special Meeting

Public Nuisance Liens

- a) Authorization to file Public Sanitary Nuisance Abatement Special Assessment Liens pursuant to Section 8-68(a) of the City of Brooksville Code of Ordinances for violation of excessive accumulation of debris, weed growth and grass for the following properties:
  - 1) Emmitt Barbar, 11 Crosby St., \$375.50
  - 2) Harold Butts, ~~540~~ 504 Parkway, \$195.50
- b) Authorization to file Satisfaction of Special Assessment Lien Public Sanitary Nuisance Abatement for payment received from John and Sue Thompson, vacant land located east of 976 W. Jefferson Street (less \$10.50).

Surplus Property - Dept. of Administration Copy Machine

Declare Mita 6590 copy machine obsolete and authorize appropriate disposal by the City Manager.

WRPC Service Renewal Contract - FY 2003-04

Approval of renewal of annual service agreement with Withlacoochee Regional Planning Council for FY 2003-04 for planning services as needed throughout the year.

Motion:

Council Member Bernardini moved for approval of consent agenda as amended to correct the address of Harold Butts on the agenda and to exclude the ten dollars and fifty cents recording fees from the Thompson lien abatement; seconded by Council Member Johnston; carried unanimously.

APPROVED BY BROOKSVILLE CITY COUNCIL

ON 11/3/03 INITIALS (P)

# REGULAR CITY COUNCIL MEETING - October 6, 2003

## CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

### Head Start Awareness Month

Proclamation recognizing October, 2003 as Head Start Awareness Month.

Mayor Lewis read the proclamation. Vice Mayor Staib announced she was attending the reception and would present the proclamation at the event.

### Florida City Government Week

Proclamation recognizing October 19 - 25, 2003 as Florida City Government Week.

Mayor Lewis read the proclamation. Administrative Assistant Morgan passed out buttons and bumper stickers in honor of the proclaimed week. City Clerk Phillips noted the proclamation would be forwarded to the Florida League of Cities.

## PUBLIC HEARING

### Ordinance No. 660 525-F - Firefighters Pension Trust Fund Amendment

Consideration of ordinance amending the Ordinance No. 525-C to provide for increasing benefits and lowering normal retirement age requirement. [First Reading September 15, 2003]

[Note: Proposed ordinance includes modification requested by City Council on 7/21/03]

City Clerk Phillips read the Ordinance by head note only, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-C, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

### Public Input:

No person spoke from the public.

### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Johnston; carried unanimously upon roll call vote, as follows:

Council Member Johnston	AYE
Council Member Wever	AYE
Council Member Bernardini	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

## REGULAR AGENDA

### Brooksville Housing Authority Board Applicant Interview

Applicant interview and consider appointments to a) a four year term that expired September 30, 2003, and b) a four year term set to expire October 31, 2003.

## REGULAR CITY COUNCIL MEETING -- October 6, 2003

### Interview:

Gertrude Mobley (Current Member)  
John H. Frazier (Current Member)

### Previously Interviewed:

Frances L. Brown  
Olga Kane (Resident; resigned 12/10/02)  
Allen W. Rhodes  
Andrew Williams, Jr.  
Sarah Lee Williams (Resident)

Council interviewed each applicant not previously interviewed.

### Motion:

Council Member Wever made a motion to appoint Ms. Mobley to a four (4) year term of office to expire September 30, 2007, and to appoint Mr. Frazier to a four (4) year term of office to expire October 31, 2007; seconded by Vice Mayor Staib; carried unanimously.

### 2004 Meeting/Holiday Schedule

Approval of council meeting and holiday schedule for 2004.

Council Member Wever asked Council if they had any objections to change the July 19<sup>th</sup> date to the 12<sup>th</sup> since the meetings in June and August are close to each other this would compensate since there would be only one meeting in July.

### Motion:

Vice Mayor Staib moved for approval with the July 19, 2004 meeting date amended to July 12, 2004; seconded by Council Member Johnston; carried unanimously.

### Advisory Board/Committee Appointments

- a) Beautification Board - Appointment of Barbara Schell to fill the balance of an unexpired three year term of office through January 31, 2005.

City Clerk Phillips noted that a second application was received after the agenda was prepared by Marie O'Neill, which was noted in her recommendation memorandum.

### Motion:

Vice Mayor Staib moved to appoint Ms. O'Neill to fill the balance of an unexpired three (3) year term to expire January 31, 2005; seconded by Council Member Bernardini; carried unanimously.

- b) Firefighters Pension Trust Fund Board of Trustees - Approval of reappointment of Frank R. Phillips to a two year term of office as the fifth member, as recommended by the FFPTF members on September 5, 2003.

Appointment of Frances Flannery to a two year term of office. (Ms. Flannery is a city resident and a registered voter.)

### Motion:

Vice Mayor Staib moved to reappoint Mr. Phillips and Ms. Flannery to a two (2) year term of office to expire October 31, 2005; seconded by Council Member Wever; carried unanimously.

- c) Planning & Zoning Commission - Appointment of Virginia G. Garnett to fill the balance of a four year alternate term of office through

## REGULAR CITY COUNCIL MEETING - October 6, 2003

January 31, 2005. (Ms. Garnett is a city resident and a registered voter.)

Appointment of R. Raymond Stanbro to fill the balance of a four year alternate term of office through January 31, 2007. (Mr. Stanbro is a city resident and a registered voter.)

### Motion:

Council Member Bernardini moved to appoint Ms. Garnett to the balance of a four (4) year term of office as an alternate, to expire January 31, 2005, and Mr. Stanbro to a four (4) year term of office as an alternate, to expire January 31, 2007; seconded by Vice Mayor Staib; carried unanimously.

- d) Police Pension Trust Fund - Reappointment of Joseph P. Quinn to a two year term of office.

### Motion:

Council Member Johnston moved to reappoint Mr. Quinn to a two (2) year term of office to expire October 31, 2005; seconded by Council Member Bernardini; carried unanimously.

### CITIZENS INPUT

#### Police Chief Ed Tincher

Chief Tincher announced to Council that he had received a telephone call from Wal-Mart in Brooksville informing him that the Brooksville Police and Fire Departments had been awarded one thousand seven hundred fifty dollars (\$1,750) each from the Local Heros Grant. He requested that this item be added to the agenda for acceptance by Council so that the awards may be accepted at the next day's ceremony.

### Motion:

Vice Mayor Staib made a motion to add the Acceptance of the Local Heros Grant to the agenda; seconded by Council Member Johnston; carried unanimously.

### Motion:

Vice Mayor Staib moved for approval to authorize Mayor Lewis to accept the Local Heros Grant awards at the ceremony on Tuesday, October 7, 2003 at 11:00 a.m.; seconded by Council Member Johnston; carried unanimously.

### ITEMS BY COUNCIL

#### Joseph E. Johnston, III, Council Member

#### MPO Update

Council Member Johnston announced that he had received information on how to get a traffic signal installed in your area and would provide staff a copy to keep on file for future reference. He also noted that DOT is expected to be putting a truck route sign up in the next several weeks in downtown Brooksville.

#### E.E. "Ernie" Wever, Jr., Council Member

Council Member Wever expressed concerns about the Hampton Ridge annexation and stated his opposition of giving the Fire Department to the County. He also said he would like to see city limits signs placed at entrance and exit points on the highways that have been annexed into the City.

**REGULAR CITY COUNCIL MEETING - October 6, 2003**

Mary A. Staib, Vice Mayor

Vice Mayor Staib responded that the Beautification Board had wanted to put up the signs Council Member Wever referenced but there is no money to work with. She also reported that the NAACP event had been cancelled, expressed concerns about the signs in front of the new mural, and stated that the back entrances of the Cloverleaf Mobile Home Park would be permanently closed on October 16, 2003.

Richard E. Lewis, Mayor

Mayor Lewis stated that he would like to request that US 98 be re-routed around the truck by-pass and allow the City to take possession of 50A to limit truck traffic through downtown.

Karen M. Phillips, CMC, Director of Administration/City Clerk

City Clerk Phillips noted that the Founders Week celebration was scheduled to begin on Saturday, and that more things planned than last year which included a Jazz Concert in the Park, a costume ball, and many other exciting events.

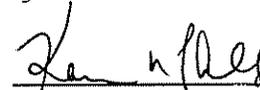
Richard E. Anderson, City Manager

City Manager Anderson noted that questions were raised at the dispute resolution meeting regarding the new Water and Sewer rates and stated that he would report back to Council on the relative costs and benefits.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 7:38 p.m.

ATTEST:   
Mayor

  
City Clerk

**CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING**

**MINUTES**

OCTOBER 20, 2003

7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr. Also present was David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Public Works Director; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present were representatives of the Hernando Today and St. Petersburg Times.

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

CONSENT AGENDA

Business Insurance Package

Authorization for renewal of coverage by Risk Management Associates in the total amount of \$225,408 (budgeted in the various Funds) for General Liability, Automobile, Property, Crime, Pollution & Public Official Liability Coverage. [Note: Fiduciary Liability Policy in the amount of \$24,244 will be paid directly by the Police Pension Trust fund - Fire Pension Trust Fund purchases a policy directly]. [Correction: Fiduciary Liability Policy amount is \$1,440 and not \$24,244]

2001-02 Audit

Approval of invoice for additional work by Oliver & Company in the amount of \$8,240 (\$35,000 budgeted in General Government Audit Services, \$35,800 spent to date; additional amounts to be included in 4<sup>th</sup> quarter budget amendments).

Renewal of Contract with Department of Corrections for Prison Work Crew

Approval of contract for additional year, \$45,957 (Funds budgeted in Public Works, Streets Department, Other Contractual Services).

Special Right-of-Way Use Agreement - Assignment & Assumption

Consideration of assignment of agreement with James A. & Anna Liisa Covell and A.L. Covell Electric, Inc. for use of portion of the sidewalk at 26 & 30 E. Liberty Street to Bickel Realty, Inc.

Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Johnston; carried unanimously.

ADDITION TO THE AGENDA

Mayor Lewis noted that the City Manager had requested to have the Christmas Holiday item added to the regular agenda for consideration.

Motion:

Council Member Johnston moved for approval; seconded by Vice Mayor Staib; carried unanimously.

APPROVED BY BROOKSVILLE CITY COUNCIL

ON 11/3/03 INITIALS R

## REGULAR CITY COUNCIL MEETING - October 20, 2003

### CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

#### Brooksville Lodge 2582 of the Benevolent and Protective Order of Elks (B.P.O.E.) - 25<sup>th</sup> Anniversary

Proclamation recognizing the celebration of the 25<sup>th</sup> anniversary of the B.P.O.E. [Note: Proclamation will be presented to organization by Council Member Johnston at event]

Mayor Lewis read the proclamation, which will be presented at the Elks anniversary celebration on October 25<sup>th</sup> by Council Member Johnston.

### REGULAR AGENDA

#### Christmas Holiday - Additional Item

City Manager Anderson noted that the County had changed their holiday schedule, and since Christmas was on a Thursday, recommended that Thursday and Friday be declared as the City's official holiday.

#### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Bernardini; carried unanimously.

#### City Co-sponsorships/Fee Waivers

Council Member Bernardini expressed concerns about having requests for re-considerations of Council's budget decisions that he felt were made due to the monetary needs of the City. He felt that tonight's agenda could cost the City up to ten thousand dollars and the City should not say they do not have the money if it was available. Discussion followed.

#### Christmas Festival

Consideration of authorizing funding and continuation of festival in 2003.

Council Member Bernardini suggested that the major cost items be eliminated. Discussion followed.

#### Motion:

Vice Mayor Staib moved for approval with authorization of the basic festival with the City Clerk soliciting sponsors for the inflatables; seconded by Council Member Wever. City Attorney LaCroix advised that an employee could not be required to take comp time and time and a half would have to be paid for overtime unless the upcoming policy on the agenda were amended to allow for administrative leave. Human Resources Director Baker added that the only way to avoid a violation of City policy would be if the employees were volunteering to work the event on comp time. Discussion followed regarding employee and volunteer staffing, monetary priorities, and obligations to the vendors that have already paid a deposit. Motion carried 4-1, with Council Member Bernardini in opposition. Vice Mayor Staib noted that it was understood that the event would not be held next year.

City Manager Anderson stated that the City Attorney had brought it to his attention that the notation of the City should not be listed as a co-sponsorship in these next several items should be properly titled as "financial support."

#### "Tangerine Time"

Consideration of ~~co-sponsorship~~ "financial support" of event and waiver of fees for rental of the Jerome Brown Community Center in the amount of \$216.25.

## REGULAR CITY COUNCIL MEETING - October 20, 2003

City Manager Anderson requested Council direction on this event based on earlier discussion to the funds not being available in the budget. In response to Council Member Johnston's questions, City Clerk Phillips stated that there were approximately seventy-five to one hundred people in attendance at last year's event. Discussion followed regarding the benefit to the public and employee participation. City Clerk Phillips suggested that the use of employees could be stricken from the request.

### Motion:

Council Member Wever moved for approval of waiver of the fee only, with no other expense authorized; carried 4-1, with Council Member Bernardini in opposition.

### Kiwanis Christmas Parade Permit

Consideration of ~~co-sponsorship~~ "financial support" and placement of a float in the annual parade.

Discussion ensued regarding the exclusion of the float and the purchase of candy. Council Member Johnston declared his conflict of interest with being the current president of the Brooksville Kiwanis, which is a co-sponsor of the event. Council Member Bernardini suggested that the City ask the Sheriff to assist with traffic control at the intersections to reduce costs to the City. Council Member Bernardini, Council Member Johnston, Mayor Lewis, and Police Chief Tincher all committed to donate fifty dollars (\$50) to meet the candy purchase and the expenses associated with the Council entry, using an antique car instead of a float to eliminate City staff costs.

### Motion:

Council Member Bernardini moved that the City participate in the parade and arrange for vehicles if the float cannot be funded; seconded by Vice Mayor Staib; carried unanimously.

### Jerome Brown Community Center - Girl Scouts

Waiver of \$285 rental fee for the Girl Scouts of Suncoast Council for their use as a training facility for a presentation by the Hernando County Supervisor of Elections Office to introduce the value of voting & leadership to girls on October 25, 2003.

City Manager Anderson noted that direction to staff is being requested, and clarified that the request is for the Supervisor of Elections rather than the Girl Scouts. Discussion ensued. Mayor Lewis explained that the request was made by a representative of the Girl Scouts with the Supervisor of Elections listed as a collaborator.

### Motion:

Council Member Wever moved for approval. Council Member Wever stated that the Supervisor of Elections had not charged the City for its elections to date. Council Member Bernardini seconded the motion. Carried 4-1, with Council Member Johnston in opposition.

### Quarry Golf Course - Rate Structure

Consideration of proposed adjustment to rate structure.

Parks and Recreation Manager Tyberghein explained that the proposal was part of efforts to raise revenue. He recommended that the membership fees for non-residents be increased, that all members pay one dollar (\$1) each time they play, and that teens be charged full price, and lowering the age for the half price charge. Council Member Bernardini suggested that this issue be taken

## REGULAR CITY COUNCIL MEETING - October 20, 2003

before the Parks and Recreation Board prior to Council making a decision. Discussion ensued regarding defining and verifying residency, standing City policy, and the time allotment of six months for revenue review of the Quarry operations. Community Development Director Geiger offered that anyone that owns or rents property within the City be entitled to the decreased membership fee.

### Motion:

Council Member Johnston moved for approval with review by the Parks and Recreation Board, and to change the rate classification to City and Non-City; seconded by Vice Mayor Staib; carried unanimously.

### Personnel Rules - Proposed Amendments

The following amendments were proposed by the Personnel Director and approval recommended by the Personnel Advisory Board.

- a. Light Duty Assignments - Section 3.08  
Consideration of revisions to 3.08(1) to provide for optional creation of temporary positions for employees with work related injuries.

Human Resources Director Baker noted that eighty percent (80%) would have to be paid to the employee, and added that it has been proven that rehabilitation is achieved much faster if a working routine is facilitated.

### Motion:

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib; carried unanimously.

- b. Employee Sick Leave Donation - Section 6.02  
Consideration of new section 6.02(g) to allow donations of up to 3 days of accumulated sick leave to another employee subject to certain conditions.

Council Member Johnston asked that the donor employee be clarified within the proposed policy. Discussion followed regarding dollar-for-dollar exchange, and the determination of sick leave abuse.

### Motion:

Council Member Bernardini moved for approval; seconded by Council Member Wever; carried unanimously.

- c. Special Leave - Section 6.11  
Consideration of proposed section 6.11 (3) providing for option up to 6 hours of annual paid leave for an employee to participate in Council approved community events.

City Manager Anderson stated that the Personnel Advisory Board had reviewed this item and that Council direction was being sought due to the City's liability for these employees. He added that a list of events would have to be brought back for Council consideration. Discussion followed as to avoiding the use of the term "volunteer" out of respect for non-paid volunteers, the scope of administrative leave, the absence of workers compensation coverage, and Council's original intent to authorize an employee to participate in a community event with the utilization of City equipment for a project that has been approved by City Council.

### Motion:

Council Member Johnston moved for approval; seconded by Council Member Wever;

## REGULAR CITY COUNCIL MEETING - October 20, 2003

carried 4-1, with Council Member Bernardini in opposition.

### CITIZENS INPUT

There was no citizen input.

### ITEMS BY COUNCIL

#### E.E. "Ernie" Wever, Jr., Council Member:

##### Legislation Updates

Council Member Wever provided updates regarding a possible change in the law regulating Community Redevelopment Agencies which will allow counties to opt not to participate at all, leaving the full burden upon the municipality. He suggested sending correspondence to the delegates and requested that the City Clerk obtain the bill number.

He stated that a change was being proposed to the Federal Telecommunications/Internet Sales Tax statute to include a provision where any purchase through telephone or cable would not be subject to tax, as well as bills from companies within the city, which would negate franchise fees and the utility tax. He added that this had passed the House and was now in the Senate for consideration and felt that it was imperative that correspondence be sent to our Senators, as well as Congresswoman Ginny Brown-Waite, asking them to oppose it and notifying them of the potential loss in revenue to the City. He figured that there could be a six hundred thousand dollar (\$600,000) loss in telecommunication service charge taxes, and another four hundred fifty thousand dollar (\$450,000) loss if Progress Energy were to make the internet usage that they have already developed for their own private use available to the public.

##### Utility Tax

Council Member Wever estimated that the utility taxes on his personal electric bill for last month was the same dollar amount as the usual franchise charge. He suggested that the other Council members do the same in order to determine how much the utility tax can be expected to generate.

##### Water Wars

Council Member Wever reported that a Governor's committee has proposed a bill to create a supervisory water board for the entire State to regulate the local boards, which includes a provision to kill the local services first legislation and authorize the transfer of water anywhere within the State. He stated that Senator Fasano and others were encouraging resolutions from municipalities to support them in their opposition of the bill. He recommend that Council authorize the Mayor to sign a resolution or letter on behalf of City Council, and that a copy be sent to the legislative delegation and the Governor.

##### Possible Merger of DCA and State Department:

Council Member Wever stated that the merger was not anticipated to materialize, but felt that letters from the City in opposition could be helpful if it were to come back up for consideration.

##### Golf Course Fees:

Council Member Wever noted that the County charged for the use of the lights on their ball fields, uses a meter and a time clock to regulate them, and bills the user the day after the event. He said Council may want to consider an option such as this for the City parks and noted that he had seen lights on when no one was there. City Manager Anderson said that staff would bring back options/recommendations at the next meeting. Council Member Bernardini recommended that this go before the Parks Board as well.

**REGULAR CITY COUNCIL MEETING - October 20, 2003**

Sunshine Law Concern

Council Member Wever stated his concern that, if the Council members attended the upcoming Florida Progress luncheon, there could be a possible Sunshine Law conflict. City Attorney LaCroix advised that they may all attend as long as each did not go beyond stating his/her opinion and did not discuss between themselves. He recommended that each member tell them that he/she could not discuss anything that may come before Council for a vote.

Mary A. Staib, Vice Mayor:

Vice Mayor Staib pointed out a scribblers error in the Human Resource Monthly Report.

Joseph E. Johnston, III, Council Member:

WRPC Update

Council Member Johnston reported that the WRPC was unable to pass their budget at last Thursday's meeting due to the lack of a super majority of members and was therefore faced with operating without a budget. He said making a change away from a super majority may require an amendment to the interlocal agreement. He suggested that it may be necessary to send a resolution asking the county to support an amendment changing the super majority issue if one is not met within two meetings.

Street Lights

Council Member Johnston noted that the downtown street lights came on but six (6) were not working.

Richard E. Lewis, Mayor:

Mayor Lewis reported on meetings he had with Chairperson Whitehouse and City/County staff regarding the dispute resolution. He presented the suggested dates for the next joint meeting as October 28<sup>th</sup> through the 30<sup>th</sup>, and Council consented to October 29<sup>th</sup> as their first choice, with October 30<sup>th</sup> as a secondary date. Mayor Lewis said those dates would be forwarded to the Board of County Commissioners.

Mayor Lewis thanked all those who participated in Founders Week.

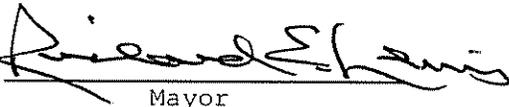
Karen M. Phillips, CMC, Director of Administration/City Clerk:

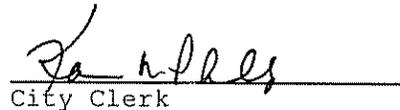
City Clerk Phillips thanked everyone for their support of Founders Week.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 8:59 p.m.

ATTEST:

  
Mayor

  
City Clerk

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HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS  
BROOKSVILLE CITY COUNCIL

JOINT CONFLICT RESOLUTION  
PUBLIC MEETING

MINUTES

October 29, 2003

6:00 P.M.

Brooksville City Council and Hernando County Board of County Commissioners met in special session with Richard E. Lewis, Mayor; Mary A. Staib, Vice Mayor; Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. Wever, Jr. present; Chairperson Betty Whitehouse; Vice Chair Diane Rowden; and Commissioners Mary Aiken, Robert Schenck, and Nancy Robinson were present representing the Board of County Commissioners. Also present were Richard E. Anderson, City Manager; Richard Radacky, County Administrator; City and County legal staff and various Department and Division Heads. Representatives from the Hernando Today and the St. Petersburg Times were also in attendance.

CALL TO ORDER

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

Hernando County vs. City of Brooksville

Conflict Resolution, pursuant to Chapter 164, Florida Statutes - joint public meeting of County Commission and City Council relating to lawsuit initiated by the County.

Planning Departments Update

Larry Jennings, Director of Growth and Development Services for Hernando County, and Bill Geiger, Community Development Director for the City of Brooksville, reviewed Mr. Jennings' support memorandum that Mr. Geiger had added responses thereupon. They each briefed the Boards on the creation of the Joint Planning Board and the associated joint planning agreement. It was noted that the joint planning board or policy was recommended to be added to the City's comprehensive plan amendment by the Department of Community Affairs (DCA), and that additional policies would be implemented in the future when agreed upon but were not necessary at this point in time.

Council Member Wever questioned why the outlined area in the agreement that the Joint Planning Board would consider was limited to US 41 rather than the general area surrounding the City of Brooksville. Larry Jennings responded that the DCA direction was to look at the 41 S corridor and staff was seeking a resolution to the matter at hand but recognized that an amendment can be adopted at any time to add more area. Council Member Wever reported that he had just received notification of a bill entering the legislature on changing the annexation laws which is anticipated to include a requirement that counties and municipalities enter into agreements on the long range planning on expansions of the municipalities and felt that the area should be generalized with specific modifications being made later based on priority. Bill Geiger corroborated Mr. Jennings comments regarding DCA's recommendation that the US 41 corridor was where growth was most likely to occur whether or not the City has expansion plans for that area. He said additional area could be added but it was not necessary

**JOINT CITY/COUNTY DISPUTE RESOLUTION MEETING**  
**October 29, 2003**

to be done at this point, but a provision was included in the proposed agreement that would allow the joint planning board to establish additional area to the area that would initially be adopted.

Commissioner Rowden questioned the outcome of potential votes in the event that an even number of members were present for a joint planning board meeting. Bill Geiger answered that it would be an advisory board and the issue would go back to the legislative authority that would have land use jurisdiction over the property in question for final action.

Traffic Impact Issues

Larry Jennings said there were still some issues outstanding regarding the impacts from the proposed development area as well as benefits from planned street network improvements in that area. Issue of comments back from the DOT are still outstanding regarding the comprehensive plan amendment. He stated that County staff does not feel that these issues are resolved at this time.

Bill Geiger read a statement as the City's current position:

"County staff has questioned the City giving a 100% credit for transportation impact fees in exchange for the developer constructing a 6.9 million dollar collector road from US 41 to SR 50. The developer has provided documentation that this road is not required as it relates to proposed development of the Southern Hills Plantation. An impact fee analysis demonstrates that the developer, in all likelihood, will never recover all of the costs pertaining to the construction of this road. In addition, if the road is not constructed now in conjunction with this development, it is very unlikely that impact fees alone would be adequate to construct the road anytime within the next twenty years. The City's determination has been and continues to be that it is a good investment to require the developer to construct the road at today's dollars in exchange for impact fee credits versus trying to build it later at a much higher cost. By building the road now, the transportation impacts will be mitigated for this and other developments that occur within the vicinity."

The County also expressed an issue with the additional impact of future City development on the County road network. It was pointed out that the City, although it has not had much growth in the last few decades, has much more traffic on its roads now than it did twenty years ago due to growth and development that has occurred in the unincorporated area. It was suggested that a regional approach to future transportation capacity problems should be taken through the MPO and possibly through the joint planning board once created to provide a venue for the participatory governments to work out these kinds of issues.

Linda Shelley, of Fowler White Boggs Banker, spoke as representative for Southern Hills Plantation in place of Jake Varn. She addressed that the transportation issue was the primary issue raised by DCA and she assured that the transportation analyses had been revised to meet all of DCA's objections. She added that the disposition of impact fees was not raised by DCA and asked Ed Farmer, who has served in a coordination capacity with MPO, DOT, and DCA, to address his efforts.

**JOINT CITY/COUNTY DISPUTE RESOLUTION MEETING**  
**October 29, 2003**

Ed Farmer, of King Engineering Associates of Tampa, Florida, commented that the remaining issue to be resolved was the disposition of impact fees and this did not relate to the traffic analysis of the project's impacts, which the County staff had expressed satisfaction with at the last meeting he attended. Regarding the coordination with DCA and DOT, King Engineering Associates provided responses to DCA assuming that they would forward them on to FDOT, then sent the identical information to DOT this week upon hearing from County staff that the coordination had not been completed. No response had been received to date per Mr. Farmer. He felt that most of the issues were general in nature and had been resolved with DCA and the County staff.

Council Member Johnston asked Larry Jennings for clarification regarding the remaining issue being the City's desire to dispose of their impact fees in a manner which the City determines. Larry Jennings responded that the issue is whether the City's comprehensive plan amendment area and the property required the collector roadway and how the urbanization of that area would impact infrastructure.

Council Member Wever asked if the DCA concerns had all been satisfied. Bill Geiger responded that they had met with DCA this afternoon and the person that had been keeping them up to speed with the current documentation was unavailable due to a death in the family, but the representative present reiterated the joint planning aspect, and Mr. Geiger felt that all of their concerns had been addressed, with the exception of how the joint planning aspect was going to be dealt with. He confirmed that this could have just been a policy but staff went a step further to develop a draft agreement.

Council Member Johnston questioned that if a policy was acceptable to DCA and if policies were included in the comp plan amendment, would that speed the process along if staff continued to move toward the joint planning agreement. Linda Shelley responded that DCA only has power over policies and would be satisfied.

Commissioner Robinson received clarification that a response from DOT to the October 2<sup>nd</sup> letter had not been received but was not required for the City's comprehensive plan issue.

In response to Council Member Johnston's question regarding what would be left to resolve once DCA's approval was received, Bill Geiger responded that the remaining transportation issues were beyond the comprehensive plan requirements. Linda Shelley added that the annexation would have to be resolved to appease the legal issue with the comprehensive plan.

Commissioner Aiken moved to approve the Joint Planning Agreement. Commissioner Robinson stated that there had been no time to read the agreement. Chairperson Whitehouse commented that she had been meeting regularly with the Mayor, that staff was still working toward resolving the issues, and that she believed that action should be postponed until a response was received from DOT. Commissioner Aiken's motion died for lack of a second.

Utility Issues

Bill Geiger explained that the City was not finished with this issue and it would be dealt with at a later date and was detailed in the development agreement.

Kay Adams, Hernando County Utilities Department Director, and Emory Pierce,

**JOINT CITY/COUNTY DISPUTE RESOLUTION MEETING**  
**October 29, 2003**

Brooksville Public Works Director, reported on the wastewater treatment plant issues. Emory Pierce explained that the City had agreed to build a plant and a draft agreement should be done by the end of January for all parties to review.

Commissioner Robinson expressed concern about future growth needs and rates for Hernando County residents.

Developer's Position

Jim Harvey, District Manager of LandMar, offered their view of the issues listed in Mr. Jennings' memorandum and felt that both staffs were working hard and making a lot of progress.

Motion:

Commissioner Robinson made a motion to add the Joint Planning Agreement to the next Board of County Commission agenda, for Larry Jennings to update his memorandum, and to schedule another joint meeting in two (2) weeks. She also directed that the information be available at least two (2) days prior to that meeting so that it may be reviewed by the Chairperson and Mayor at their next scheduled meeting. Commissioner Schenck seconded the motion, which was carried unanimously by the Board.

Motion:

Vice Mayor Staib made a motion to schedule a joint meeting for November 12<sup>th</sup> at 6:00 p.m. in the Board of County Commission chambers. Council Member Johnston seconded the motion, which was carried unanimously by Council.

Public Input

No one in the public wished to address the Board or Council.

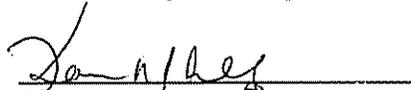
ADJOURNMENT

Commissioner Robinson moved to adjourn. Commissioner Schenck seconded the motion, which was carried unanimously by the Board.

Council Member Johnston moved to adjourn. Council Member Bernardini seconded the motion, which was carried unanimously by the Council.

There being no further business to discuss the meeting was adjourned at 6:30 p.m.

ATTEST:   
Mayor

  
City Clerk

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11-17-03

**CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING**

**MINUTES**

NOVEMBER 3, 2003

7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joe Bernardini and E.E. "Ernie" Wever, Jr. Council Member Joseph E. Johnston, III was absent. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; William Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present was a representatives of the St. Petersburg Times.

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

CONSENT AGENDAMinutes

October 2, 2003 Joint City/County Dispute Resolution Meeting  
October 6, 2003 Regular Council Meeting  
October 20, 2003 Regular Council Meeting

FDOT Traffic Signal Maintenance and Compensation Agreement FY03/04

Revision to Exhibit A of existing agreement to remove location number 3 (SR 50 at S Main St/Mitchell CR 581) which was included in error, and adjustment of the Total Lump Sum. [\$14,518.92 to \$13,591.50]

Surplus Equipment

- a) Department of Administration - Typewriter & Coffee Maker  
Declare certain equipment and materials surplus/obsolete and authorize City Manager to dispose of appropriately.
- b) Fire Department - Uniforms/Gear  
Declare certain equipment and materials surplus/obsolete and authorize City Manager to dispose of appropriately.
- c) Police Department - Bicycles  
Declare unclaimed bicycles surplus and authorize City Manager to dispose of appropriately, including donation to children during Christmas Festival.

2003 Redevelopment Area Trust Fund Appropriation

Authorization of current year tax increment appropriation due from the City in the amount of \$32,531.11.

Hope Hill/North Well Fields Construction and Testing - Rebid

Approval of revised scope of work for well drilling at PHCC site. [Council rejected bids and directed that project be rebid on 07/07/03]

1 APPROVED BY BROOKSVILLE CITY COUNCIL

ON 11/17/03 INITIALS (R)

## REGULAR CITY COUNCIL MEETING - NOVEMBER 3, 2003

Council Member Wever questioned when the expressed intention to surplus the Parks and Recreation vehicle that was no longer being used by the department manager would occur. He also asked about the number of production wells that were to result from the proposed wellfield bid. Council Member Bernardini received clarification that the revised scope of work was being presented to Council again for consideration following Council's direction to rebid the project.

### Motion:

Council Member Wever moved for approval of the consent agenda; seconded by Vice Mayor Staib; carried 4-0.

### CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

#### National Epilepsy Awareness Month Proclamation

Proclaiming the month of November, 2003 as National Epilepsy Awareness Month.

Mayor Lewis read the proclamation. City Clerk Phillips reported that the agency had requested that it be forwarded to them by mail.

### PUBLIC HEARING

#### Alcoholic Beverage Permit - 715 W. Jefferson St.

Approval of location permit for sale of beer and wine for onsite consumption (Permit A). Petitioner: JMJ Gomes Enterprises, Inc. (Joseph A. Gomes) d/b/a ABC Pizza.

City Clerk Phillips offered a brief explanation behind the original owners return to town and that they were looking forward to being back in business. She added that they had opened for business today.

### Motion:

Vice Mayor Staib moved for approval; seconded by Council Member Wever. There was no input from the public. Motion carried 4-0.

### REGULAR AGENDA

#### United Way of Hernando County

Update on county-wide "2-1-1" telephone social service and emergency resource program provided by United Way.

Penny Zaphel, Executive Director of United Way, explained that 2-1-1 was intended to be a "Get Help or Give Help" resource in the County and was partnered through 2-1-1 of Tampa Bay. She stated that the majority of the calls were received from people needing help, however, in the last month, about twenty-two (22) calls were from people wishing to donate their time or make donations. She summarized the number of calls that came in for various reasons, and noted that approximately one thousand three hundred fifty calls were received annually from the Brooksville area. She stated that they were cooperating with County 911 to facilitate the transfer of emergency calls for dispatch and tracking purposes. She thanked Council for their support and reminded that the Telethon would be held on Saturday, with representatives from the City answering phones from 5:00 to 6:00 PM, with representation by Police Officer Eddie McConnell.

City Clerk Phillips, stated that Ms. Zaphel had also offered to meet with Police and Fire staff so that everyone in the field would be aware of the resource. Speaking as a United Way board member, she added that the call service representatives were much more trained and capable of dealing with myriad of

**REGULAR CITY COUNCIL MEETING - NOVEMBER 3, 2003**

calls.

Ordinance No. 661 - Hampton Ridge Annexation

Consideration of amendment to annexation Ordinance Nos. 633 & 656 to rectify disparities as directed by the Department of Community Affairs. [Second and final reading scheduled for November 17, 2003]

City Clerk Phillips read Ordinance No. 661 by head note only, as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 633, AS AMENDED BY ORDINANCE NO. 656; DELETING SECTION 7 THEREOF AND AMENDING THE LEGAL DESCRIPTION CONTAINED THEREIN TO CORRECT A SCRIVENER'S ERROR; ANNEXING THE DESCRIBED PROPERTY NUNC PRO TUNC MAY 28, 2003, THE EFFECTIVE DATE OF ORDINANCE NO. 633; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

City Attorney LaCroix explained that deleting section seven (7) removes the automatic repeal. He stated that the ordinance will be listed on the next agenda as quasi judicial but not involving land use, so Council would have to disclose any ex parte communications at that time.

Motion:

Motion was made by Vice Mayor Staib for approval; seconded by Council Member Wever; carried upon roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Wever	AYE
Council Member Johnston	ABSENT
Vice Mayor Staib	AYE
Mayor Lewis	AYE

Proposed Joint Planning Interlocal Agreement - City/County

Consideration of agreement providing for a joint planning board between the City Council and Board of County Commissioners and a staff level steering committee.

Community Development Director Geiger explained the intent of the proposed interlocal agreement. Council Member Wever expressed concern about the equal number of representatives from each board posing a problem if a vacancy occurs. He was assured by Community Development Director Geiger that the planning board would only operate in an advisory capacity to the legislative board maintaining authority over a particular issue. Discussion followed.

City Attorney LaCroix suggested that section 4.1.1 stating that "...for all properties within the City's boundaries..." and "...for all properties within the unincorporated area..." should be modified to state that "...for amendments to the City's Comprehensive Plan,..." and "...for amendments to the County's Comprehensive Plan,..." Discussion continued relating to the areas defined to be under the scope of the Joint Planning Board. City Attorney LaCroix also recommended that section 4.2 be corrected to read "...City and County, by future amendment to this agreement..." be substituted in place of "...Joint Planning Board..." Mr. Don Lacey, representing LandMar, stated that he, too, had expressed some of the same concerns raised by Council Member Wever about the limited area in the agreement, but was finally convinced that the purpose as proposed was to satisfy the Department of Community Affairs' requests. He agreed with Council Member Bernardini that it could be amended any time in the future once the DCA issue was concluded.

## REGULAR CITY COUNCIL MEETING - NOVEMBER 3, 2003

### Motion:

Vice Mayor Staib moved for approval of agreement with changes stated by the City Attorney; seconded by Council Member Bernardini; carried 4-0.

Council Member Wever felt that Council should have a special meeting prior to the joint meeting with the County on November 12<sup>th</sup>. City Attorney LaCroix added that, if the Board of County Commissioners approved the agreement at their meeting on November 4<sup>th</sup>, then it would not have to be brought back to the Council for further action.

### 2002/2003 Fiscal Year Audit

Consideration of selection for independent auditor for 2002/2003 Fiscal Year.

Finance Director Baumgartner asked for direction from Council as to whether to renew the contract with Oliver and Company or to go out for bids.

### Motion:

Vice Mayor Staib moved for approval of renewing Oliver and Company's contract; seconded by Council Member Bernardini. Discussion followed regarding the possible inclusion of a clause to require a six (6) month audit annually depending on the additional cost to the City. Motion carried 4-0.

### Addendum Item - Comprehensive Plan Amendment Dispute Resolution

Discussion of Hernando County Staff Recommendations to Board of County Commissioners.

Community Development Director Geiger explained that Council Member Wever had asked for this item to be added to the agenda since information had been received from the County the afternoon of the last dispute resolution meeting and there was not much time for City staff to respond. He stated that he had put italic comments after each item on the County's memo to provide the City's perspective. Mayor Lewis also referred to the City Attorney's memo that was attached.

Community Development Director Geiger added that negotiations with County staff suggested that they will return with some level of compromise which may include requesting agreement from the developer to a modification of less than one hundred percent (100%) credit, and that if the developer agrees, the City should also in the spirit of compromise. Further discussion continued about impact fee credits for the construction of the collector road and the wastewater treatment plant.

City Attorney LaCroix agreed that Council should meet before that joint session so that they will be fully informed as to what County staff has taken to their board for consideration. He also stated that political and public pressure were catalysts on the Board of County Commissioners at the first joint dispute resolution meeting and felt that it could be well placed at this point in time as well. He felt the continued County demands were ridiculous and could possibly drive the development out of Hernando County altogether. Council Member Wever felt that modifying the annexation into two parcels to address the forty (40) acre property separately be done now to eliminate the concerns about the pocket.

A special council meeting was set Wednesday, November 12<sup>th</sup> at 5:00 PM. Council predicated that the Mayor had the authority to cancel the meeting if he deemed it not necessary.

Additional Item - Fairgrounds water & sewer lines - request to seek bids to extend lines to fairgrounds - F6

## REGULAR CITY COUNCIL MEETING - NOVEMBER 3, 2003

### Motion:

Council Member Bernardini moved to add the item to the agenda; seconded by Vice Mayor Staib; carried 4-0.

Council Member Wever received clarification from Utilities Superintendent Smith that the bid specifications were for the water and sewer lines to be separate and that the estimated cost for the project was five hundred thousand dollars (\$500,000), with two hundred fifty thousand dollars (\$250,000) anticipated from USDA, with the remainder coming from construction reserves.

### Motion:

Council Member Bernardini moved for approval; seconded by Vice Mayor Staib; carried 4-0.

### CITIZEN'S INPUT

#### ITEMS BY COUNCIL

#### E.E. "Ernie" Wever, Jr., Council Member:

Council Member Wever planned to travel to Orlando on November 13<sup>th</sup> for the Florida League of Cities annexation committee meeting at 2:00 PM. He said he was going to urge that a definition of "pockets" be included in their proposed bill and reasoning as to why they should not be allowed unless improved service could be shown for the pocket area as a result of the annexation in order to ensure it would not be cut off from the service area around it. He also noted that legislative committee meetings were scheduled for November 14<sup>th</sup> and 15<sup>th</sup> and the taxation of city-owned properties would be an item of business discussed. He noted that they had introduced a bill last year to create a constitutional amendment to make this the same for municipalities as it was in counties.

Council Member Wever notified Council that the Florida League of Cities was finally going to draft their own proposals for legislation instead of working with the counties, which he had been suggesting to the committee for some time.

Council Member Wever reported that the Suncoast League of Municipalities held a special committee meeting to discuss proposed changes that would set up a board made of a representative from each municipal member along with two designated alternates, create an executive committee made up of the officers of the league as well as the committee heads, and increase dues to two hundred fifty dollars (\$250) for cities with a population below twenty-five thousand (25,000) and five hundred dollars (\$500) for cities with a population above that.

Council Member Wever stated that he would abstain from participating in the Christmas parade and gave City Clerk Phillips a monetary contribution to be used for the party at City Hall instead.

#### Joe Bernardini, Council Member:

Council Member Bernardini asked the other Council Members for their position on a request he had received to change the sale of alcoholic beverages to 11:00 AM on Sundays. Vice Mayor Staib expressed her opposition to the change. Mayor Lewis stated that he did not have a problem with it if it were for consumption purposes.

Council Member Bernardini led discussion regarding the signalization at the intersection of Mildred Avenue and Jefferson Street. Council Member Wever suggested that a request be forwarded to the County that the turn arrow allowing traffic to turn left from Jefferson onto Mildred going south be programmed to

**REGULAR CITY COUNCIL MEETING - NOVEMBER 3, 2003**

remain green until it was tripped from Mildred.

**Richard E. Lewis, Mayor:**

Mayor Lewis reported that Walmart had awarded grants to the Brooksville Police and Fire Departments which were displayed on the wall of the council chambers. He also stated that he had attended their birthday celebration this week, at which they presented a thank-you poster which was signed by the employees. He added that Council and staff will be working for further grant money.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 8:39 p.m.

ATTEST: Mary A. Stubb  
Vice Mayor

K. P. Kelly  
City Clerk

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HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS  
BROOKSVILLE CITY COUNCIL

JOINT CONFLICT RESOLUTION  
PUBLIC MEETING

MINUTES

November 12, 2003

6:00 P.M.

Brooksville City Council and Hernando County Board of County Commissioners met in special session with Richard E. Lewis, Mayor; Mary A. Staib, Vice Mayor; Council Members Joe Bernardini, Joseph E. Johnston, III and E.E. Wever, Jr. present; Chairperson Betty Whitehouse; and Commissioners Mary Aiken, Robert Schenck, and Nancy Robinson were in attendance for the Board of County Commissioners. Vice Chair Rowden was not in attendance. Also present were Richard E. Anderson, City Manager; Richard Radacky, County Administrator; City and County legal staff and various Department and Division Heads. Representatives from the Hernando Today and the St. Petersburg Times were also in attendance.

CALL TO ORDER

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

Public Notice was noted by County Administrator Richard Radacky.

Larry Jennings, Hernando County Growth and Development Director, summarized the packet of documents that had been prepared to resolve issues between the City and County. He believed that the Joint Planning Agreement was ready for final adoption by the Board of County Commissioners. He outlined a couple of items in the interlocal agreement that were not contained in the compliance agreement with DCA or the joint planning agreement involving traffic impacts/litigation, water supply, wastewater treatment implementation, resolution of disputes, and the dismissal of litigation between the City and the County, and recommended approval.

Commissioner Robinson questioned where the intended location for the north/south road across the fairgrounds was, which County Attorney Collier clarified was Section 1.7 of the Joint Planning Agreement. Larry Jennings responded that it would go west of Animal Control and south of the Cooperative Extension Service.

County Administrator Radacky responded to Council Member Bernardini that the property was owned by the County and was leased to the Fair Association. Council Member Bernardini expressed concern about previous discussions with the Fair Association regarding this property and that board's subsequent efforts to obtain grant money for parking.

Larry Jennings referred to the attachment to the compliance agreement between the Department of Community Affairs (DCA) and the City and outlined the changes to the City's comprehensive plan, which he believed to be acceptable to resolve the County's issues. He recommended that the Board of County Commissioners review and adopt the agreements, authorize the County legal staff to prepare paperwork to dismiss the lawsuit, and authorize the Chair to sign the agreements when the

**JOINT CITY/COUNTY DISPUTE RESOLUTION MEETING**  
**November 12, 2003**

compliance agreement was approved by DCA.

Motion:

Commissioner Robinson moved for staff recommendation. Commissioner Schenck seconded the motion.

Jake Varn, Attorney for LandMar, expressed concerns with the Joint Planning Agreement and Compliance Agreement. He was reassured that no more revisions would be required on the development agreement. Regarding the right-of-way as it relates to the fairgrounds, Mr. Varn stated that he interpreted the current language to say that the County was going to merely discuss it, and suggest that "fair market value" be substituted for "at no cost". He added that the most significant issue was the extension of the north/south road from the east/west connector over to US 41 and down to Powell Road and urged the Board and Council to allow time for him to work out language in Section 1.6 that would accurately reflect the original intent of the developer to leave this issue for future determination. He stressed that the developer preferred that the road be eliminated from the City's Comprehensive Plan.

A recess was taken in order for both legal counsels may meet with their respective board members independently.

The meeting was reconvened at 7:18 p.m.

County Attorney Collier recommended that the original language be maintained in Section 1.6 and the substitution of "at fair market value" be made in Section 1.7. Commissioner Robinson amended the motion to such and Commissioner Schenck seconded the amendment to the motion.

City Attorney LaCroix echoed Mr. Collier's recommendation with the understanding that this agreement could be amended by both boards in the future. He suggested authorization to execute a stipulated dismissal be made if the agreements were approved, which County Attorney Collier asked the same of his board as well.

Commissioner Robinson stated that such was understood as part of the recommendation from staff that was moved upon.

In response to Jake Varn's question as to whether the road could be private or if it was required to be public, Bill Geiger stated that the comprehensive plan does not specify a mandate of public or private and the City would have to evaluate a development proposal and make a determination upon the information that would be presented. He expressed his opinion that public need might be shorted by allowing a private road.

Jim Harvey, Regional Manager of LandMar, stated that the public purpose of extending the road to Powell was highly questionable and had a significant financial impact to the project. Their goal was to get that property under contract and get a second development on the ground. Since the interested party is basing their deal on a private community, Mr. Harvey asked for a firm commitment that the roadway could be a private road.

City Attorney LaCroix stated that City Council could not make that decision without the development proposal in front of them, and noted that the property would still have to be zoned. He felt that all of Mr. Varn's concerns could be

**JOINT CITY/COUNTY DISPUTE RESOLUTION MEETING**  
**November 12, 2003**

addressed at a later date. County Attorney Collier concurred.

**BOARD OF COUNTY COMMISSION**

**Motion:**

Commissioner Robinson asked to recall the question and clarified the motion as staff recommendation with an addition to Section 1.7 to substitute "fair market value." County Attorney Collier stated that the recommended language was drafted by Mr. Lacey in a letter to Mr. Geiger dated November 12, 2003, which he read into the record as amended and as follows:

"Once the City has acquired or contracted for all of the right-of-way for the n/s segment of the SR 50/US 41 connector roadway, except for the right-of-way across the Hernando County parcel east of the fairgrounds, the City shall advise the County in writing that it has said right-of-way. Immediately thereafter, the County shall convey to the City, at no cost at fair market value, title to the right-of-way for that portion of the SR 50/US 41 connector road segment crossing their property. The location of this right-of-way will have been provided to the County as part of construction plans, submitted for review and approval by the County."

Commissioner Aiken asked County Attorney Collier if the whole issue hinged on the road being private or public. County Attorney Collier stated that he concurred with the City's position that the issue can be worked out later and the developer can have the choice then. In response to Commissioner Aiken's question, Larry Jennings stated that the County currently did have private roadways that had been built to collector classifications.

Motion carried 4-0.

**CITY COUNCIL**

City Attorney LaCroix recommended that Council make a motion to reaffirm their approval of the joint planning agreement, approve the supplemental agreement with the change to Section 1.7, and authorize the City Attorney to enter into a joint stipulation.

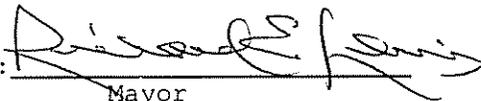
**Motion:**

Council Member Bernardini moved for approval of the City Attorney's recommendation. Council Member Johnston seconded the motion, which carried unanimously.

**ADJOURNMENT**

Commissioner Robinson made a motion to adjourn. There being no further business to bring before Council, the meeting was adjourned at 7:43 p.m.

ATTEST:

  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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**CITY OF BROOKSVILLE  
SPECIAL CITY COUNCIL MEETING**

**MINUTES**

November 12, 2003

5:00 P.M.

Brooksville City Council met in special session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Joseph E. Johnston, III and E.E. "Ernie" Wever, Jr present. Council Member Joe Bernardini was not in attendance. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Director of Public Works; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present was a representative of the St. Petersburg Times.

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

**REVIEW AND DISCUSSION OF CITY'S POSITION ON JOINT DISPUTE RESOLUTION**

Community Development Director Geiger summarized Larry Jennings' memorandum which was support material for the joint meeting with the county later in the evening. He anticipated that the course of action would be to present the joint planning agreement, address planning issues and provide conveyance for the County to dismiss the lawsuit, and present the compliance agreement that addresses the Department of Community Affairs' (DCA) issues so that they may find the City's comprehensive plan in compliance. He added that Council would be asked to reconfirm their approval of the supplemental agreement.

Community Development Director Geiger also noted the developer's perspective of the agreement, to which they expressed new reservations as to the public or private road as described in Sections 1.6 and 1.7 of the joint planning agreement.

Jake Varn, of Fowler White and Associates, outlined his client's concerns as follows:

- 1: Clarification was needed as to whether modified comprehensive plan amendment would require amending the development agreement.
- 2: Section 1.7 of the joint planning agreement includes language which could indicate that the County would continue to discuss the issue indefinitely.
- 3: The developer had originally planned to leave the collector road open to the City's future discretion, but the County saw it in the comprehensive plan and wanted it done now. He stated that all of the issues with the roadway had not been finalized and thus was still an unresolved issue.

Mr. Varn stated that his client has plans of selling that property and the roadway would put a kink in their plans. He respectfully requested that Council

**SPECIAL CITY COUNCIL MEETING - November 12, 2003**

agree on everything but the roadway and allow continued discussion on that issue.

Cliff Manual, President of Coastal Engineering Associates, commented that DCA was not requiring a connector road to Powell, but only from SR 50 to US 41, thus it was not necessary in the City's comprehensive plan. He stated that they were only asking for flexibility to present their plans with no predetermined requirement for the collector road, and that zoning and master planning issues needed to be done.

Mayor Lewis reminded that the plan would come back to City Council for final approval and felt that trying to convince the County to continue discussions on the roadway would jeopardize getting the lawsuit dropped.

Council Member Johnston agreed that, though long term development of the entire property would indicate that the road was needed all the way to Powell, it was not necessary in the comprehensive plan. He added that gating off the thoroughfare may be a compromise, but these issues could be addressed at a later date.

City Manager Anderson recognized that the inclusion of the collector road in the comprehensive plan was an oversight, and that Mr. Varn's statement that the southern end was to be left as an open decision was accurate. He understood the developer's reluctance to include it in the plan but could not support going back at this point simply because the developer had a possibility of sale to another developer.

City Attorney LaCroix advised that any changes to the agreement tonight would cause a delay, except for the issue regarding the County providing a right-of-way. He recommended leaving it the way it was and argue later for comprehensive plan amendments. He felt that it may be in the developer's best interest to leave the collector road in at this time. He added that, if the City were to justifiably amend the comprehensive plan amendment in the future, the County could only object to the amendment and nothing else.

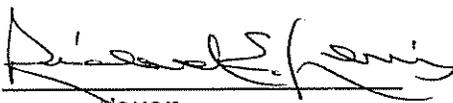
In response to City Attorney LaCroix's question, Mr. Varn stated that his only objection to the language in Section 1.7 was the statement "at no cost" which he would prefer be substituted with "fair market value."

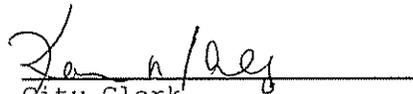
City Attorney LaCroix advised Council that he had a conflict with Monday night's regular Council meeting and requested Council's permission to be absent. He offered to have Attorney Bill Eppley cover the meeting if Council felt it was necessary following the results of the joint meeting with the County. Council consented to his request.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 5:52 p.m.

ATTEST:

  
Mayor

  
City Clerk

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**CITY OF BROOKSVILLE  
REGULAR CITY COUNCIL MEETING**

**MINUTES**

NOVEMBER 17, 2003

7:00 P.M.

Brooksville City Council met in regular session with Vice Mayor Mary A. Staib, Council Members Joe Bernardini, E.E. "Ernie" Wever, Jr. and Joseph E. Johnston, III present. Mayor Richard E. Lewis and City Attorney David LaCroix were not in attendance. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Director of Public Works; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Raymond Hess, Community Redevelopment Coordinator; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present was a representative of the St. Petersburg Times.

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

CONSENT AGENDA

Minutes

November 3, 2003 Regular Council Meeting

Request for Special Council Meeting

Request to schedule a special Council meeting on December 8<sup>th</sup> at 7:00 PM to award bid for the Hope Hill/North Well Fields Rebid.

Motion:

Council Member Bernardini moved for approval; seconded by Council Member Johnston; carried 4-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Operation Pride - Donation to City

Presentation of check in the amount of \$200 in thanks for the use of the Jerome Brown Community Center for Operation PRIDE 2003 on October 4, 2003.

Rose and Peter Rocco presented Council with a donation check in the amount of five hundred ten dollars (\$510) from Operation Pride and presented certificates to be forwarded to Audrey Williams, Officer Eddie McConnell, and Lindsay Morgan for their hard work toward the success of the recent event.

Margaret R. Ghiotto Commercial Beautification Award - WalMart Supercenter Store #3526

Recognition of improvements to the business located at 7305 Broad Street.

Vice Mayor Staib announced that WalMart Supercenter had been chosen by the Beautification Board to receive the Margaret R. Ghiotto Commercial Beautification Award. Council Member Johnston presented store manager Steve Smith with a certificate and the commemorative sign to be displayed at the location.

Tourist Development Council - Annual Christmas Ornament

Proclamation supporting the TDC Annual Holiday Ornament Project for 2003.

**REGULAR CITY COUNCIL MEETING - November 17, 2003**

Vice Mayor Staib read the proclamation and noted that the ornaments could be viewed at the Tourist Development Council. Council Member Johnston encouraged the citizens to pick them up since they will be collectors items.

**PUBLIC HEARING**

**Ordinance No. 661 - Hampton Ridge Annexation\*\***

Consideration of amendment to annexation Ordinance Nos. 633 and 656 to rectify disparities as directed by the Department of Community Affairs. [Ordinance was presented for first reading on 11/3/03]

Each Council Member reported that no ex parte communications had occurred.

City Clerk Phillips read Ordinance No. 661 by head note only, as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 633, AS AMENDED BY ORDINANCE NO. 656; DELETING SECTION 7 THEREOF AND AMENDING THE LEGAL DESCRIPTION CONTAINED THEREIN TO CORRECT A SCRIVENER'S ERROR; ANNEXING THE DESCRIBED PROPERTY NUNC PRO TUNC MAY 28, 2003, THE EFFECTIVE DATE OF ORDINANCE NO. 633; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Public Input:**

There was no one in the public that wished to speak.

**Motion:**

Council Member Johnston moved for approval of second and final reading of Ordinance No. 661; seconded by Council Member Bernardini and carried 4-0 upon roll call vote, as follows:

Bernardini	AYE
Johnston	AYE
Wever	AYE
Staib	AYE
Lewis	ABSENT

**REGULAR AGENDA**

**Resolution No. 2003-16 - Fourth Quarter Budget Amendments for Fiscal Year 2002-2003**

Consideration of amendment to Fiscal Year 2002-2003 budget to formally adopt previously authorized changes by Council.

Finance Director Baumgartner presented the resolution to Council.

City Clerk Phillips read Resolution No. 2003-16 by head note only, as follows:

A RESOLUTION PROVIDING FOR CERTAIN BUDGET AMENDMENTS FOR FY 2002-03 BUDGET AND SETTING AN EFFECTIVE DATE.

**Motion:**

Council Member Bernardini moved for approval of Resolution No. 2003-16; seconded by Council Member Johnston.

Council Member Johnston questioned a reference to section 58, which was not a

## REGULAR CITY COUNCIL MEETING - November 17, 2003

section included in the resolution. Finance Director Baumgartner replied that the reference needed to be removed.

Motion carried 4-0 upon roll call vote, as follows:

Bernardini	AYE
Johnston	AYE
Wever	AYE
Staib	AYE
Lewis	ABSENT

### Interlocal Agreement between City/County - Traffic Signal Maintenance

Revision to Exhibit A of interlocal agreement to include 1 additional signal installed during the widening of SR 50/US 41 to be maintained by the County. [cost offset by DOT reimbursement]

#### Motion:

Council Member Bernardini moved for approval; seconded by Council Member Johnston and carried 4-0.

### Adult Entertainment/Public Nudity - Draft Ordinance

Review of proposed draft ordinance to modify City Code and facilitate enforcement.

City Manager Anderson noted that the ordinance was presented in draft form for the purpose of Council offering direction since it is such a lengthy ordinance.

Council Member Johnston questioned item number six (6) on page thirty-five (35) since there were not any federal interstate highways going through Brooksville and that an amendment could be made if necessary in the future.

Consensus of Council was to schedule first reading for December 1, 2003 unless the City Attorney had any objections.

### "Irrigation" - Water Meters

Review of proposed policy and procedures for separate meters for water not entering City's waste water system.

City Manager Anderson presented the proposed policy to Council and explained that the intent was to specifically deal with irrigation meters.

Council Member Wever noted that the attached resolution was not the most current one. City Manager Anderson apologized and explained that Section D was the only one that was not rescinded when the new rate structure was adopted. He explained that when the new rate will be adopted, the remainder of that past resolution would be deleted as well. In response to Vice Mayor Staib, he stated he hoped to bring this item back to Council December 1<sup>st</sup> as well.

### Sales Tax - Proposed ½ Cent Local Option Tax

Review of sales tax proposal.

City Manager Anderson stated that the Mayor had requested that Council be briefed on the status of the County's discussions and what impact it would have on the City.

Finance Director Baumgartner reported that the County was considering this tax and Raymond Hess was serving on the County's committee as the City's

## REGULAR CITY COUNCIL MEETING - November 17, 2003

representative. His understanding was that the County was going to repeal the ninth (9<sup>th</sup>) cent gas tax which the City does not receive, and the two (2) cent local option gas tax, which would cost the City about fifty-six thousand dollars (\$56,000). The sixth (6<sup>th</sup>) cent local option gas tax will not be repealed, which provides the City approximately two hundred thousand dollars (\$200,000). The ballot will specify that these taxes will be repealed if the half (½) cent local option tax is passed by the voters. The County is also talking about giving up a quarter millage if it passes. The impact to the City appears to be an increase in revenues of three hundred thousand dollars (\$300,000) from the half (½) cent local option and a loss of the approximate sixty thousand dollars (\$60,000) from the two (2) cent new local option fuel tax.

City Manager stated that the County staff has asked the City staff to assist in their efforts to fully communicate to the taxpayers the current issues, a handout to which was attached to the Council packet. He added that no official action was needed by Council other than the fact that the County is waiting to see if City is going to support the tax or not.

Council Member Wever stated that an item on the Florida League of Cities' new legislation list is to allow Cities to pass a half (½) cent sales tax independent of Counties, and, if that legislation passes, we do not have to depend on the County and could assess the tax ourselves. Council directed the City Manager to tell the County that they did not oppose it.

Council Member Bernardini asked if an interlocal would be better or would the statutory default formula be sufficient. City Manager Anderson responded that staff could explore that with the County.

### CITIZEN INPUT

#### Veterans Parade

Anna Liisa Covell thanked Council, Chief Tincher, and the entire Police Department for their support of the Veterans Parade and stated that she would ask if they could have it again next year. She recognized that Chief Tincher had been busy trying to apprehend the suspect from the hit-and-run and made a special effort to take time out to help with the parade. She hoped Council would consent to back the event again next year and stated that numerous veterans and residents came out for the event. She requested that if Council decides to support it again next year, that the meetings be held at City Hall so that the City could be the lead agency for the event. She noted that she sent a written clarification in to Rick Nolte to correct the credit that was given in the *Hernando Today* for the parade.

Council Member Johnston commented that the City's staging area might be limited with the amount of participants that were getting involved. Mrs. Covell stated that she hoped to redirect the parade route to go down the hill on Howell from City Hall to the high school site and would ask Landmark Baptist Church to bus anyone back up when it was over. Entertainment could then be planned in the City Hall parking lot following the parade.

### ITEMS BY COUNCIL

#### E. E. "Ernie" Wever, Council Member FLC Legislative Update

Council Member Wever stated that the entire program from the recent meeting he attended would be forwarded to Council with a memo tomorrow. He reported that comments from committee members were that FLC had not been aggressive enough for

## REGULAR CITY COUNCIL MEETING - November 17, 2003

what the cities wanted. He added that equal treatment of City and County property was on the agenda to go to the legislators. The annexation committee was to meet again on November 24<sup>th</sup> and Council Member Wever was disappointed that they pulled the counties into the discussion.

### Joe Bernardini, Council Member:

Council Member Bernardini wished everyone a Happy Thanksgiving.

### Joseph E. Johnston, III, Council Member:

#### Downtown Revitalization Project

Council Member Johnston noted that some of the trees that were planted around town were dead or dying. Director of Public Works Pierce responded that they are being watered regularly, and added that the landscaping on US 41 has a one (1) year maintenance condition in the contractor's agreement. He would have people go around and check the others, but noted that some species lose their leaves this time of year.

Council Member Johnston wished everyone a Happy Thanksgiving.

### Mary A. Staib, Vice Mayor

#### Clover Leaf

Vice Mayor Staib asked that an obstruction as you are leaving the rear exit of Cloverleaf at the twin gates looking toward the left abutting McIntyre Road be looked into.

### Community Events

Vice Mayor Staib stated that Springstead MD Crafters Arts Mall had opened up in town on 406 E. Liberty Street.

### Congresswoman Ginny Brown-Waite's trip to Turkey

She commented that Bob Haas show aired Congresswoman Ginny Brown-Waite on the telephone while she was on her return flight home from Turkey. Congresswoman Brown-Waite put a different spin on how the GI's feel over there. Vice Mayor Staib felt proud of her.

### Richard E. Anderson, City Manager:

#### Fire Department Negotiations Status Report

City Manager Anderson reported that he and Chief Daugherty had met with the County to determine the feasibility of a possible merger of fire departments. He said that the response that came from Council Member Johnston's direction would be addressed in greater detail and he would be bringing back a report to Council.

Vice Mayor Staib restated that she would like to see this issue on the March ballot for a referendum vote. Council Member Wever responded that the Charter reads that it is a responsibility of the Council.

### Karen M. Phillips, Director of Administration/City Clerk:

#### United Way Telethon

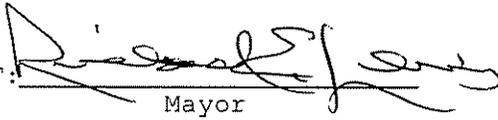
City Clerk Phillips thanked everyone that participated in the United Way telethon, which raised over twenty-three thousand dollars (\$23,000). She also thanked Officer Eddie McConnell for serving as the City's "Celebrity of the Hour."

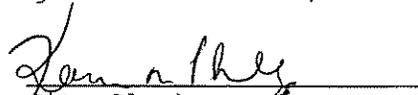
City Clerk Phillips reminded everyone that next Wednesday was the Thanksgiving Employee Meal.

REGULAR CITY COUNCIL MEETING - November 17, 2003

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 7:46 p.m.

ATTEST:   
Mayor

  
City Clerk

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

MINUTES

DECEMBER 1, 2003

7:00 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, Council Members Joe Bernardini, E.E. "Ernie" Wever, Jr. and Joseph E. Johnston, III present. Also present were David LaCroix, City Attorney; Richard E. Anderson, City Manager; Darcy H. Chase, Deputy City Clerk; Emory Pierce, Director of Public Works; Bill Geiger, Community Development Director; Raymond Hess, Community Redevelopment Coordinator; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present was a representative of the St. Petersburg Times.

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

CONSENT AGENDA

Minutes

- October 29, 2003 Joint City/County Dispute Resolution Meeting
- November 12, 2003 Special Council Meeting
- November 12, 2003 Joint City/County Dispute Resolution Meeting
- November 17, 2003 Regular Council Meeting

Mueller Services Co. Contract - Valve Replacement Program

Consideration of 1-year contract renewal for valve replacement needs not to exceed \$35,000. [Funds budgeted in W/W Capital Improvement Projects account #401-021-169.19049]

Oliver & Company Contract - FY2002/03 Audit Services

Consideration of renewal of contract with modified fee provision and payment schedule in the amount of \$40,000. [Complete contract on file in the City Clerk's office.]

Textron Financial Corp./E-Z-GO Northern Florida Contract - Golf Carts

Consideration of lease of 20 golf carts for a term of 48 months at a monthly rate of \$1,212.20, with a provision that the lease may be cancelled if the City ceases to operate the golf course.

Brooksville Again - 2004 Schedule of Events

Consideration of annual street closing permit for events held within the City and approval of waiver of insurance costs.

Progress Energy Contract - City Christmas Decorations

Consideration of contract for annual Christmas decorations on light poles within the City.

Council Member Wever asked that the Quarry Golf Cart Lease Contract item C-4 be moved to the regular agenda.

APPROVED BY BROOKSVILLE CITY COUNCIL

ON 12/15/03 INITIALS [Signature]

## REGULAR CITY COUNCIL MEETING - December 1, 2003

### Motion:

Council Member Bernardini moved for approval of the balance of the consent agenda, excluding the Quarry Golf Cart Lease Contract; seconded by Council Member Johnston; carried unanimously.

### REGULAR AGENDA

#### Textron Financial Corp./E-Z-GO Northern Florida Contract - Golf Carts

Consideration of lease of 20 golf carts for a term of 48 months at a monthly rate of \$1,212.20, with a provision that the lease may be cancelled if the City ceases to operate the golf course.

Council Member Wever led discussion about the amount budgeted for the operation of the golf course. He noted that the intent of Council's decision during budget discussions to monitor operations was for the purpose of cutting expenses. He calculated that the cost of fourteen (14) carts would total ten thousand one hundred eighty-two dollars and forty-eight cents (\$10,182.48) and felt that the budget amount should not be increased beyond that. City Manager Anderson stated that it may be possible to adjust the number of carts being leased.

### Motion:

Council Member Wever moved to approve the contract with fourteen (14) carts. Council Member Johnston seconded the motion and suggested that staff attempt to negotiate a variable number of carts with the company to cover the increased volume during the busy times of the year. Council Member Wever amended his motion to approve the lease in an amount not to exceed ten thousand one hundred eighty-two dollars and forty-eight cents (\$10,182.48). City Attorney LaCroix pointed out that the City would not be responsible for any costs incurred for transportation of the carts for delivery or repair under the current form of the contract and costs may be incurred for a variable number of carts. Motion carried unanimously.

#### Proposed Homeland Security Criminal History Ordinance No. 660

Consideration of ordinance to facilitate the collection of criminal history information for certain employees and vendors as defined. [Second and final reading to be scheduled for December 15, 2003]

City Attorney LaCroix presented the item to Council and noted that the ordinance gives the opportunity to do an FBI background check on certain employees and vendors and would facilitate inclusion in the personnel policy manual but did not mandate the information collection.

Police Chief Tincher commented that he would contact FDLE to verify his belief that the Police Department could gather the information through their computer, which will reduce the cost to the City.

Council Member Johnston questioned if the vendors were aware that the City would be collecting this information. City Manager Anderson stated that notification would be included in future bid specifications and was not intended to be retroactive for current vendors.

Deputy City Clerk Chase read Ordinance 660 by head note only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR THE COLLECTION OF STATE AND NATIONAL CRIMINAL HISTORY INFORMATION ON ALL EMPLOYEES AND VENDORS WHICH ARE, OR WHICH MAINTAIN ACCESS TO, FACILITIES THAT ARE CRITICAL TO THE SECURITY OR PUBLIC SAFETY OF THE CITY OF BROOKSVILLE; AND PROVIDING AN EFFECTIVE DATE.

REGULAR CITY COUNCIL MEETING - December 1, 2003

Motion:

Vice Mayor Staib moved for approval of Ordinance No. 660; seconded by Council Member Bernardini; carried unanimously by roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Wever	AYE
Council Member Johnston	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

Proposed Adult and Sexually Oriented Business Ordinance No. 662

Consideration of proposed ordinance to modify City Code and facilitate enforcement. [Second and final reading to be scheduled for December 15, 2003]

City Attorney LaCroix explained that he chose not to create a strike-out version of the previously presented draft ordinance due to the extensive length of the document and the fact that the changes were predominantly insignificant. He pointed out that the significant changes were to Section 2.5-23 where references to locations within the County and the portion relating to federal highway proximity were removed since they were not applicable to the City, and to Section 2.5-20 where a reference to massages being "provided by a person of the opposite sex" was removed since it was not necessary. The balance of the changes were to correct typos and spelling errors.

Deputy City Clerk Chase read Ordinance No. 662 by head note only, as follows:

AN ORDINANCE RELATING TO PUBLIC NUDITY AND TO ADULT AND SEXUALLY ORIENTED BUSINESSES; REPEALING AND REPLACING CHAPTER 2.5 OF THE BROOKSVILLE CODE OF ORDINANCES; STATING A PURPOSE AND MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR CLASSIFICATION OF SEXUALLY ORIENTED BUSINESSES; REQUIRING LICENSES AND ESTABLISHING APPLICATION PROCEDURES; REQUIRING ISSUANCE OF LICENSES BY CITY UNLESS SPECIFIC CRITERIA MANDATE DENIAL, AND PROVIDING FOR AN APPEAL PROCEDURE; SETTING LICENSE FEES; PROVIDING FOR INSPECTION; SPECIFYING LICENSE TERM AND EXPIRATION; PROVIDING FOR SUSPENSION OF LICENSES; PROVIDING FOR REVOCATION OF LICENSES; AUTHORIZING AGGRIEVED APPLICANTS OR LICENSEES TO SEEK PROMPT JUDICIAL REVIEW; PROHIBITING TRANSFER OF LICENSES; SETTING FORTH ADDITIONAL REGULATIONS FOR CERTAIN SPECIFIC CLASSIFICATIONS OF SEXUALLY ORIENTED BUSINESSES; PROHIBITING NUDITY AND SEXUAL CONDUCT OR THE SIMULATION THEREOF WITHIN ALCOHOLIC BEVERAGE ESTABLISHMENTS; PROHIBITING NUDITY IN CERTAIN OTHER PUBLIC PLACES; PROVIDING SPECIFIC REGULATIONS PERTAINING TO EXHIBITION OF CERTAIN FILMS AND VIDEOS; PROHIBITING SALE, USE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PREMISES OF SEXUALLY ORIENTED BUSINESSES; PROHIBITING ENTRY OF UNDERAGE PERSONS; REGULATING MESSAGES OR BATHS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR NOTICES; ESTABLISHING NEW LAND DEVELOPMENT REGULATIONS PERTAINING TO AUTHORIZED LOCATIONS AND LOCATIONAL RESTRICTIONS FOR SEXUALLY ORIENTED BUSINESSES, NON-CONFORMING USES, AMORTIZATION, BUSINESS EXTERIORS AND SIGNAGE; PROVIDING THAT VIOLATIONS MAY BE ENJOINED; PROVIDING FOR AN EFFECTIVE DATE AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING AN EFFECTIVE DATE.

Council Member Johnston noted that the head note as written stated "prohibiting" in the fifteenth line rather than "providing" as read.

**REGULAR CITY COUNCIL MEETING - December 1, 2003**

Mr. William Zacker, a representative of the Naturist Action Committee, a political action arm of the Naturist Society, expressed concern that freedom of expression in theatrical productions would be preserved. City Attorney LaCroix read Section 11-17(b) which addressed Mr. Zacker's concern. Mayor Lewis stated that he had provided Mr. Zacker with a photocopy of the ordinance prior to the meeting.

Motion:

Vice Mayor Staib moved for approval of Ordinance No. 662; seconded by Council Member Wever; carried unanimously by roll call vote, as follows:

Council Member Bernardini	AYE
Council Member Wever	AYE
Council Member Johnston	AYE
Vice Mayor Staib	AYE
Mayor Lewis	AYE

2004/05 Emergency Management, Preparedness, and Assistance (EMPA) Competitive Grant Program

Consideration of grant application and authorization to pursue matching funds in conjunction with Hernando County Emergency Management and/or Federal Disaster Medical Assistance Team (FL3-DMAT).

City Manager Anderson explained that the City had not been successful in obtaining these grant funds and it appeared that successful grant applications included a substantial cash match. However, the County Emergency Management office has indicated that they may have some other approach to compile matching funds and encouraged the City to consider a possible three-party application along with the Federal Disaster Medical Assistance Team.

Council Member Wever stated his agreement as long as no money was required from the City. Council Member Johnston agreed with Vice Mayor Staib's opinion that further information be gathered.

Hope Hill and Northwest Wellfields Rebid - Bid No. UD2003-09 - Award of Bid

Award of bid to Diversified Drilling Corporation for the drilling of wells for the combined total in an amount not to exceed \$214,105 and authorize transfer of funds in the amount of \$63,965 from Hope Hill Well Replacement Project 2000-UT03(c) for the Northwest test well.

Director of Public Works Pierce responded to Council Member Bernardini's question that the funds would not be spent until February or March and that one well would be constructed on each site.

Council Member Wever felt that the transfer of funds was not necessary since both well sites were included as one project in the bid, and there were adequate funds in the Hope Hill Reserve, especially due to the fact that the Hope Hill would eventually be done anyway.

Motion:

Council Member Wever moved for approval of the contract with the total cost of two hundred fourteen thousand one hundred five dollars (\$214,105) from Utility Reserve for Capital Improvements; seconded by Vice Mayor Staib; carried unanimously.

Withlacoochee Regional Planning Council (WRPC) - Municipal Representative

Appointment of elected official to serve as voting member on WRPC representative of cities within Hernando County for one year term from 12/11/03 through 12/10/04.

## REGULAR CITY COUNCIL MEETING - December 1, 2003

Deputy City Clerk Chase explained that Mayor Robyn Anderson had stated that they would follow up with paperwork but expressed their intent to proceed as in previous years and accept the City of Brooksville's representation.

### Motion:

Vice Mayor Staib moved to appoint Council Member Johnston as the City representative on the Withlacoochee Regional Planning Council for 2004; seconded by Council Member Bernardini; carried 4-1 with Council Member Johnston in opposition.

### SELECTION OF OFFICERS

#### Selection of Mayor

Council Member Wever nominated Mary A. Staib as Mayor. There were no further nominations and Council voted unanimously in favor.

#### Selection of Vice Mayor

Council Member Johnston nominated Joe Bernardini for Vice Mayor. There were no further nominations and Council voted unanimously in favor.

### CITIZEN INPUT

#### Allen Rhodes - Brooksville Fire Department Negotiations

Allen Rhodes questioned if the vote of Council in September to present the proposed transfer of operation of the Fire Department to the County had been rescinded and Council assured him that it had not. Mr. Rhodes then asked why the City Manager had been permitted to usurp his authority by sitting on the issue as the newspaper had reported. Mayor Lewis responded that negotiations were ongoing. Fire Chief Daugherty added that meetings had been held between both Fire Chiefs, the City Manager, and the County Administrator as recently as Friday. City Manager Anderson provided a status report. He said that, though the holiday had delayed the process, County staff had visited the Brooksville station to identify equipment, that most of the City's issues in Council Member Johnston's memorandum had been addressed, and something will be brought back to Council soon.

### ITEMS BY COUNCIL

#### E. E. "Ernie" Wever, Council Member:

##### Street Lights

Council Member Wever asked who should be notified about street lights that were not working. Director of Public Works Pierce recommended that the Department of Public Works compiles a list of non-operational lights and reports them to Progress Energy after ten or twelve had been identified.

##### Hospital Ground Breaking

Council Member Wever stated that he would not be able to attend the ground breaking on Wednesday, December 10<sup>th</sup> due to a doctor's appointment.

#### Joe Bernardini, Council Member:

Council Member Bernardini hoped that everyone had a happy Thanksgiving.

**REGULAR CITY COUNCIL MEETING - December 1, 2003**

Joseph E. Johnston, III, Council Member:

Traffic Diversion

Council Member Johnston stated that he had received a request for information on the status of the traffic patterns around the Christmas House business area and asked Chief Tincher if he could contact the gentleman.

Brighthouse Contract

Council Member Johnston expressed concern about the provision that "live meetings of City Council carried as a government broadcast." City Manager Anderson stated that it was only for the purpose of providing the option in the event that Council would like to consider it in the future.

Mary A. Staib, Vice Mayor:

Correspondence to Note

Vice Mayor Staib asked why there were two letters from the Department of Environmental Protection (DEP) requesting reports and why only one report could not be sent on the City's behalf since they were both going to the same person. Community Development Director Geiger stated that Finance Director Baumgartner had communicated with DEP and was directed to send one report, which had been done.

Recent Events

Vice Mayor Staib shared that she had attended the following events: November 6<sup>th</sup> Cloverleaf Homeowner's Meeting where Chief Tincher and Officer McConnell were guest speakers; November 19<sup>th</sup> Cloverleaf Neighborhood Watch Meeting at which Chief Daugherty and Captain Mossgrove provided a defibrillator demonstration; November 22<sup>nd</sup> 50<sup>th</sup> birthday party for Karen Phillips at Hampton Inn; November 24<sup>th</sup> Elder Affairs Committee at which preparations were being made for a celebration for those turning 100; November 25<sup>th</sup> Turkey in the Hole at E-How-Kee Camp; and November 26<sup>th</sup> City of Brooksville employees' meal.

Toy Drive

Vice Mayor Staib encouraged everyone to bring unwrapped toys to the Post Office to support their toy drive for children. City Manager Anderson added that a similar program was underway in City Hall which was coordinated by Sonny Gill.

Give-Aways in Tom Varn Park

Vice Mayor Staib expressed concern about not-so-needy people taking advantage of give-aways in the Park and asked if there was any way the participants could be screened. Council Member Johnston stated that was up to the organizers.

Richard E. Lewis, Mayor:

Special Meeting December 8, 2003

Mayor Lewis reminded everyone that a special council meeting would be held Monday, December 8<sup>th</sup> at 7:00 p.m.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 8:03 p.m.

ATTEST:

  
Mayor

  
Deputy City Clerk

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

**MINUTES**

DECEMBER 8, 2003

7:00 P.M.

Brooksville City Council met in special session with Mayor Mary A. Staib, Vice Mayor Joe Bernardini, Council Members E.E. "Ernie" Wever, Jr., Joseph E. Johnston, III and Richard E. Lewis present. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration/City Clerk; Emory Pierce, Director of Public Works; Bill Geiger, Community Development Director; Raymond Hess, Community Redevelopment Coordinator; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; and James Daugherty, Fire Chief.

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

**SPECIAL AGENDA**

**Hernando County Fairgrounds Sewer Line and Regional Water Line Interconnect Bid No. UD2003-10 - Award of Bid**

Award of bid to Craggs Construction Co. in the amount of \$486,751.35 contingent upon concurrence by Coastal Engineering and approval by USDA. [Funds to come from US 41 S Water/Sewer Line Project Account 2001-UT4]

Director of Public Works presented the item for Council's consideration. He provided a letter from Coastal Engineering confirming their review of the apparent low bidder and commented that award would still be contingent upon approval by USDA. He added that construction would be worked around the Hernando County Fair dates. He responded to Council Member Lewis' question that if the Notice of Award was completed by the first of the year, the USDA funds would still be available, and a Notice to Proceed would not be issued until USDA reviews the signed contracts, insurance, and bonds, which is anticipated for mid-January at the earliest. In response to Council Member Wever's question regarding the costs, Director of Public Works Pierce stated that the sewer portion is about fifty percent (%50) of the overall cost.

**Motion:**

Council Member Lewis moved to award Bid No. UD2003-10 to Craggs Construction Co.; seconded by Council Member Johnston. Council Member Johnston asked if the estimated amount for the capital needs listing of \$625,000 included additional projects that were not included in this bid. Director of Public Works Pierce stated that some engineering fees were included in that figure but the total project would still come in under that figure. Motion carried unanimously.

**Designation of Signatories**

Designation of Mary A. Staib, Mayor, and Joe Bernardini, Vice Mayor, as Designated Legislators; and Richard E. Anderson, City Manager, and Karen M. Phillips, CMC, City Clerk as Designated Administrators for the City of Brooksville on checks and wire transfers for each of the financial institutions, and designate names of Mayor Pro Tem succession.

Director of Administration Phillips presented the item for Council's consideration. She explained that the bank was requiring that the City name the people that are designated as signatories and stated that she would also like to name the Mayor Pro Tem succession to facilitate the completion of a signature card if it became necessary in the future. She stated the Mayor Pro Tem rotation would be as follows: Richard E. Lewis, Joseph E. Johnston, III, and E. E. "Ernie" Wever, Jr.

APPROVED BY BROOKSVILLE CITY COUNCIL

ON 12/15/03 INITIALS...R

**SPECIAL CITY COUNCIL MEETING - December 8, 2003**

Motion:

Council Member Johnston moved to authorize the Mayor as Mary A. Staib, Vice Mayor as Joe Bernardini, City Manager as Richard E. Anderson, City Clerk as Karen M. Phillips, as signatories, and the Mayor Pro Tem succession in the order of Richard E. Lewis, Joseph E. Johnston, III, and Ernie Wever for all banking activities. Motion was seconded by Council Member Lewis and carried unanimously.

ADJOURN AS CITY COUNCIL TO PARTICIPATE IN COMMUNITY REDEVELOPMENT AGENCY MEETING

RECONVENE REGULAR COUNCIL MEETING FOLLOWING THE COMMUNITY REDEVELOPMENT AGENCY MEETING

ITEMS BY COUNCIL

Karen M. Phillips, CMC, Director of Administration/City Clerk:

Danny Franklin Funeral Services

Director of Administration Phillips informed everyone that Danny Franklin, a City Employee from the Cemetery Division of the Parks Department, passed away on Sunday and visitation would be held on Tuesday, December 9<sup>th</sup> at Merritt Funeral Home from 6:00 - 9:00 p.m., funeral services would be held on Wednesday, December 10<sup>th</sup> at the First United Methodist Church at 2:00 p.m., and internment following at Brooksville Cemetery.

Mary A. Staib, Mayor:

Groundwater Guardian Meeting Cancelled

Mayor Staib noted that the December 11<sup>th</sup> Groundwater Guardian meeting had been cancelled.

Christmas Parade

Mayor Staib reminded the City Council Members that would be riding in the parade that they should be at City Hall at 9:15 a.m. on Saturday.

E. E. "Ernie" Wever, Council Member:

Legislative Alert

Council Member Wever recommended that another letter be sent to the legislators opposing Senate Bill 654.

Bill Geiger, Community Development Director

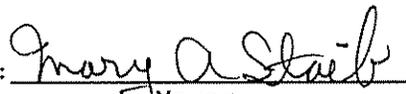
Legislative Delegates Meeting

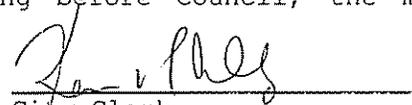
Community Development Director Geiger stated that the packet material regarding the proposed expansion of the Enterprise Zone would be presented to the legislators but he doubted they would be able to act on it since they have already filed all of the bills that they could file back in August and the Enterprise Zone Development Agency did not meet and make a recommendation on this expansion until their meeting in November.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 7:15 p.m.

ATTEST:

  
Mayor

  
City Clerk

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

**MINUTES**

**December 15, 2003**

**7:00 P.M.**

Brooksville City Council met in regular session with Mayor Mary A. Staib, Vice Mayor Joe Bernardini, Council Members Richard E. Lewis, E.E. "Ernie" Wever, Jr. and Joseph E. Johnston, III present. Also present were Richard E. Anderson, City Manager; Karen M. Phillips, Director of Administration/City Clerk; Darcy H. Chase, Deputy City Clerk; William Smith, Utilities Superintendent; Steve Baumgartner, Finance Director; Bill Geiger, Community Development Director; Ron Baker, Human Resource Director; Ed Tincher, Police Chief; James Daugherty, Fire Chief; and Joe Tyberghein, Parks & Recreation Manager. Also present was a representatives of the St. Petersburg Times.

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

**CONSENT AGENDA**

**Minutes**

December 1, 2003 Regular Council Meeting  
December 8, 2003 Special Council Meeting

**Planning & Zoning Commission - Appointment of Non-voting School Board Representative**

Appoint Heather Martin, in her capacity as the Hernando County School District's Planning and Accountability Director, to serve as a non-voting member on the City's Planning and Zoning Commission.

Council Member Lewis asked if the reference in the letter from Heather Martin addressed to Bill Geiger in the second paragraph, third line from the bottom regarding attendance at the meetings would conflict with the City's board attendance policy. Community Development Director Geiger responded that she would be a non-voting member, thus there would be no conflict.

**CDBG-CR (Main Street Project) Construction Contract - Change Order No. 6**

Consideration of Change Order No. 6 providing a contract extension to December 15, 2003, allowing the completion of punch list items and the subsequent close out of the grant(s).

Council Member Wever questioned if remaining surplus funds had to be left for the project or returned. Community Development Director Geiger stated that there were no funds left over from the Department of Community Affairs or the Metropolitan Planning Organization enhancement funding, and only budgeted surplus City funds remained.

**FY 03/04 Dumpster Purchase**

Consideration of authorization to piggyback on the Annual Dumpster Bid of the City of Boynton Beach for up to \$20,000 for various size dumpsters. [Funds budgeted in Solid Waste Collection Account No. 403-022-534.543.17]

**Medical Director Services Agreement**

Consideration of agreement with Dr. Robert G. Blackburn for emergency medical services for the sum of \$466.25 per month. [Funds budgeted in Medical Services Account No. 001-013-522.531.01]

City Manager Anderson advised that the monthly cost was never corrected and should be \$466.25 per month and explained that he is talking with the doctor regarding the insurance payment required. He requested approval of the agreement contingent upon him negotiating an appropriate insurance coverage payment due, which would be brought back to Council if he was not satisfied. Vice Mayor Bernardini received clarification that either party could terminate the contract with notification within ninety (90) days.

**Motion:**

Council Member Johnston moved for approval as modified with the correction to the date of the CDBG Change Order contract extension to December 15, 2003 and the conceptual approval of the Medical Director Services Agreement as represented by the City Manager. The motion was seconded by Council Member Lewis and carried unanimously.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

Christmas Holiday Decoration Contest

Awards for annual holiday decoration contest for Commercial and for Residential displays by the Beautification Board.

Mayor Staib announced that the winner of the Commercial Christmas Holiday Decoration Contest was the Brooksville Manor Nursing Home, located at 1114 Chatman Boulevard, and the winners of the Residential Christmas Holiday Decoration Contest were Bill and Robin Bishop for their residence located at 920 Buena Vista Avenue. Vice Mayor Bernardini presented each recipient with a 2004 Tourist Development Council Commemorative Christmas Ornament, a gift certificate to Rogers Christmas House, and a plaque. City Clerk Phillips pointed out that the poinsettias were also a prize and all gifts were donated by the Business Community.

Florida Jewish History Month Proclamation

Proclamation recognizing January, 2004 as Florida Jewish History Month.

Mayor Staib read the proclamation. City Clerk Phillips stated that it would be presented to the Florida Jewish Museum.

**PUBLIC HEARING**

Alcoholic Beverage Permit - 19510 Cortez Blvd. (Brooksville Square Plaza)

Approval of location permit for sale of liquor, beer and wine for offsite consumption (Permit B). Petitioner: Thomas Andrew Porter d/b/a Brooksville Liquors.

City Clerk Phillips explained that Mr. Porter was the franchise holder for the Walgreens liquor license.

Motion:

Council Member Lewis moved for approval; seconded by Vice Mayor Bernardini. There was no public input, and the motion carried unanimously.

Ordinance No. 660 - Homeland Security Criminal History

Consideration of ordinance to facilitate the collection of criminal history information for certain employees and vendors as defined, and amendment to personnel policy. [First reading 12/1/03]

City Manager Anderson said that the ordinance provided framework for the City to require a background check for certain vendors that may have access to facilities that potentially could be of harm to the public as well. The ordinance also provided for an amendment to the personnel rules.

City Clerk Phillips read by Ordinance No. 660 by headnote only, as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR THE COLLECTION OF STATE AND NATIONAL CRIMINAL HISTORY INFORMATION ON ALL EMPLOYEES AND VENDORS WHICH ARE, OR WHICH MAINTAIN ACCESS TO, FACILITIES THAT ARE CRITICAL TO THE SECURITY OR PUBLIC SAFETY OF THE CITY OF BROOKSVILLE; AND PROVIDING AN EFFECTIVE DATE.**

There was no public input.

Motion:

Council Member Wever moved for approval of the second reading of Ordinance No. 660 and the subsequent adoption thereof; seconded by Council Member Lewis. The motion carried unanimously upon roll call vote, as follows:

Vice Mayor Bernardini	AYE
Council Member Johnston	AYE
Council Member Wever	AYE
Council Member Lewis	AYE
Mayor Staib	AYE

Ordinance No. 662 - Adult and Sexually Oriented Business

Consideration of proposed ordinance to modify City Code and facilitate enforcement. [First reading 12/1/03]

City Clerk Phillips read Ordinance No. 662 by headnote only, as follows:

**AN ORDINANCE RELATING TO PUBLIC NUDITY AND TO ADULT AND SEXUALLY ORIENTED BUSINESSES; REPEALING AND REPLACING CHAPTER 2.5 OF THE BROOKSVILLE CODE OF ORDINANCES; STATING A PURPOSE AND MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR CLASSIFICATION OF SEXUALLY ORIENTED BUSINESSES; REQUIRING LICENSES AND ESTABLISHING**

APPLICATION PROCEDURES; REQUIRING ISSUANCE OF LICENSES BY CITY UNLESS SPECIFIC CRITERIA MANDATE DENIAL, AND PROVIDING FOR AN APPEAL PROCEDURE; SETTING LICENSE FEES; PROVIDING FOR INSPECTION; SPECIFYING LICENSE TERM AND EXPIRATION; PROVIDING FOR SUSPENSION OF LICENSES; PROVIDING FOR REVOCATION OF LICENSES; AUTHORIZING AGGRIEVED APPLICANTS OR LICENSEES TO SEEK PROMPT JUDICIAL REVIEW; PROHIBITING TRANSFER OF LICENSES; SETTING FORTH ADDITIONAL REGULATIONS FOR CERTAIN SPECIFIC CLASSIFICATIONS OF SEXUALLY ORIENTED BUSINESSES; PROHIBITING NUDITY AND SEXUAL CONDUCT OR THE SIMULATION THEREOF WITHIN ALCOHOLIC BEVERAGE ESTABLISHMENTS; PROHIBITING NUDITY IN CERTAIN OTHER PUBLIC PLACES; PROVIDING SPECIFIC REGULATIONS PERTAINING TO EXHIBITION OF CERTAIN FILMS AND VIDEOS; PROHIBITING SALE, USE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PREMISES OF SEXUALLY ORIENTED BUSINESSES; PROHIBITING ENTRY OF UNDERAGE PERSONS; REGULATING MESSAGES OR BATHS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR NOTICES; ESTABLISHING NEW LAND DEVELOPMENT REGULATIONS PERTAINING TO AUTHORIZED LOCATIONS AND LOCATIONAL RESTRICTIONS FOR SEXUALLY ORIENTED BUSINESSES, NON-CONFORMING USES, AMORTIZATION, BUSINESS EXTERIORS AND SIGNAGE; PROVIDING THAT VIOLATIONS MAY BE ENJOINED; PROVIDING FOR AN EFFECTIVE DATE AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING AN EFFECTIVE DATE.

Public Input:

Mr. William Zacker, Florida Representative for the Naturist Action Committee, expressed his concerns about the indecent exposure/public nudity part of the ordinance and referenced two lawsuits in Manatee and Brevard County that challenged that an exclusion of allowing women to go top free was a violation of 14<sup>th</sup> amendment of the Constitution. He said that in the event he ran out naked from a fire, he would be in violation of the law. He asked that Council consider amending the ordinance accordingly.

Mayor Staib asked City Attorney LaCroix if he was familiar with the pending cases Mr. Zacker referred to. City Attorney LaCroix said that he was, they had not been decided, and any future decision could cause the City to review the ordinance just as with any other.

Council Member Lewis felt exiting a fire would be under an emergency and would not necessarily be considered a violation. Though he did not intend to deny any ladies the same right as men, he felt that going topless down the streets of Brooksville would be offensive and likened it to someone with a weapons permit wanting to wear it strapped to their hip, which would be disruptive.

Council Member Johnston stated that the purpose of the ordinance was to bring the City into uniformity with the County, and if any portion of any ordinance was to be found in violation of a courts ruling, then it would be reconsidered forthwith.

Motion:

Council Member Wever moved for approval of the second reading of Ordinance No. 662 and the subsequent adoption thereof; seconded by Council Member Lewis. The motion carried unanimously upon roll call vote, as follows:

Council Member Johnston	AYE
Council Member Wever	AYE
Council Member Lewis	AYE
Vice Mayor Bernardini	AYE
Mayor Staib	AYE

REGULAR AGENDA

Veterans Day Parade 2004

Consideration of waiving insurance requirements and associated fees.

Mrs. Anna Liisa Covell requested that Council waive the permitting fees and insurance regulations for the Veterans Day Parade to take place in November of 2004, as done in the past three years. She reported that there were nearly double the participants in the parade this year. Though no firm date had been determined as of yet, she anticipated it would be scheduled for either November 6<sup>th</sup> or 13<sup>th</sup>, depending on the schedules of the school bands. The parade route would be set after the first of the year by the parade committee.

Motion:

Council Member Lewis moved for approval of the waiver of insurance requirements and associated fees; seconded by Vice Mayor Bernardini. City Attorney LaCroix suggested that, since no name was indicated on the application as the person agreeing to indemnify the City in the event that damages occur, that the City sponsor the event to ensure that insurance coverage is available for everything. Council Member Lewis amended his motion that the City of Brooksville be the sponsor and Vice Mayor Bernardini seconded the amendment. Motion carried unanimously.

Mrs. Covell asked if meetings could be held at City Hall with Chief Tincher as the liaison. City

Attorney LaCroix responded that such arrangements would need to be done through the City Manager.

Proposed Ordinance No. 663 - Irrigation Meters

Consideration of ordinance establishing procedures for separate meters for water not entering City's waste water system.

City Manager Anderson stated that the City Attorney had reviewed the insertion after the item was dispersed to Council and the "and/or" should be only "and" on page four (4) in Sec. 17-168(c)(2), and the headnote would not be affected.

City Clerk Phillips read by headnote only, as follows:

**AN ORDINANCE RELATING TO WATER AND SEWER UTILITY SERVICES; AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17, "UTILITIES," ARTICLE II, "WATER," BY THE ADDITION THERETO OF A NEW DIVISION 3, "IRRIGATION METERS;" AMENDING THE CODE OF THE CITY OF BROOKSVILLE, CHAPTER 17, "UTILITIES," ARTICLE IV, "SERVICE RATES, CHARGES AND BILLING," BY THE ADDITION THERETO OF A NEW DIVISION 3, "ADJUSTMENTS TO BILLS;" PROVIDING FOR THE INSTALLATION AND USE OF IRRIGATION ONLY METERS AND PROVIDING FOR THE ADJUSTMENT OF WATER AND WASTEWATER BILLING FOR ERRORS AND UNIQUE CIRCUMSTANCES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Phillips noted that the ordinance would be presented for second and final reading on January 5, 2004.

Motion:

Vice Mayor Bernardini moved for approval of first reading of Ordinance No. 663; seconded by Council Member Johnston. Motion carried unanimously upon roll call vote, as follows:

Council Member Wever	AYE
Council Member Lewis	AYE
Council Member Johnston	AYE
Vice Mayor Bernardini	AYE
Mayor Staib	AYE

City Manager Anderson commented that when the ordinance would be presented for second and final reading, it will be accompanied by a resolution providing for the rate structure, as well as the City's policy. He said that, with Council's concurrence staff would begin processing applications in order to get the process underway in a timely fashion.

Director of Public Works Pierce added that he wanted to be able to issue work orders for the single-family applications. He stated that the rate proposal included an installation fee of three hundred twenty dollars (\$320) and an initial deposit of seventy-five dollars (\$75), which he would like authorization for the Utilities Department to be able to collect.

Vice Mayor Bernardini received clarification on the intended rate structure and how hand watering would be addressed therein. Director of Public Works Pierce explained that the overall intent was to measure water that does not go back into the sewer system and thus not charge sewer rates on that amount.

City Manager Anderson responded to Council Member Lewis's question that a base charge would be applied but not a water charge. Director of Public Works Pierce added that sixteen dollars and twenty-five cents (\$16.25) a month would be charged in addition to the standard cost and there would be a second bill for the irrigation meter.

Mr. Allen Rhodes asked how something could be implemented that had not passed the final reading. City Manager Anderson responded that he was simply suggesting that staff take applications but not install the meter until after the second and final reading of the ordinance in order to get the necessary information to determine scheduling of installation. Mr. Rhodes expressed concern with the collection of money before the ordinance was adopted. City Manager Anderson stated that the money would be held in an internal escrow account and could be refunded in part or in full if Council modified rates or denied the ordinance on second reading, and the suggestion was an attempt to best accommodate customers. City Attorney LaCroix suggested that "pending" could be stated on the application.

Vice Mayor Bernardini expressed his opposition to the sixteen dollars (\$16) per month flat charge since an employee will already have to go to the residence to read the first meter. Council Member Lewis agreed. City Manager Anderson said that staff could present additional information with the resolution for Council to direct if further modifications were desired.

Director of Public Works Pierce asked for clarification as to the collection of the fees. City Manager Anderson said that the proposal was to take applications and collect fees.

John Earhart, 707 Howell Avenue, asked if these meters were for watering lawns only and if a

different water source would be used aside from the drinking water. Director of Public Works Pierce responded that the same source would be used. Mr. Earhart objected to the increases in water rates and asked for an explanation to the sewer charge.

Director of Public Works Pierce explained that the sewer charge was figured at eighty percent (80%) of water flow that goes through the water meter and a standard industry figure was used. If the customer feels that they are returning less water into the sewer system then the additional water meter may be a cost effective option. He offered that the City of Brooksville would come by on request and do a leakage check, and that a leaking toilet could add 3,000-7,000 gallons of usage to the bill.

**Motion:**  
Council Member Johnston moved for approval of staff accepting applications and collecting deposits; seconded by Council Member Lewis and carried unanimously.

Proposed Ordinance No. 664 - Storm Water Management

Consideration of proposed ordinance providing for inclusion of the City in the Hernando County Storm Water Management District.

City Clerk Phillips read Ordinance No. 664 by headnote only, as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, CONSENTING TO BE INCLUDED IN THE HERNANDO COUNTY STORMWATER MANAGEMENT MUNICIPAL SERVICE TAXING UNIT CREATED BY HERNANDO COUNTY ORDINANCE NO. 2003-07; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

City Clerk Phillips noted that the ordinance would be presented for second and final reading on January 5, 2004.

**Motion:**  
Vice Mayor Bernardini moved for approval of the first reading of Ordinance No. 664; seconded by Council Member Lewis. Discussion followed regarding the timing of the City's inclusion in the district as it related to future financing. City Attorney LaCroix explained that the assessment would occur in 2004. Motion carried unanimously upon roll call vote, as follows:

Council Member Lewis	AYE
Council Member Johnston	AYE
Council Member Wever	AYE
Vice Mayor Bernardini	AYE
Mayor Staib	AYE

Enterprise Zone Expansion - Proposal to Amend the Enterprise Zone Boundary

Consideration of amendment of Enterprise Zone to include Census Block Groups 405:2 and 405:4; Hernando County, Florida.

Community Development Director Geiger explained that the Enterprise Zone Development Agency met in October of 2003 and this was the forwarding of their recommendation as a result of additional census tracks that became eligible due to poverty levels, and the viability of the Enterprise Zone which broadens the properties that would be eligible for Enterprise Zone incentives which are offered at the state level.

Ms. Lara Bradburn reminded Council that the main focus of the revitalization plan was for the historic area of the city and to provide people with incentives for expanding and/or building new businesses. She expressed concern that the proposed boundaries would eliminate current Enterprise Zone incentives and lessen the original intent of the Enterprise Zone.

Mr. Doug Davis spoke in favor of the proposed boundaries but shared Ms. Bradburn's concerns. He felt that it should be modified to allow the smaller businesses to be able to receive the incentives as well.

Mrs. Anna Liisa Covell spoke in favor of the expansion and felt that it has helped them as a small business. She suggested that it needed to be sold a little better through the Business Development Office since it even helps homeowners with their property values.

Enterprise Zone Expansion - Resolution No. 2003-17 - Request to Legislative Delegates

Consideration of proposed resolution requesting the local legislative delegation's support to introduce a bill to amend the zone boundaries.

City Clerk Phillips read Resolution No. 2003-17 by headnote only, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, TO BE JOINTLY FILED WITH A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, HERNANDO COUNTY, FLORIDA; REQUESTING THAT THE LOCAL LEGISLATIVE DELEGATION INTRODUCE A BILL TO THE FLORIDA LEGISLATURE THAT ENABLES A BOUNDARY AMENDMENT TO THE EXISTING**

**CITY OF BROOKSVILLE/HERNANDO COUNTY ENTERPRISE ZONE #2701; PROVIDING FOR THE GEOGRAPHIC AREA OF THE PROPOSED BOUNDARY AMENDMENT; REQUESTING LEGISLATIVE AUTHORITY FOR THE FLORIDA OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT (OTED) TO APPROVE THE BOUNDARY AMENDMENT; PROVIDING FOR WHEN THIS RESOLUTION SHALL TAKE EFFECT.**

Vice Mayor Bernardini stated that he was hoping the inclusion of Census Block 405:4 would help fill some of the vacant buildings, such as where Helig Myers once was. Community Development Director Geiger said it would be included along with any property that touches on the boundary.

Council Member Lewis was in favor of the expansion since it gives businesses and individuals more choices, which are currently limited downtown. He stated that he had met with Mike McHugh and discussed this idea.

Council Member Johnston noted that the format of the resolution was not typical of City resolutions and asked if it had been approved as to form by the City Attorney. City Attorney LaCroix felt that the formatting was acceptable.

Motion:

Council Member Lewis moved for approval of the proposed amendment to the Enterprise Zone boundary; seconded by Council Member Wever and carried unanimously.

Motion:

Council Member Lewis moved for approval of Resolution No. 2003-17; seconded by Council Member Johnston. Motion carried unanimously upon roll call vote, as follows:

Council Member Johnston	AYE
Council Member Wever	AYE
Council Member Lewis	AYE
Vice Mayor Bernardini	AYE
Mayor Staib	AYE

Main Street Eatery (101 N. Main Street) Right-of-way Use Permit Request

Consideration of request to place tables on sidewalk.

Community Development Director Geiger stated that City ordinances do not provide for the use of public sidewalks and the request was similar to the Covell's on Liberty Street wherein the City entered into a special right-of-way use agreement with them. Staff was recommending authorization to negotiate a similar agreement or adopt an ordinance to address such types of requests, or both. City Attorney LaCroix advised that a license would have to be issued that could be revokable or suspendable at any time and recommended that a simple amendment to the ordinance regarding obstruction of public right-of-ways be done in order to allow staff to deal with requests on a case by case basis.

Council Member Wever asked if Main Street was a County right-of-way. Community Development Director Geiger answered that jurisdictionally it was but the City of Brooksville maintained the sidewalk and the County maintained the pavement.

Motion:

Vice Mayor Bernardini moved for approval of option one (1) in the staff memo by the Community Development Director to authorize staff to only negotiate the special right-of-way agreement and to include preparation of the necessary ordinance or amendment thereto; seconded by Council Member Johnston and carried unanimously.

Council Member Johnston questioned whether the City had the authority to regulate the news racks that were placed on the sidewalk. City Attorney LaCroix stated that the City can have reasonable regulations related to public safety and can thus regulate conformity for public health, etc. but First Amendment rights were pretty strong. It was the consent of Council for staff to look into the issue.

Mr. Bill Bell, owner of Main Street Eatery, stated that he was attempting to beautify that corner and that the three (3) newspaper machines on the side of Jefferson Street were fine but the six (6) flier disbursement boxes were not maintained, which made the whole street look junky.

Mr. Doug Davis felt that street vending should be considered in the same ordinance, such as the Market on Main Street.

Various Advisory Board Position Appointments

Consideration of applicants for appointment to the following advisory board positions, as follows:

Parks and Recreation Advisory Board

One four year term of office.

Applicants:

Richard R. Burkett, Jr.  
Sarah (Sally) L. Sperling  
Yvonne Woods

City Clerk Phillips explained that the previous Parks and Recreation Advisory Board member did not respond for reappointment.

Motion:

Vice Mayor Bernardini moved to appoint Sarah L. "Sally" Sperling; seconded by Council Member Lewis and carried unanimously.

Good Neighbor Trail Advisory Committee

One committee member vacancy and one Trail Enthusiast vacancy (no term limits).

Applicants:

John Beatty  
Richard R. Burkett, Jr.  
Dr. Charles Price  
Sarah (Sally) L. Sperling  
Staci Lewis White

City Clerk Phillips explained that the resignation of Ms. Bolton from the Good Neighbor Trail was due to apparent scheduling conflicts.

Motion:

Council Member Johnston moved to appoint John Beatty as the Trail Enthusiast and Staci Lewis White as a committee member on the Good Neighbor Trail Advisory Committee; seconded by Council Member Lewis and carried unanimously.

Intergovernmental, Board Assignments and Organizations City Council Member Appointments

The following are the current appointments on various boards and Committees, which are scheduled for reappointment or replacement:

<u>Outside Boards/Committees</u>	<u>Current Council Representative</u>
Brooksville Again	Joe Bernardini
Hernando County Fair Association	Joe Bernardini
Sheriff's Department/Community Board	Joe Bernardini
Take Stock in Children	Richard E. Lewis
Metropolitan Planning Organization	Joseph E. Johnston, III
Tourist Development Council	Joseph E. Johnston, III
Withlacochee Regional Planning Council	Joseph E. Johnston, III
Heart of Florida	Richard E. Lewis
H.C. Anti-Drug Coalition/ Juvenile Justice Council	Mary A. Staib
Elder Affairs/S.A.L.T. Council	Mary A. Staib
Suncoast League of Municipalities	E.E. "Ernie" Wever, Jr.
Withlacochee Regional Water Supply	E.E. "Ernie" Wever, Jr.
<u>City Boards/Committees</u>	<u>Current Council Representative</u>
Good Neighbor Trail Advisory Committee	Richard E. Lewis
Parks and Recreation Advisory Board	Richard E. Lewis
Beautification Board	Mary A. Staib
Brooksville Cemetery Advisory Board	Mary A. Staib
CDBG Citizens Task Force	E.E. "Ernie" Wever, Jr.

Mayor Staib reported that two (2) of the boards she served on were not included on the list, which were the Committee Against Assault of Law Enforcement Officers and the Hernando County Anti-drug Coalition/Juvenile Justice Council. Council Member Johnston noted that the Tourist Development Council met at 3:00 pm. Vice Mayor Bernardini stated that the Sheriff's Department's Community Board was inactive at this time.

Motion:

Vice Mayor Bernardini to appoint the balance as stated; seconded by Council Member Johnston and carried unanimously.

Adams Engineering Contract - Project Engineering and Grant Administration Services

Consideration of contract with Adams Engineering for WAP Engineering and Grant Administration Services [Council accepted as highest ranked firm for RFQ No. UD2003-06 on 7/21/03. Estimated total contract for \$233,817; funds available in WAP Grant Fund 404]

Director of Public Works Pierce stated that he intended to spend nine hundred thousand dollars (\$900,000) on sewer and there was a typo in his memo which should be "G & H" instead of "G&K". He said that engineering fees were negotiated fees and he felt that they were reasonable and there was a provision for a full time resident inspector on the project. He recommended approval subject to the City Attorney's approval of the final wording on the signature and title pages of the contract.

Motion:

Vice Mayor Bernardini moved for approval of the contract, subject to the City Attorney's review. City Attorney LaCroix clarified that the contract needed to be with TBE Group, Inc. The motion was seconded by Council Member Johnston and carried unanimously.

Fire Service - Interlocal Agreement Option

Consideration of proposal to contract with Hernando County for fire/rescue services within the corporate limits.

City Manager Anderson provided a background of discussion purposes.

Council Member Wever recommended that each of the Council members present the City Manager any questions and information they wanted answered by next Monday to be brought back to Council on January 19<sup>th</sup>, and that a special meeting be held on January 26<sup>th</sup> or 27<sup>th</sup>, depending on the City Attorney's availability. He felt that there was not enough information and said he would vote against it tonight.

Motion:

Council Member Wever made his previous statement a motion. Council Member Lewis provided the second. City Attorney LaCroix said he would not be available on January 26<sup>th</sup> but would be on January 27<sup>th</sup>. Council Member Wever removed January 26<sup>th</sup> from the motion.

Council Member Johnston reminded Council that this was not the agreement to be negotiated, but only information provided in response to previous questions subject to determining if negotiations could be made. Based on what has been provided, he felt that there was enough information to begin negotiations between City and County staffs once the determination was made whether there was an interest in proceeding further. He added that it was worth pursuing for the benefit of our employees and the citizens of the City and he did not want to delay beyond what was delineated therein. Vice Mayor Bernardini agreed and did not want the County to continue to hold positions open beyond what was reasonable.

City Manager Anderson commented that the Florida statute that established MSBU procedure had a requirement for a public hearing in January to initiate that process, and that a concurrence from the Property Appraiser could be scheduled up through March, but the issue had not yet been discussed with him.

Mr. Josh Brown, 275 Sunset Drive, expressed concerns about the possible expiration of the offer from the County and expressed his curiosity as to what information Council Member Wever felt was missing. He felt that the information provided was adequate to answer preliminary questions and that it seemed as if the issue were being delayed for ambiguous reasons. He stated that emotions, as referred to in the opening sentence of the City Manager's memo, did not have to be a factor in the issue but determination should be made based on the level of service provided to City of Brooksville, money/cost savings, hiring factors, and how it would affect the firefighters that have served our city.

Mr. Tony Covell, business owner in the City, reiterated his concerns regarding the response time of Hernando County Fire Rescue and stated his opposition to the proposal.

Mr. James Adkins, retired City of Brooksville Fire Chief, believed that the County had been after the money like they were with Township 22 and asked Council not to contract with the County for fire service now.

Mrs. Anna Liisa Covell felt that the Hernando County Fire Rescue was on a land and money grab and wished that the issue would be settled tonight. She stated she was opposed and asked if a three (3) mill reduction would be provided if fire service was removed from the City of Brooksville.

Mr. Mike Nicherson, Hernando County Fire Rescue Fire Chief/Director, responded to the criticism by stating that the information presented from individuals in the audience was not correct. He said that the County was only looking for MSBU approval for the dollar amount that would be generated if the City of Brooksville area was included but it could be kept on a millage-based system. He said they would continue to work with the City Manager but did not have a hard and fast deadline date to close vacant positions which were being held open as a gesture of good faith. He added that he did not have a similar position for the Chief but would not insult him with an offer of a lesser position and hoped that the City could take care of him as he deserved. He hoped that the two (2) governments could come together and do what was right for the people and work together. He cautioned that this had turned into a highly charged issue, which he was sorry for, and asked that the members of the public would ask them for the facts.

Mr. Doug Davis felt that everyone was fighting over his dollar. He felt that the Board of County Commissioners was after the City of Brooksville next after the City of Weekie Wachee, and said that the City currently provides a higher level of fire service.

Council Member Lewis called for clarification of the motion.

Amendment to Motion:

Vice Mayor Bernardini asked to amend the motion to change the date to January 13, 2004 for the special meeting. Council Member Wever agreed to amend his motion accordingly as long as the City Manager had enough time to prepare the information requested, therefore answers to Council's questions would need to be back a week before the meeting, preferably by December 26<sup>th</sup>. Council Member Lewis concurred to the amendment. Motion carried unanimously.

Vice Mayor Bernardini asked if anyone had a problem with modifying the proposed contract to a five year term. Council concurred.

CITIZEN INPUT

City/County Fire Service Contract Proposal

Mr. Robert Battista asked Council to kill the fire department proposal and stated that it opened the door to higher millage to the residents of the City. He cautioned that Council's predecessors could not be held to this Council's intent not to raise the millage on top of the MSBU. He suggested that the unused/excess capacity be looked at and that the millage be raised by one (1) mill to cover the service. He felt that annexation was the only hope for the City.

Mr. Sid Carlo, Hernando County firefighter and City of Brooksville resident on Ederington Street, stated that he just liked to help people. He felt that there was too much negativity on both sides of the street and is content knowing that his family is going to be taken care of regardless of which station is going to respond. He said he had faith in Council to do what is best.

Mr. John Thornton, 17 Croom Road, Hernando County Fire Rescue employee, stated that the City of Brooksville firefighters would still be responding to calls no matter where their paycheck comes from.

Mr. Johnny Earhart, 707 Howell Ave, Hernando County Fire Rescue employee, stated his disappointment with fire departments fighting amongst themselves. He felt this seemed to be a discussion of a downfall since the loss of Township 22 and said that the County had informed the City of that takeover many times over. He questioned why the City was not waiting for the pending annexation and stated that he moved to the City of Brooksville for the history, which the fire department was a part of. He urged Council to look at the long range plans and not just as a reaction to the loss of the income from Township 22.

Mr. Stan Mettinger, Brooksville Fire Department, agreed that all of the firefighters were underpaid and, if the City was going to keep the fire department, then benefits would have to be increased and some guarantee provided that this will not come up every year. He noted that one of Maslow's Hierarchy of Needs was security.

Mr. John Crowley, Hernando County Fire Department and previous Brooksville Fire Department employee felt that he had only heard negativity from the Council. He believed the City Manager's memo was exploratory. He noted that the majority of our fire service calls were medical calls as well as fire service. He said that the County offered further education at the County's expense to its firefighters and felt that the City needed to find ways to allow their firefighters to do their work, further their education, and facilitate their duty. He urged Council to get this figured out and do what was best for the citizens of the County and the City.

Brooksville Fire Chief James Daugherty responded to criticisms and noted that a Medical Director being brought on board.

In response to Mr. Tony Novell's question, City Attorney LaCroix clarified that the County made the overture to the City in response to the City's request to contract for Township 22.

Council Member Johnston stated that the responses from the firefighters in the audience was evidence to the fact that it was difficult to distance the emotion from such an issue. He noted Council understood that it was there, especially for the men and women that are doing it on a day to day basis at the cost of their lives. He added that details that were unnecessary were coming out as a result and that everyone must work together whether we end up doing what is being proposed or if we go our separate ways.

Vice Mayor Bernardini reported that he had talked to Scott Black in Dade City on Tuesday, which had just recently contracted with the County for fire service, and he was told that their firefighter's were all happy. He felt the City was going to have to pay better if fire service was going to be continued and the City needed to expand their services with additional personnel. Therefore it needed to be determined how to fund fire service, as well as police.

Mr. Josh Brown added that he did not want the level of service to change but felt that contracting with the County was necessary, but stated that he could be persuaded otherwise if he was shown how that service would change. He said that if the City was going to keep the fire department then something needed to be done to come up with a solution to pay them better.

#### Enterprise Zone Expansion

Ms. Lara Bradburn applauded the firefighters staying all night to be involved in their government. She passed out two (2) proposals and indicated that she had already spoken to members of the local legislative delegation about them. She stated that outsourced funding for upgrading the sewer system had been exhausted and that they now wanted to concentrate on utilities since there were insufficient flow levels, which was entitled "Water Quality and Fire Flow Enhancement Project." She said the total cost, based on a Coastal Engineering Associates study, would be three million five hundred thousand dollars (\$3,500,000) for the historical area, and the amount requested would be up to Council. She asked them to support the presentation on Wednesday night to the delegation as the City's proposal.

Ms. Bradburn also presented the "Parson's Brook - Byster Lake Watershed Drainage Enhancement Project" which area is included in the Enterprise Zone, to resolve the drainage problems and to help future development in the area, which will greatly enhance the Good Neighbor Trail project under way. It was discussed that the cost to upgrade the drainage ditch and correct other drainage problems is estimated at approximately three hundred fifteen thousand dollars (\$315,000).

#### Motion:

Council Member Lewis moved to add these two 2004 legislative budget request items to the agenda; seconded by Vice Mayor Bernardini and carried unanimously.

#### Motion:

Council Member Lewis moved that Council encourage and pursue these two community budget requests when they are presented on December 17<sup>th</sup> to our legislature body; seconded by Vice Mayor Bernardini.

Community Development Director added that one other community budget issue request that should be considered was related to continuation of the City's current water project funding. He explained that the request had been made over the last three to four years, it had been budgeted by the Florida Department of Environmental Protection last year, however, that budget did not get funded. He advised that it has been brought forward and stands the best chance of being funded, so should be included as a request as well.

Council Member Lewis amended his motion to include that request as well; Vice Mayor Bernardini concurred with the amendment. Council Member Lewis recalled the question. Following discussion on County participation in the project, the motion carried unanimously.

#### ITEMS BY COUNCIL

#### E.E. "Ernie" Wever, Jr., Council Member:

##### Tangerine Time Banner

Council Member Wever questioned whether the banner in Tom Varn Park violated City code. Council Member Johnston responded that it was a community event banner and was within the code.

##### Weekie Wachee Charter Movement

Council Member Wever felt that Council should officially oppose any effort to lift that charter except by the people of Weekie Wachee, as done several years ago when the Florida Legislature tried to pass a bill to merge Port Richey and New Port Richey into one (1) city, and present it to Florida League of Cities in January for them to present it to the Legislature if it still persists.

##### Sales Tax

Council Member Wever referenced a letter from Wilkerson Auto about the propane which stated that if the City passed the ten percent (10%) sales tax and the County did not, some people would go outside of the City, therefore Council should take another look at this at our next meeting and put that part of the ordinance on hold. City Attorney LaCroix responded that another option would be to wait and see what Mr. Wilkerson's results actually are.

##### Quarry Golf Course

Council Member Wever stated that the golf course operated at almost an eight thousand dollar (\$8,000) loss, during the month of October, which is the equivalent to eighty-six thousand dollars (\$86,000) annually. He felt that money could be utilized to offer pay increases to the City employees.

##### Water Rates

Council Member Wever stated that his water bill increased 2.3 percent and felt that those complaining might be wasting water.

**Joseph E. Johnston, III, Council Member:**

**Tourist Development Council**

Council Member Johnston presented the City with a 2003 Christmas Ornament of the Alfred McKethan House from the Tourist Development Council which was signed by the artist. He wished everyone a happy holidays and, as President of Brooksville Kiwanis Club, thanked the City and its staff for their Christmas Parade assistance.

**Joe Bernardini, Vice Mayor:**

Vice Mayor Bernardini wished everyone a happy holidays.

**David LaCroix, City Attorney:**

**Attorney General's Opinion**

City Attorney LaCroix stated that the Attorney General's opinion regarding Council Member Lewis' serving on the Selective Service Board had been received and it would not be a violation or conflict of interest.

**Karen M. Phillips, CMC, Director of Administration/City Clerk:**

**Tangerine Time**

City Clerk Phillips reminded everyone to keep New Years Eve open for the Tangerine Time event.

**ADJOURNMENT**

There being no further business to bring before Council, the meeting was adjourned at 10:35 p.m.

S/ Karen M. Phillips  
City Clerk

ATTEST: s/ Mary A. Staib  
Mayor

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