



SPECIAL COUNCIL MEETING

January 15, 1998 6:30 P.M.

Brooksville City Council met in special session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; James E. Adkins, Fire Chief; Lee Roy Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; William Smith, Superintendent of Utilities; and a representative from the Hernando Times and WWJB Radio were also in attendance.

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

Alfred McKethan came forward to commend the Council for appointing E. E. Wever as Mayor and advised Council of his relationship, both professionally and personally, with Mayor Wever over a span of 40 years. He further congratulated the City for purchasing the building at 201 Howell Avenue for the new City Hall.

WWTP AND RELATED PROJECTS

1.

Commitment for interim financing from First Union National Bank for a \$8,000,000, two year variable interest rate, non-revolving line of credit.

Phil Brown, Public Financial Management Inc., referred to the letter received from First Union National Bank which outlines the terms for interim financing for a total amount of \$8,000,000 over two years to be used for the construction and interconnects of the new WWTP. He explained the interim financing, stating that this amount will be secured by the first net proceeds of a bond issue or other permanent financing, such as the USDA/RD loan. He explained that the financing from First Union National Bank would be subordinate to the outstanding debt. He further addressed the standard conditions set forth by First Union National Bank.

Director of Finance Huffstutler advised Council on what they could expect for a turnaround timetable for financial statements as addressed in the line of credit letter. Mr. Brown explained how the future issuance of bonds relates to the \$8,000,000 line of credit, which is considered a bond or grant anticipation note.

Mr. Brown confirmed that if \$3,000,000 was drawn from the \$8,000,000, a commitment fee would be paid

on the unused portion of \$5,000,000.

Motion:

Motion was made by Brayton and seconded by Lewis to accept the commitment for interim financing from First Union National Bank for a \$8,000,000, two year variable interest rate, non-revolving line of credit.

Motion carried 5-0.

Mr. Brown stated that once the commitment letter is signed, Mr. Huffstutler can send it directly back to First Union.

2.

Status report on construction of Cobb Rd. Wastewater Treatment Plant and interconnect projects.

Director of Public Works Pierce informed Council that USDA has advised that they are ready to make an offer regarding the grant/loan and the amount thereof. He distributed a reclamation treatment facility's project schedule submitted by Coastal Engineering Associates, Inc. and an interconnect project design schedule submitted by Civil-Tech Consulting Engineers. He briefly explained the project status report of each. He advised that completion of the WWTP is scheduled for May 1999.

Cliff Manual, Coastal Engineering Associates, Inc., and Rick Matassa and Alan Garman, Civil-Tech Consulting Engineers, Inc., were present to answer any questions that Council may have. In response to Council Member Brayton's question, Cliff Manual advised that the WWTP construction plans had been submitted by the January 15th extended deadline.

Council addressed the timetable involved in USDA/RD's review of the construction bid documents. Director of Public Works Pierce advised that staff anticipates reviewing WWTP construction plans over the next several days in an effort to go out for bid in the beginning of February. He stated that staff should require approximately 60 days to review the bids that are received. He acknowledged that this timetable is subject to USDA/RD approval of the contract package. He added that USDA/RD should be able to review the documents during the 60 day bidding period with any changes needed being made by addendum to the RFP. He advised that an FDEP permit extension will be required but stated that his conversations with

FDEP did not indicate that there would be a problem as long as construction has begun.

Regarding the interconnect portion of the project, Director of Public Works Pierce advised that it should be ready to go to bid in April. He informed Council that the RFP is also subject to USDA/RD approval. The interconnection project should be completed in January, 1999.

Director of Public Works Pierce addressed Council's concern if there would be a problem with the RFP being advertised before USDA/RD finishes their review of the plans. He reiterated that changes could be made through addendums to the RFP and added that he did not foresee a problem with that. He went on to state that he plans to obtain something in writing from USDA/RD to that affect before the RFP is advertised.

Motion:

Motion was made by Brayton and seconded by Johnston to authorize staff to proceed with bids for construction of the WWTP subject to staff's review of the plans. It was pointed out that the bids would include the northern route to take the Croom Road Plant off-line and the interconnection of School Street. Motion carried 5-0.

INSTALLATION OF UTILITY LINES ON SR 50

Request by Turbine Solutions that City amend FDOT JPA Agreement to include water and/or sewer line extensions across SR50 adjacent to their property.

City Manager Anderson explained that Turbine Solutions has requested the extension of utility service to their site to address NFPA fire code requirements for fire hydrants related to their pending construction permit to build a shed to store parts. He further stated that the question becomes whether the City would accept an agreement to approve the issuance of the building permit to allow construction to continue with the actual connection between the existing system and the property line to be done by the FDOT contract as the truck route is reconstructed. He explained that approval of that request will require an amendment to the FDOT JPA Agreement to provide this additional work.

Mr. Anderson went on to state that staff recommends that the applicant pay to construct the line and related equipment, including the hydrants, to the right-of-way line, put up the deposit for the estimated cost for the JPA portion of the work, and execute the City's standard Utility Service Agreement and hold harmless agreement for any claims resulting from the delay. The City Manager added that the total cost of the improvements is estimated from \$17,000 - \$20,000, however, a portion includes on-site improvements. He advised that the utility extension cost may be approximately \$12,000.

Turbine Solutions was represented by Tom Hogan, Esq. He explained that the problem arose when Turbine Solutions applied for a building permit for the shed and it was discovered that the permit was being held up because they did not have adequate water as required by the Fire Division. Concerning Utility Service Agreement requirements, Mr. Hogan stated that at this time, Turbine Solutions does not want to be annexed into the City. He added that they do not want or need City water or sewer and do not want to pay the connection fees to bring the water line across S.R. 50 so they can build an aluminum shed. He suggested negotiating a reasonable expense in bringing the line across and stated that Turbine Solutions would incur the expense once it reaches their property. He added, however, if other properties hook up to the new line, Turbine Solutions should receive a pro-rated rebate. Mr. Hogan further stated that should Turbine Solutions wish to add another shed, they do not want to go through this same process.

City Manager Anderson acknowledged that the City does not have a need for a line to cross at that point due to the fact that a line will be crossed during the line relocations at Emerson. He added that staff's recommendations are based upon certain conditions and if those conditions are not acceptable to the applicant, then the request should be denied. He went on to state that another option to the applicant would be to acquire a permit with the condition that they make arrangements for an alternate method to obtain fire protection services, such as a well and a storage tank.

Mr. Hogan requested that Council consider giving Turbine Solutions permission to negotiate with the City Manager without the necessity of an annexation agreement.

Council discussed the intent of the annexation provisions of the City's Utility Service Agreements. City Attorney Battista addressed a recent court case which addressed an identical municipal water/sewer annexation agreement as used by the City. He stated that uniform application among applicants was necessary and any deviation for a particular applicant may be used by a future applicant against the City in litigation.

Many Council Members voiced their opinion that annexation should not be required if City water and sewer is not needed or wanted. It was acknowledged that the line was only needed for fire prevention.

City Manager Anderson clarified that the pending permit is for a humidity controlled warehouse rather than an aluminum storage shed.

Mr. Anderson stated that staff could contact FDOT and find out what the deposit would be for the amendment to the JPA.

Mayor Wever clarified that the reason that this item is on the agenda is if Turbine Solutions is going to put the utility line across S.R. 50, Council needs to authorize an amendment to the FDOT JPA Agreement to allow the line to cross S.R. 50.

Mr. Hogan stated that, based upon the possibility that an annexation agreement is not required, he advised that he and Mr. Herman Vidal, Turbine Solutions, would discuss this matter further with all shareholders. He stated that he would be in touch with the City Manager.

City Manager Anderson stated that waiving the annexation agreement means that a utility service agreement has not been signed. He recommended that a utility service agreement be signed, explaining that the annexation portion of it is only triggered if water and sewer is used. He went on to state that the applicant is requesting neither. Mr. Anderson stated that the agreement to hold the City harmless still needs to be addressed as it relates that delaying compliance with the fire code. The City Attorney was requested to work on details of the agreement.

City Manager Anderson stated that he would bring this back to Council for approval of the policy change.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

Water/Sewer Rate Restructuring Resolution

Mayor Wever suggested having a special meeting to go over Alternative No. 2 as proposed by the Rate Consultant as it relates to multiple users such as Cloverleaf Mobile Home Park.

It was pointed out that the Water/Sewer Rate Restructuring Resolution as proposed at the January 5, 1998 meeting was to be corrected and presented at the January 26, 1998 meeting.

Utility Tax

Mayor Wever also suggested having a special meeting for Council discussion of a utility tax once all the information has been gathered. City Manager Anderson advised that it is on the January 26, 1998 Council agenda for discussion.

Mayor Wever advised that he and Council Member Johnston had written letters to legislators opposing the proposed Telecommunication Bill and suggested that other Council Members do the same.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 7:43 p.m.

City Clerk

ATTEST:
Mayor

:jjj

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REGULAR COUNCIL MEETING

January 26, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; William Smith, Superintendent of Utilities; Boyce E. Tincher, Police Chief; and a representative from the Hernando Today (8:30 p.m.) and WWJB Radio were also in attendance.

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

Council Member Joseph E. Johnston, III, was presented with a gavel plaque for distinguished service as Mayor for 1997.

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

December 15, 1997 - Regular Council Meeting

January 5, 1998 - Regular Council Meeting

Comprehensive Plan - Evaluation and Appraisal Report RFP

Award of RFP to CAR Consulting, Inc. in the amount of \$17,000 to complete EAR Report. Funds budgeted.

Award of Bid - Bunker Field Rake

Award of Bid to Coastal Equipment Systems, Inc., in the amount of \$7,458.49 budgeted in account #001-020-572-64.00.

Public Nuisance Lien

Approval of Public Sanitary Nuisance Abatement Special Assessment Lien - William Holland Jr., 48 Irene Street, in the amount of \$84.00.

Purchase Policy Revision - State Negotiated Agreement Price Schedule (SNAPS) Program

Amend page 5, item B, purchasing policy to allow purchase of goods and services at a set price schedule under the SNAPS program.

Council agreed to move Consent Agenda Item 3, Bunker Field Rake bid, to the regular agenda.

Motion:

Motion was made by Lewis and seconded by Johnston to approve the balance of the Consent Agenda for January 26, 1998. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - PHCC Care Program

Proclaiming support of a Valentine's Day Party for veterans at James A. Haley Veteran's Hospital in Tampa on Saturday, February 7, 1998.

Mayor Wever read and presented the Proclamation to Karen French, PHCC Cares Program.

Proclamation - 1998 Constitution Revision Resolution

Proclaiming support of Florida League of Cities and each position addressed in the 1998 Constitutional Revision Resolution.

Mayor Wever read the Proclamation and advised that it would be sent to each Constitutional Revision Committee member.

Mayor Wever suggested that future Proclamations be signed by all Council Members. He added that the Proclamation could be presented by the Council Member who may be connected or involved in the organization.

REGULAR AGENDA

Florida Power Franchise - Ordinance No. 583

Consideration of proposed ordinance which adopts new franchise agreement [From 1/5/98 meeting].

City Clerk Phillips read Ordinance No. 583 by headnote only, as follows:

AN ORDINANCE GRANTING TO FLORIDA POWER CORPORATION A NON-EXCLUSIVE ELECTRIC UTILITY FRANCHISE TO OCCUPY MUNICIPAL STREETS AND RIGHTS-OF-WAY IN THE CITY OF BROOKSVILLE, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC AND POWER SERVICES; PRESCRIBING THE TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

There was no input from the public on this ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve First Reading of Ordinance No. 583.

Upon roll call vote, motion carried 4-1, as follows:

Brayton

Aye

Johnston

Nay

Staib

Aye

Lewis

Aye

Wever

Aye

Second and Final Reading for Ordinance No. 583 scheduled for February 9, 1998.

Fence Code - Ordinance No. 584

Consideration of Fence Code Ordinance [from 1/5/98 meeting].

City Clerk Phillips read Ordinance No. 584 by headnote only, as follows:

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES;
ADOPTING A FENCE CODE; AND PROVIDING FOR CONFLICT,
SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE**

There was no input from the public on this ordinance.

Motion:

Motion was made by Johnston and seconded by Lewis to approve First Reading of Ordinance No. 584.

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

Johnston

Aye

Staib

Aye

Brayton

Aye

Lewis

Aye

Wever

Aye

Second and Final Reading for Ordinance No. 584 scheduled for February 9, 1998.

Residential Speed Limits - Ordinance No. 585

Consideration of adopting ordinance to establish speed limits on designated streets by resolution.

The City Clerk read Ordinance No. 585 by headnote only, as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, ADOPTING
MINIMUM SPEED LIMITS FOR CITY STREETS; PROVIDING FOR ALTERING
POSTED SPEED LIMITS ON CITY STREETS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CERTIFICATION; AND PROVIDING FOR AN EFFECTIVE**

DATE.

Typographical changes in headnote of "certification" to "codification" and "minimum" to "maximum" to be corrected before Second and Final Reading.

There was no input from the public on this ordinance.

Motion:

Motion was made by Johnston and Staib to approve First Reading of Ordinance No. 585.

Council Member Brayton expressed his opinion that approval of this ordinance will not improve the speeding problem if the City does not have the personnel to enforce it. Council Member Johnston stated that the ordinance does not require a change in enforcement, but it allows for stricter enforcement when the City does have the personnel to enforce it or if a certain street becomes a problem .

Mayor Wever made a plea to the public to follow the speed limits as posted.

Upon roll call, motion carried 4-1, as follows:

Staib

Aye

Brayton

Nay

Johnston

Aye

Lewis

Aye

Wever

Aye

Second and Final Reading for Ordinance No. 585 scheduled for February 9, 1998.

Resolution No. 98-1 - Water and Sewer Rate Restructuring

Proposed resolution providing for restructuring of water and sewer rates. [From 12/1/97 and 1/5/98 meetings]

At the request of the City Manager, Resolution No. 98-1 was tabled until the February 9, 1998 meeting.

Utility - Telecommunication Tax

Review sample ordinances for implementation of Telecommunication Tax.

Council discussed the difference between the telecommunication tax and the utility tax and whether either should be pursued further at this time unless new information was available or changes in State Law occurred. It was pointed out the biggest users of utilities in the City are exempt from being taxed by Florida Statutes . Council agreed that the telecommunication tax is a separate issue.

Motion:

Motion was made by Brayton and seconded by Johnston to withdraw the utility tax discussion from the agenda. Motion carried 5-0.

Regarding the telecommunication tax, it was pointed out that many of the same exemptions apply to this tax as with the utility tax. However, Council agreed that the concept of a telecommunication tax is not what Council intended to pursue when discussing a utility tax. It was the consensus of Council that due to the fact that telecommunication laws are fairly new, this item would be tabled until additional information,

such as estimated revenue, is available.

Motorcycles - Lease

Consideration of lease of two(2) Harley Davidson Motorcycles from Scott Smith's Harley Davidson at estimated cost of \$125 each per month [From 1/5/98 meeting].

Police Chief Tincher stated that after studying these cost estimates further, he requested that the item be tabled until he could get more information regarding light and siren packages. City Manager Anderson addressed Council's question regarding insurance costs by stating that prices were not based upon certain vehicles used.

Mr. Garth Samples, Harley Davidson representative from Sunset Harley Davidson of New Port Richey, explained the lease as presented.

It was also suggested that the Police Chief question other cities regarding light and siren packages for their motorcycles. Chief Tincher added that he would check whether the package was available on state contract.

It was pointed out that any possible purchase of the motorcycles after the year's lease would be considered during the budget process.

(MOVED FROM CONSENT AGENDA)

Award of Bid - Bunker Field Rake

Award of Bid to Coastal Equipment Systems, Inc., in the amount of \$7,458.49 budgeted in account #001-020-572-64.00.

Concern was expressed that many of the recent bids that have been brought to Council for consideration contain a request from staff to waive irregularities. Council discussed whether it costs more to authorize readvertising than to waive what may be minor irregularities.

City Clerk Phillips advised that this bid was done before the bid documents were modified. She stated that

the bid documents now contain more specific information. It was decided to wait and see how vendors respond to the modified documents rather than revise them further.

City Manager Anderson stated that the City's bid documents are lengthy and complicated and felt that, although they have been modified for clarity, Council will still be receiving requests to waive non material irregularities.

On this particular bid, Parks and Recreation Director Pugh felt that it was important to question why only one bidder chose to respond to the RFP when the bid package was sent to eight vendors.

Motion:

Motion was made by Johnston and seconded by Staib to waive irregularities and award the bid to Coastal Equipment Systems, Inc., in the amount of \$7,458.49 . Motion carried 5-0.

ADDENDUM

COBB ROAD WASTEWATER TREATMENT PLANT & RELATED INTERCONNECT PROJECTS **Engineering Contract Revision - Cobb Rd. WWTP**

Revision to Coastal Engineering Associates, Inc. contract to comply with USDA/RD requirements.

Director of Public Works Pierce advised that the contract includes revisions required by USDA/RD after their review. He stated that the original CEA contract was for \$424,000. He explained that Council previously approved Coastal hiring a full-time resident inspector for \$83,700. However, USDA/RD will only approve \$493,625, which Coastal has agreed to. Mr. Pierce went on to state that there is a testing amount of

\$21,887 to be added to the contract, bringing the total amount of the contract to \$515,625.

Motion:

Motion was made by Staib and seconded by Lewis to approve the revision to Coastal Engineering Associates, Inc., contract to comply with USDA/RD requirements. Motion carried 4-1, with Brayton voting in opposition.

Loan Resolution No. 98-2

Proposed resolution provides for a \$3,630,000 loan and \$1,000,000 grant from USDA/RD for RUS funding towards construction of Cobb Rd WWTP(Phase I)

[Note: does not include funding for related interconnect projects, which will be Phase II]

City Clerk Phillips advised that the three resolutions being presented on this issue are required by USDA/RD.

In response to a question on Item #1 of the Resolution, which calls for adoption of an ordinance or resolution for the issuance of bonds as required by State statutes, City Attorney Battista advised that the City's Bond Counsel would be preparing that information.

City Clerk Phillips read Resolution No. 98-2 by headnote only, as follows:

A LOAN RESOLUTION BETWEEN THE CITY OF BROOKSVILLE AND UNITED STATES DEPARTMENT OF AGRICULTURE/RURAL DEVELOPMENT (USDA/RD) FOR RURAL UTILITIES SERVICE (RUS) LOAN/GRANT FUNDING TOWARDS CONSTRUCTION OF NEW COBB ROAD WASTEWATER TREATMENT PLANT.

There was no input from the public on this ordinance.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 98-2. Upon roll call, motion carried 5-0, as follows:

Brayton

Aye

Johnston

Aye

Staib

Aye

Lewis

Aye

Wever

Aye

Resolution No. 98-3 Authorizing Execution of Documents

Proposed resolution authorizes the City Manager to execute certain USDA/RD grant/loan documents, upon review and approval of City Attorney.

City Clerk Phillips read Resolution No. 98-3 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN DOCUMENTS WITH THE USDA/RD APPLICABLE TO RUS FUNDING FOR CONSTRUCTION OF NEW COBB ROAD WASTEWATER TREATMENT PLANT AND RELATED INTERCONNECT PROJECTS; SETTING AN EFFECTIVE DATE.

There was no input from the public on this ordinance.

Motion:

Motion was made by Brayton and seconded by Lewis to approve Resolution No. 98-3. Upon roll call, motion carried 5-0, as follows:

Johnston

Aye

Staib

Aye

Brayton

Aye

Lewis

Aye

Wever

Aye

Resolution No. 98-4 Fund Commitment Letter

Proposed resolution officially commits \$1,500,000 of the funds available in the current bond construction fund towards the construction of the Cobb Rd. WWTP.

The City Clerk recommended that in the event that the City does not accept the grant/loan for some reason, that the last paragraph of the resolution be modified to include language "...upon successful close of a loan/grant agreement with USDA/RD for RUS funding."

City Clerk Phillips read Resolution No. 98-4 by headnote only, as follows:

**A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA COMMITTING
\$1,500,000 TOWARDS THE CONSTRUCTION OF NEW COBB ROAD
WASTEWATER TREATMENT PLANT.**

There was no input from the public on this ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve Resolution No. 98-4 with the language change as noted. Upon roll call, motion carried 5- 0, as follows:

Staib

Aye

Brayton

Aye

Johnston

Aye

Lewis

Aye

Wever

Aye

CITIZEN'S INPUT

Concerns by Citizen

a.

Restoration or repair of Bell Ave.

Sandra Shorter, who requested that the item be placed on the agenda, was not present. Gail Samples, resident of Bell Avenue, addressed Council regarding the same concerns. Ms. Samples requested that the streets be brought back to brick from Ft. Dade Ave. to approximately Cherry Street.

Motion:

Motion was made by Johnston and seconded by Staib to revert Bell Avenue back to brick.

It was pointed out that the work could be done in phases. City Manager stated that he would provide a status report on the progress at a later date.

Motion carried 5-0.

b.

Water pressure on Coogler Ave.

Council discussed the size of the pipes on Bell Ave. and Howell Ave. Superintendent of Utilities Smith stated that the problem with the water pressure in this area is elevation rather than pipe size. Council discussed the possibility of residents installing a pressure pump to pump up the pressure.

Director of Public Works Pierce stated that staff had installed a pressure gage on Coogler Ave. over the weekend which indicated that the PSI (pounds per square inch of water pressure) was as high as possible at that elevation.

Discussion ensued regarding the age of the pipes and whether replacing them would help the situation. Director of Public Works Pierce acknowledged that it would help, but the elevation problem will still exist.

It was the consensus of Council that replacement of the lines should begin as money permits. City Manager Anderson stated that staff would provide cost estimates for new lines in this area for Council's consideration before the 1998-99 budget process begins.

Sewer Blockage - 520 Rogers Ave.

Request from owner Joe Bernardini for reimbursement for plumbing costs and cleaning in the amount of \$540.69 with an additional claim of \$2,820.51 to be reviewed by Council.

Motion:

Motion was made by Johnston and seconded by Lewis to approve a total reimbursement amount of \$3,361.20. Motion carried 5-0.

PHCC Cares Program

Tom French, PHCC Cares, requested that City Officials and businesses donate items on the wish list. He further invited City officials to accompany them to the Veteran's hospital on February 7, 1998 to deliver the items.

Mayor Wever stated that staff would check on that and be in touch with him.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Hernando County Fair Association

Council Member Johnston referred to a memo from the City Manager regarding the assumption that years ago the City had verbally agreed to waive the connection fees of \$23,026.68 in exchange for an easement to cross County owned property.

City Manager Anderson stated that it is not clear on whether the City has waived County connection and collection fees in the past.

Council requested that the City Manager look into negotiating with the County regarding payment of the connection fees.

RICHARD E. LEWIS, VICE MAYOR

Fire Assessment Fees

Vice Mayor Lewis requested that staff research the possibility of the School and County, and other governmental agencies, paying the City a fire assessment fee per square foot for fire protection for their buildings. Council discussed whether a MSBU would need to be set up for that purpose.

The question arose on whether the Hernando County Fair Association, although a non-profit organization, was a governmental entity, and if they should have to pay fire assessment fees.

E.E. "ERNIE" WEVER, JR., MAYOR

Spiffy Car Wash

In response to Mayor Wever's question, Council Members confirmed that they had received a phone call offering a free car wash for veteran's on July 4, 1998.

Tom Varn Park - Basketball Courts

Mayor Wever brought up for discussion the lights on the basketball courts. Parks and Recreation Director Pugh stated that he had received a quote of \$2,200 to move the lights from the old basketball courts to the new courts. City Manager Anderson stated that staff would work on getting additional cost information for the project for later submittal. The Mayor requested that it be placed on the agenda for discussion only.

PAT BRAYTON, COUNCIL MEMBER

Sign Code Review Committee

As Council liaison on the Sign Code Review Committee, Council Member Brayton updated Council on the Committee's progress. He stated that at this time, it appears that the Committee will be recommending that the banner portion not be changed. He added, however, that the Committee is currently redefining temporary signs for allowance of sandwich board signs.

ADJOURNMENT

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

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

February 9, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; William Smith, Superintendent of Utilities; Boyce E. Tincher, Police Chief; and a representative from the Hernando Today (8:30 p.m.) and WWJB Radio were also in attendance.

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

City Council Minutes

Approval of minutes:

January 15, 1998 - Special Council Meeting

Public Nuisance Lien

Approval of Public Sanitary Nuisance Abatement Special Assessment Lien - Robert West, 1341 E. Jefferson Street, in the amount of \$121.00.

Cobb Road WWTP

Modification to WWTP Chlorination System.

Surplus Equipment

In preparation for disposal of accumulated surplus property by public auction, the following City Council action is requested:

1. .

Declare additional surplus equipment

• .

Approve contract with Umsted's Auction House to conduct an auction to dispose of all surplus equipment for a flat rate of 5% of total sales, plus a sum not to exceed \$400 towards public awareness advertising

• .

Authorize auction to be held Saturday, March 21, 1998

Consent Agenda item #3, Cobb Road WWTP modification to Chlorination System, was moved to the regular agenda.

Motion:

Motion was made by Lewis and seconded by Staib to approve the balance of the February 9, 1998 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Tampa Bay FireStix

Appreciation for City's support and sponsorship.

Dwight Merilatt, General Manager of the Tampa Bay FireStix, expressed appreciation to the Council and Parks and Recreation Director Pugh for allowing one of the FireStix games to be held at Tom Varn Stadium in August of 1997 and commended the City on the wonderful playing facilities at the Stadium.

Mr. Merilatt advised that the first FireStix game of the 1998 season will be held on May 23, 1998 at Tom Varn Stadium. He presented Council with a framed photograph of the 1997 game and a FireStix T-shirt for each Council Member.

PUBLIC HEARING

Florida Power Franchise - Ordinance No. 583

Consideration of proposed ordinance which establishes new franchise agreement to 2028. [First Reading 1/26/98]

City Clerk Phillips read Ordinance No. 583 by headnote only, as follows:

AN ORDINANCE GRANTING TO FLORIDA POWER CORPORATION A NON-EXCLUSIVE ELECTRIC UTILITY FRANCHISE TO OCCUPY MUNICIPAL STREETS AND RIGHTS-OF-WAY IN THE CITY OF BROOKSVILLE, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC AND POWER SERVICES; PRESCRIBING THE TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Brayton and seconded by Lewis to approve Second and Final Reading of Ordinance No. 583.

There was no public input or Council discussion on this ordinance.

Upon roll call vote, motion carried 4-1, as follows:

Brayton

Aye

Johnston

Nay

Staib

Aye

Lewis

Aye

Wever

Aye

Mayor Wever requested that a copy of the ordinance, along with the information and material on revenue comparisons, be sent to the lending bank loan officer for their credit files.

Mike Harbour, Florida Power Citrus/Hernando Area Manager, came forward to state that Florida Power appreciates the opportunity to serve the City of Brooksville for another thirty years.

Fence Code - Ordinance No. 584

Consideration of amendments to Fence Ordinance. [First Reading 1/26/98]

The City Clerk read Ordinance No. 584 by headnote only, as follows:

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES;
ADOPTING A FENCE CODE; AND PROVIDING FOR CONFLICT,
SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

There was no public input on this ordinance.

Motion:

Motion was made by Johnston and seconded by Staib to approved Second and Final Reading of Ordinance No. 584. Upon roll call, motion carried 5-0, as follows:

Johnston

Aye

Staib

Aye

Brayton

Aye

Lewis

Aye

Wever

Aye

In response to Council's question, City Manager Anderson stated that fees related to fence permits would be set up by resolution if necessary.

Residential Speed Limits - Ordinance No. 585

Consideration of proposed ordinance to establish speed limits on designated streets by resolution. [First Reading 1/26/98]

City Clerk Phillips read Ordinance No. 585 by headnote only, as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, ADOPTING
MAXIMUM SPEED LIMITS FOR CITY STREETS; PROVIDING FOR ALTERING
POSTED SPEED LIMITS ON CITY STREETS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE
DATE.**

There was no public input on this ordinance.

Motion:

Motion was made by Johnston and seconded by Lewis to approve Second and Final Reading of Ordinance No. 585. Upon roll call, motion carried 4-1 as follows:

Staib

Aye

Brayton

Nay

Johnston

Aye

Lewis

Aye

Wever

Aye

City Clerk Phillips advised that the spelling of the word "maximum" in the headnote would be corrected.

REGULAR AGENDA

Utility Extensions - Service Agreement

Proposed policy amendment to provide for Fire Protection Services without agreement for future annexation at City's option.

City Manager Anderson advised that based upon discussion at the January 15, 1998 meeting, Council accepted a request that the City establish a provision amending the existing policy requiring that applicants for

utility extension outside the City limits agree to future annexation at the option of the City. He explained that the amendment includes authorization to establish a fire protection provision only. He added that he would bring back for Council's consideration a revision to the standard utility service agreement. Mr. Anderson went on to state that in the event that someone obtains water service for fire protection only and then later petitions for regular service, they would fall under the standard annexation provision.

Motion:

Motion was made by Staib and seconded by Johnston to approve the policy amendment to provide for fire protection services without agreement for future annexation at City's option . Motion carried 5-0.

Financial Software

Consideration of Micro-Arizala's "Fund Balance" financial system proposal.

Director of Finance Huffstutler responded to Council's questions regarding the software's capacity to run DOS and Windows 3.1. He further assured Council that the software was Year 2000 compliant. Mr. Huffstutler explained that the Finance Division employees would receive training for the software on site. He added that this software would compute payroll as well. It was pointed out that the total package costing approximately \$75,000 is under the budgeted amount by approximately \$25,000.

Motion:

Motion was made by Johnston and seconded by Staib to authorize staff to negotiate a contract with Micro-Arizala's "Fund Balance" for the financial software system. City Manager Anderson stated that the contract would be brought back to Council for approval. Motion carried 5-0.

The Mayor stated that he had spoken to the auditors and he commended the Director of Finance and his staff for how smooth the 1996-97 audit is progressing.

Harley Davidson Motorcycles

Review of revised proposals.

Police Chief Tincher presented motorcycle lease options for Council's consideration. He recommended Sunset Harley Davidson which is offering a 12 month lease for \$200.00 per month per unit, service

included, with 12,000 annual mileage. The purchase price at the end of the year lease would be \$10,750 per unit.

Motion:

Motion was made by Staib and seconded by Lewis to approve a lease of two motorcycles with Sunset Harley Davidson without the light and siren package.

It was decided that purchase of the cycles at the end of the lease would be considered during the budget process.

Motion carried 4-1, with Brayton voting in opposition.

Downtown Parking Requirements

Review of existing parking requirements and consideration of revisions. [From 11/3/97 and 11/17/97 meetings]

Council was presented with maps depicting options for a downtown core area as previously distributed to Council at their November 17, 1998 meeting. Council reviewed each option, along with the report submitted by the City Planner. City Manager Anderson advised that the only downtown core area formally adopted by Council is the one that was included in the application for the CDBG Downtown Revitalization Grant.

The concern was expressed that the downtown area as presented in the City Planner report had never been agreed to by Council.

Council agreed that a core area should be determined for the upcoming Metropolitan Planning Organization (MPO) downtown circulation study and the 1998-99 CDBG Downtown Revitalization Grant, should Council agree to pursue it. The difficulty of determining a downtown core area was discussed in that the same area may not fit each need.

Several Council Members felt that Council's original intent on this issue was for staff to present options on

amending current regulations to allow flexibility for parking requirements on a City-wide basis rather a downtown core area as one had not been determined.

Council discussed at length page 12 of the City Planner report which recommended an amendment to Schedule B: Automobile Off-Street Parking Space Requirements in the existing code that would encourage development of existing buildings city wide in certain zoning categories.

In response to City Manager Anderson's request for clarification, Council agreed that Council's original intent from this agenda item was to find a way to encourage or upgrade the use of exiting buildings by allowing some type of exemption from parking requirements.

It was discussed whether owners of vacant lots which are unbuildable due to the parking regulations should be granted exemptions or be required to obtain variances through the Planning and Zoning Commission.

Council discussed the lack of parking in the downtown area. Robert Buckner, City business owner, informed Council that the general public is not aware that a large portion of the City Hall parking lot is open to the public. He agreed that downtown parking is limited and many places are being used by County employees.

Motion:

Motion was made by Johnston and seconded by Brayton to approve Map #A - 1989 Comprehensive Plan Central Business District to be used for the MPO traffic circulation study with the inclusion of Liberty Street in its entirety. Motion carried 5-0.

Motion:

Motion was made by Johnston and seconded by Lewis to authorize staff to develop an ordinance for Council consideration incorporating Note #2 (bottom of page 12 of City Planner report) with the wording change of "To encourage redevelopment of older commercial buildings..." to "To encourage use of existing commercial buildings...". Motion carried 4-1, with Brayton voting in opposition.

Mayor Wever suggested holding a workshop meeting with the Council, the Downtown Development Corporation, Brooksville Again and a Hernando County representative to be held in conjunction with the parking and circulation study that the MPO is currently comprising that may recommend options to alleviate the parking problem. City Planner Bolton advised that the MPO Study would incorporate public

meetings to make its determinations.

City Clerk Phillips advised that there is an initial meeting scheduled with representatives from the same organizations sometime in March to discuss community awareness for the potential CDBG Downtown Revitalization grant. Council agreed with the City Clerk's suggestion to widen the agenda to include discussion of downtown parking.

Advisory Board Appointments

Appointment of members to Advisory Boards due to term expirations.

Motion:

Motion was made by Brayton and seconded by Lewis to reappoint current member Bobby Laseter and appoint James Anthony Covell to the Building Adjustment and Appeals Board for four year terms of office through January 31, 2002. Motion carried 5-0.

Motion:

Motion was made by Brayton and seconded by Johnston to reappoint current member George Rodriguez to the Planning and Zoning Commission for a four year term of office through January 31, 2002. Motion carried 5-0.

Motion:

Motion was made by Brayton and seconded by Lewis to reappoint current members JoAnn Munford, Martin LeHew and Louise Taylor and appoint Patricia Rials to three year terms of office through January 31, 2001. Motion carried 5-0.

Motion:

Motion was made by Brayton and seconded by Johnston to reappoint current member Andrew Williams, Jr. for a four year term of office through November 30, 2001 and Mark Rials for a four year term of office through March 31, 2002. Motion carried 5-0.

Sewer Rate Adjustment Resolution No. 98-1 (Revised)

Proposed resolution amends the current sewer rate charge for residential customers to \$19.33. USDA/RD has indicated that, following their revenue analysis consideration of RUS Program Funding towards construction of the new Cobb Rd. WWTP, the City must guarantee the above sewer rate to insure

that they will be able to offer the \$1,000,000 grant/\$3,630,000 loan funding. Once the costs and additional data are available regarding Phase II of the project (interconnects) and the FDOT relocate program, the City will review future rate structure scenarios with USDA/RD for a subsequent revision.

City Manager Anderson informed Council that after discussions with USDA/RD, he would advise that the resolution be tabled. He further advised that there is a difference of opinion between City staff and USDA/RD in the calculation of the rates within this resolution.

The City Manager explained that USDA/RD is operating on the existing rate structure and does not encourage adoption of the revised rate restructure based on consumption at this time.

He informed Council that USDA/RD is in the position to accept a preliminary grant and loan funding application for the interconnects. However, USDA/RD is now questioning whether the \$19.33 being applied only to single family residences in this resolution would generate the revenue that they have already indicated on projections. He added that USDA/RD is currently still in the process of reviewing the rate restructuring resolution. He suggested that the City allow USDA/RD to make their recommendations on the resolution to ensure receipt of the grant/loan.

Mayor Wever presented Council Members with a copy of notes he had made from recent meetings related to this issue. He also advised that City staff is currently reviewing the WWTP construction plans and plans to send them to USDA/RD for review the following week. He went on to state that USDA/RD may take 30 days or less to review the plans. Should USDA/RD make any changes, City staff and Coastal Engineering would need time to review those changes. Mayor Wever advised that USDA/RD will not let the City bid the construction project until the plans are approved.

Mayor Wever informed Council that once the loan is made the City cannot change the utility rates without prior approval of USDA/RD until the loan is paid. He further advised that USDA/RD has indicated that if the bids for the construction of the plant come in over budget, they may consider increasing the grant amount. USDA/RD has also recommended that the City apply for a loan or partial grant for the interconnect project.

Mayor Wever went on to advise that the financial advisor is currently researching the possibility of getting First Union to waive or decrease the 1/4% commitment fee based upon receipt of the loan/grant. He further advised that the financial advisor was also going to check on the FDOT cost involved in the moving of the utility lines on S.R. 50 and U.S. 41.

In discussing the FDEP permit, Director of Public Works Pierce informed Council that DEP has advised that 60 days prior to the completion date of the WWTP, December 1998, staff should apply for a permit modification that will extend the permit, if needed.

City Manager Anderson responded to Council's questions by stating that the

City can recommend rate changes based on the Burton and Associates Rate Study, however, USDA/RD reserves the right to approve them for the 40 year length of the loan/grant. Mayor Wever added, however, that the rate structure itself can be changed subject to USDA/RD approval.

Mayor Wever offered that should it be necessary, Council could discuss this matter further at a special meeting before the scheduled March 2nd regular meeting.

(MOVED FROM CONSENT AGENDA)

Cobb Road WWTP

Modification to WWTP Chlorination System.

Director of Public Works Pierce explained that based upon upcoming regulations from the Department of Environmental Protection Agency, there may be a need to change the existing Coastal Engineering Associates (CEA) contract to modify the use and storage of the gas chlorine cylinders in the new WWTP Treatment Plant. He went on to state that the modification would include CEA designing a separate set of plans for an alternate system to be added to the construction bid documents as an addendum or as a change order.

Council discussed the time line it would take CEA to design the separate set of plans and the possibility of including a penalty clause in the contract to be used if the plans are not submitted on time.

Motion:

Motion was made by Lewis and seconded by Staib to approve the additional fees for CEA to design the alternate plans for the new system not to exceed four weeks from execution of the contract at a price not to exceed \$9,500. The motion and second were amended to include a 10% penalty for every week the plans are late.

Council Member Brayton brought up the fact that the new FDEP regulations have not been approved and the alternate system is a fairly new concept. Director of Public Works Pierce responded to Council's questions by stating that the modification, although cost effective and safer, is not a proven technology and

therefore was not included in the original CEA contract.

Motion carried 4-1, with Brayton voting in opposition.

CITIZEN'S INPUT

Purchase of City-Owned Property

Tony Covell advised that he had moved into the offices at 26 - 30 E. Liberty Street which he purchased from the City. He thanked the City for working with him in the purchase of this property.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Brick Streets - Bell Ave.

Council Member Johnston commended Emory Pierce, Director of Public Works, and his staff for the progress they have made on restoring Bell Avenue's brick street.

MARY A. STAIB, COUNCIL MEMBER

Notification of upcoming events

Council Member Staib advised that the Brotherhood/Sisterhood Dinner is scheduled for February 15, 1998. She further advised that the High 12 breakfast at Cloverleaf will be held on March 14, 1998.

KAREN M. PHILLIPS, CMC, CITY CLERK

Picnic Table Pavilion Dedication

City Clerk Phillips reminded Council that the Picnic Table Pavilion (built with Florida Power Releaf Tree Sale proceeds) dedication ceremony is scheduled for February 13th at 10:30 a.m.

Downtown Development Corporation Craft Show

City Clerk Phillips advised that the Craft Show and Jazz Festival will be held March 14 and 15, 1998 in the City Hall parking lot.

The concern was expressed that no stakes should be driven into the asphalt during this event.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:34 p.m.

City Clerk

ATTEST:
Mayor

:jjj

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SPECIAL COUNCIL MEETING

February 17, 1998 5:15 P.M.

Brooksville City Council met in special session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; James E. Adkins, Fire Chief; Lee Roy Huffstutler, Director of Finance; Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and WWJB Radio were also in attendance.

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

PUBLIC HEARING

Review of settlement proposal in the Lane vs. City of Brooksville lawsuit.

City Attorney Battista advised that this meeting is called pursuant to Florida Statutes 164.106, which requires a public hearing for governmental bodies to consider or approve a settlement before payment is made. He went on to state that mediation on this issue was held under Federal rules and procedures on February 11, 1998 and a settlement of all issues involved in this action was reached for a total amount of \$135,500.

Motion:

Motion was made by Brayton and seconded by Lewis to accept the settlement proposal.

City Attorney Battista pointed out that the settlement amount and attorney's fees will be paid by Florida League of Cities insurance.

Council Member Staib stated that she would have preferred the case to go to court but added that she would concede in this instance as it saves the City money.

Jan Kalnbach questioned Council Member Staib on why she would have preferred it to go to court. Council Member Staib explained that she felt that a jury trial would bring out all facts rather than just some of the facts and that issues could be better clarified in a jury trial.

There was no further public input or discussion from Council.

Motion carried 5-0.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 5:19 p.m.

City Clerk

ATTEST:
Mayor

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REGULAR COUNCIL MEETING

March 2, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Jennifer J. Johnson, Deputy City Clerk; James E. Adkins, Fire Chief; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times (7:50 p.m.) and WWJB Radio were also in attendance.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

January 26, 1998 - Regular Council Meeting

February 9, 1998 - Regular Council Meeting

February 17, 1998 - Special Council Meeting

Public Safety Division - Radio Purchase

Approval to purchase radio console from Tri-Co Communications for \$5,615.50. [Budgeted in account #001-013-521-64.03]

Parks and Recreation Department - Grandstands purchase

Approval to piggyback on Hernando County contract to purchase two grandstands in the amount of \$7,732.00 to be installed by City labor. [Budgeted in account #304-020-572-49.00]

DCA - Local Mitigation Strategy Funding

Approval to prepare a unified Local Mitigation Strategy in coordination with Hernando County, which will subgrant State funding up to \$7,500 for City share of cost.

Additional Surplus Equipment

a.

Declare additional equipment surplus for auction

b.

Authorization for City Manager to declare equipment surplus prior to auction, if necessary

Motion:

Motion was made by Brayton and seconded by Johnston to approve the March 2, 1998 Consent Agenda.
Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Certificate of Valor

City Manager Anderson read a Certificate of Valor in honor of Police Captain Terry Chapman for meritorious service above and beyond the call of duty when he was seriously injured from a gun shot wound on February 27, 1998 while on duty.

"Margaret R. Ghiotto Beautification Award"

Recognition of improvements made to 38 Irene Street owned by Joe D'Andrea and Phil Daniel.

Mayor Wever presented the certificate and revolving plaque to Joe D'Andrea.

REGULAR AGENDA

Ordinance No. 546-A - Election Code Revision

Amending the qualifying period at the request of the Supervisor of Elections.

Deputy City Clerk Johnson read Ordinance No. 546-A by headnote only, as follows:

**AN ORDINANCE OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES
AMENDING CERTAIN SECTIONS OF THE ELECTION CODE; SPECIFICALLY,
DESIGNATING QUALIFYING DATES; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

There was no public input on this ordinance.

Motion:

Motion was made by Staib and seconded by Lewis to approve First Reading of Ordinance No. 546-A.
Upon roll call, motion carried 5-0, as follows:

Brayton

Aye

Johnston

Aye

Staib

Aye

Lewis

Aye

Wever

Aye

Second and Final Reading scheduled for March 16, 1998.

Ordinance No. 501-B - Sign Code Revisions

Review Sign Code Revisions as recommended by Sign Code Review Committee.

Sign Code Revision Committee Chairman Joe D'Andrea was present to answer any questions.

Council discussed sandwich board signs, specifically the sign face size of 2 x 3 feet and overall height size of 5 feet set forth in Ordinance 501-B. Council further discussed the possibility of changing the sign face size

to 2 x 4 feet. Chairman D'Andrea felt that sandwich board signs were mainly for the benefit of pedestrian traffic and recommended that the sign face size remain at 2 x 3 feet.

Chairman D'Andrea further advised that the committee discussed the possibility that this ordinance could be aimed for implementation on a city-wide basis with Council considering another ordinance addressing signs for the downtown area only at a later date.

It was the consensus of Council that the language concerning the height of sandwich board signs should be clarified.

Council also discussed limiting buildings and units to "one" sandwich board sign rather than "two" as recommended by the Committee in Section

2-a of the ordinance.

There was no public input on the ordinance.

Motion:

Motion was made by Johnston and seconded by Brayton to approve First Reading of Ordinance No. 501-B with the change of "two" sandwich board signs to "one" in Section 2-a and language clarification for sandwich board height of 5 feet in Section 1-b.

Deputy City Clerk Johnson read Ordinance No. 501-B by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA AMENDING CERTAIN SECTIONS OF CHAPTER 12.5 OF THE CODE OF ORDINANCES ENTITLED SIGNS; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

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

Johnston

Aye

Staib

Aye

Brayton

Aye

Lewis

Aye

Wever

Aye

A lengthy discussion ensued regarding the fact that the ordinance does not address banners, which was one of the original concerns from business owners when the committee was formed to review the sign ordinance. Specifically, Council discussed the portion of the ordinance which defines "on-site banners" as an attached sign, however, they are to be used in conjunction with a special event only.

As Council Liaison to the Sign Code Revision Committee, Council Member Brayton advised that although there was public input months ago before the committee was formed, none of those people applied for the Sign Code Revision Committee nor attended any of the Committee meetings. It was

pointed out that neither Council nor City staff had received any telephone calls regarding the Committee's work, specifically as it may relate to the use of banners.

Motion:

Motion was made by Lewis and seconded by Brayton, for discussion purposes, to change the definition of "Banner, On-Site" in Section 2.0 of the current sign code to read:

"Any sign of durable fabric or similar material mounted to or hung from a building, adequately secured on all four (4) extreme corners. ~~and used in conjunction with a special event.~~"

Debra Rogers, owner of a business which makes banners, felt that leaving the banner restrictions as they are currently set forth in the code will harm her business, as well as all businesses in the community.

Motion failed 2-3, with Brayton, Johnston and Wever voting in opposition.

Second and Final Reading scheduled for March 16, 1998.

Ordinance No. 586 - Off-Street Parking Exception

Proposed ordinance allows for certain exceptions to the off-street parking requirements.

The Deputy City Clerk read Ordinance No. 586 by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA AMENDING CERTAIN SECTIONS OF THE LAND DEVELOPMENT REGULATIONS, SUBPART B: LAND USE/ZONING REGULATIONS OF THE CODE OF ORDINANCES ENTITLED SCHEDULE B: MINIMUM AUTOMOBILE OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AND EFFECTIVE DATE

There was no public input on this ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve First Reading of Ordinance No. 586. Upon roll call, motion carried 5-0, as follows:

Staib

Aye

Brayton

Aye

Johnston

Aye

Lewis

Aye

Wever

Aye

Second and Final Reading scheduled for March 16, 1998.

Home Occupation Policy

Proposed policy provides for processing of certain "no impact" home occupation license applications based on specific criteria.

City Manager Anderson stated that this policy would clarify and allow staff to facilitate the processing of home occupational license applications by using the "test" outlined in the policy. He stated that businesses that meet the test would be processed as home occupations in residential and agricultural districts. He added that if the business did not meet the test, a special exception could be sought to allow the license.

The problem of enforcement of the requirements of the policy was discussed. Council specifically discussed item #2 of the policy which states that "No employees or customers (other than residents of the home) will go to or from the residence".

City Manager Anderson indicated that he would check on the language of item #7, which states that a home occupational license would not be

granted if a non-commercial vehicle in excess of 10,000 pounds is parked at the residence.

Motion:

Motion was made by Brayton and seconded by Lewis to approve the policy with item #2 being removed.

City Planner Bolton clarified that if there are any employees or customers involved, home occupations would not be allowed in R-1A or R-1B zonings but only in R-1C with a special exception. She added that the intention of this policy is to allow home occupations in R-1A and R-1B if there are no employees or customers going to or from the residence.

City Manager Anderson advised that he would revise the policy and bring it back, along with information on "no or light" impact and current code regulations, at a later date.

The issue of whether those individuals whose residential and business address are outside the City limits but come in to do work such as lawn cutting should be required to have an occupational license was

brought up for discussion.

Motion and second were withdrawn.

WWTP Status Report

Report on USDA/RD loan/grant.

Director of Finance Huffstutler informed Council that USDA/RD had indicated that the City may be able to receive better terms on the interim financing, such as a waiver of the .25% commitment fee on the unused balance, than what First Union bank has offered. He went on to state that First Union is reviewing that term but added that it does not look like they will waive that fee.

Huffstutler advised that the Bond Counsel is working on the closing documents then and should be presented to Council for review in late March. He went on to state that USDA/RD is currently reviewing the grant application.

Director of Public Works Pierce advised that Coastal Engineering Associates should be delivering a final set of plans and specifications to the City on Friday, March 6th. He added that they will be reviewed over the weekend and hand delivered to the USDA/RD office in Tavares on Monday, March 9th.

In response to Council's question, Director of Public Works Pierce indicated that to the best of his knowledge, Civil-Tech's plans for the transmission lines and interconnects were on schedule.

CITIZEN'S INPUT

Florida Power Franchise

Mike Harbour, Florida Power Cooperation, read into the record a letter from Janice Case, Florida Power Corporation, which accepted the franchise ordinance (Ordinance No. 583) and the terms thereof. Mr. Harbour added that Florida Power looks forward to working with the City for the next 30 years.

NOW organization

Jan Kalnbach, Co-Chair of the National Organization for Women, Inc., stated that she had several questions which she would like to ask Council regarding the Lane vs. Anderson/City of Brooksville

lawsuit.

City Attorney Battista advised that there have been no findings as part of the settlement agreement as to acts of the City Manager. He went on to state that he is unaware of a signed release from the plaintiff reflecting a commitment to the settlement or a dismissal of the case. He continued by stating that in the absence of a dismissal of the Lane vs. Anderson/City of Brooksville and considering the fact that the lawsuit of Musgrave vs. Anderson/City of Brooksville is ongoing, as Council's attorney, he would recommend that Council not respond to any questions related thereto.

Ms. Kalnbach questioned if a sexual harassment policy is in the Personnel Policy manual. Acting Human Resources Manager Huffstutler responded that it was. She further questioned if posters or other information were posted in an easily seen spot throughout the workplace. Mayor Wever responded that every employee has a copy of the Personnel Policy manual. In response to her question regarding the procedure for filing a sexual harassment grievance, Mayor Wever stated that it is included in the Personnel Policy, which is public record.

Ms. Kalnbach provided Council with sexual harassment informational handouts. She further requested that a City representative join "NOW - Women Friendly Work Place Campaign" as an act of good faith.

Flooding Problems

Mary Evelyn Reid brought up concerns regarding the recent flooding problems that have occurred in Hernando County over the last few months. She requested that the City work with Hernando County on the ongoing drainage and flooding problems.

Council Member Brayton felt that there were many flooding problems within the City that should be addressed before expending funds for problems outside the City limits.

Chester Bradshaw, Chairman of the Citizen's Advisory Committee, acknowledged that there are flooding difficulties close to home as well as County-wide. He requested that DEP's Ecosystem Management Program, the City, Hernando County and other agencies join together to request the Army Corps of Engineers to review the problems and give technical advice and financial support through grants to help solve some of these problems.

Mr. Bradshaw requested City representation at the Mitigation Banking Workshop on March 9th at the

Fairground from 1:00 - 5:00 p.m. City Manager Anderson offered to attend the meeting and report back to Council.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Brick Streets

In response to Council Member Johnston's question, Director of Public Works Pierce updated Council on the status of removing the asphalt to uncover the brick streets on Bell Ave. He stated that further progress with the project has been delayed due to the flooding and drainage problems within the City, but added that work crews would resume as soon as possible.

MARY A. STAIB, COUNCIL MEMBER

Fire Chief Position

In light of the impending retirement of Fire Chief Adkins, Council Member Staib questioned if the position would be advertised. City Manager Anderson stated that the position would be advertised beginning the weekend of March 7th. Council Member Staib recommended that one of the Fire Captains take the position while waiting for the job to be filled. Council Member Brayton reminded Council that the City Charter gives the City Manager the authority in this instance to do whatever he feels is in the best interest of the City.

Church dedications

Council Member Staib stated that she attended both the Emmanuel Baptist Church and the Christ Lutheran Church dedications. She added that the letter of congratulations from the Mayor was read at both.

RICHARD E. LEWIS, VICE MAYOR

Hernando County Fair

Vice Mayor Lewis reminded everyone to support the Hernando County Fair which is being held from February 28 - March 7, 1998.

E.E. "ERNIE" WEVER, JR.

Mayor Pro-Tem

Mayor Wever advised that it be might necessary for him to have an operation in the near future. He suggested that Council appoint a Mayor Pro-Tem to help Vice Mayor Lewis fulfill any required duties during the Mayor's absence.

Motion:

Motion was made by Brayton and seconded by Lewis to appoint Brayton as Mayor Pro-Tem. Motion

carried 5-0. Mayor Wever added that the appointment would be effective until he is able to return.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:17 p.m.

Deputy City Clerk

ATTEST:
Mayor

:jjj

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REGULAR COUNCIL MEETING

March 16, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; James E. Adkins, Fire Chief; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and WWJB Radio were also in attendance.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

March 2, 1998 - Regular Council Meeting

Correction to Minutes

Approval of correction to December 15, 1997 Regular Council Meeting minutes.

Parking Lot Paving - Kiddy Park

Approval of project and transfer of \$5,000 from McKethan Capital Trust Fund.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the March 16, 1998 Consent Agenda.

City Clerk agreed to check on page five of the March 2, 1998 minutes pertaining to the discussion of who advised the City that we could receive better financing terms than those offered by First Union.

[NOTE FOR FILE: Subsequent reivew by the City Clerk revealed that the minutes were currect as originally stated and would not, therefore, be amended.]

Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - Juvenile Justice Week

Proclaiming the week of March 15 - 21, 1998 as Juvenile Justice Week.

Proclamation was read by Council Member Staib and presented to a representative of the Juvenile Justice Council. He invited Council Members to various functions that were being sponsored by the Juvenile Justice Council throughout the week. Council Member Staib encouraged all to attend the E-How-Kee Open House and tour on March 19, 1998.

Proclamation - Brooksville Kiwanis Club

Recognizing 75th anniversary of Kiwanis Club on March 22, 1998.

Proclamation was read by Vice Mayor Lewis and presented by Council Member Johnston to Rick Carlton, Kiwanis Club President. Mr. Carlton invited all to attend the banquet to be held on March 21st at the Elk's Lodge.

PUBLIC HEARING

Ordinance No. 546-A - Election Code Revision

Amending the qualifying period at the request of the Supervisor of Elections. [First Reading 3/2/98]

City Clerk Phillips read Ordinance No. 546-A by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES AMENDING CERTAIN SECTIONS OF THE ELECTION CODE; SPECIFICALLY, DESIGNATING QUALIFYING DATES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

There was no public input on this ordinance.

Motion:

Motion was made by ~~Motion~~ **Lewis (approved by Council 4/6/98 _____)** and seconded by Brayton to approve Second and Final Reading of Ordinance No. 546-A. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Ordinance No. 501-B - Sign Code Revisions

Proposed Code Revisions to provide for "sandwich signs". [First Reading 3/2/98]

City Clerk Phillips read Ordinance No. 501-B by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA AMENDING CERTAIN SECTIONS OF CHAPTER 12.5 OF THE CODE OF ORDINANCES ENTITLED SIGNS; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

City Clerk Phillips advised that the ordinance had been amended pursuant to the changes requested at the First Reading on March 2, 1998.

Motion:

Motion was made by Johnston and seconded by Staib to approve Second and Final Reading of Ordinance No. 501-B.

Debra Rogers, owner of a banner business in Brooksville, came forward to present a listing of businesses of Brooksville who are concerned over the issue of not allowing the use of banners. It was pointed out that this amendatory ordinance did not address banners and that that discussion could take place under citizen's input.

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

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

Ordinance No. 586 - Off-Street Parking Exception

Proposed ordinance would allow for certain exceptions to the off-street parking requirements. [First Reading 3/2/98]

The City Clerk read Ordinance No. 586 by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA AMENDING CERTAIN SECTIONS OF THE LAND DEVELOPMENT REGULATIONS, SUBPART B: LAND USE/ZONING REGULATIONS OF THE CODE OF ORDINANCES ENTITLED SCHEDULE B: MINIMUM AUTOMOBILE OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AND EFFECTIVE DATE

There was no public input on this ordinance.

Motion:

Motion was made by Lewis and seconded by Johnston to approve Second and Final Reading of Ordinance No. 586. Upon roll call, motion carried 5-0, as follows:

Staib Aye

Brayton Aye

Johnston Aye

Lewis Aye

Wever Aye

REGULAR AGENDA

Ordinance No. 587 - Vacation of Public Lands

Establishing procedure to vacate, abandon or discontinue and close any street, alleyway, road or easement.

City Attorney Battista advised that the City Code does not currently contain any provisions adopting procedures to

vacate, abandon or discontinue and close any street, alleyway, road or easement. He explained that the City had been using Florida Statutes which do not specifically apply to municipalities.

City Clerk Phillips read Ordinance No. 587 by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, ESTABLISHING THE PROCESS FOR VACATING PUBLIC RIGHTS-OF-WAY AND EASEMENTS; PROVIDING FOR PETITION; PROVIDING FOR NOTICE; PROVIDING FOR HEARING; PROVIDING FOR RECORDATION AND PUBLICATION; PROVIDING FOR RETURN OF ESTATE VACATED; PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

There was no public input on the ordinance.

Motion:

Motion was made by Johnston and seconded by Lewis to approve First Reading of Ordinance No. 587. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Second and Final Reading scheduled for April 6, 1998.

Dental Insurance Options

Accept Insurance Committee's recommendation to continue City's current "self-insured" dental plan.

For history purposes, Director of Finance Huffstutler explained that Council had previously agreed to continue the City's self-insured dental plan for an additional six months and bring back dental options for Council's consideration. He went on to state that after review of the responses to the RFP, the insurance committee recommended that it would be cheaper for the City and better for the employees for the City to maintain the current self-insured dental plan.

Motion:

Motion was made by Brayton and seconded by Lewis to accept the Insurance Committee's recommendation to continue current plan and reject the dental bids. Motion carried 5-0.

Bond Financing - Brooksville Heights

Consideration of request to authorize a specialized bond issue to facilitate the acquisition and renovation of Brooksville Heights.

City Manager Anderson advised that William Eppley, attorney for the applicant, has requested that this item be tabled and rescheduled for a later date.

Mayor Wever reported that after discussions with staff, it is his opinion that authorizing the bond at this time may jeopardize the WWTP financing and bond issues based on tax exempt status issues.

WWTP Status Report

a. Resolution No. 98-5

Approval of loan resolution for interim financing of related projects for closing of financing to be held on March 19, 1998.

The City Clerk read Resolution No. 98-5 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA AUTHORIZING (I) THE BORROWING OF FUNDS TO ACQUIRE, CONSTRUCT AND INSTALL CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE EXISTING MUNICIPAL WATER AND SEWER SYSTEM OF THE CITY, INCLUDING CONSTRUCTION AND INSTALLATION OF A WASTEWATER TREATMENT PLANT AND TRANSMISSION LINES; (II) THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT IN CONNECTION WITH THE BORROWING OF SUCH FUNDS, AND (III) THE ISSUANCE OF A PROMISSORY NOTE IN THE PRINCIPAL AMOUNT OF \$8,000,000; FINDING IT IS IN THE BEST INTEREST OF THE CITY TO NEGOTIATE THE SALE OF THE NOTE AND AUTHORIZING THE SALE OF SAID NOTE TO FIRST UNION NATIONAL BANK; DESIGNATING THE NOTE AS A "QUALIFIED TAX-EXEMPT OBLIGATION" WITHIN THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; SECURING PAYMENT OF THE NOTE BY PLEDGING (A) THE NET REVENUES OF THE MUNICIPAL WATER AND SEWER SYSTEM OF THE CITY, WHICH PLEDGE OF SUCH NET REVENUES IS SUBORDINATE TO THE PLEDGE THEREOF IN FAVOR OF THE CITY'S OUTSTANDING WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 1988A AND SERIES 1992, AND (B) THE PROCEEDS TO BE DERIVED FROM THE SALE BY THE CITY OF WATER AND SEWER REVENUE BONDS TO BE ISSUED BY THE CITY FOR THE PURPOSE OF REFUNDING THE PROMISSORY NOTE AUTHORIZED HEREBY; AUTHORIZING THE MAYOR OR THE VICE-MAYOR AND THE CITY CLERK TO EXECUTE SUCH AGREEMENTS, INSTRUMENTS, DOCUMENTS OR CERTIFICATES NECESSARY OR DESIRABLE IN CONNECTION WITH THE FOREGOING; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Brayton and seconded by Lewis to approve Resolution No. 98-5. It was pointed out that the resolution gives the Mayor the authority to make any changes deemed necessary.

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

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

City Clerk Phillips advised that each Council Member would need to sign the "Certificate of Public Meeting" which will be submitted with the closing documents this week.

Mayor Wever advised that the Council has just approved \$8 million dollars of debt which will limit the amount of money that can be borrowed in the upcoming budget years.

Director of Finance Huffstutler addressed questions regarding whether engineering fees already spent can be applied to the City's \$1.5 million committment.

b. Report on project.

Director of Public Works Pierce advised that the engineering plans and specifications had been delivered to Rural Utility Service on March 10, 1998. He stated that review comments should be returned on April 10, 1998. He added that there will be additional changes to the plans that will be submitted later, such as the alternate chlorination system. Mr. Pierce went on to advise that the plans for the WWTP have been delivered to the County Development Review Committee on this date and they will be meeting with the City on March 19th.

Regarding the interconnects, the Public Works Director stated that 60% completion plans have been delivered to the City with total plans to be submitted by April 21, 1998.

Mr. Pierce added that bids for the construction of the plant should be advertised after the April 10th date.

Mayor Wever advised that the closing for the \$8 million line of credit will be March 19, 1998.

Resolution No. 98-6 - Recognition of Fire Chief James E. Adkins

In recognition of Fire Chief James E. Adkins' retirement March 31, 1998 after 25 years of distinguished service to the City of Brooksville.

City Clerk Phillips read Resolution 98-6 by headnote only, as follows:

A RESOLUTION IN APPRECIATION OF THE YEARS OF DEDICATION AND SERVICE RENDERED TO THE CITY OF BROOKSVILLE, FLORIDA BY JAMES E. ADKINS

Motion:

Motion was made by Brayton and seconded by Lewis to approve Resolution No. 98-6.

Motion carried 5-0, as follows:

Staib Aye

Brayton Aye

Johnston Aye

Lewis Aye

Wever Aye

CITIZEN'S INPUT

Business Community Representatives - Banners

Representatives from Bealls Outlet Dept. Store and Rogers T-Shirt and Banner Shop requested that City Council reconsider the Sign Code Committee's recommendation and allow the use of banners within the City with regulations to control and enforce such things as appearance, the amount of time the banners can hang and safety concerns.

Council Member Lewis expressed his opinion that banners should be regulated. He added, however, that the use of banners does benefit the City and its businesses.

Motion:

Motion was made by Lewis and seconded by Staib to set up a committee to consider a possible ordinance amendment to address the use of banners and include enforcement thereof.

In response to Mayor Wever's question, Sign Code Review Committee Liaison Brayton stated that the Committee did review the section of the ordinance on banners as they were directed. Council Members Brayton and Johnston voiced opposition to setting up another committee. Council Member Johnston suggested that at this point, staff could be directed to prepare a report for Council's consideration.

Motion and second were withdrawn.

Motion:

Motion was made by Lewis and seconded by Staib to direct staff to research the use of banners and enforcement thereof and prepare recommendations for Council's consideration. Council Member Johnston clarified that the motion would entail the request for staff to come up with a proposed ordinance or proposed set of guidelines to be made into an ordinance that would allow the use of banners by businesses with certain regulations.

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

Captain Terry Chapman - Return to Duty

Capt. Chapman thanked the public, Council, employees and Chief Tincher for their show of support and concern during his recovery from the shooting incident.

ITEMS BY COUNCIL MEMBERS

E. E. "ERNIE" WEVER, JR., MAYOR

Florida League of Cities Conference

Mayor Wever encouraged Council Members to start thinking about who should represent them at the Conference.

Tom Varn Park Improvements

Mayor Wever complimented the Dept. of Public Works staff on the work being done at the park and stadium.

Comparison of Pursuit Vehicles

The Mayor encouraged Council Members to compare the smaller pursuit vehicles recently purchased for the Police Dept. to the previous cars. Versions of both were on display in the parking lot.

Craft Fair

Mayor Wever complimented the City Clerk for the work done on that weekend's craft fair. The City Clerk acknowledged the help of the Dept. of Public Works staff in getting the parking lot ready for the event.

KAREN M. PHILLIPS, CITY CLERK

Auction of Surplus Equipment

City Clerk Phillips advised that the City will conduct an auction of surplus equipment on Saturday, March 21st at the Dept. of Public Works Complex at 600 S. Brooksville Avenue starting at 11:00 a.m. Lists of surplus items available.

ADJOURNMENT

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

ATTEST:
Mayor

:jjj

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SPECIAL COUNCIL MEETING

March 26, 1998 4:15 P.M.

Brooksville City Council met in special session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, and Joseph E. Johnston, III present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; and William Smith, Superintendent of Utilities were also in attendance.

FDOT Land Acquisition

Approval for Mayor to execute quit claim deed to FDOT for parcel of land located on Buck Hope Road and S.R. 50.

Motion:

Motion was made by Brayton and seconded by Lewis to approve execution of the Quit Claim Deed subject to FDOT accepting responsibility for any required relocations in the subject parcel at their expense.

Council Member Johnston questioned the value of the property. City Manager Anderson stated that he was unsure and requested that Elmer Korbus, FDOT, address Council. Mr. Korbus advised that if FDOT were to take this property, it would involve eminent domain procedures and the City would be named in a lawsuit. He explained that rather than do that, FDOT would prefer to have the City quit claim the interest in the easement to them. Mr. Korbus added that he does not anticipate any construction on that property until the S.R. 50 road widening project is started.

City Manager Anderson requested FDOT assurance that the City would not be responsible for any costs incurred on required utility relocations. Mr. Korbus acknowledged that he did not have the authorization to give that assurance. It was pointed out that the deed could be signed upon FDOT's acceptance of the condition.

Superintendent of Utilities Smith was present on answer questions on the utility relocations involved in that easement.

Motion carried 4-0.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

E.E. "ERNIE" WEVER, JR., MAYOR

Candlelight Homeowners' Association

Mayor Wever presented Council with a list of requests made by the Candlelight Homeowners' Association at their meeting on March 25, 1998. He advised that the Homeowners' Association are going to form a committee to further discuss each item and will then request to meet with Council to discuss their concerns.

FEMA funds

Mayor Wever advised that after conversations with the Fire Chief, there may be FEMA funds available due to all the recent flooding problems that may be used for repaving portions of Candlelight Blvd. He stated that he would like to meet with the Director of Public Works and the City Manager about also using the money for a drainage culvert on Candlelight Blvd.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 4:31 p.m.

- City Clerk

ATTEST:

Mayor

:jjj

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REGULAR COUNCIL MEETING

April 6, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; James E. Adkins, Fire Chief; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and WWJB Radio were also in attendance.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

March 16, 1998 - Regular Council Meeting

March 26, 1998 - Special Council Meeting

CDBG Contract Amendment

Incorporation of contract amendment procedures into existing contract.

Budget Calendar - 1998-99

Approval of budget calendar for the 1998/99 Fiscal Year.

Capital Projects - Paving

Approval to pave Field #3 - Tom Varn Park at a cost of approximately \$5,500.

Parks and Recreation Director Pugh requested Council consideration to authorize the same contractor to pave the entrance road to the new adult softball complex.

Motion:

Motion was made by Lewis and seconded by Johnston to approve the April 6, 1998 Consent Agenda with correction to motion on page two of March 16, 1998 minutes. Motion carried 4-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

"Margaret R. Ghiotto Beautification Award"

Recognition of improvements made to 375 S. Broad St. owned by SunTrust Bank.

Mayor Wever and Beautification Board Chairman Taylor presented plaque and certificate to George Williams, President, SunTrust Bank.

PUBLIC HEARING

Ordinance No. 587 - Vacation of Public Lands

Establishing procedure to vacate, abandon or discontinue and close any street, alleyway, road or easement.

City Clerk Phillips read Ordinance No. 587 by headnote only, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, ESTABLISHING THE PROCESS FOR VACATING PUBLIC RIGHTS-OF-WAY AND EASEMENTS; PROVIDING FOR PETITION; PROVIDING FOR NOTICE; PROVIDING FOR HEARING; PROVIDING FOR RECORDATION AND PUBLICATION; PROVIDING FOR RETURN OF ESTATE VACATED; PROVIDING SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EFFECTIVE DATE.

There was no public input on the ordinance.

Motion:

Motion was made by Johnston and seconded by Staib to approve Second and Final Reading of Ordinance No. 587. Upon roll call, motion carried 4-0, as follows:

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Alcoholic Beverage Location Permit

Consideration of request for Location Permit for 20019 Cortez Blvd. Applicant: Side-Out, Inc.

City Clerk Phillips advised that City code requires a public hearing for such requests and added that it was duly advertised.

There was no public input on the Alcoholic Beverage Location Permit.

Motion:

Motion was made by Staib and seconded by Lewis to approve the Alcoholic Beverage Location Permit for 20019 Cortez Boulevard. Motion carried 4-0.

Alcoholic Beverage Location Permit

Consideration of request for alcoholic Beverage Permit for 209 Ponce de Leon Blvd. Applicant: Rochelle Randlett and Andrea Schultz, d/b/a Hazards.

City Clerk Phillips advised that this public hearing was duly advertised. Mayor Wever informed Council that the City had received one letter in opposition.

Motion:

Motion was made by Lewis and seconded by Johnston to approve the Alcoholic Beverage Location Permit for 209 Ponce de Leon Boulevard. Motion carried 3-1, with Staib voting in opposition.

In response to Council Member Johnston's question, City Attorney Battista stated that the location permits approved at this meeting are site specific. City Clerk Phillips added that should the business close, there is a 30 day period in which the new owner must come forward to request assignment for transfer of ownership of the location permit. If no request is made in the 30 days, it would be considered a new application.

REGULAR AGENDA

Sewer Rate Adjustment Resolution No. 98-1

Proposed resolution amending the current \$16.33 sewer rate for residential customers to \$19.33. [Continued from 1/5, 1/26 and 2/9/98 meetings]

City Clerk Phillips read Resolution No. 98-1 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA REVISING CERTAIN SERVICE CHARGES AND RATES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

City Manager Anderson advised that action was originally deferred on this resolution pending discussions with USDA/RD to determine whether there was an alternate to their initial position that this was a condition of their grant and loan program. He added that staff has verified that it is a condition that USDA/RD has set for the grant and loan and the resolution is before Council for approval effective with the May billing cycle.

City Manager Anderson confirmed Mayor Wever's question that it is still the City's plan to review all rates before the upcoming budget discussions, depending on the closing date of the grant application. He informed Council that pending unforeseen delays, USDA/RD has indicated that the City should have authorization to proceed with bidding on the new plant within ten days.

There was no public input on the resolution.

Motion:

Motion was made by Lewis and seconded by Johnston to approve Resolution No. 98-1. Upon roll call, motion carried 4-0, as follows:

Staib Aye

Johnston Aye

Lewis Aye

Wever Aye

1996-97 Audit

Approval of financial statements and related audit reports for the fiscal year ended September 30, 1997.

Mary Beth Gary, Oliver and Company, made the formal presentation of the 1996-97 Audit. She reported that the audit went very well and commended

the Finance Department for improvements made. She advised that some recommendations were included in the report but felt that many of them would be taken care of when the new financial software is implemented. City Manager Anderson offered appreciation to Oliver & Company whose staff assistance was utilized due to finance division staff

shortage.

Mayor Wever stated that discussions of the recommendations included in the report would be brought up at a future meeting when the Director of Finance is present.

Motion:

Motion was made by Lewis and seconded by Staib to accept the 1996-97 Audit. Motion carried 4-0.

Florida Crushed Stone - Contract Addendum

Approval of addendum to Effluent Disposal Service Agreement contract to extend expiration date to meet USDA/RD funding requirements.

City Clerk Phillips presented Council with an amended addendum which includes a provision that before February 14, 2020, the City and FCS shall negotiate the terms of compensation paid to FCS for the effluent disposal service.

City Attorney Battista informed Council that USDA/RD had requested that the FCS Effluent Disposal Service Agreement be extended, by addendum, through the length of the 40 year loan. Through the addendum process, FCS had concerns regarding compensation provisions, but have agreed to wait until the original contract expiration date to negotiate those compensation terms.

Council Member Johnston expressed concern regarding the fact that the City is not able to terminate the contract without a penalty unless there is "just cause" as defined in the contract. He felt that it may cause problems should at some point in the future it prove profitable for the City to provide this service. City Attorney Battista addressed the concern by calling attention to a provision in the contract which states that the decision as to the quantity of effluent delivered shall be at the sole discretion of the City.

Motion:

Motion was made by Staib and seconded by Lewis to approve the Florida Crushed Stone contract addendum.

Vice Mayor Lewis requested that staff begin researching alternative usages of the effluent.

Motion carried 4-0.

Home Occupation Policy

Proposed policy provides for processing of certain "no impact" home occupation license applications based on specific criteria. [from 3/2/98 mtg]

City Manager Anderson stated that an ordinance amendment would be brought back at a later date, but in the interim, Council approval of the policy is requested to allow administrative approval of these types of applications.

Discussion ensued regarding the item included in the policy which states that no employees or customers (other than residents of the home) will go to or from the residence. It was pointed out that if the language was modified to state that traffic would not be impacted, it may be difficult for a staff person to make that determination based upon representation of the home owner. City Attorney Battista offered that the vehicular traffic impact was addressed in a separate part of the policy. He added that it is important to consider enforcement issues, which would be more difficult if the policy is changed to allow more leniency rather than approved as written. He stated that a home owner could always seek a special exception from relief of certain requirements of the policy. City Planner Bolton advised that the current code does not allow a special exception in certain zoning districts and suggested that the ordinance be amended at a later date.

To correct redundancy, the word "non-commercial" was deleted as it first appears in Item #7.

Council Member Staib expressed her opposition to item #2 of the policy, which stated that no employees or customers, other than residents of the home, will go to or from the residence.

Motion:

Motion was made by Johnston and seconded by Lewis to approve the Home Occupation Policy as proposed. Motion carried 3-1, with Staib voting in opposition.

Utility line Extensions - Proposed Policy

Consideration of proposed reimbursement of a portion of Connection Fees.

City Manager explained that this policy originated from requests from developers who expend money to run utility service lines or water mains to their sites, which would open lines to adjacent property for future development. To encourage economic development in the City, staff has proposed that Council approve this policy which will rebate a portion of the connection fees as new connections are made.

By consensus, Council directed staff to bring back a policy and a formal ordinance amendment to give Council power to authorize such refunds. City Manager Anderson stated that staff would bring back options of how to implement the policy.

Advisory Board Appointment - Parks and Recreation Advisory Board

Appointment of Council Member representative to fill the unexpired four year term (August 31, 1998) due to resignation of Council Member Brayton.

Vice Mayor Lewis volunteered to serve as Council representative to the Parks and Recreation Advisory Board to fill the unexpired four year term which expires August 31, 1998, which was confirmed by the Mayor and Council.

Quarry Golf Course - Policies and Fee Schedule

Approval of policies and fee schedule as recommended by the Parks and Recreation Advisory Board.

By consensus, the fee schedule was changed to include language that the Parks and Recreation Director be authorized to establish special rates and discounts for tournaments and promotional events.

Motion:

Motion was made by Staib and seconded by Lewis to approve the policy and fee schedule as amended. Motion carried 4-0.

Cobb Road Waste Water Treatment Plant and Interconnection project

a. Engineering Services (Cobb Road WWTP) - Contract Amendment

Approval of additional design and related work by Coastal Engineering Associates in the amount of \$4,000 for electrical work relating to alternate chlorination system.

Director of Public Works Pierce explained the request and added that the alternate plans for the chlorination system would now total \$13,500 and be included in the contract as an addendum.

Staff was directed to negotiate the date when the plans must be complete before the penalty clause would come into affect.

Director of Public Works Pierce stated that this contract would not delay the bidding process of the WWTP.

It was pointed out that in the future, Council will need to decide whether to pursue the alternate chlorination system based upon contract bid prices.

Motion:

Motion was made by Staib and seconded by Lewis to approve contract amendment. Motion carried 4-0.

b. Engineering Services (Interconnect System) - Contract Amendment

Approval of additional design and related work by Civil Tech Engineering in the amount of \$17,950 for construction of a new sewer line on School Street between Summit and the WWTP site.

Director of Public Works Pierce discussed details of the new line and added that the two existing sewer lines would be abandoned. It was pointed out that the construction of the new line would be included in the interconnect project bid. Mr. Pierce added that the contract amendment would need to be approved by USDA/RD.

Motion:

Motion was made by Staib and seconded by Lewis to approve the contract amendment. Motion carried 4-0.

c. Status Report - USDA/RD loan/grant and construction schedule

Director of Public Works Pierce advised that USDA/RD had approved and returned the Coastal Engineering Associates Engineering Contract. He added that staff had delivered plans for the interconnect project to USDA/RD for their review.

Director of Public Works Pierce went on to state that it appears that Civil-Tech Engineering is still on schedule with permit submittal for the interconnect project. He further advised that staff will be going out for bid on the construction of the WWTP shortly.

CITIZEN'S INPUT

Sanitation Division - garbage pick-up

City resident Robert Cook addressed Council regarding a dispute over cost of garbage pick-up at his residence at 822 Shayne Street. Council agreed that the City shall pick-up the garbage at the price quoted to Mr. Cook by the Sanitation Division.

Flooding Problems

Mary Evelyn Reid notified of potential funding opportunities and requested that the City work jointly with governmental agencies in an effort to relieve some of the recent flooding problems, especially in the School Street area.

ITEMS BY COUNCIL MEMBERS

MARY A. STAIB, COUNCIL MEMBER

CDBG recap

Council Member Staib requested that staff provide Council with a recap of what past CDBG funds were used for and how much, if any, funds are left over from previous grants. City Clerk Phillips requested that Council Member Staib meet with her to determine exactly what information she was looking for.

Sidewalk replacement

In response to Council Member Staib's question, City Planner Bolton updated Council on the status of the MPO sidewalk replacement program and the bulb-out project.

Mitigation Workshop

Council Member Staib expressed concern that she did not receive word regarding a recent Local Mitigation Committee Workshop that she had volunteered to serve on. The City Clerk clarified that staff met with County Staff to work out the details for the study and working group that will be formed to develop the mitigation plan, which is the group that the Council Member would be serving on. The City and County will be signing an agreement in the near future to commit our \$7,500 to the County for the joint project.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

MPO Advisory Committee

Council Member Johnston advised that the MPO Advisory Committee currently has positions available, including a City resident and minority position. He encouraged Council to be thinking of at least two City residents to fill the positions to ensure that City residents interests are represented on the committee.

E.E. WEVER, JR., MAYOR

Complaint - Mail boxes

In response to Mayor Wever's concerns, Vice Mayor Lewis agreed to check into a problem occurring on Darby Lane wherein the postal truck is impeding traffic when delivering mail at the condo mailboxes.

RICHARD E. ANDERSON, CITY MANAGER

Street lighting - S.R. 50

City Manager Anderson advised Council that he was currently researching when the plans for street lighting at the U.S. 41 and S.R. 50 project were approved. He stated that he assumes that the current plans for street lighting were addressed by either Florida Power or FDOT when the widening project was first discussed, but was unsure of whether the City had any input at the time.

KAREN M. PHILLIPS, CMC, CITY CLERK

Congresswoman Thurman's visit to City Hall

City Clerk Phillips advised that Congresswoman Thurman's visit to City Hall scheduled for 9:00 a.m. April 8th had been changed to between 11:00 or 11:30 a.m. the same day. She encouraged Council Members to stop by to meet and visit with her.

Florida Releaf Tree Sale

City Clerk Phillips informed Council that the annual Florida Power Releaf tree Sale will be held April 18, 1998 at the Florida Power office on Jefferson Street.

Lion's Club Bike-a-thon

City Clerk Phillips informed Council that the first annual Lion's Club Bike-a-thon and Family Day will be held on the jogging trails of Tom Varn Park on April 18, 1998.

CDBG Community Awareness

City Clerk Phillips advised that she would be calling Council Members in the near future to arrange a Council

workshop meeting with Robert Johnson of Clark, Roumelis and Associates and members of the community in an effort to promote awareness of the CDBG Downtown Revitalization grant that the City may apply for in the next grant cycle. She stated that the workshop meeting will probably be held in May.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:20 p.m.

City Clerk

ATTEST:

Mayor

/jjj

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REGULAR COUNCIL MEETING

May 4, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; William Smith, Superintendent of Utilities; Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and Hernando Today were also in attendance.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

April 6, 1998 - Regular Council Meeting

Advisory Board Appointments - Brooksville Cemetery Advisory Board

Due to term expirations, Council is requested to appoint two positions for four year terms of office which expire April 30, 2002. Current members have requested reappointment.

Donto Plaza - Plat Extension

Consideration to extend final date for plat submittal (expires June 6, 1998) for 180 days, which would set new plat expiration date until December 3, 1998.

Fire Div. Auxiliary Steel Building

Request to waive bid requirement and purchase building from General Steel Corp in the amount of \$19,890. (No bids received at 4/17/98 bid closing)

Award of Bid - Computer Servers & Workstations (AD98-03)

Award computer equipment bid to BCD Computer Distribution, Inc. in the amount of \$33,189, subject to City Manager's final approval.

Claim for reimbursement - Sewer damage

Consideration of reimbursement of expenses for damage caused by sewer back up at 161 E. Jefferson Street in the amount of \$3,696.88.

Motion:

Motion was made by Lewis and seconded by Johnston to approve the May 4, 1998 Consent Agenda.

Addressing Council's concerns, the City Manager stated that staff would scale back the project such as additions or alternates rather than raise the \$19,890 purchase price for the Fire Auxiliary Steel Building.

Director of Public Works Pierce advised that the estimates submitted by the St. Pete Times for reimbursement of sewer damage were verified by staff. He explained that apparently, several years ago, a contractor employed by the City to complete a water line project to the school board property inadvertently cut the sewer line and left it that way. The City Attorney was directed to review the contract for the possibility of recourse to reimburse the City's expense for this pay out.

Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - Teenage Pregnancy Prevention Awareness Week

Proclaiming week of May 3 - 9, 1998 as Teenage Pregnancy Prevention Awareness Week.

Proclamation presented to Judy Brayton, A.R.N.P., Health Department. Mrs. Brayton thanked those Council Members who had attended the Teen Pregnancy Prevention Awareness Rally at the County Courthouse.

Proclamation - Police Week

Proclaiming the Week of May 10 - 16, 1998 as Police Week.

Proclamation was presented to Police Captain, Terry Chapman. In addition, Captain Chapman was presented with a "Wounded in Combat" Medal of Valor in recognition of being injured in the line of duty during a criminal investigation in February.

REGULAR AGENDA

Ordinance No. 588 - Utility line Extensions

Consideration of amendatory ordinance providing for reimbursement of a portion of connection fees for water line extensions and other revisions. [From 4/6/98 meeting]

Superintendent of Utilities Smith explained that this ordinance modifies the credit method to developers for off-site water expenses when extending water lines.

Mayor Wever brought up for discussion the language on page one in the definition of "sewage disposal system". He felt that the sentence should read:

Sewage disposal system means and includes those works owned and operated by the city for the disposal of sanitary sewage beginning with the "first" (rather than "last") lift station of the sewer system and embracing all conduits through which the sewage thereafter passes to the point of final disposition in a stream or canal..."

Superintendent Smith stated that staff could work on that language.

Mayor Wever further felt that the words "in a stream or canal" in that definition were not appropriate for the City's purposes. City Manager Anderson agreed that it could be modified before Second and Final Reading.

Mayor Wever also pointed out that there may be inconsistencies throughout the ordinance with use of the terms "wastewater system" and "sewer system". City Manager Anderson explained that this amendatory ordinance is the first of other code changes which need to be made concerning water and sewer and that the definitions referenced may tie

into future amendatory ordinances.

City Manager Anderson confirmed Council Member Staib's question that the 1990 "Recommended Standards for Wastewater Facilities" as referenced on page 23 is the most recent version.

Discussion ensued regarding page six, Sec. 17-180, and whether it should include a reference to sewer service outside the City limits as well. City Attorney Battista stated that he would research Florida Statutes 180 to determine if it only refers to water or sewer service.

Council Member Staib expressed her preference that the actual size of the pipes be listed when referring to "maximum" or "minimum" throughout the ordinance. Superintendent Smith pointed out that the sizes are addressed in the "construction standard" section.

Council also addressed the use of the terms "utilities division" versus "public works department". Mayor Wever offered his preference to the term "utilities division".

A lengthy discussion ensued regarding the credit to be given to those who pay for extension of lines beyond where the City normally would service. The terms "credit" versus "rebate" were discussed, especially in light of the bond constraints. Rather than a credit up front, Mayor Wever and Council Member Brayton suggested that when the fees are collected, the City would then reimburse approximately 50% of the fees to the developer.

The method of how a "credit" or "rebate" would work was discussed at length. City Manager Anderson advised that staff may have the City Attorney review this aspect of the ordinance. He went on to explain the possible request from a developer behind Wesleyan Village who may be utilizing this water line extension option.

Public Works Director Pierce presented a diagram to Council which outlined how developers would utilize a 100% credit of the connection fees for off-site construction, not to exceed the cost of the line, for the water line extension to their development. The 50% credit over a 10 year period would occur for future connections.

City Manager Anderson interjected that the City would reserve the right to determine what size pipe is necessary for the proposed development and potential future development. He added that the City would pay for the difference of what size pipe is needed for the current development and what is needed for future connections. The possibility of deducting the difference from the 50% credit was discussed.

Superintendent of Utilities stated that the credit issue could be worked on throughout the ordinance.

Language was suggested that if the line the developer puts in is sufficient to carry additional hook-ups other than what he needs, he would receive the 50% rebate. However, if the City needs to upgrade the line, the rebate is reduced below the 50% amount.

City Manager Anderson stated that staff would propose changes for Second and Final Reading in an effort to reflect Council's concerns.

Mayor Wever stated that he would meet with Mr. Anderson on a few other technical changes in the ordinance.

City Clerk Phillips read Ordinance No. 588 by headnote only, as follows:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 17, ENTITLED UTILITIES, OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES, SPECIFICALLY; ARTICLE III SEWERS DIVISION 1 GENERALLY, SECTION 17-71 DEFINITIONS, SECTION 17-72 SEWAGE DISPOSAL REQUIREMENTS FOR STRUCTURES, SECTION 17-73 SEWER CONNECTIONS; ARTICLE V, CONNECTION AND SERVICE OF WATER AND WASTEWATER FACILITIES OF CITY IN ITS ENTIRETY; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

There was no public input on this ordinance.

Motion:

Motion was made by Johnston and seconded by Staib to approve First Reading of Ordinance No. 588. Upon roll call, motion carried 5-0, as follows:

Brayton Nay

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Second and Final Reading scheduled for May 18, 1998.

Resolution No. 98-9 - Tourism Week

Declaring Week of May 3 - 9, 1998 as Tourism Week in conjunction with Hernando County and the Tourist Development Council.

The Mayor read Resolution No. 98-9 in its entirety.

Motion:

Motion was made by Brayton and seconded by Johnston to approve Resolution No. 98-9. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

The resolution was presented to Sue Rupe, Coordinator, Hernando County Tourist Development Council. Ms. Rupe explained some of the things that the TDC is involved in and highlighted some of the events that are being held in conjunction with Tourism Week.

Brooksville Heights - Resolution No. 98-8

Resolution and PILOT fund agreement supporting application to County for issuance of mortgage revenue bonds in estimated amount of \$5,000,000 for acquisition and renovation of facility.

Resolution No. 98-8 was read by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, SUPPORTING AND APPROVING THE ISSUANCE BY HERNANDO COUNTY, FLORIDA OF MORTGAGE REVENUE BONDS IN AN ESTIMATED AMOUNT OF \$5,000,000 FOR THE PURPOSE OF ACQUIRING AND RENOVATING A 180 BED ASSISTED LIVING FACILITY FOR THE ELDERLY FOR ATLANTIC COMMUNITY CARE, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION.

Motion:

Motion was made by Brayton and seconded by Johnston to approve Resolution No. 98-8.

There were no public input on this resolution.

In response to Mayor Wever's question, City Attorney Battista advised that he had spoken to the City's Bond Counsel who determined that there is no liability for the City in the adoption of this resolution as it relates to the recent bond issue.

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

Staib Aye

Brayton Aye

Johnston Aye

Lewis Aye

Wever Aye

City Clerk Phillips advised that approval of this resolution includes execution of the PILOT Agreement.

USDA - Cobb Road Waste Water Treatment Plant

a. Resolution No. 98-7 - Proposed Resolution provides for a \$2,700,000 loan from USDA/RD for RUS funding towards construction of Phase II Interconnect Project.

City Clerk Phillips read Resolution No. 98-7 by headnote only, as follows:

A LOAN RESOLUTION BETWEEN THE CITY OF BROOKSVILLE AND UNITED STATES DEPARTMENT OF AGRICULTURE/RURAL DEVELOPMENT (USDA/RD) FOR RURAL UTILITIES SERVICE (RUS) LOAN/GRANT FUNDING TOWARDS PHASE II CONSTRUCTION OF INTERCONNECT PROJECT

City Clerk Phillips advised that this loan resolution is in the amount of \$2.7 million. She added that it does not indicate any grant ratio at this point but may be amended to reflect that at the time of loan/grant closing.

Motion:

Motion was made by Lewis and seconded by Johnston to approve Resolution No. 98-7. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Mayor Wever advised that this would give the City the potential of a low interest rate loan in conjunction with a possible grant.

b. Status Report/Construction Schedule

Director of Finance Huffstutler advised that staff is preparing a grant application for phase II - water line relocates. He stated that the 1997 audit and the portion of the 1997/98 budget related to Phase II of the project must be sent in with the application. He stated that May 17, 1998 is the application deadline.

Mayor Wever requested that Council receive copies of the budget for Phase II when it is completed.

City Clerk Phillips reminded Council that Resolution No. 98-3 authorizes the City Manager to execute appropriate documents and that all information would be listed on Correspondence to Note.

Director of Public Works Pierce advised that the construction for the Cobb Road WWTP has been put out to bid. He stated that there will be an addendum issued to correct minor things. He went on to advise that all permit submittals have been made on the interconnection project and a few revisions will be made to those plans as well.

Mr. Pierce advised that FDEP has requested that the City begin the closure of the Croom Road ponds and he would present those options to Council at the next meeting.

Regarding the alternate plans for the chlorination system for the WWTP, the Public Works Director stated that the engineer is finished with those plans and they would be included as an addendum to the construction bid plans.

FEMA - Reimbursement for Flooding Damage

Authorization to execute Public Assistance Funding Agreement for funds in the amount of \$22,082.75.

Motion:

Motion was made by Johnston and seconded by Lewis to approve execution of the FEMA Public Assistance Funding Agreement. Motion carried 5-0.

Recommendations from 1996-97 Audit

Review of recommendations made in 1996-97 audit report. [from 4/6/98 meeting]

Motion:

Motion was made by Brayton and seconded by Staib to accept response to Auditor General and direct staff to implement recommendations made in 1996-97 audit report.

Mayor Wever stated that he agreed with the Auditor's recommendation to bid out the cash deposit accounts for a single pooled account.

In response to Mayor Wever's question, Director of Finance Huffstutler confirmed that the sale of the house and offices on Liberty Street would appear on the 1997/98 audit report.

Motion carried 5-0.

Old City Hall - 26 S. Brooksville Ave.

Consideration of offer from Carey Carlson in the amount of \$35,000 for the purchase of old City Hall.

Motion:

Motion was made by Brayton and seconded by Staib to accept offer from Carey Carlson in the amount of \$35,000 for the purchase of Old City Hall at 26 S. Brooksville Ave.

City Attorney Battista called attention to the conditions outlined in Mr. Carlson coversheet. These conditions were 1) If the environmental audit revealed ground contamination or the use of asbestos in the building in a large amount and 2) the ability to not secure financing. Mr. Battista stated that those conditions could be setforth in the form of an addendum.

Council discussed the conditions at length, including the possibility of establishing a dollar amount that would trigger the "amount" of asbestos that may be considered a large amount.

City Attorney Battista and City Clerk Phillips confirmed Mayor Wever's concern that Section 13 "Commission to Realtor" would not apply in this instance.

Carey Carlson was present to address questions by Council. In response to Council's question, he stated that the environmental study is scheduled for May 28th. Regarding condition #2, he assured Council that financing would not be a problem.

Mr. Carlson stated that he would be storing data processing equipment in the building and leasing the remainder.

Council Member Johnston pointed out that the offer of \$35,000 is below the appraised value of the building of \$42,900, which is after the \$4,000 deduction for demolition.

Motion and second were amended to allow the City Manager, City Attorney and Carey Carlson to draft a contract, including an addendum or letter of commitment, covering the concerns expressed by Council.

Motion and second were withdrawn.

Motion:

Motion was made by Brayton and seconded by Staib to accept the contract and setforth the conditions in the form of an addendum. Motion carried 4-1, with Johnston voting in opposition.

Insurance Consultant

Approval to request proposals for Insurance Consulting services.

Director of Finance Huffstutler advised that staff would like to pursue proposals for an insurance consulting firm that does not provide insurance services and receive commissions, and, therefore, could give unbiased advice and recommendations.

Motion:

Motion was made by Brayton and seconded by Staib to approve RFP's for Insurance Consulting services.

In response to Council Member Staib's question, the City Manager indicated that the time table may not allow utilization of the T.W.I.C.E. Agreement between the School Board and Hernando County, which has not been finalized at this time.

Motion carried 5-0.

Surplus Property

Request to declare City owned property located at the NW corner of Yontz Road and Howell Ave. as surplus.

Motion:

Motion was made by Johnston and seconded by Brayton to declare City owned property located at the NW corner of Yontz Road and Howell Ave. as surplus. Motion carried 5-0.

CITIZEN'S INPUT

Downtown Revitalization

Brooksville Again member Bob Boyd expressed concern that no Council Member had attended the Gulf Coast Conservatory meeting on April 29th in Aripeka which addressed the program underway in Dunedin for downtown revitalization. Mayor Wever advised that he has visited Dunedin and has attended various programs on the topic. He further advised that City Clerk Phillips attended the meeting in Aripeka on Council's behalf.

City Clerk Phillips advised that she has coordinated a workshop meeting with CDBG grant administrator, Robert Johnson, Clark Roumelis and Associates, Downtown Development Corporation, Brooksville Again and various businesses and property owners, to be held before the regularly scheduled Council Meeting on June 1st.

Further discussion ensued regarding street lighting, the bulb out project and other grants such as the Main Street U.S.A. grant which may be pursued after the CDBG Downtown Revitalization Grant.

Kim Lemon and Brooksville Again Members offered their support in any efforts made towards revitalizing the downtown area.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

Status Report - Wellfield

Status report on contract negotiations with Coastal Engineering for Design, Permitting, and Siting of new Wellfield (from 12/16/96 meeting)

Director of Public Works Pierce advised that the contract negotiations had resumed and a contract would be completed by the end of the month.

Mayor Wever expressed his opinion that a clause should be included in contracts giving a bonus to companies or firms when a project is finished before the deadline ~~time~~ (approved by Council 5/18/98 _____) date.

Mayor Wever further felt that Council should not be involved in deciding who a contractor should use as a subconsultant, subcontractor or project manager for a particular project after a contract is agreed upon by Council. If the subconsultants are listed in the contract when it is presented, then Council would have a right to review that. City Manager Anderson stated that he would keep Council's concerns in mind when negotiating future engineering contracts.

Director of Public Works Pierce stated that in this instance, he would like contract negotiations to include naming a project manager.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Public Safety Director

Council Member Johnston advised that he had spoken to several citizens who felt that Council would be remiss if they did not at least study the possibility of hiring a Public Safety Director rather than maintain the two Chief positions in an effort to save money.

Mayor Wever and Council Members Lewis and Staib voiced their opposition to the Public Safety Directors position, individually stating that they did not see how it would save the City money.

Council Member Brayton stated that while he did not believe that it would save the City money, he would not be

opposed to staff researching the possibility.

Council Member Johnston voiced his opinion that the money saved from the two chiefs positions could be put back into the salaries of existing fire and police employees in an effort to make the City's pay scale in those divisions more competitive with other agencies.

Motion:

Motion was made by Lewis and seconded by Staib to authorize the City Manager to proceed with short listing the Fire Chief applications, appoint said position and report the findings to Council. Motion carried 3-2, with Brayton and Johnston voting in opposition.

Motion:

Motion was made by Brayton and seconded by Johnston to authorize staff to look into the possible cost savings in hiring a public safety director. Motion carried 3-2, with Lewis and Staib voting in opposition.

E.E. WEVER, JR., MAYOR

WRPC Meeting

In response to Mayor Wever's question, Council Member and WRPC representative Johnston stated that he did not think he would be able to attend the upcoming WRPC/FDOT access management meeting.

Bills in Legislature

Mayor Wever brought up for discussion the various bills being considered by the Florida Legislature which affect municipalities such as the ability to impose a ½ cent sales tax to be used for specific purposes, the telecommunications bill, the police and fire pension bill and the bill regarding public service commission oversight on utilities. He stated that letters opposing the public service commission bill and the telecommunications bill had been sent to the appropriate legislators.

City Clerk Phillips advised that she had read that the Police and Fire Pension bill had passed both the house and senate but would check on that.

Utility Rate Increases

Mayor Wever informed Council that he had directed the City Manager to draft a letter to be sent to all utility customers explaining the \$3.00 increase in their May utility bill and explaining the reason for future increases.

City Manager advised that the letters will be ready for the Mayor's signature shortly. Mayor Wever stated that he would ensure that Council is provided a copy of the letter before it is sent. City Clerk Phillips stated that staff was researching the best method to get the letters distributed.

Suncoast League of Municipalities

Mayor Wever advised that the annual SLM Mini Conference would be held May 29, 30 and 31, 1998 at the Plantation Inn in Crystal River and that he and Council Member Staib were attending.

CSX Railroad detours

Mayor Wever brought up for discussion the fact that the City had not heard when the railroad crossing detours would begin but advised that they should keep it in mind as it will possibly cause traffic problems in Brooksville.

Motorcycles for traffic control

At the request of Mayor Wever, Chief Tincher advised Council that he had received notification from the motorcycle vendor that they will not be delivered from the factory until after August 1, 1998. The vendor also indicated that they will be 1999 models which may include an increase in price.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:56 p.m.

City Clerk

ATTEST:

Mayor

/jjj

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REGULAR COUNCIL MEETING

May 18, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Nick Ruggerio, Acting Fire Chief; William Smith, Superintendent of Utilities; Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times (7:42 p.m.) and Hernando Today (7:50 p.m.) were also in attendance.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

May 4, 1998 - Regular Council Meeting

Award of Bid - Vibratory Roller (SD98-04)

Approval to award bid to B & M Equipment Rental in the amount of \$8,969. [\$11,500 budgeted]

City Clerk Phillips advised that a typographic error on page nine of the minutes would be corrected. Mayor Wever stated that the intent of the motion on page four was to approve First Reading of Ordinance No. 588 upon language clarification from staff before presentation of Second and Final Reading.

Motion:

Motion was made by Johnston and seconded by Staib to approve the May 18, 1998 Consent Agenda with correction to minutes as noted. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

"Margaret R. Ghiotto Beautification Award"

Recognition of improvements made to 233-235 Bell Ave. owned by Mr. & Mrs. White.

Mayor Wever and Beautification Board Chairman Taylor were on hand to present the certificate and plaque. The recipients were not present, but would be contacted regarding the award.

PUBLIC HEARING

Ordinance No. 588 - Utility line Extensions

Consideration of amendatory ordinance providing for reimbursement of a portion of connection fees for water line extensions and other revisions. [First Reading 5/4/98]

City Clerk Phillips read Ordinance No. 588 by headnote only, as follows:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 17, ENTITLED UTILITIES, OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES, SPECIFICALLY; ARTICLE III SEWERS DIVISION 1 GENERALLY, SECTION 17-71 DEFINITIONS, SECTION 17-72 SEWAGE DISPOSAL REQUIREMENTS FOR STRUCTURES, SECTION 17-73 SEWER CONNECTIONS; ARTICLE V, CONNECTION AND SERVICE OF WATER AND WASTEWATER FACILITIES OF CITY IN ITS ENTIRETY; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Council Member Staib pointed out the redundancy of the word "City" on page three of the ordinance. Mayor Wever felt that it was necessary for clarity purposes.

Mayor Wever called attention to bold language on page 10 of the ordinance which explains the reasoning for language deletion. City Manager Anderson explained that the language was there only for clarification purposes and would be taken out before finalization.

Council discussed the change of the words "credited" to "applied" throughout the ordinance, which was made in response to concerns expressed at First Reading. Mayor Wever objected to the term "applied", stating that the terms still meant the same thing and should be changed.

In discussing the Mayor's concerns, City Manager Anderson offered that the procedure to collect the fees and then reimburse the developer the amount due to him was noted in Section 17-187.

Mayor Wever requested that staff review Section 17-198(a) as it may relate to the bond resolution.

Council Member Brayton suggested that the ordinance be tabled to allow Council the opportunity to provide their concerns and questions in writing to staff.

There was no public input on this ordinance.

Motion:

Motion was by Brayton and seconded by Staib to postpone Second and Final Reading of Ordinance No. 588 until the June 1, 1998 meeting. Council Members to provide their concerns and questions in writing to staff by May 20th at 5:00 p.m. Motion carried 5-0.

City Clerk Phillips suggested a new section be added that explained the procedure to collect the fees and then reimburse the developer.

By consensus, Council preferred to be provided a clean copy of the ordinance for Second and Final Reading.

REGULAR AGENDA

Resolution No. 98-10 - Setting Fees for Water and Sewer Connection Fee Rates Setting Fees for Water and Sewer connection fee rates as referred to in Ordinance No. 588.

In that Ordinance No. 588 was tabled, Resolution No. 98-10 was tabled until the June 1, 1998 meeting.

Ordinance No. 530-C - Adoption of Building Codes

Adoption of updated editions of building codes as being considered by Hernando County Board of County Commissioners.

City Clerk Phillips read Ordinance No. 530-C by headnote only, as follows:

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES; ALLOWING DESIGNATION OF OFFICIALS TO MAINTAIN CODES; PROVIDING FOR ADOPTION OF FEES; PROVIDING FOR PENALTIES ON VIOLATIONS; ESTABLISHING OR DELEGATING DUTIES OF BUILDING BOARD OF ADJUSTMENT AND APPEALS; ADOPTING REVISED PUBLICATION EDITIONS OF VARIOUS STANDARD CODES AND DELETING AND/OR ADDING CERTAIN SECTIONS; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

There was no public input on this ordinance.

Motion:

Motion was made by Johnston and seconded by Staib to approve First Reading of Ordinance No. 530-C with Second and Final Reading scheduled for June 1, 1998.

In response to Mayor Wever's question regarding legislation on swimming pool requirements, Hernando County Development Department representative John Ingargiola, advised that the bill regarding pool barriers did not pass in the Senate.

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

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

FDOT vs. City of Brooksville (MOVED TO ITEM NO. 3 OF REGULAR AGENDA)

Update on status of Summons to Show Cause on FDOT lawsuit regarding Parcel 803, abutting Cortez Boulevard near Buck Hope Road.

Motion:

Motion was made by Johnston and seconded by Lewis to direct the City Attorney to file perfunctory answer to protect claim in lawsuit. If Resolution No. 98-11 is approved, negotiations shall be entered into to exchange deed for the surplus property for the wellfield site for the deed to Parcel 803. If FDOT refuses to exchange the deeds, then the lawsuit will continue.

City Attorney Battista advised that FDOT has appraised the value of the City's interest in this property of \$300. He went on to state that he would file an answer on the lawsuit with an affidavit from the Director of Public Works that relocation of the utilities on this easement would cost approximately \$3,500 and that \$300 is not an appropriate amount. He would not dispute the ability of FDOT taking the property and would approach them with the option of the deed exchange.

Motion carried 5-0.

Resolution No. 98-11 - FDOT Property - Potential Wellfield Site

Consideration of requesting FDOT transfer of surplus property to City, at no cost, for wellfield protection.

City Manager Anderson stated that language will be added to the resolution that would address the need of the property for potential future wellfield sites and/or expansion of the existing wellfield.

City Clerk Phillips read Resolution No. 98-11 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE SUPPORTING CITY ACQUISITION OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) ABANDONED SURPLUS PROPERTY FOR PUBLIC PURPOSES

There was no public input on this resolution.

Motion:

Motion was made by Johnston and seconded by Staib to approve Resolution No. 98-11 with the additional language to be added. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

USDA - Cobb Road Waste Water Treatment Plant

a. Amended Resolution No. 98-7

Proposed Resolution provides for a \$2,840,000 loan from USDA/RD for RUS funding towards construction of Phase II Interconnect Project.

City Clerk Phillips read Amended Resolution No. 98-7 by headnote only, as follows:

AN AMENDMENT TO LOAN RESOLUTION NO. 98-7 BETWEEN THE CITY OF BROOKSVILLE AND UNITED STATES DEPARTMENT OF AGRICULTURE/RURAL DEVELOPMENT (USDA/RD) FOR RURAL UTILITIES SERVICE (RUS) LOAN/GRANT FUNDING TOWARDS PHASE II CONSTRUCTION OF INTERCONNECT PROJECT MODIFYING AMOUNT TO \$2,840,000

City Clerk Phillips advised that this amended resolution reflects the additional cost necessary for the School Street interceptor project.

There was no public input on this resolution.

Motion:

Motion was made by Staib and seconded by Lewis to approve Amended Resolution No. 98-7. Upon roll call, motion carried 5-0, as follows:

Staib Aye

Brayton Aye

Johnston Aye

Lewis Aye

Johnston Aye

b. Status Report/Construction Schedule

Director of Public Works Pierce advised that the Mandatory Pre-Bid Conference on the construction of the WWTP would be held on May 20, 1998. He added that several prime contractors had purchased plans from the engineer.

Regarding the interconnect project, Mr. Pierce stated that permit requests have been submitted to FDEP and that permits have been issued by SWFWMD. He added that permit application will be made to Hernando County shortly. Submittal of final plans and specifications should be made to RUS by the end of May with the project going out to bid the end of June. The Civil-Tech Engineering contract will be amended to add the School Street interceptor project.

In response to Council Member Johnston's concerns, Council discussed whether there was a provision in the engineering contract which would allow the possibility of hiring a City inspector for the construction project, rather than utilizing the engineer's on-site resident inspector as provided in the contract. Director of Public Works Pierce brought up the fact that if the City hired the inspector, the City assumes liability. He added that he and/or Superintendent of Utilities Smith would be at the site observing the progress several times a week. Mr. Pierce advised that he would have the County Building Department performing electrical inspections. Director of Public Works further advised that he was very comfortable with the ability of Coastal Engineering's Project Manager, Burt Bennett, to oversee all phases of the construction.

City Manager Anderson added that Council has the authority to hire a separate engineering inspector should they feel they need to monitor the construction at some point.

c. Resolution No. 98-12 - WWTP Access

Proposed resolution to take parcel necessary to complete access to WWTP.

City Attorney Battista explained that this resolution addresses a problem that staff has discovered with the legal description for the access to the WWTP site which is the result of an error on a survey done years ago. He stated that he would be pursuing purchase of the property, or alternatively, a condemnation and eminent domain lawsuit for the parcel

Council Member Johnston called attention to a possible error in the legal description listed on the resolution. City Attorney Battista indicated that he would change that if necessary.

City Clerk Phillips read Resolution No. 98-12 by headnote only, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA,
AUTHORIZING ACQUISITION OF REAL PROPERTY NECESSARY FOR THE CONSTRUCTION,
OPERATION, AND MAINTENANCE OF THE COBB ROAD WASTE WATER TREATMENT PLANT.**

There was no public input on this resolution.

Motion:

Motion was made by Brayton and seconded by Lewis to approve Resolution No. 98-12, with correction to legal description, if necessary. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Well Closure - Quarry Golf Course

Consideration of bid award at unit prices to Spring Hill Well Drilling at estimated cost of \$4,175. Project estimate (including contingency) \$5,075.

Motion:

Motion was made by Brayton and seconded by Lewis to approve bid award at unit prices to Spring Hill Well Drilling at estimated cost of \$4,175 for the Quarry Golf Course closure. Motion carried 5-0.

In response to Council Member Johnston's question, Director of Public Works Pierce advised that FDEP has requested that the City cease and desist in the closure of the Croom Road wells because additional testing may be necessary. Council Member Brayton suggested that the Director of Public Works should relay to FDEP that the Council will not agree with any money expended to perform additional testing.

Croom Road WWTP Percolation Ponds/Lagoons closure

Presentation of options for ponds/lagoons closure.

Director of Public Works Pierce recommended proceeding with the closure as an in-house project. He requested approval to obtain quotes for the rental equipment and authorization for the City Manager to approve the contract.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the Director of Public Work's recommendation.

City Manager Anderson stated that before final approval, he will distribute copies of the contract to Council. If there are any questions, he will bring it before Council before execution.

Motion 5-0.

Capital Improvements - Paving

a. Street Paving

Approval of amendment to previously submitted capital improvement plan with priority listing of streets to be paved during 1997/98 fiscal year and award project to County contractor, Grubbs Construction.

Director of Public Works Pierce stated that due to complaints that he has been receiving, he would like to modify the previously approved Capital Improvements list to include a portion of Candlelight Boulevard. He stated that the remaining portion of Candlelight can be addressed in next year's budget.

Motion:

Motion was made by Brayton and seconded by Lewis to approve the Public Work Director's recommendation, which would include award of contract to County contractor.

In response to Mayor Wever's concerns, Mr. Pierce agreed to take test cores on certain portions Candlelight Boulevard to determine whether limerock and clay would have to be removed to install a new base material before repaving to avoid occurrence of potholes.

Mr. Pierce confirmed Council Member Staib's statement that the City would not be paving over any brick streets.

Council Member Johnston questioned whether the streets or alleys near the Post Office were public streets, adding that they are in very bad shape. Director of Public Works Pierce advised that there is one private alley by the Post Office, but he would check on the other streets in that area. He added that he would be presenting a more extensive list in the near future.

Motion and second were withdrawn. Council Member Brayton suggested tabling the item until more information is obtained. He added that he has received many complaints from citizens on Alpine Circle regarding the condition of their street, which is not even listed on the priority list. He felt that Council may wish to go ahead with the original list, rather than spend a part or all the budgeted money on one street, which may not be enough money to do it right.

Vice Mayor Lewis offered support of paving Candlelight Boulevard. He stated, however, that if Mr. Pierce determines that there is a problem with the base, then the other streets could be paved as originally approved.

Mayor Wever felt that if the testing of Candlelight Boulevard should show that major work is necessary, then the whole width of the street would need to be repaved.

Motion:

Motion was made by Brayton to continue with the original paving list as previously approved by Council. Motion died for lack of second.

Denise Wilson, Candlelight resident, voiced her opinion that Candlelight Boulevard should be repaved and not repatched, and should be done right the first time.

In response to Mayor Wever's concerns, Public Works Director Pierce suggested rebuilding the intersections of Darby Lane and Candlelight Boulevard and rebuilding the bad area between both Erin Way intersections. He added that the work would be done at a cost not to exceed \$15,000. Mayor Wever stated that rest of Candlelight Boulevard could be done during the next budget year.

Mayor Wever stated that the street paving budget will need to be increased for the 1998/99 budget year.

City Manager Anderson stated that for the upcoming budget workshops, staff would bring back to Council a review of the remaining projects on the 1997/98 street capital improvement list, plus any additional streets to be added.

Mayor Wever requested that for the next agenda, staff provide a cost estimate of paving Candlelight Boulevard between the Erin Way intersections. He also requested that a cost estimate be provided for certain portions of Candlelight if testing shows that they have to be rebuilt.

In response to a question from a Candlelight Homeowner's Association representative, City Manager Anderson advised that FEMA did not approve the use of funds to repair roads due to the recent flooding problems.

Council Member Lewis suggested that in the meantime, staff continue with the rest of the streets.

b. Parking Lot

Review options to reseal or resurface the City Hall Parking Lot.

Discussion ensued regarding resealing or resurfacing the parking lot.

Motion:

Motion was made by Lewis and seconded by Staib to resurface the south ½ of the City Hall parking lot, Option B (1), which will utilize the County contractor. City Clerk Phillips advised that staff will not proceed with the project until the street contract is in place. Motion carried 5-0.

Insurance Consultant

Authorize piggyback on Escambia County contract (with minor modifications) to Waters Risk Management Insurance Consultant(s) on an hourly basis for an amount not to exceed \$24,000 for the purposes of reviewing current insurance policies, drafting specifications for RFP, analyzing responses and provide recommendations.

City Manager Anderson explained that staff is proposing the use of a consultant who will not participate as a broker or otherwise benefit from any insurance decision made. If the consultant recommends going out for bid on part or all of the insurance needs, it will be brought back to Council.

Motion:

Motion was made by Brayton and seconded by Staib to proceed with insurance consultant. Motion carried 5-0.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, COUNCIL MEMBER

Tourist Development Council - Bed Tax

Council Member and TDC Representative Johnston advised that he would be representing the TDC before the County Commission on May 19, 1998 supporting a 1% bed tax in Hernando County. By consensus, Council offered their support of the tax, which would be relayed to the Commission.

FDOT - Street Lighting

Council Member and MPO Representative Johnston presented correspondence from the MPO and FDOT. He advised that the MPO is supporting FDOT's position that agencies involved in road work or reconstruction projects will be responsible for construction, maintenance and Operation of Traffic Signals and Highway Lighting of affected highways. By consensus, Council agreed that FDOT should be responsible for costs incurred for any new or relocated lights or traffic signals which FDOT deems necessary as a result of the road widening projects.

Mayor Wever requested that staff distribute the information and place this item on the June 1st Council Meeting agenda.

MARY A. STAIB

Memorial Day Ceremony

Council Member Staib reminded everyone that there will be a Memorial Day Ceremony at 1:00 p.m. Sunday, May 24th at the Brooksville Cemetery which will feature Civil-War, Spanish American War and WWII reactors through a living history presentation.

RICHARD LEWIS, VICE MAYOR

Tampa Bay FireStix

Vice Mayor Lewis reminded everyone that the Tampa Bay FireStix will be playing at Tom Varn Park on Saturday, May 23rd.

E.E. WEVER, JR., MAYOR

FLC Annual Conference

Mayor Wever requested that Council Members begin considering whether they want to attend the Annual FLC Conference, which will be held in August in Miami. He asked that the item be placed on the next Council agenda, along with appointment of a voting delegate.

Candlelight Homeowner's Association

Mayor Wever advised that the Candlelight Homeowner's Association would like to meet with Council at a workshop meeting to discuss concerns that they have in their community. Lee Porterfield, Candlelight resident and member of the Homeowner's Association, advised that they were not ready for a workshop meeting at the present time, but would be shortly.

Mayor Wever felt that the Candlelight Homeowner's Association should make sure all property owners in the community are notified of any upcoming workshop meeting. Council Member Brayton offered his opinion that there may be other communities in the City that may wish to meet with Council to discuss their concerns.

Enforcement of traffic signs and traffic speeds

Mayor Wever requested that Police Chief Tincher provide Council with information at the June 1st meeting regarding enforcement of three-way stop signs. Chief Tincher advised that he and/or the City Attorney could speak to Judge Hyslop regarding his viewpoint on traffic fines at those type of locations.

Mayor Wever also asked Chief Tincher to be prepared to discuss the reduction of speed limits on various streets throughout the City.

As a side note to traffic signs, Mayor Wever stated that he would like to see "No through Trucks" signs further in at both entrances of Candlelight Boulevard.

Water Restrictions

Due to the recent dry weather, Mayor Wever directed staff to prepare a Press Release to remind residents of the SWFWMD's water restrictions.

Utility rate increase

Mayor Wever pointed out that Council had received a copy of the utility rate increase letter that will be sent to residential customers shortly.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Downtown Revitalization

City Clerk Phillips reminded Council that the Council workshop meeting with various downtown groups, business owners and the CDBG Grant Administrator will take place at 6:30 p.m. on June 1, 1998 to discuss downtown revitalization.

Police and Fire Pension Legislation

City Clerk Phillips advised that the Police and Fire Pension legislation is before the Governor for signing/vetoing. She stated that the FLC has advised that it is too late to write letters but phone calls in opposition are important at this point. The City Clerk stated that she had the Governor's legislative phone number for any that were interested in calling.

ROBERT B. BATTISTA, CITY ATTORNEY

Contract - damage during water line extension work

City Attorney Battista informed Council that he would be contacting each one of them individually regarding the damage done to a sewer line which occurred during water line extension work and what options may be available to the City to recover expenses paid out for the claim.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:34 p.m.

City Clerk

ATTEST:

Mayor

/jjj

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WORKSHOP AND REGULAR COUNCIL MEETING

June 1, 1998 6:30 P.M.

Brooksville City Council met in workshop and regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Jennifer J. Johnson, Deputy City Clerk; Lee Huffstutler, Director of Finance (7:50 p.m.); Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director (7:46 p.m.); Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief (7:46 p.m.); and a representative from the Hernando Times and Hernando Today were also in attendance.

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

WORKSHOP COUNCIL MEETING

Downtown Redevelopment Grant Workshop

Presentation of Commercial Revitalization Plan for Downtown Area for subsequent application to Department of Community Affairs (DCA) for CDBG Grant.

Mayor Wever recognized Representative Jeff Stabins, who was in attendance, and thanked him for his efforts to assist the City on downtown revitalization issues.

Mark Browning, President of Downtown Development Corporation, briefly explained that a focus group consisting of a cross section the business community was formed in support of the CDBG Commercial Revitalization Grant. Mr. Browning encouraged everyone present to submit their ideas and comments for the downtown improvements. He stated that pursuing this grant was the first step in the process of overall downtown revitalization.

Mr. Browning introduced Robert Johnson, grant consultant from Clark Roumelis and Associates. Mr. Johnson explained the CDBG grant by stating that each year the Federal government makes available to the state approximately \$30 million which is competed for by counties and local municipalities. Mr. Johnson stated that the first step, and a prerequisite to applying for the grant, is that the City establish a community redevelopment plan which establishes goals and addresses what the funds will be used for.

Mr. Johnson briefly explained that the City of Brooksville had considered applying for this grant in 1996, but did not pursue it at that time because the business community was not adequately informed of the grant details.

Mr. Johnson advised that in order to apply for the grant, the City must approve a "Finding of Necessity" in which the City is declared a "blighted area", a term with many definitions used by the Department of Community Affairs in relation to the grant. Some definitions include pedestrian deficiencies, walkway deficiencies, traffic congestion, parking deficiencies, and infrastructure deficiencies.

Mr. Johnson briefly described the required visioning(public input) process, the Finding of Necessities procedure and the finalization of the redevelopment plan. He went on to present a slide show which showed examples of areas in Brooksville's downtown where revitalization would be beneficial. The slide show also showed other communities that have utilized CDBG Commercial Downtown Revitalization funds.

Mr. Johnson stated that his proposed summary has identified this as a \$2 million dollar project. He discussed funding sources, including financing options and \$600,000 from CDBG and other types of grants.

Mr. Johnson answered questions from the audience at this time. He addressed a concern that a stronger approach to downtown revitalization may be to form a joint City and County community redevelopment agency. He explained that the three ways to form a redevelopment agency would be to 1) have Council serve as the agency 2) Council plus two members of the public serve as the agency and 3) a complete and independent board serves as an agency. Mr. Johnson added that generally in smaller communities, the Council serves as the redevelopment agency so that they maintain control of the grant funds.

Jim Gordon questioned if there would be any tax incentives to encourage people to establish their businesses in the downtown area. Mr. Johnson stated that he is not aware of any tax incentive used in conjunction with a CDBG revitalization grant.

Robert Buckner brought up the fact that many buildings in the downtown area would not meet ADA codes should a business move in and a change of use occurs. Mr. Johnson responded by stating that unfortunately, ADA is Federal legislation and municipalities do not have the authority to exceed or reduce those requirements. He did add that he believes there are grant funds available that may help finance refurbishing older buildings based upon the need for job creation.

Mr. Johnson addressed Senator Brown-Waite's questions regarding details of the \$600,000 CDBG block grant funding for revitalization. Mr. Johnson explained that the City is eligible to go after the maximum of \$600,000 of the money available from the State. He stated that the competition for the funds is based upon what is put into the application and the projects that will be pursued. He stated that the City has time to prepare a good application because the grant application cycle begins in June, 1999. He added that obtaining local funding or receiving other grant funding will enhance the City's application.

In response to Larry Strickler's question, Robert Johnson stated that defining a marketing plan, such as naming a theme for the downtown area, is not required.

At the request of Jennene Norman, Mr. Johnson explained how the State established the amount of funding available for governments to compete for and how the redevelopment area map was created.

He explained that the grant application will address what projects the City will use as a match for the grant such as installing communication ducts while the sidewalks are worked on.

Mr. Johnson interjected that he has preliminarily prepared the phases which will be included in the grant funding application. He stated that Phase I includes such things as infrastructure improvements like sidewalks or pedestrian walkways. Phase II includes building facades improvements, the construction of parking lots or redesigning current parking areas. Phase III includes landscaping and sidewalks on Broad Street and West Jefferson St. Phase IV is landscaping and sidewalks on Fort Dade St. and Liberty St. Phase V is the completion of the commercial facade program.

Mr. Johnson stated that there will be public hearings conducted for public input before the application is filed and the advisory committee will be established.

Tom Barnett questioned if Mr. Johnson was aware of what role the Tourist Development Council may play in this process. Mr. Johnson indicated that Flagler Beach has utilized TDC obtained funding for recreation facilities and the funds were then counted towards a match on the grant.

Mr. Johnson answered Jim Gordon's questions by stating that factors for inflation are not built into the grant. The grant is calculated on the current money market.

Jennene Norman questioned the process of the redevelopment plan. Mr. Johnson explained that first there will be a

Finding of Necessity to declare a "blighted area". Then the redevelopment agency is created with the proposed plan having Council serve in that capacity. A redevelopment plan is reviewed and adopted. At that point, the option of establishing a tax increment financing district would be done. Mr. Johnson stated that it is his intention to develop a schedule of the proposed adoption of the various items that can be given to the general public. He added that Lynne Bolton is the point of reference for any questions concerning this project and she will forward them to Clark Roumelis and Associates. The grant application would then be prepared and public hearings will be conducted in the fall of 1998.

In response to an additional question by Ms. Norman, Mr. Johnson responded that communities that he has recently or is currently working in are Stuart, Flagler Beach, Bradenton Beach, Wildwood and Sebastian.

Mr. Browning thanked the coordination efforts of all involved and all those who attended, including Senator Brown-Waite and Representative Jeff Stabins. He encouraged anyone with questions to forward those to City Council.

Mayor Wever suggested that another public input meeting be held as soon as possible.

Senator Brown-Waite stated that she would continue to look for and support funding sources through the legislature.

REGULAR COUNCIL MEETING

7:46 P.M.

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

May 18, 1998 - Regular Council Meeting

DCA - 1998 Federal Anti-Drug Abuse Act Grant

Approval of fund allocation for criminal history and disposition equipment project Phase IV (\$89,036) and Summer Sponsorship Program (\$21,000) and authorization to execute letter of agreement.

Addendums - Lawn Maintenance Agreements

Exercise option to extend contract with Cherry Lawn Service and Cooper's Lawn Care for 1 year period (expired 5/5/98) for lawn maintenance contracts.

Florida Communities Trust - Good Neighbor Trail

Approval of Addendum V - "Conceptual Approval Agreement" - time extension for Good Neighbor Trail Grant.

Hernando County Fairgrounds - Waiver of Fees

Approval of request to waive connection fee for County owned building at 19388 Oliver Street in the amount of \$445.00 [to be transferred from General Fund contingencies to Water Connection Fees].

Fire Station Steel Building

Purchase of additional items, building modification from manufacturer General Steel Corp., including four (4) commercial type roll-up doors and two walk through doors, including frames and all mounting, hardware, two windows, roof ridge vents, sky lights, and foundation engineering at unit prices for total estimated cost (including shipping) of \$9,387.

FDOT - Access to retention area (Letter of Understanding)

Agreement to provide access across City property for FDOT to maintain drainage facilities.

Additional Inmate Work Crew

Approval to add additional work squad beginning with the 10/1/98 budget.

Motion:

Motion was made by Lewis and seconded by Staib to approve the June 1, 1998 Consent Agenda.

In considering whether the City should waive the connection fees for a County owned building at 19388 Oliver Street, City Manager Anderson confirmed Council Member's Johnston's question that Hernando County has waived permitting fees for the City's WWTP.

Regarding the Fire Station auxiliary building, City Manager Anderson explained that the project will utilize money from last year's and this year's budget and that this particular request was an option or alternative in the base bid package.

Staff agreed to check on the unit cost and total listed for a "tool package" on addendum A of the additional inmate work crew Agreement as pointed out by Council Member Johnston. Council discussed at length what equipment the City would provide, the salary of the prison guard and whether there was a cost savings to the City in utilizing the additional work crew as opposed to hiring City employee(s). Director of Public Works Pierce advised that the Agreement provides that the City would pay \$57,000 the first year and \$37,000 every year thereafter. Council Member Brayton expressed his opinion that the item should be tabled to allow time for staff to provide a cost savings analysis. City Manager Anderson stated that staff may need to submit the Agreement to the State but added that he would provide a report to Council, including cost savings information.

Motion carried 4-1, with Brayton voting in opposition.

PUBLIC HEARING

Ordinance No. 530-C - Adoption of Building Codes

Adoption of updated editions of building codes as being considered by Hernando County Board of County Commissioners. [First Reading 5/18/98]

Deputy City Clerk Johnson read Ordinance No. 530-C by headnote only, as follows:

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES; ALLOWING DESIGNATION OF OFFICIALS TO MAINTAIN CODES; PROVIDING FOR ADOPTION OF FEES; PROVIDING FOR PENALTIES ON VIOLATIONS; ESTABLISHING OR DELEGATING DUTIES OF BUILDING BOARD OF ADJUSTMENT AND APPEALS; ADOPTING REVISED PUBLICATION EDITIONS OF VARIOUS STANDARD CODES AND DELETING AND/OR ADDING CERTAIN SECTIONS; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

There was no public input on the ordinance.

Motion:

Motion was made by Staib and seconded by Johnston to approve Second and Final Reading of Ordinance No. 530-C. Upon roll call vote, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Ordinance No. 588 - Utility line Extensions

Consideration of amendatory ordinance providing for reimbursement of a portion of connection fees for water line extensions and other revisions. [First Reading 5/4/98, Second and Final Reading tabled from 5/18/98 meeting]

The Deputy City Clerk read Ordinance No. 588 by headnote only, as follows:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 17, ENTITLED UTILITIES, OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES, SPECIFICALLY; ARTICLE III SEWERS DIVISION 1 GENERALLY, SECTION 17-71 DEFINITIONS, SECTION 17-72 SEWAGE DISPOSAL REQUIREMENTS FOR STRUCTURES, SECTION 17-73 SEWER CONNECTIONS; ARTICLE V, CONNECTION AND SERVICE OF WATER AND WASTEWATER FACILITIES OF CITY IN ITS ENTIRETY; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

There was no public input on the ordinance.

Council Member Johnston passed out newspaper articles from other communities dealing with water agreements. He stated that he wanted Council to be aware that this ordinance may encourage the selling of water and sewer outside the City limits without requiring annexation.

Motion:

Motion was made by Lewis and seconded by Staib to approve Second and Final Reading of Ordinance No. 588. Upon roll call, motion carried 5-0, as follow:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

REGULAR AGENDA

Resolution No. 98-10 - Setting Fees for Water and Sewer Connection Fee Rates

Setting Fees for Water and Sewer connection fee rates as referred to in Ordinance No. 588. [Tabled from 5/18/98 meeting]

Deputy City Clerk Johnson read Resolution No. 98-10 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA ESTABLISHING CERTAIN SERVICE CHARGES AND RATES FOR UTILITY CONNECTION FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

There was no public input on the resolution. City Manager Anderson confirmed Mayor Wever's question that the fees are identical to the existing ones, but are hereby adopted by resolution to allow them to be addressed separately without requiring an ordinance amendment.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 98-10. Upon roll call, motion carried 5-0, as follows:

Staib Aye

Brayton Aye

Johnston Aye

Lewis Aye

Wever Aye

Resolution No. 98-13 - Vacation of Right-of-Way

Consideration of resolution to vacate portion of Orange Ave between Liberty Street and Broad Street.

Motion:

Motion was made by Johnston and seconded by Lewis to continue Resolution No. 98-13 until the June 15, 1998 Council Meeting. Motion carried 5-0.

Resolutions - Honoring Law Enforcement Agents

Resolutions paying respect and acknowledging the loss felt by the City of Brooksville as a result of the senseless murders of Law Enforcement Agents on 5/19/98.

Resolution No. 98-14 honoring Tampa Detective Randy Bell

Resolution No. 98-15 honoring Tampa Detective Rick Childers

Resolution No. 98-16 honoring Florida Highway Patrolman James B. Crooks

The resolutions were read in their entirety and presented to Police Chief Tincher who assured that they would be given to the families of the law enforcement officers.

Resolution No. 98-14 honoring Tampa Detective Randy Bell, was approved by roll call vote as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Resolution No. 98-15 honoring Tampa Detective Rick Childers, was approved by roll call vote as follows:

Staib Aye

Johnston Aye

Brayton Aye

Lewis Aye

Wever Aye

Resolution No. 98-16 honoring Florida State Highway Patrolman James B. Crooks, was approved by roll call vote as follows:

Johnston Aye

Brayton Aye

Staib Aye

Lewis Aye

Wever Aye

COPS More 98 Grant

Approval to apply for grant with City match being \$28,250 (25% of \$113,000) to be funded from the special fees assessed for moving violations.

Motion:

Motion was made by Brayton and seconded by Staib to approve application for the grant which includes borrowing from the General Fund, if necessary. It was pointed out that a line item transfer may be required for the match. Motion carried 5-0.

Speed Limit Reduction

Approval to lower speed limits on certain streets by resolution(s) to be presented at subsequent meeting and discussion of enforcement of three way stops.

Motion:

Motion was made by Johnston and seconded by Staib to approve speed reduction on certain streets and authorize staff to prepare appropriate resolution for consideration at June 15, 1998 meeting. At the request of Mayor Wever and Police Chief Tincher, motion and second were amended to include Lulu Street, Bell Avenue, Rogers Ave. and Mt. Fair Ave.

Chief Tincher confirmed City Manager Anderson's question that due to the different commercial and residential areas, a portion of Summit Road would remain at 30 mph and not be reduced to 25 mph. Council Member Brayton expressed his opinion that due to staffing problems, enforcement would be difficult on Summit Road, as well as on all streets in the City.

Chief Tincher advised that to help enforcement, there are calming devices available that will encourage compliance of speed limits.

Council Member Staib felt that staff should research the liabilities involved in the use of speed bumps as a traffic calming device. Chief Tincher expressed concern with speed bumps as they relate to the slowing required by fire trucks and other emergency vehicles.

Motion carried 5-0.

Regarding enforcement of three way stops, Chief Tincher advised that he had spoken to Judge Hyslop who stated that the three way stops at Darby and Candlelight Boulevard and at Darby Lane at the park were both enforceable three way stops but the Judge would like the City Director of Public Works to certify that the necessity of the three way stop at the park was necessary due to the park location.

Per the Chief, Judge Hyslop stated that the three way stop on Candlelight Boulevard at the Moonlight Lane intersection is not enforceable based upon FDOT regulations. Mayor Wever questioned if Council could formally approve the three way stop as a method of slowing speeders down in an effort to protect the citizen's in the area. Chief Tincher stated that Judge Hyslop advised the Chief to contact County Engineer Mixson, who informed him that from an engineering stand-point, there is no way to justify the three way stop.

Chief Tincher felt that if the three way signs are removed, the location on Candlelight at Moonlight Lane would be an excellent location for cross walks, stripings, "children playing" signs and other traffic calming devices to be used and he could present those recommendations to Council at a later date.

City Manager Anderson stated that as a manager, he would prefer to not have a traffic control device that is unenforceable because it encourages people to ignore them. Council Members Brayton and Lewis agreed, stating that the stop signs are not legal and become a liability should people ignore them.

Police Chief Tincher recommended that the three way stop signs on Candlelight Boulevard at the Moonlight Lane intersection be removed. He suggested that in conjunction with the signs coming down, the Public Works Director could ensure that signs are installed to warn traffic of the dangerous intersection.

Motion:

Motion was made by Lewis and seconded by Staib to remove the three way stop signs that are unenforceable on Candlelight Boulevard at the Moonlight Lane intersection as per state statutes in conjunction with the upcoming paving project of Candlelight Boulevard. The motion and second were amended to authorize the signs to be removed as soon as possible, rather than wait on repaving to be done.

Public Works Director Pierce suggested installing signs approximately 30 days in advance advising of the date that the road will become a through way.

Candlelight residents Keith Schenck, Denise Wilson and Lee Porterfield were among those present to voice their opposition to removing the three way signs on Candlelight at Moonlight Lane. They discussed the fact that if the stop signs are removed, they would like to simultaneously see traffic calming devices and police enforcement used.

City Attorney Battista stated that as of this meeting, it will be general knowledge that the stop sign on Candlelight at the Moonlight Lane intersection is an unenforceable stop. He stated that the scenario of someone stopping at Moonlight Lane and being broadsided by someone who runs the stop sign on Candlelight could occur, resulting in a lawsuit against the City for allowing an unenforceable three way stop. He offered his legal opinion that the stop signs be removed as soon as possible.

Gary Dellaire, resident of Amber Court in Candlelight suggested a four way stop at Candlelight and Amber Court/Erin Way. Chief Tincher advised that speed studies would need to be conducted, which he would not have a problem doing. He added, however, that the results of same must show that there is an equal volume of traffic on both streets.

Mayor Wever stated that he understood the concerns of the residents. He stated that he had hoped that action by Council would allow the three way stop to be enforceable by the Judge for the safety and protection of the area. He added, however, that it appears that FDOT regulations are the cause of the three way stop in issue being unenforceable. He felt that Council should contact the legislative representatives to address the FDOT regulations to allow Cities to make traffic control decisions on streets that are not State or Federal highways.

City Attorney Battista reiterated that he would recommend that the three way stop signs on Candlelight at Moonlight Lane be removed as soon as possible and have traffic warning signs or other devices installed simultaneously.

Motion carried 4-1, with Brayton voting in opposition.

Police Chief Tincher offered to distribute letters to residents advising them of the removal of the signs.

Keith Schenck requested that staff provide traffic calming plans for Council's consideration at the June 15th meeting.

FLC Annual Conference/Voting Delegate

Consideration of designating voting delegate to 1998 FLC Annual Conference.

Motion:

Motion was made by Brayton and seconded by Lewis to designate Council Member Staib as the voting delegate to the 1998 FLC Annual Conference. Motion carried 5-0.

It was pointed out that the conference dates conflict with the Budget Workshop dates of August 12, 13 and 14. The possible new dates for the budget workshops of August 10, 11 and 12 would be considered by staff and presented at the next Council meeting for formal adoption.

Capital Improvements - Street Paving

Approval of amendment to previously submitted capital improvement plan with priority listing of streets to be paved during 1997/98 fiscal year

and award project to County contractor, Grubbs Construction. [Tabled from 5/18/98 meeting]

The Director of Public Works recommended deleting Veteran's Avenue from any priority list at this time.

A lengthy discussion ensued regarding the priority street listing and the paving of Candlelight Boulevard. Mayor Wever suggested continuing with the street listing for paving during the 1997/98 budget year, increasing the street paving budget for 1998/99 from \$50,000 to \$100,000 and reevaluating all streets at that time, including Candlelight Boulevard. The traffic calming devices such as striping, cross walks and signage could be considered as a part of the work on Candlelight.

Council Member Brayton expressed his opinion that the repaving should not be done on Candlelight Boulevard until after the U.S. 41 and S.R. 50 road widening project is completed. He felt that repaving it at this time will only encourage people to cut through Candlelight to avoid the road construction.

Vice Mayor Lewis offered his support of Option I which includes the repaving of Candlelight and Walker Ave within the 1997/98 budget year. He stated that if traffic violations are a problem, police enforcement should be strongly utilized.

Council Member Johnston suggested deferring the paving of Candlelight Boulevard until next budget year which starts in four months. That would allow staff time to do engineering plans to incorporate traffic calming devices. He stated that the extra four months will allow the City to continue with paving streets listed on the priority list in this budget cycle and that the extra time would also allow staff to prioritize the streets that did not get done in this budget year, including Candlelight Boulevard. Additionally, it will also allow the Mayor to determine where the extra \$50,000 would come from that he would like to see budgeted in the 1998/99 budget year. Mayor Wever stated that he may be willing to leave the ad valorem rate as it is rather than support a reduction in the rate for the upcoming budget year.

Director of Public Works Pierce stated that he would come back to Council prior to October with several alternatives for slowing devices. He confirmed a concern voiced by Candlelight resident, Lee Porterfield, by stating that Candlelight Boulevard would then be incorporated in the streets to be started in October.

Motion:

Motion was made by Johnston and seconded by Brayton to authorize Department of Public Works to proceed with paving priorities 11, 13, 14, 15, 16, 17 and as far down the list as can be completed with the remaining funds for this budget year. Motion carried 5-0.

Status Report/Construction Schedule

Director of Public Works Pierce advised that the bid opening for the construction of the WWTP would be June 19th. All submittals on the interconnection project, other than County DRC, had been made. Final plans and specifications on the interconnect project will be sent to RD shortly thereafter.

CITIZEN'S INPUT

Bell Avenue

Gail Samples commented that the work being done to remove the asphalt on Bell Ave. seems to have stopped at this point.

Street Closing - Orange Avenue

Gail Samples voiced her opposition to the fact that the City would be considering closing Orange Ave. at the June 15, 1998 Council Meeting. She stated that she was opposed to the City closing any more streets.

In response to Council Member Brayton's question, Mayor Wever explained that the petitioner, First Methodist Church, feels that Orange Avenue should be closed to allow a safe environment for parents to drop off their children and for school children to safely cross the street from their new parking area.

Mayor Wever voiced his opinion that if the Council does agree to the request, the City should retain the right-of-way.

Candlelight Boulevard

Gail Samples expressed her opinion that Council may not be able to afford budgeting \$100,000 in the 1998/99 budget year for street paving, a large portion of which may be spent on Candlelight Boulevard.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Time Warner Franchise Fees

Council Member Johnston pointed out the latest Time Warner Cable bills include language that states that the method of calculating the franchise fees have resulted in an increase and the additional money will be retained by the City and not by Time Warner. He expressed concern that the City may receive complaints and that citizens should be aware that the increase is a result of a court case and not something that the City has done. It was decided that if the City receives complaints, Time Warner should be contacted to change the language on future bills.

MARY A. STAIB, COUNCIL MEMBER

Retirement Celebration - Sergeant First Class Vickers

Council Member Staib advised that she and the City Manager had attended Sergeant Vickers' retirement celebration on May 23, 1998. She felt that Sergeant Vickers will be an invaluable asset to the community in any projects which she may become involved in.

Suncoast League of Municipalities

Council Member Staib advised Council of the courses that she and Mayor Wever attended at the Mini-conference held May 29 - 30 in Crystal River.

Mayor Wever stated that the session on legislative updates included information on the Police and Fire Pension Trust Fund legislation that had recently been vetoed by the Governor. He stated that he had been advised that the bill will be reintroduced next year. He expressed his opinion that the City should begin working through the Florida League of Cities on opposing that issue.

Mayor Wever advised that the session speakers also indicated that municipalities can expect changes in the years ahead regarding obtaining other sources of revenue other than ad valorem taxes. Procedures in expanding city limits may also be affected in years to come.

Mayor Wever announced that the City of Brooksville would be hosting the July 18th Suncoast League of Municipalities meeting at the Fireside Inn.

Hernando Coalition

Council Member Staib advised that the Hernando Coalition's Candidate's Night will be held at the Armory on August 10, 1998.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:59 p.m.

Deputy City Clerk

ATTEST:

Mayor

/jjj

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REGULAR COUNCIL MEETING

June 15, 1998 7:30 P.M.

Brooksville City Council met in workshop and regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; James Daugherty, Fire Captain (representative from Fire Division); Jennifer J. Johnson, Deputy City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times (7:40 p.m.) and Hernando Today were also in attendance.

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

CONSENT AGENDA*

Revision to Budget Workshop Dates

Approval of revised budget workshop dates in August.

Tom Varn Stadium - Stadium Seats - Fund Transfer

Approval to transfer \$2,400 from McKethan Capital Fund for purchase of additional Stadium seats (120 seats at \$20 per seat)

Police Station - Repair of Roof

Approval to expend \$8,200 from Account #305-020-572-63.00 for emergency repair work to be done by Roofing Specialist, Co.

The second and third items from the Consent Agenda were moved to the Regular Agenda.

Motion:

Motion was made by Brayton and seconded by Lewis to approve the balance of the June 15, 1998 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

"Margaret R. Ghiotto Beautification Award"

Recognition of site improvements made to Golden Corral Restaurant, 940 S. Broad Street.

Mayor Wever presented the award to Mr. Gary Timmons, Golden Corral Restaurant. Beautification Board Chairman Taylor was not present.

REGULAR AGENDA

Tom Varn Stadium - Stadium Seats - Fund Transfer (MOVED FROM CONSENT AGENDA)

Approval to transfer \$2,400 from McKethan Capital Fund for purchase of additional Stadium seats (120 seats at \$20 per seat)

Parks and Recreation Director Pugh explained that this purchase, in addition to those seats already purchased, would complete the stadium seating project. He added that the money that will be taken from the McKethan Capital Fund will be a loan and paid back as the seats are sold for \$25.00 a seat as a fundraising project.

Council Member Brayton expressed concern that the purchase of the first group of seats was not approved by Council. Mr. Pugh explained that any money sent to the vendor to pay for those seats is taken from the general revenue but is money raised as the fundraising project continues.

Motion:

Motion was made by Lewis and seconded by Staib to approve the transfer \$2,400 from McKethan Capital Fund for purchase of additional Stadium seats. Motion carried 5-0.

Police Station - Repair of Roof (MOVED FROM CONSENT AGENDA)

Approval to expend \$8,200 from Account #305-020-572-63.00 for emergency repair work to be done by Roofing Specialist, Co.

Council discussed the project at length. Council Member Brayton stated that it was his understanding that emergency repairs have been made to the roof and felt that staff should go out for bids through the RFP process for the project.

It was pointed out that staff had obtained three quotes and Council discussed whether the bid process would result in any more responses than that. Police Chief Tincher and Director of Public Works Pierce answered specific questions regarding the condition of the roof. Chief Tincher stated that one of his main concerns is that one of the leaks is located near the 911 emergency equipment room.

Motion:

Motion was made by Staib and seconded by Lewis to approve the expenditure of \$8,200 for emergency repair work to be done by Roofing Specialist, Co. Motion carried 4-1, with Brayton voting in opposition.

Resolution No. 98-13 - Vacation of Right-of-Way

Consideration of resolution to vacate portion of Orange Ave between Liberty Street and Broad Street.

Joe Mason, Jr., Attorney for the petitioner, explained that First United Methodist Church wishes to have Orange Ave. vacated to allow for a safer pick-up and drop-off of children for the Methodist School Center. He stated that the grade of Orange Avenue would then be changed to a descending grade for handicapped accessibility, which would allow parishioners to safely cross to and from the former SunBank parking lot, which the church has recently purchased. He added that the parking lot would be reconfigured so that an entrance off of Main street would be used as a driveway to the church, particularly for School Center purposes.

Mr. Mason felt that drivers wishing to avoid the light at U.S. 41 and Main Street could use Lemon St. to Liberty and would not be adversely affected by the closure of Orange Ave. According to Mr. Mason, the church is willing to allow emergency vehicle access, which would include the emergency rerouting of traffic should an accident occur at U.S. 41 and Main Street. The church is also willing to allow the City to have continued access to utility lines located on Orange Ave, however, Mr. Mason added that should the street be vacated, the City may want to make utility line improvements when the grading and repaving work is being done.

Mr. Mason stated that City staff has requested that the equivalent number of parking spaces be made available in the

former SunBank parking lot due to the loss of spaces on Orange Avenue should the street be closed. He advised that if the bank building is used for church purposes, the church is willing to allow the parking lot to be used for government employees or for private downtown business employees during week with the exclusion of those occasions when the lot would be needed for church parking during a large funeral.

If the old Carlton's building (which the church has also purchased) can be salvaged, it will provide a "masking" of the parking area behind it, which is in fitting with the ongoing downtown revitalization project. Mason added, however, if the building cannot be saved or if the grade on Orange Avenue cannot be leveled off sufficiently enough for handicapped parking, the Carlton building would be demolished and made into a level parking area.

Mr. Mason requested that Council approve the vacation of right-of-way with language concerning utility easements, emergency vehicle use and parking issues to be worked out and brought back to Council before finalization.

Council Member Brayton pointed out that three out of four City Departments have recommended denial. He added that the City Manager has recommended that the issue be deferred pending additional study.

Motion:

Motion was made by Brayton to deny the petition. Motion died for lack of a second.

City Attorney Battista advised that the Council has a large amount of discretion concerning this action, limited only by their fiduciary responsibility to the public. He went on to state that the needs of the applicant are secondary compared to Council's responsibility to the needs of the public. He advised, therefore, that any motion made in favor of this petition, should include a finding that it is in the public's best interest that this vacation occur.

Vice Mayor Lewis felt that approval of this petition was in the best interest of the public in that available parking would be doubled or tripled.

Motion:

Based on the above, motion was made by Lewis that Council vacate Orange Ave. pending verbiage to be worked out between the City Attorney and Mr. Mason on parking, utility easement and emergency vehicle use, to back to Council for finalization.

Council Member Johnston agreed and added that he would like the motion to include that there would be no egress from the former Orange Ave. onto Broad Street. Mayor Wever felt that Mr. Lewis' motion would allow for other issues to be worked out as well.

Motion was seconded by Johnston.

Attorney Joseph Johnston, Jr., felt that Council should make sure that they have all the information necessary to make a decision that would impact the citizens of Brooksville. He offered his opinion that the motion on the floor is too vague and that it should include any conditions or stipulations deemed necessary.

City Attorney Battista reiterated that granting the vacation of right-of-way should be for the public's need rather than the applicant's need. He stated that language regarding the use for emergency vehicles may not need to be addressed in a resolution.

Mayor Wever clarified that language for the resolution will be worked on and brought back to Council before finalization.

Council Member Johnston withdrew his second, stating that he thought that it was not a motion in favor of the vacation, but for the agreement to be worked out and brought back before Council for approval.

Motion was amended by Vice Mayor Lewis that an agreement concerning emergency services use, parking and utility

easements will be worked out between the City Attorney and Mr. Mason and a resolution will be brought back so that Council can either approve or disapprove the vacation of right-of-way. In response to Council Member Johnston's comment, the motion was amended that it is the intent to vacate subject to language being worked out.

City Attorney Battista advised that this item must be continued to a date certain as it is an advertised hearing.

Mr. Mason voiced his concern that the church needs the assurance at this meeting that Orange Avenue will be vacated, subject to the terms of the agreement, so that the engineer can begin working on driveway and parking lot reconfiguration designs.

Council Member Johnston seconded the motion, restating it as Council's intent to vacate the road subject to an agreement being brought back with the resolution for presentation to Council.

City Attorney Battista stated that this motion does not constitute a finality to the issue and does not tie the Council's hand to the inclusion of additional items at the continuation of the public hearing. He advised that Council express their agreement in a motion or as a consensus that it is their "intent to vacate".

The motion and second was amended to include any and all other issues deemed necessary to be worked out between the two parties. Motion was further amended to continue the hearing to July 20, 1998.

Council Member Brayton suggested that Council vote against this motion and allow the church and the City Attorney to rewrite the resolution and bring it back to Council for consideration at the July 20th meeting.

City Attorney Battista proposed the language "the City reserves to the public a utility easement throughout the entirety of the above right-of-way for the maintenance and improvements of utilities currently occupying the right-of-way. Should utility access be required, all landowner improvements impeding such access shall be removed at the expense of the landowner." He added that the easement includes the entire portion of the current right-of-way. Mr. Mason stated that the proposed language from the City Attorney was generally what he had anticipated.

Motion carried 4-1, with Brayton voting in opposition.

Resolution No. 98-17 - Speed Limit Reduction

Consideration of resolution to lower speed limits on certain residential streets.

Motion:

Motion was made by Johnston and seconded by Lewis (approved by Council 7/6/98) to approve Resolution No. 98-17.

City Manager Anderson recommended that Summit Road be deleted from the list. He added that it may be brought back after staff review of the options. Motion and second were amended to delete Summit Road from the resolution.

Mayor Wever pointed out a correction to the beginning and ending designation of Early Street. Police Chief Tincher stated that it should accurately reflect from Main Street to Jefferson Street. Motion and second were amended to include that correction.

Council Member Brayton voiced his opposition to the resolution, stating that the City does not have the staff to enforce it. He questioned how much it would cost to change the speed limit signs from 30 to 25 mph. Mayor Wever stated that the City would make up that cost in the payment of traffic ticket fines. City Manager Anderson stated that he believed it would cost less than \$2,000, depending on the cost of poles and city labor costs.

Council Member Brayton suggested that Council may want to consider hiring an individual on a full-time basis to do nothing but speed enforcement of the speed limits as they currently exist.

Council discussed the possible enforcement problems that have been occurring with the county judge not upholding

traffic tickets. Mayor Wever felt that if the county judge will not enforce the speed limit violations, the City may want to consider appealing to a circuit court to override his decision.

Chief Tincher interjected that he has been researching the possibility of purchasing traffic monitoring devices and using the cost as a match for a grant recently received. He added, however, that the purchase of such equipment will probably have to be done through the bid process unless it is available on state contract.

There was no public input on the resolution.

The Deputy City Clerk read Resolution No. 98-17 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, ESTABLISHING SPEED LIMITS ON ASMARA STREET, BROOKSVILLE AVENUE, CANDLELIGHT BOULEVARD, CEDAR LANE, CONTINENTAL DRIVE, COOK AVENUE, CROOM ROAD, DARBY LANE, DIRE DAWA AVENUE, DOGWOOD DRIVE, EARLY STREET, LONGWOOD DRIVE, MOONLIGHT LANE, NORTH AVENUE, OAK AVENUE, OAKWOOD DRIVE, SMITH STREET, SUNSET DRIVE, UNION STREET, WOOD DRIVE, LULU STREET, MOUNT FAIR AVENUE, BELL AVENUE AND ROGERS AVENUE.

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

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

The City Manager stated that the speed limits would become effective upon posting. He added that it is not his intention to put up all the signs the same day, but to install them over a period of time to help the enforcement staff.

Council Member Johnston requested that Council send a letter to the county judge requesting information as to why there is an enforcement problem. He went on to state that if the response is unsatisfactory, or if his subsequent enforcement is not satisfactory, Council should consider appealing it to a higher court that could force the county judge to enforce the traffic violations.

Mayor Wever interjected that it was his understanding that state law allows tickets to be written 5 miles over the speed limit.

Council Member Johnston further stated that he has been researching the statute and plans to meet with legislators regarding the possibility of writing an amendment to the Florida Statutes which would authorize municipalities to enforce a lower speed limit on city streets of a certain width without traffic studies being done.

Agreement - Fixed Assets Inventory

Consideration of agreement with Oliver and Company for fixed asset inventory system.

In response to Council Member Staib's question, the City Manager stated that Oliver & Company has agreed that in an effort to save money, there were some portions of the contract and inventory process that City staff could do, including being responsible for the actual affixing of stickers onto the property. He added, however, that considering the fact that the City would have to pay for the wages of a City employee to do that work, he was unsure that it would save the City any money.

In response to the Mayor's question, Director of Finance Huffstutler stated that he would prefer that Oliver &

Company perform the entire fixed assets inventory project.

Referring to a memo from the City Manager, Council Member Staib stated that after the Cobb WWTP project is well underway, she would like to see a better tracking of the inventory in the utility division. Mr. Anderson explained that much of the inventory he referred to is underground.

It was pointed out that money saved from the purchase of the financial software system would be used to cover the cost of this contract.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the agreement with Oliver and Company for fixed asset inventory system. Motion carried 5-0.

1998-99 Fiscal Budget

Preliminary review of projected revenue and expenditure requests.

Mayor Wever suggested that Council review the information provided and discuss it at the next Council meeting or hold a special meeting in lieu of the preliminary budget workshop scheduled for July 29, 1998.

Council Member Brayton stated that after review, it would appear that staff is requesting direction.

Director of Finance Huffstutler offered his opinion that this information is preliminary and felt that Council should not spend a lot of detailed time at this point reviewing it, but to just offer general direction.

Council Member Johnston suggested that any specific concerns or questions could be addressed outside the Council meeting with staff with any valid concerns being brought back to Council.

Mr. Huffstutler stated Council should decide how to handle the fact that the carryover of surplus cash will be less, such as across the board cuts on all the divisions. The City Manager and Director of Finance suggested that Council give direction at this meeting on what projects that Council may want to do in the next budget year, what departments they may want to allocate more funds to or what departments they may wish to cut.

Mayor Wever stated that the City must stop spending more than the incoming revenues by increasing revenues and/or cutting expenditures. Director of Finance Huffstutler stated that is the kind of general direction staff needs to be aware of.

Council Member Brayton stated that many capital projects may need to be cut. He voiced his opinion that the reserves have been cut to an amount much too low.

Council discussed at length the five options presented to Council in the Director of Finance's memo dated June 12, 1998. After discussion in detail, it was the consensus of Council to direct staff to concentrate on the following options:

3. Make across-the-board cuts to all Division/Departments so as to keep reserves at 97/98 levels.
4. Cut certain programs and keep other programs and reserves at 97/98 levels.

City Manager Anderson stated that staff could provide a report on what the operations would look like if revenues and expenditures were matched and what the impact would be to reduce some expenditures to meet that goal. Building up reserves and increasing transfers from utilities to the general fund were also discussed.

Council Member Brayton stated that he would like staff to research the possibility of decreasing the amounts for solid waste pick-up without affecting the necessary amount of reserves in the sanitation fund. City Manager Anderson agreed to bring that information back to Council at the next meeting.

Status Report/Construction Schedule

Director of Public Works Pierce advised that the formal application for funding for the interconnect project was submitted to USDA/RD on June 12, 1998. He stated that although the School Street interceptor amendment has delayed the plans somewhat, the interconnect project should be ready to go out to bid by September 15, 1998. Mr. Pierce added that construction should begin December 15, 1998 with completion by August 15, 1999.

Mr. Pierce further advised that the construction bids for the Cobb Road WWTP close June 19th. Cliff Manuel, Coastal Engineering Associates, Inc. explained that Coastal would then evaluate the bids within a two to three week time frame and present their recommendations to staff and then, subsequently, to Council. Mr. Pierce went on to state that after Council's acceptance of the recommendations, RUS must agree with the recommendations. He went on to state that if the bids come in higher than what the City has money for, Coastal will begin negotiations with RUS on what would happen at that point, including the possibility of RUS approving a "cost overrun".

Director of Public Works Pierce stated that he anticipates receiving plans for the CRA project at the end of June and advertising for bids in July with construction starting in September for a completion date of February, 1999.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, JR., COUNCIL MEMBER

Downtown Farmer's Market

Council Member Johnston advised that he had been approached by "Brooksville Again" and others regarding a downtown farmer's market. He stated that he would like staff to research other cities that organize farmer's markets to see if it something that the City can pursue.

ADJOURNMENT

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

Deputy City Clerk

ATTEST:

Mayor

/jjj

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REGULAR COUNCIL MEETING

July 6, 1998 7:30 P.M.

Brooksville City Council met in workshop and regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; William Smith, Superintendent of Utilities; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and Hernando Today were also in attendance.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

June 1, 1998 - Workshop and Regular Council Meeting

June 15, 1998 - Regular Council Meeting

Preliminary Budget Workshop Schedule

Request for revision to change preliminary budget workshop date from July 29, 1998 to 6:00 p.m. July 20, 1998 due to Council Member scheduling conflict.

FDOT vs. City of Brooksville

Approval of execution of dismissal of interest relating to r-o-w acquisition.

City Clerk Phillips indicated that the "second" to a motion on page 5 of the June 15, 1998 minutes would need to be inserted. Council Member Staib advised that she believed that she seconded the motion. [Subsequent research showed that Vice Mayor Lewis seconded the motion and the minutes were changed accordingly].

Motion:

Motion was made by Johnston and seconded by Lewis to approve the Consent Agenda from July 6, 1998 with the correction to the June 15th minutes. Motion carried 5-0.

REGULAR AGENDA

CDBG and EAR Projects

Resolution No. 98-18 - CDBG Downtown Revitalization Grant - "Finding of Necessity"

Declaring City Council to be the Community Redevelopment Agency for the downtown area and finding the defined area in need of rehabilitation, conservation and/or redevelopment.

Robert Johnson, Clark Roumelis and Associates, stated that the first step in the revitalization grant is a "Finding of Necessity" resolution to establish a redevelopment area with City Council serving as the redevelopment agency. He added that the tax increment taxing district is an optional item which is highly recommended. Noting that some additional pages were added to the exhibit attached to the Finding of Necessity resolution after packet distribution, Mr. Johnson advised that he would provide a clean report to Council shortly. He added that the appropriate taxing authorities have been notified of this proceeding as required.

City Clerk Phillips interjected that the legal description in the resolution is slightly different than the proposed redevelopment area map. She stated that staff is in the process of checking with the Property Appraiser's office on related issues. She suggested that Council table the resolution until the July 20th meeting.

Motion:

Motion was made by Brayton and seconded by Lewis to table the resolution until July 20, 1998.

Council Member Johnston pointed out that the listing of taxing authorities contained an error in the spelling of the name of the School Board Chairman. It was also pointed out that the list contained the name of the former County Administrator.

Council discussed in detail the boundaries included in the redevelopment area map and whether this was the latest version of the downtown revitalization map. City Manager Anderson requested that staff be advised of any suggestions that Council Members may have for the map area. Mr. Anderson stated that Council should keep in mind that the district must be large enough to generate a sufficient tax revenue through growth, should that option be employed. He added that the district cannot be too large as it may adversely affect the long range tax base amounts for services provided in that area.

Robert Johnson explained that each year the CDBG revitalization grant funds will focus on a specific 2 - 3 block area within the established redevelopment area. In response to a question by Council Member Johnston, he replied that the redevelopment area should reflect a 20 year planning area to decrease the likelihood of having to expand the area later on, which is a lengthy and expensive process.

Sherry McIntyre and Jennene Norman questioned the tax increment district. Mr. Johnson explained that the area defined as the redevelopment area is also the tax increment district, if that option is chosen. He went on to explain that a second redevelopment area can be established, with the option again being whether it would be a tax increment district.

City Clerk Phillips advised that Council has time to consider this further due to the fact that DCA has extended the grant application deadline.

Motion carried 5-0.

Council Member Brayton felt that there may be property owners who want to be included in the redevelopment/tax increment district, and perhaps, some that did not. The City Clerk suggested that property owners contact staff within the next week and she would bring those requests, with accompanying maps, to Council at the next meeting. It was acknowledged that it may be possible that the proposed area could be made larger upon the request of a property owner. It was pointed out, however, that even if the request was made, it would not be feasible to remove properties in the middle of the proposed area.

It was the consensus of Council that the only changes allowed would be expansion of the perimeter of the defined area as proposed.

1998 CDBG Sewer Rehabilitation Project

Approval of engineering plans for sewer rehabilitation project and authorization to advertise for bid.

Robert Johnson referred to the maps provided to Council and utilized a larger map for identification purposes. He explained the project, including the process used to determine the location of those sewer laterals needing repair. He explained that some water lines, fire hydrants and stormwater drainage areas have been targeted for the current project and some have been defined as "future need".

Mr. Johnson and Director of Public Works Pierce answered Council Member Staib's question by stating that the Kingswood Lift station is a replacement project for grant purposes and a rehabilitation project from a construction standpoint.

Motion:

Motion was made by Brayton and seconded by Lewis to approve as recommended and authorize advertisement for bid. Motion carried 5-0.

Evaluation and Appraisal Report

Update on EAR Process.

Andy Easton, Clark Roumelis and Associates, referred to the progress report and schedule provided to Council. He presented a slide show which addressed an overview defining the importance of the EAR report and explained the timetable involved between Clark Roumelis' participation, presentation to Council, DCA submittal, DCA approval and ultimate adoption of the report by resolution of City Council. It was pointed out that some of the corrections that would be made to the draft report include the size of the WWTP and the projected population of the City. He advised that the City needs to begin compiling their five year capital facilities plan and the funding sources for those projects.

City Clerk Phillips interjected that this is the first progress report and the draft is a "working document" which has not been fully reviewed by staff.

Mr. Easton stated that he would be presenting another progress report to Council shortly.

Certificate of Taxable Value

Presentation of Taxable Value and determination of maximum 1998-99 millage rate for Certification to County Tax Appraiser.

Motion:

Motion was made by Brayton and seconded by Staib to set the tentative millage rate at 10.000 mils.

Mayor Wever questioned why the 1997/98 income as presented is lower than what was budgeted. Director of Finance Huffstutler stated that the figures represented are through May and not the entire year. He added that the tax sales revenues have not been included in this as yet.

Motion carried 5-0.

FDOT - JPA Agreements

Approval of revised JPA Agreements for SR 50 from \$900,000 to \$1,500,000 and US 41 from \$700,000 to \$1,100,000 due to latest cost estimates by engineer, which includes FDOT mandated 22% contingencies and certain overhead amounts.

City Clerk Phillips advised that some of the material that Council had been provided had been revised and those

revised pages, as well as some additional pages, have been provided to Council at this time.

Director of Public Works Pierce stated that as a result of updated cost estimates, FDOT has requested approval of revised JPA's.

Council Member Johnston stated that he now questions how much money it is saving the City for FDOT to do the utility line relocation project in conjunction with the widening project. He pointed out that the original reason that the City decided to have FDOT contractors do the utility line relocation work was that it would save staff time and money.

Motion:

Motion was made by Brayton and seconded by Staib to approve the revised JPA Agreements contingent upon City Attorney and staff review. Motion carried 4-1, with Johnston voting in opposition.

Award of Bid - Lockhart Ave. Water Line Extension

a. Route determination - Consideration of alternate line location.

Director of Public Works Pierce explained that an alternate line location is necessary for a water line to run on the right side of Sims Furniture. He went to state, however, that due to an incorrect survey, Industrial Electric, to the left side of the potential water line, is using an existing 30 foot unimproved City roadway as a parking lot in the exact area needed for the line location. Mr. Pierce stated that staff has discussed the issue with the property owner, Mr. Brantley, and one option would be to run the line around the property and he would grant the City a 20 foot easement. Mr. Pierce added, however, that it will increase the length of the pipe line, thereby increasing the cost. He added that Mr. Brantley did not agree to pay for the additional length of pipe. Should the City choose the option of cutting through his parking lot, the owner objects to paying the cost of restoring his asphalt.

Council discussed the four options before Council for consideration. Mr. Pierce stated that based upon Council's decision, staff may need to renegotiate the water line contract for this project to change the scope of work.

Council Member Johnston clarified that the area in question is a plated, unimproved street and not an easement.

Mayor Wever questioned if there was a length of time involved to give the owner the right to the roadway that he has paved over. City Attorney Battista stated that adverse possession does not apply to a public entity. He went on to state that the business is inappropriately situated over the roadway and the owner may have action against the surveyor for the incorrect survey.

Motion:

Motion was made by Johnston and seconded by Lewis to authorize staff to proceed with Option #4 (use the new easement, subject to the owner accepting responsibility to pay the estimated additional cost for the easement route extension of \$2,600) and if owner disagrees, property owner to be notified that the City has the right to use the public right-of-way and will do so, which is Option #1. Motion carried 5-0.

Representing adjacent property owners, Cliff Manuel urged council to look at the roadway access issue for other properties, no matter which option was chosen.

b. Award of bid - Award of bid to Donto Construction Co. in the estimated total amount of \$83,350 (Line Item 405-021-5306-65.23).

Motion:

Motion was made by Lewis and seconded by Brayton award bid to Donto Construction Co. at unit price for linear foot of pipe. Motion carried 5-0.

Cobb Road Wastewater Treatment Plant

Award Bid to Encore Construction Co. for the total alternate bid amount of \$4,693,000 contingent upon RUS review of three lowest bidders and final approval to proceed.

Cliff Manuel, Coastal Engineering Associates, Inc., advised that ten bids were received and the responses from the bidders were very well thought out, provided detailed responses, with good unit prices and deemed complete by the City Clerk. There was a fairly significant range of prices, from very extreme high and low ends of the bid. He added that they also received a very strong core of bids, in the center, where several bidders have fallen into the category of \$5.2 million (*approved by Council 7/20/98-kp*) dollars. He stated this showed that the bidders understood the plans and specifications that they were provided and the details were clear. The types of equipment that City staff had selected and provided them to consider during design was favorable. He offered his opinion that the City, once this construction is complete, will get the plant that is desired and that the plant will meet the City's needs for many years to come.

Mr. Manuel stated that the award to the apparent low bidder, Encore Construction Co., is a very wise decision for the City to make. He went on to state that to enhance the decision making process, he did an extensive background search, primarily because of the fact that the bid is so much better than the next lowest bidder. When that occurs, the consultant group and City staff need to do a background check to make sure that the bidder understood the bid documents, that he did provide a responsive bid, that the plans and specifications were clear in his mind. He stated that that was all discussed with the President of Encore. Also questioned was whether he has the bidding capabilities necessary to complete the project. Mr. Manuel stated that Coastal does believe that Encore is a quality contractor capable of doing the work. He added that in every respect, Encore Construction came up very favorably. Their references were very positive, they are known for completing their projects on time and within the budgets that they have been provided. He pointed out that they do several things in-house that other bidders do not, which he feels helps to save money, specifically in the area of pre-cast concrete and other issues.

Mr. Manuel stated that a bottom line recommendation to Council based on the background research, their bonding capabilities, and their references would be that the City Council, subject only to the financing review by USDA, award the bid to Encore with the addition of the alternate, which is the sodium hypochlorite system.

Mr. Manuel referred to his letter dated June 26, 1998 which stated that the "...sodium hypochlorite system will *elevate* the need for submitting the risk management plan ..." and clarified that the word should be "alleviate or eliminate". He reiterated that Coastal's recommendation to Council is that Council accept the bids and move to award the project to Encore Construction Company with the alternate, subject to the attorney's final approval of the contract documents and review of the financing by RUS.

Council Member Staib asked for "Richie Singletary's" title, who was listed in attendance for Encore during bid/pre-bid meetings. Mr. Manuel stated that he did not know that person but could provide that information.

Motion:

Motion was made by Lewis and seconded by Brayton to accept the bid amount for Encore Construction for \$4,693,000 contingent upon RUS review of three lowest bidders and final approval to proceed.

City Manager Anderson stated that the recommendation as listed on the agenda was designed to authorize all the City officials to execute the contracts, which gave latitude. If the bid is awarded as is and there are minor changes made on the basis of recommendations made by RUS, there is the question of whether it would have to come back to Council. He stated that he would propose a slight modification to the wording of the motion that authorizes staff to execute the contracts and issue a Notice of Award to start actual construction. Vice Mayor Lewis stated that he would modify the motion as such.

Mayor Wever questioned if Council needs to award the bid first, then authorize the contract. Mr. Anderson stated that Council would be making the award. Once the contract is awarded, there is a certain standing the contractor has even if the contract is not signed exactly as warranted. Staff is fairly certain that RUS will agree with the contract, but staff does not have that assurance yet. He stated that he would normally recommend that Council not award it until after RUS accepts it, however, RUS wants the City to approve it first, subject to their approval.

Vice Mayor Lewis modified his motion to state "Authorize City Staff to execute contracts and issue Notice of Award contingent upon RUS approval." Second was amended as well.

Mr. Manuel stated that he did not have a problem with that motion as long as the award is made and CEA/City is not negotiating with the bidder, but rather with who Council has awarded the contract to.

Motion carried 5-0.

In response to the Mayor's question, Mr. Anderson stated that Larry Purnell of USDA/RD had been advised of Encore's bid amount as it may relate to bonding issues. Mr. Purnell advised that the total project cost estimate would be the amount they would be concerned with.

Regarding the WWTP access issue, City Attorney Battista reported that after the quick-take hearing on July 24, 1998, the City will receive title to the necessary property.

Status Report/Construction Schedule

Director of Public Works Pierce advised that the final plans and specifications for the interconnection phase of the WWTP will be delivered to staff that week with submittal to RUS the following week. After approval from RUS, the project will be advertised for bid.

Mr. Pierce further advised that staff has received final plans and specifications from Coastal Engineering on the SR 50/U.S. 41 utility relocation project. After staff review, the plans will be returned to CEA for submittal to FDOT by the July 20th deadline.

CITIZEN'S INPUT

Solicitation of Grants

Mary Evelyn Reid advised that she had attended an Ecomanagement System Initiative meeting on July 2nd in Inglis, Florida. She stated that the new Community Center in Inglis was built with grant money. She encouraged Council to pursue any grants possible for City improvements.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

Drainage Problems - Alpine Circle

Council Member Brayton referred to a memo sent to each Council Member by the City Manager. The memo stated that unless he receives input from Council to the contrary, he would direct Public Works to work on the problem. Council Member Brayton stated that he would like to take this opportunity to request that, if Council did not have any problems, Public Works be directed to proceed.

Proposed 1998/99 Budget

In response to Council Member Brayton's question, Director of Finance Huffstutler distributed copies of revenue and expenditure projections for each departments/division, including what each department/division has proposed, and the general fund portion of the proposed budget. Mr. Huffstutler and City Manager Anderson explained the reports in detail. Mr. Huffstutler stated that Council would be receiving the enterprise, special revenues, capital projects and trust and agency funds shortly.

Council Member Brayton suggested that if individual Council Members have questions, they can put them in writing and give them to the City Manager prior to distribution of materials for the July 20th workshop meeting.

RICHARD E. LEWIS, VICE MAYOR

Fire Assessment/MSBU

Vice Mayor Lewis requested that staff pursue the possibility of charging the County a fee for fire protection for their buildings within the City's fire district. He pointed out that the County does fund other fire departments throughout the County through fire assessments. Council Member Staib stated that she had spoken to the City Manager regarding this issue as well. Mr. Anderson confirmed that he has been researching this and has been in contact with the County Administrator. He added that he has a meeting scheduled soon with the new hospital management regarding fire protection service. He would advise Council accordingly.

MARY A. STAIB, COUNCIL MEMBER

FEMA - EL Nino Flood Damage Reimbursement

Council Member Staib questioned the status of the City obtaining FEMA funds for the recent El Nino flood damage. City Clerk Phillips advised that FEMA has accepted the application as submitted and paid the claim. However, she reported that what was denied were categories that the City would have been entitled to, had there actually been damage in those areas, for which staff has verified there were none.

Speed Limit Violations

Referring to a recent letter from County Judge Hyslop, Council Member Staib stated that she was glad to know that speed limit violations could be enforced for one mile over the speed limit rather than five, as was her previous understanding.

B.E.R.T. Assignment Pay

Responding to a memo from the City Manager, Council Member Staib requested that the issue of paying B.E.R.T. members an "assignment pay" be placed on an upcoming Council agenda for discussion.

JOSEPH E. JOHNSTON, COUNCIL MEMBER

MPO - Traffic/Parking Circulation Study

Council Member Johnston reported that the Downtown Traffic/Parking Circulation Study Kick-off meeting was held on June 23rd. The Public Hearing will be August 3rd with the study being completed within three months.

MPO - Improvements to Mildred Ave.

Council Member Johnston reported that the Technical Advisory Committee have made their long-range highway and mass transit needs plan to the MPO. He reminded Council that over the last couple of years Council has advised the MPO of the desire to have Mildred Ave. improved and not continue the one-way pairs. Council Member Johnston stated that the MPO had adopted that in one of their previous reports. He advised that the TAC has now recommended the extension of the one-way pairing west of S.R. 700.

Council Member Johnston went on to state that the TAC has also recommended that U.S. 41 be four-laned to the intersection of S.R. 50/98 and U.S. 41 (Hilltop Lounge), which would traverse past Cloverleaf and the School.

Motion:

Gavel was passed to the Vice Mayor and motion was made by Wever and seconded by Staib to advise the MPO of their opposition to the extension of the one-way pairs to west of S.R. 700 and the four-laning of U.S. 41. Motion carried 5-0.

E.E. WEVER, JR., MAYOR

SLM Luncheon

Mayor Wever reminded Council of the SLM Luncheon which will be held in Brooksville on July 18th at the Fireside Inn.

Jerome Brown Community Center

Mayor Wever advised that the Rotary Club has voted to spend up to \$5,000 and labor to landscape the Jerome Brown Community Center.

Frederick Kelly Elks Lodge

Mayor Wever called attention to a memo regarding the Frederick Kelly Elk's Lodge's 50th year anniversary. He stated that they are selling ads for their programs if any Council Members are interested. It was decided that should individual Council Members wish to participate, they could purchase business card size ads.

Preliminary Budget Workshop

Mayor Wever reminded everyone that the Preliminary Budget Workshop will be held on July 20th at 6:00 p.m.

Mayor's vacation schedule

Mayor Wever advised that during his vacation from July 7 through July 14, 1998, Vice Mayor Lewis would be available.

ADJOURNMENT

There being no further business on bring before Council, the meeting was adjourned at 9:35 p.m.

City Clerk

ATTEST:

Mayor

/jjj

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REGULAR COUNCIL MEETING

July 20, 1998

Brooksville City Council met in workshop and regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney (7:30 p.m.); Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and Hernando Today were also in attendance.

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

PRELIMINARY BUDGET WORKSHOP

6:00 P.M.

Preliminary review of General Fund Revenue and Expenditures and Enterprise Fund Revenue and Expenditures

Director of Finance Huffstutler stated that the outcome of this workshop would be for Council to give direction to staff on whether they are on the right track in preparing the budget. He stated that he would also like Council to be comfortable with the budget that they will be adopting in September.

Mr. Huffstutler referred to handouts on anticipated goals for this meeting, as well as one containing the general fund estimate. He also referred to colored charts and graphs depicting revenues for the general fund, sanitation fund and the golf course fund. He added that he would be compiling the utility fund revenue report this week, as well as the capital projects, special revenue and trust and agency fund reports.

Director of Finance Huffstutler discussed allocation of vacation and sick leave accruals, allocations for capital projects, capital purchases and pay plan adjustments and COLA increases.

Council agreed to continue the use of reserves to payout sick and vacation leave accruals to employees on a yearly basis. Mayor Wever suggested not including COLA increases in the budget at this time and directed staff to research what the COLA amount currently is and how it would impact the budget.

Director of Finance Huffstutler agreed to provide a schedule of unallocated reserves carried forward compared to the audited statements. He explained the amount of unallocated reserves shown at the end of the 1997/98 fiscal year to be carried forward for the 1998/99 fiscal year.

Council Member Brayton felt that one way to increase reserves would be to cut capital projects and capital outlay, particularly in the purchase of vehicles. He acknowledged that if research revealed that insurance costs would increase, financing the purchase of a fire truck from reserves may need to be considered. It was the consensus of Council to leave the purchase of a fire truck in the budget at this time but subject to removal at the workshop meetings based upon further information. It was the consensus of Council that all other vehicle purchases be removed from the budget at this time.

Council discussed the health insurance benefits, particularly whether the City should continue to fund a portion of dependent coverage. City Manager Anderson offered to provide a report on how much single only coverage costs the City and how much funding a portion of dependant coverage costs the City. Mayor Wever directed that the dependant coverage be removed from the budget at this time pending additional information.

Director of Finance Huffstutler pointed out that there is nothing in the budget at this time for street repaving or resurfacing. City Manager Anderson interjected that staff will provide a report, taking capital projects such as that and compare project costs to the amount Council wishes to set aside for reserves.

Council Member Staib requested that the budget show any transfers listed on a legend at the bottom of the relevant pages.

Mayor Wever requested using an alternative format showing a detail of the projected operating revenues to compare to the current fiscal year.

It was the consensus of Council that reserves should be defined as "unallocated, available for use" and should be increased to \$1,000,000.

Council agreed that they should be provided the budget information as it is compiled, rather in one complete package distributed shortly before the Budget Workshops. Mayor Wever stated that the information on the utility funds should be distributed as soon as possible.

Director of Finance Huffstutler stated that he was still researching local option gas tax issues at the request of Mayor Wever. Regarding the Mayor's question on if the City will receive any of the 1/2 cent sales tax should it pass in the General Election, City Manager Anderson stated that he is still researching that with the County, but added that a separate Interlocal Agreement will be needed. Mayor Wever requested that the City Attorney research Florida Statutes regarding double taxation.

Special Meeting Adjourned at 6:58 p.m.

REGULAR COUNCIL MEETING

Regular Council Meeting convened at 7:30 p.m.

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

July 6, 1998 - Regular Council Meeting

Good Neighbor Trail Agreement

Agreement for acquisition of CSX property for Good Neighbor Trail.

Mayor Wever requested that the Good Neighbor Trail Agreement be moved to the regular agenda.

Motion:

Motion was made by Brayton and seconded by Lewis to approve the balance of the Consent Agenda for July 20, 1998. Motion carried 5-0.

PUBLIC HEARING

Resolution No. 98-13 - Vacation of Right-of-Way/Downtown Parking Agreement

Consideration of resolution to vacate portion of Orange Avenue between Liberty Street and Broad Street contingent upon satisfactory negotiation of parking space mitigation agreement. [continued from 6/15/98 meeting]

Council Member Brayton stated that it was his understanding that staff was to present further recommendations on this item and that he did not like the way the recommendation reads on the agenda.

Joe Mason, representing the petitioner, First United Methodist Church, stated it is his understanding that the concept of the vacation was approved with several issues such as utility access, parking, access out of Orange onto Broad and emergency through access to be addressed in the agreement to be prepared by the City Attorney and himself, on behalf of the Church. He went on to state that one of the items that staff has mentioned in a staff memo is the use of the word "current" in relation to the utility lines. He advised that as far as the Church is concerned, it is a non-issue and the word can be taken out.

Mr. Mason referred to a drawing depicting the utility lines on Orange Ave. and the plans for handicapped parking and the route to be used for pick-up and drop-off of the school children. He also pointed out the 15 parking spaces being lost on Orange Ave. with most of the spaces being replaced in the same area with the remainder in the parking lot as permanent, public parking. Mr. Mason advised that the Church has approximately 50 spaces, depending on how it is stripped, available in the parking lot. He stated that the Church will need to reserve some of the spaces to replace those lost on Orange Ave., some reserved for handicapped parking for the Church with approximately 25 made available for public parking. Permits would be issued to businesses so that their employees could park there. Mr. Mason stated that the Church would issue 25 permits to the businesses. Permits would insure that it is employee parking rather than customer parking. The permits could be issued by the Church but assigned by the City. He acknowledged that that may be the preferred method so that the Church would not have to pick and chose between businesses that may fight to get permits. Mr. Mason added that the permits would be issued subject to the condition that if the Church had a function that would require the use of the parking. He stated that the Church would notify the permit holders, or actually the business, at least the day before of when the parking would be needed.

Mr. Mason addressed the issue of the utilities by stating that the Church has no problem of the City reserving the right to put new utility lines through the Orange Ave. area. Alternatively, as the resolution provides, if the Church has a construction project that covers what is now Orange Street, the Church would, at the Church's expense, move the utility lines to another location on the property with easy access. The Church has no problem with the City adding new lines to the area when the utility lines are being laid.

Mr. Mason stated that the other issue mentioned in a staff memo was the concern on the depth of the lines. Mr. Mason advised that there is going to be about 3 or 4 feet of fill at the lower end of Orange Ave. He stated that the Church proposes that, at the Church's expense, they would lay a new sewer line for the City with the City providing the materials.

Concerning the issue of exiting back out onto Broad Street, Mr. Mason stated that should be a condition of development when the City reviews the site and construction plans.

Concerning the use of the former Orange Ave. for emergency use, he added that he believes that it is an inherent right of police power to utilize private property for access purposes in an emergency, therefore, it was not included in the resolution. He added, however, that it was included in the agreement.

City Attorney Battista stated that the word "current" in the proposed resolution should be deleted if the Church does not have a problem with that. He stated that the agreement mentioned things that were not in the minutes, such as a definition of the core area of the City and the fact that the use of the spaces did not follow with the land should the Church transfer the property. He stated that should Church sell the property, the agreement basically allows the new owner to ignore the agreement. He further stated that the agreement also allows the Church to withdraw the spaces from being available should they find reasons to use the property for

their own use. City Attorney Battista stated that paragraph five concerning the City having access to utility lines does not need to be in the agreement as it is in the resolution. Mr. Battista stated that paragraph Six regarding emergency access through the parking lot was also not needed.

City Attorney Battista stated that he did not concur with Mr. Mason's interpretation that Council has already approved the concept and cannot go back and vote to the negative on this resolution. He advised that if Council does not agree with what has been done in any form or fashion, it can be changed or the resolution can be disapproved.

Mr. Mason responded to City Attorney Battista's comments by stating that no one knows the definition of the "core area" but he felt it necessary to define it in the agreement using the Courthouse as the point of reference.

Mr. Mason stated that if some point in time, the property was sold to a business, that business would need parking for its employees. He felt that there was no difference in the new business using the parking or the competitor across the street using the parking.

Mr. Mason stated that he did not have a problem deleting paragraph five as the City Attorney suggested.

Council Member Brayton offered his opinion that the agreement gives everything to the Church and nothing to the City. The Church could sell the property tomorrow and there would be no parking. He stated that the agreement says that the new owner is not subject to the agreement. Council Member Brayton stated that he is opposed to the closing of Orange Ave and that parking is his main concern. He did not feel that closing the street is best for the City and did not feel comfortable with it.

Council Member Johnston stated that he did not feel comfortable with the language in the agreement and suggested that it be reworked and brought back before Council. He stated that nowhere in the agreement does it say that 15 spaces will be given to the City in perpetuity. Mr. Mason stated that he did not have a problem adding the word "perpetuity" as that is the intent.

Council Member Staib requested that the agreement define the word "portion" when addressing the amount of parking on the Church property, particularly as it relates to the 15 spaces. Mr. Mason offered to commit to the 15 spaces being within Block 16 of the City, which is the Church's intent. Council Member Johnston felt that if that is the intent, it should be put into writing. Council Member Johnston felt that Council Members should be able to look at the agreement in advance so that if Council found any problems, it could be addressed with the City Attorney before going to Council.

In response to Council Member Staib's question of the apparent urgency, Mr. Mason stated that the Church has, at this time, a dead investment, until final planning can begin.

City Attorney Battista suggested that paragraph one could read something with the intent of "The Church agrees to dedicate 15 parking spaces to be located in the vacated portion of Orange Ave. and to make them available to the general public". He stated that paragraph two could include language that agrees to an additional 25 spaces, which would be contingent upon paragraphs three and four. He stated that the agreement would then dedicate 15 that are currently there. Mr. Mason interjected that only 10 or 12 spaces will fit in that exact location. He stated, however, that the Church would commit that they would put 15 spaces, in perpetuity, within the former right-of-way or other portions of Block 16 which the Church owns. He added that the Church cannot commit to permanently maintain those spaces on former Orange because part of the Church's plan may be to extend the existing Church building across the right of way and to utilize other portions of Block 16 to relocate the utility lines and relocate the dedicated parking spaces.

Mayor Wever pointed out that the last time this issue was discussed, the City Attorney had advised that the decision to vacate needs to be on the basis of being in the best interest of the public. Mayor Wever questioned whether the City Attorney felt that this was in the best interest of the public. City Attorney Battista stated that he could not make that determination for him. He stated that what he had indicated is that it is Council's fiduciary duty to the public to not dispose of public property, or, in this case, vacate this right-of-way, unless it

is in the best interest of the public. He stated that this is a legislative process by the Council and not a quasi-judicial one and Council's actions are looked at as fairly debatable with the underlying duty being a fiduciary one.

Mr. Mason felt that the benefit to the public is trying to alleviate the congestion that occurs on both Liberty Street and Broad Street and provide a safer drop-off and pick-up of the school children that are attending the Methodist School Center.

Vice Mayor Lewis offered his opinion that if the Church is willing to dedicate the 15 spaces and to offer 25 other parking spaces, it is a benefit to the public. He felt that parking spaces are not being lost and more are actually being gained. He felt that if the Church builds on the former right-of-way, something in the agreement should address those spaces being moved elsewhere in Block 16. He summarized that alleviating the traffic congestion and gaining parking spaces are something that Council needs to look at.

City Manager Anderson stated that if Council wanted to proceed, the number of 15 versus some other number could be worked out based upon Code requirements. He questioned the 25 spaces referred to in paragraph two, which is modified by three and four. He questioned if the property in Block 16 was sold, would the 25 spaces be put on other Church property within the four block radius of the Church. Council Member Staib interjected that she was not comfortable with that unknown. Mr. Mason explained that there is no room on the Church property to relocate 25 spaces and could not commit to that if a portion of the Block 16 property is sold. He stated, however, that should the Church acquire additional property and could make parking available during times when the Church does not need it, they would be a good neighbor and do so. He stated that they may be able to make available a few spaces south of the Church, but did not think there could be 25 made available.

Mayor Wever pointed out that the right-of-way being considered for vacation would have value to it if it were sold. He questioned whether the Church, if they sold the lot with the 25 parking spaces on it, could make a cash payment to the City if they cannot be relocated elsewhere. Mr. Mason stated that they could probably reach an agreement on a cash price but would have to consult with the Church board members.

Gary Sheppard, Youth Pastor at the Church, expressed his support of the petition.

Council Member Staib questioned if the Church planned any renovations on the former Sun Bank Building. Mr. Mason stated that the building has an open architecture inside and would probably require installing some permanent partitions with its ultimate use for scout and Sunday School purposes. It will also be used for special events or programs. Mr. Sheppard added that the youth facilities will be moved there as well.

City Clerk Phillips advised that she had received a letter from Time Warner, a utility holder in the area, who voiced no objection to the petition. She added that she received a letter from Browning Insurance Agency voicing support of the application to vacate the right-of-way. Mr. Mason pointed out that Mark Browning is the President of the Downtown Development Corporation.

Joseph Johnston, Jr., offered his opposition to the petition and urged Council to consider parking, safety issues for drop-off and pick-up of students, and sewer and water lines under the right-of-way before making a decision.

Gail Samples voiced her opposition to the petition in that it removes even more property from the tax roll.

Mr. Mason acknowledged that the decision to purchase the building and parking lot at 18 S. Main Street was not unanimous in the Church and that a small minority of members were opposed to it.

In response to Mayor Wever's question, Mr. Mason advised that the property is in the name of First United Methodist Church of Brooksville, Inc.

At the request of Council Member Brayton, staff members addressed Council regarding the petition. City Planner Bolton stated that her concern remains with the number of parking spaces and other issues.

Police Chief Tincher advised that his concern is with emergency access and he has not seen formalized plans that address that issue. He added that based upon that, he would still be against closing Orange Ave.

Director of Public Works Pierce expounded by explained that the two existing lines on Orange Ave. are very old. He advised that one is a water line and one is a gravity sewer line. Mr. Pierce stated that it is his opinion that the main problem with the proposed elevation of Orange Ave. is that the grade cannot very easily raise the gravity sewer line because the slope is fixed. Mr. Mason responded that his engineer has informed the Church that it is easy to do and that the grade on the gravity sewer line is sufficient from Broad Street to Liberty Street and it can be raised and still maintain more than the required slope for a gravity line.

Mayor Wever suggested that staff and Council Members submit their concerns in writing to the City Attorney to be negotiated before the next meeting. City Attorney Battista pointed out that even once the agreement is negotiated between himself and Mr. Mason, City Staff would still need time to review it.

Mayor Wever advised that this petition would be on the August 17, 1998 meeting agenda with Council and staff submitting their concerns in writing to the City Attorney. Mr. Battista requested the written concerns by July 27th and advised that he would review those concerns with the City Manager and meet with Mr. Mason shortly thereafter.

Motion:

Motion was made by Johnston and seconded by Lewis to table the petition. Motion carried 4-1, with Brayton voting in opposition.

REGULAR AGENDA

Good Neighbor Trail Agreement - MOVED FROM CONSENT AGENDA

Agreement for acquisition of CSX property for Good Neighbor Trail

Mayor Wever stated that he had moved this item because he had a question regarding whether the acquisition expenses may be added to increase the cost of the purchase. He advised that he has now been informed that the expenses are included in the purchase agreement and that the City will be incurring no cost.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the Good Neighbor Trail Agreement. Motion carried 5-0.

Ordinance No. 287-C - Ballot referendum

Proposed ordinance sets up 11/3/98 ballot referendum questions to clarify schedule for designation of Mayor and Vice Mayor from "New" year to "Calendar" year.

City Clerk Phillips read Ordinance No. 287-C by headnote only, as follows:

AN ORDINANCE AMENDING SECTION 2.03 OF THE CITY CHARTER; SPECIFICALLY SCHEDULE FOR APPOINTMENT OF MAYOR AND VICE-MAYOR; PROVIDING FOR A REFERENDUM; AND PROVIDING AN EFFECTIVE DATE

City Clerk Phillips reminded Council that on December 16, 1996, Council moved to have this action taken. She explained that she has added another caveat which recommends a policy resolution setting forth a schedule for Mayor Pro Tem order succession.

Council Member Johnston thought that the purpose of the change agreed to was that the appointment of the

Mayor and the Vice Mayor would take place at the first meeting following the election in December, not in the "new" or "calendar" year.

Council discussed the whether term "new" year was clear in meaning the new "calendar" year.

Council Member Brayton stated that he does not agree with a ballot referendum over the word "new" versus "calendar".

Motion:

Motion was made by Brayton and seconded by Johnston to deny Ordinance No. 287-C the way it currently reads. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Motion:

Motion was made by Johnston and seconded by Lewis to approve the deletion of the words "of the calendar year" and insert the words "in December of each year" on page 1 on the ordinance and on the ballot language. First Reading of Ordinance No. 287-C will be held August 3, 1998.

Motion carried 5-0.

City Clerk Phillips advised that she would also bring back a draft policy resolution for the next meeting.

Resolution No. 98-19 - Saxon/Scarborough House

Resolution in support of the inclusion of the Saxon/Scarborough House, 200 Saxon Ave., on the National Registry of Historic Places.

City Clerk Phillips read Resolution No. 98-19 by headnote only, as follows:

A RESOLUTION SUPPORTING NOMINATION FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Motion:

Motion was made by Johnston and seconded by Staib to approve Resolution No. 98-19. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

CDBG - Downtown Revitalization

Review of proposed redevelopment area map and schedule for Finding of Necessity to be considered on August 3, 1998.

City Clerk Phillips advised that the continuation of the right-of-way issue on S.R. 50/E. Jefferson was omitted from the map and should also be considered. She advised that the consultant confirmed that the rights-of-way identified on the maps would be allowable in the Finding of Necessity. She explained that the purpose for including rights-of-way would be for potential street-scaping or street lighting projects should funds be available. She stated that Howell and Main, East Jefferson, Broad Street, and S.R. 50/West Jefferson were added. She went on to state that the map adds the Main Street area, up to the lot adjacent to both sides of the road along Main Street at the request of Bob Boyd, Veranda House and also adds the Saxon Ave. properties. She stated that the right-of-way along Russell Avenue was also included to tie in the Good Neighbor Trail as a vital part of the downtown revitalization.

City Clerk Phillips advised that she had spoken with the Property Appraiser, who can break down the properties for tax value purposes.

Council Member Johnston questioned approximately how much the assessed valuation increased or decreased over the last year. City Clerk Phillips indicated that she would check on that. She stated that she also was unsure of the increased tax value for the areas proposed as amendments to the map.

The City Clerk requested that Council provide specific recommendations from Council on the resolution which will be heard on August 3, 1998.

Motion:

Motion was made by Johnston and seconded by Staib to approve the map as submitted, which includes the areas outlined in pink and the rights-of-way areas.

Council Member Brayton expressed concern regarding the southern boundaries on Main Street with the amount of residences in that area. He stated that he did not have a problem with the right-of-way being included on Main Street. He went on to state that a Main Street USA grant may include areas on Main Street. He felt that one request has required a large portion to be included on the map. Council Member Johnston stated that he had suggested adding that area at the last meeting because of the long range, 20-year program and the potential for all those residences to become commercial or professional.

Motion carried 5-0.

City Clerk Phillips advised that an ordinance setting up the TIF Funding district will be heard on August 17, 1998. She encouraged all those in the audience to participate and get the word out to people regarding this process.

Sherry McIntyre commended City Clerk Karen Phillips by stating that she has put a lot of effort into this project and her interest, dedication and cooperation have given this project a great start.

1998 Law Enforcement Block Grant

Acceptance of entitlement amount of \$23,282 (City match \$2,328 available in 001-009-584-99.02) and reappointment of Advisory Board. In the absence of Captain Schumacher, appoint Captain Terry Chapman to that position for both 1997 and 1998 grants.

Motion:

Motion was made by Brayton and seconded by Lewis to approve the grant, reappoint the advisory board and appoint Captain Chapman to the board in place of Captain Schumacher. In response to Council Member Johnston's question, Chief Tincher advised that the Board would determine what the grant is used for, but suggested mobile data terminals and other computer communication equipment, mobile traffic devices or backup generator for the Police Division. He added, however, that he would like Council to give general direction to the Board as to what they would like to see the grant funds used for.

Motion carried 5-0.

It was the consensus of Council that the grant funds should be used for mobile traffic devices, if possible.

Alcoholic Beverage consumption

Consideration of proposed amendment to redefine "on-premises" and provide for approval for special events.

City Manager Anderson explained that the revision would amend Ordinance No. 447. He advised, however, that it is not his intent to disallow sidewalk cafes. He suggested that the City Attorney review the language in an effort to limit outside bars without prohibiting sidewalk cafes.

Council Member Brayton offered his support of the City Manager's recommendations and suggested that if a restaurant wishes to have a sidewalk cafe, they could request a special permit through the City. Mayor Wever pointed out the revision includes a provision for a "special event permit", but it would not be for an ongoing business.

Council Member Brayton suggested contacting other cities to see how their ordinances address the issue of sidewalk cafes versus outdoor bars. It was the consensus of Council to allow outdoor cafes.

City Attorney Battista stated that ordinances from other cities could be reviewed with recommendations to be brought back to Council. He felt that those ordinances will contain provisions defining what circumstances must be present to allow outdoor cafes.

Council Member Brayton suggested that the City Manager and City Attorney review ordinances from other cities and bring back recommendations for consideration at a future Council meeting.

B.E.R.T. - Assignment Pay

Consideration of Assignment pay for Emergency Response Team Members (B.E.R.T.).

Council Member Brayton voiced his opposition, stating that participation in B.E.R.T. is on a volunteer basis and that he was opposed to paying the additional money. He pointed out that the members get paid when activated. He encouraged Council to remember during the budget workshops that approval of this pay will total approximately \$10,000 per year.

Mary Alice Queiros offered her support of the assignment pay for B.E.R.T. members.

Motion:

Motion was made by Lewis and seconded by Staib to approve the assignment pay in the amount of \$10.00 per week for each Emergency Response Team Member. Motion carried 4-1, with Brayton voting in opposition.

In response to a question by Council Member Johnston, City Manager Anderson stated that the B.E.R.T. command center is operational at this time after an incident wherein oil had accumulated in the air cleaner which then caught on fire.

Mayor Wever expressed his appreciation to the City staff responsible for having B.E.R.T. II (Mobile Comfort

Station) on hand at the July 18th SLM luncheon.

Stivers vs. City of Brooksville

Consideration of settlement proposal.

Council Member Brayton felt that the land should remain as it is.

Motion:

Motion was made by Brayton to deny the settlement proposal, which was subsequently withdrawn.

City Attorney suggested that if Council wishes to enter into a settlement agreement, he would recommend some language clarification to it, but not necessarily change the intent of the agreement. He added that if it is agreed to, the settlement proposal would go to court for final judgment to close the case.

City Attorney Battista summarized the case by stating that there is a disagreement over the land use designation as listed on the Future Land Use Map for 8 acres owned by Mr. Stivers. He advised that the purpose of the Future Land Use Map is to delineate what is believed to be the anticipated development for planning purposes for the next 20 years. He went on to state that when the consultants, WRPC, and staff developed the map and the comp plan, they recommended to City Council that it be multi-family. City Council denied the request and it was listed as single-family. The lawsuit was filed shortly thereafter. Mr. Battista explained that the settlement agreement stipulates that Council agree to change the current land use map from the single-family designation to commercial as a part of the EAR process which will be submitted to DCA. Mr. Battista stated that even if it is placed on the land use map as commercial and sent to DCA as a part of the EAR, the agreement does not require Council to adopt the land use designation once the EAR is returned to the City for final adoption.

City Attorney Battista suggested deleting the word "All" from paragraph E, page 3, of the agreement and deleting paragraphs f, g and I.

City Manager Anderson stated that if Council wishes to make a change from the existing residential designation, he would recommend that it be deferred to staff to bring back options for consideration by Council.

Joe Mason, Attorney for the Petitioner, stated that City staff and WRPC originally recommended that the land be designated as multi-family. When it became apparent that Council would not approve the multi-family designation, the petitioner proposed that it be split between commercial and multi-family. He stated that when that proposal was denied and Council assigned a single-family designation, the petitioner filed litigation. He stated that the petitioner is requesting that it be sent to DCA for comment with the assurance that Council or City staff will not negatively impact DCA's review. He stated that the petitioner is willing to then deal with City staff's recommendations to Council at the time of EAR adoption.

In response to Mr. Mason's suggestion, City Attorney Battista agreed that paragraph g could remain in, with the words "inappropriately and/or wrongfully" deleted.

Council Member Johnston questioned if the lawsuit is closed and DCA does not return negative comment, and Council does not do anything with it, whether that would strengthen their position should they wish to refile the lawsuit. Mr. Mason explained that the suit would not be dismissed, but rather, once the City sends it to DCA, a final judgement will be entered that is unappealed.

In response to Mayor Wever's question, City Attorney Battista stated that there is not a "low rent" category under the "multi-family" designation. City Manager Anderson interjected that it is possible to establish another multi-family category for mobile or modular homes.

Motion:

Motion was made by Brayton and seconded by Johnston to accept the stipulation agreement with the changes set forth by the City Attorney.

City Manager Anderson advised that when this is sent to DCA, it will be assumed that Council is in favor of it and DCA will probably approve what is sent. He stated that he was unsure how to enforce the request that Council or staff input not accompany the request. Mr. Battista pointed out that even if DCA does not comment on it, Council will still have the opportunity to review it once the EAR comes to Council for final approval. He further advised that if the property is designated as commercial on the Future Land Use Map on the EAR report, the petitioner will still have to come forward and request zoning.

Motion carried 5-0.

Status Report/Construction Schedule

Director of Public Works Pierce advised that FDOT will be installing guardrails on two small segments of the sidewalks on Broad Street.

Council Member Johnston advised that the County Planning staff has advised that there may be a possibility of realigning U.S. 41, as Council has previously requested. He acknowledged that rerouting traffic away from the downtown may seem questionable, but felt that signage and other means can be used to lure customers to the downtown. It will also give the City the chance to have more creative control in the downtown area to enhance the visual appearance.

Director of Public Works Pierce advised that the loan/grant offer had been received from USDA/RD on Phase II. He further advised that USDA/RD has also verbally accepted the School Street interceptor project.

Mr. Pierce reported that the Phase II Interconnect final plans have been reviewed by staff and have been returned to Civil Tech to be sent to USDA/RD shortly.

Staff is currently waiting on RUS approval before the "Notice of Award" can be issued to Encore Construction for the construction of the WWTP.

Council discussed the grant/loan amounts and the FDOT utility relocation projects. In response to Mayor Wever's question, City Clerk Phillips replied that USDA has advised that any money left over from Phase I cannot be used on the FDOT projects.

CITIZEN'S INPUT

Mary Evelyn Reid

Requested that the City ask the County to fund City Fire District Taxes, similar to how the County is funding the other districts.

ITEMS BY COUNCIL MEMBERS

Joseph E. Johnston, III, Council Member

Record Storage Lease

Council Member Johnston expressed his concern that the City was paying to lease space to store records in the old City Hall.

Fire Chief

Council Member Johnston requested that report on the consolidation of duties in the Public Safety Department

or the appointment of a Fire Chief be placed on next agenda.

Karen M. Phillips, CMC, City Clerk/Director of Administration

TDC Welcome Signs

City Clerk Phillips advised that the Hal Robinson Welcome Sign dedication would take place on Wednesday, July 29, 1998, 10:00 a.m. at the Hernando-Pasco County line at U.S. 19, North.

ADJOURNMENT

There being no further business on bring before Council, the meeting was adjourned at 11:05 p.m.

City Clerk

ATTEST:

Mayor

/jjb

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SPECIAL AND REGULAR COUNCIL MEETING

August 3, 1998

Brooksville City Council met in special and regular session with Mayor E. E. "Ernie" Wever, Jr.(6:50 p.m.), Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Jennifer J. Battista, Deputy City Clerk; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director (7:30 p.m.); Chris Short, Cemetery Manager (7:30 p.m.); Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and Hernando Today were also in attendance.

SPECIAL COUNCIL MEETING

6:30 P.M.

The special meeting was called to order by Vice Mayor Lewis.

MPO - Downtown Parking and Traffic Circulation Study

Review of known (1) parking conditions, (2) traffic circulation in the central business district, (3) safety issues, and (4) pedestrian issues.

City Planner Bolton advised that this is the first of the public meetings for the downtown parking and traffic circulation study. She introduced County Planning Director, Larry Jennings, County Transportation Coordinator, Dennis Dix, and Robert Cursey, AICP, of Dames and Moore.

She presented a slide show outlining FDOT's plan for Brooksville's traffic circulation, the present and potential congestion which has been or will be the result of FDOT's plan and the effect FDOT construction has had on other cities. She summarized her presentation by stating that parking and traffic should be planned by the community to achieve the safest comfort level for its citizens and the customers who visit.

Robert Cursey continued the special meeting by showing Council a slide show explaining the parking and traffic circulation study and his role as the consultant for that study. The presentation included a review of the existing problems and the improvements being proposed. He distributed handouts and pictures of streetscaping and revitalization done recently in Safety Harbor and Dunedin. Mr. Cursey advised that the most important reason for the special meetings is to ensure that the study meets the needs of the citizens.

County Transportation Coordinator, Dennis Dix, presented pictures showing the problems occurring from the high volume traffic on State roads through the downtown area. His presentation included parking issues, sidewalk issues, improvements being proposed for pedestrian and vehicular traffic and FDOT's present and future construction planned for Brooksville.

Robert Cursey turned the meeting over for Council or citizens' input. Council Member Johnston felt that an important outcome of the study is to find ways to work with FDOT to mitigate some of the construction plans so that they have as little impact on the citizens as possible. In response to his question, Mr. Cursey stated that most of the work done in Safety Harbor was on FDOT right-of-way but explained that the City requested it be redesignated as a City road.

Council Member Johnston stated that the City is attempting to redesignate the portion of U.S. 98 and S.R. 700 that runs through the City (Ponce de Leon Blvd.) as a City road. He pointed out, however, that the problems of having state roads U.S. 41 and S.R. 50/50A run through the City may limit what can be done towards traffic improvements. Council Member Johnston advised that Council wishes to see improvements made to the Mildred Ave. intersections at both Broad and Jefferson and the Jefferson/Ponce de Leon Blvd. intersection rather than extend the one-way pairs.

Dennis Dix advised Council that in exchange for the redesignation of Ponce de Leon Blvd as a City Road, it is anticipated that Cobb Road, which will be widened and used as a truck route, will be designated as a state road.

Council Member Staib voiced her opposition to FDOT's plans to widen U.S. 41 North and stated that she would prefer seeing a route developed around the north side of the City. Vice Mayor Lewis agreed, expressing the desire that an eastern bypass be further studied for a possible rerouting of traffic around the City. Council Member Brayton expressed concern that rerouting traffic away from the downtown area may hurt downtown businesses.

Council Member Johnston pointed out that one of the reasons that the idea of an eastern by-pass was basically abandoned was because studies showed that the cost of purchasing the property needed made it financially nearly impossible to do. He expressed his continued desire that a route be developed from U.S. 41 at the end of the one way pairs to S.R. 700, across Yontz Rd to end at DaMac at 41 North.

According to Mayor Wever, included in Council's previous request to redesignate Ponce de Leon Blvd. is that SR 50A be abandoned so that there is no truck traffic on it. In response to Mayor Wever's question, Mr. Dix stated that the initial planning phase to redesignate Ponce de Leon would be in two years and five or six years before the redesignation. Four laning will occur on Cobb Road in ten to twelve years.

Floyd Lombardi offered his opinion that the City should have been considered when the community college was looking for an extension location as a way to bring business to the downtown area.

Mark Browning felt that cities can have traffic rerouted around the downtown area and still have a thriving downtown with appropriate marketing and signage.

Mayor Wever expressed the desire that this study be developed in conjunction with the work being done on the CDBG downtown revitalization project. He advised that he and the City Clerk have an appointment with the County Commission Chairwoman and the County Administrator regarding downtown revitalization and he would report to Council accordingly.

Dennis Dix closed by stating that there will be other public meetings during the length of the study, which will take approximately three months.

Special Meeting adjourned at 7:35 p.m.

REGULAR COUNCIL MEETING

CALL TO ORDER

The meeting was reconvened at 7:45 p.m. by Mayor Wever, followed by the invocation and pledge of allegiance.

INVOCATION AND PLEDGE OF ALLEGIANCE

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

July 20, 1998 - Workshop and Regular Council Meeting

Utility Mower - Parks and Recreation

Approval to purchase utility mower from Coastal Equipment Systems Inc., in the amount of \$14,778.32, utilizing Hernando School Board Bid #SBHC98-23 (Budgeted in Account #001-020-572-64.01).

Interagency Agreements - Brooksville Road Prison

Approval to renew one year agreements with Department of Corrections and authorize execution of same, as follows:

- a. City supervised work squad (Streets Division)
- b. State supervised work squad (Parks and Recreation Division)

CRA Agreement Amendment #3

Authorize execution of agreement amendment for additional work in the amount of \$850.00 in connection with modification of redevelopment area boundaries.

Local Mitigation Strategy - FEMA Contract

Authorize execution of Interlocal Agreement with Hernando County and Weeki Wachee to complete DCA funded county-wide mitigation study.

Good Neighbor Trail - Management Agreement

Approval to incorporate Museum Association's train depot facility into the overall trailhead conceptual plan and authorize execution of Agreement.

Council Member Staib expressed concern that one of the Interagency Agreements with the Brooksville Road Prison had "N/A" checked on the section explaining the requirement of backgrounds checks. City Manager Anderson advised that he would contact the State and respond to Council accordingly.

In response to Council Member Johnston's question, City Manager Anderson explained that the funding due to the City for the Local Mitigation Strategy may be used to supplement the County's consultant report, which the County has indicated will include the City of Brooksville's needs.

Council Member Johnston pointed out that Attachment A to the Good Neighbor Trail was not included. Deputy City Clerk Battista agreed to check on that and would include it when transmitted.

In response to Mayor Wever's question regarding maintenance responsibility of the Good Neighbor Trail, City Planner Bolton explained that it was not included in the agreement and could be worked out as development proceeds.

Motion:

Motion was made by Lewis and seconded by Staib to approve the Consent Agenda for August 3, 1998. Motion carried 5-0.

PROCLAMATIONS, CERTIFICATES AND PRESENTATIONS

Proclamation - "National Night Out Against Crime"

Proclaiming August 4, 1998 as the "15th Annual National Night Out".

Mayor Wever read the proclamation and presented it to Police Chief Tincher.

Certificates - B.E.R.T. Members

Recognizing participation by Team Members during "Wildland Fires".

Mayor Wever and Acting Emergency Management Director Tincher presented certificates to those B.E.R.T. members present.

REGULAR AGENDA

Ordinance No. 287-C - Ballot referendum

Proposed ordinance sets up 11/3/98 ballot referendum questions to clarify schedule for designation of Mayor and Vice Mayor from "New" year to first meeting in December.[continued from 7/20/98 meeting]

Concerning changing the designation of Mayor and Vice Mayor to the first meeting in December instead of the "new year", Council Member Brayton pointed out that it has historically been done at the new year and there never has been a problem. He suggested that the next Charter Review Committee review it and propose it as a charter change if they feel it is appropriate.

Council Member Johnston expressed his opinion that this is mainly administrative clarification in an effort to stay consistent with the changes brought about by moving the City election to the general election.

Deputy City Clerk Battista read Ordinance No. 287-C by headnote only, as follows:

AN ORDINANCE AMENDING SECTION 2.03 OF THE CITY CHARTER; SPECIFICALLY SCHEDULE FOR ELECTION BY THE COUNCIL OF MAYOR AND VICE-MAYOR; PROVIDING FOR A REFERENDUM; AND PROVIDING AN EFFECTIVE DATE

Motion:

Motion was made by Johnston and seconded by Staib to approve First Reading of Ordinance No. 287-C.

Gail Samples voiced her concern over the clarity of the ballot referendum language as proposed in the ordinance. After discussion, motion and second were amended to revise the ballot language as follows:

Section 2.03 Shall the amendment to this Section of the Charter as set out and proposed by the City of Brooksville Ordinance No. 287-C, to schedule that the election by the Council of mayor and vice-mayor be done annually at the first regular Council meeting of December of each year as opposed to the new year, enacted by City Council on the ____ day of ___, 1998, be ratified and approved.

For language clarification, City Attorney Battista was directed to ensure that the Charter indicates "***election*** by the Council of mayor and vice-mayor" or "***appointment*** by the Council of the mayor and vice-mayor".

Motion and second were amended to change Section 5 of the ordinance to include an effective date for the 1st day of December, 1998.

Upon roll call, motion carried 4-1, as follows:

Brayton Nay

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Second and Final Reading of Ordinance No. 287-C, as well as a resolution addressing the selection of a Mayor Pro Tem between the election and the 1st meeting in December if the Mayor or Vice Mayor is not present, would be heard at the August 17th Council meeting.

Resolution No. 98-20 - Waste water interconnect project - Phase II Loan Resolution

Loan amount for Phase II interconnect project has been reduced from \$2,840,000 (Resolution No. 98-7) to \$2,050,000 due to \$790,000 grant offered by USDA/RD.

Deputy City Clerk Battista read Resolution No. 98-20 by headnote only, as follows:

A RESOLUTION RESCINDING PRIOR RESOLUTION; AUTHORIZING LOAN RESOLUTION BETWEEN THE CITY OF BROOKSVILLE AND THE UNITED STATES DEPARTMENT OF AGRICULTURE/RURAL DEVELOPMENT (USDA/RD) FOR RURAL UTILITIES SERVICE (RUS) LOAN/GRANT FUNDING TOWARDS PHASE II CONSTRUCTION OF INTERCONNECT PROJECT

Motion:

Motion was made by Brayton and seconded by Lewis to approve Resolution No. 98-20. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

An error in the amount of the project funding was pointed out on page two of the resolution, which would be corrected before signing.

Mayor Wever advised that he is compiling cost analysis figures on the project which he would distribute to Council.

Annual Picnic in the Park

Consideration to establish a week in May as "Brooksville Days" and schedule annual Picnic in the Park that week.

Parks and Recreation Director Pugh explained the request, adding that staff would like to establish a Christmas festival in the City Hall parking lot in conjunction with the Christmas Parade.

City Manager Anderson offered to prepare a mini-budget for both the Christmas festival and the potential picnic in May. Council Member Johnston expressed concern that if the festival at Christmas is held in the City Hall parking lot, it may cut off parking needed for those visiting the parade.

Motion:

Motion was made by Johnston and seconded by Staib to delay or postpone the September picnic in the park and authorize planning for the December Christmas celebration. Motion carried 5-0.

It was agreed that the possibility of a May Picnic in the Park could be presented by staff during the budget workshops.

Cobb Road WWTP Plant

a) Civil Tech Consulting Engineers, Inc. - Contract Amendment - Amendment for additional work in the amount of \$6,755.00 related to the Phase II Interconnect Project

Director of Public Works Pierce explained that this additional work is required to increase the capacity of the pumps at the School Street lift station.

Motion:

Motion was made by Brayton and seconded by Lewis to approve the contract amendment.

In response to the Mayor's question, it was the opinion of the Public Works Director that this amendment will not affect the loan application or require a change in the loan amount.

Motion carried 5-0.

b) Status Report/Construction Schedule

Director of Public Works Pierce advised that staff had received approval from USDA/RD to issue the award of bid to Encore Construction for the construction of the WWTP. He stated that final plans on the U.S. 41/S.R. 50 JPA were submitted to FDOT. Final plans on the Phase II Interconnection Project were submitted by Civil-Tech.

City Attorney Battista advised that he would contact the Bond Counsel regarding the status of the bond resolution. City Manager Anderson stated that he had transmitted his concerns to the Bond Counsel regarding the draft bond resolution, as well as concerns and questions by the Mayor and the Director of Finance.

Fire Chief Position/Public Safety Department

Consideration of options to appoint Public Safety Director or proceed with Fire Chief recruitment.

In response to Council Member Johnston's question, City Manager Anderson stated that from a management and operational standpoint, he felt that Option 3, which incorporates many aspects of Option 2, would function better. Those option are as follows:

Option 2 - Appoint Chief Tincher as Public Safety Director; (He would actually have dual title of "Police Chief" and "Public Safety Director".) Assuming a 5% pay increase, net saving (compared to appointing of a Fire Chief) would be \$45,156 initially; over the succeeding five years, (due to cost avoidance) the savings would exceed \$59,960 (assuming current pay rates). The two Police Captains and three Fire Captains would report directly to the Public Safety Director.

Option 3 - This option is similar to Option 2, but assumes the appointment of one Fire Captain as Deputy Fire Chief, and one Police Captain as Deputy Police Chief, less savings resulting from not filling Fire Chief position, each with an "assignment pay" adjustment. This option has inherent organizational advantage which more than offsets the reduction in savings. Assuming a 5% increase, the total savings (assignment pay plus benefits, less savings resulting from not filling Fire Chief position), would result in a first year savings of approximately \$39,979. As all employees would be at the top of their Grades, subsequent year cost savings would be similar.

It was pointed out that the approximately \$40,000 of savings in Option 3 may be slightly decreased as a result of cross training pay. Council Member Johnston stated that he would only be in favor of voluntary cross training and not mandatory.

Motion:

Motion was made by Johnston to proceed with implementation of Option 3 to institute a Director of Public Safety and have a Deputy Fire Chief and Deputy Police Chief. Gavel was passed to Vice Mayor Lewis and motion was seconded by Wever. It was pointed out that previous Council direction to short list and hire a Fire Chief would be rescinded.

Vice Mayor Lewis expressed his opposition to the motion. He questioned if the City Manager had contacted the City

of Dade City, who unsuccessfully implemented a similar plan. City Manager Anderson advised that he had spoken to Dade City but pointed out that Dade City implemented a traditional consolidation. He explained that Option 3 is not a traditional consolidation of the departments, but only consolidation at the top management level.

It was pointed out that a Deputy Fire Chief and a Deputy Police Chief would be appointed and receive an increase in pay for the added job responsibilities.

Council Member Johnston offered support of the proposal, stating that if it does not work, Council can rescind their decision and direct the City Manager to appoint a Fire Chief.

Vice Mayor Lewis felt that the option of not hiring a Deputy Fire Chief in an effort to save the City money should have been presented to Council for consideration.

In response to Gail Samples' question, it was pointed out that the Department of Public Safety is listed in the Charter.

Motion carried 3-2, with Brayton and Lewis voting in opposition.

City Manager Anderson responded to a question from the public by stating that he had recently contacted the City of Oakland Park, Dade City and Oakpark, Michigan, which was one of the first cities to establish a Public Safety Department in the 1960's.

Council Member Brayton questioned whether Chief Tincher would continue performing as a certified police officer and retain his "high risk" category for retirement benefits or if he would be placed under the general employees category of the retirement system as a Public Safety Director. City Manager Anderson explained that the proposal allows for a dual title of Police Chief/Director of Public Safety with Chief Tincher continuing his role as a certified police officer in the "high-risk" category with the Florida Retirement System.

Chief Tincher offered that there will still be a separate Police and Fire Division, with a Deputy Police Chief and a Deputy Fire Chief making daily operational decisions.

Council Member Brayton expressed concern that as an administrator, Chief Tincher will be expected to be at the office 8:00 a.m. to 5:00 p.m. and felt that there may be a problem with his dual role as a police officer, often called out at night, and the affect it may have on performing his administrative duties.

In response to Council Member Brayton's question, City Manager Anderson stated that he is currently working on a Public Safety Director's job description. He pointed out that after developing that job description, there is the possibility that Chief Tincher may not accept the position. It was the consensus of Council that if he doesn't accept, the issue would come back to Council. Council Member Johnston interjected that his motion was to implement Option 3 with a result in cost savings, which would not be realized if Chief Tincher does not accept the position.

Chief Tincher expressed his opinion that there will not be any additional hiring as a result of this action. He did advise Council of the existing need for a certified Fire Inspector and a police detective.

CITIZEN'S INPUT

Hernando County Mosquito Control

Gail Samples and Mary Evelyn Reid expressed concern that City residents had not been receiving mosquito control services recently. City Manager Anderson offered to check with the County on that.

ITEMS BY COUNCIL MEMBERS

RICHARD E. LEWIS, VICE MAYOR

Bank Accounts

Advised Council that Barnett Bank would not cash his City payroll check through the drive-through because he did not have an account there, even though the check was drawn from Barnett Bank. He suggested that the City withdraw accounts from banks that have that policy. City Manager Anderson advised that he would check on that and advise Council accordingly.

PAT BRAYTON, COUNCIL MEMBER

Sign Ordinance/Enforcement on Banners

Questioned the status of the sign ordinance as it relates to the regulation of banners. City Manager Anderson stated that he had been compiling information from other cities and would provide a status report at the next Council Meeting.

Council Member Johnston informed Council that the County is revising their sign ordinance and are interested in using the City of Brooksville's as a model because they feel it is a very good ordinance.

Budget Workshops

Reminded Council that the Budget Workshops would be held August 10, 11 and 12, 1998. City Manager Anderson advised that Council would be receiving the budget packets by August 6th or 7th.

ROBERT B. BATTISTA, CITY ATTORNEY

Vacation of Orange Ave.

Informed Council that he would be contacting each of them individually to discuss their ideas and concerns as it relates to drafting a parking agreement in conjunction with the vacation of Orange Ave. resolution which will be heard on August 17th.

E.E. WEVER, JR., MAYOR

Sign Ordinance

The Mayor questioned whether Sign Ordinance regulations would override deed restrictions. City Attorney Battista offered his opinion that deed restrictions could be imposed in that community but added that if the City's regulations were more restrictive, they would have to comply to the City's sign ordinance.

Downtown Revitalization

Advised that he and the City Clerk have an appointment with the County Commission Chairman and County Administrator to discuss downtown revitalization and would provide a report at the next Council meeting.

School Street Sewer Problems

Advised that he and City staff have an appointment with the School Superintendent regarding recent newspaper articles on the sewage problems on School Street and will report to Council accordingly.

ADJOURNMENT

There being no further business on bring before Council, the meeting was adjourned at 9:09 p.m.

Deputy City Clerk

ATTEST:

Mayor

/jb

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REGULAR COUNCIL MEETING

August 17, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; William Smith, Superintendent of Utilities; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and Hernando Today were also in attendance.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

August 3, 1998 - Special and Regular Council Meeting

Motion:

Motion was made by Brayton and seconded by Lewis to approve the August 17, 1998 Consent Agenda. Motion carried 5-0.

PUBLIC HEARING

Orange Avenue

a) Consideration of Proposed Parking Agreement.

Note: If Orange Avenue not vacated, agreement will be void

(See Item b below).

b) Consideration of resolution to vacate portion of Orange Avenue between Liberty Street and Broad Street.
[Continued from 6/15/98 and 7/20/98 meeting]

Reading a letter submitted by Joe Mason, Representing the Petitioner, City Attorney Battista advised that the parking agreement had been reviewed by the District Superintendent of the Methodist Church.

City Attorney Battista provided Council with revisions that he had made to the parking agreement. He explained the changes which include language regarding the location of the parking spaces and the utility easement. He stated that he also recommends a change to paragraph 9 of the agreement which would state that the petitioner agrees to performance issues.

City Manager Anderson explained that the agreement has attempted address all concerns expressed by staff and Council. City Attorney Battista added that he had spoken to each Council Member and those concerns were reflected in the agreement.

Vice Mayor Lewis expressed the desire that the church deed to the City the parking spaces. City Attorney Battista advised that the church felt that they were not in a position to deed the spaces. Vice Mayor Lewis expressed concern that the relocation of the spaces should the church sell the property, would not be an ideal location.

Mr. Mason explained a drawing submitted by the church's engineer, Cliff Manual, Coastal Engineering. The drawing depicted the location of relocating the 13 spaces lost should Orange Ave. be vacated, in addition to 19 spaces promised to be provided elsewhere on Church property. Mr. Manual advised that the church is under no obligation to provide the additional 19 spaces, but would do so as a "good neighbor".

Council Member Brayton expressed concern that the church would not need to necessarily sell the property to decide that it would not provide the 19 spaces

It was pointed out that the 13 spaces would be provided within the church property within the vacated area and Block 16 with the 19 being placed by the church with flexibility as they are needed for use.

Mr. Mason felt that if the City staff did not want permitting responsibility of the spaces, the church would suggest that there be no time limits on the spaces so employees of downtown business could park there all day long, with customers utilizing the on-street spaces.

Council Member Brayton expressed his opposition to page three of the agreement which allows the church to have the right to reserve the spaces at any time the church feels it needs them for their purposes.

In response to Council Member Staib's question, Mr. Mason stated that 2 or 3 times a year the church parking is filled to beyond capacity, which is usually for funerals.

Vice Mayor Lewis pointed out that as it stands today, the public has the use of the 13 spaces at any with no fear of them being lost, which would not be the case if the street is vacated.

Discussion ensued regarding the use of the words "perpetual" versus "99 years" in the agreement as it relates to the 13 parking spaces. /city Attorney Battista recommended that for legal reasons, the term "99" years should remain in the agreement.

Council Member Johnston pointed out that even if the area is not vacated, the public will park in all the adjacent spaces during funerals. He did express concern on the language included in paragraph 4 of the agreement.

City Attorney Battista recommended adding language to the agreement as follows: ...provided, however, that the Church shall have the right to reserve said parking spaces for its use at any time it reasonably believes that a particular service, such as weddings or funerals or short term functions, one week or less, will need said parking spaces to accommodate parking for which the church expects to be in attendance at same. The Church shall not invoke this right of reservation more than 4 times a year." Mr. Mason stated that he did not have a problem with the "one week or less" clause, however, was concerned regarding the last portion of "4 times a year". He added that the amount of funerals per year are out of anyone's control.

In response to the Mayor's question, Mr. Mason advised that the local church owns the title to the property held in trust be the United Methodist District. Mr. Mason addressed the proposed use of the 18 S. Main Street as a driveway through to the school. Mr. Manual explained that the slope of the grade would be leveled for handicapped access.

Council Member Brayton stated that he had spoken to 27 people, 24 of which were opposed to the petition. He did not believe that this petition would benefit the citizen's of Brooksville.

Motion:

Motion was made by Brayton to deny the parking agreement. Motion died for lack of a second.

Mayor Wever expressed the desire that a signature line be included on the agreement for the United Methodist Church's District Superintendent.

Joseph Johnston, Jr., advised that the Superintendent must agree to this proposal. He expressed his opposition to the petition and urged Council to deny the request.

Council Member Staib stated that she had spent time observing the traffic flow of Orange Ave and did not see a heavy use of Orange Ave. except by the using the church or school. She expressed concern on the parking issue but felt that it had been adequately addressed.

Council discussed the changes suggested by the City Attorney and the signature line for the District Superintendent.

City Manager Anderson recommended that a time space be used between the 4 events a year to prohibit a continuous 4 week function.

First United Methodist Pastor, Douglas Zipperer, recommended that the petition be withdrawn because Council apparently did not have the courage to do what he felt that everyone would agree would be right for the community. He added that it is embarrassing to the church that the issue has taken so much time and has taken away from the needs of the other citizens of Brooksville.

Council Member Johnston questioned where the back-up of traffic would occur on Orange Ave if it is vacated. Mr. Mason explained that the Church would be able to stack or provide a continuous transfer of children. Council Member Johnston stated that his continuous concern has been that the access from Broad onto the former Orange should be limited.

As a planner and engineer, Mr. Manual expressed his support of the petition as the proper method of planning a downtown block within the City.

Motion:

Motion was made by Lewis and seconded by Staib to accept the parking access and utility easement agreement with the United Methodist Church with the proposed changes as discussed. Motion carried 4-1, with Brayton voting in opposition.

Motion:

Motion was made by Lewis and seconded by Staib to table the resolution until the agreement is signed by the next level of the governing body, the district superintendent. Motion and second were amended to continue the resolution to the September 14th Council meeting. Motion carried 4-1, with Brayton voting in opposition.

Ordinance No. 287-C - Ballot referendum

Proposed ordinance sets up 11/3/98 ballot referendum questions to clarify schedule for designation of Mayor and Vice Mayor from "New" year to first meeting in December.[First Reading 8/3/98]

City Clerk Phillips read Ordinance No. 287-C by headnote only, as follows:

AN ORDINANCE AMENDING SECTION 2.03 OF THE CITY CHARTER; SPECIFICALLY SCHEDULE FOR ELECTION BY THE COUNCIL OF MAYOR AND VICE-MAYOR; PROVIDING FOR A REFERENDUM; AND PROVIDING AN EFFECTIVE DATE

There was no input from the public.

Motion:

Motion was made by Johnston and seconded by Staib to approve Second and Final Reading of Ordinance No. 287-C. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

REGULAR AGENDA

Resolution No. 98-24 - Set Policy for declaring Mayor Pro-Tem Succession Order

Proposed resolution sets the order for Mayor Pro-Tem by ascending seat designation.

City Clerk Phillips provided Council with a revision she had prepared to the proposed resolution. She explained that there is a portion of the City Code which addresses the appointment of a Mayor and Vice Mayor and that this resolution would be used for more than just presiding over a meeting, but to also perform other functions as well.

She read Resolution No. 98-24 by headnote only, as follows:

A RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF BROOKSVILLE, FLORIDA SETTING POLICY FOR DECLARING MAYOR PRO-TEM SUCCESSION ORDER; AND PROVIDING AN EFFECTIVE DATE

There was no input from the public.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 98-24. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

Council Member Brayton questioned if this resolution permanently sets a process for appointing a Mayor Pro Tem. Council Member Johnston felt that it only sets a method to appoint a Mayor Pro Tem in the absence of a Mayor and Vice Mayor. City Clerk Phillips added that it clarifies the issue from a staff aspect as well.

Resolution No. 98-18 - Finding of Necessity/CDBG Downtown Revitalization

Approval of Finding of Necessity resolution. [from 7/20/98 mtg]

City Clerk Phillips read Resolution No. 98-18 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA, FINDING THE DOWNTOWN AREA TO BE A BLIGHTED AREA, FINDING THAT REHABILITATION, CONSERVATION OR REDEVELOPMENT OF THE AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE CITY RESIDENTS, DECLARING THE CITY COUNCIL TO BE THE COMMUNITY REDEVELOPMENT AGENCY FOR THE AREA, AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Brayton and seconded by Lewis to approve Resolution No. 98-18. Upon roll call, motion carried 5-0, as follows:

Staib Aye

Brayton Aye

Johnston Aye

Lewis Aye

Wever Aye

Senior Housing Complex

Consideration of requesting proposals for developing an affordable senior housing complex utilizing a city land match.

Motion

Motion was made by Brayton and seconded by Lewis to request proposals for development of an affordable senior housing complex.

Mr. Anderson addressed questions regarding handicapped access and tax roll issues.

Motion carried 5-0.

Award of Bid-CDBG Sewer Rehabilitation Project (DCA Project N. 95DB-1Y-05-02-No7)

Award to low bidder (\$566,829) Beach Construction, Inc. at the negotiated price of \$414,888 at unit prices which reflect selection of alternates and revisions in estimated quantities.

Motion:

Motion was made by Brayton and seconded by Lewis to approve the award of bid to Beach Construction at the negotiated price of \$414,888 and authorize execution of contract.

Joe Miller, CRA Engineering, answered questions regarding the use of PVC liner as reflected in the negotiated price from the bidder.

Motion carried 5-0.

Resolution No. 98-21 - Jennings House

Resolution in support of the inclusion of the Jennings House, 48 Olive Street, on the National Registry of Historic Places.

City Clerk Phillips read resolution No. 98-21 by headnote only, as follows:

A RESOLUTION SUPPORTING NOMINATION FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Motion:

Motion was made by Staib and seconded by Lewis to approve Resolution No. 98-21. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Resolution No. 98-22 - Judge Russell House

Resolution in support of the inclusion of the Judge Russell House, 201 S. Main Street, on the National Registry of Historic Places.

City Clerk Phillips read Resolution No. 98-22 by headnote only, as follows:

A RESOLUTION SUPPORTING NOMINATION FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES

Motion:

Motion was made by Staib and seconded by Lewis to approve Resolution No. 98-22. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

Resolution No. 98-23 - Disbanding Canvassing Board for 1998 Regular Municipal Election

Approval to disband Canvassing Board as set forth in City Election Code, which will be replaced by County Canvassing Board now that City election is held with the general election.

City Clerk Phillips read Resolution No. 98-23 by headnote only, as follows:

A RESOLUTION DISBANDING THE CITY CANVASSING BOARD FOR THE 1998 REGULAR MUNICIPAL ELECTION

Motion:

Motion was made by Staib and seconded by Lewis to approve Resolution No. 98-23. Upon roll call, motion carried 5-0, as follows:

Staib Aye

Brayton Aye

Johnston Aye

Lewis Aye

Wever Aye

Sign Ordinances - Commercial Banners

Consideration of proposed amendments.

City Manager Anderson explained that Council had previously requested that the portion of the sign ordinance relating to the use of banners be reviewed by staff.

Vice Mayor Lewis felt that banners do serve a purpose but was in favor of enforcement of time use. He expressed his support of a limited time that banners can be used and impose a nominal permit fee for special events or annual events. He further requested that staff come back with enforcement options. Vice Mayor Lewis stated that he would like language included that addresses the fact that the banners must be secured adequately and not obstruct pedestrian traffic.

City Manager Anderson brought up for discussion the definition of banners, such as whether they have to be attached to the building. Council Member Johnston felt that they should be attached to the building. Mayor Wever suggested that the word "structure" replace the word "building". City Manager Anderson stated that he would confer with the City Attorney regarding appropriate language.

Council Member Brayton suggested that staff start enforcing the remainder of the ordinance unrelated to banners.

Tammy Osborn, Beall's Outlet, expressed support for the regulation of banners but would request that the right to use them be retained within compliance of those regulations.

Advisory Board Appointments

Appointment of two members for four year terms of office on Parks and Recreation Advisory Boards due to term expirations and appointment of

member to fill unexpired four year term on Brooksville Housing Authority due to member resignation.

City Clerk Phillips advised that she had received a letter this date that one of the current alternates had requested reappointment

Parks and Recreation Advisory Board:

Motion:

Motion was made by Brayton and seconded by Lewis to appoint alternate Richard Gant to a full time position for a four year term of office which expires August 31, 2002. Motion carried 5-0.

Motion:

Motion was made by Staib and seconded by Lewis to reappoint Grubbs as an alternate for a four year term of office

which expires August 31, 2002. Motion carried 5-0.

Motion:

Motion was made by Brayton and seconded by Staib to appoint Ernie Chatman to fill the unexpired four year term of Richard Gant's alternate position which expires August 31, 1999. Motion carried 5-0.

Brooksville Housing Authority:

Motion:

Motion was made by Brayton and seconded by Lewis to appoint Nathaniel Sims to fill an unexpired four year term of office which expires May 31, 1999. Motion carried 5-0.

Cobb Road WWTP Plant

Status Report/Construction Schedule

Director of Public Works Pierce advised that a construction conference will be scheduled shortly, and, with RUS approval, a ground breaking ceremony scheduled thereafter.

RUS approval is pending on the Interconnection Project for Phase II and Mr. Pierce would update Council on that accordingly.

The Director of Public Works also advised that the Notice to Proceed for the Lockhart Ave. water line extension contract had been issued.

CITIZEN'S INPUT

MARY A. STAIB, COUNCIL MEMBER

Police Division Monthly Reports

In response to Council Member Staib's question, Chief Tincher advised that he would check on the figures contained in the Police Division's monthly reports relating to specific costs.

Florida League of Cities

Council Member Staib reported on the FLC Annual Conference and the various sessions she had attended.

E.E. WEVER, JR., MAYOR

Downtown Revitalization

Mayor Wever reported that he and the City Clerk had attended a meeting with the County regarding downtown revitalization. The County had indicated that they would be willing to work with the City on that project and make their people available to work with those the City hires to do the traffic studies and parking. City Clerk Phillips interjected that the item will be on the County Commission Agenda to receive ratification from the Board regarding the establishment of the TIF district.

School Street Sewage Problems

Mayor Wever advised that he and the City Manager met with School officials regarding the sewer problems on School Street and explained to them the progress that was being made on that issue. He added that the status report was to be relayed to the School Board at their next meeting.

Adjourn Regular Meeting - 9:41 p.m.

Reconvene in workshop Session - 9:50 p.m.

ITEMS BY COUNCIL MEMBERS

Review of Utility Enterprise Fund [from 8/10/98 workshop meeting]

Council Member Brayton pointed out that many of these figures are set by factors out of Council's control. City Manager Anderson stated that staff plans to contact the financial advisor and provide Council a cash flow report.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 9:52.

City Clerk

ATTEST:

Mayor

/jjb

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FIRST PUBLIC BUDGET HEARING

1998/99 BUDGET

September 9, 1998 7:00 P.M.

Brooksville City Council met in budget session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; Boyce E. Tincher, Police Chief; and a representative from the Hernando Today were also in attendance.

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

RICHARD E. ANDERSON, CITY MANAGER

Public Announcement - Ad Valorem Tax Rate

Per the TRIM Notice by the County Property Appraiser, the proposed ad valorem rate for the 1998/99 Fiscal Year is 10. mills. This millage rate would generate a 27.36% increase over the rolled back rate of 7.8518 mills.

For budget planning purposes the City has established a 10.00 mill rate for each of the previous seven years, but last year adopted a final rate of 8.0000 mills.

After reviewing revenue projections and proposed expenditures for the 1998/99 Fiscal Year, the Council has presented a proposed General Fund budget balanced at 8.0000 mills.

Motion:

Motion was made by Brayton and seconded by Staib to approve a millage rate of 8.000 mills. Motion carried 4-0.

Finance Director Huffstutler submitted to Council a report showing the audited carry-over budget figures from the completed audit. He explained that the gas tax figure of \$43,000 shown on the list would definitely need to be added to the proposed budget, as it was not included originally. It was decided to round it off to \$50,000 as a carry-over in reserves.

Mr. Huffstutler answered Council questions regarding the amount received for District 22 fire service which should reflect an excess of \$290,000 on page 20 and the reserve fund as it relates to the replacement of vehicles on page 8, which should reflect \$38,000 rather than \$43,000.

Regarding the personnel section on Police and Fire on page 55, Mr. Huffstutler addressed the five percent increase given to the deputy chiefs.

Council Member Staib inquired about the Community Development position shown in the budget, which was listed for the lower position. The City Manager indicated that he did not anticipate hiring the higher paid position at present due to the funding available.

Council Member Staib also asked about whether the Parks Department budget reflected tearing down the existing handball court and constructing a new one. Parks and Recreation Director Pugh stated that those costs are in the 1997/98 budget.

The Mayor inquired about the \$152,000 to the R&R fund which the Director of Finance indicated is transferred from operations into R&R for capital and debt service.

Mayor Wever pointed out that the Quarry Golf Course revenue appeared high in projections. Director of Finance Huffstutler indicated that there is an anticipated rate increase planned to cover the revenue projections. Regarding the position of a secretary, Mr. Pugh stated that they use five Green Thumb employees in the Quarry as well as the pro shop attendant.

Calling attention to Page 95, Vehicle Maintenance Internal Service Fund, the Mayor inquired if a schedule could be drafted to show how much is put into reserve for each division. Mr. Huffstutler stated that it has been prepared and would be distributed to Council.

The Mayor questioned the zero rate in the bond column on page 111-Utility Expense. Mr. Huffstutler did not anticipate any interest cost which is calculated but blended back into the payments starting in year three and therefore deferred for the first two years according to USDA direction. The Mayor felt this may need to be accrued in reserve funds according to the bond resolution. Staff will check into this further.

The Mayor reiterated his concern that contractual labor costs be split to show actual personnel costs. Per the Finance Director, Sanitation is the only department that specifically budget for contractual labor and other divisions use it because there is a shortage in staff and contractual labor is utilized in the interim.

Council discussed that it was their desire to budget the General Fund carry over at the end of the year at \$1 million if possible.

Council Member Brayton inquired about Page 65 Streets & Parks Maintenance \$87,000 on Line 31 for R&M Supplies and felt that the \$50,000 for road repaving should be a separate item. He was also concerned about the intent for recurring repairs & maintenance figures. Director of Finance Huffstutler advised that he has classified a great number of repair line items into one on the budget. The \$5,000 in the budget is for specific areas identified.

Huffstutler, CPA, Finance Director - Presentation Of proposed Budget.

Recommended Revenues (Including Transfer and Beginning Fund Balances)

[Discussion included below]

Public Hearing - 1998/99 Proposed Budget

[Discussion included below]

Ordinance No. 589 - Adoption of the Tentative Budget for 1998/99

City Clerk Phillips read Ordinance No. 589 read by headnote 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, 1998 AND ENDING SEPTEMBER 30, 1999.

Motion:

Motion was made by Brayton and seconded by Lewis to approve first reading of Ordinance No. 589.

Gail Samples questioned other contractual services on page 29 for \$2,800. It was explained that it incorporates \$1,800 for lawn maintenance of City Hall.

In response to Mrs. Samples' question, it was explained that the life and health insurance listed is for Council Members who do not have other insurance.

Mrs. Samples noted that Page 36 does not include a raise for the City Manager. Mr. Anderson advised that a raise would be given at time of contract renewal and the funds would be taken from reserves. Mrs. Samples voiced her opinion that she did not feel that employees should be making as much as the manager. It was pointed out that the contract is up for renewal March 13th.

Mrs. Samples also brought up for discussion contractual labor and office equipment expenses previously discussed.

Community Development equipment and furniture expenses were discussed as they relate to linking into County's GIS system. Contractual Services on page 41 of \$30,000 is for consulting fees.

Mrs. Samples expressed her opinion that the City was buying too much furniture. She pointed out that furniture was included for Human Resources where there was not even a director.

Regarding the police and fire budgets, Mrs. Samples' was concerned that the public has not been informed enough about what is going on in this consolidation. She thought there was only one Police Captain. The City Manager explained that there is one employee who is currently on leave for six months. One of them is serving as Deputy Chief with assignment pay and not just serving as a captain. If in fact the other captain does not come back the position of captain would not be replaced and the position would be down-graded. Mrs. Samples felt that the Administrative Captain position should not be funded and a budget amendment could be made when he returns. He was not expected to return until April and the Police Chief did not have a problem with removing the funding at this time.

In response to Mrs. Samples' inquiry on the Deputy Fire Chief, Captain & Lieutenant positions, the Chief reported that when the old Deputy Fire Chief retired the funding was utilized to hire another firefighter. Captain Daugherty was appointed to Deputy Fire Chief by the City Manager. There are three captains, one for each shift, together with three lieutenants. She was concerned that the level of staff is too high for a city the size of Brooksville. The Chief pointed out that the Fire Dept. has reduced its number and dollar amount over the last three years. There are 24 hour shifts that need to have the chain of command structure.

Council Member Brayton inquired about the part time administrative assistant, which is no longer continued and was utilized during the past year for Mr. Illi.

Mrs. Samples' questioned the \$18,000 on page 67 for the Prison Guard salary. It was explained that we have two prison guards and the City pays for one. However, the City has entered into an agreement to acquire a third one, which is included in the budget for 1998/99. The salary for that guard is included under other contractual services.

There was also discussion on which materials and supplies come from Repair & Maintenance Supplies line item Line 31. Although \$50,000 is budgeted for road paving projects, the specific projects or streets to be paved are not yet determined. This will be brought forward to Council at a later date.

Gail Samples felt that money should be budgeted on page 103 under drainage issues and improvements other than buildings. She stated that she would like to see \$5,000 added to cover the drainage that SWFWMD is requiring to be addressed on the golf course. Council Member Brayton was concerned that Council was not aware of this problem. Parks and Recreation Director Pugh stated that Council is aware that there are drainage problems and he has in fact included money in other contractual services and repair & maintenance for this but not in the capital line item. He further identified the repairs they were planning to do around the 6th hole in conjunction with plans prepared by Mr. Garman and SWFWMD recommendations. It was decided to transfer the \$5,000 from other contractual services and repair & maintenance into capital outlay.

Mrs. Samples stated that she would like Council to consider setting aside a separate reserve for full replacement of

water pipes in the older sections of town to build up a fund. Per Director of Public Works Pierce \$80,000 has been budgeted to repair or replace three or four of the worst areas of sewer pipes and will be bringing back a report. Mrs. Samples stated that she would like to see water pipes replaced rather than sewer pipes only.

The Mayor advised that USDA may allow us to utilize excess funds in the current loan/grant from them for the related projects that might fit into the water and sewer system of the City. Council Member Brayton did not see why the City could not set up this type of funding program as requested by Mrs. Samples, similar to the program that the city set up several years ago with the street repaving program. There was much discussion on the water pressure problems and planned upgrades to the water well system. Per Mr. Pierce, he did not feel that the planned wellfield project would help the pressure situation in this area. Council Member Brayton suggested putting \$50,000 away per year to build up the fund as recommended. The City Manager suggested that the \$80,000 delineated for the sewer rehabilitation project could be looked at for the possibility of use for water line projects. Staff was directed to look at the budget very hard to see if a budget amendment could be done during the year (90 days to 6 months) to set up a new fund for \$50,000 for water.

Lee Porterfield questioned the repaving of Candlelight and whether it was still being considered. Staff has not finalized the street repaving list as of this date. The Mayor indicated that he felt the City should probably wait until the upcoming FDOT road construction project is completed before any repaving is done on Candlelight. Mrs. Porterfield felt that at least some repairs need to be done now. Construction is scheduled to start in January and will probably be an 18 month project. Mr. Pierce discussed what he will be proposing in his plan to Council in the near future, which may include repairing certain sections at a time. The City's inability to put in speed bumps and certain recognized speed deterrents on this road based on circumstances that have effected other communities. The speed on this road was also discussed.

Mary Evelyn Reid inquired if the City was included on the County Fire Chiefs' discussions about mutual aid and who was going to pay based on utilization during the year. Chief Tincher advised that the City did participate in those discussions and is presently reviewing the mutual aid agreements and our operations. Mrs. Reid felt that the people in the City and Township 22 District need to stand up for their rights and not be pushed around by the County. Council Member Staib indicated that the City should try to get someone like Jim Adkins included on the Fire Services Task Force that the County is forming. The City Manager advised that he had spoken with the County Administrator and she was proposing that a City representative be on the board and she would keep him advised of developments. Mrs. Samples agreed and stated that the County could take back township 22 and the City should be prepared to fight for this.

Kathleen Reeves expressed concern about the additional taxes that she has to pay to have property in the City as opposed to her property located in the County. She also voiced concern about the additional costs such as water and sanitation charges that are required within the City. It was explained to her that Council had already agreed to keep the millage rate at 8 mills at the beginning of the meeting and therefore her taxes would not be increased as reflected in her trim notice. Ms. Reeves also felt that government should look at ways to reduce taxes if people improve their property instead of raising rates. The City Manager advised that the budget also included a 5% reduction in water fees. Ms. Reeves voiced concern that the City also does not reimburse utility deposits after a certain amount of time without paying interest on it.

Public Announcement

The following public announcement was read into the record; "The 1998/99 proposed millage rate (the tentative ad valorem millage rate) of 8.0000 mills exceeds the 1998/99 rolled back rate of 7.8518 mills by 1.88%."

There was no further public input or Council discussion. Upon roll call vote, motion carried 4-0 as follows:

Brayton Aye

Staib Aye

Lewis Aye

Wever Aye

Public Hearing Continued to 7:00 p.m. on 9/23/98

Second and Final Reading of Ordinance will be held September 23, 1998.

FDEP - Reduction in Permitting Fees

Authorization to request reductions to maximum of \$100 in permit processing fees pursuant to Florida Statutes, Section 218.075(1), per capital taxable value is less than, and pursuant to Florida Statutes Section 218.075(2), the percentage of exempt property is higher than, the state wide averages.

School Street WWTP Operating Permit Time Extension

Permit #FLA 012035 From December 1, 1998 to December 1, 1999 estimated fee reduction \$300.00 to \$100.00

Motion:

Motion was made by Brayton and seconded by Lewis to approve FDEP Waiver of Permitting fees for the School Street WWTP Operating Permit Time Extension Project. Motion carried 4-0.

Croom Road WWTP Operating Permit Time Extension

Permit #FLA 012034 from December 1, 1998 to December 1, 1999 estimated fee reduction \$300.00 to \$100.00

Motion:

Motion was made by Brayton and seconded by Lewis to approve the FDEP Waiver of Permitting fees for the Croom Road WWTP Operating Permit Time Extension project. Motion carried 4-0.

School Street Interceptor Sewer Project, Phase II, Amendment #1

Construction permit for Domestic Wastewater Collection/Transmission system estimated fee reduction \$500.00 to \$100.00

Motion:

Motion was made by Brayton and seconded by Staib to approve the FDEP Waiver of Permitting Fees for the School Street Interceptor Sewer Project, Phase II, Amendment #1, Construction permit for Domestic Wastewater Collection/Transmission system project. Motion carried 4-0.

School Street Potable Waterline Upgrade

Construction Permit for Public Drinking Water Supply estimated fee reduction \$250.00 to \$100.00

Motion:

Motion was made by Brayton and seconded by Staib to approve the FDEP Waiver of Permitting Fees for the School Street Potable Waterline Upgrade project. Motion carried 4-0.

Emerson Road/Moton School Lift Station Alternate Route, Phase II, Amendment #2

Construction permit for Domestic Wastewater Collection/Transmission system estimated fee reduction \$500.00 to \$100.00.

Motion:

Motion was made by Brayton and seconded by Lewis to approve the FDEP waiver of permitting fees for the Emerson Road/Moton School Lift Station Alternate Route, Phase II, Amendment #2 Construction permit for Domestic Wastewater Collection/Transmission system project. Motion carried 4-0.

FY 97/98 CDBG Sewer Rehabilitation Project

Construction permit for Domestic Wastewater Collection/ Transmission system estimated fee reduction \$500.00 to \$100.00.

Motion:

Motion was made by Brayton and seconded by Staib to approve the FDEP Waiver of Permitting fees for the FY 97/98 CDBG Sewer Rehabilitation Project. Motion carried 4-0.

Adjournment:

There being no further business, the meeting was adjourned at 9:07 p.m.

City Clerk

ATTEST:

Mayor

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REGULAR COUNCIL MEETING

September 14, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and Hernando Today (7:45 p.m.) were also in attendance.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

August 10, 1998 - Budget Workshop meeting

August 17, 1998 - Regular Council meeting

Parks and Recreation Advisory Board

Reappointment of Council liaison (Vice Mayor Lewis) to four year term expiring August 31, 2002.

Award of Bids - Department of Public Works

Authorization to award bids as follows:

Knuckle Boom Loader and Trash Dump Body - SN98-08

Award of bid to Peterson Industries, Inc. in the amount of \$30,000 (account #402-016-534-64.00).

Four inch Trailer mounted diaphragm Pump - UD98-09

Award of bid to Air Components & Equipment, Inc., in the amount of \$6,556.93 (account #401-021-536-64.00).

Solid Waste Collection Truck - Front End Loader - SN98-11

Award of bid to Peterbilt of Florida with options 3 and 3a, in the amount of \$137,499 (account #402-016-534-64.00)

FDOT Relocation of Utilities - S.R. 50 (Hardee's Intersection)

Approval of JPA cost increase in the amount of \$6,321.50 related to relocation of utilities.

Humana Health Insurance Agreement

Approval of Letter of Understanding renewing health insurance contract from October 1, 1998 through September 30, 1999. Total estimated premium \$335,023.

Local Law Enforcement Block Grant

Approval of recommendations by Advisory Board and authorization to expend funds for purchase of equipment.

Appointment of Advisory Board Member

Approval to appoint Mark Rials to fill the unexpired four year term of office through January 31, 1999 as an alternate on the Planning and Zoning Commission.

Authorization of Funds - Department of Administration

Authorization to purchase Imaging System from Open Technology Group (SNAPS #252353) in the amount of \$59,735; Hayes Computer Systems (State Contract #250-040-96-1) in the amount of \$17,151.90; Monitor & Workstation under City Purchasing Policy for approximately \$2,000; Total Cost \$78,886.90 with \$77,855.18 from impact fee fund accounts and balance from General Government.

Mayor Wever requested that the Consent Item regarding the Humana Health Insurance Agreement be moved to the regular agenda.

Staff responded to Council Member Staib's question regarding the discrepancy on the amount listed on the spreadsheet on page 2, Option 3 and 3a or the one on the coversheet for the Solid Waste Collection Truck/Front End Loader bid proposal. City Manager Anderson stated that the coversheet should read \$3,298.

Motion:

Motion was made by Lewis and seconded by Johnston to approve the balance of the September 14, 1998 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - International Day of Peace

Declaring September 15, 1998 as "International Day of Peace"

Mayor Wever read the proclamation and indicated that it would be forwarded to the proper agency.

Proclamation - American Business Women's Association Week

Declaring the week of September 20- 26, 1998 as "American Business Women's Association Week"

Council Member Staib read the proclamation and presented it to ~~Carole Brantley~~ Diana Hill, President. [approved by Council 10/19/98 kp] American Business Women's Association.

Margaret Ghiotto Beautification Award

Recognition of improvements made to 396 North Avenue West owned by Mr. and Mrs. Mark Benitez.

Mayor Wever and Beautification Board Chairman Taylor presented the certificate and revolving plaque to Mr. and Mrs. Benitez.

PUBLIC HEARING

Resolution No. 98-13 - Vacation of Orange Avenue

Consideration of resolution to vacate portion of Orange Avenue between Liberty Street and Broad Street. [Continued from 6/15/98, 7/20/98 and 8/17/98 meeting]

Joseph Mason, Jr., was present to represent the petitioner.

City Attorney Battista advised that at the request of the petitioner, he would suggest deferring the agenda item to allow he and Mr. Mason to go over grammatical changes which should have been made to paragraph four of the Parking and Utility Access Agreement. He explained that the paragraph should have included specific language which addresses the church's need to have the parking spaces for church events such as weddings, funerals or events of a longer duration, four times a year.

It was decided to proceed with the Consent Agenda Item regarding the Humana Health Insurance Agreement.

Humana Health Insurance Agreement (MOVED FROM CONSENT AGENDA)

Approval of Letter of Understanding renewing health insurance contract from October 1, 1998 through September 30, 1999. Total estimated premium \$335,023.

City Manager Anderson explained that this is a renewal of the agreement for health insurance with Humana. He went on to state that based on the City's claim experience, the rates have increased significantly.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the Letter of Understanding. The City Manager explained that the premiums that the City will pay are included in the Letter of Understanding.

City employee, Donna Lopez, came forward to speak in opposition to requiring the employees to pay the family/spouse portion of insurance.

City employee, Beth Gray, questioned if the City approached the Insurance Committee and requested proposals rather than assume Humana would be the least costly. Director of Finance Huffstutler explained that the City did go out for bid the previous year and did not feel it was necessary at this time.

It was decided that whether the City accepts Humana's contract is a different issue than how much the City will subsidize for dependent coverage and that the latter could be deferred until Citizen's Input.

Motion carried 5-0.

Resolution No. 98-13 - Vacation of Orange Avenue (CONTINUED)

City Attorney Battista read the new paragraph 4 to the Parking and Utility Access Agreement and added that Mr. Mason would submit a new page the next day for signature.

Council Member Brayton questioned if the Parking Agreement as presented is the same one as agreed upon by Council at the August 17th meeting. Mr. Mason explained that the change in paragraph 4 was a grammatical one that did not get changed as needed.

Attorney Joseph Johnston, Jr., expressed his opposition to the vacation of Orange Ave.

In response to Mayor Wever's question, City Attorney Battista stated that the agreement is signed by both the local church and the District Superintendent.

Mr. Mason and Cliff Manuel, Coastal Engineering Associates, Inc. answered Vice Mayor Lewis's questions regarding property line locations.

Motion:

Motion was made by Brayton to deny the agreement. Motion died for lack of a second.

Motion:

Motion was made by Lewis and seconded by Staib to accept the agreement as amended at this meeting.

Council Member Johnston stated that he would not vote for the resolution until an agreement is before Council which indicates that the changes have been initiated by the local church and District Superintendent. Mr. Mason stated that the superintendent has given the local church complete authority to enter into this agreement. He explained that it is not a change but a correction to reflect what Council agreed to at the last meeting.

Motion and second were amended to accept the agreement with the changes made at this meeting to not be signed by the Mayor until initials to the changes are in place.

The City Attorney felt that if Council would feel more comfortable having the document re-executed in its entirety, he would not recommend otherwise.

Chairman of the Church Council, Paul Sullivan, offered to initial the changes made at this meeting.

Motion and second was amended to allow Mr. Sullivan to initial the changes made on behalf of the First United Methodist Church. Motion carried 3-2, with Brayton and Johnston voting in opposition.

City Clerk Phillips read Resolution No. 98-13 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, HERNANDO COUNTY, FLORIDA, VACATING, ABANDONING, DISCONTINUING, AND CLOSING A PUBLIC RIGHT-OF-WAY.

City Clerk Phillips advised that the location of this vacation would be a portion of Orange Ave. located between Liberty and Broad Street.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 98-13.

City Attorney Battista recommended that a paragraph 6 be added to the resolution to include an effective date and read as follows:

This resolution shall be effective upon the execution by the City of the Parking, Access and Utility Agreement approved on September 14, 1998 between the City and First United Methodist Church of Brooksville.

Motion and second were amended to include an effective date. Upon roll call, motion carried 3-2, as follows:

Brayton Nay

Johnston Nay

Staib Aye

Lewis Aye

Wever Aye

REGULAR AGENDA

Resolution No. 98-25 - Solid Waste Rate

Adopting solid waste rate adjustments and setting effective date.

City Clerk Phillips read Resolution No. 98-25 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA ESTABLISHING SERVICE CHARGES AND RATES FOR SOLID WASTE COLLECTION SERVICES; PROVIDING FOR SEVERABILITY AND CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 98-25. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

Resolution No. 98-26 - Election

Resolution declaring incumbents, Joseph E. Johnston, III, to fill City Council Group Seat No. 4 and E. E. Wever, Jr., to fill City Council Group Seat No. 5.

City Clerk Phillips read Resolution No. 98-26 by headnote only, as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA APPROVING THE INCUMBENTS FOR CITY COUNCIL GROUP SEATS 4 AND 5 AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 98-26.

Council Member Johnston questioned if there would be any conflict in him voting for this resolution in that approval of same would give him financial gain. City Attorney Battista offered his opinion that it would not.

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

Staib Aye

Brayton Aye

Johnston Aye

Lewis Aye

Wever Aye

Resolution No. 98-27 - Support of Florida Constitution Proposed Revision #10

Request from Florida League of Cities to endorse Florida Constitutional Revision #10, which includes revisions to ex parte communication and tax exemptions requirements.

City Clerk Phillips read Resolution No. 98-27 by headnote only, as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING REVISION #10 TO THE FLORIDA CONSTITUTION, AND ENCOURAGING OUR CITIZENRY TO VOTE YES TO THIS REVISION.

Motion:

Motion was made by Staib and seconded by Lewis to approve Resolution No. 98-27. Upon roll call, motion carried 4-1, as follows:

Brayton Nay

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Resolution No. 98-28 - Support of Florida Constitution Proposed Revision #7

Request from Hernando County to endorse Florida Constitutional Revision #7 which would revise allocation of court costs between counties and State.

City Clerk Phillips read Resolution No. 98-28 by headnote only, as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING REVISION #7 TO THE FLORIDA CONSTITUTION, AND ENCOURAGING OUR CITIZENRY TO VOTE YES TO THIS REVISION.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 98-28.

City Manager Anderson advised that opponents of the resolution point out that many counties would obtain substantially greater payments from the state towards the operation of their judicial system. The question then becomes how the state is going to raise those funds.

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

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

Equipment Rental (Croom Road WWTP Pond Closure)

Award of bids to Ringhaver Equipment Company and Wildcat Equipment Company, at unit prices. Total estimate cost \$70,200 available in Account #406-021-536-65.90.

Motion:

Motion was made by Brayton and seconded by Lewis to award bids to Ringhaver Equipment Company and Wildcat Equipment Company, at unit prices, subject to revisions to rental agreement as proposed in memo dated September 8th from the Director of Public Works.

Mayor Wever pointed out that the monthly rental rate is less than on a weekly basis. In response to Vice Mayor Lewis' question, Director of Public Works confirmed that there would be enough staff to operate the equipment. He stated that \$200,000 has been budgeted and he expects the cost of the project to be approximately \$150,000.

Motion carried 5-0.

Budget Amendments

Consideration of proposed amendments to current budget, as follows:

Debit/Credit Description Account # Amount

Debit Russell St. Park 106-843-551-63-05 \$ 700

Debit Reserves 106-843-584-99-02 \$1,400

Credit Interest Income 106-000-361-10-00 \$ 900

Credit Contributions 106-000-366-60-00 \$1,200

Debit/Credit Description Account # Amount

Debit Barnett Road 110-019-541-63-00 \$54,000

Debit Reserves 110-019-584-99-02 \$36,000

Credit Prior Year Carryforward 110-000-389-10-00 \$44,000

Credit Impact Fee Income 110-000-363-01-00 \$45,000

Credit Interest Income 110-000-361-21-00 \$ 1,000

Debit/Credit Description Account # Amount

Debit Sewer Line Rehab 120-015-524-34-00 \$140,000

Credit Grant Income 120-000-331-30-00 \$140,000

Debit/Credit Description Account # Amount

Debit Reserves 119-011-584-99-02 \$21,000

Credit Transfers In from General 119-000-381-01-00 \$10,000

Credit Court Case Revenue 119-000-351-30-00 \$11,000

General Fund

Debit Transfer to Police Comm.001-009-581-91-23 \$10,000

Credit Reserves 001-009-584-99-02 \$10,000

Debit/Credit Description Account # Amount

LLEBG 1996

Debit Communications Equip 118-014-522-64-03 \$25,400

Credit Prior Year Carryforward 118-000-389-10-00 \$25,400

LLEBG 1997

Debit Equipment 124-013-521-64-02 \$27,600

Credit Grant Income 124-000-331-30-00 \$27,600

LLEBG 1998

Debit Reserves 126-013-521-64-02 \$25,610

Credit Grant Income 126-000-331-30-00 \$23,282

Credit Transfer In from General126-000-381-01-00 \$ 2,328

General Fund

Debit Transfer out to LLEBG 001-009-581-91-24 \$ 2,328

Credit Reserves 001-009-584-99-02 \$ 2,328

Motion:

Motion was made by Brayton and seconded by Lewis to approve the budget amendments. Motion carried 5-0.

Sign Ordinance Amendments

Consideration of proposed amendments to sign ordinance to modify commercial banner regulations. [from 8/17/98 mtg]

City Manager Anderson explained that he has attempted to incorporate the concerns and recommendations of Council before the amendments are prepared in ordinance form. His proposal limits the number of banners while at the same time does allow businesses to use banners in the promotion of their business. Mr. Anderson explained that a resolution and implementing policy will be brought back to Council with first reading of the ordinance. In response to Vice Mayor Lewis' question, City Manager Anderson stated it does address the requirement that banners meet tear resistance standards.

Regarding the enforcement of the regulations, City Manager Anderson stated that the City's Code Enforcement Division would be handling enforcement. He explained that the proposed amendment allows approval of banners on a discretionary basis by the City Manager with appeal of that decision being made to the City Council. Rather than approve the amendment, it was pointed out that Council could also agree to the current regulations outlined in the existing ordinance, which does not allow banners.

Council Member Joseph Johnston [approved by Council 10/19/98 kp] suggested taking out the word "discretionary" in the proposed amendment, thereby having the wording in paragraph 2 of the policy read as follows: "Permits for

banners may be issued only with the approval of the administrative official". City Clerk Phillips felt that the language should reflect that even if fees or some regulations are waived, a permit should still be required.

Motion:

Motion was made by Lewis and seconded by Staib to approve preparation of ordinance, resolution and policy for next meeting. Motion carried 5-0.

Status Report - WWTP Construction and Interconnect Project

Director of Public Works advised that a Notice to Proceed should be issued for the WWTP on September 17, 1998. He added that a pre-construction conference will be held at 9:00 a.m. on September 17th.

Regarding the Phase II project, he stated that we have received the FDEP permits but are waiting on approval of plans and specifications from RUS on the interconnect project. Approval to bid Phase II should occur after October 1st.

Lockhart Ave. waterline extension will begin construction this week.

Cobb Road WWTP groundbreaking would be held on October 2nd at 10:00 a.m.

CITIZEN'S INPUT

Health Insurance

City Employees Howard Jackson, Beth Gray, Donna Lopez, Erica Seaver, Emory Pierce and David Pugh spoke in favor of the City continuing to subsidize a portion of the dependent coverage for the 1998-99 year.

It was pointed out that last year, Council had made it clear that this past year, 97/98, would be the last year that the City would provide that benefit.

City Manager Anderson explained the insurance increase is due to the size of the claims made by the employees and dependants.

Chief Tincher stated that he had spoken to insurance companies and there may be a possibility of those employees seeking dependent coverage to form their own "group". He discussed whether Council would allow payroll deductions to be paid directly to the insurance company if the "group" could submit options to Council showing that dependent coverage could be provided at a lower cost. The employees themselves would still be in the City's group plan. City Manager Anderson stated that he would not have a problem with options being presented to Council, however, he would recommend that any alternate plan should not exclude single coverage employees, but should be offered as a group plan as well.

Director of Finance Huffstutler stated that he would like Council to be aware that one of the goals of the original Insurance Committee was to increase participation for dependent coverage, which has happened. He addressed the option of supplementing the single coverage employee's income to reflect the benefit that those choosing dependent coverage receive. He cautioned Council that it may be problematical. Regarding the possibility of different plans, he advised that tracking two or more plans may not be feasible due to staff shortage.

Mayor Wever offered his personal experience with a past employer discontinuing the subsidizing of dependant coverage. He added that it does seem to be the business trend. He felt that if the City does not discontinue the subsidy this year, unfortunately it would probably have to happen next year.

Council Member Johnston brought up for discussion whether the single employee coverage could be supplemented less and spread that cost savings to those with dependent coverage. City Manager Anderson stated that one governmental agency he had spoken to pays a percentage of the premium, even for single coverage.

Motion:

Motion was made by Brayton and seconded by Lewis to amend the budget to continue subsidizing dependent coverage for one more year.

It was pointed out that even if Council continues to subsidize the coverage, the employee's rates will probably increase due to insurance rate increases.

Motion and second were withdrawn.

In response to Council Member Brayton's question, Director of Finance Huffstutler stated that if Council continues contributing the same percentage this year as last year it would cost the City an additional \$48,000 to \$60,000.

Motion:

Motion was made by Brayton and seconded by Lewis to come up with funds to cover the same percentage of the City's contribution of current insurance plan for 98/99. Motion carried 5-0.

Council Member Brayton stated that he will not support this decision next year. He requested that staff research alternatives and present it to Council within the next six months.

ITEMS BY COUNCIL MEMBERS

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Withlacoochee Regional Planning Council

Council Member Johnston felt that Council should be aware that WRPC had approved a pay increase for Director, Linda Sloan. He added that he did not vote for it as he does not attend the meetings unless requested by Council.

MARY A. STAIB, COUNCIL MEMBER

Vandalism in the City

Council Member Staib felt that Council should be aware of recent vandalism that has occurred at Joe D'Andrea's business and home.

E.E. WEVER, JR., MAYOR

City Government Week

Mayor Wever stated that October 18th begins City Government Week and that he would like Council to hold a Community Breakfast the morning of the 19th.

Police and Fire Pension Legislation

Mayor Wever advised that he would obtain information regarding the proposed Police and Fire pension plan legislation that is again being considered and would distribute it to Council accordingly.

Annual Report

Mayor Wever stated that staff is currently researching the cost of producing an Annual Report, which has not been done since 1996. City Clerk Phillips stated that one company she had spoken to would be able to produce the report around January or February.

Budget Hearing

Mayor Wever reminded Council of the Final Budget Hearing scheduled for September 23rd.

Special Meeting

Mayor Wever indicated that depending on the time needed for staff and consultants review, Council may be holding a Special Meeting on September 28th to consider the Insurance bid which closes September 17th.

Job Fair

Mayor Wever advised that the City has a booth at the Job Fair being held at the Fairgrounds September 25 and 26th.

Redevelopment Plan

In response to Mayor Wever's question, City Clerk Phillips advised that ratification of the CDBG Redevelopment Plan and TIF District will be before the County Commission on September 22, 1998. She added that the grant administrator will also be attending that meeting.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:16 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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FINAL PUBLIC BUDGET HEARING

1998/99 BUDGET

September 23, 1998 7:00 P.M.

Brooksville City Council met in special session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, P.E., Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Manager; William Smith, Superintendent of Utilities; Boyce E. Tinch, Police Chief; and a representative from the Hernando Times and Hernando Today were also in attendance.

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

RICHARD E. ANDERSON, CITY MANAGER

Public Announcement

The tentative millage rate for the 1998/99 Fiscal Year is 8.0000. This 1998/99 millage rate is 1.88% more than the rolled back rate. The General Fund budget proposed in this Final Public Hearing is balanced at 8.000 mills for 1998/99. Public Law states that the City Council may reduce the budget, but may not increase it at the Final TRIM Notice Public Hearing.

Lee R. Huffstutler, CPA, Finance Director - Presentation of proposed Budget.

Approval of Resolution No. 98-29 - 1998/99 Levying a General Fund Millage Rate for the Year 1998/99

City Clerk Phillips read Resolution No. 98-29 by headnote only, as follows:

A RESOLUTION LEVYING A MILLAGE RATE FOR THE YEAR 1998/99 FOR THE OPERATION OF THE VARIOUS DEPARTMENTS AND FUNDS OF THE CITY OF BROOKSVILLE, FLORIDA AND PROVIDING AN EFFECTIVE DATE.

There was no public input.

Motion:

Motion was made by Brayton and seconded by Lewis to approve Resolution No. 98-29. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Approval of Second and Final Reading of Budget Ordinance No. 589 for 1998/99 [First Reading 9/9/98]

City Clerk Phillips read Ordinance No. 589 by headnote 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, 1998 AND ENDING SEPTEMBER 30, 1999.

There was no public input.

Motion:

Motion was made by Lewis and seconded by Staib to approve Second and Final Reading of Ordinance No. 589. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

Local Law Enforcement Block Grant

Consideration of purchase of speed display, monitor and backup generator.

Motion:

Motion was made by Brayton and seconded by Lewis to approve purchase ~~to~~ *of* [approved by Council 10/19/98 kp] speed display, monitor and backup generator as requested by staff.

Motion and second were amended to allow staff to waive purchasing policy to purchase the generator for less than the state contract price.

Motion carried 5-0.

Florida Recreation Development Assistance Program (FRDAP) - Jerome Brown Community Center

Authorize Clark Roumelis and Associates to prepare necessary application (at a cost of \$2,595) in an effort to obtain FRDAP grant assistance for the Center's parking lot paving project.

Motion:

Motion was made by Brayton and seconded by Staib to authorize Clark Roumelis and Associates to prepare necessary application at a cost of \$2,595 in an effort to obtain FRDAP grant assistance for the Center's parking lot paving project. Motion carried 5-0.

Property/Liability/Workers Compensation Insurance - FI98-13

Preliminary review of insurance bids.

City Manager Anderson stated that staff had hoped to have some information available for Council's consideration at this meeting to avoid holding a

special meeting. He advised, however, that they were unable to obtain the information and a special meeting will be held on September 28, 1998 at 5:30 p.m.

CITIZENS INPUT

There was no citizen's input.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

Lockhart Avenue Easement/Route

Reconsideration of water line extension options. [from 7/6/98 mtg]

Council Member Brayton stated that after consideration, he felt the City should revise its previous decision on the location of the Lockhart Ave. easement route. He stated that a more logical approach may be to accept the 20 ft. easement on the south side up to the east side on S.R. 50. He further pointed out that any future repairs and improvements necessary would then be easier. This would not change the construction contract with Donto at all and figures should stay the same. The easement would still have to be recorded but he recommended that Council accept the easement and proceed so that in the future a road could be put into the west side of the property.

Motion:

Motion was made by Brayton and seconded by Lewis to put in 20 ft. easement and use the alternate route for the Lockhart water lines.

In response to Vice Mayor Lewis' inquiry, Director of Public Works Pierce stated that the fence would not have to be moved on the southern side. The project would be inside the existing fence on the south side and would go under it in two places. According to Mr. Pierce, the contract was bid out as a lump sum payout for adjustment/repair of fence and the contractor bid \$10,000 for this. Director of Public Works Pierce offered staff's support of the alternate route for the water lines.

Mayor Wever voiced opposition, stating that the line should go up the east side of the right-of-way and the north side of the Lockhart Ave. as close to the street as possible. He felt that the north/south right-of-way may be a key to access to all the vacant land in the area that has potential for future development. The Mayor was also concerned that the owner may not actually own the 20 ft. of property since there were problems with his fence line. Mr. Pierce stated that this has been verified on the corrected survey.

Mayor Wever was also concerned that where the north/south of Lockhart meet may not be a right-of-way, since a portion of the road was vacated by the County. Council Member Johnston stated that both roads are platted property and there is a right-of-way there.

Mr. Pierce further stated that Coastal Engineering and Associates, Inc., has a signed and sealed survey which shows Lockhart to the east 30 ft. platted right-of-way. Council Member Johnston stated that putting the utility lines on the easement would not preclude the granting of the right-of-way. He clarified that it is not an easement, but a platted right-of-way.

City Manager Anderson advised that during earlier discussions with the property owner regarding the two easements, the owner anticipated that the City would support his application to vacate the street right-of-way on the west side. Mr. Pierce suggested that if the issue of supporting vacating the right-of-way be deleted from any negotiations with the property owner. He should not object and would still give the City the 20 foot easement. Mayor Wever suggested that the motion be amended to exclude any reference to a vacation of the right-of-way. A review of the file showed that the signed grant of easement did contain language relating to vacating the right-of-way.

Vice Mayor Lewis withdrew his second, stating that he subsequently agreed with the Mayor and water line should be laid on the 30 foot existing right-of-way and the property owner should move his fence. The Mayor reiterated that the City should do everything possible to keep open access to the properties behind the subject parcel.

Director of Public Works Pierce felt that running the water line down the 30 foot easement would not help any access to properties in any way. The statement in the grant of easement document concerning vacation of right-of-way could be deleted. If the owner refuses to sign the easement, then the option of the 30 foot easement right-of-way [approved by Council 10/19/98 kp] can be implemented.

Council Member Brayton withdrew his original motion.

Motion:

Motion was made by Brayton to use the alternate easement with no other stipulations for support of closing any other right-of-ways.

Motion died for lack of second.

Motion:

Motion was made by Lewis to approve the original option to use the existing easement right-of-way [approved by Council 10/19/98 kp]. Motion died for lack of second.

Motion:

Motion was made by Johnston and seconded by Lewis that the property owners be offered 7 days to present to the City the proposed easement as shown on the drawing with no stipulations regarding vacating the right-of-way on the south and west side of the property and if not received within 7 days, authorize staff to proceed along the right-of-way. Motion carried 4-1, with Wever voting in opposition.

E.E. WEVER, JR., MAYOR

Proposed Sales Tax

Mayor Wever stated that he does not believe there is any intention for any of the funds from the proposed sales tax to come to the City even though the tax would be imposed within the City as well. He felt that the City should not support it. He also believed the funding would not affect any of the County feeder streets going through the City.

The City Manager advised that the County had indicated that City residents travel on some of the County streets and therefore would benefit from the results of the sales tax. By consensus, Council concurred not to support this tax increase.

Florida City Government Week

Mayor Wever advised that October 18 - 24 is Florida City Government Week and plans are progressing with

Teen Leadership Hernando at City Hall on October 20th at 8:30 a.m.

Proposed County Utilities Purchase

Mayor Wever advised that he attended a County Commission *Utilities* [approved by Council 10/19/98 kp] meeting when the purchase of the McGee Luckie Building was discussed for purchase by the County Utilities Department. He indicated that he was personally opposed to the purchase because of the historical area and the number of residents objecting to it. He also pointed out that the Comp Plan indicated the two closest streets are ~~designed for historic area designation~~ *designated as a historic area* [approved by Council 10/19/98 kp].

Council Member Staib advised that the County Administrator had proposed that a committee be formed to look at this, especially for suggestions such as closing the driveway entrance on Irene St., landscaping buffers, etc. She added that Joe D'Andrea, resident of Irene St., has volunteered to organize a committee to meet with the County Administrator.

Council Member Johnston reported that he was on the Board of Zoning Adjustment and Appeals when they voted to allow construction in this area based on the design of the building, which blended in with the area, and, although it had to be rezoned, the use of the property as a professional building was more favorable than a commercial use. He also stated that he was informed that the County had an alternative purchase plan for the old Lila Dess on S.R. 50, which he felt would be more conducive for their needs.

Motion:

Motion was made by Brayton and seconded by Lewis to notify the County that City Council is opposed to the purchase of the McGee Luckie Building for the use for which they are intending.

Kay Adams, Hernando County Utilities Dept., advised that the County would have to enlarge the building following the roof lines and put in an elevator and two bathrooms to meet ADA requirements. Ms. Adams pointed out that the County Administrator felt that since this property adjoins

the library, when the utilities Department outgrows the location, it could be expanded as library property. The use would also benefit the library parking. Ms. Adams also did not believe the County had the same kind of traffic as the City does. She added that there are no trucks in the department, but they have three pickups and one blazer used by inspectors, which would be left in the County parking lot. She explained that she would like to leave one sedan and one Jeep Cherokee in the parking lot. Ms. Adams stated that they have 24 employees who arrive between 6:30 and 9:00 a.m. through 3:00 and 6:00 p.m. She stated that the site was inspected by a Department of Labor inspector who felt that the renovations can be done safely. SWFWMD has confirmed that the drainage is designed appropriately. She stated that the County has always been a good neighbor to the City which may not always be true with private businesses, especially as it relates to property upkeep. She addressed the tax roll issue, stating that they compared this building to a building on Broad St. that they were considering which had a much higher tax value. She also indicated that they would not design traffic to exit onto Irene Street.

Council Member Brayton voiced his opposition in that another property within the City would be taken off the tax roll. He also felt that it is not a good location for the County to move into. He pointed out that the old Health Department could be used.

Vice Mayor Lewis voiced his opposition to the purchase. He stated that he did not feel the closing of the access onto Irene Street was necessarily the solution to traffic problems because that would also generate a traffic flow problem on Howell Ave. He felt that the Board of County Commissioners should look at this further in an effort to continue to be good neighbors to the City.

Ms. Adams stated that the County intends to hold a meeting with the City and the residents relating to this issue to address concerns.

Motion carried 5-0. A letter will be sent to the County.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Cobb Road WWTP

City Clerk Phillips advised that the groundbreaking ceremony for the Cobb Road WWTP would be October 2nd at 10:00 a.m.

RICHARD E. ANDERSON, CITY MANAGER

Hurricane Georges

The City Manager advised that staff is currently monitoring the weather conditions due to Hurricane Georges and will keep everyone advised on any plans made.

BOYCE E. TINCHER, POLICE CHIEF

Chief Tinchler advised that there is an Expo event planned for Saturday, October 26th which will have emergency vehicles on display. He added, however, that those vehicles will also be on standby for emergency use. He

added that the Homecoming parade is scheduled for Friday at 10:00 a.m. which may pose a problem with the current hurricane status and the traffic flow on Howell Ave.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at 7:58 p.m.

City Clerk

ATTEST:

Mayor

/jjb

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SPECIAL MEETING

September 28, 1998 5:30 P.M.

Brooksville City Council met in special session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance and Boyce E. Tincher, Police Chief.

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

AWARD OF INSURANCE PROPOSALS

Review of proposals received and coverage options for Property/Liability/Workers Compensation Insurance.

Director of Finance Huffstutler introduced Hayden Knowlton, from the insurance consultant firm of Waters Risk Management. Mr. Huffstutler stated that staff and the consultant are ready to offer their recommendations that will save the City considerable savings while improving the City's coverage.

Motion:

Motion was made by Brayton and seconded by Lewis to approve negotiation of an agreement for applicable insurance coverage based on consultant's recommendation, Option A. [See attached Exhibit A to minutes]

In response to Mayor Wever's question, Mr. Knowlton explained the definition of "occurrence" type claims as addressed in the proposal, which is the preferred type coverage.

Mayor Wever felt that the City should carry environmental liability and fiduciary pension plan liability. Mr. Knowlton explained that they are included in their recommendations in Option A given to Council in a memo dated September 28, 1998 from Water's Risk Management.

Mr. Knowlton responded to Council Member Johnston's questions regarding the decrease in the worker's comp premium as indicated by the Florida League of Cities' underwriter.

City Manager Anderson pointed out that the proposal contains some coverage which the City currently does not carry.

Motion carried 5-0.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

Cobb Road WWTP

Mayor Wever reminded Council that the Cobb Road WWTP groundbreaking ceremony will take place October 2, 1998 at 10:00 a.m. City Clerk Phillips confirmed that there will be a program for the ceremony.

ADJOURNMENT

There being no further business to bring before Council, the meeting was adjourned at approximately 6:00 p.m.

City Clerk

ATTEST:

Mayor

/jjb

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REGULAR COUNCIL MEETING

October 5, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; William Smith, Superintendent of Utilities; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times and Hernando Today were also in attendance.

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

Mayor Wever stated that in the future, when Council materials are provided shortly before the meeting regarding an agenda item, he will call a recess to allow Council the opportunity to review the information.

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

September 9, 1998 - First Public Budget Hearing

Florida Communities Trust - Good Neighbor Trail

- a) Approval of time extension to finalize the property acquisition closings.
- b) Approval of Corrective Warranty Deed on Bacon Parcel.
- c) Authorize execution of Option Agreements by Mayor for the acquisition of the Bacon and Gilman Paper parcels.

City Clerk Phillips stated that she believes that the purchase transaction for the CSX parcel has been finalized.

Council Member Johnston requested that the Consent Agenda item regarding the Good Neighbor Trail be moved to the regular agenda.

~~Motion:~~

~~Motion was made by Lewis and seconded by Staib to approve the balance of the October 5, 1998 Consent Agenda.~~
[approved by Council 10/19/98 kp]

Interlocal Agreement - Metropolitan Planning Organization

Revision to Interlocal Agreement establishing the MPO with corrective updated statutory provisions.

Council Member Johnston requested Consent Item C-2 be moved to the regular agenda.

Motion:

Motion was made by Lewis and seconded by Johnston to approve the balance of the October 5, 1998 Consent Agenda. Motion carried 4-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - City Government Week

Florida City Government Week - October 18 - 24, 1998.

Mayor Wever read the proclamation and advised that Council has scheduled a community breakfast for October 19th, Teen Leadership Hernando on October 20th and a Hernando Fine Arts Council Art Reception on October 22nd.

PUBLIC HEARING

CDBG - 1999 Neighborhood Revitalization Grant Application

- a) Authorization to solicit competitive bids for consultant and engineering services for 1999 CDBG Grant Application.
- b) Appointment of CDBG Citizen's Advisory Task Force Members.

Director of Administration Phillips advised that it is time to go out for proposals for the 1999 CDBG grant application. She went on to state that Council is requested to reappoint the existing CDBG Task Force, with two additional members, as follows: E. E. "Ernie" Wever, Jr., Mayor and Council Liaison, Annie Hudson, Joseph "Joe" D'Andrea, Henry Southall, JoAnn Munford, Jeffery McNair, Josephine Roberts, **ALTERNATE**, and Jonathan Walker, **ALTERNATE**.

There was no citizen's input.

Motion:

Motion was made by Lewis and seconded by Johnston to solicit bids and appoint task force members. Motion carried 4-0.

REGULAR AGENDA

Florida Communities Trust - Good Neighbor Trail (MOVED FROM CONSENT AGENDA)

- a) Approval of time extension to finalize the property acquisition closings.
- b) Approval of Corrective Warranty Deed on Bacon Parcel.
- c) Authorize execution of Option Agreements by Mayor for the acquisition of the Bacon and Gilman Paper parcels.

Council Member Johnston advised that the office in which he works, Johnston and Sasser, is involved in a portion of the purchase offer transactions and may derive financial gain. He stated that he would, therefore, abstain from voting on this issue and will fill out the appropriate conflict of interest form.

City Clerk Phillips stated that she believes that the purchase transaction for the CSX parcel has been finalized.

Motion:

Motion was made by Lewis and seconded by Staib to approve the above Consent Agenda Item No. C-2. Motion carried 3-0, with Johnston abstaining.

Resolution No. 98-30 - FRDAP Grant Application

Resolution No. 98-30 supports inclusion of an improvement project in our five year capital improvement schedule in the Comprehensive Plan for submission of a \$134,300 application to the Florida Recreation Development Assistance Program (FRDAP) for a basketball court, parking lot paving, bike track and related amenities project in the Jerome Brown Community Center/Adult Softball Complex, with a 25% City Match of cash or in-kind in the amount of \$33,325.

The City Manager explained that the City was successful in obtaining a FRDAP grant several years ago that resulted in the Adult Softball Complex. He stated that this grant would be for adjacent property such as the parking lot for the softball complex and Jerome Brown Community Center. He stated that staff proposes to utilize the funds to also build basketball courts and a bicycle trail.

Robert Johnson, CRA Development, addressed Council regarding details of the grant.

City Manager Anderson directed Mr. Johnson to increase the amount of trash cans from 4 to 8, and leave the dollar amount the same.

In response to Council Member Johnston's question, the City Manager stated the City's matching portion could consist of hard surfacing the parking lot. Parks and Recreation Director Pugh stated that equipment could be used as the City's match as well. Mr. Anderson stated that details regarding the City's match would need to be approved by Council at a later date once the grant has been approved and received.

City Clerk Phillips read Resolution No. 98-30 by headnote only, as follows:

RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA, PROVIDING FOR A REVISION TO THE COMPREHENSIVE PLAN CAPITAL IMPROVEMENT SCHEDULE RELATED TO IMPROVEMENTS AT THE JEROME BROWN COMMUNITY CENTER/ADULT SOFTBALL COMPLEX.

Motion:

Motion was made by Lewis and seconded by Staib to approve Resolution No. 98-30. Upon roll call, motion carried 4-0, as follows:

Johnston Aye

Staib Aye

Lewis Aye

Wever Aye

Senior Housing Complex Proposal Award

Acceptance of proposed Senior Housing Complex project concept by CRA Development, Inc. to be constructed on City owned property between Mildred and Hale Ave. and authorization for staff to negotiate the details of the project with the developer prior to their submittal of any application for

federal funding and commitment of City property or related requirements.

Mayor Wever expressed opposition to the concept if the City would be required to provide a 10% match. City Manager Anderson explained that it is proposed that the City would use the land that the City purchased with block grant funds as a portion of the 10%. He went on to state that Council is requested to authorize the organization to submit an application for the project, with the City's commitment to make available that parcel for the City's match.

Mayor Wever stated that he would like to see a list of the match and the values thereof because the City does not have

any cash to put into this project.

Robert Johnson, CRA Development, stated that CRA will make every effort to minimize any additional costs to the City. He explained that CRA is in the process of contacting the County for SHIP funds to provide a large portion of the match needed. He confirmed that the land would count towards the match, as well as utility improvements made as a result of the new WWTP that will benefit that area. He explained that after this meeting, he plans to meet with City staff to address development and grant match concerns. He stated that he is not looking for Council's approval of a final design at this meeting, but would be submitting that at a later Council meeting.

Mr. Johnson introduced others with CRA Development who would be instrumental in the development of the project.

He went on to explain some of the things that they have included in the proposed complex and some of the options available for funding sources such as grants and other financing, tax credits, the proposed budget included in their proposal and other details regarding the project.

In response to Vice Mayor Lewis's question, Mr. Johnson confirmed that the \$270,000 of SHIP financing would count towards the \$420,000 needed for the 10% match.

Mr. Johnson addressed Council Member Johnston's concerns regarding public land use for a private purpose.

For clarification purposes, Mayor Wever stated that CRA is asking for acceptance of the proposal and to allow staff to negotiate the details of the contract and come up with a list of the matching funds for the City to consider.

Motion:

Motion was made by Johnston and seconded by Lewis to accept the proposal and authorize staff to negotiate with the developer regarding details of the contract, including what would be considered as the City's match. Motion carried 4-0.

"Heritage Quilt"

Acceptance of offer from the Hernando Quilters Guild to permanently display the "Heritage Quilt" at City Hall and authorization for staff to prepare and execute ownership/maintenance agreement with the Guild, subject to approval by City Attorney.

Director of Administration Phillips explained that the Quilters Guild has voted to allow the City to display the quilt permanently. She stated that she would like Council to approve the concept and have the agreement brought back to Council.

Motion:

Motion was made by Staib and seconded by Lewis to approve the concept with the agreement to be brought back to Council for approval. Motion carried 4-0.

Farmer's Market

Request to utilize City parking lot property to conduct an "Old Fashioned Farmers Market".

Brooksville Again Members Bob Boyd and Ann Davidson were present to address Council regarding the use of a City owned parking lot at 29 S. Main Street for a "Buy, Sell and Trade Day". She explained that the main reason for the market would be to bring business to the downtown area on weekends. She stated that they would charge \$10.00 per space and there are 20 spaces available. The money will be used for beautification of the downtown area. The market would be held on specific Saturdays throughout the winter months.

Ms. Davidson stated that she does not propose to allow food to be sold so that it does not compete with local restaurants. In response to the City Clerk's question, Ms. Davidson stated that she would be involved in screening the

vendors or items to be sold. It was pointed out that there would be no livestock sold at this market.

Motion:

Motion was made by Johnston and seconded by Lewis to allow staff to enter into discussions and bring it back to Council for consideration. It was pointed out that one issue to be considered is whether negotiations would take place with Brooksville Again as the lead organization but that the market would not be exclusively for their use to allow other organizations the opportunity on a case by case basis.

It was pointed out that the City would not be the one operating the market.

Council Member Johnston felt that the negotiations should also contain language regarding which Saturdays would be for the exclusive use of Brooksville Again.

In response to Council Member Staib's question, Bob Boyd stated that, to his knowledge, there is no objection from surrounding property owners. City Clerk Phillips stated that she would contact surrounding business owners and solicit their responses regarding the concept and bring back any concerns to Council.

Regarding restroom facilities, Ms. Davidson stated that the County has agreed to allow access of their park restrooms located on Ft. Dade Ave. City Clerk Phillips stated that those details could be worked out with the County.

Vice Mayor Lewis expressed concern regarding insurance and liability issues and requested that staff consider that closely. He also brought up for discussion the desire that no holes be made into the asphalt from canopies or tents.

Motion carried 4-0.

Purchasing Card Program

Approval to enter into agreement with the State of Florida vendor, NationsBank, for a Purchasing Card Program.

City Clerk Phillips explained details of the purchasing card and stated that signing the application will allow staff to enter into the program. She stated that many governments use this method of purchasing to cut down on processing invoices and cutting checks to vendors. She stated that if Council is interested in this, staff would develop a policy and bring it back to Council for approval.

City Manager Anderson suggested that this program be started somewhat cautiously and on a test use basis to determine cost savings to the City.

Council Member Johnston pointed out that the policy should contain the necessary restrictions and the program should not be implemented until the policy is approved by Council.

Motion:

Motion was made by Lewis and seconded by Johnston to authorize staff to file the application and have staff prepare a policy for Council consideration. Motion carried 4-0.

Status Report - WWTP Construction and Interconnect Project

a) Approval of Change Order No. 1 authorizing direct purchase of major components for construction of Water Reclamation Facility as a cost reduction by the applicable sales tax amounts.

It was pointed out there is a typographical error on the schedule attached to the change order which should read "effluent disposal pumps" instead of "sludge thickner".

Motion:

Motion was made by Lewis and seconded by Staib to approve Change Order No. 1. Motion carried 4-0.

b) Project(s) update.

The Director of Public Works advised that the City has received approval to bid out Phase II Interconnection project. The CDBG Sewer Rehabilitation project is under construction. The JPA at the Hardee's Intersection is ongoing. The Lockhart Water Line extension construction will be underway shortly.

CITIZEN'S INPUT

Senior Housing Complex

Gail Samples felt that extra police protection may be needed as a result of the influx of additional low income housing in the City.

Purchasing Card Program

Gail Samples expressed concern that the City did not go out for competitive bid for the card. It was explained the program presented by NationsBank was acquired from state contract and it was believed that there are charges or fees for private financial institute programs.

SR 50A/U.S. 98

In response to Ms. Samples question, Mayor Wever explained that the MPO has transmitted Council's desire that U.S. 98 be rerouted out of town with the state maintaining that. The City would then receive ownership from the truck route to the Hilltop Lounge and from Ponce de Leon out to the truck route. Ms. Samples voiced her opposition to the City's ownership of those streets, stating that the City cannot afford maintenance of same. Mayor Wever stated that one of the reasons for the City's interest in those roads would be to prohibit truck traffic. Council Member Johnston pointed out that before the roads were turned over to the City, FDOT would be required to bring them up to proper standards. Ms. Samples felt that the problem could be alleviated if there was speed control implemented.

Comprehensive Plan

Gail Samples felt that money should be expended to update the Comprehensive Plan so that zoning restrictions or historic district regulations will prohibit such things as the County buying a downtown building for use for a utility complex.

It was pointed out that the City has hired a consultant to work on the E.A.R. report, which is a required part of updating the Comprehensive Plan.

ITEMS BY COUNCIL MEMBERS

E. E. "Ernie" Wever, Jr., Mayor

a) Creation of new "regional" municipality league.

Mayor Wever stated that the president of the Suncoast League of Municipalities is supporting a league being formed between Hernando, Citrus, Levy and Sumnter Counties. He stated that he would like Council's endorsement of the new league, and have the City maintain a membership with both leagues. He stated that it is being proposed as the Nature Coast League of Municipalities. By consensus, Council voiced their support of the creation of the new league. Mayor Wever stated that he would contact the Mayor of Ocala regarding that decision.

b) Review of Sales/Gas Tax Proposals

Mayor Wever felt that Council may want to change their decision made at the September 23rd meeting to not support the sales tax, which was based upon inaccurate information that the City would not receive any funds from that tax. He

stated that in reversing that decision, Council needs to consider whether to accept the statutory share of the sales tax should it pass on the ballot in November or enter into a negotiated Interlocal Agreement regarding the division of funds received from the tax. He added that should the sales tax not pass in the election, the County plans to implement the 3 cent gas tax.

By consensus, Council concurred that they were not opposed to the sales tax as long as the City received a portion thereof.

c) SR50A/US98 Status and Improvements to Mildred Avenue

Director of Public Works Pierce submitted maps to Council which depict various FDOT projects, specifically improvements to Mildred Ave., S.R. 50A and U.S. 98 and the transfer of ownership of certain streets. He requested that Council submit their ideas on this map so that he may contact FDOT.

Council discussed their desire that the City take over the part of Jefferson and Broad Streets that are in the City limits currently owned by FDOT. Director of Public Works stated that should the City take over those portions, he does not foresee a maintenance crisis, other than extra mowing and signage. He advised that the current Interlocal Agreement with the County may have to be amended to include maintenance of the additional traffic signals. Mr. Pierce stated that he would try to bring back cost estimates for Council's consideration at an upcoming meeting on the additional costs that may be incurred by the City.

Mayor Wever pointed out that Council has previously requested that FDOT abandon SR 50A. He added, however, that Council Member Brayton has requested that this agenda item be deferred until the next meeting when he is present. He suggested that Council review the maps and mark any suggestions and they would discuss the matter further on October 19th.

Development at Truck By-pass

Mayor Wever requested that Council begin thinking of ways to encourage development in the area between Candlelight and Jefferson Street and around the Hardee's Intersection. He felt that there may be a potential for commercial or light industry development in that area.

Overgrown lots - Property Maintenance Ordinance

Mayor Wever requested that the City Attorney research the possibility of amending the property maintenance ordinance to include the requirement that undeveloped, vacant lots be maintained.

KAREN M. PHILLIPS, CMC, CITY CLERK

Elevator Repair

City Clerk Phillips advised that an emergency repair is needed for the elevator and Council is requested to waive purchasing policy requirements and approve the expenditure of \$23,850. She stated that the Finance Director has suggested that the money be allocated from general reserves rather than the building fund. She added that the repair may take 10 days to 3 weeks.

Motion:

Motion was made by Staib and seconded by Johnston to approve the expenditure out of the building reserve fund with the extra to come out of general fund. Motion carried 4-0.

ADJOURNMENT

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

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

October 19, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Sexton; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times were also in attendance.

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

Mayor Wever thanked staff for all the work put into the Community Breakfast held that morning at 7:30 a.m.

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

September 14, 1998 - Regular Council Meeting

September 23, 1998 - Final Budget Hearing

September 28, 1998 - Special Council Meeting

October 5, 1998 - Regular Council Meeting

Renewal of Withlacoochee Regional Planning Council service agreement

Consideration of extending annual general planning agreement for an additional year through September 30, 1999.

Occupational License - Community Events

Approval of moratorium on license requirement for vendors participating in community events until December 7, 1998 to determine if amendments to occupational license code should be considered.

Council Member Johnston pointed out an error on page 9 of the September 14, 1998 minutes which incorrectly stated his name.

Mayor Wever pointed out several typographical errors on the September 14th Regular Council Meeting, September 23rd Final Budget Hearing, and October 5th Regular Council Meeting.

Mayor Wever felt that Council should be aware that the Withlachoochee Regional Planning Council Agreement contained a paragraph on page 4 which stated that the rates vary monthly.

Motion:

Motion was made by Lewis and seconded by Johnston to approve the October 14, 1998 Consent Agenda with corrections to minutes as noted. Motion carried 5-0

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - Head Start Awareness Month

Declaring October as Head Start Awareness Month.

Martha Lawson, Head Start, was present to accept the Proclamation. She thanked Council and the community for their continued support.

Margaret Ghiotto Beautification Award

Recognition of improvements made to "Miss Maudi's Antiques and Uniques" located at 417 W. Jefferson St. owned by Ms. Michelle Walker.

Mayor Wever and Beautification Board Liaison Staib presented the certificate and plaque to Michelle Walker.

PUBLIC HEARING

Downtown Revitalization Grant

a) Adoption of Community Redevelopment Plan.

Robert Johnston, Clark Roumelis and Associates, addressed the concerns expressed by the Planning and Zoning Commission at their meeting on October 14, 1998. He stated that the P & Z Commission did find it consistent with the Comprehensive Plan but felt that the Community Redevelopment Plan did not present a clear identification of the costs for infrastructure replacement but focused mainly on street-scaping. He stated that he has revised the plan to include infrastructure and design cost estimates. It is based upon replacing or repairing all water, sewer, storm drain lines and ultimate repaving of the roads as a result of that work.

Mr. Johnson addressed concerns about zoning issues as they relate to second floor structures and ADA requirements and concerns regarding historical properties and the impact the plan may have on those areas. He stated that many of those concerns will be addressed when the Comp Plan is amended through the Evaluation and Appraisal Report, which is currently ongoing at this time.

He explained problems with the proposal to postpone final adoption of the plan until March, 1999. He stated that the proposed ordinance states that 1998 will be the base year. If the plan is adopted in March, the 1999 tax year will be used, which will trigger the tax increment trust fund in January, 2001.

City Attorney Battista stated that the TIF ordinance cannot be enacted until the plan is adopted. First Reading could be tonight with Second and Final Reading postponed until a date certain. City Clerk Phillips pointed out that March 1, 1999 should be the date of the first Council meeting in March.

In response to Mayor Wever's question, Mr. Johnson stated that his only concern with postponing adoption of the plan would be that it would coincide with the development of the strategic plan, which may be confusing.

Council Member Brayton suggested that the First Reading be held in February rather than now.

In response to Council Member Johnston's question, Mr. Johnson stated that per Florida Statutes, the cut off for using 1998 taxes is November. He added, however, that if there is a way to use 1998 as the base year, he will do so.

Mr. Johnson explained that the City is currently advertising for a consultant for administrative, planning and

engineering services for the next grant cycle. The consultant can then proceed with the grant application process by the end of the year.

For clarification, Council Member Johnston stated that Council was being requested to accept the report but not adopt it at this time to allow staff to make any revisions necessary.

Mayor Wever questioned if delaying the adoption would cause a problem with the application process for grant opportunities. Mr. Johnson stated that the critical time deadline for adoption of the plan is June 30th. Council Member Johnston pointed out that other grants, particularly for infrastructure improvements, were being pursued as well.

Motion:

Motion was made by Brayton and seconded by Staib to accept the Community Redevelopment Plan.

Motion and second were withdrawn to request clarification. Robert Johnson explained that the City will be hiring a consultant in November. In order for the consultant to begin working on the grant application process, they will need direction. The redevelopment plan identifies what is to be done in Phase I. The consultant will need to begin the public hearing process for Phase I. If Council waits until March to adopt the plan, the consultant does not have direction until that time. However, if Council accepts the plan, the consultant would have a draft to go by.

Vice Mayor Lewis expressed concern that the process for Phase I will be implemented separately before adoption of the total plan or before grants are received.

Council Member Johnston stated that it is his concern that the plan involves CDBG money and the community redevelopment fund. He felt that those two elements are only a part of grants or funding options available. He questioned if adoption of the plan may hinder pursuing those funding options in the future.

Mr. Johnson confirmed that the plan can be amended and usually is done every two to three years.

City Manager Anderson stated that the recommendation for the consultant should be presented to Council in December. Between now and December, City staff would develop a plan of action for the consultant, which would be to prepare the grant application that is due the spring of 1999. The consultant would not be doing the whole redevelopment plan, but targeting a subset that the City will attempt to get financing for. Council Member Johnston questioned and Mr. Anderson confirmed that in order to apply for that subset, the plan would need to be adopted by June, 1999.

Council Member Johnston expressed his opinion that Phase I should have focused on commercial infrastructure rather than facade improvements. Mr. Johnson pointed out that the revised pages to the plan include infrastructure improvements in each of the Phases, as recommended by the Planning and Zoning Commission. He went on to explain that these particular grants do not fund infrastructure underground. However, improvements to the underground infrastructure can be used for the City's match for the grant.

Motion:

Motion was made by Johnston and seconded by Staib to accept the Community Redevelopment Plan. Motion carried 5-0.

City Manager Anderson pointed out that the agenda item was advertised for adoption and Council should postpone adoption of the plan until a time certain or readvertise at a date closer to the actual time.

It was pointed out that if staff is ready to present the plan for adoption earlier than March, 1999, then it can be readvertised for an earlier meeting.

Motion:

Motion was made by Johnston and seconded by Staib to postpone adoption of the plan until March 1, 1999.

Council Member Brayton expressed concern that postponing the adoption of the plan until March will delay the work that the consultant will need to start on when that they are hired. Mayor Wever suggested that Council hold workshops in December and January to discuss the plan and give direction to the consultant. Mr. Johnson clarified that the consultant would focus mainly on what gets funded and prepare the application for that funding.

Motion carried 5-0.

b) Ordinance No. 590 - Establish Community Redevelopment Trust Fund

Council Member Brayton felt that First Reading should be held closer to March 1st. City Attorney Battista stated that although there is nothing in Florida Statutes to postpone the Second and Final Reading for that length of time, it may be construed as an extraordinary length of time. He stated that he would research Florida Statutes further or query the Attorney General's office informally. If needed, it can be readvertised.

City Clerk Phillips read Ordinance No. 590 by headnote only, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF A COMMUNITY REDEVELOPMENT TRUST FUND; PROVIDING FOR THE DESIGNATION OF THE COMMUNITY REDEVELOPMENT TRUST FUND AS THE RECIPIENT OF FUNDS PURSUANT TO SECTION 163.387, FLORIDA STATUTES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, REPEAL AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Lewis and seconded by Johnston to approve First Reading of Ordinance No. 590. City Clerk Phillips advised that research will be done to determine if Section 4 and 6 would need to be amended to categorize the effective tax roll.

There was no public input on the ordinance.

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

Brayton Nay

Johnston Aye

Staib Nay

Lewis Aye

Wever Aye

Motion:

Motion was made by Johnston and seconded by Staib to postpone Second and Final Reading until March 1, 1999. Motion carried 3-2, with Brayton and Staib voting in opposition.

REGULAR AGENDA

Ordinance No. 591 - Code Amendment - Mobile Home Planned Development Projects

Consideration of amendment to code to eliminate Mobile Home Planned Development Projects as a special exception in R-1C & R-3 zoning districts.

City Clerk Phillips read Ordinance No. 591 by headnote only, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE LAND USE/ZONING REGULATIONS; ELIMINATING SPECIAL EXCEPTION USE FOR MOBILE HOME PLANNED DEVELOPMENT PROJECTS IN R-1C AND R-3 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

There was no public input on this ordinance.

Motion:

Motion was made by Johnston and seconded by Staib to approve First Reading of Ordinance No. 591. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Staib Aye

Brayton Aye

Lewis Aye

Wever Aye

Second and Final Reading would be held on November 2nd.

Ordinance No. - 501-c - Sign Ordinance Amendment

Consideration of proposed amendments to sign ordinance to modify banner regulations and review of proposed implementing policy. [from 8/17/98 and 9/14/98 mtg]

Motion:

Motion was made by Brayton to approve First Reading of Ordinance No. 501c.

Vice Mayor Lewis pointed out that the redevelopment plan just accepted has a section on page 52 which addresses banners and felt that it may conflict with the proposed ordinance. He went on to state that he opposes the ordinance in that it restricts usage with the requirement to be on a building and not attached to other structures. He added, however, that he supports enforcing the use of banners.

City Manager Anderson pointed out that Section 12.5-5(4) provides that banners erected by governmental agencies for public events are exempt from some of the regulations for commercial banners.

Vice Mayor Lewis felt that sandwich board signs pose more of a hazard than banners.

Motion died for lack of second.

Mayor Wever suggested amending the language to require that a banner must be affixed to a structure and not impede pedestrian or vehicular traffic. City Attorney Battista stated that the problem then becomes the discretionary interpretation by the administrative official of the definition of a "structure" and enforcement thereof. He added that if Council allows signage "off the structure", it is allowing much more advertising per business and the ability to enforce excess advertising becomes a problem.

Council Member Johnston opposed the ordinance in that he felt it doubles the amount of advertising allowed within a

certain area for a business.

Motion:

Motion was made by Brayton and seconded by Johnston to deny First Reading of Ordinance No. 501-c and continue with the regulations in the original ordinance as it relates to banners.

City Manager Anderson stated that if Council wants to retain the basic existing regulations for banners, staff can present back to Council specific enforcement problems incurred with the wording in the original ordinance. Council agreed that they would like to have that brought back to them for review.

Motion carried 3-2, with Lewis and Staib voting in opposition. City Manager Anderson advised that based upon that decision, the moratorium on enforcing banner violations has ended and the current ordinance will be enforced.

Staff will look at the original recommendations made by the sign committee in early 1998. Staff will also look at refining the enforcement problems of the original sign ordinance. It was agreed that the issue would be brought back at the second meeting in November.

Status Report - WWTP Construction and Interconnect Project

Project(s) update.

Director of Public Works Pierce advised that the Phase II interconnect project is out to bid.

He went on to state that the CDBG Sewer rehabilitation project is progressing well.

Mr. Pierce advised that the pipe is being installed for the Lockhart Ave. waterline extension.

He stated that the JPA on the Hardee's intersection is in progress.

City Manager Anderson stated that had spoken with Jim Adams, Engineer, who advised that the Independent Baptist Church is seeking additional information on the possibility of considering the reverse frontage road concept again. Mr. Anderson added that if the property owners express further interest, he will bring it back to Council.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

Pat Brayton, Council Member - SR50A Status and Alignment of Mildred Avenue

Review of proposal to request FDOT to remove 50A between SR 50 Intersection and Darby Lane, and between May Ave. to approximately Union St. from state road system, and request FDOT design modifications of Mildred Avenue (Ft. Dade Avenue to Broad Street).

Director of Public Works Pierce distributed maps to Council depicting the one way pairs and the Mildred Ave. interchange. He stated that he would like Council direction which would then be submitted to FDOT.

Attorney Joe Mason addressed Council and suggested that taking control of Jefferson St. and Broad Street and recreating two way traffic, route S.R. 700, U.S. 98 and U.S. 41 around the truck bypass would be a way to create positive congestion in the City and cut out truck traffic. It was pointed out that signage, traffic lights and maintenance issues would have to be addressed.

Director of Public Works Pierce presented cost estimates of what it would cost for the City to take over various segments of FDOT roads.

Council discussed the City taking over the various segments. Mayor Wever pointed out that the main reason for the City to take over U.S. 98 and 50A would be to control rock truck traffic.

Council Member Brayton advised that he was opposed to one-way pairs but expressed his concern over the maintenance costs for taking over ownership of the roads. Council Member Brayton felt that there are other ways to control truck traffic if that is the main reason for owning the roads. It was pointed out that FDOT is required to bring the roads up to standards before turning them over.

Mayor Wever stated that it his opinion that the City should only be considering taking over U.S. 98 and 50A. He felt that the MPO staff should talk to FDOT to see if they would be agreeable in adding S.R. 700 to U.S. 98, which is basically the same road. Mayor Wever felt that the County would take over Ponce de Leon when they turn Cobb Road over to the State.

Mr. Mason urged Council to explore taking over Jefferson and Broad Street further with FDOT and consider an interlocal agreement with the County for maintenance of certain segments. Mayor Wever clarified that it his desire that the City take over Broad from Mildred to 50A and Jefferson from Mildred to Ponce de Leon to eliminate truck traffic. Mr. Mason felt that if Broad and Jefferson were City streets through the downtown area, the one-way pairs could be eliminated and this would create positive traffic in the downtown area.

Mayor Wever felt that the City should find out if the County would take control of Ponce de Leon to Broad St. after U.S. 98 is moved to the State system. Council Member Brayton felt that it was time for a formal meeting with FDOT. He suggested that the Mayor or City Manager could approach FDOT and set a Council workshop meeting with them.

Mr. Mason pointed out that legislators should be an important part of this process as the legislature can define and fund the routing of a state road. Mr. Mason offered to volunteer his time to work on the issue with the City.

It was the consensus of Council to hold a workshop meeting in November and invite FDOT, legislative officers and County staff.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

E. E. WEVER, JR., MAYOR

Municipal Elections

Mayor Wever advised that he had learned at the recent Suncoast League of Municipalities meeting that there is a movement to have the legislature set one day as election day for Cities throughout the state. He added that he would oppose such legislation.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Metropolitan Planning Organization

Council Member and MPO representative Johnston reported that the MPO staff has advised that the change of plans for the realignment of Cobb Road to U.S. 98 are no longer operable.

PAT BRAYTON, COUNCIL MEMBER

City Manager Contract

Council Member Brayton requested that the City Manager's contract be placed on the next agenda for discussion as there is a clause in the contract that requires Council to notify the City Manager that they are going to renegotiate the contract.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Fine Arts Reception

City Clerk Phillips reminded Council that there will be a Fine Arts reception at City Hall from 4:30 to 7:30 p.m., Wednesday, October 21, 1998.

BOYCE E. TINCHER, POLICE CHIEF

Kennedy Park October Fest

Chief Tincher advised that there will be a law enforcement and fire display Saturday, October 31st at Kennedy Park beginning at 9:00 a.m.

Controlled burn

Chief Tincher advised that earlier this day, the Fire Department had performed a controlled burn on a dilapidated house on Howell Ave.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:50 p.m.

City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

November 2, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Patricia J. Jobe, Acting Deputy City Clerk; Emory Pierce, Director of Public Works; David Pugh, Parks and Recreation Director; Chris Short, Cemetery Sexton; Boyce E. Tincher, Police Chief; and a representative from the Hernando Times were also in attendance.

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

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

October 19, 1998 - Regular Council Meeting

Good Neighbor Trail - Agreement Addendums

Approval of Addendum VI and VII to Good Neighbor Trail Agreement

(A) extending grant deadline until property acquisition close and

(B) changing agreement award amounts.

Heritage Quilt Agreement

Approval of ownership/maintenance agreement between City and Hernando Quilters Guild to permanently display the "Heritage Quilt" at City Hall.

Advisory Board Position

Police Officers Pension Trust Fund Board of Trustees recommends that Mark Browning be appointed to fill a vacancy of two year term (through November, 2000).

Council Member Johnston pointed out that the second paragraph of the Heritage Quilt Agreement needs to be numbered. He added that after "Quilters Guild, Inc." the words "a Florida Corporation" should be added if they are, in fact, a Florida Corporation. He further stated that on last line of the same page, the word "days" should be "day's". Also, he felt that the word "upkeep" should be "maintenance" for clarity.

Motion:

Motion was made by Johnston and seconded by Lewis to approved the November 2, 1998 Consent Agenda with corrections to Heritage Quilt Agreement as noted. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - Epilepsy Awareness Month

Declaring November as Epilepsy Awareness Month.

Vice Mayor Lewis presented a Proclamation declaring November as Epilepsy Awareness Month.

Proclamation - Notary Public Week

Declaring the week of November 1 - 7, 1998 as Notary Public Week.

Council Member Staib presented a Proclamation declaring the week of November 1 - 7, 1998 as Notary Public Week.

PUBLIC HEARING

Ordinance No. 591 - Code Amendment - Mobile Home Planned Development Projects

Consideration of amendment to code to eliminate Mobile Home Planned Development Projects as a special exception in R-1C and R-3 zoning districts.

Acting Deputy City Clerk Jobe read Ordinance No. 591 by headnote only, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE LAND USE/ZONING REGULATIONS; ELIMINATING SPECIAL EXCEPTION USE FOR MOBILE HOME PLANNED DEVELOPMENT PROJECTS IN R-1C AND R-3 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

There was no public input on this ordinance.

Motion:

Motion was made by Brayton and seconded by Staib to approve Second and Final Reading of Ordinance No. 591. Upon roll call, motion carried 5-0, as follows:

Staib Aye

Johnston Aye

Brayton Aye

Lewis Aye

Wever Aye

REGULAR AGENDA

Senior Housing Complex

Approval of purchase offer for 808 Hale Avenue submitted by CRA Development for housing complex.

Robert Johnson, CRA Development, addressed the Council stating that staff had negotiated the contract and he was available to answer questions. Council Member Johnston called attention to item one which stated that closing shall be on or before December 1st and pointed out that the sale and purchase agreement date needs to be before closing.

Motion:

Motion was made by Brayton and seconded by Staib to approve the purchase offer for 808 Hale Avenue with correction as noted. Motion carried 5-0.

"Open Air" Downtown Market

Further consideration of proposed market.

Marianne Roth was present representing Brooksville Again. She summarized their request for the City to co-sponsor the market for financial and liability reasons. The market will be held weekly within certain winter months, with the money generated spent on beautification projects for the downtown area. She presented a list of 33 businesses which signed a petition in favor of the market.

Council Member Staib pointed out that at a previous Council meeting when this was discussed, she had asked if any of the surrounding businesses objected to the idea. She stated that it now appears from the information provided to them that five of the surrounding business owners do object. She also voiced concern from an insurance standpoint. Bob Boyd pointed out that three of those five have since signed the petition in favor of the concept.

Bob Boyd addressed Council regarding the insurance, stating that if they were to get the insurance themselves, it could cost \$1,200 per event, which would be cost prohibitive.

Council Member Brayton stated that when Council first considered this concept, it was termed a "Farmer's Market" and he would not support it as a "Open Air" market as it is now proposed. He added that he is also against co-sponsoring the event. He expressed concern over any organization selling or renting City property and over parking issues.

Vice Mayor Lewis stated that he was initially in favor of a "farmer's market" but he also had a problem with the concept as now presented. He further expressed concern that it was now proposed to be held every Saturday during the winter months and pointed out that one business was specifically against it occurring that often. He stated that he is also concerned about the insurance issue. He added that he would rather see it held at the Train Depot, which would have plenty of parking.

Discussion also ensued regarding trash disposal. In response to Vice Mayor Lewis' question, Ms. Roth stated that the trash would be taken to the dump.

Council Member Johnston stated that he believes the farmer's market concept was looked into and the organization felt that, other than a few times a year, there was not enough agricultural activity to support that. He stated out that it would be expensive for Brooksville Again to obtain the insurance on their own and pointed out that the City has co-sponsored events in the past. He offered his opinion that it could be tried first to see how it works.

Anna Covell, Covell Electric, spoke in opposition of the market. She stated that she had spoken to business owners who did not wish to write a letter in opposition, but did not sign the petition in favor. Those business owners feel that they are going to be in competition with merchandise sold in the market. She brought up for discussion the occupational licensing requirements and who would be responsible for collection of sales tax. She also questioned if it was appropriate for Brooksville Again to be collecting money on the City's behalf, supposedly for downtown beautification projects.

Bob Boyd offered to establish an account with the City to ensure that every penny earned at the market would go into a City account.

Discussion ensued regarding how the organization of Brooksville Again is set up. It was pointed out that if Brooksville Again is a committee of the Heritage Museum, any formal agreement would need to be entered into with the museum.

Joe D'Andrea, Old World Antiques, voiced his opposition to the Open Air Market in that it may create direct

competition with his business.

Motion:

Motion was made by Johnston to authorize staff to negotiate matters necessary to implement the market on a trial basis. These items would include insurance details, who the contract is entered into with, and making sure it will functioning properly. Gavel was passed to the Vice-Mayor and motion was seconded by Wever. Motion failed 2-3, with Brayton, Lewis and Staib voting in opposition.

Status Report - WWTP Construction and Interconnect Project

Project (s) update.

Director of Public Works Pierce advised that construction is proceeding on the Cobb Road WWTP. He informed Council that the Mandatory Pre-bid conference for the Interconnect project would be held November 9th.

Regarding the CDBG Sewer Rehabilitation process, Mr. Pierce stated that he may be presenting a change order for Council approval to address FDEP requirements.

Mayor Wever referred to a memo distributed to Council from the Director of Public Works prepared as a result of a meeting held with County staff on the relocation and removal of certain roads. He stated that they have decided that FDOT is ready to move 98 and 700 now as soon as the County finishes resurfacing on Cobb Road. At that time, 98 and 700 will be moved and the County plans to take the County road that is on Cobb now and move it over to Ponce, running from Broad Street out to where Cobb intersects with Ponce. That will become a County Road. They are agreeable to blocking traffic on 98 to disallow through trucks. He went on to state that after the completion of the four laning on 50, that SR 50A could be designated as "No Thru Trucks". It was pointed out that FDOT is requesting that the City relinquish control of Mildred Ave to make this exchange possible.

Mayor Wever advised that City and County staff will be meeting with FDOT officials on November 5th. Mayor Wever stated that he would like Council's agreement to relinquish Mildred Avenue, if that is what is necessary to improve the Mildred Ave. interchange.

Motion:

Motion was made by Johnston and seconded by Brayton to relinquish Mildred Ave. to the State in exchange for having U.S. 98 and S.R. 700 shifted to Cobb Road and for construction of a new intersection in place of the existing Mildred Ave. intersection. Council Member Brayton stated that FDOT should be made aware that Mildred would only be transferred, if, in fact, that FDOT does redesign the intersection properly.

Motion carried 5-0.

Mayor Wever stated that he would ensure that a memo be distributed to Council with the results from the November 5th meeting with FDOT.

CITIZEN'S INPUT

Under the Spreading Oaks Art Show

Beverly Lewis invited Council to attend the Under the Spreading Oaks Art Show that would be held on November 21 and 22, 1998 from 10:00 a.m. to 4:00 p.m. at the City Hall Complex Parking Area.

ITEMS TO DISCUSS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

City Manager Employment Agreement

Consideration of extending term.

Following discussion, it was recommended that staff schedule annual discussion of the contract on second meeting of each October.

Motion:

Motion was made by Staib to change the one year automatic renewal to a two year automatic renewal effective March, 1999. Motion died for lack of a second.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

November 3rd Election

Council Member Johnston reminded everyone to vote tomorrow.

Hog Wild - Fairgrounds

Council Member Johnston informed Council that November 7 and 8, 1998 was Hog Wild at the Fairgrounds and he would be one of the judges judging the Bar-B-Q and invited everyone to attend.

Quarry Golf Course

Council Member Johnston suggested that Parks and Recreation Director Pugh list the Quarry Golf Course in various area newspapers and publications such as "Discover Tampa Bay".

Trash

Council Member Johnston requested that the trash behind the Old City Hall be picked up.

DAVID C. PUGH, PARKS & RECREATION DIRECTOR

Christmas Festival

Parks and Recreation Director Pugh advised Council on the Christmas Festivities plans. The festival will be held on December 12th immediately following the Christmas Parade. He added that if anyone had any ideas or would like to help, it would be greatly appreciated.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:50 p.m.

Acting Deputy City Clerk

ATTEST:

Mayor

:jjb

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REGULAR COUNCIL MEETING

December 7, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor E. E. "Ernie" Wever, Jr., Vice Mayor Richard E. Lewis, and Council Members Pat Brayton, Joseph E. Johnston, III, and Mary A. Staib present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Karen M. Phillips, CMC, Director of Administration; Emory Pierce, Director of Public Works and David Pugh, Parks and Recreation Director; Chris Short, Cemetery Sexton; Ron Woods, Police Department; and a representative from the St. Petersburg Times.

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

WILLIAM G. LAW, JR. CIRCUIT JUDGE

Oath of Office - Joseph E. Johnston, III, Mary A. Staib, E. E. Wever, Jr.

As a result of the Municipal Election on November 3, 1998, Council Members Johnston, Staib and Wever will be sworn in for four year terms of office through the first meeting in December, 2002.

Judge Law swore in Council Members and presented the oaths of office for signature.

CITY COUNCIL

Selection of Mayor

Council Member Staib nominated Richard Lewis as Mayor. There were no other nominations. Motion carried 5-0.

Selection of Vice Mayor

Council Member Wever nominated Mary Staib as Vice Mayor. There were no other nominations. Motion carried 5-0.

CONSENT AGENDA*

City Council Minutes

Approval of minutes:

November 16, 1998 - Regular Council meeting

CDBG Sewer Rehabilitation - Change Order

Approval of DEP required change order #2 in the amount of \$5,328.00 raising construction contract to \$420,216. (Project Budget: \$451,000)

Good Neighbor Trail Agreement

Approval of Grant Award Agreement.

Vehicle Purchase - Cemetery Division

Approval to purchase pickup truck from Hernando County in the amount of \$1.00 for grounds maintenance purposes.

Motion:

Motion was made by Brayton and seconded by Johnston to approve the December 7, 1998 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - Supporting Prescribed Burns

Supporting the use of prescribed burning as a forestry management tool.

Mayor Lewis presented the Proclamation to Chuck Schneider, Division of Forestry Area Supervisor. Mr. Schneider addressed Council on the importance of prescribed burning and detailed the fire and relief efforts necessary during the 1998 wildfires.

PUBLIC HEARING

In response to the City Attorney's inquiry, each Council Member indicated that they had had no ex-parte communications on these zoning designation ordinances.

Ordinance No. 592 - Zoning Designation

Designation of zoning classification of Agricultural to previously annexed property. [First Reading 11/16/98]

Location: Hernando County Fair Grounds

S. Broad St. & Oliver St.

City Clerk read Ordinance No. 592 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF AGRICULTURAL FOR CERTAIN PROPERTY; PROVIDING AN EFFECTIVE DATE.

There was no public input on this ordinance.

Motion:

Motion was made by Johnston and seconded by Staib to approve Second and Final Reading of Ordinance No. 592. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Ordinance No. 593 - Zoning Designation

Designation of zoning classification of C-2 (Commercial District) to previously annexed property. [First Reading 11/16/98 - legal description corrected to entire area]

Location: 22068 Croom Road Sewer Plant and ponds property

City Clerk Phillips read Ordinance No. 593 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (COMMERCIAL DISTRICT) FOR CERTAIN PROPERTY; PROVIDING AN EFFECTIVE DATE.

There was no public input on this ordinance.

Motion:

Motion was made by Johnston and seconded by Staib to approve Second and Final Reading by Ordinance No. 593. Upon roll call, motion carried 4-1, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Nay

Lewis Aye

Ordinance No. 594 - Zoning Designation

Designation of zoning classification of R-3 (Multi-Family Residential) to previously annexed property. [First Reading 11/16/98]

Location: Affordable Housing of Hernando - S. Main St.

City Clerk Phillips read Ordinance No. 594 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF R-3 (MULTI-FAMILY RESIDENTIAL) FOR CERTAIN PROPERTY; PROVIDING AN EFFECTIVE DATE.

There was no public input on this ordinance.

Motion:

Motion was made by Johnston and seconded by Staib to approve Second and Final Reading of Ordinance No. 594. Upon roll call, motion carried 5-0, as follows:

Wever Aye

Brayton Aye

Johnston Aye

Staib Aye

Lewis Aye

Ordinance No. 595 - Zoning Designation

Designation of zoning classification of C-2 (Highway Commercial District) to Parcel I and R-3 (Multi-Family Residential District) to Parcels II & III to previously annexed property. [First Reading 11/16/98]

Location: 1240 W. Jefferson St. - West Brooksville Church of God

The City Clerk read Ordinance No. 595 by headnote only, as follows:

AN ORDINANCE PROVIDING A ZONING CLASSIFICATION OF C-2 (COMMERCIAL DISTRICT) WITH A SPECIAL EXCEPTION FOR A RELIGIOUS ESTABLISHMENT FOR PARCEL I AND R-3 (MULTI-FAMILY RESIDENTIAL DISTRICT) FOR PARCELS II AND III FOR CERTAIN PROPERTY; PROVIDING AN EFFECTIVE DATE.

There was no public input on this ordinance.

Motion:

Motion was made by Johnston and seconded by Staib to approve Second and Final Reading of Ordinance No. 595. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

REGULAR AGENDA

Development Master Plan - Cortez (S.R. 50) and Jefferson (S.R. 50A) Corridors

Request for preparation of conceptual/master plan.

Council Member Wever advised that he had distributed a map to Council that should replace the one provided to them in their Council packets.

Mr. Gene Manuel came forward to address Council regarding the possibility of a reverse frontage road concept that had been considered by Council in 1996. He distributed a map to Council for their review. Mr. Manuel brought up for discussion the idea of a utilizing a master plan for development in that area. He reminded Council that the majority of the property owners had indicated their willingness to give the right-of-way for the reverse frontage road. Mr. Manuel stated that it becomes increasingly important to property owners to know what direction and participation the City and the County may take in relation to a master plan for development. He discussed annexation of those properties not currently in the City as it relates to enclave issues. Mr. Manuel felt that the reverse frontage road could divert some traffic in that area and be beneficial for the City and to those who own property in those areas.

Council Member Wever stated that this issue was brought back again as a result of a contact from some of the members and representatives of the church with Mr. Anderson. He expressed his opinion that this is an ideal place for the City to aggressively start working on a commercial and light industrial area and hopefully add property to the tax rolls which would bring in additional revenue to possibly lower the ad valorem tax rate. He stated that it is possible for the City and the County to jointly come up with a master plan for the area laying out the roadways and utility line locations so that the property owners, when they are ready to develop, would already have some guideline to go by rather than each property owner coming in and trying to prepare his property and tie it into the adjacent property and

cause a lot more work. He stated that based on that, he requested that Mr. Manuel address the concept before Council. Council Member Wever further stated that based on his request, the City Manager has contacted County Administrator, Bonnie Dyga, about a master plan for the area.

In response to Vice Mayor Staib's question, Mr. Anderson stated that the Sims Furniture property was not an enclave but located in the county.

Council Member Brayton stated that his concern is whether the City can obtain all the necessary right-of-ways before platting or master development begins. He felt that the question is now whether Council wishes to actively pursue the necessary right-of-ways to get it done. He stated that another question is whether the frontage road is an investment that may enhance development in that area. He offered his opinion that it would enhance development. He stated that another question is whether the City can obtain the right-of-way through some type of a joint agreement with the County for the parts not in the City limits.

Council member Johnston stated that Council in the past has expressed its desire for the frontage road for the future benefit of the City. He stated that the problem has been bringing all the parties together necessary to accomplish the goal. The County and the property owners have to be involved. If the City does not have the right-of-ways necessary, the concept does not work. He stated that conceptually, he has no problem with working with the County and the property owners if everyone agrees to it. He felt that the project would be in the City, County and property owner's best interest. He added, however, that a cost study would need to determine whether it's feasible. He agreed that it is an area that could be very conducive to development.

Motion:

Motion was made by Brayton and seconded by Staib to request staff to make necessary contacts and to start looking into obtaining the necessary right of ways for the frontage road with all parties concerned, including from the county. Council Member Brayton added that it should be reported back to Council as soon as possible.

Council Member Brayton stated that his motion mainly is for staff to start working on this and looking at obtaining these particular right-of-ways, whether it is done via a master plan, which was his intention, or whether its an outright purchase or donation by the property owners.

Motion carried 5-0.

Mr. Manuel interjected that the right-of-ways will give the City the opportunity to aggressively approach the intersection that is of concern on S.R. 50. Council Member Brayton agreed and stated that if the City is going to put a road in there, it needs to be done before FDOT says it cannot be done.

Council Member Wever advised that he had asked Public Works Director Pierce to contact FDOT to see if it was too late to put cuts in. Mr. Pierce responded that he was preparing a permit for a formal proposal and should be mailing it out that week.

Council Member Wever felt that the motion was to go ahead and pursue getting that frontage road right-of-way. He added that he would like to see the Council also let the Manager start conversations with the County on a master plan for the whole area. Council Member Brayton agreed, stating that it will go hand in hand. Mayor Lewis stated that was part of Council Member Brayton's motion. City Manager Anderson stated that he would bring back some kind of a status report in a while.

Approval to purchase vehicles

Passenger van - Streets

Cargo van - Utilities

Pursuit vehicles - Police

Support vehicles - Police

Motion:

Motion was made by Brayton and seconded by Staib to approve 15 passenger van and cargo van. Motion carried 5-0.

Motion:

Motion was made by Brayton and seconded by Staib to approve purchase of the 2 full size pursuit vehicles. Motion carried 5-0.

Council Member Brayton questioned the need for the requested utility vehicle in the police division. City Manager Anderson stated that Chief Tincher request is based upon the additional convenience of being able to transport the needed equipment that cannot fit in a patrol vehicle trunk.

Motion:

Motion was made by Brayton and seconded by Johnston to deny the purchase of the support vehicle for the police division. Motion carried 4-1, with Wever voting in opposition. In response to Mr. Anderson's question, Council Member Brayton clarified that the intent of his motion is to not authorize any purchase. City Manager Anderson stated that the intent of the request would have been to replace the old Mustang being driven by the Deputy Police Chief.

USDA Allocation of Funds

Authorization for allocating \$1.5 million City match (from Phase I) to FDOT projects and request additional funds for balance of Phase I)

Council Member Wever updated Council on a recent meeting held with City staff, USDA and Public Financial Management. It was pointed out that a new loan resolution for Phase I may be presented at the December 21st Council meeting.

Motion:

Motion was made by Brayton and seconded by Johnston to commit to proceeding as recommended. Motion carried 5-0.

Public Works Projects - Status Report

FDOT Relocations and Status Report - WWTP and Interconnect Project

Director of Public Works Pierce advised Council on the progress at the WWTP site at Cobb Road.

Mr. Pierce advised that he may have a CDBG sewer rehabilitation final change order for presentation at the next Council meeting.

Director of Public Works Pierce advised that a US 41 and SR 50 JPA formal acceptance should be presented at next Council meeting.

Mr. Pierce advised that the North and South Interconnect Project bid is to be reviewed by the City Attorney for irregularities.

CITIZEN'S INPUT

Council Members serving as "Ambassadors"

James Willan requested that Council consider the appointment or selection of an additional person, or a current Council Member, serving as an "ambassador" for public relations events. Mayor Lewis indicated that staff would look into it and would report back to Mr. Willan

ITEMS BY COUNCIL MEMBERS

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

Fire and Police Pension Trust Fund Legislation

Council Member Wever advised that he had received information on House Bill 3075 regarding proposed Fire and Police Pension Legislation. He suggested that Council send a letter in opposition to Senator Brown-Waite and Representatives Russell and Argenziano. He requested that the letter also include a copy of the December 7th Tampa Tribune's editorial regarding a possible override of the veto on this bill and stating that the bill is very detrimental to municipalities in Florida.

KAREN M. PHILLIPS, CMC, DIRECTOR OF ADMINISTRATION

Under the Spreading Oaks Fine Arts Festival

City Clerk Phillips read a letter from Beverly Lewis who thanked Council for the City's assistance and cooperation and for allowing them the opportunity to hold the Festival in the City Hall parking lot on November 14 & 15th.

CDBG Monitoring Visit

City Clerk Phillips advised that the recent CDBG monitoring visit and final audit went well and the City should receive a favorable report.

RICHARD E. LEWIS, MAYOR

Christmas Festival

Mayor Lewis invited everyone to attend the Christmas Festival which will be held December 12th immediately following the Christmas Parade.

MARY A. STAIB, VICE MAYOR

Wishing Mayor Luck

Vice Mayor Staib wished Mayor Lewis well on his arm surgery scheduled for the following morning.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:46 p.m.

City Clerk

ATTEST:

Mayor

:jjb



REGULAR COUNCIL MEETING

December 21, 1998 7:30 P.M.

Brooksville City Council met in regular session with Mayor Richard E. Lewis, Vice Mayor Mary A. Staib, and Council Members Pat Brayton, Joseph E. Johnston, III, and E. E. Wever, Jr., present. Robert B. Battista, City Attorney; Richard E. Anderson, City Manager; Jennifer J. Battista, Deputy City Clerk; Lee Huffstutler, Director of Finance; Emory Pierce, Director of Public Works; Boyce E. Tincher, Public Safety Director; and a representative from the St. Petersburg Times.

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

Mayor Lewis presented a gavel plaque to E. E. Wever, Jr. for his service as Mayor during 1998.

CONSENT AGENDA*

Tree City U.S.A.

Authorize Mayor to execute 1998 Tree City U.S.A. application for recertification.

Chamber of Commerce

Consideration of \$100.00 contribution for a shuttle service from Hernando County Airport to various locations in the City (February 3 - 6, 1999).

Hurricane Georges - Expense Reimbursement

Authorize execution of State/FEMA agreement. Anticipated reimbursement \$5,751.29

Motion:

Motion was made by Wever and seconded by Johnston to approve the December 21, 1998 Consent Agenda. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

HOLIDAY DECORATION CONTEST AWARDS

The Beautification Board requests recognition for the best decorated residence and business.

Mayor Lewis presented the best decorated commercial award to a representative of S. W. Cole, 140 S. Main Street. Residential recipient Betty Harrington, 4 King Circle, was not present to accept the award. Mayor Lewis indicated that the award would be delivered to her.

REGULAR AGENDA

Revised Loan Resolution No. 98-2 - Phase I

Revising original Resolution to increase loan amount from \$3,630,000 to \$4,630,000.

Mayor Lewis advised the City had received approval to move the original \$1.5 million from Phase I to Phase III, which created the need for another \$1 million loan for Phase I.

Deputy City Clerk Battista read revised Resolution No. 98-2 by headnote only, as follows:

A REVISED LOAN RESOLUTION BETWEEN THE CITY OF BROOKSVILLE AND UNITED STATES DEPARTMENT OF AGRICULTURE/RURAL DEVELOPMENT (USDA/RD) FOR RURAL UTILITIES SERVICE (RUS) LOAN/GRANT FUNDING TOWARDS CONSTRUCTION OF NEW COBB ROAD WASTEWATER TREATMENT PLANT.

Motion:

Motion was made by Staib and seconded by Wever to approve revised Resolution No. 98-2. Upon roll call, motion carried 5-0, as follows:

Brayton Aye

Johnston Aye

Wever Aye

Staib Aye

Lewis Aye

Resolution No. 98-32 - Sewer Projects - Phase III

Rescinding Resolution No. 98-4 and reallocating City's \$1.5 million commitment from Phase I to Phase III.

Deputy Clerk Battista read Resolution No. 98-32 by headnote only, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA COMMITTING \$1,500,000 TOWARDS S.R. 50, S.R. 50A AND U.S. 41 UTILITY RELOCATIONS.

Motion:

Motion was made by Staib and seconded by Wever to approve Resolution No. 98-32. Upon roll call, motion carried 5-0, as follows:

Johnston Aye

Wever Aye

Brayton Aye

Staib Aye

Lewis Aye

Resolution No. 98-33 - Suncoast Parkway Trail

Resolution supporting completion of a multi-use trail adjacent to Suncoast Parkway between S.R. 50 and S.R. 98.

Deputy Clerk Battista read Resolution No. 98-33 by headnote only, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING THE FUNDING OF A MULTI-USE RECREATION TRAIL ALONG THE SUNCOAST PARKWAY

Council Member and MPO representative Johnston advised that upon the request of the MPO, the Board of County Commissioners had adopted a similar resolution in support of funding for this project.

Motion:

Motion was made by Johnston and seconded by Staib to approve Resolution No. 98-33. Upon roll call, motion carried 5-0, as follows:

Wever Aye

Johnston Aye

Brayton Aye

Staib Aye

Lewis Aye

Award of Bid - Phase II - North and South W.W. Interconnect Project

Award of bid to Centerline Construction Corp. (northern interconnect \$947,508 and southern interconnect \$1,373,117.30) subject to negotiations of certain items to reduce contract amounts.

Motion:

Motion was made by Brayton and seconded by Johnston to accept bids and authorize City Manager to execute subject to approval of negotiated reductions. Motion carried 5-0.

Cobb Road Wastewater Treatment Plant - Sales Tax Exemption

Rescind Change Order #1 (approved October 5, 1998)

Director of Public Works Pierce explained that the previously approved change order to buy certain items directly, which may have saved approximately \$50,000, was sent to USDA, who added a separate Sales Tax Agreement. He went on to state that Encore Construction's attorney would not approve that agreement.

Motion:

Motion was made by Brayton and seconded by Wever to rescind approval of Change Order #1.

Council Member Wever questioned whether it would be acceptable to USDA if the City guaranteed payment of any sales taxes assessed at a later date. City Attorney Battista advised that the contractor is liable for the sales tax, however, if it is not paid, the City would be ultimately responsible.

Motion carried 5-0.

Vehicle Purchase - Police Division

Consideration of proposed purchase of mid-size passenger vehicle (\$13,690) from Florida Sheriff's Association Bid.

Motion:

Motion was made by Brayton and seconded by Wever to approve the purchase of a mid-size passenger vehicle for \$13,690 from Florida Sheriff's Association.

Council Member Brayton pointed out that not approving a request for a utility vehicle at the December 7th meeting has resulted in staff obtaining a more reasonable quote for this vehicle that is now within budget.

Council Member Wever expressed his opinion that Council denial of the police vehicle purchase at the December 7th meeting sent a message that approval of an oversize new inmate van 37% over budget was more important than the request made by the Police Division for a vehicle for the Deputy Chief of Police. He felt that Council should rescind the van approval.

Public Safety Director Tincher explained that the utility vehicle requested at the last meeting would have had many different uses whereas the present request for a mid-size vehicle will have a limited use and have less of a trade-in value.

Motion carried 5-0.

CITIZEN'S INPUT

There was no citizen's input.

ITEMS BY COUNCIL MEMBERS

PAT BRAYTON, COUNCIL MEMBER

Cost of Living Adjustment - City Manager

Consideration of extending 2½% pay adjustment to include City Manager.

Council Member Brayton stated that Council previously agreed to roll over the City Manager's contract and he felt that Council should approve a 2½% Cost of Living Adjustment that was approved for all other employees.

Motion:

Motion was made by Brayton and seconded by Staib to approve a 2½ percent Cost of Living Adjustment for the City Manager. Council Member Wever felt that since the City Manager's salary is set by contract, it would need to be amended to allow this increase. City Attorney Battista advised that he would review the contract for that determination.

Motion and second were withdrawn.

Motion:

Motion was made by Brayton and seconded by Johnston to enter into a separate agreement with the City Manager that effective January 1, 1999 he be given a 2½% COLA adjustment to his current contract. It was the consensus of Council that the City Manager should be given the COLA adjustment and if necessary, amend the contract accordingly.

Motion carried 5-0. Mayor Lewis advised that if appropriate, the City Attorney would ensure that the contract is amended.

Copies for Agenda Packets

Council Member Brayton brought up for discussion the large amount of copying being done on some agenda items and felt that some of it is unnecessary. It was agreed upon by consensus that at the City Clerks discretion, agenda items that are lengthy could be designated on the agenda as "on file in the clerk's office". It was suggested that the item could be

put on the desk in the Council office for review.

JOSEPH E. JOHNSTON, III, COUNCIL MEMBER

Council Meetings for 1999

Motion:

Motion was made by Johnston and seconded by Brayton to begin Council meetings in 1999 at 7:00 p.m. Motion carried 5-0.

Each Council Member wished everyone Happy Holidays and a Merry Christmas.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 7:58 p.m.

Deputy City Clerk

ATTEST:

Mayor

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