

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

August 3, 2009

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joe Bernardini, Vice Mayor Lara Bradburn and Council Members Joseph E. Johnston, III, and Richard E. Lewis present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present. Absent were Council Member Pugh and Emory Pierce, Director of Public Works.

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

Veterans Appreciation Parade November 14, 2009

Consideration of request to waive fees for the street closures and traffic control cost of \$503.

Anna Liisa Covell and Rose Rocco, Operation Pride Representative, requested a waiver of fees. Operation Pride will be sponsoring the parade this year and will provide a certificate of insurance. The parade will be November 14, 2009.

Mrs. Covell asked that the Farmers Market be moved for that day. The City Manager will request the move.

Mrs. Rocco thanked Council for their continued support of the parade. Mrs. Covell acknowledged Rosanne Tosage, a member of the American Legion Post 99, for her support along with Ed Baker and Barbara Perkins.

Vice Mayor Bradburn spoke in support of the parade and it's meaning.

Motion:

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

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Progress Energy Presentation of Rebate

Presentation of rebate check for energy efficient light retrofits the City has begun installing.

Gary Renfro of Progress Energy presented the check and expressed appreciation for the City's efforts in energy efficiency.

Mayor Bernardini and Mike Walker, Director of Parks, Facilities & Recreation accepted the check.

City Manager Norman Vacha reviewed the savings thus far and indicated the City is continuing in its efforts for energy efficiency. She advised the City may save \$2,300 per year in electric costs, even

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with expanded use of Jerome Brown Community Center.

Vice Mayor Bradburn affirmed the cost savings at her home by changing to energy efficient bulbs.

Hernando County Health Department – Smoke-Free Campus

Presentation of “Save Lives, Save Money” Make your Business Smoke-Free.

Karen Gidden, Heart Healthy Hernando Program Coordinator, and Lisa Hammond, Drug-Free Coalition for Hernando County, reviewed the program and statistics of smoking. They thanked the City for participating in their efforts for a tobacco-free environment and encouraged Council to adopt a non-smoking policy for the City’s employees.

Rich Linkul, Marketing Director, from Oak Hill Hospital and Corey Lively, CEOO, from Brooksville Regional, informed Council of the hospitals’ efforts in going tobacco-free and encouraged Council to do so as well.

Further, Karen Gidden reviewed possible resources for those trying to stop smoking and indicated they also hold smoking cessation classes. She urged Council as well to make a commitment.

Vice Mayor Bradburn commended everyone on their efforts in support of the program.

City Manager Norman-Vacha thanked them for contributing in the wrapping of the Recreation Department’s bus with the “Be Free” Tobacco-Free campaign.

Council Member Lewis, also a member of the coalition board, expressed the importance of implementing such a program on all City property.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn to add the item to the agenda. Motion carried 4-0.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn for approval to implement the program by directing staff to come up with a written policy. Motion carried 4-0.

Great Brooksvillian Selection

Review and selection of nominations for the 2009 award nominees as recommended by the Screening Committee.

John Tucker addressed Council and indicated the Committee made their recommendations as indicated in the packet.

Vice Mayor Bradburn gave her perspective on this year’s nominees. She encouraged Council to consider Joseph C. Weeks, Sr., of Week’s Hardware, since he represents “Main Street America” and has endured many years in business.

Council Member Lewis thanked the Committee for their efforts.

Council took a 10 minute recess during which they voted and City Clerk Peters tallied the votes.

Mayor Bernardini indicated Mr. Joseph C. Weeks, Sr. had been chosen as the 2009 Great

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Brooksvillian.

CITIZEN INPUT

Mayor Bernardini asked for citizen input.

Kojack Burnett indicated Mr. Tucker did not state his name for the record and congratulated Mr. Weeks.

Rose Rocco, Commissioner and Chair of the Community Initiatives Team for the South Brooksville area, thanked Council for working with them to achieve some positive aspects for that area which helps the economic growth for the entire County. Vice Mayor Bradburn thanked her for supporting the revitalization of not only South Brooksville, but Historic Brooksville.

Barbara Cherry advised she loves Brooksville and spoke on behalf of Dan Patrick, who was nominated for the 2009 Great Brooksvillian.

CONSENT AGENDA

Department of Corrections - Work Crew Contract #WS407 Amendment

Consideration of Inmate Work Squad Contract #WS407 for an amount not-to-exceed \$56,467.

Parks & Recreation Surplus

Consideration of surplus to be disposed of at the next public auction held in conjunction with the Hernando County Board of County Commissioners/Hernando County School Board.

Sewer Rehab: DEP Agreement No. LP6006 - Amendment No. 3

Consideration of approval of Amendment and transfer of Funds from "Professional Services" to "Construction".

Mallett Settlement Agreement

Consideration of approval of the Mediation Settlement Agreement in taking of property for Wiscon Road water and sewer lines and authorize budget amendment.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Johnston for approval of Consent Agenda. Motion carried 4-0.

PUBLIC HEARINGS

Mayor Bernardini called for proof of publication. City Clerk Peters indicated Item G-1 had been published in the legal section of the Wednesday, July 22, 2009, Hernando Today edition of the Tampa Tribune.

Alcoholic Beverage Location Permit

Consideration of Category "A" Permit for the property located at 128 N. Broad St.

Director of Community Development reviewed the specifics of the permit request and recommended approval of the application.

Council Member Johnston questioned the distance to the church as indicated on the application since he believes it is closer to the park. Director Geiger specified he would confirm the distance and

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pointed out there is a similar location a block away that was approved within the past year.

Attorney Rey indicated the application reference of D.B.A. (Doing Business As) “Enchiladas” is not on file as a registered fictitious name with the Department of State and permits will be issued to the corporate entity.

Mayor Bernardini asked for public input; there was none.

Council Member Johnston indicated for the record he is co-owner of a corporation that owns an adjacent property.

Motion:

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

REGULAR AGENDA

Ordinance No. 754-B – Firefighters’ Retirement Trust Fund Amendments

Consideration of approval of ordinance amending City of Brooksville Firefighters’ Retirement Trust Fund, inclusive of retirement contribution rates for 2009-10.

Tim Mossgrove, Fire Chief and Chair of the Firefighters’ Pension Trust fund briefly reviewed the changes in the ordinance. Also present was Scott Christiansen, Board Attorney.

City Clerk Peters read Ordinance No. 754-B by title, 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-I, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 16, DISTRIBUTION OF BENEFITS; AMENDING SECTION 17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 18, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 19, DOMESTIC RELATIONS ORDERS, RETIREE DIRECTED PAYMENTS, EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; AMENDING SECTION 21, FORFEITURE OF PENSION; AMENDING SECTION 26, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; AMENDING SECTION 28, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 29, PRIOR FIRE SERVICE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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Motion:

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

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

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

Ordinance No. 766-B – Cost Recovery Revision

Consideration of revisions to the Ordinance for cost recovery, which contains amendments as necessary to comply with Senate Bill 2282 as signed into Florida Law effective July 1, 2009.

City Attorney Rey reviewed the revisions and pointed out two (2) changes in Section 2; adding a definition addressing first responder and removing items E and F addressing motor vehicle incidents and cost recovery and clarifications on hazardous materials.

Vice Mayor Bradburn indicated she spoke with the Governor on the Senate Bill prior to the legislature adopting it to no avail and expressed her desire in working with his office to add in provisions that were lost in the Senate Bill. The City's legal staff will address some of his concerns to perhaps get back next year what was lost this year. On page 2 of the ordinance she would like any references to SB2282 be removed as it is an annual number and should only reference the Florida Statute.

Motion:

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

City Clerk Peters read Ordinance No. 766-B by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE AMENDING ORDINANCE 766; RESTRICTING REIMBURSEMENT OF COSTS FOR FIRST RESPONDERS TO MOTOR VEHICLE ACCIDENTS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Motion carried 3-1 upon roll call vote, as follows:

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

Council Member Johnston indicated he voted nay due to the general concept of providing basic service of police and fire to the public.

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Waste Disposal Agreement with Sumter County

Consideration Interlocal Agreement with Sumter County for backup waste disposal plan.

City Attorney Rey reviewed the proposed agreement and indicated conflict waivers were obtained by the City and Sumter County. This agreement covers a certain tonnage to allow the City, in the event that there is a need, be diverted for solid waste disposal to the Sumter County landfill. The agreement is comparable to other arrangements that the County is currently making with surrounding communities.

Vice Mayor Bradburn reiterated waivers were previously submitted to Council in regard to the City attorney representing Sumter County.

Motion:

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

On a related note, Council Member Johnston suggested utilizing Lake County's incinerator for waste disposal in going with green initiatives.

City Manager Norman-Vacha declared the County will be meeting with Citrus County to discuss shared cooperative efforts and agreed with alternative methods being investigated for the future.

Personnel Policy Amendments

Consideration of updates to the Personnel Policy.

Attorney Rey reminded Council that these policies will not apply to the departments that are currently subject to collective bargaining negotiations or in a collective bargaining process until such time as they have either agreed to the terms or waived their right to bargain or have been incorporated into a collective bargaining agreement.

Section 1.10 Safety & Accident Reporting

City Attorney Rey reviewed the amendment, which is intended to replace two (2) current policies. Both section 1.10 and section 3.8 addresses the City's procedure with respect to accident reporting and general return-to-work and light duty type assignments.

Motion:

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

Section 1.10 (A) Workplace Violence Prevention

City Attorney Rey reviewed the new policy being proposed and indicated it is designed to outline the process and the methods that the City takes to minimize exposure to or incidents of workplace violence.

Motion:

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

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CITIZEN INPUT

Kojack Burnett advised that since Mr. Patrick had been nominated twice for Great Brooksvillian he should be appointed next year.

Barbara Cherry elaborated on living in Brooksville recognizing poverty in the city similar to her home town.

ITEMS BY COUNCIL

Joe Johnston, Council Member

Manhole cover on Jefferson Street and Brooksville Avenue

He expressed his concern with FDOT placing traffic cones on the sidewalk. City Manager Norman-Vacha assured him staff is continuing to convey concern over the matter.

Lara Bradburn, Vice Mayor

Condolences

She expressed condolences to the serviceman's family whose life was recently lost in the war and asserted the importance of reaching out more to servicemen and women to let them know their service to the world is noticed and appreciated.

T. Jennene Norman-Vacha, City Manager

Next budget meeting

She reminded Council the next budget meeting is scheduled for next Tuesday evening, August 11, 2009 at 6:00 p.m. in the City Council Chambers focusing on funds other than the general fund.

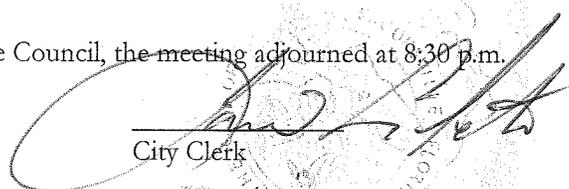
Joe Bernardini, Mayor

Appreciation to the military

He expressed appreciation to the military and veterans. He wished troops a safe return and condolences to the families of those that did not return.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:30 p.m.


City Clerk

Attest:


Mayor