

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

MINUTES

July 6, 2009

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joe Bernardini, Vice Mayor Lara Bradburn and Council Members, Richard E. Lewis and David Pugh present. Also present were Thomas S. Hogan, Jr. and Jennifer Rey, City Attorneys; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Mike Walker, Parks and Recreation Director; Bill Geiger, Director of Community Development; Emory Pierce, Director of Public Works; and Tim Mossgrove, Fire Chief. A member of the Hernando Today was also present.

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Certificate of Appreciation

Presentation to the Beautification Board's student member, Haley Sasser for her dedication and commitment to the board from March 2008 to June 2009.

Mayor Bernardini and Beautification Board Chair Sally Sperling presented the certificate to Haley Sasser.

Parks & Recreation Month Proclamation

Presentation of proclamation as issued by Governor Charlie Christ which designates July as Parks & Recreation month.

Mayor Bernardini read the proclamation in its entirety and presented it to Director of Parks & Recreation Mike Walker.

Men and Co-Ed 2009 Spring Adult Softball Tournament Champions

Presentation of awards to the winners of the 2009 Spring Softball tournament.

Mayor Bernardini and Director Walker presented the trophies to the Men's end of the season tournament champions Coney Island Drive Inn team representative Carl Whitehouse.

Mr. Whitehouse indicated their team will be playing August 16th at Tropicana Field after the Ray's versus Toronto game.

Mayor Bernardini expressed his appreciation to Blair Hensley and Coney Island for their continued sponsorship of sports in the City's recreation program.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Proclamation – Allison Donato, Miss Florida National Teen 2009

Congratulatory proclamation to Ms. Donato in acquiring the title of Miss Florida National Teen 2009.

Mayor Bernardini read the proclamation in its entirety and presented it to Ms. Donato.

Ms. Donato thanked Council for the Proclamation and indicated she will be at the national finals held in Nashville, Tennessee on July 24th and this will help with her interview of onstage questions with the judges.

Vice Mayor Bradburn wished Ms. Donato all the best in Nashville and indicated that she has brought great honor to the City of Brooksville. The competition will be held on August 1st.

Resolution No. 2009-09 - Linda Sidor Retirement

Consideration of Resolution Code Enforcement Officer, Linda Sidor, who will retire from the Community Development Department July 7, 2009, after more than 13 years of service.

Mayor Bernardini read the proclamation in its entirety, which will be presented to Linda at her retirement ceremony.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Pugh for approval of Resolution No. 2009-09.

Motion carried 4-0 upon roll call vote as follows:

Council Member Johnston	Abs
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

2010 Census Presentation & Proclamation

Presentation of the 2010 Census.

Mayor Bernardini read the proclamation in its entirety and presented it to Noel Carvajal.

Noel Carvajal, Partnership Specialist U.S. Bureau of the Census thanked Mayor Bernardini for support of the 2010 Census, City Manager Norman-Vacha and Director Geiger for working with him to bring the 2010 Census information to Brooksville. He proceeded to review the issue, stating that even illegal aliens will be counted in the April 1, 2010 Census. Vice Mayor Bradburn asked for clarification of this, which Mr. Carvajal confirmed that everyone will be counted including people with no documentation to be in the United States legally since they are using services. Vice Mayor Bradburn asked if that was due to the President's administration trying to secure rights, benefits, and welfare for illegal aliens. Mr. Carvajal replied if they are not counted it will be hurting the cities since they are using schools, hospitals, roads, etc.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Council Member Lewis asked if the Bureau of the Census will be furnished with a current updated list of all the annexations since 2000 and how will the list of residents be computed. He disagrees that illegal aliens should be counted because it takes away jobs from legal residents. Director Geiger advised that an update is provided to the Census Bureau annually including annexation activity. The City's address database has been updated and coordinated with the Property Appraiser's Office to ensure accuracy of the information.

Mr. Carvajal further elaborated on the look-up program.

City Manager Norman-Vacha indicated staff will be sending information out to the community asking people to be counted since it is very important to the City.

City of Brooksville Economic Development and Community Website Showcasing

Review of proposed project for website showcasing of the City of Brooksville's community and business development.

Dennis Wilfong, the City's Ambassador of Commerce and Employment, elaborated on the addition of adding video to the website, which will be beneficial to the City. He also indicated it will help current businesses as well as prospective new businesses with no cost to the City.

Vice Mayor Bradburn commended Mr. Wilfong on his aggressive and imaginative efforts to promote the City.

Council felt the DVD to be an excellent idea and thanked Mr. Wilfong for his efforts.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval to move forward with the project in promoting the City and economy and for any monies above the cost of the project to be put back into the economic development fund. Motion carried 4-0.

Mr. Wilfong indicated volunteers Carla Looper and Michael Herd have offered to sell ads.

Vice Mayor Bradburn stated she would like to share her ideas with Lenny Hoosenbows in an effort to sell ads.

CITIZEN INPUT

Seward Farnham of 816 Village Drive in Candlelight, next to the Quarry Golf Course, stated his concern of water in his back yard from the golf course due to the redesigned retention pond. City Manager Norman-Vacha indicated Mr. Farnham's email has been passed along to Directors Pierce and Walker to address and resolve any concerns or issues.

Wayne Milligan, Assistant Scout Master of Troop 71 and merit badge counselor indicated his troop is present because they are working on a merit badge for communication and asked Mr. Farnham to repeat his concern since the microphone was not working. He indicated Mr. Alex is working on his Eagle project and Mr. Boss just finished benches and bat boxes at

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Silver Lake for his merit badge and will soon be an Eagle Scout. There have been three (3) boys in the last year to make Eagle Scout and three (3) more are on their way. Council Member Pugh commended Mr. Adair for working on his Eagle Scout and indicated he was a very good student at Nature Coast.

CONSENT AGENDA

Minutes

April 6, 2009 Regular Meeting
May 4, 2009 Regular Meeting
May 18, 2009 Regular Meeting
June 1, 2009 Regular Meeting

Progress Energy Easements for Hope Hill Well and Good Neighbor Trail

Consideration of easements to allow Progress Energy to set poles and supply the two locations with electricity.

Brooksville Housing Authority Board Appointment

Request for Council concurrence of Mayoral re-appointment of Cliff Manuel, Jr. to the Brooksville Housing Authority Board for a 4-year term of office through June 30, 2013.

Great Brooksvillian Screening Committee Reappointment

Consideration of request by the Historical Association to replace Ron Daniel with Maxine Matilainen to serve on the Great Brooksvillian Screening Committee.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of the consent agenda. Motion carried 4-0.

REGULAR AGENDA

Hernando County Property Appraiser Lease Agreement

Notice of Hernando County's intent to Terminate Lease and vacate space. Request for forgiveness of lease payments for September, October and November 2009.

Larry Jennings, Deputy County Administrator reviewed the agreement and requested Council forgiveness of the lease payments from September to November.

Vice Mayor Bradburn requested working out a deal for the remainder of the lease agreement in exchange for computers being replaced by the Clerk of the Courts office. Mr. Jennings indicated the transfer is being considered and he is in the process of preparing a recommendation to the Board of County Commissioners.

Motion:

Motion was made by Council Member Pugh and seconded by Council Member Lewis for forgiveness of the payments in exchange for the equipment and maintenance of the equipment for a period of time. Motion carried 4-0.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

City Manager Norman-Vacha thanked Mr. Jennings and indicated he works well with City staff. She expressed that there have been many accomplishments and savings due to cooperative efforts.

Ordinance No. 776 – City of Brooksville & People’s Gas System, A Division of Tampa Electric Company (TECO), Franchise Agreement

Request from Peoples Gas for proposed language change dated June 18, 2009.

Attorney Rey briefly clarified the amended ordinance and proposed agreement.

Mr. Leroy Sullivan, a representative of TECO People’s Gas System, indicated Attorney Rey has sufficiently outlined the proposal.

Mr. Lewis asked why the natural gas on Mildred Avenue has not been put into service. Mr. Sullivan replied it is available but a request for gas service would be needed and would then be run to their home if feasible. He thanked City staff for their cooperation and help.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval.

City Clerk Peters read Ordinance No. 776 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, RENEWING ORDINANCE NO. 596 FOR A TEN YEAR TERM; RENEWING A GRANT OF A NONEXCLUSIVE FRANCHISE TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, TO OPERATE AND MAINTAIN NATURAL GAS SERVICE IN THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR THE CITY OF BROOKSVILLE REGULATIONS AND USE OF THE GAS SYSTEM; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND THE MONETARY CONSIDERATION TO BE PAID THEREFORE BY THE COMPANY TO THE CITY AND THE METHOD OF PAYMENT, PROVIDING AN OPTION TO RENEW; AND PROVIDING AN EFFECTIVE DATE.

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Abs
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

Building Division Services Relocation

Consideration of Amendment #1 to the original agreement between Page Dixon Chandler Smith, LLC (PDCS) and the City subject to review, amendment and approval by Legal Counsel and authorization for the Mayor to sign.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Director Geiger reviewed the issue and the space to be occupied by the Building Division in City Hall, which is being done to cut costs. Amendment No. 1 enables and provides for the City to lease space to PDCS.

Council Member Pugh indicated this relocation will reduce the permit fees that were recently increased and the benefits of having one location. He is in favor of leasing the space for a dollar since the space is not being utilized.

Attorney Rey indicated an addendum to the agreement provided addresses possible tax implications due to the City engaging in a lease with a private for-profit entity. There are both statutory and constitutional protections relative to space utilized for a municipal purpose. Article 11 is being proposed to state if there are any tax implications as a result of this agreement that the tenant would bear the cost of any of those tax implications even though she feels there will not be any. Council Member Lewis indicated he brought this to the attention of the City Manager because when the building was purchased there was consideration of space being leased and at the time the tax assessor's office indicated there would be a tax consequence on the square footage leased to a private entity. Attorney Rey advised there is a municipal purpose exception that allows contracting with a private entity to provide a governmental service when it is distinguishable from leasing space that is doing any other kind of private service. There are different standards for municipal owned property versus county owned property so the sales tax exemptions, applications and ad valorem exemptions are different. In the future, if this should change, Article 11 as proposed will help address any of those issues.

Council Member Pugh asked Lewis Chandler of PDCS if he was aware of Section 11.1 in regards to the taxes. Mr. Chandler advised he discussed it with Hogan Law Firm today and he has no problems with it. Vice Mayor Bradburn stated she agrees with the City Attorney to err on the side of caution by including Article 11 in the agreement. She indicated that the hospital agreement was a different matter because there was a court precedence set and she does not see a conflict.

Motion:

Motion was made by Council Member Pugh and seconded by Council Member Lewis for approval, including Article 11. Motion carried 4-0.

Mayor Bernardini commended Mr. Chandler and PDCS on the many positive comments through the building department process. He expressed his concern between the savings in rent and increasing the permit fees that the cost does not get out-of-hand. Council Member Pugh indicated that once they move the cost can be reevaluated and possibly decreased. He also commended Mr. Chandler and PDCS for a pleasant working experience stating he has heard very positive comments.

Vertex Communication, LLC – Communication Tower

Consideration of lease agreement to authorize construction of a wireless telecommunication facility on City property.

Mike Walker, Director of Parks, Facilities & Recreation briefly reviewed the issue. The property is now zoned C-2 and would need a special exception use for the tower.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Vice Mayor Bradburn stated she is usually against communication towers but the camouflage techniques will not deter from the esthetic value of the City's canopy. She is very pleased with the proposed flagpole-type design and would support it.

Mayor Bernardini stated the funds raised will be put back into the Parks and Recreation Department budget and asked for consideration of approval.

Council Member Lewis indicated his preference is Location C near the entrance to Quarry Golf Course, which would showcase the City, but also felt Location A, between the ball fields at Tom Varn Park, would be a good second choice. He thanked Director Walker for his great work and encouraged Director Pierce to locate vacant lands within the City to erect more towers in the future to generate more revenue.

Vice Mayor Bradburn suggested a support base, such as a polyethylene lattice fence that is nicely landscaped, to further enhance the appearance.

Council Member Pugh supports the design as long as Vertex is willing to maintain it. It is important to provide flags on an as-needed basis. His only issue with Locations C and A is the physical size of the fence and the requirements. He felt it would hamper pedestrian traffic in those areas, but indicated he is in favor of Location B because it is still visible but there are already a lot of trees in the area that will hide the bottom portion and it is away from pedestrian traffic. Mr. Walker advised the height of the tower is one hundred and fifty (150) feet.

Council Member Lewis indicated Location D is set back but still visible from the road and would be easier to service. Council Member Pugh stated that would be a viable option and is in favor of the funds going into the Parks budget.

City Manager Norman-Vacha indicated this item would come back to Council for a special exception use. The location would be determined and the special exception process would be followed.

Mayor Bernardini asked that staff keep Council informed when the location is decided so they may take a look at the site prior to making a decision on the special exception use.

City Manager Norman-Vacha requested allowing City staff and the City Attorney to negotiate terms in a proposed lease provided by Vertex. Approval tonight will allow the City Attorney to work with Director Walker in developing the terms and with Director Geiger and his staff on the special exception use. There are several revenue options that are being considered at this time.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Pugh for approval. Motion carried 4-0.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Resolution No. 2009-08 American Recovery and Reinvestment Act (ARRA) Grant Acceptance

Consideration of resolution accepting grant in the amount of \$1,370,200 through the Small Community Wastewater Facility Grant and Loan Program.

Emory Pierce, Director of Public Works, briefly reviewed the issue. He indicated approximately \$1.3 million of the loan amount will be forgiven as a grant. The loan amount will be \$1.064 million with a term of over twenty (20) years making the annual payments \$67,556. The monies will be used to continue the sewer rehabilitation project of an additional 25,000 linear feet of the old petrified clay pipelines which has already been selected. There will be no consultant fees due to in-house contracting. He asked for approval of the resolution and advised that any future related documents would need to be reviewed by the City Attorney. He indicated this project would be done through the RFP process and enterprise funds will repay the loan.

Vice Mayor Bradburn stated this project pays for itself in the long term since rehabilitation of the pipes would lower cost with less water to treat.

City Manager Norman-Vacha indicated the project would not begin until next fiscal year 2009/10 and therefore would be in the next budget cycle coming out of the enterprise fund. She stated this project has long been a priority for the City of Brooksville and staff has worked hard with Director Pierce in securing this grant with a low interest rate. This allows priorities to be put forward and limit the expense to utility customers in an effort to enhance the system.

Director Pierce informed Council the repaving project on North Avenue will be going out to bid shortly.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of Resolution No. 2009-08.

City Clerk Peters read Resolution No. 2009-08 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA, ACCEPTING AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009 FUNDING THROUGH THE SMALL COMMUNITY WASTEWATER FACILITY GRANT AND LOAN PROGRAM, AND PROVIDING AN EFFECTIVE DATE.

Motion carried 4-0 upon roll call vote as follows:

Council Member Johnston	Abs
Council Member Lewis	Aye
Council Member Pugh	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Ordinance No. 774 – Impoundment

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

[The ordinance was previously tabled at the 05/18/09 meeting and removed from the 06/01/09 agenda to be heard at this 07/06/09 meeting of Council.]

Chief Turner reviewed the Ordinance along with the changes suggested by City Council. The non-criminal offenses have a warning period prior to impoundment as specified under page 3 (f) of 8.

Council Member Pugh referred to Section 2 (d) and asked if there is a way to identify the person as having a physically disabled placard but failed to put it up on their mirror. Chief Turner referred to Page 2, Section 2 that states “The City *may* cause to be seized, removed...” is an important section and the vehicle would only be removed if that person in that car was previously cited and found not to be legally authorized to park there. The intention is not to remove a car legally parked in a designated parking space for physically disabled persons. Council Member Lewis agreed with Council Member Pugh and stated his concern.

City Attorney Rey indicated State Statute provides not only for impoundment but also removal to another parking space. This section in the City Ordinance allows an officer procedural implications on how impoundment is enforced. The Statute says “shall be removed” and some requirements are different than the City Ordinance provides. Council could eliminate this section from the Ordinance since State Statute covers the disabled parking. The City Code has other codes that address parking and the City’s ability to identify various spaces as disabled or handicap parking zones. This inclusion was a collection of civil infractions and does not have to be elected as a local enforceable item. The intent was to establish an enforcement mechanism for unpaid City Code parking and traffic fines and to address impoundment when a car is involved in certain crimes. Vice Mayor Bradburn was not aware it could be towed under State Statute and she feels this would be redundant. She indicated if this section is removed that the state provision will still be enforced as a violation of parking in a handicap space and billed accordingly.

Vice Mayor Bradburn stated she can see where this could become a predicament and referred to personal experience on the matter. She also feels there should be more restrictions on issuance of handicap placards since there are many occasions when all of the designated parking spaces are empty. She is pleased with the changes including the tracking mechanism that will be put in place.

Mayor Bernardini agreed with Vice Mayor Bradburn but does not see that the City will have a problem with towing a person legally parked out of handicap spaces. Council consensus was to remove Section 2(d) on Page 3 of 8 from the Ordinance.

CITIZEN INPUT

Mayor Bernardini asked for citizen input.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

David Gilman referred to a list of prices for impoundment from Crossroads Towing and stated an initial \$99 fee plus \$48 administration fee and \$2.75 per mile. This would be in addition to any fees imposed by the City.

Dan Patrick stated his concern with impoundment of his car on his property with no tag.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval as amended.

City Clerk Peters read Ordinance No. 774 by title, as follows:

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

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Abs
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

City Clerk Peters indicated the second reading of the ordinance is scheduled for the July 20th Regular Council Meeting.

Personnel Policy Amendments

Consideration of updates to the Personnel Policy.

City Attorney Rey reviewed each of the updates as follows, with recommendation for approval as proposed. All adoptions of policies will apply to all employees except for those in collective bargaining units that are in pending negotiations.

a) Section 8.00 Disciplinary/Corrective Actions

City Attorney Rey indicated this section replaces several sections of the existing manual that are dealing with different topics. It sets forth the parameters of how the City will go about administering discipline for various violations of the policy manual and provides various options available to the City in instituting discipline.

Mayor Bernardini referred to Section III, Procedure D, Disciplinary Appeals and asked if “with pay” could be included. Attorney Rey replied “without pay” could be removed but

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

there is no economic loss when suspended with pay and the employee is less likely to feel the need to appeal. Removing it would not affect the intent of the policy.

Council Member Pugh agreed with removing this section since it is indicated in an employee's personnel file. Even if they are suspended with pay, it gives the employee an opportunity to appeal to remove it from their file to avoid being suspended without pay in the future.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Lewis for approval with removal of D on the appeal process without pay. Motion carried 4-0.

b) Section 9.00 Grievance Procedures

Attorney Rey indicated this addressed sections 9.00, 9.01 and 9.02 of the existing manual and sets forth the procedure regarding grievances and what employees may do if they disagree with the application of a policy towards their employment. It provides for an appeal procedure as well and also sets forth certain statutory requirements for Police Officers and Firefighters and to the extent that disciplinary measures or grievance procedures are covered for collective bargaining units it provides for those provisions as well.

Council Member Pugh asked how this would apply to a department head who reports directly to the City Manager. Attorney Rey replied that generally with department directors, because they are in a management capacity, the extent that they have a mechanism to grieve or complain is through resolution of the City Manager. There is no recourse for them beyond the City Manager for resolution of employment matters.

Mayor Bernardini referred to Section III, Procedure B, Prohibited Acts and feels it should read "*refrain*" since an innocent discussion of concern could turn into a grievance. Council Member Lewis suggested adding "*while working*" because "*or others*" could be anyone and felt it to be very vague.

Attorney Rey indicated this was designed to address established protocols for reporting various issues, either through a chain of command, a grievance procedure, or an alternative reporting procedure. As an employer, and from a management standpoint, you do not want employees talking to other individuals outside of that chain of command or that established procedure. There are certain issues related to equal employment opportunities, sexual harassment, etc., that even if the employee did not use the appropriate reporting mechanism and the employer has knowledge then there is an obligation to address the matter. This was specifically addressed so that employees were informed that if they have a problem and there is a complaint or a grievance that they need to exercise proper channels.

The broad reference to "*others*" can be removed and restructure the statement to reflect that they should refrain from communicating with other employees or directors that are not in a position to resolve their complaint or their issue. Mayor Bernardini expressed concerned should an employee feel the need to go to another department head and voice their complaint.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Attorney Rey indicated that, as an employer, the moment you have someone in management that becomes aware of an issue, even if it is for the purpose of counseling an employee on what action to take, you have now become informed of an issue and you have an obligation to resolve it. The director may not take appropriate action with that information. It is a function of the department director or chain of command and Human Resources Department to the extent that this individual needs counseling or guidance on what action to take regarding an incident that occurred at work.

Council Member Pugh suggested adding Human Resources Department so that the employees will understand they have that option. Attorney Rey advised that Human Resources would also be obligated to resolve it and has the knowledge of handling this type of situation. Human Resources under the City Manager's Office serves as an alternative reporting as an independent and neutral function.

Council Member Lewis stated there is a difference between reporting a complaint and just asking for advice. Attorney Rey replied obligation of reporting the information would depend on the situation and would have to be determined on a case by case basis. The role of Human Resources in any organization is to be an outside party and there is some level of confidentiality. There are examples outside the realm of discipline where there is discussion regarding a personal matter and is not shared. There are some issues discussed with Human Resources that may or may not surface depending on the facts. This section is a protection for management from an employment liability standpoint that employees are made aware of the recourses to file complaints, address concerns, and file grievances and those are the mechanisms you are required to use. Discussing this information outside of the chain of command or established reporting avenues creates liability on behalf of the employer.

Council Member Lewis stated he wants employees to feel comfortable going to Human Resources and feels this policy may limit that ability and may cause more of a problem than it was originally.

Vice Mayor Bradburn indicated there are some unhappy people in every workplace and this is meant to deter a disgruntled employee from creating an unfriendly workplace.

Mayor Bernardini suggested adding *“once a grievance has been filed employees should refrain from discussing that issue with other employees”*.

Council Member Pugh suggested removing *“voice complaints”* and put it under another policy that will not harm the function of the City. An employee with a grievance should feel free to go to Human Resources and ask how to proceed without reporting it to the department director or the City Manager.

Attorney Rey suggested revising to: *“employees shall refrain from voicing grievances to fellow employees or directors outside of the chain of command who are not in a position to take corrective action, except that grievances may be addressed through established reporting procedures”*.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Pugh for approval with removal of “or others” with recommended changes as amended.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Motion carried 4-0.

c) Section 10.00 Separation of Employment

Attorney Rey indicated this section addresses various sections in the existing policy manual to include sections 10.00, 10.01, 10.02 and 10.03, all related to separations such as resignations, reductions in force or what was formerly called discharge or dismissal. This particularly sets forth all provisions of an employee separation of employment defining layoff, what constitutes a resignation, addressing retirement and termination, or separation of employment both on a voluntary or involuntary basis. It also sets forth the procedures on returning equipment and such upon separation.

Mayor Bernardini referred to Section II B, Resignation #4, “*refusing to work during a catastrophic event*” and asked would that apply if the employee is effected by the catastrophic event personally. Attorney Rey replied there are circumstances where that employee cannot show up to work but because you are an employer engaged in public safety and emergency response, employees have to be aware that there is a certain obligation on their part to report to work even though other people may be evacuating or have different circumstances regarding emergency response. If an employee is voluntarily refusing under a reasonable request to perform their duties that they are obligated to perform as an employee of the City, it is a voluntary resignation.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn for approval. Motion carried 4-0.

CITIZEN INPUT

Mayor Bernardini asked for citizen input, there was none.

ITEMS BY COUNCIL

T. Jennene Norman-Vacha, City Manager

Florida League of Cities Voting Delegate

She referred to the correspondence-to-note and indicated receipt of a request from Florida League of Cities asking for each municipality to designate one (1) official to be a voting delegate for their annual conference to be held in Orlando August 13th through 15th. Vice Mayor Bradburn volunteered with Council consensus.

Fire Chief Mossgrove – Completion of Degree

She congratulated Chief Tim Mossgrove on completing his Bachelors Degree in public safety administration as of June 21st. He maintained a grade point average of 3.67. Council congratulated Chief Mossgrove as well.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

City Attorney Rey

Enrichment Center Agreement

She indicated Council gave direction on revision of the Construction & Occupancy Agreement with the Enrichment Center. Council was provided possible solutions to be reviewed by the next meeting.

David Pugh, Jr., Council Member

He suggested consideration of less paid holidays and more paid time off as a viable option for cost savings.

Liberty Street Water Tower

He advised that the Water tower on Liberty Street has a lot of rust on top of it. Director Pierce indicated it is being reviewed and that it would have to be done after the hurricane season.

Fire Hydrants

He asked Chief Mossgrove about the fire hydrants incident at the school when two (2) fire rescue vehicles and one (1) engine were shooting water into the trees. Chief Mossgrove indicated they were running evolutions while the City's engine was running an emergency call.

Council Member Lewis advised there is a hydrant leak at the corner of Holly and Mildred. Chief Mossgrove indicated he will put in a work order in the morning.

Dixie Girl's State Softball Tournament

Council Member Pugh referred to the Dixie Girl's State Softball Tournament held at Tom Varn Park with Vice Mayor Bradburn participating as being a well maintained function. Vice Mayor Bradburn indicated the economic impact of attendance of thousands people for multiple days was phenomenal.

Tourist Development Bowling Tournament

Council Member Lewis indicated this weekend ended the bowling championship for the TDC, which has been going on since the middle of April every weekend and had a thousand confirmed rooms.

Lara Bradburn, Vice Mayor

Partners in Health Event

She indicated back in December Dr. Paul Farmer was named Great Brooksvillian and the community raised funds for Partners in Health, the worldwide outreach founded by Dr. Farmer and his partners. There will be a special benefit held on Sunday, July 19th from 4:00 p.m. to sunset at the Hernando Beach Club for \$50 per person to raise money for Partners in Health. Dr. Farmer has been nominated for the Nobel Prize and being considered for a new federal post. If accepted he will be doing America's outreach for health to the world and will help direct new policy, stating that it is an honor to have a Brooksvillian considered.

REGULAR COUNCIL MEETING MINUTES – JULY 6, 2009

Joe Bernardini, Mayor

Emergency Response

Mayor Bernardini asked Chief Mossgrove the reason for two (2) emergency vehicles responding at a nursing home. Chief Mossgrove replied that based on the call criteria received should an extra person be needed in the back to work on a patient that would take away the driver and the extra unit would be needed to drive. A critical patient would require three (3) to four (4) medical personnel.

City Manager Norman-Vacha indicated consolidated dispatch makes communication better to eliminate calls where it is not necessary for more response than necessary. Chief Mossgrove stated that since the City has gone to consolidated dispatch the elevation of cooperative effort has gone to great lengths to further that communication amongst the emergency services and response personnel.

Vice Mayor Bradburn stated she would like to be provided with data on that issue since she has heard more sirens as of late with two (2) or three (3) emergency vehicles responding that are not there long enough for critical care.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:05 p.m.

Attest:

Joe Bernardini
Mayor

[Signature]
City Clerk