

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

MINUTES

March 3, 2014

7:00 P.M.

Brooksville City Council met in regular session with Mayor Kevin Hohn, Vice-Mayor Frankie Burnett, Council Members Joe Bernardini, Lara Bradburn and Joseph E. Johnston, III, present. Also present were Clifford Taylor, City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; 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 Vice-Mayor Burnett, followed by an invocation and Pledge of Allegiance.

PRESENTATION & REQUESTS FOR WAIVERS

Grace World Outreach 5K Run/Walk Event Fee Waiver Request

Consideration of request for fee waiver in the amount of \$575 for the 5K Run/Walk Event scheduled for March 22, 2014.

David Beal, Director of Outreach at Grace World Outreach Church, reviewed the purpose of the Run/Walk, which is to bring awareness to the crime of Human Trafficking. The event will help victims in the tri-County area. He advised there will be no profit from the event. All proceeds will go toward helping victims.

Council Member Bradburn commented on the subject and costs. City Manager Norman-Vacha advised the fee is strictly for rental of Tom Varn Park.

There was discussion of the deposit and clarification that the waiver would be \$275.

Motion:

Motion was made by Council Member Bradburn and seconded by Mayor Hohn for approval of fee waiver in the amount of \$275, with the money being transferred from reserves for contingencies.

T. Jennene Norman-Vacha clarified the transfer from reserves for contingencies.

Motion carried 4-1, with Council Member Johnston voting in opposition since the request exceeded the adopted fee waiver budget.

Mayor Hohn arrived and assumed the Mayoral seat.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 11/03/14 INITIALS JL

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CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Proclamation - Human Trafficking Awareness

Presentation of proclamation to raise awareness of Human Trafficking and recognizing the efforts of Grace World Outreach Church.

The proclamation was read in its entirety by Mayor Hohn and presented to Pastor David Garcia and Mr. & Mrs. David Beal of the Grace World Outreach Church.

Proclamation – Florida Bicycle Month

Consideration of Proclamation supporting March as Florida Bicycle Month and March 14, 2014, as Bike to Work Day.

The proclamation was read in its entirety by Mayor Hohn, which was presented to Mike Walker, Director of Parks, Facilities & Recreation.

CITIZEN INPUT

Mayor Hohn called for citizen input.

Hamilton Hanson spoke against the red light cameras. He feels that if they are for public safety that first responders follow the same rules. He thinks they should extend the yellow light timing for public safety so everyone has a decent chance to stop at a yellow light.

David Garcia, Pastor of Grace World Outreach, previously Brooksville Assembly of God, advised he is looking for a metal building for a food distribution warehouse. He asked that if anyone knows of an available building to let him know.

Barbara Bartlett provided information that Hernando County denied fluoride in their water but stated that children are still being given fluoride in their schools.

Pat Miketinac read statistics provided to him by Paul Henry, a lobbyist in Tallahassee, regarding red light cameras.

Shirley Miketinac spoke about the Sensys contract. She believes there are a number of clauses in it that would allow for termination without litigation.

Carolyn Zivkovic was wondering if the people in the City of Brooksville realize they are drinking fluoridated water since there was a newspaper article discussing how Spring Hill's water is not fluoridated.

Jim Kimbrough, a businessman in Brooksville, believes the red light cameras are discouraging people from coming to the city and ruining its image.

Betty Erhard has been a resident for 25 years and has never heard a positive remark about the red light cameras. She wants to know if there are statistics that show a positive impact on the City from before to after the cameras.

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Jimmy Lodato, referencing the empty storefronts in the city and lower business sales, does not believe the City will grow unless the red light cameras are removed.

Dan Patrick spoke in opposition of the red light cameras.

Vi Coogler spoke in opposition of the red light cameras, citing the money the City is paying for each camera.

Anthony Palmeri lives in Spring Hill and stated that he does not shop or eat here anymore because of the red light cameras.

CONSENT AGENDA

Minutes

August, 15, 2011	Executive Session
April 23, 2013	Workshop
July 23, 2013	Workshop & Special Meeting
August 5, 2013	Regular Meeting
August 19, 2013	Regular Meeting

Surplus Equipment

Consideration to surplus obsolete/inoperable equipment.

Motion:

Motion was made by Vice-Mayor Burnett and seconded by Council Member Johnston for approval of the consent agenda. Motion carried 5-0.

REGULAR AGENDA

Resolution No. 2014-04 - FDOT Approval for Florida Blueberry Event Road Closures

Consideration of Resolution to FDOT requesting approval of closures to State Roads for the Florida Blueberry Festival April 10 - 12, 2014.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice-Mayor Burnett for approval of Resolution No. 2014-04.

City Clerk Peters read Resolution No. 2014-04 by title, as follows:

RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET AND BROAD STREET BETWEEN LEMON STREET AND BELL AVENUE IN DOWNTOWN BROOKSVILLE BEGINNING ON FRIDAY, APRIL 11, 2014 FROM NOON UNTIL 8:00 PM ON SUNDAY, APRIL 13, 2014; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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

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

Florida Blueberry Festival 2014 Update

Update on festivities for the 2014 Florida Blueberry Festival and request for marketing sponsorship.

Michael Heard, Festival Coordinator, reviewed the event and requested Council's investment and to serve as a Co-Title sponsorship of the event. She advised the County is helping with FDOT.

She gave Cliff Manuel kudos for working with FDOT. All parking money will go to the charities running those parking lots.

She reviewed the closing of downtown with crowd-control fencing, which will allow for admission gates. There will be \$5.00 adult admission and \$3.00 for children under 6 years old. There was approximately \$39,875 raised last year.

The request was as follows:

- \$3,000 in-kind contribution
- Fee waiver for City service costs for personnel estimated at \$11,961.70
- Fee waiver for City service cost for the Festival kick-off on Saturday, April 5, estimated at \$395.
- Cash contribution of \$20,000, which would include the City's branding/naming in all pre-event advertising, including billboards, radio, magazine and newspapers, bus plaques, all event signage and announcements and the festival website, 12 VIP Parking passes, 24 VIP Entry passes, VIP Hospitality access 24 passes and VIP Concert Seating 24 passes, along with post-event recognition.

Council Member Bradburn agreed that Brooksville is becoming known for the Blueberry Festival.

Ms. Heard advised Friendly Kia is giving away a car with a 3 year lease plus a \$1,000 gas card if the winner is present. A public announcement system will be installed throughout the city.

Council Member Bernardini advised he was ok with the \$20,000 Council had already approved, but did not agree with the other waivers.

Ms. Heard commented on the marketing the committee does for the City of Brooksville. She advised the County is contributing a little over \$28,000 with \$14,000 in-kind and \$14,000 for DOT.

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Council Member Bernardini discussed the City and County population differences and feels the cost is not being shared sufficiently. He feels since tax payers' dollars are being requested there should be a way for people other than staff and Council to receive the VIP passes.

Council Member Johnston expressed that he was in opposition of the \$20,000. He felt that once an event gets established this kind of contribution should not be necessary.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice-Mayor Burnett for approval. Motion carried 3-2, with Council Member Johnston and Council Member Bernardini voting in opposition.

Withlacoochee Regional Water Supply Authority

Consideration to appoint an alternate member to the WRWSA Board.

Council Member Johnston reviewed. He recommended appointment of Richard Radacky, Director of Public Works.

Motion:

Motion was made by Vice-Mayor Burnett and seconded by Council Member Bernardini for approval of the appointment of Richard Radacky, Director of Public Works as an alternate member to the WRWSA Board. Motion carried 5-0.

Photo Enforcement

Discussion of red light cameras program and possible actions.

City Attorney Taylor reviewed the issue and possible actions. The City of Brooksville entered into a contract with Sensys America, Inc. for the installation and operation of red light camera equipment. The term is defined as running from the effective date and shall continue until the third anniversary of the installation date. The installation date is the latest date that a system becomes installed and operational. The last camera installed in the City was in December of 2012, with a current termination date of December 2015.

He advised constitutional and legal questions about the red light camera program are before the Florida Supreme Court on different issues, and petitions are being circulated before Brooksville citizens to place the recall of the red light camera program on the ballot for the fall of 2014. Any termination of the contract before the contract naturally ends can subject the City to monetary damages to Sensys.

OPTION ONE - DO NOTHING

City continues with its contract with Sensys. Termination of the contract would not occur until one of the following events occurs:

1. The Supreme Court rules that the red light camera law is unconstitutional. In that event the contract would be terminated by operation of the law.
2. Mutual consent by the parties.
3. Terminated for cause if a party fails to perform in a material way and the default continues for 45 days after written notice.

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4. Terminated if Sensys concludes that potential liability of Sensys exists to third parties who claim to own Intellectual Property required for the operation of the equipment.
5. Terminated if the City concludes that potential liability to the City exists to third parties arising out of or in connection with the System.
6. Naturally terminates through the normal expiration of the contract.

OPTION TWO - UPGRADE THE SYSTEM WITH NO COST TO THE CITY

Sensys will provide upgrades to up to 8 systems with no cost to the city. The consequence will be a new installation date extending the contract three years from the last extension date. The quality of infrared camera photos may not be as good as the existing cameras.

OPTION THREE - UPGRADE THE SYSTEM WITH COST TO THE CITY

Any upgrade to an existing system will cost \$7,900 per system. Any new red light installation will cost \$45,000. The consequence of this selection is that the installation date would stay the same.

OPTION FOUR - CAMERAS GO AWAY

In the event that the red light camera program ends for the city, for any reason, the consequence is for the city to abandon enforcement or invest in a traffic unit. Further, there may be an erosion of sovereign immunity for the City due to the city being on notice of the number of violations and dangerous conditions existing in the city.

OPTION FIVE - INCREASE OF SPEED FOR RIGHT TURNS

Before this program, the law is that you stop at any red light. There is no safe and prudent speed. The City passed an ordinance before the Sensys contracts that says a reasonable and prudent speed was five miles per hour. If speed limit is increased, it could result in an alleged breach of contract by Sensys as being a material unilateral change. As a home rule government, you can decrease the speed and go back to the old law of zero.

Council Member Bernardini, regarding the sovereign immunity, felt that the state would be liable since it is their intersections. City Attorney Taylor advised sovereign immunity would not be abandoned if they get sued. Council Member Bernardini discussed the laser certification and policies the Police Department must follow to issue speeding tickets, and he wants to know who certifies this 5 mph and how do we know it is correct. He believes Sensys should be notified now that the contract may not be renewed.

Vice-Mayor Burnett was in favor of letting the contract run out in 2015.

Council Member Johnston pointed out that a lot of cities in Florida have red lights. He also stated that the city has the longest yellow light times allowable by law. He advised that because the legislature got involved, people are allowed to basically break the law and take a right on red without stopping. He believes if anything needs to change, he would be in favor of posting a sign saying "Right on Red After Stop Only. Strictly enforced by camera". He is in favor of letting the contract run through 2015 to allow the new Council a chance to make a determination. In answer to a citizen question, he stated that the camera income has benefited the City by allowing paving of the streets without raising taxes. Council Member Johnston added that there should be no additional installations or revisions to the cameras.

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Council Member Bradburn, regarding the blinking lights, thinks the problem has been resolved after meeting with legal and City staff. She advised she is passionate about the city and does not agree with the negative campaign against the city, but she is more passionate about life and it is clearly documented that there is a 35% decrease in accidents. New reports reflect conflicting information only because the reporting standards changed this year and law enforcement is required to complete a long form, even if it is a fender bender. There are no grades given to an accident now. She also reiterated that the money the City is receiving is being allocated to address safety and to improve roads and sidewalks.

Mayor Hohn addressed issues relating to the red light cameras. He advised red light cameras are not to blame for empty storefronts. He stressed that they have no control over the yellow lights, and after asking the county to extend the yellow light timing after public input, it was found that some were too long and thus shortened. Regarding the flashing lights, he indicated Council did its best to resolve the issue. Further, he reminded all that the law is to stop on red before proceeding on a right turn. He advised that over \$400,000 has been allocated to repair streets in the City.

Mayor Hohn asked that anyone with a factual question about the program to please contact him because he has the facts. He added that many people make comments having no information and then provide disinformation.

Motion:

Motion was made by Council Member Bernardini and seconded by Vice-Mayor Burnett to send a letter to Sensys requesting to terminate the contract upon its expiration date, either October 2014 or December 2015. Motion failed 3-2 with the remainder of Council voting in opposition.

Council Member Bradburn advised if the flashing light problem reoccurs, she feels it would be a material failure in their contract and would need to revisit the validity of the contract at that time. Mayor Hohn agreed.

Motion:

Motion was made by Council Member Johnston to use Option 1, seconded by Council Member Bradburn. Motion carried 3-2 with Council Member Bernardini and Vice-Mayor Burnett voting in opposition.

City Manager Norman-Vacha confirmed that Sensys will be advised that the upgrade to infrared will not be done at this time, and if excessive flashing of the lights returns Council will instigate cancellation of the contract.

Mayor Hohn reiterated that even if the referendum passes, it would not mean the contract will end immediately.

City Manager Contract

Review and renewal of the City Manager Contract.

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Mayor Hohn distributed the City Manager's evaluation. It was Council consensus to continue the City Manager's contract. He congratulated City Manager Norman-Vacha on another year.

Motion:

Motion was made by Vice-Mayor Burnett and seconded by Council Member Bradburn to renew the City Manager's contract for another year. Motion carried 5-0.

Council Member Bradburn gave kudos to the City Manager.

Council Member Johnston took issue with the wording of numbers 4 & 5.

CITIZEN INPUT

Mayor Hohn called for citizen input.

Shirley Miketinac provided information about citizens that have spoken against fluoride in the County Commission meeting and requested Council to remove it from the water.

Carolyn Zivkovic asked about the monetary split of the red light camera monies and if the information is available for public viewing. She also asked how much the organization makes versus the City of Brooksville for the Blueberry Festival and if there are record books. Mayor Hohn referred to Ms. Heard's earlier announcement about the organization's profit and commented on the spike in sales tax immediately after the festival. Council Member Bradburn advised that Ms. Heard is a volunteer and tax information is filed with the County.

Hamilton Hansen spoke of the economy and the fact that Brooksville is a crossroad in the County. He would like to see the red light camera contract terminated.

Pat Miketinac believes the yellow light times are set to a minimum, not maximum. He stated that red light cameras are in a decline and more were taken out then installed last year.

Vi Coogler advised school vehicles are not allowed to make right turns on red. He advised if elected in November he will vote to discontinue the red light cameras.

Jimmy Lodato advised he did not indicate the vacant storefronts were because of the red light cameras.

Kojack Burnett congratulated the Mayor and City Manager on their performance.

ITEMS BY COUNCIL

Joseph E. Johnston, III, Council Member

Council Member Johnston advised each are doing what they believe are in the best interests of the city and expressed appreciation for citizens' input.

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Lara Bradburn, Council Member

FLOURIDATION

Council Member Bradburn appreciated that Hernando County denied fluoridation.

RED LIGHT CAMERAS

She feels a new campaign is needed regarding the red light cameras to educate the public on what is safe to do at a red light.

TREE CITY USA

She is happy that the City is once again designated Tree City USA.

DEP LETTER

Referencing a letter from DEP regarding rehab work, Council Member Bradburn requested staff to elaborate on the requested input for a petroleum restoration program. City Manager Norman-Vacha stated she will have staff visit with her on it, as it was determined it did not affect the City of Brooksville.

CITY EVENTS

Member Bradburn wanted staff's help to get better notification of events in the city. City Manager Norman-Vacha advised Council they try to place all events on their calendar. She asked for Council consensus to be notified whenever there is an event in chambers or in the parks. City Manager Norman-Vacha explained that Council is not notified when an outside organization or government agency uses Chambers because it is not a Council related function. Council asked that the City Manager do her best to provide notification of all events.

Joe Bernardini, Council Member

YELLOW LIGHT TIMINGS

Council Member Bernardini asked that a letter be sent to the County regarding the yellow light timings. City Manager Norman-Vacha will provide the last letter received from the County.

RED LIGHT CAMERAS

He thinks that the City is referred to the red light camera capital of the state by some because of the number of cameras they have in relation to the size of the city. Council Member Johnston commented that he doesn't think most cities our size have the number of major intersections with state and federal highways. Council Member Bernardini wanted to know who tests the device within the camera that measures speed, and does it have to be certified like a regular radar unit that police operate.

RECYCLING

He reminded all of recycling day on Wednesday.

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Frankie Burnett, Vice-Mayor

Vice-Mayor Burnett assured that on major issues he votes according to what the citizens want.

He gave kudos to City of Brooksville staff that volunteer.

BLUEBERRY FESTIVAL

Regarding the Blueberry Festival, he reminded all that money had been allocated to invest in community events and it benefits local businesses.

He congratulated the City Manager and staff for their good work.

City Manager Norman-Vacha

Regarding the public comment resolution, Mayor Hohn requested having another look at it individually and not schedule a workshop. Council concurred.

City Attorney Taylor warned Council to be mindful of sharing of information outside a public meeting. The information can be edited and sent to the City Manager.

She thanked Council for another opportunity to continue serving the citizens of the City of Brooksville.

Kevin Hohn, Mayor

Mayor Hohn thanked City Attorney Taylor for his presentation and options for the red light cameras.

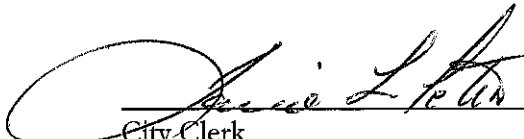
RED LIGHT CAMERAS

He asked folks to let Council know if the flashing of the lights on the red light cameras are excessive.

He thanked all for coming and participating.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 10:19 p.m.



City Clerk

Attest: 

Mayor