

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

AGENDA

July 1, 2013

7:00 P.M.

Brooksville City Council met in regular session with Mayor Lara Bradburn, Vice Mayor Kevin Hohn, Council Members Frankie Burnett, Joe Bernardini, and Joseph E. Johnston, III present. Also present were James Fisher, City Attorney, T. Jennene Norman-Vacha, City Manager; Janice L. Peters, Amended 1/6/14 City Clerk; Bill Geiger, Community Development Director; Richard Radacky, Director of Public Works; and Tim Mossgrove, Fire Chief.

The meeting was called to order by Mayor Bradburn at 7:00 p.m., followed by an invocation and Pledge of Allegiance.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - Hernando High School Baseball Program

Consideration of Proclamation in honor of the Hernando High Leopards' advancement to the Florida High School Athletic Association's Semi-finals.

Mayor Bradburn read the proclamation in its entirety, which was presented to the team by Council who congratulated the team. Coach Tim Sims reviewed the teams accomplishments and individually.

Proclamation - Christian Arroyo Day

Consideration of Proclamation proclaiming July 1, 2013, Christian Arroyo Day.

Mayor Bradburn read the proclamation in its entirety. The Arroyo family was not present. Coach Tim Sims accepted on their behalf.

Proclamation - Parks & Recreation Month

Presentation and Proclamation recognizing July as Parks & Recreation month.

Mayor Bradburn read the proclamation in its entirety and presented it to Director of Parks, Facilities & Recreation Mike Walker, who played a presentation recognizing Parks and Recreation Month.

Council Member Bernardini asked what programs were being offered this summer. Director Walker reviewed.

Council Member Burnett thanked the staff of Parks and Recognition for their hard work.

Mayor Bradburn advised they worked extra hard during the Blueberry Festival.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 1/6/14 INITIALS JP
AS AMENDED

REGULAR COUNCIL MEETING – JULY 1, 2013

Margaret R. Ghiotto Improvement Award – Residential Award

Recognition of improvements to the property of Bryan Araniecke, located at 251 Pryor Street.

Scott Renz, Beautification Board Chair reviewed the award, which was presented to Mr. Araniecke by the Mayor.

Margaret R. Ghiotto Improvement Award - Commercial Award

Recognition of improvements to the property of Gregory & Dorothea Stephens, located at 200 S. Saxon Avenue.

Scott Renz, Beautification Board Chair reviewed the award, which was presented to the Stephens' by the Mayor.

A 5-minute break was taken.

2013 Hurricane Season Update

Cecilia Patella, Director of Emergency Management, to give an update of the upcoming hurricane season.

Cecilia Patella, Director of Emergency Management reviewed the 2013 Hurricane season predictions. She advised the County has updated the EMP and covers the City of Brooksville. She advised the ability to use the Enrichment Center during Hurricane Debbie was an ideal location. She relayed her appreciation to the Parks & Recreation Department and the City Manager's Office for their help during that time as well.

She advised there are 18 named storms predicted for this season.

Mayor Bradburn advised the County's website has a list of items needed to prepare for a storm.

CITIZEN INPUT

Mayor Bradburn asked for public input.

Pat Miketinac responded to a question posed by Vice Mayor Hohn at the last meeting regarding the legality of running a red light. He again proposed extending the yellow light or driving at a lower speed as well as no turning right on red. He left a copy of Brian Malmbergs' update of clearance times.

Shirley Miketinac reviewed the "stopping on the white light" law and the language of the new bill. She encouraged all to stop on red before going right on red.

James McCoy addressed Council regarding flooding on his property which entered his house. He advised he has spoken with DPW and others and is getting nowhere. He advised the culverts are full of mud, dirt and roots. He said the culvert was cleaned but has two drain pipes emptying into it. He advised he will be filing a claim.

REGULAR COUNCIL MEETING – JULY 1, 2013

CONSENT AGENDA

Brooksville Housing Authority Advisory Board Appointment

Mayoral appointment of board member with Council Consensus.

Mayor Bradburn chose to re-appoint Cliff Manual to the Brooksville Housing Authority Board.

Council Workshop and Meeting Schedule for July, August and September

Approval of amended schedule for Council workshops and meetings for July through September.

Council Member Bernardini advised he may have problems making it to the 6:00 workshops on time. Mayor Bradburn stated staff tried to stagger the meeting times to accommodate everyone.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Johnston for approval of Consent Agenda. Motion carried 4-1 with Council Member Burnett voting in opposition.

PUBLIC HEARINGS

- Entry of Proof of Publication into the Record

Ordinance No. 837 – Synthetic Drugs

Consideration of an Ordinance prohibiting the possession, sale, or manufacture of synthetic drugs. **[First Reading 06/17/13]**

Mayor Bradburn called for proof of publication. City Clerk Peters indicated Item F1 was published on Friday June 21, 2013, in the Hernando Times legal section of the St. Pete Times and there is a copy of the affidavit for the record.

Police Chief Turner reviewed the ordinance upon second reading with the added enforcement penalty provisions. Under this ordinance, possession of a synthetic drug will be a code violation. There will be a minimum of \$250 per incident for the first offense, \$500 for the second and a cap of \$5,000 depending on whether it is a serious violation, determined by the hearing officer. It also covers what is not covered by State law, such as repackaging or reselling in a different manner. The product will be sent for testing to see if it fits into the criminal statutes, if so, the offender can be charged criminally and also charged for the cost of testing.

Chief Turner advised local businesses have had mostly voluntary compliance.

Vice Mayor Hohn asked if there is any civil seizure or do we have to wait until it goes criminally? Chief Turner advised seizure would be allowed under the code based on the impound ordinance.

REGULAR COUNCIL MEETING – JULY 1, 2013

Regarding fines, Council Member Johnston asked if, during an incident, the offender had 10 illegal packages, would that be 1 violation or 10? Chief Turner advised our ordinance isn't specific. The fines are per incident and the hearing officer can decide. Council Member Johnston stated the goal, as with the red light cameras, is to make people aware and to stop selling the drugs.

Council Member Bernardini advised he is concerned with the violation falling under the Code Enforcement Officer and not the police. Chief Turner pointed out that Section 58.47 indicates that primary responsibility for enforcement of the ordinance shall be with the City of Brooksville Police Department. It also empowers any Code Enforcement Officer designated by the City to initiate enforcement. He reminded Council that prior to the Mark Wendell Traffic Safety Act, the red light cameras violations were a violation of code and was enforced by law enforcement and went to the same Special Master, as does any code violation. Council Member Bernardini felt the fees should actually be in the ordinance.

City Attorney Fisher advised he was concerned, when drafting the ordinance, about the 8th Amendment protection against excessive fines. He pointed out that when law enforcement walks into these place, they're not walking out with 10 packages, they're walking out with 100, multiplied by \$250, there is potential for a huge 8th Amendment argument that it is unconstitutional. Legal counsel will keep abreast of any changes to the law. Attorney Fisher advised that possession of these substances is a 1st Degree Felony, punishable by 30 years in prison.

Mayor Bradburn asked for public input; there was none

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval of Ordinance No. 837.

City Clerk Peters read Ordinance No. 837 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 58, "OFFENSES AND MISCELLANEOUS PROVISIONS," BY ADDING ARTICLE III, "SYNTHETIC DRUGS"; PROHIBITING THE POSSESSION, SALE, OR MANUFACTURE OF SYNTHETIC DRUGS; PROVIDING A STATEMENT OF INTENT; PROVIDING FOR A TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR DETERMINATION OF A PRODUCT WHICH CONSTITUTES A SYNTHETIC DRUG; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR LABORATORY ANALYSIS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR INCLUSION IN THE CITY OF BROOKSVILLE CODE OF ORDINANCES; PROVIDING FOR FILING OF THE ORDINANCE AND AN EFFECTIVE DATE; PROVIDING FOR AMENDMENT BY RESOLUTION.

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

REGULAR COUNCIL MEETING – JULY 1, 2013

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

REGULAR AGENDA

Ordinance No. 834-A – Cross Connection

Consideration of an amending Ordinance correcting verbiage from the original Cross Connection Control Program referencing the frequency of Low Risk water users.

Director of Public Works, Richard Radacky, reviewed the revision of verbiage from the original ordinance of “annual” to “biennial”.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval of Ordinance No. 834-A.

City Clerk Peters read Ordinance No. 834-A by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, PROVIDING FOR LEGAL AUTHORITY AND ADMINISTRATION; PROHIBITING CROSS CONNECTIONS; PROVIDING FOR INSPECTION MONITORING AND MAINTENANCE OF SYSTEMS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND CERTAIN EXCEPTIONS; AND FOR AN EFFECTIVE DATE.

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

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

Florida League of Cities Voting Delegate

Consideration of designating one official to be the voting delegate of the Florida League of Cities 87th Annual Conference.

REGULAR COUNCIL MEETING – JULY 1, 2013

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Johnston for appointment of Mayor Bradburn as the Florida League of Cities Voting Delegate. Motion carried 5-0.

CITIZEN INPUT

Mayor Bradburn asked for public input.

James McCoy asked if he could speak with someone personally regarding his flooding problem. City Manager Norman-Vacha advised staff has met with Mr. McCoy and provided him with the requested paperwork. She advised they will continue to meet with him.

Kojack Burnett wished all a Happy 4th of July and thanked Staff for their work.

James Fisher, City Attorney

Attorney Fisher advised he is proud of the young men on the Hernando High School basketball team.

Joe Johnston, Council Member

Council Member Johnston asked the status of the letter the City Manager sent to the County Administrator regarding the Fire Rescue Services. City Manager Norman-Vacha advised she has not received anything further from the County and will be glad to meet with Council individually. She has been working with legal counsel regarding the map and MSTU section that was adopted by the County Commission.

Kevin Hohn, Vice Mayor

1st Tee Program

He congratulated Coach Tiffany on the 1st Tee program, which was moved to Southern Hills for ages 6-17. He advised there are 3 PGA professionals teaching the children.

Joe Bernardini, Council Member

Landscaping

Council Member Bernardini, referencing the fence by the Police Department, advised the weeds are overgrown. Chief Turner advised someone, maybe FDOT, is doing work there so the grass hasn't been mowed. He will check it out.

Cogon Grass in Park

Council Member Bernardini commented that Cogon Grass is all over the park and asked if there is something that can be done about it. Mayor Bradburn advised nothing kills it, you have to dig out each clump to eradicate it.

REGULAR COUNCIL MEETING – JULY 1, 2013

Red Light Cameras

He advised the County says they are going to put it on the ballot in 2014. He had spoken with Commissioner Rowden and informed her that there has been no formal request from the County to remove the cameras at Wiscon and 41.

He asked about the studies that were talked about in the beginning that Pierre DesJardins offered. Mayor Bradburn indicated it was talked about but she didn't think Council had accepted. Council Member Bernardini felt it should be done.

He commented about the yellow light decrease on a couple of the intersections after it was requested that they all be increased. Council Member Johnston advised state law requires it based on calculations and the County is the one who adjusts.

Fluoride Referendum

Council Member Bernardini is in favor of Fluoride but would like it placed on the ballot to see what the citizens think. Mayor Bradburn elaborated on the issue.

Frankie Burnett, Council Member

Red Light Cameras

Council Member Burnett indicated he'd seen more accidents lately because of people relying on the counters at intersections.

Board Appointments

He encouraged Council to consider appointing new people to boards to encourage more people to apply.

Citizen Complaints

Council Member Bernardini agreed with the Public Works department regarding flooding issue. He pointed out that staff is busy and sometimes it takes time to resolve issues. He elaborated on the process.

Firefighter Deaths

He asked that everyone keep the families of the Firefighters out West who lost their lives in their prayers.

Staff commendation

He commended the City Manager for her leadership and staff for their hard work.

Lara Bradburn, Mayor

Red Light Cameras

Mayor Bradburn advised that almost every county in the State of Florida has red light cameras. She pointed out, from the State report, that accidents have gone down 40% in those jurisdictions with red light cameras. She referenced that Hillsborough County's estimate of funds received were far less than anticipated. Further, she stated that she hopes that as our program progresses our citizens will learn to drive better and stop at red lights. It is her hope that accidents continue to decrease and that the County will work with the City on this.

REGULAR COUNCIL MEETING – JULY 1, 2013

Noise Ordinance

Mayor Bradburn asked if any progress had been made in updating the noise ordinance. City Manager Norman-Vacha advised staff is working on it and hopes to have it to Council soon.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:22 p.m.

Attest: Laura Bradburn David L. Vacha
Mayor City Clerk