

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

October 3, 2011

7:00 P.M.

Brooksville City Council met in regular session with Mayor Frankie Burnett, Vice Mayor Joseph E. Johnston, III, Council Members, Joe Bernardini, Lara Bradburn and Kevin Hohn present. Also present were Jennifer C. 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, 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 Burnett, followed by an invocation and Pledge of Allegiance.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation for Fire Prevention Week October 9th – 15th

Presentation of a Proclamation honoring Fire Prevention Week October 9-15, 2011.

Fire Chief Mossgrove introduced Driver/Engineer Hillary Sanford of the Fire Department who reviewed the item and sponsored events by the Fire Department conjunction with Fire Prevention Week. Vice Mayor Johnston read the proclamation in its entirety and presented it to Chief Mossgrove.

CITIZEN INPUT

Mayor Burnett asked for public input.

Beverly Lewis advised the Brooksville Garden Club is having their annual Plant and White Elephant sale at Tom Varn Park on Saturday, October 29, 2011. She promoted the Hernando Performing Arts Center and invited all. Lastly she shared that her husband Vinel Lewis, a World War II Veteran, has been chosen for "Honor Flight" to Washington, D.C.

Joe Breseman of Breseman Pawn Shop and Thrift Store spoke in opposition of the sign ordinance and on behalf of small businesses in downtown Brooksville.

Ms. Garrison spoke concerning the death of Officer John Mecklenburg earlier this year and on behalf of reinstatement of the red light cameras.

Dan Patrick distributed a letter to Council and spoke in opposition of reinstatement of the red light cameras.

Bill Gilbert spoke on behalf of runoff voting. Council Member Bradburn suggested he speak with Hernando County Supervisor of Elections Annie Williams and State Representative Robert Schenck.

REGULAR COUNCIL MEETING MINUTES – OCTOBER 3, 2011

CONSENT AGENDA

Code Enforcement Hearing Officer/Special Master Agreement Extension

Consideration of Addendum for the second and final 1-year extension of agreement with Kenneth Warnstadt as conditioned by all terms and provisions contained in the original agreement.

Motion:

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

PUBLIC HEARINGS

Entry of Proof of Publication into the Record

Mayor Burnett called for proof of publication. City Clerk Peters indicated Item F1 was published on Friday, September 23, 2011, in the Hernando Today legal section of the Tampa Tribune and there is a copy of the affidavit for the record.

Alcoholic Beverage Location Permit & Resolution No. 2011-08

Consideration of Category "A" Permit for the Quarry Golf Course located at 800 John Gary Grubbs Boulevard and Resolution amending Parks & Recreation Rules and Regulations.

Resolution No. 2011-08

Director of Parks, Facilities & Recreation Mike Walker reviewed the resolution. He indicated the Parks and Recreation Board supports the idea and reminded Council that a lease was approved to run the Quarry Golf Course at their last meeting.

Council Member Bradburn requested verbiage that there is no sale of alcohol while the Enrichment Center is in control of the emergency shelter.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn to amend the resolution.

City Attorney Rey suggested language to amend the resolution; Article 9 and adding Paragraph B noting specific limitations. She pointed out this resolution is not subject to public hearing but the permit application is.

Vice Mayor Johnston suggested language be added that "No alcohol may be served when the Hernando County Mining Association Enrichment Center Special Needs Shelter is under the control of Emergency Operations Center".

Council Member Bradburn suggested language for alcohol sales to be prohibited during times of Emergency Operations Control as a Special Needs Shelter.

City Manager Norman-Vacha suggested that no alcoholic sales during use as a Special Needs Shelter under Emergency Operations Control.

Motion carried 5-0 with the addition of verbiage that no alcohol be served when the Hernando County Mining Association Enrichment Center Special Needs Shelter is under the control of the Emergency Operations Center.

REGULAR COUNCIL MEETING MINUTES – OCTOBER 3, 2011

City Attorney Rey reviewed that the purpose and intent of the resolution is for the City Council to adopt, amend, or modify its rules and regulations as to the use of alcohol in its parks system, which would include the Quarry and the Enrichment Center building. The permit application and the authorization for sale of alcohol are governed under a separate section of the Code of Ordinances and held as a separate item. It is pursuant to that code for use and sale of alcohol at a designated location that requires a public hearing.

Joe Mason urged Council to consider citizen input.
Mayor Burnett asked for public input.

Joe Mason felt the amendment is a mistake as the building will only be functional as a shelter in an emergency. He spoke of the agreement between ECI and the City and indicated they were not consulted about this issue. His concern is that it does not reflect well on ECI's image. He felt alcohol sales should only be allowed on a case-by-case basis.

Fred Klemme had no objections to the City bringing in extra revenue and suggested a miniature golf course. He was against alcohol in the parks due to the children.

Rosemary Atkinson spoke on behalf of parks and felt the alcoholic beverage permit to be what the Quarry needs.

Council Member Hohn reiterated that government should not be in the business of selling alcohol. He felt it is not in the best interest of programs offered by ECI and spoke of the safety issue with the Pro Shop being on the second floor.

Vice Mayor Johnston pointed out it is not the City selling alcohol but the lessee.

Council Member Bernardini asked if the license could be revoked. City Attorney Rey indicated Council could establish parameters and conditions for revocation should the need arise.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Johnston for approval of Resolution No. 2011-08.

City Clerk Peters read Resolution No. 2011-08 by title, as follows:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BROOKSVILLE, FLORIDA, AMENDING ARTICLE 9 AND ARTICLE 21
OF THE RULES AND REGULATIONS FOR THE MANAGEMENT
AND OPERATION OF THE PARKS OR RECREATIONAL AREAS; AND
PROVIDING FOR AN EFFECTIVE DATE.**

Motion carried 3-2 upon roll call vote as follows:

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

REGULAR COUNCIL MEETING MINUTES – OCTOBER 3, 2011

Permit Application

Director of Community Development Bill Geiger reviewed the application. He indicated the property is zoned C-2 and has proper zoning and land use to be considered for an alcoholic beverage location permit pursuant to City code.

Council Member Hohn asked for clarification on legality of who owns the permit, who is selling alcohol and who has liability. City Attorney Rey indicated the permit is based on property location and issued by the City, who also owns the property. Revenue from sales would be done by the vendor, subject to the lease. The City, being owner of the property, could still have some liability in a lawsuit. Depending on the claims there is potential joint liability with both the vendor and the City.

Vice Mayor Johnston referenced that a type "A" permit allows for beer and liquor, wine and/or ale and would need to be restricted to only beer if Council so desires.

Mayor Burnett asked for public input.

Rosemary Atkinson indicated lessee contracts can stipulate relieving the City of any liability insurance.

Joe Mason again referenced the lease between ECI and the City of Brooksville, which allows the City space for the Pro Shop. He alluded that the state requires the place selling alcohol be closed off. He stated ECI withholds any consent for the issuance of an alcoholic beverage location permit in any building in which they have a lease-hold interest as the primary tenant.

Council Member Bernardini asked for clarification on what the lease calls for. City Attorney Rey stated the agreement provides specific space requirement and operation for the Pro Shop by the City, but does not address any consent requirement for the City. It is a long-term lease with provisions for other structural improvements. The vendor is responsible to apply for a State license after the alcohol permit is approved by City Council. There is no provision in the agreement that requires the City to seek consent from the Enrichment Center on how to operate its Pro Shop.

Council Member Bernardini asked about the prison crew. City Manager Norman-Vacha clarified that inside maintenance is shared and the prison crew cannot be inside where alcoholic beverages are sold but does not prohibit utilizing Department of Corrections Prisoners on the Quarry property.

Council Member Bernardini asked the lessee his opinion of selling beer at the Quarry Golf Course. Bob Carson indicated he is in support of any additional income and he has never had a problem with an intoxicated patron at his other courses.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice Mayor Johnston for approval of beer only with the City allowed to revoke if in the best interest of the City.

City Attorney Rey indicated there are seven (7) particular items that would allow revocation and suggested adding to that delineated list at this time.

Motion carried 3-2 with Council Member Hohn and Mayor Burnett voting in opposition.

REGULAR COUNCIL MEETING MINUTES – OCTOBER 3, 2011

REGULAR AGENDA

Ordinance No. 826 – Land Development Code Amendment

Consideration of an ordinance amending the City's Land Development Code.

Director of Community Development Bill Geiger briefly reviewed the item as amended at the direction of Council and as presented to the Planning and Zoning Commission.

City Planner Steve Gouldman reiterated the changes from the workshops and Planning and Zoning Commission meetings, advising State Statute changes came into effect on July 1. This included calculation of apportionate share for Public Facilities, review process for Comprehensive Plan Amendments and Pain Management Clinic regulations. Changes were adopted from comments of the building industry to utilize Hernando County's preliminary plat process.

Council Member Bradburn indicated the revised code will go a long way to protect the historic assets of the City and help the City grow.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bernardini for approval.

City Clerk Peters read Ordinance No. 826 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, REPEALING SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES; REPEALING DIVISION 3 OF ARTICLE III OF CHAPTER 2, "CODE ENFORCEMENT" OF THE CODE OF ORDINANCES; DIVISION 4 OF ARTICLE III OF CHAPTER 2, "CODE ENFORCEMENT HEARING OFFICER; ENFORCEMENT HEARINGS AND PROCEDURE;" CHAPTER 6, "ALCOHOLIC BEVERAGES;" CHAPTER 10, "AMUSEMENTS AND ENTERTAINMENT;" ADOPTING A NEW "LAND DEVELOPMENT CODE" INCLUDING ARTICLE I, "GENERAL PROVISIONS," ARTICLE II, "ZONING DISTRICTS, USES AND LOT REQUIREMENTS," ARTICLE III, "SPECIAL DISTRICTS AND DEVELOPMENT OPTIONS," ARTICLE IV, "GENERAL REQUIREMENTS AND SUPPLEMENTAL REGULATIONS," ARTICLE V, "NATURAL RESOURCES," ARTICLE VI, "ADEQUATE PUBLIC FACILITIES," ARTICLE VII, "SIGNS," ARTICLE VIII, "ADMINISTRATION, APPLICATION AND APPEAL PROCEDURES," ARTICLE IX, "INTERPRETATIONS AND NONCONFORMITIES," ARTICLE X, "BUILDINGS AND BUILDING REGULATIONS," AND ARTICLE XI, "DEFINITIONS;" PROVIDING FOR CONFLICTS AND REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

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

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

REGULAR COUNCIL MEETING MINUTES – OCTOBER 3, 2011

Resolution No. 2011-12 to Florida Dept. of Transportation (FDOT) – Annual Christmas Parade Route

Consideration of approval of resolution supporting annual Kiwanis Christmas Parade route and closing of SR50/Jefferson St. & US41/Broad St., with authorization for Police Chief and Mayor to sign FDOT permit application.

City Clerk Janice Peters reviewed the resolution for the parade being held on Saturday, December 10, 2011.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval of Resolution No. 2011-12.

Mayor Burnett asked for public input; there was none.

City Clerk Peters read Resolution No. 2011-12 by title, as follows:

**RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA
SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET
AND BROAD STREET BETWEEN MAIN STREET AND BELL
AVENUE IN DOWNTOWN BROOKSVILLE ON DECEMBER 10,
2011; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN
EFFECTIVE DATE.**

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

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

Sensys America Traffic Infraction Detection and Enforcement Program

Consideration to approve a contract with Sensys America to move forward with the reinstatement of the Traffic Infraction Detection and Enforcement Program piggybacking on the City of Deland.

Chief of Police George Turner advised that on September 19, 2011, Council directed staff to bring back the agreement with Sensys. He indicated an amendment was added; 5(g), which City Clerk Peters distributed to Council, and references the option for the City to take over back office services.

Brian Haskell played a brief clip on the program, providing commentary, statistics, and legalities of the program and distribution of fees. He further explained in detail how the process works.

City Attorney Rey reviewed the change to the contract as referenced by Chief Turner, as well as right-on-red as it relates to the Statute reference of “careful and prudent manner”.

Mr. Haskell indicated the cost of violations is \$158, with \$83 going to the State and \$75 to the City. Sensys receives half of the City’s \$75, up to \$4,500 per month per camera.

The camera’s ability to register speed and the placement of the warning signs was reviewed.

REGULAR COUNCIL MEETING MINUTES – OCTOBER 3, 2011

Council Member Bradburn pointed out Section 4, Items C and D should be roman numerals and on Page 6 Section 6, second paragraph, “and” should be “or”.

Mr. Haskell reviewed the process from the signing of the contract, indicating there would be a 30-day warning period for each camera.

Council Member Bradburn indicated she would support in-house services, which would save the City money. Mr. Haskell indicated the City of Gulf Breeze handles their back office services.

Council Member Hohn asked what the fine would be if a Brooksville Police Officer stopped someone on a red-light infraction. Chief Turner advised \$264 with 4 points on the license and an increase in insurance. He indicated he reviewed the City of Gulf Breeze’s back office procedures.

Council Member Bernardini asked if the intersections have been chosen. Chief Turner indicated they have been identified and information on all proposed intersections will be reviewed by Sensys and the Florida Department of Transportation. Council Member Bernardini asked if the accidents had increased at the intersections after the previous cameras were removed. Chief Turner indicated the reporting to the State has changed so the information is not readily available, but they are working on getting it. He stated the red light cameras are considered a traffic safety initiative by reducing crashes, saving lives and making roads safer.

Mayor Burnett asked for public input.

Dennis Purdy advised increasing the yellow light by 1.5 seconds reduces accidents by 70%. He also felt the citizens of Brooksville do not want the red light cameras.

Richard Lewis asked if Sensys is a law enforcement agency, since it has access to traffic violators’ information. Mr. Haskell indicated that consistent with Florida law, his company acts as an agent for the City in accessing this information allowed under contract with strict confidentiality. Mr. Lewis advised listening to what the citizens want and pointed out that there was no evidence offered from the Police Chief showing a change in traffic infractions after the cameras were removed.

Joe Mason elaborated on the red light camera program as well, expressing opposition.

Kojack Burnett indicated citizens do not want the cameras.

Council Member Bernardini advised that only about 3 of 100 he has spoken to support the cameras and relayed incidents. In answer to his question concerning the ticketing of Commercial vehicles, it was advised that the ticket goes to the home office of that company who passes it on to the employee. Chief Turner reviewed the process following non-payment of a ticket.

Council Member Bradburn suggested the reference to the back office be changed to “administrative”.

Council Member Hohn indicated he has reviewed much information on the subject and for him it is a safety issue. He indicated he would be happy if the City never made a dime from the program. He advised he will be making recommendations for the funds that are received from violations to be distributed 80% to the Community Redevelopment Agency account 615 for marketing and advertising for the City of Brooksville and 20% to the Multi-Capital Projects Accumulation Fund No. 308. He advised he would be making those recommendations in the future. He also felt Sensys technology and equipment to be up-to-date and supports the red light camera program.

REGULAR COUNCIL MEETING MINUTES – OCTOBER 3, 2011

Motion:

Motion was made by Council Member Hohn and seconded by Council Member Bradburn for approval of the contract as amended with the addition of Paragraph G, the replacement of “Back Office” with “administrative”, removing Roman numeral on Page 3 and adding “or” on Page 6.

City Attorney Rey advised American Traffic Solutions (ATS) is disputing the termination of their agreement of May 2010. She advised it is the City Attorney’s legal opinion that it was properly terminated.

Council Member Bernardini asked for clarification on Item 5, Fees and Payment. City Attorney Rey reviewed there is a monthly fee per approach paid for out of revenues. However, no more than 50% of collected revenues would be paid to Sensys in any given month with a cap of \$4,500, as outlined in the contract. Any balance or shortfall would continue forward.

Motion carried 3-2, with Council Member Bernardini and Mayor Burnett voting in opposition.

City Manager Norman-Vacha reviewed a budget amendment request following adoption of the agreement for implementation of the program. The program has an estimated start date of March 1, 2012 and being fully operational by May 1, 2012. She reviewed operating costs of the program and noted \$602,721 has been allocated to Reserves.

Council Member Bradburn asked, concerning Council Member Hohn’s recommended allocation of funds, if more could be allocated for Capital Improvements. Vice Mayor Johnston recommended waiting on the allocation issue and would like Mr. Wilfong to be present for this discussion. Council Member Hohn indicated this has been discussed by Dr. Wilfong and members of the business community.

Council Board Positions

Consideration for Council members to fill the vacancies of four boards in need of Council representation.

City Clerk Janice Peters advised the vacancies are due to the resignation of Council Member Pierce. Council liaisons were appointed as follows:

Children’s Advocacy Center/Community Alliance – Council Member Hohn

Florida League of Cities Action Committees – Energy and Environmental Committee – Council Member Hohn

Withlacoochee Regional Water Supply Authority (WRWSA) – Vice Mayor Joe Johnston

Youth and Family Alternatives – Mayor Frankie Burnett

Council concurred with the appointments.

CITIZEN INPUT

Mayor Burnett asked for public input.

Kojack Burnett indicated the water bills have not been received. He asked when the meeting would be televised. City Manager Norman-Vacha indicated a schedule of televised meetings will be printed on the water bills.

REGULAR COUNCIL MEETING MINUTES – OCTOBER 3, 2011

ITEMS BY COUNCIL

T. Jennene Norman-Vacha, City Manager

Great Brooksvillian Ceremony

City Manager Norman-Vacha reminded the Great Brooksvillian award will be presented in conjunction with the Art Gallery opening on October 13, 2011 at 6:00 p.m. at City Hall.

City Council Meeting

She advised the next meeting of City Council will be on October 17, 2011.

Brooksville Cycling Classic

City Manager Norman-Vacha advised the Brooksville Cycling Classic will be held on October 15, 2011. She advised there are also many other festivities during this week and are listed on the City's website.

City Attorney Rey

Executive Session

City Attorney Rey requested an Executive Session be scheduled for October 17, 2011, at 6:00 p.m. Council concurred.

Joe Bernardini, Council Member

Sign Ordinance and Personnel Policies

Council Member Bernardini read into the record the following: "Council may remember that prior to our last regularly scheduled Council Meeting, I asked that the professional courtesy be extended to me that consideration of the Sign Ordinance and Personnel Policies be tabled until tonight. I would like to thank Vice Mayor Johnston for his courtesy and motion for table. It apparently died for lack of a second. Reasonable people would view the request for table as simple and easily fulfilled. I cannot adequately express my disappointment at the Council's failure to extend to me this basic courtesy. I hope that in the future we can be more cooperative and sensitive to each other's concerns."

Joe Johnston, Vice Mayor

Vice Mayor Johnston confessed he almost ran a red light this week.

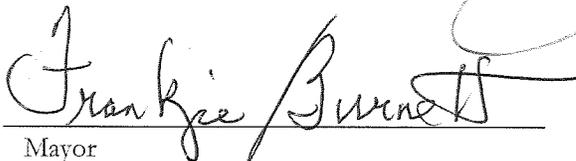
Frankie Burnett, Mayor

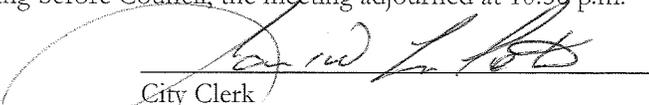
Mayor Burnett expressed staff appreciation.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:50 p.m.

Attest:


Mayor


City Clerk