

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

June 21, 2010

7:10 P.M.

Brooksville City Council met in regular session with Mayor Lara Bradburn, Vice Mayor Richard E. Lewis and Council Members Joe Bernardini and Frankie Burnett present. Also present were Jennifer Rey, 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 Radacky, Interim 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 Bradburn, followed by an invocation and Pledge of Allegiance

Mayor Bradburn asked that the American Traffic Solutions Contract be added to the agenda as Item G-5.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett to add the item to the agenda. Motion carried 3-1 with Council Member Bernardini voting in opposition.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to the property owned by Bobby Meadows, located at 100 S. Main Street, occupied by the business known as Bobby Meadows Printing & Antiques.

Sally Sperling, Beautification Board Chair, reviewed the property associated with the award. She and Mayor Bradburn presented the award to Bobby Meadows.

Beautification Board Student Member Certificate of Appreciation

Presentation to the Beautification Board's student member, Levi Hancock for his dedication and commitment to the board from December 2009 to June 2010.

Sally Sperling, Beautification Board Chair, reviewed the Certificate of Appreciation to Levi Hancock, who was not present. The certificate will be delivered to him.

Progress Energy Presentation of Rebate

Presentation of second rebate check for energy efficient light retrofits the City has installed.

Gary Renfro, Senior Account Executive, reviewed the rebate and presented the check in the amount of \$1,353.03 to Council. Mike Walker, Director of Parks, Facilities & Recreation, indicated the cost of the projects for the two (2) facilities materials was \$5,863.92 and stated the rebate program is a great incentive.

Parks & Recreation Month Proclamation

Proclamation recognizing July as Parks & Recreation month.

Mayor Bradburn read the proclamation in its entirety and presented it to Mike Walker, Director of Parks, Facilities and Recreation Department.

APPROVED BY BROOKSVILLE

CITY COUNCIL

ON 9/20/10 INITIALS JS

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Mayor Bradburn recognized Mr. Walker for his leadership role in this week's ball tournament.

Mike Walker indicated he will continue to bring baseball and softball tournaments to the City for their economic impact.

Probation, Parole & Community Supervision Week Proclamation

Proclamation recognizing community corrections professionals during the week of July 18-24, 2010.

Mayor Bradburn read the proclamation in its entirety and presented it to Lois Black-Hamilton, Office Manager for the Brooksville Probation and Parole Office, who indicated they supervise felony adult offenders within the community.

Mayor Bradburn adjourned the meeting to convene as the Fire District Board at 7:30 p.m. and reconvened the Council Meeting at 7:36 p.m.

Status Update - Impact Fees

Update and direction from Council regarding pursuit of impact fees.

City Attorney Rey updated Council on the pursuit of impact fees and asked for direction from Council. She indicated that if Council chooses to take no action the City will be tied into the County's Impact Fee program which will revert December 1, 2010, back to the rates in effect prior to the adoption of Ordinance 2009-14; provided the County does not take further action.

Vice Mayor Lewis stated he is in favor of staying with the program since the County has agreed to pay all legal fees if it is challenged. Mayor Bradburn stated there is not likely to be a challenge since the supporting data has already withstood challenge.

Council Member Bernardini asked for the total amount for impact fees if it had not been lowered. He agreed it will not likely be challenged since that has not yet happened. Director Geiger indicated about \$20,000 based on residential permits issued versus \$8,000 that was reported.

City Attorney Rey pointed out there would have to be termination of the existing interlocal agreement that the City has with the County opting into their impact fee ordinance program. The City would then have to take the necessary steps to have its own impact fee ordinance in place prior to the effective date of termination of the interlocal agreement. She indicated this could run concurrent depending on time of notice to implement an impact fee ordinance. Mayor Bradburn pointed out the same data was compiled for the County and the City so there is no difference between populous and impact. She stated it is prudent to wait for the County's actions on this matter.

Vice Mayor Lewis pointed out that the County more than doubled the impact fees in 2005 and lowered them in December 2009 due to the drop in the economy.

CITIZENS INPUT

Mayor Bradburn asked for public input; there was none.

CONSENT AGENDA

Minutes

May 17, 2010 Regular Meeting

Department of Corrections - Work Crew Contract #WS557 Amendment

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Consideration of Inmate Work Squad Contract #WS557 for an amount not-to-exceed \$56,467.

Good Neighbor Trail Phase 2B Professional Services Budget Amendment

Consideration of budget amendment in the amount of \$23,250 for Coastal Engineering Associates, Inc. to furnish professional services in connection with the Good Neighbor Trail Phase 2B project.

Council Member Bernardini asked that items 3 and 5 be removed for discussion. Mayor Bradburn asked that item 2 be removed for discussion as well.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval of the Consent Agenda Items 1, 4 and 6. Motion carried 4-0.

City Welcome Sign Bid No. GG2010-02 Award

Consideration of award to Wolf Contracting, Inc. for an amount not-to-exceed \$7,829 and authorize the Mayor to sign the agreement after Legal Counsel review.

Mayor Bradburn stated the sign may need to be widened in order to adequately see the lettering from the road. She recommended approval since staff has discussed this with Wolf Contracting, Inc., which will result in a change order.

Vice Mayor Lewis asked if there is a permit in place with Florida Department of Transportation. City Manager Norman-Vacha indicated it is on Southern Hills property where there is also a lift station owned by the City. Director Radack pointed out the contractor agreed to apply for the permit.

Council Member Bernardini advised that location was chosen for the lighting and availability of water should there be plantings in the future.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Bernardini for approval of the bid award not to exceed \$10,000 should amendments need to be made. Motion carried 4-0.

2010 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds

Consideration of agreement to the allocation of JAG Program funds and authorize the Mayor to sign required letters of approval to FDLE.

Council Member Bernardini asked about the Marked Patrol Vehicle Purchase Program, which Chief Turner reviewed. It was noted that the Substance Abuse Policy Advisory Board oversees the Justice Assistance Grants Program funds.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Lewis for approval. Motion carried 4-0.

Budget Amendment – Fund 109 and Fund 502

Consideration of budget amendments and expenditures for the Police Department.

Council Member Bernardini asked if the increased area size of the fence had ever been discussed. City Manager Norman-Vacha indicated it was under the \$6,000 window requiring bidding and it was an expansion, therefore it was not brought before Council.

Council Member Bernardini indicated he is not pleased with the aesthetics of the chain link fence.

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Mayor Bradburn would have preferred to see a stockade fence. She asked if plantings could be used to camouflage the fence. Chief Turner will meet with Parks and Recreation Director Walker to discuss. He advised his intention is to remove the old blue slats that will be replaced with white slats.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Lewis for approval of the budget amendment. Motion carried 4-0.

PUBLIC HEARINGS

Entry of Proof of Publication into the Record

Mayor Bradburn called for proof of publication. City Clerk Peters indicated Item F1 was published on Friday, June 11, 2010, in the Hernando Today legal section of the Tampa Tribune.

Ordinance No. 758-A - Traffic Light Safety Amendment.

Consideration of changes to the ordinance per newly adopted Florida Statutes concerning red light cameras.

City Attorney Rey briefly reviewed the Ordinance for a second and final reading which will become effective on July 1st.

Mayor Bradburn asked for public input.

Pierre Desjardins inquired of the newly adopted statutes. Mayor Bradburn stated the legislature passed a law governing red light cameras to assist the State in paying for their programs.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Bernardini for approval to eliminate the entire red light camera program.

Mayor Bradburn reminded Council that traffic accidents have been reduced by thirty-five percent (35%) within the City of Brooksville since the program started, which was discussed. Steve Baumgartner, Director of Finance, indicated \$598,994 has been brought in during the first six (6) months of 2010 which does not account for monies paid to American Traffic Solutions for contractual services. Discussion ensued regarding the dangers of red light running to which Chief Turner felt it would be counter productive to remove the cameras. He also indicated cameras can now be installed on a State right-of-way where that could not be done when they were first installed.

Mayor Bradburn asked for clarification of the motion which does not pertain to the item.

Council Member Burnett asked for legal ramification of suspending the program to which City Attorney Rey indicated if this Ordinance is not approved then it would not be compliant with State Statute and renders it unenforceable. The program would have to be suspended until Council could take formal action to repeal the current Ordinance. Due to the legislative changes, American Traffic Solutions has been notified of a potential termination of the agreement as of June 30th.

The previous motion was withdrawn.

Motion:

Motion was made by Vice Mayor Lewis to deny Ordinance No. 758-A. Motion died for lack of a second.

Council Member Bernardini indicated he would agree to table the Ordinance until the July 19th

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meeting.

City Attorney Rey reviewed the ramifications of not approving the Ordinance and how it pertains to the American Traffic Solutions agreement.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval of Ordinance No. 758-A.

City Clerk Peters read Ordinance No. 758-A by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ORDINANCE 758 RELATING TO TRAFFIC LIGHT SAFETY; PROVIDING FOR LEGISLATIVE FINDINGS AND PURPOSE; ESTABLISHING DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF TRAFFIC CONTROL SIGNAL MONITORING SYSTEM FOR RED LIGHT INFRACTIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES AND COLLECTION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REFERRAL OF APPEALS TO HEARING OFFICERS AND MATTERS RELATING THERETO; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Absent
Council Member Burnett	Aye
Council Member Bernadini	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye

Vice Mayor Lewis asked that the Chief of Police break down the numbers pertaining to reduction in accidents for the next Council meeting.

REGULAR AGENDA

American Traffic Solutions Contract

Motion:

Motion was made by Vice Mayor Lewis seconded by Council Member Bernardini to move the added item from G5 to G1. Motion carried 4-0.

Motion:

Motion was made by Vice Mayor Lewis to deny the American Traffic Solutions Contract amendment seconded by Council Member Bernardini. Motion carried 4-0. Mayor Bradburn indicated she could not approve a contract handed to her that evening.

Ordinance No. 809 - Utilities Deposit Refund

Consideration of ordinance authorizing the refund of meter deposits for residential customer

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accounts with a good credit history.

Steve Baumgartner, Director of Finance, reviewed the ordinance relating to the refunds and cycle billing. He indicated the refunds would begin in August to utility customers with good credit history, per a resolution staff is working on. He clarified that the refund would be in the form of a credit to their utility bill.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval.

City Clerk Peters read Ordinance No. 809 by title, as follows:

AN ORDINANCE AMENDING CHAPTER 86 "UTILITIES", OF THE CODE OF ORDINANCES; AMENDING ARTICLE III, "SEWERS", DIVISION 1. GENERALLY, BY DELETING SECTION 86-106; AMENDING ARTICLE IV, "SERVICE RATES, CHARGES AND BILLING", DIVISION 1. GENERALLY, SECTION 86-186 TO PROVIDE FOR CYCLE BILLING; AMENDING ARTICLE IV, "DEPOSITS", DIVISION 2. GENERALLY SECTION 86-211 THROUGH 89-221 TO PROVIDE FOR REFUND OF DEPOSITS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Motion carried 4-0 upon roll call vote, as follows:

Council Member Burnett	Aye
Council Member Bernardini	Aye
Council Member Johnston	Absent
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye

Ordinance No. 810 – Elections Code Amendment - Qualifying

Consideration of ordinance replacing emergency ordinance amending the City's Election Code Section 30-5.

City Attorney Rey reviewed the ordinance, stating Council previously enacted an emergency ordinance to clarify this code to the qualifying period being held in conjunction with the County. Current Code and Charter states emergency ordinances expire sixty (60) days after in which they are adopted so in order to make this permanent it was necessary to bring this Ordinance back for a first reading.

Vice Mayor Lewis pointed out that in the second paragraph it states twice that City Council has previously adopted Ordinance Number 553 and suggested it be listed only once. He next pointed out paragraph 8 states "Whereas Council at its June 7, 2010 meeting adopted Emergency Ordinance 808" which was only seven (7) days prior to the qualifying date on June 14th.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval as amended.

City Clerk Peters read Ordinance No. 810 by title, as follows:

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AN ORDINANCE FOR PERMANENCE OF THE CHANGES PROVIDED IN EMERGENCY ORDINANCE 808 AMENDING THE CODE OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 30, "ELECTIONS;" AMENDING SECTION 30-5 CANDIDATE QUALIFYING FOR OFFICE; PROVIDING FOR CODIFICATION, CONFLICTS, REPEALING, SEVERABILITY AND AN EFFECTIVE DATE.

Motion carried 3-1 upon roll call vote, as follows:

Council Member Bernardini	Aye
Council Member Johnston	Absent
Council Member Burnett	Aye
Vice Mayor Lewis	Nay
Mayor Bradburn	Aye

Ordinance No. 811 – Moratorium for Pain Clinics

Consideration of ordinance establishing a moratorium on pain clinics to allow staff time to review the matter and make further recommendations to Council as to specific amendments or modifications to the City's Land Development Code.

City Attorney Rey reviewed the ordinance and stated at Council's June 7th meeting it was decided to declare a moratorium on pain clinics whether new or expansion. In order to effect that policy decision, this Ordinance is being brought forward for consideration on first reading. The City's ability to regulate relates to permits and the City may or may not have an alert mechanism in place to know that facility exists. There are some limitations on this Ordinance based on Council's direction.

A new state law regarding pain clinics was discussed.

The process of new business moving into the City was discussed by Fire Chief Mossgrove and Director Geiger.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Burnett for approval.

City Clerk Peters read Ordinance No. 811 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA; DECLARING ZONING IN PROGRESS AND A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY PETITION OR ANY APPLICATION FOR THE ESTABLISHMENT OF PAIN MANAGEMENT CLINICS AS DEFINED HEREIN; PROVIDING THAT ZONING IN PROGRESS AND THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD OF ONE (1) YEAR OR WHICH SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF LAND USE AND DEVELOPMENT REGULATIONS TO REGULATE PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR A DEFINITION OF PAIN MANAGEMENT CLINIC; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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Motion carried 4-0 upon roll call vote, as follows:

Council Member Johnston	Absent
Council Member Burnett	Aye
Council Member Bernadini	Aye
Vice Mayor Lewis	Aye
Mayor Bradburn	Aye

Citizen's Advisory Task Force for the Community Development Block Grant Program (CDBG)

Board Appointments

Consideration of appointments to the CDBG board.

Bill Geiger, Director of Community Development, reviewed the changes concerning the appointment of Board Members to the Community Development Block Grant as well as the urgency to appoint members for the current grant cycle of \$750,000.

Director Geiger added that given the short period of time to meet this cycle's deadline of July 22nd which includes two (2) public hearings, a public meeting of the Citizen's Advisory Task Force has to occur at least two (2) weeks prior to the second public hearing of the local governing body to consider the grant application. City Council must consider the grant application at a public hearing on July 19th. He indicated there was a meeting with Hernando County staff and City Utilities staff to put a scope together consistent with the County application process. The volunteer grant consultant will be taking care of the surveying requirement with authorization from the City Manager.

Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis for appointment of Lisa Callea, Tim Mossgrove and JoAnn Munford to the Community Development Block Grant Board. Motion carried 4-0.

CITIZENS INPUT

Mayor Bradburn asked for public input.

Dr. Pierre Desjardins stated the Red Light Camera program has provided behavioral modification for him personally. He said there was a study done in San Diego that indicated it increased accidents in the city but they continued with the program due to the revenue. He is opposed to the program due to government interference and big brother looking over our shoulders. He advised that should a study be conducted to show a reduction in accidents then he would support it and would be willing to research an unbiased study and present it to City Council.

ITEMS BY COUNCIL

Joe Bernardini, Council Member

Citizen complaint

Council Member Bernardini advised he received a complaint regarding Sewer Rehab contractors not wearing safety vests, which could be a liability issue for the City.

Hot Summer Nights

He indicated it was very well attended and would like it to continue and grow. He recommended recycling bins be placed at these types of events.

Reminders

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He would like reminders or staff set up a tickler system with issues discussed by Council.

Frankie Burnett, Council Member

South Brooksville Revitalization

He recommended establishing a team like the Community Initiatives Team for the entire City.

Richard E. Lewis, Vice Mayor

Storm water Issue

He would like City and County staffs to discuss drainage assessment to prorate storm water collection by the City and to have the County return the funds to the City. He would like this to be included during budget workshop time for discussion.

Mayor Bradburn indicated she has discussed this with the County Administrator.

City Manager Norman-Vacha stated that in 2005 the City and residents agreed to participate in the County's MSTU (Multiple Service Taxing Unit) followed by an Inter local Agreement that stated how those funds would be utilized by the City. City Council and the Board of County Commissioners would have to adopt this for authorization to spend those funds. The City could choose to opt out of the County's MSTU and establish a special assessment for storm water management. Staff has been working on this project for a year and it will be brought back to Council in July or August.

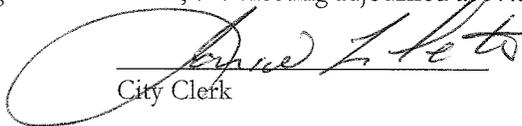
Lara Bradburn, Mayor

Summer Nights

Mayor Bradburn indicated the event was well attended and commended all who made it happen.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:43 p.m.


City Clerk

Attest: 
Mayor