

**COUNCIL MINUTES  
JANUARY 6, 2010**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, January 6, 2010, at 7:00 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Vice-Mayor Jeffrey Fleis, Councilman Mike Chase, Councilman William Higginson, Councilman Scott Rhodes, City Manager Michael P. Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro.

Vice-Mayor Fleis led a moment of silence and Pledge of Allegiance.

**SWEARING IN OF DON HUGHES AS CHIEF OF SATELLITE BEACH FIRE/RESCUE DEPARTMENT**

Mayor Ferrante administered the Oath of Office of Fire Chief to Commander Don Hughes with members of the Fire Department standing to show support.

Captain David Abernathy presented the traditional white fire chief hat to Chief Hughes.

Chief Hughes expressed appreciation to his family and Satellite Beach Fire Department personnel for their support. He thanked Fire Chiefs from neighboring communities for being present: Titusville, Fire Chief Chuck Bogle; and Palm Bay, Fire Chief Steve Abraira, Assistant Fire Chief Jim Stables, and Assistant Fire Chief Art Renfro.

City Clerk Barbara Montanaro asked Chief Hughes to affirm and sign his oath.

Mayor Ferrante recessed the meeting from 7:05 to 7:10 to allow time for pictures, etc.

**POLICE DEPARTMENT:**

**PRESENTATION OF PROCLAMATION RECOGNIZING THE SEVEN YEARS' SERVICE OF K-9 OFFICER FLEX**

Mayor Ferrante presented a plaque to Sgt. Darren Frost and his retiring K-9 Flex for the valuable services they have provided to the Satellite Beach Police Department, the citizens of Satellite Beach, and neighboring communities. As a K-9 Officer, FLEX contributed to over 50 Building Searches, 50 Tracks, 20 Area Searches, 30 Public Relations Demonstrations, 3 Crowd Control Calls, 600 Drug Searches with 540 Search Confirmations (90% accuracy), and 240 Arrests.

**INTRODUCTION OF K-9 OFFICER ASTOR**

Police Chief Cote introduced Patrol Corporal Steven Owens and the new K-9 Astor. He expressed the appreciation of the Police Department and the citizens of Satellite Beach to Mr. and Mrs. Ed Andre of the Enigma for their generous donation of \$8,000.00 for the purchase of the new K-9.

**CITIZEN RECOGNITION AND BOARD INTERVIEW**

**INTRODUCTION OF GUESTS** No one.

**CITIZEN COMMENTS** No one.

**BOARD INTERVIEW**

Council welcomed Mr. Ken Lindeman and interviewed him for a position on the Comprehensive Planning Advisory Board. They commended Mr. Lindeman for his outstanding credentials and advised him that board appointments would be made at the end of the meeting.

**CITY COUNCIL COMMENTS**

**Councilman Chase** stated that the five new families on his street were thrilled with Santa on the fire truck. He referred to the headlines in the newspaper regarding school redistricting and recommended that the City continue to work with School Board Representative Amy Kneessy and be diligent about protecting the Satellite Beach Schools from closure in the future.

**Councilman Rhodes** stated that he and his family rode on the Santa truck in the Montecito area. He met with Sue Murray, Principal of Surfside Elementary, to let her know that the City is strongly supporting the local schools. She offered to speak at a future Council meeting about school issues.

**Councilman Higginson** reported that he attended the dinner for the Police volunteers and the Space Coast League of Cities December meeting. He commended staff for the excellent holiday luncheon at the David R. Schechter Community Center. He wished Fire Chief Rocque well in his retirement. He attended the Transportation Planning Organization meeting where they discussed plans for a new entry to the Space Florida Complex.

**Councilman Fleis** stated that he is looking forward to the New Year in the City.

**Mayor Ferrante** reported that he attended the Police volunteers' dinner, the Space Coast League of Cities December meeting, a tree dedication at the Sports Park sponsored by the Hadassah, the Planning and Zoning Advisory Board meeting, the December 22 staff meeting at City Hall, the holiday luncheon, and the special Council meeting on December 30. He expressed appreciation to Public Works Director Allen Potter for raising and lowering the flag at the Bob Bolin Memorial each day.

**CITY ATTORNEY REPORT** No report.

**CITY MANAGER REPORT**

City Manager Michael Crotty presented a list of meetings for the Council:

- January 13 at 6:00 pm – Goal setting for 2010
- January 20 at 5:30 pm – Tour of Police Department
- January 20 at 6:45 pm – Board interviews
- January 20 at 7:00 pm – Regular Council meeting
- January 27 at 6:00 pm – Report by City Engineer on stormwater drainage projects and status report on undergrounding utilities

There were benchmarks that Waste Management needed to reach by January 31 in order for the five-year renewal of their contract to remain in force: 1) improvement in the collection of yard debris and 2) implementing an interactive web-based reporting system. It appears that both of those goals have been met. Council concurred and no action was taken. The contract remains in force.

**ORDINANCE NO. 1025, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE SATELLITE BEACH PERSONNEL POLICY SECTION 14.03(B)(2) VISION CARE SERVICES; PROVIDING AN EFFECTIVE DATE (SECOND READING)**

City Attorney James Beadle read Ordinance No. 1025 by title only on second reading.

This ordinance was approved on first reading on December 2, 2009. It increases the reimbursement for vision care services from \$150.00 to \$225.00 once every two years. This is the same increase approved by Council in the Fraternal Order of Police contract.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to adopt Ordinance No. 1025 on second reading. VOTE: ALL AYES. MOTION CARRIED.

**RESOLUTION NO. 894, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, ADDRESSING THE RECENT TREND OF INCREASING VIOLENT CRIMINAL OFFENSES ACROSS BREVARD COUNTY; SUPPORTING ADEQUATE FUNDING FOR FLORIDA'S PRISONS; OPPOSING LEGISLATION THAT PLACES CONSTRAINTS ON SENTENCING OF CONVICTED FELONS AND LEGISLATION THAT RELEASES DANGEROUS FELONS EARLY; PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Crotty stated that Resolution No. 894 was proposed by the Brevard County Sheriff's Department and is one of two resolutions being considered by municipalities throughout Brevard County. The other resolution included in the packet (which would be No. 893) was drafted in Palm Bay and presented to the Space Coast League of Cities for support.

Police Chief Cote said that all law enforcement will support Resolution No. 894 because it identifies the problems with the courts and the action of the State Legislature which potentially causes the release of prisoners back into the community. The second resolution is not fair to the States Attorney's Office, Judges, or law enforcement in general.

Council discussed the following:

- The draft No. 893 is very long and attacks individuals. The focus on increasing violent crime offenses, the potential constraints on sentencing of convicted felons, and early release may be lost in the length of the resolution.
- Criminal justice is a large part of the State budget and Council has already received comments from Representative Workman that State revenues are down and there will have to be cuts.
- They did not support having a citizen committee review law enforcement procedures.
- The two main focus points are to encourage the Legislature not to reduce funding to the criminal justice system and to oppose legislation that supports early release of felons.

City Attorney Beadle read Resolution No. 894 by title.

Mayor Ferrante asked for public comments; the following individual addressed Council:

- John Fergus, 135 Maple Street, stated that there is a lot in the newspapers about crimes being committed by people who should not be on the street. The City needs to support keeping criminals in prison and should support this resolution. It would be helpful if Council could target another place for the Legislature to cut funds instead of the criminal justice program.

City Manager Crotty stated that this is the challenge facing local and state government; revenues are down and cuts have to be made some place. The City passed a resolution asking the school funds not be cut; now we are asking that the criminal justice system be fully funded. There have to be cuts; but we don't know where.

**ACTION:** Councilman Higginson MOVED, SECOND Councilman Chase, to adopt Resolution No. 894. VOTE: ALL AYES. MOTION CARRIED.

#### **DISCUSS/TAKE ACTION ON REPLACEMENT OF TRAFFIC CONTROL CABINET AT SR A1A AND SCORPION COURT**

Public Works Director Allen Potter stated that the Florida Department of Transportation provides the traffic signals and pays the City to maintain them. Because of the need for specialized skills and equipment to maintain the signals, the City contracts with Brevard County for the maintenance.

Brevard County Traffic Operations has requested that the signal control cabinet at the intersection of Highway A1A and Scorpion Court be replaced. The electrical components

are showing increased signs of corrosion and there is an increase in the number of maintenance calls to this location. The cabinet does not meet the 2001 NEMA TS-2 standards and it is difficult to get parts to repair the old TS-1 standard.

The estimated cost of an upgraded cabinet and installation is \$8,000.00.

Council discussed the safety issues involved at this location; this is a high traffic intersection because of Satellite High School and Atlantic Plaza. The new box is similar to the ones on South Patrick Drive and will work with mast arm signals when the street scape is upgraded along A1A.

Mayor Ferrante asked for public comments; the following individual addressed Council:

- Dominick Montanaro, 465 Glenwood Avenue, asked if the cost will come from the Community Redevelopment budget or the General Funds. (General Fund Reserves)

**ACTION:** Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to approve the purchase of a traffic signal control cabinet in the amount of \$8,000.00, as detailed in the December 1, 2009, memorandum of the Public Works Director, with funding from General Fund Reserves. VOTE: ALL AYES. MOTION CARRIED.

### **DISCUSS/TAKE ACTION ON POSSIBLE PROJECTS UNDER THE ENERGY, EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM FOR CITIES UNDER 35,000 POPULATION**

City Manager Crotty reported that the Governor's Energy Office and the Florida Energy and Climate Commission (FECC) will distribute \$18.6 million for cities and counties that did not receive direct funding from the Department of Energy. This is open for cities under 35,000 people. Grant Writer John Fergus will present four potential projects for Council to consider.

Grant Writer John Fergus presented an overview of his January 5, 2010, memorandum (attached) showing funds available, and the number of points available for each of four categories and four potential projects. The four projects are:

1. Civic Center energy efficiency improvements (new a/c, lighting, appliances, etc.)
2. Rooftop Photovoltaic Array (35,000kW/month array and plug-in electric vehicles)
3. Civic Center energy efficiency & rooftop photovoltaic array
4. Civic Center energy efficiency & plug-in electric vehicles.

From a preliminary tally of points, it appears that option 1 will generate the most points; there are a number of additional points that can be tied into that project such as educating/publicizing/encouraging energy efficiency. Mr. Fergus stated that he is looking for direction as to which, if any, projects Council would like him to pursue. He does not want to develop a grant application for a project that will not be considered.

In response to a question if the City has to spend money to get money, Public Works

Director Allen Potter responded, if major renovations are made to the Civic Center, they will have to make the restrooms ADA compliant. There are currently major plumbing problems in the building. The air conditioner is a very old (20+ years) water-to-air unit that requires frequent repairs. When the coil goes, it will cost about \$30,000 to replace the unit with another water to air unit; the cost will be substantially more to go to an efficient air-to-air unit. The ductwork is as old as the unit. It would probably be necessary to put in a drop ceiling to house the energy efficiency lighting.

City Manager Crotty noted that once the air conditioner dies, Council will have to make the hard choice of closing the Civic Center or spending the money to replace the A/C. He asked Recreation Director to provide a report on usage of the Civic Center.

Ms. Stoms reported that about twenty groups meet in the Civic Center on a regular basis. Of the 280 hours between 8:00 am and 5:00 pm, about 155 hours are used each week. She does not book any private rentals because she cannot guarantee that the A/C will be working. This leaves Fridays and Sundays that are not used. If the building were up to par, there could be more weekend rentals. If the building has to be closed, she does not have another place to put the majority of the groups using the Civic Center.

Improving the Civic Center could provide a source of income for the City through special event rentals.

Mayor Ferrante asked for public comment; the following individuals addressed Council:

- Gabe Feindt, 470 Caribbean Drive, asked if the building needs a new roof (no) and could the grant remedy any of the standing water in the breezeway (no).
- Dominick Montanaro, 465 Glenwood Avenue, stated that he had been involved with discussions with Florida Solar Energy and an energy efficient air conditioner was one of the things discussed; they did not endorse photovoltaic as a good return of capital spent. In the past six or seven years, Council has put \$2 Million in reserves for things that need to be done. If the City has to spend \$75,000 to get \$250,000 to improve the Civic Center, it is a good use of the money. Electric cars do not meet the needs of the City.
- David R. Schechter, 635 Seville Court, stated that one big advantage with our grant writers is that they know what is going on in the City and they can marry up what City needs with specs for grant applications. The Community Center was not meant to replace the Civic Center. The Civic Center meets a specific need of the community. Let the grant writers draft the application that best meets the needs of the City.

After discussion of various energy saving components and the potential points each of the four projects could earn, Council concurred that they are interested in Project #1, replacing the A/C, high efficiency lighting, high efficiency appliance, education/publicity, and any other needed improvements that qualify for grant funds. They would like to see the estimated points with the 1% match and without matching funds.

**ORGANIZATIONAL ISSUES 2010:**

**DISCUSS FORMAT OF PROPOSED TOWN HALL MEETINGS**

Councilman Chase is hosting the first Town Hall Meeting. He will focus on the dynamics of the City. His format will be to introduce himself, hand out lists of all citizen advisory boards and explain how an issue moves through the citizen boards to Council, and encourage citizens to become involved in boards and volunteer groups. He plans to have a thirty-minute presentation, followed by a thirty-minute question and answer session.

Council concurred as follows:

- An hour is a good length for the meetings.
- If questions cannot be answered that night, they can be forwarded to the appropriate staff person for response.
- They do not want to record the meetings.
- They want to involve as little staff time as possible.
- This is an informal opportunity for citizens to speak with Council.
- They want to encourage citizens to become more involved in the operation of the City.
- Suggested that “green” be one topic – what it means and how to achieve it.
- Locations for meetings could be a neighborhood park, a 55+ meeting.
- Satellite Beach has a smart resident base and they know how to contact Council and staff if they are not satisfied.

Mayor Ferrante asked for public comments; the following individuals addressed Council:

- Gabe Feindt, 470 Caribbean Drive, commended Council for attempting to get citizens involved; however, his experience has been that they do not care. He was embarrassed by the 25% turnout for the recent election, noting that people only turn out when they are upset about something.
- Dominick Montanaro, 465 Glenwood Avenue, stated that it is a good idea to go to the 55+ Club meetings; the website is a good place to advertise the meetings, also the *Beachcaster*. Many people are interested but do not come because they don't have time. Meetings don't need to be recorded; they are a one-on-one conversation.
- David R. Schechter, 635 Seville Court, recommended that Council move forward with the Town Hall meetings.

Each Councilmember will establish a time, location, and agenda for his respective Town Hall meeting. There will be minimal staff involvement.

**DISCUSS ESTABLISHMENT OF AD HOC COMMITTEE TO REVIEW CITY REVENUES, EXPENDITURES AND FUTURE FINANCING OF SERVICES**

Mayor Ferrante recommended forming a blue ribbon committee to find alternate sources of revenue to begin in mid-February. He asked how Council would like to select members of the committee – resumes, Council appointment, what?

Council discussed the following:

- There is already a great base of knowledge in place with the existing boards and committees. Why not task each one of those to suggest a way to cut costs or generate revenue.
- If a blue ribbon committee is formed, the members should have a financial background and be familiar with government and how the City runs.
- Oceanfront property is off the tax rolls forever; the commercial base is the only opportunity to increase revenue. It is essential to revitalize the commercial corridor to enhance the underutilized areas.

Mayor Ferrante stated that he was looking for something more detailed, a group that would focus on savings and revenue to come up with ideas that Council may be missing. He wants to explore all possibilities, especially ideas other than ad valorem taxes. He suggested charging the committee in February and they present ideas by July.

City Manager Crotty said that Board Chairs will attend the January 20 meeting and Council can discuss this with them at that time. Additional revenue sources will mean that someone will be paying more for something. Other cities have blue ribbon committees in place and Mr. Crotty will get a copy of the charter from them. It is important to set timeframes; the final report should be after the State Legislative Session so that the City knows the full impact of the State's actions on the City.

Mayor Ferrante asked for public comments; the following individual addressed Council:

- Dominick Montanaro, 465 Glenwood Avenue, stated that the concept is good but there will be a learning curve for any new committee to become familiar with government finance and to understand the impact of this year's legislative actions. Also, this will place additional demands on staff.

Council suggested a couple ideas to generate revenue:

- Find ways to entice businesses to the City – tax incentives, etc.,
- Can the Recreation Board/Department host a national tournament to generate money?
- Can the City hire a judge to hear traffic cases and keep traffic fine money in the City?

Council will discuss this with the Board Chairs at the January 20 meeting.

**CITY INPUT TO SPACE COAST LEAGUE OF CITIES ON UNFUNDED STATE**

**MANDATES**

At the December Space Coast League of Cities (SCLC) meeting, they requested each city bring a list of unfunded mandates. They are not looking for a shopping list of \$100 items; they are looking for a response to Senator Haridopolos' question "What unfunded mandates?"

City Manager Crotty provided information about the State requirement for the City to complete a Comprehensive Plan Evaluation and Appraisal Report. This review and follow up issues cost the City in excess of \$90,000, plus countless hours of staff time and volunteer board member time. In the past, the State had provided some funding for smaller municipalities that do not have the technical staff to handle such a review. Those funds are no longer available and the City was forced to hire a consultant.

The City Manager also listed the \$50,000 that the City had to budget for FY 09/10 to address TMDL issues (engineering/monitoring) that are necessary because of the ongoing rule development by the Florida Department of Environmental Protection (DEP). The DEP rulings could cause the City to spend tens of millions of dollars over the next fifteen years.

Councilman Higginson mentioned the number of Comprehensive Plan Amendments required by the Department of Community Affairs over the past six years. If Amendment 4 "Hometown Democracy" had been in place these past six years, it would have cost the City over \$600,000.00.

Mayor Ferrante asked for public comments; the following individual addressed Council:

- Dominick Montanaro, 465 Glenwood Avenue, asked if figures on the cost to local government associated with Amendment 4 can be published in the Beachcaster and on the Web.

Amendment 4 now has ballot status, so local government cannot spend city dollars to advocate or oppose. Neutral facts can be published.

**APPOINTMENTS TO BOARDS**

City Clerk Barbara Montanaro presented a list of board vacancies, reappointments, and applications for Council to consider.

Mayor Ferrante asked for public comments prior to the vote on each appointment. There were no comments.

**ACTION:** Councilman Higginson MOVED, SECOND Vice-Mayor Fleis, to appoint Ken Lindeman to a three-year term as an alternate member of the Comprehensive Planning Advisory Board, said term ending January 6, 2013. VOTE: ALL AYES. MOTION CARRIED.

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to remove Sloan

Willis-Dalkins from the Samsons Island Park Committee due to lack of attendance. VOTE: ALL AYES. MOTION CARRIED.

**AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING**

The City Manager presented a list of potential agenda items.

The National Beach Preservation Conference is being held at the Crowne Plaza in Indialantic February 3-5. Councilman Rhodes had expressed an interest in beach issues and this is an ideal training session. He can register at a discounted rate prior to January 15.

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to approve the attendance of Councilman Rhodes at the National Beach Preservation Conference. VOTE: ALL AYES. MOTION CARRIED.

Mayor Ferrante asked that the room be set up for the Council and Board Chairs to sit around a table for the January 20 meeting. Council will move to the dais for the remainder of the meeting.

**ADOPTION OF MINUTES: DECEMBER 2, 2009, REGULAR MEETING**

**ACTION:** Councilman Higginson MOVED, SECOND Councilman Chase to approve the minutes as presented. VOTE: ALL AYES. MOTION CARRIED.

Councilman Higginson announced that he would not be present on January 13 but he has given the City Manager his list of priorities.

Mayor Ferrante adjourned the meeting at 10:07 p.m.

Barbara Montanaro, CMC  
City Clerk