

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
HERNANDO COUNTY MINING ASSOCIATION
ENRICHMENT CENTER
800 JOHN GARY GRUBBS BOULEVARD
BROOKSVILLE, FL 34601**

MINUTES

May 21, 2012

6:30 P.M.

Brooksville City Council met in regular session with Mayor Joseph E. Johnston, III, Vice Mayor Lara Bradburn, Council Members Joe Bernardini, Frankie Burnett and Kevin Hohn 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, 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 Johnston, and the following notice was read into the record:

ADJOURN MEETING AND RECONVENE IN EXECUTIVE SESSION

EXECUTIVE SESSION PURSUANT TO F.S. CHAPTER 286.011(8)

The purpose of the Executive Session is to discuss settlement options and litigation strategy for pending City actions. The persons attending the meeting will be Council Members Joe Bernardini, Lara Bradburn, Frankie Burnett, Kevin Hohn and Joe Johnston; Attorney's for the City of Brooksville, Thomas S. Hogan, Jr., Debbie Hogan and Robert B. Battista; City Manager, T. Jennene Norman-Vacha; and court reporter Holly Kirchman of Carolyn F. Engle & Associates. The meeting is expected to last approximately thirty minutes.

ADJOURN EXECUTIVE SESSION & RECONVENE COUNCIL MEETING

The executive session was adjourned and the regular council meeting reconvened by Mayor Johnston, followed by an invocation and Pledge of Allegiance.

Mayor Johnston requested Item G-5 City of Brooksville vs. Westchester be added to the agenda.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Bernardini for approval to add item G-5 to the agenda. Motion carried 5-0.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 8/6/12 INITIALS JP

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CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Law Enforcement Awareness Proclamation

Presentation of Proclamations to Officers and representatives of the Brooksville Police Department, Hernando County Sheriff's Office, Florida Highway Patrol and Florida Department of Law Enforcement designating and supporting the month of May as Law Enforcement Awareness Month.

Mayor Johnston read the proclamation in its entirety and presented it to Sheriff Al Nienhuis and Police Chief George Turner.

Juneteenth Day Proclamation

Presentation of a proclamation commemorating June 19, 2012, as Juneteenth Day.

Mayor Johnston read the proclamation in its entirety and it was accepted by Kojack Burnett on behalf of Mr. Paul Boston, organizer of the Juneteenth Day event, as he was not present.

Eagle Scout McAndrew Proclamation

A proclamation in honor of Nathan Thomas McAndrew achieving the Eagle Scout designation from the Boy Scouts of America.

Mayor Johnston read the proclamation in its entirety which will be forwarded to Nathan McAndrew as he was not present.

2012 Hurricane Season Update

Cecilia Patella, Director of Emergency Management, to give an update of the upcoming hurricane season, the CEMP, Post Disaster Recovery Plan and the upcoming Expo at Weeki Wachee State Park on June 2nd.

Director Patella updated Council on the upcoming hurricane season which officially starts on June 1st through November 30th. The official forecast does not predict an active hurricane season. She advised the Hurricane Expo will be on June 2nd from 9:00 a.m. to 2:00 p.m. at the Weeki Wachee State Park.

She indicated the Comprehensive Emergency Management Plan (CEMP) has been updated and submitted to the State of Florida.

The Post Disaster Redevelopment Plan has been reviewed over the past six (6) months and entails the worst case scenario, with massive devastation and how the county would be prepared to recover and redevelop in the most resilient way possible. She advised the plan is prepared to submit to the State at the end of May and after the review process it will be brought to the City for adoption.

Vice Mayor Bradburn suggested adding a section regarding a community charette as the most practical way to deal with a disaster area. Ms. Patella advised that her suggestion will be added to an extensive action list of items that need to be followed up on.

Chief Mossgrove reiterated participation and partnership the City has with the County in this regard.

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Florida Blueberry Festival

Update on the 2012 Florida Blueberry Festival.

This item was removed to a future agenda.

CITIZEN INPUT

Mayor Johnston asked for public input.

Curt Prystupa, president and owner of Sun Fiberglass Pools, spoke against the Fire Assessment. He thought this issue was in the past and felt that it is an unfair burden to the citizens in relation to the amount they already pay in fire insurance and taxes.

David Wermuth, president of the Brooksville Lions Club, announced that the club is proud to be back in Brooksville as of April 16th with thirty-five (35) members. He indicated the Lions Club strives to prevent blindness and assist those with visual disabilities. It is the largest service organization in the world. He announced there will be an event on June 6th at the Elks Lodge at 14494 Cortez Boulevard and invited all to attend with RSVP required by this Friday.

He relayed that the Lions Club recently helped a family in need by providing a golf cart for their disabled son. He added that there is also the High Point Lions Club in Brooksville that supports pre-Diabetes screening and eye exams once a month.

CONSENT AGENDA

Vice Mayor Bradburn requested that Item 2, Budget Amendment, be removed for further discussion.

Minutes

December 5, 2011 Regular Meeting

December 19, 2011 Regular Meeting

January 23, 2012 Regular Meeting

FY 2012/13 Budget Workshop Calendar

Consideration and approval of schedule for FY 2012/13 Budget Workshop Sessions.

Surplus Equipment

Consideration to surplus obsolete/inoperable equipment.

Council Member Bernardini suggested EBay be utilized to sell surplus merchandise as opposed to auction.

City Manager Norman-Vacha indicated Govdeals.com was previously utilized but entailed more staff time. She stated sending items to auction with the County and School Board has been very successful.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Hohn approval of Consent Agenda items 1, 3 and 4. Motion carried 5-0.

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Budget Amendment

Consideration of budget amendment for installation of the fire station generator.

Vice Mayor Bradburn suggested amending the bid from \$11,729 to \$11,249 and eliminating the provision for overtime. The permit fee is a separate issue.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of electrical only without overtime costs for a total of \$11,249. Motion carried 5-0.

Mayor Johnston asked for clarification from staff on the process should Generx not agree to do the work for the amended cost. City Manager Norman-Vacha explained Council would have the option to go with the next lowest bidder. She pointed out the item before Council is for a budget amendment to release monies only, since the quotes are within the limit of the purchasing policy.

Council Member Burnett agreed that overtime should not be part of a quote that was not part of the original bid.

Chief Mossgrove stated he explained to the vendor that submitted this quote, that \$480 would be added to the total bid amount.

Mayor Johnston clarified the staff request is for a transfer of \$9,758.20 from Fire Impact Fees to cover final payment for installation.

The motion and second was withdrawn.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of a total of \$9,278.20, which does not include overtime costs. Motion carried 5-0.

REGULAR AGENDA

Ordinance No. 829 – Mosquito Control Municipal Service Taxing Unit

Consideration of proposed ordinance providing for inclusion of the City in the Hernando County Mosquito Control Municipal Service Taxing Unit.

Director of Public Works Richard Radacky reviewed the Ordinance approved by the County during the 2011/2012 budget process and set the millage at a tenth of a mill. County code as adopted allowed for municipalities to opt-in by ordinance and file with Property Appraiser no later than June 5, 2012. Based on a tenth of a mill, this would generate \$37,000 but with property values decreasing it would most likely be \$35,000. The Board of County Commissioners also adopted a resolution calling for a ballot referendum to continue a levy to fund the mosquito control activities. It is non-binding and will appear on the General Election ballot on November 6, 2012. City Council may decide not to opt-in and seek other delivery means of mosquito control such as a contract with Hernando County or a private provider. It would require allocation from the General Fund.

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Environmental Services Director Susan Goebel-Canning, who further elaborated mosquito control is not just spraying but forming a program that monitors mosquito populations, allows dispersing fish into ponds and drainage retainage areas for preventive maintenance and testing for diseases. Hernando County will cover the grounds in a two-week cycle, along with requests from citizens to investigate and adjust the area to address their concerns. The County took inquiries from private vendors and it was more expensive than the County's program and felt they could provide the City with a more efficient service.

Budget Service Manager George Zoettlein reviewed that during the 2011/2012 budget year the County was looking for a way to fund mosquito control. In the past, it was funded out of the General Fund and a few years ago the Finance Department indicated the County was required to fund it out of a separate fund. Mosquito control was then funded by a transfer from the General Fund to Mosquito Control. After property values decreased they were trying to come up with a way to fund it without effecting citizens through property taxes. They then created the Mosquito Control Municipal Service Taxing Unit (MSTU) by decreasing the Sensitive Lands Funds MSTU from a millage rate of 0.0844 to zero. This would not include the cities of Brooksville and Weeki Wachee but both can opt-in to the program for fiscal year 2012/2013.

Council Member Hohn asked was there any consideration of an assessment as opposed to increasing the millage rate. Mr. Zoettlein stated they did not want to increase fees to the taxpayers when decreasing the Sensitive Lands Funds MSTU would eliminate an increase.

Vice Mayor Bradburn was concerned that the Environmentally Sensitive Lands (ESL) Program was overwhelming passed by Hernando County voters and it not being funded is illegal. It is a very effective program and preservation for profit increases tax revenues. She felt the ESL Program should be put back into action and used for the purpose of preservation and conservation, with some dollars allocated for maintenance. Mosquito Control is a basic service of County government and should voters decide to take it off the rolls it will be a bad season. She would like the new County Administrator and the City Manager to meet and discuss this and other issues to come up with alternative ideas on how to fund this program. She asked if the City can opt-out of this program but move forward tonight to give notice to the Property Appraiser by the June 5th deadline to create the taxing unit.

Mayor Johnston asked would the non-binding referendum in November go to City voters as well. Mr. Zoettlein confirmed it would be county-wide.

Council Member Hohn asked, should the referendum fail, would the City still be expected to pay \$30,000 for the service. Mr. Zoettlein indicated it would continue to be on the County tax rolls only and the County would bill the City for the equivalent amount that would have been collected from City residents. He pointed out this would have to be discussed at a later date and he did not know for sure at this time.

Vice Mayor Bradburn stated the City has the option to create its own mosquito control or contract with the County and pointed out it is a county function for county taxpayers.

Council Member Burnett was concerned that the County picks and chooses to include Brooksville and Weeki Wachee in their provided services and does not understand their philosophy behind it.

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Mayor Johnston pointed out the City residents pay taxes to the County but there are special services set up by the County that are funded out of the General Fund. He supported moving forward tonight with the choice to opt-out at some future date.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval to move forward at this time with staff exploring other options with the new County Administrator.

City Clerk Peters read Ordinance No. 829 by title, as follows:

AN ORDINANCE OF THE CITY OF BROOKSVILLE, CONSENTING TO BE INCLUDED IN THE HERNANDO COUNTY MOSQUITO CONTROL MUNICIPAL SERVICE TAXING UNIT CREATED BY HERNANDO COUNTY ORDINANCE NO. 2011-11; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

City Manager Norman-Vacha announced this item will be on the June 4th agenda for a public hearing.

Council Member Bernardini stated he agreed with Vice Mayor Bradburn that the ESL money should be put back. Vice Mayor Bradburn advised she would support taking a percentage of ESL money and using it towards maintenance, indicating there has always been a question as to whether or not there is ESL maintenance money and whether this was the intent in the original documents.

Resolution No. 2012-04 – Fire Assessments

Consideration of adoption of Resolution No. 2012-04, accepting and approving the Executive Summary pertaining to the apportionment of special assessments to fund fire protection services, and further authorizing and directing initiation of the process to allow for consideration of the imposition and collection of special assessments for fire protection.

Fire Chief Mossgrove introduced Mark Lawson and Chris Roe of Bryant, Miller and Olive P.A.

Mr. Lawson stated they have agreed to work with city staff to develop an executive summary that identifies an alternative means to fund fire protection assessments, focusing on the paradigm of readiness to serve. The report is authored by Dr. Owen Beitsch of Real Estate Research Consultants and has been reviewed by Bryant, Miller and Olive. It is based on information that was provided by the Fire Chief, specific to the City of Brooksville and information extracted from the public data base.

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He stated the amount of fire calls the fire department makes are relatively few and fire incidents are infrequent. The value of fire protection is being prepared to serve when a random emergency incident occurs. This report highlights Advanced Life Support activities as accessible expenses in the City's budget. There is a two-tiered allocation applied. The first tier utilizes dry roll data to determine relative value of improvements.

The second tier includes costs that are relatively fixed and occur every year such as wages, salaries, administration and overhead. He stated the preparedness to serve creates a burden on the system that is relatively uniform in that every parcel benefits and therefore it is reasonable to share that on a per tax parcel basis. There are other programs that focus on demand that try to do statistical analysis with a small amount of calls. This summary was designed to give community flexibility to create a tax equity tool used in conjunction with ad valorem tax funds for a way to supplement how the City funds fire protection preparedness activities.

He referenced example number two and explained that if approximately \$600,000 is funded, \$168,000 is based upon relative value and \$432,000 is based upon readiness to serve net of exempt properties, such as right-of-ways, utility easements, churches, etc.

He emphasized the improvement value of parcels in the city is approximately \$46,000 and would generate a tier one relative value in improvements assessment of about \$23 and per parcel of \$106 for a total of \$129 per year or just over \$10 per month.

He stated the relative value of improvements does ask higher valued properties to pay a higher assessment. This gives Council the ability to have a flexible approach to fire assessments. He has provided an executive summary and critical events schedule to deal with an approach that would be both politically palatable and legally sufficient.

Mr. Lawson referenced case law that states there is no method of appraising benefits and burdens to make everybody happy. But as long as decisions are based on some rational fact or basis during a debate, the court must defer this decision to policymakers.

He indicated they not only brought forth a process to cause an assessment to be imposed, after a notice and a public hearing with appropriate resolution and ordinance, but to validate use of some of the revenue for purposes of Capital Expenditure in order to get a determination that this was fair, reasonable and legally sufficient.

Notice would be provided and collection would occur by direct billing after all required processes are completed. The notice would explain the approach and direct citizens to the City's website with a link to every parcel that gives a total assessed amount.

Vice Mayor Bradburn asked Mr. Lawson to elaborate on the assessment model that would be set up on the City's website. Mr. Lawson explained there will be no guesswork for users. It will calculate assessments automatically after a search by name for every parcel in the City of Brooksville. He indicated the methodology figures are less than what was initially proposed two (2) years ago and less than what the County would charge.

Mayor Johnston referenced revising the bond assessment and resolution on the critical events schedule. Mr. Lawson stated under Chapter 75 ask the court to validate the revenue stream used to purchase some capital equipment by adopting a bond resolution.

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City Attorney Battista indicated legal has reviewed the document and bond validation and he has no issues with the program as outlined.

City Manager Norman-Vacha stated Council had asked staff to look at other means of funding. This is a tool to fund services that are required by the City. She felt confident this is a good methodology. Staff has suggested a proper funding level to give Council an option to reduce the millage level and a good first step on how to provide fire services.

Council Member Burnett stated the majority wants to keep the fire and police services within the City of Brooksville and this methodology is the most fair and equitable he has seen so far.

Mayor Johnston concurred with Council Member Burnett and recalled years ago when the County proposed taking over services but the citizens wanted to keep it under the City's jurisdiction. He felt this to be the fairest methodology they have come up with.

Council Member Hohn stated if there is no consideration for reduction in millage he will not support this program. He agrees with the methodology but is concerned that all parcels will be assessed at the same rate which does not provide any equity. He has asked for the current cost of fire services in millage to determine if this is a good deal for the citizens and requested Council consider at least four (4) levels of funding such as 25%, 50%, 75% and 100% prior to budget discussions. He felt there were not enough facts to support an appropriate funding level of \$600,000 and assured there would be a higher cost if services were under the County's jurisdiction. He confirmed this is not an extra fee, but it is in lieu of paying that same amount in ad valorem. He agreed it is fair and equitable with everyone sharing the cost of fire services and felt the more that can be moved out of ad valorem taxes, the fairer it becomes.

Mayor Johnston reiterated past discussion by Council has always been that this is an alternate means of funding by an offset in the millage rate. He felt the timeline was too close for this assessment to go into effect for the FY2012/2013 budget and is more realistic for FY2013/2014. Mr. Lawson indicated it was his goal to have it ready for the FY2012/2013 budget.

Mayor Johnston asked for public input.

Gail Samples advised she did not want to get rid of the Fire and Police Departments. She was interested in hearing more about Tiers 1 and 2. She felt Tier 2 to be a way to fund the wants of the City and Tier 1 was the more logical of the two and felt there needed to be more discussion on the issue, with clarification of the two tiers.

Curt Prystupa felt the budget needs to be laid out to let the citizens see what the fire department has and to see whether the county can do the same at a lower cost. He also said the methodology of this program seems to be better than the last one. He asked that Council find a way to make it equitable for all businesses.

Mayor Johnston clarified that it is not about the number of calls that go out, it is based upon the readiness to serve. Call data and budgeting expenses are available on the city's website.

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Robert Buckner felt the new proposal is better than the last methodology. He asked if the number of parcels includes improved and unimproved. Mr. Roe advised it does. He felt there could be an unintentional consequence and called for a fair and equitable solution as well.

Kojack Burnett indicated he was against getting rid of the fire and police departments.

Vice Mayor Bradburn stated fire service is a basic government service and the people want it in place. The reality is fire and police make up about half of the City's budget. She advised there has been a 21% decrease in tax revenue over the last five (5) years, stating this Council has aggressively reduced taxes 18% but still has to maintain basic services. She advised this program is an opportunity, not only to spread the cost of providing services in a fair manner, but also to reduce the millage rate. A lower millage attracts new businesses and gives the opportunity to expand existing businesses and create jobs. She emphasized this is one of many discussions they will have on this matter.

She encouraged Council to adopt and implement this method, with time for discussion of the numbers later on. She pointed out the decreased revenue recently reported by the Property Appraiser and, should Council choose not to implement this assessment, something has got to give because there is nothing left to be cut. In order to keep fire service intact and continue to have the best response rate and ISO rating, which affects home insurance premiums, Council has to provide the fire department with what they need. She stated it is probable that a tax increase would be necessary without the assessment to keep up with inflation. She referenced the millage rate reduction and reminded Council that when doing so they would need to take into account the inflationary costs.

Mayor Johnston asked are parcels such as schools and churches exempt from both tiers. Mr. Lawson confirmed they are exempt and will have to be funded with ad valorem taxes as they are now. He stated Council can make a policy decision to include them in tier two but he advised against it. He addressed vacant lots and advised assessing only those that can be developed. At some point, Council may choose to charge one tier or the other to certain properties. So long as there is a public purpose or rationale for not charging that property, it does not get funded on the back of the assessment payers but on the taxpayers because assessments must be expended proportionately and taxes must be only determined to be for a public purpose and uniformly collected. He pointed out the community must understand there are different methods with different requirements and a judge will give deference to the City when there is a debate of any sort.

Council Member Bernardini asked when the calculation tool for parcel assessment will be up and running on the City's website. Mr. Lawson stated Friday, May 25th after approval of the resolution.

Council Member Bernardini addressed Council Member Hohn's comment on reducing the millage rate proportionate to the fire assessment rate. He pointed out property values and revenues keep decreasing and either basic services must be eliminated or Council must find a way to get the money to continue to provide them. Last year's budget was increased by several hundred thousand dollars and then the millage rate was also dropped back, which is counterproductive. He indicated Council may have to raise the millage in order to fund basic government services but not necessarily to fund the fire department. He gave an example that the City recently hired Civil-Tech Engineers to do a road assessment and

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pointed out there has to be money to fix those roads and basic infrastructure needs to be maintained. Last year he agreed to keep the millage rate the same to continue with basic services and felt the same is true for this year, but there may even have to be further cuts. He supported putting the vote out to the people once again and let them decide which services they want to keep and how they want to pay for it.

Council Member Hohn stated one of the documents provided by Bryant Miller and Olive on how to assess is based on improvement value by a parcel listing. He pointed out 60% of parcels in the City of Brooksville pay zero ad valorem tax and this assessment provides for almost 100% of those parcels paying at least a portion.

City Clerk Peters read Resolution No. 2012-04 by title, as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ACCEPTING AND APPROVING THE EXECUTIVE SUMMARY PERTAINING TO THE APPORTIONMENT OF SPECIAL ASSESSMENTS TO FUND FIRE PROTECTION SERVICES; AUTHORIZING AND DIRECTING INITIATION OF THE PROCESS NECESSARY FOR CITY COUNCIL CONSIDERATION OF THE IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND FIRE PROTECTION SERVICES; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Hohn for approval of Resolution No. 2012-04.

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

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

Ordinance No. 827 – Emergency Management

Consideration of Ordinance updating Chapter 22 of the City's Code of Ordinances relating to Emergency Management.

Fire Chief Tim Mossgrove reviewed the intent of the Ordinance was to make it inclusive of the City's cooperation with Hernando County Emergency Management.

Vice Mayor Bradburn stated it is currently defined whereby the Mayor and the Vice Mayor become victims of a disaster then the senior Council Member would be in charge. However, there is no definition for a senior member and advised changing the language to read the three (3) remaining Council Members would decide who will make the declaration. Council Member Burnett felt a senior member would be someone who has been serving the longest during the active term of office. Vice Mayor Bradburn advised that would not work if the

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Council Members were elected on the same day. Emergency authority starts at the County level and works down. But the City still needs to legally make a declaration in order to get financial provisions, etc.

City Attorney Battista suggested declaring the highest numbered seat remaining. Vice Mayor Bradburn did not agree since they are elected at-large.

Council Member Hohn referenced Section 6 on Page 3, letters A through I, and asked were these copied from another document. Chief Mossgrove indicated it is a template from Statute 252. Council Member Hohn is concerned with “A. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles”. He did not agree that he would not be able to transport firearms out of his home and asked Council to modify or remove the word “transportation” in that section. Mayor Johnston supported removing “transportation” but clarified the way it is worded is not something that has to be done, but does provide an option.

Chief Mossgrove explained the intent of Statute 252 is to address unrest due to circumstances such as Hurricane Andrew in 1992 and this language was developed following that incident. He clarified that this gives local authorities discretion to limit transportation of alcohol or firearms. Each imposition of certain emergency measures or regulations can be applied to certain situations that may arise within a municipal boundary.

Vice Mayor Bradburn favored taking out the word “transportation” under A. and replacing “Senior Council Member” under I., with the remaining Council Members to elect one person to declare a state of local emergency.

Mayor Johnston felt Vice Mayor Bradburn’s suggested wording is acceptable and recommended adding ‘whoever staff can reach during a state of emergency, whether it be the latest elected official or not’. He referenced Section 8. Penalties, and pointed out that “Each day of continued non-compliance or violation shall constitute a separate offense” contradicts language in other sections of the ordinance.

City Attorney Battista stated the wording gives the option to be interpreted both ways. Chief Mossgrove indicated he will review and modify accordingly. Mayor Johnston asked that staff bring it back for second reading with suggested modifications.

City Clerk Peters read Ordinance No. 827 by title, as follows:

AN ORDINANCE RELATING TO DECLARATION OF A STATE OF LOCAL EMERGENCY IN THE EVENT OF A NATURAL, TECHNOLOGICAL OR MANMADE DISASTER OR THE IMMINENT THREAT THEREOF; PROVIDING THE PURPOSE AND INTENT OF THE ORDINANCE; PROVIDING DESIGNATION OF CERTAIN CITY OFFICIALS WITH AUTHORITY TO DECLARE A STATE OF LOCAL EMERGENCY; PROVIDING DEFINITION OF EMERGENCY; PROVIDING FOR LENGTH OF TIME AUTHORIZED FOR A DECLARED STATE OF LOCAL EMERGENCY AND PROVISIONS FOR EXTENSION AND/OR TERMINATION OF SAME; PROVIDING FOR ACTIVATION OF DISASTER EMERGENCY PLANS;

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PROVIDING FOR IMPOSITION OF CERTAIN EMERGENCY MEASURES OR REGULATIONS; PROVIDING DISCLAIMER OF LIMITATION OF AUTHORITY; PROVIDING PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Bernardini for approval as amended.

Council Member Hohn asked that the City Manager come back to Council with a cessation plan.

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

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

Mayor Johnston indicated a second reading is scheduled for June 4, 2012.

Ordinance No. 828 – Charter Changes for Referendum

Consideration of Ordinance for Charter Amendments to be included on the November 6, 2012 Ballot for Voter Approval.

City Attorney Battista stated this item was presented to City Council on May 7, 2012 by the Charter Review Committee Chair Jay Thompson with recommendations. This ordinance contains both provisions that were brought before Council with the wording on the ballot driven by statutory requirements.

Motion:

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

City Clerk Peters read Ordinance No. 828 by title, as follows:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 287 RELATING TO THE GOVERNMENT OF THE CITY OF BROOKSVILLE; PROMULGATING, ESTABLISHING AND PROVIDING FOR A REVISED CHARTER OF THE CITY OF BROOKSVILLE; PROVIDING FOR A REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

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

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

City of Brooksville vs. Westchester Fire Insurance Company

Mayor Johnston stated the City's lawsuit with Westchester Fire Insurance Company has been unsuccessful and the City will appeal further to the United States Supreme Court.

Motion:

Motion was made by Council Member Burnett and seconded by Council Member Hohn for approval. Motion carried 5-0.

CITIZEN INPUT

Mayor Johnston asked for public input.

Gail Samples advised she supports Mosquito Control and referenced the second page of the MSTU document. She suggested it be reworded from geographic boundaries to include all the unincorporated areas so that the City does not have to be involved.

She asked when the Pavement Management Plan will be coming back to Council for an update. Director Radacky advised only the sidewalks are left then Civil-Tech can give an update.

Kojack Burnett spoke on the red light cameras and asked when the others will be online. Chief Turner advised two cameras went on today and four will be online on Friday. There is a multitude of permits pending at Florida Department of Transportation. The cameras currently online are Wiscon Road, Broad Street, Martin Luther King Boulevard and Cortez Boulevard. Mayor Johnston asked is there a thirty-day warning period implemented as Council had agreed to do. Police Chief Turner replied that is not the law and it was not his understanding that anyone agreed to it. The contract and the State Law is that when the cameras go online it is \$158 citation. Mayor Johnston stated he thought Council had said that in lieu of not ticketing the first time offenders at all that Council agreed to have a warning period to give people a chance to let them know that the cameras are in place and working.

Council Member Bernardini agreed that was his understanding also. Mayor Johnston stated that was done last time and asked did the law change. Police Chief Turner indicated the only possible way of implementing that would be to issue the tickets and have the City pay the State their portion. Mayor Johnston suggested sending out warnings much like a Police Officer when manning traffic violations. Police Chief Turner reiterated that is not allowed under the law and not part of the plan. He stated the signs were erected, notices were sent in the water bills for two months and publicized as much as possible since October for public awareness. The first two cameras have been up and running. There has not been any tickets issued as of yet but there have been numerous violations since then. The procedure

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is that they are reviewed in Orlando and sent back to be approved and then verified by a law officer. Then the tickets will be issued.

Council Member Burnett suggested staff research when Council discussed what was agreed to. He stated City Council should have been warned at that time that this could not be done. Mayor Johnston and Council Member Bernardini agreed. City Manager Norman-Vacha stated it would be researched and the information brought back to Council. Council Member Bernardini confirmed with Police Chief Turner that once the review gets sent back from Orlando there would be violations issued. Mayor Johnston stated he will call an emergency meeting should that be necessary.

ITEMS BY COUNCIL

Joe Johnston, Mayor

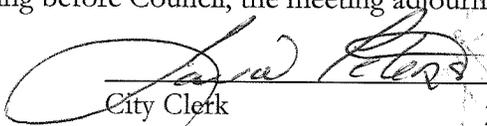
Mayor Johnston indicated he received a letter from the Department of Corrections and indicated they are setting up a community advisory board to observe the operations of the institution, which meets at 10:00 a.m. and he is unable to attend. He asked if a staff member was interested in attending. City Manager Norman-Vacha confirmed staff would be in attendance.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:25 p.m.

Attest:

Mayor



City Clerk

