

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

MINUTES

December 1, 2008

7:00 P.M.

Brooksville City Council met in regular session with Council Members Joe Bernardini, Lara Bradburn Joseph E. Johnston, III, Richard E. Lewis, David Pugh, Jr. and outgoing Council Member Frankie Burnett present. Also present were Hernando County Judge Donald Scaglione; Thomas S. Hogan, Jr. and Jennifer Rey, City Attorneys; T. Jennene Norman-Vacha, City Manager; Karen M. Phillips, City Clerk; Janice L. Peters, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today, Hernando Times were also present.

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

OATH OF OFFICE

Swearing in of New Council Members

Swearing in of David Pugh, Jr., Group No. 2 and Joseph E. Johnston, III, Group No. 3 for terms of office through December, 2012.

Council Members David Pugh, Jr. and Joseph E. Johnston, III were sworn in by Hernando County Judge Donald Scaglione.

COUNCIL MEMBER RECOGNITION

Resolution No. 2008-31 - Recognizing four years of service of outgoing Council Member Frankie Burnett.

City Clerk Phillips read Resolution No. 2008-32 in it's entirety.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Lewis for approval of Resolution No. 2008-32.

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

Council Member Bernardini	Aye
Council Member Bradburn	Aye
Council Member Johnston	Aye
Council Member Lewis	Aye
Council Member Pugh	Aye

All of Council individually thanked Mr. Burnett for his service and expressed that they would like to see him continue his efforts in the City.

Mr. Burnett in turn expressed his pleasure and honor at having had the opportunity to be of service to this community, noting that he still has the desire to serve the community and will continue in that effort.

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Mayoral Plaque to David Pugh for 2007 & 2008

Council Member Bernardini presented the mayoral plaque to David Pugh. Council expressed appreciation for Mayor Pugh's efforts, who expressed his sentiments at having served as well, thanking his family, fellow Council Members, City Clerk Phillips and supporters.

SELECTION OF OFFICERS

Selection of Mayor

Nomination:

Nomination was made by Council Member Bradburn for Council Member Joe Bernardini as Mayor. Nomination carried 5-0.

Selection of Vice Mayor

Nomination:

Nomination was made by Council Member Bernardini for Council Member Lara Bradburn as Vice Mayor. Nomination carried 5-0.

Council Member Johnston expressed that he is happy to be a part of City Council again and looks forward to the challenges ahead and to working with everyone.

The meeting recessed at 7:20 p.m. for a Council Member Reception and reconvened at 7:35.

CONSENT AGENDA

Minutes

September 3, 2008 Final Budget Public Hearing

Beautification Board Member Removal

Consideration for removal of board member effective immediately and direct staff to advertise to fill the position.

Police Department Surplus Weapons

Consideration of declaring weapons surplus, allowing for trade-in for subsequent purchase.

Police Department New Weapons Purchase

Consideration of approval for the purchase of 25 870P 12 Gauge Shotguns for a total cost of \$12,825 from Lou's Police and Security Equipment, Inc. under Orange County Sheriff's Dept. Bid; budgeted funds available in Fund 109.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Pugh for approval of the consent agenda.

Concerning Item F-4, the Police Department Weapons Purchase, Council Member Johnston asked if all the budgeted positions were currently filled. Chief Turner indicated two positions are currently open.

Motion carried 5-0.

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CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Award - Residential Award

Recognition of improvements to the property of Lynn Ann Demasi which is located at 131 S. Alabama Avenue.

Sally Sperling, Chair of the Beautification Board reviewed the property and along with Mayor Bernardini presented the award to Ms. Demasi.

Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to the property of James Tsacrios which is located at 4 N. Broad Street. The business is owned by Udi & Hope Mekler d/b/a GM's Bistro.

Chairman Sperling reviewed the commercial awards and along with Mayor Bernardini presented the awards to Mr. Tsacrios and Mr. & Mrs. Mekler.

Chairman Sperling announced that the Beautification Board will be having their annual drive around the City to judge Christmas Decorations on Wednesday, December 10th. A residence and a business will receive an award for outstanding Christmas decorations.

Vice Mayor Bradburn reminded all that the Beautification Board is still accepting donations to fund the downtown decoration project.

Mayor Bernardini reiterated that the Beautification Board will be judging on Wednesday, December 10 around 7:00 p.m. with two different awards for residential and commercial. The winners will receive an engraved plaque, a Tourist Development Christmas ornament and a fresh Poinsettia.

Resolution No. 2008-32 - Karen Phillips Retirement

Consideration of Resolution honoring City Clerk Karen Phillips who will retire from the Administration Department December 31, 2008, after more than 21 years of service.

Mayor Bernardini read Resolution No. 2008-32 in its entirety.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Lewis for approval of Resolution No. 2008-32.

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

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

City Clerk Phillips thanked Council, the citizens of the community and her fellow employees, adding that it has been an honor to be associated with the City and she will miss everyone.

City Manager Norman-Vacha advised that on Thursday afternoon from 3:30-5:00 p.m. there will be a reception for Karen in Council Chambers.

Mayor Bernardini stated he was on Council when Karen was hired in 1987 and thanked her for her service.

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REGULAR AGENDA

Good Neighbor Trail (GNT) Advisory Board Appointment

Appointment of one member to the GNT Advisory Board as a result of a resignation.

[Note - Both applicants are registered voters and City of Brooksville residents.]

Brian Brijbag (New Applicant-Former Staff Liaison)
Dawn Fish (New Applicant)

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for appointment of Dawn Fish to the GNT Advisory Board. Motion carried 5-0.

Withlacoochee Regional Planning Council (WRPC) Board

Consideration of Council appointment to the WRPC Board for a term beginning December 11, 2008 through December 9, 2009.

Council Member Johnston stated he is currently Vice Chair of the board and has resigned his position as of 6:00 p.m. this evening as the Governor's appointee and would appreciate the opportunity to continue to serve on the board as a representative of the City, and as Vice Mayor Bradburn pointed out, Weeki Wachee as well.

Motion:

Motion was made by Council Member Pugh and seconded by Council Member Lewis for appointment of Council Member Johnston to the WRPC Board. Motion carried 5-0.

Ordinance No. 771 - Special Exceptions to be brought to Council

Consideration of ordinance requiring all special exceptions be brought to City Council for review and approval/denial after Planning & Zoning Commission review.

Director Geiger reviewed the ordinance and the current process. Vice Mayor Bradburn advised this to be a very strong first step and expects future changes as updates are made to the code and ordinances.

Motion:

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

City Clerk Phillips read Ordinance No. 771 by title, as follows:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA TO PROVIDE FOR THE GOVERNING BODY TO HEAR AND DECIDE ALL SPECIAL EXCEPTION USE PETITIONS AFTER REVIEW BY THE PLANNING AND ZONING COMMISSION; AMENDING CHAPTER 101, SUBPART B, LAND DEVELOPMENT CODE, GENERAL AND ADMINISTRATIVE, ARTICLE II, SECTION 101-36, ADDITIONAL FUNCTIONS OF PLANNING AND ZONING COMMISSION; AMENDING CHAPTER 117, MANUFACTURED HOMES AND TRAILERS, ARTICLE II. TRAVEL TRAILERS, MOTOR HOMES, RECREATIONAL VEHICLES AND TRAILER PARKS AND CAMPGROUNDS, DIVISION 2. TRAILER PARKS, SUBDIVISION II, SPECIFIC LAND USE REGULATIONS, SECTION 117-71. SPECIFIC EXCEPTION USE REQUIREMENT; AND AMENDING CHAPTER 137, ZONING AND LAND USE, ARTICLE II ADMINISTRATION AND ENFORCEMENT, SECTION 137-43, ADDITIONAL DUTIES OF PLANNING AND ZONING COMMISSION; PROVIDING FOR CODIFICATION, CONFLICTS, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

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Council Member Johnston asked if there has been a procedure set for Council's hearing of the recommendations. Director Geiger indicated there will be a Planning & Zoning review of the petition and a recommendation will be made to Council for a quasi-judicial hearing. The petitioner will then be able to present any additional information to Council, who will then make the final decision. City Attorney Hogan concurred with Director Geiger's analysis of the process.

Mayor Bernardini asked for public input; there was none.

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

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

Sheriff's Department Building Expansion Fee Waiver

Consideration of request from Hernando County Sheriff's Department to waive/allocate payment for impact/connection fees in the amount of \$1,539.24 for addition to Sheriff's Department complex located at 18900 Cortez Blvd. Budget Amendment from General Fund Reserves to the Water Connection Fee Fund 407 and to the Sewer Connection Fee Fund 408 is required if authorized.

Director Pierce reviewed the request.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Pugh for approval of the payment of the fees from General Fund Reserves.

Mayor Bernardini read from the code as follows:

"The City code does not provide for or allow the waiving of these fees. In addition the City is bound by the bond covenant that prohibits the City from providing free services. Specifically Article 3 Sec. 3.4 Sub-Sec. 'No free service of the water and sewer revenue bonds dated Dec. 3, 1999 states the issuer will not render or cause to be rendered any free service of any nature by it's facilities, nor will any preferential rates be established for users of the same class and if the issuer shall avail itself of the facilities or services provided by the facilities or any part thereof then the same rates applicable to other customers receiving like service under similar circumstances shall be charged to the issuer. Such charges shall be paid as they are accrued and issuer shall transfer from its General Funds and deposit to the Revenue Funds sufficient sums to pay such charges'."

City Manager Norman-Vacha clarified that Council is allocating to pay those fees on behalf of the Sheriff's Office.

Motion carried 5-0.

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Resolution No. 2008-20 - Building Division/Community Development Department Service Fee Schedule Amendment

Consideration of resolution amending the current Permitting, Inspection, and Administrative & Development Fee Schedule.
[Continued from 09/15/08 meeting.]

Director Geiger reviewed the fee schedule, which will be reviewed on an annual basis and adjusted accordingly. Vice Mayor Bradburn requested a written review in 6-months to accommodate a transfer of the Building Division to City Hall in an effort to cut costs. Director Geiger indicated this will be addressed. Discussion ensued as to fees and evaluation of the feasibility of the City hiring its own Building Official and the monitoring of the fees with the possibility of lowering the fees in the future.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of Resolution No. 2008-20 with a 6-month review as noted.

Mayor Bernardini asked for public input.

Lewis Chandler, Page Dixon Chandler Smith, LLC, (PDCS), advised they are doing everything they can to cut costs, including moving to a smaller space and laying off employees. He indicated the fee increase is contingent on many different things, stating the fees are revisited annually and there is room for an increase.

Pierre Desjardins added that he has heard a lot of great comments about PDCS from citizens and felt any accommodations would be appreciated.

City Clerk Phillips read Resolution No. 2008-20 by title, as follows:

**A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA,
AMENDING THE PERMIT, INSPECTION, ADMINISTRATIVE
AND DEVELOPMENT FEE SCHEDULES FOR THE BUILDING
AND LAND DEVELOPMENT CODE OF THE CITY OF
BROOKSVILLE, REPEALING CONFLICTING ORDINANCES AND
RESOLUTIONS INCLUDING RESOLUTION NOS 2006-18 AND
97-19, AND PROVIDING AN EFFECTIVE DATE.**

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

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

Mayor Bernardini said he voted nay because he does not think now is the time to increase rates. However, he has heard nothing but good things about PDCS and appreciates the excellent job they are doing.

The Enrichment Center of Hernando County

Consideration of approval of partnership agreement with the Enrichment Center, Inc. of Hernando County.
[Continued from 11/17/08]

Director Walker reviewed the requested information and proposed agreement. Extensive discussion followed of the scheduling of programs

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and the effect of the agreement on them as well as the proposed emergency shelter. Attorney Rey clarified the agreement as it relates to space and occupancy. Attorney Joe Mason elaborated on the partnership as well as the need to clarify the use of future funds in order to secure funding.

Vice Mayor Bradburn indicated she had spoken to Senator Dockery, who was excited about the shelter project due to its mixed-use, including a mining museum. She also indicated she is pleased with the changes in the agreement in that the youth will remain a priority and it addresses the senior population as well as maintains the integrity of the center with a built-in protection for the City.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for approval of the agreement with amendment to section 2-C to state "on the same day".

David Pugh, Sr. spoke in favor of the partnership.

Mayor Bernardini expressed scheduling concerns as well as budget impacts and questioned the custodial services aspect of the agreement. In paragraph C, Mayor Bernardini questioned the required City assistance which City Manager Norman-Vacha elaborated on. Attorney Mason stated that this is an evolving partnership agreement which will require the collaboration of both parties to make it work.

It was further noted that the agreement calls for all scheduling for JBCC to be subject to review and approval by the City and dispute resolutions to be handled by the City Manager.

For the record, Attorney Mason advised that late last week they finally received an extension from the State on the grant for the emergency shelter funding that would allow this meeting to happen but added that they get no more time from the State.

Discussion continued regarding the configuration of the facilities and changes thereto and rental fees of \$1,000 per month. Director Walker indicated the intent of the fee schedule is to recover the City's expenses. Council Member Johnston noted that the agreement indicates fees will be negotiated at minimum 6-month intervals or from time to time as agreed in writing by the parties.

For the record, Mayor Bernardini pointed out that if payments are not made by the 10th of the month it will constitute a default on the part of the Enrichment Center. Attorney Rey clarified that no notice is required and referenced Paragraph 12 which states they will cease use of the facilities for programming and it applies in the instance of non-payment.

The aforementioned motion was amended to include a change to page 1 of 6 to paragraph 2-C adding "on the same day" to the end of the last sentence.

Mayor Bernardini asked for public input; there was none.

Motion carried 5-0.

Vice Mayor Bradburn asked that Council take this opportunity to direct staff to clean up the JBCC.

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Attorney Mason asked that the changes be made expediently as the agreement has to be sent to the state.

FDEP Sewer Rehab Grant

FDEP Sewer Rehab Grant Extension

Consideration of extending grant agreement, Amendment No. 2 through December 31, 2009.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for approval of the extension. Motion carried 5-0.

Sewer Rehab Expenditure of Remaining Funds

Consideration of authorization for staff to enter into contract with USSI and prepare change order for additional Sewer Rehab work for an amount not-to-exceed \$127,195.80 from remaining FDEP funds and authorize City Manager to sign document after City Attorney approval; authorization of appropriate budget amendment in the amount of \$36,000 in State Grant Revenues and Construction in Progress Funds expenditure line item.

Vice Mayor Bradburn indicated this to be a continuation of work already begun but the money was not available to finish particular manholes and over time the infiltration of manholes greatly increases the long-term costs of processing the excess water. This will alleviate the problem.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of expenditure and budget amendment.

Mayor Bernardini asked for public input; there was none.

Motion carried 5-0.

ITEMS BY COUNCIL

Lara Bradburn, Vice Mayor

December 13 Activities

She reminded all that the parade will be on December 13 in the morning, a book signing of *Mountains Beyond Mountains* at 1:30 in the Library with Dr. Paul Farmer, the Great Brooksvillian ceremony honoring Dr. Farmer at 4:30 in Council Chambers and at 5:30 a special reception for Dr. Farmer will take place in the SunTrust parking lot.

Vice Mayor Bradburn encouraged all to attend, noting that the special event in the evening is a fundraiser for Partners in Health and the tickets are \$100 each and may be purchased through Tricia Bechtelheimer at Westovers. She indicated she has some as well.

T. Jennene Norman-Vacha, City Manager

Christmas Parade

She encouraged all to come out to the Christmas parade as well.

David Pugh, Jr., Council Member

City Clerk Phillips

He thanked Karen Phillips for her dedication and service to the City and wished her well.

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Joe Johnston, Council Member

DRI Standards

He mentioned that in the developments within the City the DRI standard is somewhat high and he would like to try to work out lower standards.

City Clerk Phillips

He thanked Karen Phillips for her service as well and advised she will be missed.

Karen M. Phillips, City Clerk

She thanked everyone for their well wishes and for putting up with her for 21 years.

Tangerine Time

She reminded all that Tangerine Time is December 31 from 9-12 p.m. at JBCC.

Joe Bernardini, Mayor

He thanked Council for giving him the opportunity to serve as mayor again.

Thanksgiving Dinner

He indicated he attended Thanksgiving Dinner at JBCC sponsored by the Christian Life Assembly Church and they served 500 people and thanked them for their efforts.

City Manager Goals

Mayor Bernardini advised that at the next meeting he would like to see goals for City Manager Norman-Vacha brought forward for discussion. City Manager Norman-Vacha advised she will put something together based on staff accomplishments and projected goals for the coming year.

City Clerk Phillips

He also indicated he had enjoyed working with Karen.

CITIZENS INPUT

David Pugh, Sr.

He wished City Clerk Phillips well, stating he will miss her.

Kojack Burnett

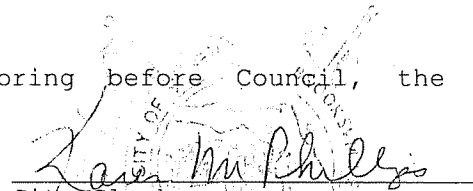
He congratulated Mayor Bernardini and Vice Mayor Bradburn and thanked City Clerk Phillips as well.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:30 p.m.

Attest:


Mayor


City Clerk