

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

July 2, 2012

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor Lara Bradburn, Council Members Joe Bernardini, Frankie Burnett and Kevin Hohn present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radack, 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.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Parks & Recreation Month

Presentation and Proclamation recognizing July as Parks & Recreation month.

Mike Walker, Director of Parks, Facilities & Recreation reviewed the events being sponsored by the department, benefits to the residents and played a video of the department's accomplishments. Mayor Johnston read the proclamation in its entirety and presented it to Director Walker.

Dan Patrick advised he has been involved in the city's park system for many years and commented that Director Walker is doing a fine job.

Update on Tropical Storm Debby

Presentation by City staff to provide information and update on state of the City and response to Tropical Storm Debby.

Fire Chief Tim Mossgrove presented a PowerPoint regarding Tropical Storm Debby, reviewing call volume and more than thirty (30) rescues of people from flooded homes and vehicles. He advised the Fire and Police Departments took early precautions to prepare for its arrival, which included filling sand bags with the help of the Hernando County Jail. Further he advised the Department of Public Works was very busy as well, dealing with removal of downed trees. There was also erosion of the city's brick streets. They are now in the damage assessment phase.

Vice Mayor Bradburn commended the first responders for their efforts. She asked what lessons were learned in this storm. Chief Mossgrove advised knowing when to call in extra people and felt it to be an eye-opening experience for those living in low-lying areas. Vice Mayor Bradburn suggested finding better ways of getting information out about sandbag availability and road closures. City Manager Norman-Vacha advised they are working on that in conjunction with Hernando County and the Florida Highway Patrol.

Vice Mayor Bradburn suggested Mr. Titterington be involved in the assessment process. Chief Mossgrove advised there will be a project manager assigned to Hernando County by FEMA to work with the Department of Public Works on specific areas that need to be addressed.

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Mayor Johnston also advised he did not know about the sandbag availability until after the fact. Chief Mossgrove indicated the sand at the fill stations quickly disappeared and people came from Spring Hill. City Manager Norman-Vacha advised emergency information was posted on the City's website and they will discuss the issue with the Emergency Operations Center.

CITIZEN INPUT

Mayor Johnston asked for public input.

Noah Burke advised he had a better way to handle the red light camera mail notification. He did not feel it fair to penalize the offender if their notice is not received. He recommended having the red light camera company mail notices via certified mail.

CONSENT AGENDA

Minutes

April 16, 2012 Regular Meeting

May 7, 2012 Regular Meeting

City of Tampa Mutual Aid Agreement

Consideration of the Mutual Aid Agreement with the City of Tampa allowing the Brooksville Police Department to assist during the Republican National Convention.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Hohn for approval of Consent Agenda. Motion carried 5-0.

PUBLIC HEARINGS

Entry of Proof of Publication into the Record

Mayor Johnston called for proof of publication. City Clerk Peters indicated Item F-1 was published on Friday, June 8, 2012, in the Hernando Times legal section of the Tampa Bay Times. There also was a notice of the Public Hearing published on Saturday, May 26, 2012 in the Hernando Times and Citrus Times Classified sections of the Tampa Bay Times and there is a copy of the affidavits for the record. A public notice was posted on the City's website announcing that a Public Hearing was held on June 18, 2012, and continued to July 2, 2012 to receive additional public comment on the proposed special assessments and additionally publicly noticed via the published agenda, which was posted on the city's community bulletin board outside City Hall.

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, Tabled and Continued Second Reading from 06/18/12]

Fire Chief Tim Mossgrove briefly reviewed the item.

Mark Lawson of Bryant, Miller and Olive advised minor changes had been made and errata sheets were revised. He was aware that the video from the last meeting was provided to the board members who were not present at the previous hearing.

Mayor Johnston asked for public input.

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Robert Buckner advised he was able to have a good conversation with the City Manager after the last hearing. He was glad to hear there is the possibility of relief for vacant lots. He felt the for-profit nursing homes should not be exempt. Another property he had questions on was Cloverleaf with a \$2,000 assessment and felt that should be looked at.

Joe Mason distributed a news article to Council. He concentrated on the ordinance itself, stressing proper apportionment to be important. He questioned the discretion given to the assessment coordinator, who is the City Manager in this case.

Anna Liisa Covell stated, according to the highest court, this is another tax. She believes citizens are getting taxed twice for the same service.

Mark Browning passed his three (3) minutes to Mr. Mason, who continued on exemptions.

Tom Browning advised he is shocked if what Mr. Mason is saying is correct. City Manager Norman-Vacha advised the exempted properties are addressed in the resolution. She clarified the verbiage in the ordinance relating to the exemptions. There are corrections to be made and allowed by the ordinance.

Mr. Lawson reiterated that anyone can submit questions on the assessment to the City Manager. Mr. Browning suggested having all these issues clarified and equitable before proceeding.

Powers Dorsett advised consolidating adjoining properties is relatively easy. He pointed out that Cloverleaf has seven (7) lots and suggested they be assessed per mobile home lot.

City Manager Norman-Vacha advised one letter from Wayne Vutech was received and e-mails were received by Council from Mr. Buckner and Mr. Browning. She also advised there have been no telephone calls since the June 18th Meeting. She did visit with several members of the Brooksville Vision Foundation, including Dr. Dennis Wilfong, Michael Heard, Sonny Vergara, Cliff Manual, Robert Buckner and Joe Mason.

Council Member Hohn advised he was also concerned with the issues presented by citizens. He suggested clarification in the resolution, dividing among non-profit and for-profit organizations. It was pointed out that the correction provisions that were discussed earlier will resolve the issue for certain profit entities. His concern with Cloverleaf is addressed by the Florida Supreme Court and does allow for the potential assessment on individual home lots. He advised there is a potential \$600,000 short-fall in the General Fund for FY2012-13, pointing out there is two (2) separate processes; put framework in place to take shortage out of the General Fund and create the assessment and then the budget process. The General Fund is paid for by 40% of residents whereas the assessment will be spread across 100%. He strongly encouraged all to participate during the budget process.

Council Member Burnett stated he has had the opportunity to talk with citizens and in doing so felt the citizens are not against the methodology but the costs as applied. He feels Council has a responsibility and should move forward, making future adjustments as necessary.

Vice Mayor Bradburn added she did receive a letter from Mark Browning which she passed to staff.

Council Member Bernardini was not aware that the assessment could not exceed \$600,000, which City Manager Norman-Vacha clarified regarding the estimated amount of the shortfall in the budget. Council Member Hohn advised that was an estimate from the Hernando County Property Appraiser's office. Mayor Johnston clarified that the assessment is revenue neutral and any increase in millage after that reduction would be considered during budget.

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Council Member Bernardini referred to tax exempt parcels excluded from the assessment. City Manager Norman-Vacha referred to the resolution, pointing out that certain categorized properties within the Property Appraiser's tax rolls are statutorily exempt from the ad valorem taxes and are not subject to the fire assessments. Mr. Lawson indicated the initial decision was that of those, institutional properties are exempt as a matter of policy and there is a mechanism for correction from year to year. The ordinance is procedural as each year the assessment is imposed. The validation will be a determination using this methodology that requirements are met for a valid issuance of an obligation such as, it must be for a public purpose, authorized and followed by law, and revenues generated are available to use to repay the debt. Anything that is done on the exemptions determined for a public purpose can be funded out of legally available funds as a policy decision.

Council Member Hohn confirmed with Mr. Lawson that they could still go forward with the validation if the language was changed in the ordinance tonight regarding exemptions.

City Attorney Battista referred to the resolution and pointed out it can be changed accordingly to policy that is set forth for validation. An amended resolution can be issued at budget time adjusting the numbers.

Mr. Lawson stated the validation gives assurance that the revenues can be used to buy capital and provides a benchmark in time to allow seeking a determination. The rates could be lowered after September 29th, but increasing the rates would require additional due process.

Vice Mayor Bradburn pointed out there is going to be a shortfall in the budget and a tax increase may be needed that has nothing to do with the fire assessment.

Council Member Bernardini wanted it on the record that there could be a millage rate increase. He favored that everyone should pay.

Vice Mayor Bradburn stated she intends to lower the millage rate to compensate for this assessment but it may not be exact. The millage rate has to be sufficient to cover fuel increases, insurance increases, etc.

Council Member Hohn pointed out it will be revenue neutral but will have to wait and see what happens when the numbers come out, then the work starts. But if this is does not get done tonight there is a guaranteed millage rate increase. If the assessment is in place then there is a floating bridge to balancing the General Fund. Mayor Johnston did not agree with Council Member Hohn.

City Clerk Peters 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

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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 Council Member Burnett and seconded by Council Member Hohn for approval.

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

Council Member Bernardini	Nay
Council Member Burnett	Aye
Council Member Hohn	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

REGULAR AGENDA

Resolution No. 2012-05 – Annual Fire Assessment

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

[Tabled and Continued from 06/18/12]

Mark Lawson reviewed the annual resolution called for in the ordinance and setting rates, which can be reduced at any time. Rates cannot be raised without due process that is afforded in the ordinance. The role was published on the website in late May.

Council Member Bernardini asked about Advanced Life Support (ALS) services. Mr. Lawson explained that the belief that you cannot assess for basic life support is erroneous. According to the Supreme Court you should not assess for emergency medical services with an association of certain EMS. Services described as basic life support that are incumbent upon delivery of fire services can be included in the fire budget. This particular assessment attempts to remove anything that has to do with advanced life support to the point of removing personnel with certification in ALS and may provide basic life support under the law. Attention was given to emergency medical services matter by RERC consultants to extract advanced life support from the budget.

Mayor Johnston asked for public input.

Powers Dorsett asked for clarification of Section 2.01(c) versus Section 3.07 on page 20. Mayor Johnston clarified the amount in the resolution can be adjusted after final adoption.

Dan Patrick asked to give Joe Mason his three (3) minutes. Mr. Mason felt no one had an opportunity to work through the methodology to be able to discuss it. He clarified, concerning Cloverleaf, the mobile homes cannot be assessed, only the lot. He requested delay in implementation for another year and asked that when final then file validation in the local circuit court.

City Clerk Peters read Resolution No. 2012-05 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF BROOKSVILLE, FLORIDA, RELATING TO THE AVAILABILITY AND FUNDING OF FIRE PROTECTION AND RELATED ESSENTIAL SERVICES WITHIN THE CITY; PROVIDING FOR THE IMPOSITION OF SPECIAL ASSESSMENTS WITHIN THE CITY TO FUND, IN PART, THE SERVICES, FACILITIES AND PROGRAMS ASSOCIATED WITH THE CONTINUAL READINESS TO PROVIDE FIRE PROTECTION; IDENTIFYING BENEFITS, BURDENS AND COSTS TO BE

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ASSESSED; ESTABLISHING THE METHOD OF APPORTIONING BENEFITS, BURDENS AND COSTS AMONG SPECIALLY BENEFITED PROPERTY; ADOPTING AN ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; PROVIDING FOR ASSOCIATED POLICY DIRECTION; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Hohn for approval of Resolution No. 2012-05 with errata changes.

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

Council Member Burnett	Aye
Council Member Hohn	Aye
Council Member Bernardini	Nay
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

Vice Mayor Bradburn stated many of the issues people brought up with the exemption are issues she brought up with Mr. Lawson and staff ahead of time, and is confident in the coming years they can be addressed, including Cloverleaf and other exemptions listed.

Resolution No. 2012-06 Fire Assessment Note

Consideration of Bond Resolution in conjunction with imposition of the Fire Assessments.
[Tabled and Continued from 06/18/12]

Mark Lawson advised this resolution addresses debt service and will trigger the seeking of a determination that Council has the ability to use the proceeds from the assessments.

City Clerk Peters read Resolution No. 2012-06 by title, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA AUTHORIZING THE ISSUANCE OF ITS FIRE SERVICE ASSESSMENT REVENUE NOTE, SERIES 2012, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$435,000 TO FUND THE ACQUISITION OF CERTAIN CAPITAL EQUIPMENT OF THE CITY; PROVIDING THAT THE SERIES 2012 NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE SOLELY FROM CERTAIN SPECIAL ASSESSMENTS AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS AND REMEDIES FOR THE OWNER OF THE SERIES 2012 NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Hohn for approval of Resolution No. 2012-06.

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

Council Member Hohn	Aye
Council Member Bernardini	Aye
Council Member Burnett	Aye
Vice Mayor Bradburn	Aye
Mayor Johnston	Aye

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Pavement/Sidewalk Management Program

Presentation of the status report from Civil-Tech Consulting Engineers, Inc. on the Pavement Management Program.

Bob Titterington of Civil-Tech gave an update on their progress in the program, including street inventory, right-of-ways, unpaved roads, sidewalks, signs and other. He advised some roads are not being maintained as specified by ordinance, which will be corrected. He projected a final report by August 27, 2012.

Vice Mayor Bradburn asked is there a way to map the known springs that impede City right-of-ways as well. Mr. Titterington advised if someone has that information it could be added to the database. Vice Mayor Bradburn would like to use Tallahassee's techniques regarding their canopied streets.

Red Light Camera Introductory Period Cost

Council discussion on cost to implement the Introductory Period.

Council Member Bernardini advised nothing in their contract states the number of intersections to be done and this could be bargained. The contract also states there could be a warning period at no cost to the city. He asked that staff proceed to investigate.

Vice Mayor Bradburn advised she favored an introductory education period but did not agree to send out warning citations. She favored going forward with the program as is.

Mayor Johnston agreed to a warning period as the contract states it is possible but now it is behind schedule and being delayed again. People are now aware of the cameras being erected.

Council Member Hohn asked the City Attorney if he would be willing to renegotiate the contract. City Attorney Battista indicated it would be up to City Council and he will review the current contract. Council Member Bernardini suggested the contract be renegotiated with a warning period.

Council Member Burnett is in favor of educating the local citizens to a greater extent.

Council Member Hohn advised it has been shown that most of the tickets are given to people from out of town so the education part is more difficult.

CITIZEN INPUT

Mayor Johnston asked for public input.

Gail Samples spoke in favor of the fire assessments. She asked who paid for the court reporter. Vice Mayor Bradburn advised Bryant, Miller and Olive, as part of the court validation process. She also spoke of the red light cameras, noting the residents have been duly notified.

Kojack Burnett asked the verdict on the red light camera introductory period. Mayor Johnston advised the contract would not be amended. He wished all a good holiday.

ITEMS BY COUNCIL

Joe Bernardini, Council Member

Red Light Cameras

Council Member Bernardini advised that at Wiscon and Broad Street the westbound traffic slows to make a turn north and asked is there some timing that would allow for the stopping. Council Member Hohn advised if you are stuck in the intersection when the light turns you will not get a violation. Vice Mayor Bradburn confirmed County engineering has investigated the timing and they are at the maximum allowed.

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Frankie Burnett, Council Member

Fire Assessments

Council Member Burnett reiterated that a methodology to utilize during the budget workshops was adopted tonight. He urged anyone with a question about the assessment to contact staff.

He commended the City Manager, Council and staff for the work they do.

Kevin Hohn, Council Member

Fire Assessments

He reiterated what Council Member Burnett stated and wished all a Happy 4th of July, encouraging the reading of the Declaration of Independence.

Lara Bradburn, Vice Mayor

Recycling Schedule

In reference to Vice Mayor Bradburn's question about recycling, Mayor Johnston advised the first pickup will be a week from Wednesday.

98 & Jefferson Street

She advised the grass needs to be cut at 98 and Jefferson Street. She would really like to take another look at the contracts for mowing and consider having it done in-house.

Florida League of Cities Bond Resolution

She asked about the recommended resolution. City Attorney Battista indicated it would be on the next agenda and will meet the deadline of July 18, 2012.

Joe Johnston, Mayor

Light at Winn-Dixie

Mayor Johnston inquired of the followed up on the status from the County or Florida Department of Transportation concerning the light at Winn-Dixie. Public Works Director Radacky indicated he has not received any information back on this matter and will contact them on the status.

Light at Jefferson Street and Mildred Ave

Mayor Johnston stated the red light heading west on Jefferson Street has been cycling regularly instead of when someone is crossing Mildred Avenue and this is impeding traffic. Public Works Director Radacky advised he will look into the matter.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:16 p.m.

Attest: _____

Mayor


City Clerk