

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
BROOKSVILLE, FL 34601
MINUTES**

June 18, 2012

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor Lara Bradburn, and Kevin Hohn present. Also present were Robert "Butch" Battista, City Attorney; T. Jennene Norman-Vacha, City Manager; Kim J. Harsin, Deputy City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present.

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

CITIZEN INPUT

Mayor Johnston asked for public input; there was none.

CONSENT AGENDA

Minutes

March 5, 2012 Regular Meeting
March 19, 2012 Regular Meeting

2012 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds under the American Recovery and Reinvestment Act of 2009

Consideration of allocation of local Federal Edward Byrne Memorial JAG funding as approved by the Hernando County Substance Abuse Policy Advisory Board and authorize the Mayor to sign the attached letters for submittal to the Florida Department of Law Enforcement.

Dauson Stormwater Detention Facility Easements

Consideration to approve easements to Hernando County in conjunction with the stormwater detention facility.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval of Consent Agenda. Motion carried 3-0.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 8/6/12 INITIALS JP

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PUBLIC HEARINGS

Entry of Proof of Publication into the Record

Mayor Johnston called for proof of publication. Deputy City Clerk Harsin indicated Item E-1 was published on Friday, June 8, 2012, in the Hernando Times legal section of the Tampa Bay Times and there was an additional separate notice of the Public Hearing published on Saturday, May 26, 2012 in the Hernando and Citrus Times Classified sections of the Tampa Bay Times and there is a copy of the affidavit for the record. Additionally, for public notice, the City's website has for sometime had a calculation tool for the proposed fire services special assessment attributable to tax parcels in the City of Brooksville.

Ordinance No. 830 – Fire Assessment

Consideration of Ordinance for the imposition and collection of Special Assessments to fund Fire Protection Services.

[First Reading 06/04/12]

Chief Mossgrove stated this ordinance provides home rule procedure for the imposition and procedures for collection of special assessment for the City of Brooksville to fund fire protection services. He introduced Mark Lawson and Chris Roe of Bryant, Miller and Olive, P.A. as special counsel for implementation of this assessment.

Mark Lawson of Bryant, Miller and Olive stated there are three matters on the agenda that are related; an ordinance, an annual assessment resolution and a note resolution. He suggested combining the public hearings for the ordinance and resolutions for efficiency.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval to combine both public hearings.

Mr. Lawson stated earlier discussions involved moving forward with an agreement for Bryant, Miller and Olive to assist City Council in a work order. He felt they have fully performed what was asked of them to provide an alternative funding mechanism as a special assessment. That approach involved looking at all parcels in the City of Brooksville and the fire budget done by Dr. Beitsch of Real Estate Research Consultants Group (RERC). They accessed all required information from the Property Appraiser's data base for efficiency and uniformity and explained the concept of readiness to serve is based on a complete set of fire protection apparatus and personnel available in the event of emergency calls for fire protection.

Mr. Lawson stated Dr. Beitsch identified different types of recurring annual costs in the fire budget and determined there was a certain percentage within this community that would be available to share those costs. He then looked for a means to share those costs and determined that without regard to physical characteristics, value, or use, sharing those costs amongst the various tax parcels in this community was reasonable and logical, with a uniform cost per parcel identified as tier two in the Executive Summary report adopted in Resolution No. 2012-04.

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He stated the first tier attempts to look at the built environment that is based on the improvement values that the Property Appraiser's data identifies, based on rationing to provide an alternative means to share cost benefits and burdens for fire protection. He pointed out it is of the nature to be self-correcting as the Property Appraiser's roll is modified and the law recognizes that is a reasonable way to share assessments. Ad Valorem taxation is authorized by law for a public purpose and uniformly applied, but does not have to be proportionately expended. The distinction lies with a special assessment, which must benefit property of a legal burden and it must be proportionately shared with cost benefits and burdens so that those properties receive that reduction and burden or benefit. In tier one, the sharing of the benefits is a two-prong method; relative value and sharing of readiness to serve costs that have to be expended each year.

Mr. Lawson advised the Executive Summary has been available for public viewing for some time. This is a procedural ordinance that lays out home rule process for which an assessment can be imposed. The annual assessment resolution called for by the ordinance is up for consideration at this public hearing and then the note resolution would be considered.

He submitted an errata sheet and reviewed it, per Vice Mayor Bradburn's request, for the record, that points out minor changes to the ordinance and resolutions. Attorney Battista agreed that these changes are for clarity only and do not hinder the legality of the documents.

City Manager Norman-Vacha stated written comment regarding fire assessments was received from Mr. Robert Buckner on May 31, 2012, and an email on June 12, 2012, that was also provided to City Council. She indicated there were no telephone calls or any further inquiries received by City staff.

Mayor Johnston asked for public input.

Anna Liisa Covell of A.L. Covell Electric felt this is an MSTU and MSBU combined and property owners are being taxed for the same service. She felt the economic hardship on residents and business owners was due to over-taxation by government.

Powers Dorsett of 132 South Brooksville Avenue felt the assessment is not structured in a manner that is fair, giving examples and submitting exhibits of parcels explaining his findings. He is not sure the consultants understood, based on his review, what constitutes a tax parcel ID. Mayor Johnston advised when lots are bought together they are on the tax roll as one group and also if lots are bought separately property owners can petition the Property Appraiser to have several adjacent lots put together as one group.

Joe Mason felt limiting three critical issues to one public comment is unfair to the public. He felt this assessment was initially proposed due to the number of residential properties with Homestead Exemption with no additional revenue proposed; now there is tremendous net revenue. He indicated that his property taxes will more than double and is an involuntary contribution on some of his lots with an increase ranging from 7 to 15 mills. He advised some vacant lots within the City will increase by hundreds of mills and was disappointed that stakeholders were not involved in discussions. He felt it was inappropriate for a "short" Council to make a decision tonight and suggested tabling the item.

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Dan Patrick advised that years ago it cost less to operate a volunteer fire department and that there were fewer fires back then. He felt a lot of businesses are closing due to not being able to afford to pay the bills and advised Council to pay attention.

Ken Small of Florida League of Cities stated he has over twenty-seven years of experience as finance tax expert and over thirty-seven years in local government. He is on the faculty of the Florida Institute of Government Advanced Institute of Elected Municipal Officials and has extensive experience with finances and tax issues before the Florida Legislature. In 1968, the Florida Constitution granted local government property taxes as its primary source of revenue with numerous amendments since then making property taxes more and more unfair by treating identical lots differently. Special Assessments since 1992 has been instituted by numerous cities and counties across the State when the Florida Supreme ruled the validity as fair and reasonably apportioned for those receiving a special benefit.

Mr. Small pointed out he was a presenter at a budget workshop for City Council seventeen months ago and heard the two-tiered method proposed for a special assessment and he supported the concept. He has shared this with peers around the State and he has read the Executive Summary that explains the two-tiered system and felt it is reasonable and rational. Using the relative value of improvements bears a logical relationship to the benefit of fire protection services and is an excellent way to share the costs. It is also fair and reasonable to apportion the core readiness and preparedness cost on a per parcel basis because such costs do not depend upon parcel specific characteristics. He commended Council for their consideration of a proposal such as this.

Gail Samples stated she was not aware the Florida League of Cities was involved in this proposal and was not sure that City Council could cast a deciding vote tonight with two members absent. Mayor Johnston confirmed that is not true. She felt people who spoke tonight have very good ideas and encouraged Council to consider evaluating the lots that do not pay but should. She invited all present to attend budget hearings because that is when it will be determined how much tax is paid above \$600,000. She will be attending the hearings and meeting with the City Manager to find ways to cut the fire budget. The other departments will also have to cut so that amount can then be taken out of the general budget. She reminded City staff where the tax dollars comes from and that could easily go away. She felt City Council would pass the ordinance tonight and she just wants to make sure the budget is fair. She addressed a vacant lot fire mentioned by Ken Small and suggested the parents of the children should be billed for the fire call and not the taxpayers.

Sherry Pedonesi recognized the cost of the Homestead Exemptions and Save Our Homes as it keeps taxes low but also felt a fire assessment is fair and good to do. She referenced the County assessment that has worked out well as everyone pays the same. She felt vacant lots and homes not based on tax revenue as an assessment is straightforward and economical across the board. She approved of the proposed assessment and encouraged Council to continue on with their efforts.

Robert Buckner reiterated that when the concept of the fire assessment was first brought up he met with the City Manager, Mr. Pearson, the Fire Chief, Mr. Geiger and Mr. Baumgartner and the consensus was that it needed to be fair and should be commensurate with a reduction in millage rate. He thought there was an understanding that before any fire assessment was determined stakeholders would be involved in the review process, but indicated that did not happen. He felt it was going to be unfair and certain property types

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were going to be unjustly effected. He has done extensive research and encouraged City Council to wait on implementing the program. He indicated it was suggested by Council Member Burnett during Council discussions to involve stakeholders in this process. He attended the last meeting when he first saw the methodology with \$106 flat rate fee to each parcel and felt that was unfair and inequitable for a lot of vacant property owners with low assessments. He prepared a report from the Property Appraiser's database to test unattended consequences and found up to 1000% increases if the millage rate and assessment is the same. He is not opposed to the assessment he just wants to assure it is fair and equitable.

Council Member Hohn asked Mr. Buckner what he feels is fair. Mr. Buckner replied he understands the concept of two tiered system with a flat rate per parcel but it increases net dollars out of pocket and suggested a lower base fee per parcel assessment and to put more on the improvement side to make it fair. He would like an opportunity to meet with the consultants to look at other avenues.

Scott Browning indicated he supports Mr. Mason and Mr. Buckner in their efforts to provide information to the City to help in the process. He asked Council to support adjusting the millage rate to compensate for the assessment. He gave an example of a parcel on Broad Street assessed at \$6,861 will be charged \$111.34 and will most likely increase in time. He questioned where the fees end as he felt this generates more government. He encouraged Council to delay action tonight with two Council Members absent.

Mayor Johnston closed public input.

Mr. Lawson responded that he understands the title business and the property appraiser will put several adjacent lots together. He advised the consultants have used a publicly maintained database so that it is a self-correcting mechanism in subsequent years to adjust tiers. This meeting has been duly noticed giving the public an opportunity to speak but there will never be agreement on budgetary matters. The Supreme Court recognizes that with regard to assessments that it is difficult to achieve a complete absolute consensus and that there will always be someone who disagrees with the approach taken. The best effort of RERC was applied to try to find a balancing mechanism so that there is an adjusting tool in place for future years. The ordinance gives an opportunity for the City Manager to make adjustments and exempt certain parcels.

He stated this process was well articulated in March and April and are on time with the critical events schedule. They have proceeded based on the Executive Summary and have had an opportunity for public comment, plus a calculation tool available for every parcel has been on the City's website since the end of May. The local newspaper ran an article on the assessment which triggered telephone calls to the City Manager from around the State. He advised Council to stay on track so that this assessment can be part of discussions at budget hearings. The process tonight is to consider and adopt, upon the second reading, the ordinance and the resolutions.

Council Member Hohn understood stakeholders wanting to be involved in the process. He felt the critical events calendar has not been satisfactorily explained to meet the timeframe and felt it is now being rushed through.

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Mr. Lawson briefly reviewed the process, going back to last year in order to meet the timeframe for the upcoming budget cycle. He advised Council should soon evaluate the revenue that could come from this program and use that in the budget proceedings. It takes time for the Note Resolution to be heard by the circuit court after filing a validation and if appealed it will be into next year. If not appealed then the revenue source is available in this year's budget process and can be incorporated into the budget to determine a millage rate. Council Member Hohn questioned the "fairness" with \$106 per vacant lot. He had asked for a calculation based on the size of the parcel and whether it would be defensible. Mr. Lawson replied that information is difficult to obtain from a database. This is a demand-based analysis as opposed to sharing fixed cost based on the parcel.

According to the economist, the problem with demand-based methodology is that there is no way of knowing where emergency calls will come from and they did not see a linkage relating to square footage of vacant land. There is about 60% of the budget that can be classified as fixed from year to year and it is not necessarily contingent on value, use, or physical characteristics. A broader approach would be the number of tax parcels, which is readily identifiable. Those tax parcels change from year to year and Council has the flexibility to lower and raise tiers independent of each other.

Council Member Hohn asked if it would have been defensible to say vacant lots would be assessed at a lesser rate than improved lots. Mr. Lawson confirmed that has been done on tier one wherein there is a flat fee and then tier two charges more on improved lots.

Council Member Hohn asked if it would be defensible then to throw out the semantics of fixed versus variable cost and say that all \$600,000 could get spread over based on relative value. Mr. Lawson advised the report says that could be done but it would have to be a policy decision and they do not recommend that methodology.

Vice Mayor Bradburn reiterated a comment by Mayor Johnston and stated this year there is about a five or six percent decrease in revenue once again. In the last five years, there has been a 21% decrease in revenue stream to fund basic services. This Council has worked hard with City staff to accomplish balancing the budget and reducing the millage by 18%. She confirmed with Ken Small that is the highest reduction of any City in the State of Florida. They have reduced staff by 36, eliminated duplication, and continue to search for new ways to increase efficiency and streamline costs. One way is to once again look at the fire assessment issue. The business community and citizens asked City Council to consider alternative funding for fire services. There have been a couple of methodologies tried but Council did not support them. This one seems to be the fairest and most equitable approach she has seen to date.

She recognized and appreciated Mr. Buckner's insight he has put forth but she does not agree with his conclusions on this issue. There are only a handful of property owners with multiple lots and there have been suggestions tonight on how to remedy that. She felt this is the fairest method so far she has heard, to spread the cost to ensure everyone pays something. It is unreasonable to say that \$106 to fund fire services over a year is equivalent to an eight thousand percent increase. That amounts to \$8.84 a month and she felt that is not unreasonable. She pointed out 10 mills is equivalent to \$3.9 million dollars and this does not generate that much. There is still more work to do at budget time and she looks forward to public input during that time.

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Mayor Johnston referenced the three items on the agenda tonight and asked Mr. Lawson if the figures cited in Resolution 2012-05 could be changed for the validation hearing. Mr. Lawson confirmed the figures could not be increased and stated by seeking validation Council has the ability to use assessment revenue to buy capital.

Mayor Johnston asked if a stakeholder group meeting could be held during the validation process to review and come up with different figures within the methodology. Mr. Lawson stated he would not encourage Council to do that while in litigation, but confirmed it could be done after validation. He stated this is designed to allow stakeholder input every year.

Deputy City Clerk Harsin read Ordinance No. 830 by title, as follows:

AN ORDINANCE RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF BROOKSVILLE, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; REPEALING CITY ORDINANCE NOS. 682 AND 788; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Vice Mayor Bradburn to approve the adoption of Ordinance Number 830, subject to the revisions described in the errata sheets. Mayor Johnston passed the gavel to Vice Mayor Bradburn and seconded the motion.

Council Member Hohn felt they are 99% of the way there, but Council and staff has failed to educate everyone on the process and what they were trying to accomplish. The vast majority of comments are that it is a tax, but it is not a tax and that was never the intention. Council has tried to move the General Fund monies paid for with the millage to a special assessment that everyone would have a stake in. It sounded perfect and he understood the accounting of it with every intention of lowering the budget amount which will affect the millage rate. The intention was never to raise taxes but to have those who do not pay anything right now share in the assessment.

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He referenced acting Mayor Bradburn's comment "It's the fairest method so far" and he agreed that it is "so far". But he did not believe it is fair when it comes to vacant lots. He felt the vacant lot on fire example that was given did not mean anything other than that it may catch a house on fire. This methodology is as fair as it has been but he cannot support it when he knows they can do better at it. He understands this has to get done soon and he apologized for not supporting it tonight.

Acting Mayor Bradburn agreed public awareness could always be better. She pointed out that a year and a half ago, prior to Council Member Hohn coming on the board, this concept was presented to City Council. They had all agreed this was exactly what they had been looking for but then Council decided to throw it out. Then the Property Appraiser reported the City will be 21% lower in revenue stream and financial planners say we have done all we can to reduce millage more than any other City. At that point the plan did not look so bad after all and Council decided to look at it again. There have been discussions during the year with other people and many stakeholders have given input. She agreed the final plan was not in place as it will take time to work out the kinks. It continues to be the fairest plan she and Ken Small have seen in several years. There will be additional time during budget discussions, including future budgets.

Mayor Johnston stated he was prepared to go forward with all three items on the agenda when he thought there was unanimous support. He is reluctant to vote for it with Council Member Hohn in opposition.

Motion and second was withdrawn by Mayor Johnston and Vice Mayor Bradburn respectively.

Resolution No. 2012-05 – Annual Fire Assessment

Consideration of Resolution for the imposition and collection of Special Assessments to fund Fire Protection Services.

Resolution No. 2012-06 Fire Assessment Note

Consideration of Bond Resolution in conjunction with imposition of the Fire Assessments.

Motion:

Motion was made by Mayor Johnston and seconded by Vice Mayor Bradburn for approval to table Items E-1, F-1 and F-2 until the next regular meeting with Council consensus.

Vice Mayor Bradburn pointed out Council Member Bernardini was against it during the last meeting and Council Member Burnett was in support of it.

Mayor Johnston advised there will not be extensive public discussion at the next meeting on July 2, 2012.

Vice Mayor Bradburn asked Mr. Lawson if postponement would provide enough time to include this in the budget. Mr. Lawson stated it does not allow enough time to go through the process and get the budget done.

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REGULAR AGENDA

Resolution No. 2012-07 Election Qualifying Ratification

Consideration of Resolution ratifying the results of the qualifying period.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Hohn for approval of Resolution No. 2012-07.

Deputy City Clerk Harsin read Resolution No. 2012-07 by title, as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, APPROVING REFERENDUM PROPOSITION FOR THE NOVEMBER 6, 2012, PRIMARY ELECTION; DECLARING APPOINTMENT OF CERTAIN CANDIDATES TO FILL THE CITY COUNCIL MEMBER SEAT NO. 2; DECLARING THAT NO MUNICIPAL ELECTION SHALL BE HELD FOR SEAT NOS. 3 & 4, PROVIDING FOR REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

Council Member Hohn stated this is a very personal issue for him as it deals with his candidacy and his election. There is nowhere in the Supervisor of Elections website or his selection ordinance or any other document produced since August 21, 2011, that mentions this term ending in 2014. According to everything he has read, it is a four-year term and he was never told it was a two-year term. He indicated he had to pay the full entry fee. This could have changed things for him personally. He pointed out the Charter is being changed to four (4) four-year terms.

Mayor Johnston informed Council Member Hohn when he was appointed to Council it was to fill a portion of Emory Pierce's unexpired term. The resolution regarding elections reads that you serve until the next regularly scheduled election at which time an election is held for the balance of the term of that seat. He went through the same situation when he first came on Council, filling a two-year seat and had to run twice in six months. Council Member Hohn pointed out the resolution at appointment made no mention of an end date. He questioned when his term starts and advised there are many areas that need to be looked at for clarification and should be adjusted in the future. He suggested having a special election since this is not a regular election.

Mayor Johnston clarified the Charter currently reads two full four-year terms but Council Member Hohn will not start a full four-year term until the next time he runs in 2014.

Motion carried 2-1 upon roll call vote as follows:

Council Member Hohn	Nay
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

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Florida League of Cities Voting Delegate

Consideration of designating one official to be the voting delegate of the Florida League of Cities 86th Annual Conference.

Mayor Johnston indicated he may not be in attendance and suggested Vice Mayor Bradburn for the voting delegate. Council Member Hohn indicated he would like to attend as it was a learning experience for him.

Council Member Hohn nominated Vice Mayor Bradburn as the designated official to be the voting delegate at the annual business session of the Florida League of Cities.

Motion:

Motion was made by Council Member Hohn and seconded by Vice Mayor Bradburn for approval. Motion carried 3-0.

Policy 2-2012 – Great Brooksvillian Screening Committee

Consideration of policy outlining the duties of those appointed to a committee to review application for the Great Brooksvillian.

Mayor Johnston read a letter into the record from Ronald C. Daniel, President of Hernando Historical Museum Association and a previous screening committee member indicating he reviewed the policy and his in his opinion these are necessary revisions that will ultimately be used in consideration to qualify applicants for the next Great Brooksvillian.

Deputy City Clerk stated at the City Council Meeting on June 4, 2012, staff was requested to bring back a separate policy for the general guidelines for the Great Brooksvillian Screening Committee. We have done just that and have also included in the policy Vice Mayor Bradburn's submittal of committee member duties as numbers 11 through 14. Staff recommends Council approval of the General Guidelines for the Great Brooksvillian Screening Committee.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Hohn for approval. Motion carried 3-0.

Advisory Board Appointments

Appointment of members to various Advisory Board Positions, either as a result of term expirations or current vacancies, as follows:

[Note - all applicants are registered voters as required]

Beautification Board

One (1) full-time position to fill an unexpiring 4-year term of office through December 31, 2015, due to a resignation.

Reiko Brown

New Applicant

Mayor Johnston stated Ms. Brown has been involved in a lot of community events with a calming influence and would be a worthy addition to the Beautification Board.

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Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Hohn for approval of Reiko Brown as a member of the Beautification Board. Motion carried 3-0.

Good Neighbor Trail (GNT)

One (1) full-time position to fill a vacancy due to a resignation. GNT positions are non-expiring.

Reiko Brown	New Applicant
Carole B. Knudson	New Applicant

Vice Mayor Bradburn nominated Carole Knudson for the position.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Kohn for approval of Carole Knudson as a member of the Good Neighbor Trail Board. Motion carried 3-0.

Brooksville Housing Authority

One (1) full-time position to fill an expiring 4-year term of office through June 30, 2016.

Gary E. Schraut	Reapplying (Expiring Term)
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Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Hohn for approval. Motion carried 3-0.

Red Light Camera Introductory Period

Council discussion regarding the Introductory Period.

Mayor Johnston indicated this was brought back from the last meeting of Council. Discussion had a consensus of implementing an introductory period for the red light cameras. The ordinance does not prohibit Council from implementing an introductory period. He advised the City Manager and City Attorney negotiate a thirty-day introductory period for cameras not yet in operation with Sensys America.

Vice Mayor Bradburn confirmed with Mayor Johnston that they will send out notifications during an introductory period and asked if that will hinder the City's legal position. City Attorney Battista stated this was done the last time under previous contract with American Traffic Solutions. He advised cameras already in place should be left alone and not be retrofit into an introductory period. He referenced an email from Sensys indicating they are willing to discuss future intersections. His opinion is that implementing an introductory period for future cameras will not be held against the City in the judicial system.

Police Chief Turner stated there have been seven hundred violations reviewed to date. He reviewed some types of violations that have been occurring. Vice Mayor Bradburn recalled being late to a recent meeting due to two red-light runner accidents on US41. Council Member Hohn also witnessed a bad accident in front of Lowe's due to red-light running.

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Vice Mayor Bradburn felt part of the education process is to give a warning period. She supported discussions with Sensys to negotiate an introductory period.

Mayor Johnston read a letter into the record from Mary Smith opposing the red light cameras.

Council discussion ensued regarding flashing lights and bigger signs when approaching intersections with cameras. Mayor Johnston supported the concept but Vice Mayor Bradburn felt it would be more of a distraction and cause more sign and light pollution. She pointed out there are over ninety cities and counties in Florida with red light camera programs so people are aware they are out there. Council Member Hohn agreed education is important but guessed about 90% of people live outside Brooksville who are paying tickets. He did not agree with a thirty day period since there will be another set of new people in the next thirty days and so on. He suggested newspapers write more articles for public awareness and wants people to be aware that this is a safety issue and not in place for revenue. Police Chief Turner indicated there were not many repeat offenders except for an infamous white Mercedes Benz.

City Manager Norman-Vacha read into the record high points of Sensys discussion on this matter with the City Attorney and Police Chief.

Council consensus was to direct staff to bring back information and costs from Sensys America associated with implementing the introductory period and directed staff to bring back a resolution to implement the introductory period if the cost is lower than \$27,000.

CITIZEN INPUT

Mayor Johnston asked for public input.

Beverly Lewis indicated her friend warned her the other day she was coming up to an intersection with a red light camera because she did not see any signs and advised enlarging the signs.

Sherry Pedonesi addressed Council Member Hohn's comment on the upcoming election process and pointed out he was appointed and he should take into account that the voters have not had a say on filling the vacant seat yet.

Kojack Burnett agreed the signs for red light cameras need to be bigger and they should be taken out from behind the trees by Dairy Queen. He commended Council for trying to implement an introductory period and reinstating the cameras. He congratulated Mayor Johnston and Council Member Hohn for winning the election by being unopposed and agreed with Ms. Pedonesi that Council Member Hohn got the seat for another two years on Council without a vote.

ITEMS BY COUNCIL

Lara Bradburn, Vice Mayor

Generator System for Hurricanes

Vice Mayor Bradburn referenced a letter from Progress Energy regarding hurricane season which advised that new commercial entities, particularly gas stations, are required to include

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a generator system. She would like staff to address this, including it in the Building Code and bring something back to Council for consideration. She pointed out many communities put this in place after Hurricane Andrew to ensure people would be able to get gasoline out of the pumps in order to evacuate.

Mayor Johnston did not agree because a considerable cost would be placed on small business owners. He felt it was a good idea but should be left up to the owner's discretion.

Kevin Hohn, Council Member

Red Light Cameras

Council Member Hohn referenced his discussion with Dennis Wilfong regarding a unique traffic light system in Hong Kong with a countdown signal above each light and he will get the cost and report back to Council on it.

Mayor Johnston pointed out the Florida Department of Transportation sets the timers according to their rules. He stated the City of Brooksville has the longest yellow light allowed under the Statutes and longest delay between red and green lights.

Robert Battista, City Attorney

Westchester Fire Insurance Matter

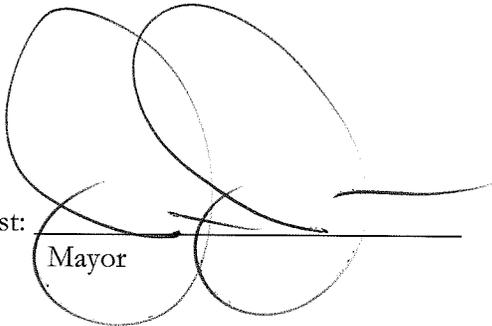
City Attorney Battista stated there was an Executive Session at a prior meeting on Brooksville vs. Westchester Fire Insurance to authorize the City Attorney to go forward with an appeal process through the United States Supreme Court. He advised the City was granted an extension of time to appeal until September 15, 2012.

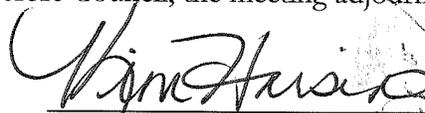
ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:23 p.m.

Attest:

Mayor




Deputy City Clerk

