

CITY OF BROOKSVILLE
COUNCIL CHAMBERS
201 HOWELL AVENUE
BROOKSVILLE, FL 34601

REGULAR CITY COUNCIL MEETING

MINUTES

September 15, 2014

7:00 P.M.

Brooksville City Council met in regular session with Mayor Kevin Hohn, Frankie Burnett, Vice-Mayor, Council Members Joe Bernardini, Lara Bradburn and Joseph E. Johnston, III, in attendance. Also present were Clifford Taylor, City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Bill Geiger, Community Development Director; Mike Walker, Director of Parks, Facilities & Recreation; Richard Radacky, Director of Public Works; Tim Mossgrove, Fire Chief and George Turner, Police Chief.

The meeting was called to order at 7:00 p.m. by Mayor Hohn followed by an Invocation and the Pledge of Allegiance.

PRESENTATION & REQUESTS FOR WAIVERS

Fee Waiver Policy 3-2012

Consideration of amendment to the Fee Waiver Policy.

City Manager Norman-Vacha reviewed the Policy change in Section 2-B as directed by Council. The balance of changes will come to Council at a later date.

Council Member Bradburn asked if there is a timeframe for the balance of changes. City Manager Norman-Vacha advised they would come back as soon as possible.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Bradburn for approval of the amended Fee Waiver Policy 3-2012. Motion carried 5-0.

Bluesapalooza Music Festival Fee Waiver Request

Consideration of request for fee waiver in the amount of \$351.20 for the event scheduled for September 20, 2014.

The event coordinator was not in attendance. Council consensus was to hold off on discussion until later in the agenda process. Council readdressed the request at 8:36 p.m., before adjourning to the CRA Meeting.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice-Mayor Burnett for approval of a fee waiver in the amount of \$175.60 with the stipulation that they check with the Sheriff's Department for other arrangements. Motion failed 3-2 with Council Member Bernardini, Council Member Johnston and Mayor Hohn voting in opposition.

Council Member Bradburn asked why. Council Member Johnston advised because we are still in the current fiscal year and fee waivers are over budget.

Veteran's Appreciation Parade Fee Waiver Request

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Consideration of request for fee waiver in the amount of \$413.08 for the annual Veteran's Appreciation Parade scheduled for November 8, 2014.

Risk Manager for Hernando County, Cristie Charlow, and Anna Liisa Covell reviewed the event. Vice-Mayor Burnett asked if Council would consider approval on a case-by-case basis. Council Member Johnston advised it had been discussed that it would have to be a super-majority vote but it has not been added to the policy yet. Vice-Mayor Burnett stated he is asking because he would vote for the full amount if possible.

Council Member Bernardini asked how much the Hernando County Board of County Commissioners is contributing. Ms. Charlow stated they are providing advertising through various county websites. She advised the budgeted figure for assistance is \$1500. Council Member Bernardini pointed out that the waiver amount is mostly for law enforcement and asked if the Sheriff's Department was contacted to help with the event. Ms. Charlow stated she has not contacted them since the event is within City limits and the City police have been used in the past. She stated that she would be willing to contact the Sheriff's Department to ask them for support.

Mayor Hohn suggested moving this request to the next agenda. Anna Liisa Covell advised that the delay would affect the planning of the event. She introduced Brian Covell who will be taking over as coordinator in the future. She reviewed some options for reducing the police coverage.

Cristie Charlow advised that Cliff Manual and David Donato will co-sponsor with the County and pay the 50% balance.

Brian Covell advised he will be taking over as future coordinator for the parade and expressed appreciation for Vice-Mayor Burnett's support.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Bradburn for approval of a fee waiver in the amount of \$206.54. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Constitution Week Proclamation

Proclamation in honor of the 59th Annual Constitution Week to be presented to representatives of the Daughters of the American Revolution.

Mayor Hohn read the proclamation in its entirety, which was presented to members of the Daughters of the American Revolution who were present.

Charter Ballot Amendment

Update on the Charter Ballot Amendment issue.

City Attorney Cliff Taylor updated Council on the red light camera cases. He advised one case was won by the City that had been sent to the Appellant Court which included the issue of careful and prudent turns on red. Mayor Hohn asked if the judge had commented on the issue. City Attorney Taylor advised it was a PCA so there was no comment.

Regarding the Charter amendment, there are two hours set aside on October 14th before a judge for the City's summary judgment as well as respondents' Motion for Mandamus. A trial date is set for December 2nd if needed. He advised that both the City and respondent agree that there are no factual issues.

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Mayor Hohn asked about the possible outcomes of the hearing. City Attorney Taylor advised, regarding the Mandamus action, if the court ruled the City had a duty to send it to the Supervisor of Elections Office then they would have to do that. He feels they should prevail on the summary judgment which would mean the ballot as written is not proper as a charter amendment. He stated the court could still avoid taking a position and go to trial. He also advised that we are set for County Court on October 20th for three straight-through violations.

Council Member Bernardini expressed disappointment that the citizens have had to go through this frustration. Council Member Johnston advised Council action has not put the City in this position; it is the language of the petition. He stated that he does not want to see something binding future Councils that is unconstitutional. Discussion continued.

CITIZEN INPUT

Mayor Hohn called for citizen input.

Pat Miketinac commented on the lawsuit filed by Keep Florida Roads Safe against him, Shirley Miketinac and the Supervisor of Elections. He also discussed polls conducted of Brooksville residents regarding the red light cameras.

Shirley Miketinac commented on the lawsuit filed and the money collected by the red light cameras.

Mayor Hohn asked Shirley Miketinac to clarify if Commissioner Adkins and the County Attorney had helped with the petition. She confirmed but did not know if county employees had spent time working on it. Council Member Bradburn added that Commissioner Adkins has stated that County resources had been used for that purpose.

CONSENT AGENDA

Revised FDOT Traffic Signal Maintenance and Compensation Agreement

Consideration of revised agreement effective July 1, 2014 through June 30, 2015.

Council Member Bradburn asked if the County shares any of it's portion with the City. City Manager Norman-Vacha advised these funds are for traffic signals/beacons in the City and the County does not get paid by the State for these signals.

Rising Sun Bistro & Market Special Revocable License Agreement

Consideration of Special Revocable License Agreement with owners of Rising Sun Bistro & Market, for use of sidewalk in front of the business located at 10 S. Main St. and adjacent building (Patricia's Boutique) for placement of tables and chairs for a 10-year term, with automatic 5 year renewal terms.

Council Member Bernardini felt 10-year should be changed to 5-year terms with an additional 5-year term.

Council Member Johnston agreed that ten years is a lot and he does not have a problem with five years. He pointed out they are authorizing a neighboring business to use the sidewalk in front of another business. He would prefer to see consent from the owner of that building and something in the agreement language stating they would be notified if the building is sold. He also thinks they should have to provide consent again at the time of renewals.

Bill Geiger, Director of Community Development, advised Patricia's owner has given approval to use the sidewalk in the front of her business. Director Geiger advised these types of agreements are conditional at all times. This item was pulled for the purpose of reducing the term to 5 years and obtaining a new consent from the building owner of Patricia's Boutique.

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Hernando Youth League (HYL) Agreement

Consideration of the continuance of the user agreement with HYL for a 1-year term through October 3, 2015.

Employee Healthcare Benefit Coverage Renewals

Consideration for renewal of employee healthcare benefit insurance coverage for FY2015.

Interlocal Agreement - Technology Services

Consideration for revised interlocal agreement with Hernando County Board of County Commissioners for Technology Services.

Council Member Bradburn pointed out that the agreement does not include software updates which can be very expensive. She asked about the City providing its own service. City Manager Norman-Vacha advised the service would require networking software which the County currently owns. She stated that they do not include that when billing the City. Referring to the team of staff at the County, she said we could potentially get one qualified person to do networking, help desk and phone service. She stated she would not recommend the agreement if she did not believe it was a good deal and she has not found a cheaper solution. She also commented on the expense of switches, servers and the necessary licensing. Council Member Johnston felt this to be along the same lines of the agreement for 911 services.

Motion:

Motion was made by Council Member Johnston and seconded by Vice-Mayor Burnett for approval of Consent Agenda Items 1, 3, 4 and 5, removing Item 2 for a later date. Motion carried 5-0.

PUBLIC HEARING

- Entry of Proof of Publication into the Record

Mayor Hohn called for proof of publication. City Clerk Peters advised Item G-1 was publicly noticed in the September 12, 2014, edition of the Hernando Times and Item G-2 was published in the September 5, 2014, edition of the Hernando Times. Copies of all notices are on file in the City Clerk's office.

Resolution No. 2014-15 - Penny for Projects Initiatives

Consideration of a resolution establishing an initial list of City projects pertaining to the shared distribution and use of the one-cent local government infrastructure surtax.

Bill Geiger, Director of Community Development, reviewed the resolution which establishes projects to be funded by the surtax. He reviewed the projects involving North Avenue, Main Street and Providence Boulevard. He advised other funds would have to be acquired along with the surtax.

Council Member Bradburn asked Director Geiger about the selection of the projects. He advised he coordinates with the Planning Director at the Regional Planning Council on projects that will improve the economic development of the City. Council Member Bradburn pointed out that the list was never brought to Council before being submitted to the Regional Planning Council. Director Geiger commented on the similar improvements that Council has discussed. He stated that Providence Boulevard has been in the Capital Improvement Plan for a number of years. He believes Council has been involved in selection through the budgetary process, Community Redevelopment Plan and the Recreation Master Plan for Main Street. He advised the Interlocal Agreement between the City, School Board and Hernando County requires that Council adopt a list before October 1st.

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Council Member Johnston, regarding the North Avenue sidewalk project, asked why it terminates at Whiteway Drive and does not extend to Hammock Road. Director Geiger indicated right-of-way issues have prevented it.

Council Member Bernardini asked about part of the development site on the south side of North Avenue believing that it was required to have a sidewalk. Director Geiger advised it is no longer a requirement since it was site specific to that project and it was never built.

Vice-Mayor Burnett pointed out that Main Street improvements include Liberty Street to Martin Luther King, Jr. Boulevard and Martin Luther King, Jr., Boulevard to State Road 50.

Council Member Bradburn reviewed alternate route options for the Providence Boulevard project, as well as areas for commercial development on Champion Drive. Council discussion continued.

Mayor Hohn called for further public input; there was none.

Motion:

Motion was made by Vice-Mayor Burnett and seconded by Council Member Johnston for approval of Resolution No. 2014-15.

City Clerk Peters read Resolution No. 2014-15 by title, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BROOKSVILLE, FLORIDA, ADOPTING A LIST OF SPECIFIC
PROJECTS WHICH WILL BE FUNDED WITH THE PROCEEDS
OF THE ONE-CENT LOCAL GOVERNMENT INFRASTRUCTURE
SURTAX FOR COMMUNITY INVESTMENT, AND PROVIDING
FOR AN EFFECTIVE DATE.**

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

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

Ordinance No. 841 - Budget Amendment for Fiscal Year 2015

Consideration of an Ordinance to amend the current year, Fiscal Year 2015 budget in order to close Special Revenue Funds due to their non-compliance with GASB 54 criteria. **[First Reading 08/18/14]**

City Manager Norman-Vacha reviewed the ordinance indicating this is the second reading.

Council Member Bradburn stated that she feels there is a better way to spend these funds. Mayor Hohn, referring to his experience with GASB, does not feel Council had a choice in the matter.

Mayor Hohn called for public input, there was none.

Motion:

Motion was made by Vice-Mayor Burnett and seconded by Council Member Johnston for approval of Ordinance No. 841.

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City Clerk Peters read Ordinance No. 841 by title, as follows:

AN ORDINANCE AMENDING THE FISCAL YEAR 2013/2014 BUDGET FOR THE GENERAL OPERATIONS OF THE CITY OF BROOKSVILLE, FLORIDA, CLOSING FUNDS 120, 124 AND 134.

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

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

REGULAR AGENDA

Resolution No. 2014-14 – Florida Department of Transportation (FDOT) – Annual Veteran’s Appreciation Parade Route.

Consideration of approval of Resolution supporting the Annual Veteran’s Appreciation Parade route and closing of State Road 50/Jefferson Street and U.S. Highway 41/Broad Street on November 8, 2014.

City Clerk Peters advised this is the annual permit request to FDOT to close Main Street at Jefferson Street and Broad Street for the annual Veterans Parade.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of Resolution No. 2014-14.

City Clerk Peters read Resolution No. 2014-14 by title, as follows:

A RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD STREET BETWEEN ORANGE STREET AND MAGNOLIA AVENUE IN DOWNTOWN BROOKSVILLE ON SATURDAY, NOVEMBER 8, 2014; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

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

ADJOURN TO COMMUNITY REDEVELOPMENT AGENCY MEETING

The regular meeting of Council adjourned to the CRA Meeting at 8:38 p.m.

RECONVENE REGULAR COUNCIL MEETING

The regular meeting of Council reconvened at 9:37 p.m.

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CITIZEN INPUT

Mayor Hohn called for citizen input.

Shirley Miketinac advised September 17th there will be a group of citizens reading of the Constitution on the courthouse steps. She asked about an article written in 2013 which Mayor Hohn discussed the petitions.

Pat Miketinac commented about the representation of Jim Adkins.

Natalie Kahler, on the CRA issue, advised she is concerned with the size of the fonts on the signs. She pointed out the parking signs are ten feet tall with one inch letters.

Kojack Burnett stated that he preferred the City of Brooksville on the signage instead of just Brooksville.

ITEMS BY COUNCIL

T. Jennene Norman-Vacha, City Manager

City Manager Norman-Vacha advised the final public budget hearing is at 6:30 p.m. on Wednesday, September 17th.

Joseph E. Johnston, III, Council Member

Great Brooksvillian Sign & Great Floridian Sign

Council Member Johnston pointed out a grammatical error. He stated it should read “Honorees” instead of “Honoree’s”.

He congratulated the City Manager on her appointment to the Law Enforcement Accreditation Board.

Closing of Fort Dade and Main/Howell intersection

He asked why the intersection was closed all weekend. City Manager Norman-Vacha advised the bricks needed to be cleaned and sealed. She will review other options.

Red light cameras

He wanted to know if the petitioners were told where the monies were being spent. He pointed out that the City has instituted a project to pave every single road using money from the red light camera violations. He advised 80%-85% of those funds are coming from people who live outside the City so the taxpayers don't have to pay for it. He does not believe the people understand where the money is going and how it benefits taxpayers and residents in the City.

Lara Bradburn, Council Member

Leona Bectelheimer

Board Member Bradburn recognized Leona Bectelheimer, former Tax Collector, that passed away this week.

Joe Bernardini, Council Member

Minutes

Council Member Bernardini commented that if something is mentioned for the record it should be in the minutes. He referred to the discussion about take home police cars.

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Recycling

He advised that recycling is Wednesday.

He expressed his condolences to the Weeks, Russo and Bectelheimer family.

Red light cameras

Referring to bicyclists, he does not feel that the violations are equally enforced. He also stated that people should be able to sign an affidavit if they were not driving the vehicle without being asked additional questions. He believes it is the Police Department's job to investigate who else may have been driving. He has asked several times that some type of crosswalk marking be added to Magnolia Avenue and South Brooksville Avenue where people cross Broad Street and Jefferson Street. He commented on Council's decision not to put something on the ballot about red light cameras.

Special Events Waiver

He asked if we could use some of the same recycling practices required by the City of Hermosa Beach.

Frankie Burnett, Vice-Mayor

Red light cameras

Vice-Mayor Burnett advised he did talk to the people.

Signage Terminology

He agrees with the Mayor that the signage should read City of Brooksville.

Community Development Director

He apologized to Director Geiger for putting him on the spot during the CRA discussion.

He expressed appreciation to the City Manager and staff for their work.

Kevin Hohn, Mayor

Red Light Cameras

Mayor Hohn believes the question used for the red light camera poll a was biased question.

He agreed with Chief Turner's comments in a recent newspaper report about this being state law and not something Council created. He read the statement that Council's only decision was to make the right on red 5 mph. He commented on the lack of posted signs warning drivers of the limit and how FDOT will not put up signs even though it is statute. He said it's always been about safety for him but he thinks there is a problem with the fairness. He is bothered by the interpretation of the law for "safe and prudent". Considering the affect it has on everyone in the area, he asked for either a workshop or vote to change the safe and prudent speed limit to 15 mph. Council Member Bradburn asked if staff has the ability to provide a breakdown of the speed people are traveling when cited. She suggested using the highest percentages to determine the best limit.

City Attorney Taylor advised against making a decision on percentages. He thinks it should be based on safety and advised the vendor may like to come speak on the issue.

Mayor Hohn asked for more information on safety and current statistics, including this year's monthly breakdown of tickets issued. He also asked for the speed limit to be included.

Council Member Bernardini questioned the places where the photo is taken and the speed is clocked. He continues to question the validity of the instrument.

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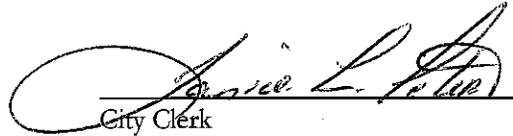
Mayor Hohn is interested in hearing from the other jurisdictions about their speed limit choices.

Council consensus was to schedule a workshop on October 22nd at 7:00 pm for red light camera safety and statistics. City Manager Norman-Vacha stated she will distribute a proposed list of items to be discussed so Council Members can get with her on any additions prior to the Workshop.

Council Member Bernardini commented on the time needed to review materials and requested they be provided with all details ahead of the meetings. Vice-Mayor Burnett pointed out that Council has to allow staff the time to satisfy their requests.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:23 p.m.


City Clerk

Attest: 
Mayor