

11/15/10

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

August 2, 2010

7:00 P.M.

Brooksville City Council met in regular session with Mayor Lara Bradburn, Vice Mayor Richard E. Lewis and Council Members Joseph E. Johnston, III, Joe Bernardini and Frankie Burnett 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 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.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Florida Water Professionals Week Proclamation

A Proclamation proclaiming August 16 – 20, 2010, as Florida Water Professionals Week.

Mayor Bradburn read the proclamation in its entirety and presented it to Will Smith, Supervisor of Utilities and Richard Radacky, Director of Public Works.

Housing Outreach Project for Hernando County

Carla Looper, President, Nature Coast Human Resources Society, reviewed the program and asked the Mayor to attend the opening ceremony of the Florida Housing Help Workshop at Hernando High School on November 13th and also requested police for traffic control.

U.S. Census Bureau Presentation

Presentation of plaque in appreciation of the City's outstanding contributions to the 2010 Census.

Leon Armstrong, Jr., Partnership Specialist, presented Council with a plaque and letter of commendation in appreciation for its support in counting the citizens of the City of Brooksville. He indicated the final numbers will be finalized in September.

Mayor Bradburn indicated there were changes to the agenda. Pierre Desjardins requested Council reopen the debate of the merits on the red light camera and that Council re-vote on the issue and waive the 3-minute rule.

Council Member Johnston asked for clarification, which was briefly discussed.

Motion:

Motion was made by Council Member Burnett and seconded by Vice Mayor Lewis to add the discussion of the red light camera issue to the agenda. Motion carried 3-2 with Council Member Johnston and Mayor Bradburn voting in opposition. It would be the first item under the Regular Agenda.

Council consensus was to amend the time limit, which was briefly discussed as well. Pierre Desjardins asked for a show of hands of those wishing to yield their 3 minutes; there were 12 at 3 minutes for a total of 36 minutes. He indicated he probably would not need that much time.

APPROVED BY BROOKSVILLE

CITY COUNCIL

ON 11/15/10 INITIALS ll

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Mayor Bradburn indicated the City Manager Evaluation would need to be removed from the agenda because Council Member Bernardini has not submitted his review. He wished to meet with the City Attorney on the matter before submitting.

CITIZENS INPUT

Mayor Bradburn asked for public input.

Jake Oudshoorn inquired of pump repairs and golf cart storage at the Quarry Golf Course, as well as the opening of the Enrichment Center on November 1. He felt the daily rates are costly and asked that they be reduced. City Manager Norman-Vacha indicated plans are moving in the direction to open November 1. The improvements slated for the summer are a different issue than the building of the Enrichment Center. Over the next few weeks other improvements to the golf course will be brought to Council for approval. She indicated rates are being reviewed. The issue of a 6-hole course, grasses, and problems with greens has all been discussed.

Tom Dye thanked Council for addressing his concerns via email.

CONSENT AGENDA

Brooksville Professional Fire Fighters Local 4661

Consideration of approval of the First Amendment to the Collective Bargaining Agreement and authorization for the Mayor to sign.

Front Loader Garbage Truck Purchase

Consideration to purchase a replacement front loader truck with a 40-yard body for an amount not-to-exceed \$216,593 and surplus of the 1999 Peterbilt Truck and body via the next Hernando County auction.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval of the Consent Agenda. Motion carried 5-0.

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, July 23, 2010, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavit for the record.

Ordinance No. 754-D – Firefighters' Retirement Trust Fund Amendments

Consideration of approval of ordinance amending Sections 4 and 5 of the City of Brooksville Firefighters' Retirement Trust Fund.

[First Reading 07/19/10]

Tim Mossgrave, Fire Chief, briefly reviewed that the ordinance changes to the trust fund.

Mayor Bradburn asked for public input; there was none.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval.

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City Clerk Peters read Ordinance No. 754-D by title, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING THE CITY OF BROOKSVILLE FIREFIGHTERS' RETIREMENT TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 525-I, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

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

Ordinance No. 812 – Cemetery Annexation

Consideration of voluntary annexation of 51.50 acres \pm , located north of Olmes Road and south of Mondon Hill Road between Champion Drive and Jasmine Drive.

Bill Geiger, Director of Community Development, reviewed the annexation of the City of Brooksville Cemetery property. This is the first of a two-part process to meet the contiguous process required by Florida Statutes Chapter 171. The Planning and Zoning Commission concurred with staff recommendations at their July meeting.

Director Geiger indicated no enclaves are being created by the annexation. Council Member Bernardini requested a larger area map showing boundaries be provided for the second reading.

Motion:

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

Mayor Bradburn asked for public input.

Doug Davis, Cemetery Board Member, indicated he is in favor of the annexation.

City Clerk Peters read Ordinance No. 812 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY, PARCEL'S ID NO. R23 422 19 0000 0480 0000 AND R26 422 19 0000 0050 0000, A PORTION OF THE BROOKSVILLE CEMETERY, INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Mayor Bradburn announced a second reading is scheduled for the August 16, 2010, meeting.

REGULAR AGENDA

Red Light Camera Discussion

Joe Mason requested staff be allowed to present their report. Mayor Bradburn advised the report had already been reviewed and staff would be available to address any questions.

Dr. Pierre Desjardins indicated he has more than twenty-five years experience analyzing data and scientific studies, such as a research scientist at the School of Aerospace Medicine in San Antonio, Texas; a consultant to the United States Department of Justice in Washington, D.C. relating to the "Agent Orange" lawsuit; and twenty years in the banking industry. He pointed out that missing data presented to Council in July did not include 2010; no data pertaining to the control group; no data pertaining to traffic volume; and it did not establish whether the cameras were operational twenty-four hours a day or not. He reminded Council of more than twenty unbiased scientific studies he presented at the April 21, 2008, City Council meeting proving red light cameras cause more accidents and are used only as a revenue generating system, none of which have been verified by staff. He also pointed out the original motion to the resolution passed included a provision that there be a review of the program at a workshop within six months. He reviewed several legal decisions throughout the United States on the Red Light Camera program which he felt could result in it being costly for the City of Brooksville.

Jennifer Sullivan of Spring Hill stated she got a ticket for running a red light and felt the red light camera to be revenue generating. She voiced her opinion that Brooksville is not a friendly town.

Wayne Dukes indicated there is a very negative feeling about the cameras.

Shannon Dempsey indicated she has slammed on her brakes on more than one occasion to avoid entering the intersection on a yellow light.

James Wilkes spoke in opposition of the red light cameras.

Joe Mason stated sufficient credible analysis has to be presented to withstand a class action lawsuit for the citizens of Brooksville.

Doug Davis stated Council is made up of his friends and neighbors and he would not expect them to dictate as though big brother is watching.

Tom Dye stated Google has thousands of negative articles regarding red light cameras in Brooksville and implored Council to reconsider the red light cameras to keep that small-town feeling alive.

Dan Patrick spoke in opposition to the red light cameras.

Barbara Cherry spoke in favor of "Small Town USA" where red light cameras do not belong.

Susan Rupe, Hernando County Tourism Director, is concerned with the reputation Brooksville is

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sending. She indicated people have pointed out to her that they do not attend City events due to the red light cameras.

Doug Beyer stated the perception of the red light cameras is lack of degree of fairness with first time offenders being charged the same as repeat offenders with another charge to contest the fine. He believes the program is based on roll stops rather than red light running. He recommended Council find another way to get revenue instead of fining those coming into Brooksville to spend their money.

Dennis Purdy spoke of the timing-delay of yellow lights and stated Ken Crawford and MaryAnn Turcell of the Florida Department of Transportation stated in an email that the City has control of lengthening the timing. Council and staff indicated this is not the case and requested a copy of the e-mail.

Barbara Kight asked if the cameras are placed on private property and if so, are the property owners compensated.

Council Member Bernardini recommended that the public be allowed to ask questions regarding any part of the staff presentation.

Chief Turner and Sergeant Jason Brough reviewed the staff report presented the previous week. Chief Turner supports the red light camera program and insisted that it is entirely a traffic safety issue. He explained the citation review and appeal process.

Vice Mayor Lewis reviewed revenues for the months of March to June without the right-turn-on-red violations. He indicated that after reviewing all the statistics he could not support going forward with the program. Council Member Bernardini concurred with Vice Mayor Lewis and reviewed his misgivings about the program.

Council Member Johnston pointed out that Brooksville is not the only City in Florida with the cameras. He acknowledged that most of the problems have been right-turn-on-red but with the new law that will change. If there are increased incidents of rear-end collisions it is driver error such as driving too fast for conditions or not paying attention. He felt it prudent to put together a committee to review the statistics.

Council Member Burnett, taking into consideration points made by both sides, indicated the most important thing for him is to consider that the citizens do not want the program.

Mayor Bradburn indicated this Council has reduced taxes by twenty-three percent over three (3) years. She stated it is not known how many accidents have been prevented or lives saved by the cameras but there has been a thirty-five percent reduction in accidents. She supports the red light camera program to save lives and advised it has never been about revenue.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Bernardini for discontinuance of the red light camera program at this time. Motion carried 3-2 with Council Member Johnston and Mayor Bradburn voting in opposition.

Council Member Johnston asked if this is for permanent discontinuance or if Council would entertain the committee for review of the statistics. Vice Mayor Lewis and Council Member Bernardini indicated they would not support the committee at this time.

Council Member Bernardini agreed with Council Member Johnston that it be brought to Council at a future date to review statistics by a committee.

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Council Member Bernardini requested a letter be sent to the Florida Department of Transportation for review of the amber lights at the five (5) intersections with cameras. City Manager Norman-Vacha indicated staff has been working with County and Florida Department of Transportation representatives on the formal request process to inform Council on the requirements.

Elevated Water Tank Painting Bid No. UD2010-04 Award

Consideration of award to Utility Service Co., Inc., of Perry Georgia for an amount not-to-exceed \$179,000 and authorize the Mayor to sign the agreement after Legal Counsel review.

Richard Radacky, Interim Director of Public Works, reviewed the bid and responses received, as well as the safety issues involved with the project. Tim McDaniel of Utility Service Company presented Council with pictures of tank painting jobs they have completed. They have been in business since 1964 and carry a \$10 Million insurance policy. They also provide tank maintenance to 4,500 cities.

Council Member Bernardini recommended notifying County employees of the job.

Motion:

Motion was made by Council Member Bernardini and seconded by Council Member Johnston for approval of the bid award per staff recommendation. Motion carried 5-0.

Fire Department HVAC System Upgrade

Consideration of authorization to use Impact Fee monies for upgrading the HVAC system at the Fire Department.

Tim Mossgrove, Fire Chief, reviewed the item as a caveat to construction of the fire station.

Motion:

Motion was made by Vice Mayor Lewis and seconded by Council Member Burnett for approval of the purchase not-to-exceed amount of \$3,500 and approval of the budget amendment. Motion carried 5-0.

Chief Mossgrove will check on the warranty of the current system, which was questioned by Mayor Bradburn.

Discussion regarding the filtration system ensued.

Red Light Camera Agreement

Consideration to approve contract with Sensys America and to move forward with installations as State law permitting allows.

Not considered since Council voted previously to discontinue the program.

City Manager Evaluation

Removed from the agenda pending receipt of the City Manager review by Council Member Bernardini.

CITIZENS INPUT

Mayor Bradburn asked for public input.

Pierre Desjardins thanked Council for their consideration of the red light camera program.

Doug Davis indicated safety is still an issue for traffic and recommended the countdown method.

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Shannon Dempsey advised she is moving and has enjoyed working with the City as a volunteer.

Kojack Burnett asked when the cameras would cease to be in effect. Council indicated July 1.

ITEMS BY COUNCIL

Joe Bernardini, Council Member

Traffic Light

He has been asked about the possibility of installing a traffic light at Veterans Avenue and Jefferson Street.

Frankie Burnett, Council Member

Red Light Cameras

Council Member Burnett elaborated that he is concerned about the health, safety and welfare of the citizens, but based his decision against the red light cameras on talks with citizens.

Joe Johnston, Council Member

Quarry Golf Course

Council Member Johnston asked that a sign be erected indicating the golf course is closed.

T. Jennene Norman-Vacha, City Manager

Budget Workshop

City Manager Norman-Vacha indicated the next budget workshop will be held on August 10, 2010, at 6:30 p.m., minus the red light camera fund.

Next Regular Meeting

She asked that the meeting begin at 6:30 p.m. to allow time for presentation of the streetscaping professional services bid. Council consensus was to allow it.

Lara Bradburn, Mayor

Red Light Cameras Program

Mayor Bradburn indicated she has been approached by several business owners who support the red light cameras program and two business organizations that refused to support the agenda against them.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:25 p.m.

Attest: 
Mayor


City Clerk:
