

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

**MINUTES**

**February 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 Mayor Hohn, followed by an invocation and Pledge of Allegiance.

**CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

**Proclamation – Black History Month Recognition**

Consideration of proclamation and individual recognition to acknowledge the contributions of outstanding humanitarian deeds during the celebration of Black History Month.

Mayor Hohn read the proclamation in its entirety and presented it to Kojack Burnett of the Elks Lodge. Elder Irene Wells, James Singer and Andrew Williams, Jr., who were unable to attend, were recognized for their contributions to the community as well.

**Proclamation - L.R.E. Ground Services 25th Anniversary**

Consideration of proclamation to acknowledge the 25th Anniversary of L.R.E. Ground Services in Brooksville.

The Proclamation was read in its entirety and presented to the Woolevers. Council Member Bradburn thanked the Woolevers for their community outreach endeavors.

**Proclamation - Human Trafficking Awareness**

Consideration of proclamation to raise awareness of Human Trafficking and recognizing the efforts of the Tri-County Human Trafficking Response Team.

The Proclamation was read in its entirety and presented to Jenene Hammond, Richard Patterson, and Mary Rhode of DCF. Ms. Hammond reviewed the issue and thanked Council for the recognition.

Council Member Bradburn noted upcoming community events raising awareness of the problem, such as Joy FM's Teen Freedom at the Gasparilla Run on February 22 and 23rd to raise awareness as well as funds for aftercare.

APPROVED BY BROOKSVILLE  
CITY COUNCIL  
ON 8/04/14 INITIALS JP

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## Proclamation - Killingsworth Agency, Inc. 40th Anniversary

Consideration of proclamation to acknowledge the 40th Anniversary of Killingsworth Agency in Brooksville.

The Proclamation was read in its entirety and will be delivered to the agency since they were unable to attend. Council Member Bernardini stated Diane has always been community oriented and he appreciates the fact that they have staying in the City of Brooksville.

## Resolution No. 2014-03 – Susan McCrary Retirement

Consideration of resolution honoring Susan McCrary who will retire from the Fire Department on January 31, 2014, after more than 28 years of service.

Mayor Hohn read the resolution in its entirety. Fire Chief Mossgrove accepted on Mrs. McCrary's behalf and spoke of her tenure with the City.

## Motion:

Motion was made by Council Member Burnett and seconded by Council Member Johnston for approval of Resolution No. 2014-03.

City Clerk Peters read Resolution No. 2014-03 by title, as follows:

**A RESOLUTION IN APPRECIATION OF THE YEARS OF  
SERVICE RENDERED TO THE CITY OF BROOKSVILLE  
AND ITS CITIZENS BY SUSAN MCCRARY.**

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

Mayor Hohn recognized Troop 442, Boy Scouts of America. They were in attendance to observe the procedure of Council. Ruth Ann Sharp, Committee Chair for Troop 442, introduced the Troop members.

Kojack Burnett thanked Council for the recognition of the Elks Lodge. Ms. Tonda Wells, who accepted the Certificate of Recognition for Elder Wells, thanked Council on behalf of her mother.

## **CITIZEN INPUT**

Mayor Hohn called for citizen input.

Pat Miketinac thanked Council for the recognition of the Boy Scout Troop. He commented on the red light camera hearings which he had attended. He felt the City's claim on its website of only enforcing serious violations is false.

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Shirley Miketinac advised she had attended the MLK Parade where she acquired signatures in opposition of the red light cameras.

Jimmy Lodato stated that the RV Rally is moving to Sarasota after failed attempts to negotiate with the County. They will reconsider Hernando County after one year in Sarasota. Mayor Hohn clarified that this is a County Commission issue and Council has no say in the decision.

### CONSENT AGENDA

#### Minutes

- a) October 17, 2011 Executive Session
- b) May 21, 2012 Executive Session
- c) July 9, 2013 Workshop
- d) July 15, 2013 Regular Meeting

#### Public Sanitary Nuisance Abatement Liens

Consideration of recording liens for expenses incurred in the cleanup of properties in violation of the City's code.

Council Member Bradburn, regarding the Hughes lien, advised that there had been deaths in a Hughes family and asked that staff investigate whether this property is impacted.

Council Member Johnston asked if the Christopher House of Hope is a half-way house. Director Geiger will find out how it is operating.

#### Cargo Van Purchase - Department of Public Works

Consideration to purchase a 2014 Ford Cargo Van from the Florida Sheriff's Association, Association of Counties and Fire Chiefs Bid List for the not-to-exceed amount of \$29,799.00.

#### Regional Medical Center's Renewal Application for Certificate of Public Convenience & Necessity (COPCN)

Consideration for Council to recommend that Hernando County Board of County Commissioners grant renewal of COPCN for HCA Health Services of Florida, Inc., d/b/a Regional Medical Center, Bayonet Point, for the period of February 2014 through February 2016.

Council Member Bradburn, regarding lawsuits involving trauma centers throughout central Florida, asked if this application would impact the City in any way. City Manager Norman-Vacha believes Hernando County approves all COPCNs for the county, but statutes do require Council to review it and give their consent. She thinks the county can still proceed even if Council says no, and does not see any connection with lawsuits. Council Member Bradburn would like legal to look into the issue and find out if any language should be included because of the ongoing lawsuits involving the CON process. Member Bernardini asked that legal confer with Hernando County. City Manager Norman-Vacha pointed out this particular COPCN is a renewal, as opposed to a new trauma center.

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## Motion:

Motion was made by Council Member Burnett for approval of the consent agenda. Motion died for lack of a second. Discussion ensued as referenced above.

## Motion:

Motion was made by Council Member Johnston and seconded by Council Member Bernardini for approval of the Consent Agenda. Motion carried 4-1 with Council Member Bradburn voting in opposition, referencing opposition to Item 4 until the legal questions are addressed.

## REGULAR AGENDA

### Resolution No. 2014-02 Public Comment

Consideration of Resolution adopting rules and policies governing public comment in compliance with Section 286.0114, Florida Statutes.

City Attorney Cliff Taylor reviewed the resolution.

Council Member Bernardini advised he did not see in the statute where it required citizens to give their addresses and was not in favor of it. He felt the policy to be restrictive and would discourage citizens from speaking.

City Attorney Taylor advised there are three opportunities during Council meetings for the public to speak; if there are ordinances on the agenda, citizen input for anything on the agenda, and lastly, discussion of any topic not on the agenda.

Council Member Bradburn advised the policy mirrors what has been suggested by the State, not just the Attorney General's office.

Council Member Bernardini indicated the statute states, "A reasonable opportunity to be heard before official action is taken". He didn't read where there had to be all these restrictions and time limits. He pointed out that the statute does not require a group to appoint a spokesman. He and Council Member Johnston think "shall" should be changed to "may" in reference.

Council Member Bradburn advised the state guidelines do speak of time limits, adding that this mirrors what the state has suggested, solidifying the public's right to speak.

Council Member Bernardini felt there were contradictions in the board's right to override the chair in certain circumstances.

Council Member Johnston, referencing page 4, item 5, regarding residents' "actual address", was not sure that is necessary. On page 5, section 7, regarding "items on the agenda", he would either delete that or change the heading to "general" because it relates to things other than items on the agenda. On page 5, item 2, next to the last sentence, where it states, "An additional period of public participation before the meeting is adjourned for items not placed on the agenda." he would remove the last seven words, placing a period after adjourned. He felt citizens should be able to speak on any item. Referencing Item 4, where

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it talks about addressing the board as a whole and not to an individual, he felt they could address anyone they want and the words "not to an individual" should be stricken.

Mayor Hohn agreed with the heading regarding "items on the agenda". He states there is currently no policy, and this provides structure and preserves the right for anyone to speak during those sections of the meeting. Discussion continued about the time limit for speaking.

Council Member Bradburn stated that she does not support the changes to section 6 and thinks it is important that we preserve the rights of every one of our citizens by allowing them to know what to expect when they come in and that everyone has the same amount of time.

Council Member Burnett felt a workshop needs to be scheduled to review and discuss this item.

Council Member Johnston would like to see the current procedure codified in a way that is written down so Council can continue as in the past, allowing citizens to speak on any topic at any citizen input session.

Mayor Hohn agreed with changing "shall" to "may". He asked the pleasure of Council.

After further discussion of equality of time, Mayor Hohn recommended a 1-hour workshop with the City Manager bringing back potential dates at the next meeting. Council agreed.

### **Pavement Management Update**

Presentation of pavement management proposal.

Director of Public Works Richard Radacky reviewed the proposal. He advised three roads have already been reclaimed; John Gary Grubbs which is the entrance road to the Enrichment Center, Railroad Place off of Brooksville Avenue, and ACL Street.

He advised the asphalt and brick upgrades for all the projects would come to about \$7.4 million dollars. Working with the \$800,000 approved by Council for the 2014 budget he reviewed the proposal as follows:

**West Early Street** is a brick street with very little traffic and the lowest ranked street of the brick streets in the City. There are no drainage problems identifiable and no utilities that would interfere with the reconstruction. There is a huge Oak tree right in the middle of the street. West Early is 238 feet in length and it was proposed to divide the street into two segments. One segment would be from the Oak tree to the CSX Railroad (a dead end street), and the bricks on the west side of the tree would be harvested to be used for replacement bricks for other streets. He estimated there are about 4,000 bricks in that area. He proposed hollow-cell pavers on the west side of the tree which is cheaper than asphalt or brick. On the front part the bricks would be repaired for an estimated \$24,000 for the brick realignment and the hollow-celled pavers.

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Council Member Johnston asked about the cost of paving from Main to the new pavers and removing the bricks to use elsewhere since it is a dead end street. Council Member Bradburn agreed but wanted to keep in mind that the property owners along that road enjoy the bricks and should be consulted. She suggested having a decorative brick just around the tree and reclaiming the rest.

Director Radacky felt the people would prefer to keep the brick if they could be repaired, advising a base would be needed for asphalt. Mayor Hohn asked if he could price this out with the asphalt and base and compare it to the brick repair.

**Paver crosswalks** in the downtown area are stained because the pavers were not sealed when installed. Director Radacky suggested having them power washed, repair any depressions and seal them. This will protect from grease and grime as well as keep the pavers in line. The cost will be approximately \$22,000. Work will try to be scheduled at night and on weekends to minimize traffic interruptions.

**Daniel Avenue** has brick and the intent is to remove those bricks and use them for repairing other brick streets within the City. This work will be done by staff. The plan is to replace the bricks with a chip concrete base and asphalt all the way up to the CSX crossing. This cost is projected at approximately \$35,000. CSX has been contacted several times to repair some crossings but have gotten no response. Council Member Bradburn advised CSX has responded to the MPO, who has asked FDOT to make repairing the railroad crossings in the city a priority through coordination with CSX. She suggested coordinating with Lee Royal to have this site included in the list.

**Brooksville Avenue** would be from Dr. Martin Luther King back to the south side of the trail. This is a collector street and one of the top five streets identified. The right-of-way width was not known but Council Member Johnston felt adding a foot on either side may make it more drivable if it can be done and still leave room for sidewalks in the future. Vice-Mayor Burnett advised the School Board made a bus stop there and sidewalks are really needed. Director Radacky advised this project will cost approximately \$57,000.

**Chatman Boulevard** from US 41 to a dead end, just beyond Brooksville Healthcare, is ranked sixth on the original list and will be repaired with a simple mix and overlay for approximately \$34,000.

**Bell Avenue** has three different pieces to be repaired. One is from Fort Dade to Olive Street to repair six deep depressions in the brick portion. The second portion is from Olive to Cherry Street where there is asphalt on top of bricks. The third section is from Cherry Street to Oak. There is brick under it and the plan is to put a layer of asphalt on top.

If you do not do the removal of asphalt on Bell, an alternative project is **Mildred Street**. There are two sections being recommended for work at this time. It is a collector street and has very poor asphalt. Money taken from the brick work on Bell could be used to repair 3,326 linear feet of asphalt for approximately \$160,000. Mayor Hohn asked if the portion of Mildred that runs across 41 to W. Jefferson is county road. Director Radacky advised it is a state road. The portion of Mildred from W. Jefferson to Fort Dade has some drainage issues, but is not included in the proposal at this time.

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Council Member Johnston recommended delaying repairs to Bell Avenue until the fall. He recommended just doing part one, leveling Bell from Fort Dade to Olive. This would result in a cost savings of \$49,000. This could be used for Early Street and/or sidewalks on South Brooksville Avenue.

Council Member Bernardini requested cost estimates for paving Orange, Lemon and Bailey Streets.

Vice-Mayor Burnett felt the road management project to be the greatest accomplishment of this Council, but felt the project should be based on the criteria set forth and agreed upon.

Council Member Bradburn wanted assurance that if Mildred is done now, Bell would be prioritized in the fall. The rest of Council concurred.

Director Radacky asked for clarification on Early Street. Mayor Hohn and Council Member Johnston would like to see the bricks harvested and the road paved. Council Member Bradburn agreed, but added that the tree has to be preserved so you cannot cover up too much of the root system and the land owners should be consulted regarding the historic character.

Council Member Johnston agreed with getting the opinion of the residents who use that road daily.

**Veteran's Avenue** is number three on the original list. Council Member Johnston asked if there is a way to engineer the street so it is better able to withstand the types of vehicles using it. Director Radacky advised it is planned to thicken up the asphalt with a base that is semi-truck standard. This project is estimated at \$250,000. Swiftmud has to be consulted on this project. Council Member Bradburn requested Director Radacky work with Luigi's so that his customers still have access.

Director Radacky advised quite a bit of sidewalk will be done in this project as well, about 400', which will be rolled into the bid.

Council Member Bernardini advised trees were lost during the McKethan Park renovation and hoped additional trees would not be lost during this project. Director Radacky indicated they will keep this in mind, as well as access for the Police and Fire Departments.

**Hammock Road** street and draining design work is requested if portions of the Bell Avenue project are delayed until the fall. Director Radacky asked that the \$49,000 be reserved for contingencies.

Director Radacky reviewed the streets, Bell, Howell, and Orange, where a sidewalk planer had been used to remove trip hazards. He is interested in buying one for around \$6,000 versus \$700 per week for rental. He felt the planer might be used to smooth asphalt as well. Council Member Bradburn encouraged the purchase. Director Radacky advised they are considering using part of the Multi-capital funds for the purchase.

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Council Member Johnston summarized:

- Approval of everything on the list with the Bell/Mildred alternative,
- Staff to bring back potential cost estimates for Early Street for doing the whole thing with an alternative method instead of replacing the brick, and
- Possible widening of South Brooksville Avenue or a sidewalk if the right-of-way allows for it to be looked into by staff.
- Recovery of the brick streets on Bell Avenue will be number one on the next proposal.
- Overlay cost estimates for Orange, Lemon and Bailey.
- Core boring samples for Orange, Lemon and Bailey.

### **Motion:**

Motion was made by Council Member Johnston and seconded by Council Member Bernardini for approval of the pavement management proposal as presented with aforementioned exceptions as summarized by Council Member Johnston.

Motion carried 5-0.

### **CITIZEN INPUT**

Mayor Hohn called for citizen input.

Pat Miketinac reviewed the Hernando County Board of County Commissioners speaking limits.

Shirley Miketinac thanked Council for serving and caring. She spoke of time limits, and appreciates Council's determination to protect the public's right to speak at public meetings. She requested the Sensys item be added to the March 3<sup>rd</sup> meeting.

Kojack Burnett implied he is happy with the current time limits.

Vice-Mayor Burnett clarified that you can request to get on an agenda, but it has to be approved.

### **ITEMS BY COUNCIL**

#### **Joseph E. Johnston, III, Council Member**

##### MLK Parade

Council Member Johnston advised he enjoyed the MLK Parade and is looking forward to it continuing and growing.

#### **Lara Bradburn, Council Member**

##### COPCN

Council Member Bradburn stated that she looks forward to hearing back about the trauma



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center lawsuits and what effect that has on local agreements and any need for special language.

### PAVEMENT MANAGEMENT

She reminded staff to coordinate with Lee Royal and DOT about the railroad crossings.

She gave a friendly reminder that political work, solicitation, signage, petitions, etc. is not permitted on city property and it is against the law.

### **Joe Bernardini, Council Member**

#### SENSYS

Council Member Bernardini is not in favor of expending more money on the red light cameras issue because Sensys still has not answer why, when traffic is standing still, these lights are flashing. He wants to know if we can pose that specific question and try to get an answer.

Mayor Hohn stated that the question was asked already and their answer was that the camera is anticipating a violation or the camera is recycling. He will have Sensys put their answers in writing.

#### RIGHT ON RED

Council Member Bernardini asked if the speed limit portion of the ordinance will be brought back for discussion.

Mayor Hohn advised he was not at the last meeting and was not aware of any discussion to do so.

#### TRUCK PARKING

Council Member Bernardini advised 18-wheeler trucks are parking in residential areas, even though they may be on commercial property, and he didn't think this was allowed.

City Manager Norman-Vacha stated that she will visit with Council Member Bernardini since she recently dealt with this situation and has researched it.

He reminded everyone that Wednesday is recycling.

### **Frankie Burnett, Vice-Mayor**

#### MLK Holiday

Vice-Mayor Burnett commented about a mistake in the newspaper that said there were no activities in South Brooksville for the MLK holiday. The Frederick Kelly Elks Lodge has been celebrating every year, even before it became a federal holiday. There are always activities and someone should have called people that live in the community.

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## Kevin Hohn, Mayor

### RIGHT ON RED

Mayor Hohn advised that if there was no camera, you would have to come to a complete stop. People are complaining about the speed limit, but if you are pulled over by a police officer your fine would double, you would get points on your license, and your insurance would go up.

### ADJOURNMENT

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

Attest:

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
City Clerk