

**COUNCIL MEETING  
MINUTES  
FEBRUARY 1, 2012**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, February 1, 2012, at 6:00 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Vice-Mayor Scott Rhodes, Councilman Gregg Billman, Councilwoman Sheryl Denan, Councilman William Higginson, City Manager Michael P. Crotty, City Attorney James Beadle, and City Clerk Leonor Olexa.

Councilman Billman asked for prayers for the families of those who have died recently on our Florida highways, for our troops overseas in harm's way, their families, and for our citizens. He then led the Pledge of Allegiance.

**PRESENTATION OF PROCLAMATION RECOGNIZING LIZA CREATURA AS THE FLORIDA POLICE ATHLETIC LEAGUE GIRL OF THE YEAR**

Mayor Ferrante read the proclamation and presented a City pin to Liza Creatura. He emphasized the wonderful example that Ms. Creatura is to our community and thanked her for all the volunteer hours she has given for the betterment of others.

Ms. Creatura thanked everyone for the recognition and stated that it is an honor to receive this award and proclamation.

Mayor Ferrante announced that a member of the public is filming the meeting and has asked City Attorney Beadle if this is allowable. [*City Attorney Beadle stated that filming is allowed so long as it is non-invasive and unintrusive.*]

**CITIZEN RECOGNITION**

• **INTRODUCTION OF GUESTS**

- Dave Hand stated that this was his first meeting.
- Trudy Powell stated she is a 31 year resident of Satellite Beach.
- Zena Maclean stated she has been a resident of Satellite Beach since 1953.

• **CITIZEN COMMENTS**

The following individuals addressed Council:

- Kathleen Arcarola, 240 Satellite Avenue, stated that, in her opinion unethical, inappropriate, and illegitimate expenditures have taken place and requested the resignation of the City Manager and City Attorney and asked that they be held accountable.
- Brian Rodrigues, 689 South Hedgecock Square, stated that he concurred with Ms. Arcarola. He further stated that this has caused the citizens of the City to do the job of what the City Manager and City Attorney should have been doing.
- Lloyd French, 240 Colonial Court, read information from an incident report from the City of Melbourne in which he deduced that City Manager Crotty recommended former Community Development Director Laura Canady file a report. He stated that 90% of the statement was fabricated. He stated that further accusations caused him to lose his job. This was an unconscionable act supported by City Manager Crotty and stated that we need to look at the caliber of service provided based on this incident and that he be held responsible.

[*City Manager Crotty stated that he respects citizen's opinions on his performance and what their views are whether he should continue as city manager. Mr. Crotty specifically addressed Mr. French's comments that he had recommended that the former Community Development Director Laura Canady file a report with the Melbourne Police Department. Mr. Crotty strongly denied this accusation. Mr. Crotty indicated that he was not aware of the Friday night incident in Melbourne until after the report was filed with Melbourne Police Department; he did not speak with Ms. Canady about the incident prior*

*to her filing the report; he did not advise Ms. Canady to file the report with the Melbourne Police Department and he only became aware of the incident and filing of the report when Ms. Canady called him from the Melbourne Police Department and informed him that she had filed the report.]*

*[Councilman Billman stated that he was with Mr. French that evening and he did not do any of the things that were reported.]*

- Dave Hand, 360 Harwood Avenue, stated that a Comprehensive Planning Advisory Board member indicated that the Board plans for worse case scenarios. He stated that the best preparation would be an early warning system, orderly evacuation, and post storm relief and recovery efforts. This risk is part of the price to be paid for living on the outermost Barrier Island.

### **CITY COUNCIL COMMENTS**

Councilman Higginson stated that he had nothing to report. He asked for a point of privilege to have agenda item #14 (Grant writing consultants) to be moved up after agenda item #10 (Revive the Beachcaster). *[Council concurred with the request.]*

Councilman Billman asked for a point of order to have agenda item #21 (FOP contract negotiations) to be moved up after agenda item #12 (Ordinance No. 1052) to be presented in the Sunshine to allow for the public to participate in the process and ensure open government transparency. *[City Attorney Beadle indicated that there are exemptions provided by Florida Statute for labor negotiations and this agenda item can be either in the Sunshine or Shade part of the meeting.] [Council concurred with the request.]*

Councilman Billman indicated that he attended the CPAB meeting with a large crowd in attendance. Citizens input will help to create a better Comprehensive Plan. He stated that he saw the transparent page on the City's website which was good to see, but he had made requests for information to be uploaded to the City's website on January 9th (loading employee salaries, organizational charts, and FOP contract), which has not been accomplished. *[City Manager Crotty stated staff is working to get this done and it will be completed within 3-4 weeks of the request.]*

Councilwoman Denan stated that there was a wonderful turnout at the CPAB meeting on Monday. The Board is discussing the Comp Plan, which is the blueprint for the City and provides guidance/policies that must be abided by. Continued discussion on the Comprehensive Plan will take place on February 27.

Vice-Mayor Rhodes stated that Little League Opening Day will be March 3. He invited everyone to attend and stated that this year's ceremony will take place in Indian Harbour Beach.

Mayor Ferrante reported that he attended the Rhythm in Motion fundraiser and there was a great turnout. Satellite has a dance team that competes from ages 4 to 18 years. He asked how the Council liked the new packets. *[Council liked the new agenda report form.]*

### **CITY ATTORNEY REPORT**

City Attorney Beadle stated that he had provided follow up information from the Sunshine Manual to Council regarding items that were not on the agenda. He also addressed Councilman Billman's question about other Councilmember's at other board meetings and provided Council with two Attorney General Opinions.

### **CITY MANAGER REPORT**

City Manager Crotty stated that he provided the following:

1. A copy of the front page of the City's website highlighting the Transparency page.
2. A copy of the Transparent Satellite Beach page, which contains the audios of the Council meetings.

3. A list of pending requests by Councilman Billman that staff is working on. With the reduction in staff, he asked respectfully that it be balanced against the workload that is currently on staff and noted that we are attempting to maintain the work product we did five years ago when we had 17 employees and we now have 10 employees. He indicated that the information requested should be uploaded to the City's website approximately one month from the date requested.

City Manager Crotty reported on the following:

- An appreciation letter from Ann Samuelson, President of the South Patrick Residents Association, for the partnership of the City, Brevard County, School Board, and FEMA on undertaking the North Drainage Project.
- Recognition petition acknowledgement regarding the Fire Department's unionization efforts. Today the City received notification from State of Florida's Public Employees Relations Committee and they have assigned it to a hearing officer. It is recommended that Council sit down with the labor attorney to find out specifics in this process and explain what Council can/cannot do.
- Staff has been working with City Attorney Beadle to address Satellite Arms issues. Building Official John Stone has presented three cost quotes for the demolition of the building. He asked Council if they would want to invite the prospective new business owners to the City to find out what their plans are for the building and provide the opportunity to express their concerns. This would be a better way to welcome the new business. If this is acceptable, we will plan to schedule this at a future meeting. (You will still retain your right for Code Enforcement.)

Council agreed that the City needs to welcome potential new business owners and requested to see if the business owner is available for the February 15 meeting.

The following was discussed:

- Council expressed the need to discuss the workload factor and the need for agenda management.
- City Manager Crotty will provide via email on Monday or Tuesday prior to the regular Council meeting a draft agenda with all known items to Council for review.
- This would streamline the process by identifying agenda items on the front end versus having to change an agenda after it has been published.
- Recommend establishing whether items scheduled require a workshop/regular/sunshine/shade meeting.
- Consider a tentative end time for a Council meeting, with an opportunity to vote to extend the meeting if necessary.
- Recommend a workshop meeting with the Labor Attorney Wayne Helsby, which can be discussed at a future meeting. A report could provide an outline of the process, the timeline, and the issues that need to be addressed.

#### **DISCUSS/TAKE ACTION ON REPAIR OF FIRE TRUCK**

Due to additional information requested, Chief Hughes has asked to postpone this agenda topic until further information can be provided.

#### **DISCUSS/TAKE ACTION ON CITIZEN INITIATIVE TO REVIVE THE BEACHCASTER**

Carol Robitschek indicated that if Council approves the funding, the *Beachcaster* can be printed and mailed by Friday. A portion of the publication can be cut out and returned to City Hall to indicate whether the citizen would like the *Beachcaster* mailed or emailed to them. This will establish a database of emails/addresses of residents that will help cut costs being paid to Address 'n Mail. She requested an additional meeting for February 21 at 3:00 p.m.

The following was discussed:

- This was not budgeted for FY 11/12 and where will the money come from to pay for this publication? [*There have been several vacant positions that can help offset the cost.*]
- Money to pay for this could come from the General Fund, but would require a Mid-Year Budget Amendment.

- Can we anticipate ½ of the mailing to be distributed via email? [*Generally you cannot expect 50% to be sent via email.*]

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

- Michelle French, 240 Colonial Court, referred to the past *Beachcaster* meeting and asked about the suggested subscription to the publication. [*This can be discussed further at the next Beachcaster meeting.*]
- Elaine Fee, 615 Palm Drive, thanked everyone for bringing the *Beachcaster* back.
- Kathleen Arcarola, 240 Satellite Avenue, suggested pick up locations (i.e., Post Office, Publix, various City buildings, etc.).
- Rodney Smith, 265 South Robert Way, agreed with Ms. Arcarola's suggestion.

Council discussed the following:

- Concern about residents who cannot get out and do not have internet.
- Suggested using students who need community services hours for delivery.
- Do not want to see publication go to waste if pick up points are not used.

**ACTION:** Councilman Billman MOVED, SECOND Vice-Mayor Rhodes, to approve printing and mailing the February/March *Beachcaster* to be sent out this week using general funds at the cost of \$1,773.13 and approve a planning meeting for February 21 at 3:00 p.m.

Councilman Higginson asked to have the business spotlight moved to the front page of the *Beachcaster*. VOTE: ALL AYES. MOTION CARRIED.

Council thanked Carol Robitschek, citizens, and staff for all their efforts in reviving this publication.

#### **DISCUSS/TAKE ACTION ON CONTRACT WITH GRANT WRITING CONSULTANTS**

City Manager Crotty stated that this item was placed on the agenda at the request of Councilwoman Denan.

Councilwoman Denan had concerns when the City pursues grants, it costs money both short and long term. She recommended going to a percentage basis payment of the grant after approval. Additional services provided by the grant writers could be achieved as we reorganize the Community Development Department.

Council had the following discussion:

- Continue with the grant writers on a percentage basis.
- Both parties need to agree to amend the contract.
- Grant writers have over 17 years of experience with grants and working with FDEP, FRDAP, SJRWM, FCT, and FEMA. They have obtained over \$20M in grant funds for the benefit of the City. They have also provided services in codification, drafting ordinances, City's statistical data, GIS data/mapping services, and stormwater technical assistance.
- Grant writers have been a key building block for Satellite Beach and recommend their contract continue.
- Recently Council reviewed the grant writer's contract and an agreement was made for services to be provided.
- Asked for clarification of Bill Ryan who provides grant writing assistance. [*Mr. Ryan is former Finance Director and provides the reports for closing the grants. Budgeted \$8-9K per year.*]
- Questioned whether the City is making a smart decision to maintain a grant writer's contract for \$56K per year.

- Grants come with continued cost after grant money has been received.
- Questioned why the grant writer's cannot perform duties needed for the City's shortfalls.
- Key benefit that current grant writer's have provided is they perform the technical background work which frees up staff time and can be costly if done by other grant writing services.
- Recommended postponing discussion until input is received by CAPEG or the Efficiency Study.
- Could also request a decrease in the payment to the grant writers.
- Are there any time sensitive grants? [*TMDL grant.*]
- Need to address the debt the City currently has and not go forward with grants that require matching funds to allow the City to pay some of the debt.

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

- Sadie Baker, 685 Grant Court, stated that the grant writer's have brought in a lot of money to make improvements to the City. We are indebted to them for all that they have done and recommended continuing the grant writer's services.
- Vic Brungart, 140 Park Avenue, stated that grant writing is simple and that there are a lot of people who will do it for free.
- Rodney Smith, 265 South Robert Way, stated that you get what you pay for. He has heard from other grant writers of how well our grant writers do for the City. He further stated that the contract was reviewed in September and passed with a 4-1 vote.
- Lorraine Gott, 325 Trinidad Drive, stated she wanted to set the record straight. All of the services provided by the grant writers are delineated in the contract. We get direction from the City when searching for grants that the City is interested in pursuing. Every grant authorization presented provides the dollar amounts and recommended source. Those that indicate that grant writing is easy have only written easy grants. A person fresh off the streets cannot do the work that we are doing. I will not allow an individual to come into my home to do an efficiency study.
- John Fergus, 135 Maple Drive, we are not here to defend our contract. You have in your materials the services we provide and our track record speaks for itself.
- Lloyd French, 240 Colonial Court, stated he wanted to recognize the services the grant writers provide, but questioned whether Council has received the periodic list of grants submitted. He recommended awarding a percentage of the money received from the grant with a maximum value.
- Carol Robitschek, 560 Teakwood Avenue, recommended going forward with the Efficiency Panel.
- Elaine Fee, 615 Palm Drive, stated that we need to take the best interest of the City at heart. Understand that money is important. We need to recognize all volunteers that help the City.
- Gabe Feindt, 370 Caribbean Drive, stated that the City's return on what the grant writers have provided has always been amazing, which has made us one of the leading cities in Brevard County. The two grant writers provide the City with immeasurable talents and skills.
- Brian Rodrigues, 689 South Hedgecock Square, stated that if you submit a request for proposal and you are one dollar off you will not win the grant.
- Michelle French, 240 Colonial Court, stated that past performance is not a promise for future performance. Use your money wisely and recommended going out to bid for the grant writing contract.

- Bronny Paletta, 540 Rosada Street, suggested going out to bid, but also emphasized that you have local people doing the job now and to look at the value that is being produced.

Council had the following comments:

- Contract was not reviewed for 13 years until last year.
- Comments by grant writer were insulting and find it to be difficult to work under those types of conditions.
- Grant writers are not willing to renegotiate their contract. The only option left is to go out for a request for proposal (RFP).
- City Manager Crotty stated that going out for a RFP would take advertising, then 2-3 weeks for the results. It would take a few months to complete the process and come back to Council.
- When submitting grants you do not receive the money until several years down the road; this may not be the best way to go about paying for services provided by the grant writers.
- Some cities have a flat rate of \$5K per grant.
- Which grants are time sensitive? [*TMDL Cassia Phase III is due by the end of February.*]
- The grant processor/coordinator is not a grant writer.

**ACTION:** Councilwoman Denan MOVED, SECOND Councilman Billman, to provide written notice of 30 days to terminate the grant writing contract.

Further Council discussion:

- Concern about making an irrational decision that could impact the City.
- Recommended delaying this decision until the efficiency study could provide further information.
- There has been discussion on budget issues with regard to the grant writers and it was recommended to re-compete.
- City Manager Crotty indicated that Council has already seen the grant submittal for the TMDL Lori Laine Glenwood Trunkline Phase I, but cannot be submitted until the State permit is in hand. Also received notification of funding for the Section 319 grant program. Concerned with the match for that grant and all the committed stormwater resources. The most critical grant to be completed is the TMDL Cassia Phase III, which will be discussed further in the meeting (Agenda Item #16 to obtain further funding that will assist in reducing the cost of this project).

VOTE: THREE AYES (Billman, Denan, and Rhodes); TWO NAYS (Higginson and Ferrante). MOTION CARRIED THREE TO TWO.

*Mayor Ferrante recessed the meeting at 8:12 p.m. p.m. for a ten minute break.*

Councilman Higginson left the meeting at 8:23 p.m.

***COUNCIL CONVENED AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE FOLLOWING AGENDA ITEM:***

**DISCUSS/TAKE ACTION ON ISSUES RELATING TO PROPERTY LOCATED AT SR A1A AND DESOTO PARKWAY (PEG LEGS CORINTHIAN APARTMENTS) INCLUDING DEED/PROPERTY RESTRICTIONS AND DISPOSITION OF PROPERTY**

City Manager Crotty provided the background history of past meetings that have led up to this meeting.

City Attorney Beadle explained that the issues regarding the CRA disposal are included in the copy of the Florida Statute § 163.380 which includes giving notice of a public hearing and sets forth what the parameters are for going forward.

Councilwoman Denan stated that she has read and is familiar with Florida Statute § 163.380 and the only way the City can dispose of the property is if the uses are specified in the Community

Redevelopment Plan. She recommended updating the Plan with specific uses in the CRA District before disposing of the property.

City Manager Crotty stated that he will have more detailed information later on in the meeting regarding this subject.

Council tabled this agenda item until a special meeting can be scheduled.

***COUNCIL RECONVENED FOR THE FOLLOWING AGENDA ITEMS:***

**ORDINANCE NO. 1051, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, ESTABLISHING POLICY PROHIBITING USE OF COMMUNITY REDEVELOPMENT AGENCY FUNDS FOR POLICE AND FIRE GENERAL FUND PURPOSES; PROVIDING AN EFFECTIVE DATE (FIRST READING)**

City Attorney Beadle read the ordinance by title on first reading.

City Manager Crotty stated that at the direction of Council at the January 11 workshop meeting, Ordinance No. 1051 was drafted which would prohibit the use of CRA funds for Police and Fire (General Fund purposes).

City Attorney Beadle suggested that Council look at Section 1 that is allowable by Florida Statute and Council should determine whether they want to include that portion in the ordinance.

The following was discussed:

- Concerned about the CRA being able to indebt the citizens.
- Have to maintain a CRA in order to receive TIF funds from Brevard County to pay the CRA debt.
- Council had also requested an ordinance that limits the amount of CRA debt.

City Attorney Beadle stated that he was unsure whether this can be done; a letter was prepared that will go to the AGO for an informal opinion. The Florida Statute interchanges terms and states the procedure for issuing the types of bonds that are referred to is the exclusive way for doing this and other laws are not applicable to the certificates of indebtedness.

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

- Vic Brungart, 140 Park Avenue, stated that this ordinance is poorly drafted and needs to be rewritten in the first whereas clause and Section 2.
- Lloyd French, 240 Colonial Court, stated that the Fire Department should be included in the first whereas clause. [*The Fire Department is referred to in the second whereas clause.*] In the fourth whereas clause he recommended removing "in the City's redevelopment plan and only for community policing innovations specifically authorized..." to not specify what portion of that act you are focusing on. [*This wording was taken from the Florida Statute and is required.*]
- Bert Gamin, stated that JLAC did not state in the letter that the City did any wrongdoing and specifically states that you seek an AGO before doing anything else. The City is writing ordinances to address an issue when it has not determined that the City has done anything wrong. He stated that F.S. § 163 provides for police services and should be a separate issue from fire services. The statute was written in 1969 and is poorly written. He explained that the CRA Plan and the Police Department stated five different bullet point areas where police officers would be directed to the CRA area. The Plan stated that they were going to try to reduce crime. Reports will show that there was a 35% reduction in crime in the CRA District which proves that the "efforts to prevent and reduce crime" were achieved. He recommended that Council wait till the AGO comes back before making a decision on this issue.

Council stated that there was a special meeting about the CRA where much discussion and comments were made.

**ACTION:** Councilwoman Denan MOVED, SECOND Vice-Mayor Rhodes, to approve Ordinance No. 1051 on first reading. VOTE: ALL AYES. MOTION CARRIED.

**ORDINANCE NO 1052, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 31-4(a), SATELLITE BEACH CODE, REGARDING COMPOSITION OF THE COMMUNITY REDEVELOPMENT AGENCY COMMITTEE BOARD; AMENDING SECTION 31-7(b), SATELLITE BEACH CODE, REGARDING QUORUM REQUIREMENT FOR COMMUNITY REDEVELOPMENT AGENCY COMMITTEE BOARD; REPEALING SECTIONS 31-5 AND 31-8, SATELLITE BEACH CODE, REGARDING COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE AND DISBANDING BOARD; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE (FIRST READING)**

City Attorney Beadle read the ordinance by title on first reading.

City Manager Crotty stated that Ordinance No. 1052 was prepared based on the direction of Council at the January 11 workshop meeting on the CRA. This ordinance will expand the membership of the CRA to seven (7) members which includes the five (5) City Council members and two (2) additional persons appointed by the Council and will also eliminate the Community Redevelopment Agency Advisory Committee.

Council had the following comments/questions:

- Will request applications with CRA appointments whenever the ordinance takes effect.
- First appointee serves two (2) years and the second appointee serves four (4) years.
- Can term limits be incorporated and can a municipality be more restrictive than the State? [*City Attorney Beadle will research and get back to Council.*]

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

- Vic Brungart, 140 Park Avenue, stated that the ordinance is poorly written.
- Dania Billman, 690 Jackson Court, asked whether the members need to be business owners or not and also stated that she supported term limits.

**ACTION:** Vice-Mayor Rhodes MOVED, SECOND Councilman Billman, to approve Ordinance No. 1052 on first reading. VOTE: ALL AYES. MOTION CARRIED.

**POLICE CONTRACT NEGOTIATIONS (FRATERNAL ORDER OF POLICE)**

City Manager Crotty stated that previously this item was a closed (Shade) meeting, but has been requested to be an open (Sunshine Law) meeting, which is also allowable. For the last three contracts, the City and the Fraternal Order of Police (FOP) have agreed to complete negotiations following the adoption of the budget. The City could not commit to any items/improvements in the contract until the budget limitations were known and what the City's financial resources would be. The FOP has been realistic in their negotiations understanding the City's budget issues and has accepted wage freezes since October of 2009.

The proposal from FOP for this year is as follows:

- 1A. When officers are training new hires or conducting authorized departmental training, FOP request to have 20% in compensatory time off.
- 1B. Request to receive 20 hours of time off within the contract year (2012) with no impact that would create overtime. (There is likelihood that dispatchers would have some overtime situations.)

The financial impact would be an increase in comp time of \$1,984 and the 20 hours would have no direct cost other than time away from work. There is a \$2,700 cost for other positions with a total departmental cost of \$3,645.

Council had the following discussion:

**1A Proposal**

- What is the average for cities of our size? [*The average varies; they will give extra money (10%-25%). The City generally gives time off.*]
- Maximum of \$1,984 for the contract year for field trainers or conduct training in the department. [*That will increase the comp time hours to 15 hours over the course of the contract year.*]

**1B Proposal**

- Would this proposal compromise the safety of the City? [*No, this would not compromise the City's safety.*]
- Are you able to mitigate the problem with dispatchers by using part-time or volunteer dispatchers? [*The qualifications to be a dispatcher are extreme and by contract, we are required to ask full-time dispatchers to staff the dispatcher position.*]
- Could counter the proposal and go back to the union and state that the dispatchers can have the 2 ½ days off, but the City would have the opportunity to hire one of the part-time employee. [*This is only five dispatchers.*]

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

- Vic Brungart, 140 Park Avenue, recommended the City agree to the contract.
- Elaine Fee, 615 Palm Drive, stated that the Police Department works very hard and is deserving of the time off and recommended the City agree to the contract.
- Gabe Feindt, 470 Caribbean Drive, thanked the Police Department for their dedication, service, and the great job that they do.
- Dania Billman, 690 Jackson Court, stated that she supported both proposals and agreed with the counter suggestion. She thanked the FOP for allowing the discussion to be in the open and it helps with the perception and citizens to see the positives.
- Lloyd French, 240 Colonial Court, stated that that he agreed with option 1A. He recommended modifying the second proposal to allow for part-time dispatchers to be used, which would help the City to be fiscally responsible. He further suggested the need to keep track of what the costs are.
- Bert Gamin, Fraternal Order of Police President, stated that working with City Manager Crotty for the last 6-7 years, he has been a respectable/honorable person and has done a great job for the City. As a member of the Code Enforcement Board, a resident of the City, and as President of the FOP, I have found that City Manager Crotty and City Attorney Beadle have been very professional. You may not like what they have to say, but in the end, they have always been respectable.
- Kathy Arcarola, 240 Satellite Avenue, stated that the Police Department has done a great job.

City Manager Crotty stated that as your city manager, it is important to address that the FOP negotiates for their department. He indicated that he is responsible for all departments, and noted that there is one union in formation with the possibility of having another one in formation. The challenge to consider is that we appropriately recognize all departments.

Council stated that the Police Department is outstanding and this is a good example of compensating hard work in a more creative and cost effective way.

**ACTION:** Councilman Billman MOVED, SECOND Vice-Mayor Rhodes, to adopt the FOP contract as outlined in the report. VOTE: ALL AYES. MOTION CARRIED.

City Manager Crotty asked if Council would consider a similar cost-neutral proposal for other employees to be presented at a future Council meeting. [*Council stated that they would be willing to consider the proposal.*]

**DISCUSS/TAKE ACTION ON APPOINTMENTS TO THE CITIZEN'S ADVISORY PANEL FOR EFFICIENT GOVERNMENT**

City Manager Crotty informed Council that a press release was done, with information posted on the City's website requesting applicants for the Citizen's Advisory Panel for Efficient Government (CAPEG).

Council discussed the following:

- A question was raised on how Council wanted to review/appoint the applicants.
- The resumes indicate their background of expertise and should provide enough information to make the appointments to the CAPEG.

*Mayor Ferrante recessed the meeting at 9:23 p.m. for a five minute break.*

- It was suggested to choose the applicants and assign a chairperson.
- In the past, the Mayor has chaired the first meeting and had the committee appoint a chairperson.
- City Manager Crotty stated the Charter indicates that Council will appoint the chairperson.
- Would not recommend supporting applicants that have opposed the creation of this Panel.
- It was recommended that the three applicants that helped to write the Charter should be on the Panel (Lloyd French, Ron Jurgutis, and Andrew Groome).
- After review of application/resumes the following individuals were selected: Lloyd French, Patrick Gibbons, Andrew Groome, Michael Hensley, Ron Jurgutis, William Wagner, and Nancy Wilberg.

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

- Bert Gamin stated that he does not disagree with the Panel, but has concerns on how it is being formed. Other Boards/Committees have elected their chairperson versus having Council appoint them.
- Lloyd French, 240 Colonial Court, suggested having a facilitator rather than a chairperson. He would rather see each person on the CAPEG have equal involvement in the process.
- Dave Ryan, 410 Wilson Avenue, stated that he really wanted to be on this Panel. He emphasized his willingness to participate and asked to be on a task team.
- Carol Robitschek, 560 Teakwood Avenue, stated that she would like to volunteer for the task team as well.
- Dania Billman, 690 Jackson Court, asked whether anyone can volunteer to be on the task team, whereas, some may not want to serve on the CAPEG, but may want to assist as subject matter experts.

Council discussed who would be a good facilitator (chairperson) of the meetings and when the Panel starts their process of assigning task teams, they will note those that want to participate.

**ACTION:** Councilman Billman MOVED, SECOND Vice-Mayor Rhodes, to appoint Lloyd French, Patrick Gibbons, Andrew Groome, Michael Hensley, Ron Jurgutis, William Wagner, and Nancy Wilberg as members of the CAPEG and appoint Lloyd French as the chairperson. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON DISPOSITION OF SURPLUS VEHICLES**

Public Works Director Allen Potter explained that there are four vehicles that are in disrepair, have high miles, and would be too costly to return to full operating condition. He further stated that given the salvage yard quotes, he believes that there would be higher revenue received by having a City auction via sealed bid, with a minimum price attached.

- 1998 Chevrolet Lumina VIN#2G1WL52M9W9280541 - \$700
- 1998 Crown Victoria VIN#2FAFP71W3WX113409 - \$400
- 1999 Crown Victoria VIN#2FAFP71W3XX145665 - \$400
- 1999 Crown Victoria VIN#2FAFP71W5XX145666 - \$600

Council was in agreement to Public Works Director Potter's suggestion.

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

- Arlene Rice, 255 DeSoto Parkway, asked what liability the City would have selling the vehicles. [*The vehicles are sold "as is" and the City would not have any liability.*]

**ACTION:** Councilman Billman MOVED, SECOND Vice-Mayor Rhodes, to authorize the auction of City vehicles as outlined in the Public Works Director's memo date January 25, 2012. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON TRANSPORTATION IMPACT FEE AGREEMENT FOR CASSIA BOULEVARD SIDEWALK**

City Manager Crotty stated that during the construction of Cassia Phase III, the sidewalk along Cassia that abuts the roadway will be offset and there will be an eight-foot wide path. The City has a 40% local match requirement and approached Brevard County to see if they would participate in the funding. Brevard County has approved \$185K to assist the City in offsetting the cost. This transportation impact fee agreement with the City and Brevard County is similar to other transportation assistance on our other projects. Grant writers are preparing the TMDL's to reduce further costs.

Council asked if there was a great chance of getting the grant funding. [*Public Works Director Potter stated that there is quite a bit of money in that pool and looks favorable.*]

The Mayor asked for public comments; there was no public comment.

**ACTION:** Councilman Billman MOVED, SECOND Councilwoman Denan, to authorize the Mayor to execute on behalf of the City the transportation impact fee trust disbursement agreement between the City and Brevard County for Cassia Boulevard sidewalk improvements in the amount of \$185,000. VOTE: ALL AYES. MOTION CARRIED.

**BUDGET ISSUES**

City Manager Crotty stated that the City has received notice from Jim Ford, Brevard County Property Appraiser, regarding the Pelican Coast property that the County intends to revoke the tax exemption that was previously placed on the property due to the Air Force using this property as military housing. If Pelican Coast could not rent the property out to military families, they would allow citizens to rent out the property. Brevard County has determined that this will become a commercial use and can now be taxed. Hunt Pinnacle has indicated that they will appeal this decision.

The City currently has a PILOT agreement for the 200 acres on the south side of Shearwater Parkway and receives about \$20K more than if this property were to be on the tax rolls. Hunt Pinnacle receives even more of a benefit as they do not pay County and School District taxes. If it is on the tax rolls, the

property would be reassessed. Either the PILOT will go away and we will receive property taxes, or the PILOT will remain.

**BOARD APPOINTMENTS**

City Clerk Leonor Olexa provided information to include the following:

- Council has drafted an Ordinance that will change the composition of the CRA to incorporate two additional members and will look to eliminate the CRA Advisory Committee.
- Library Board member Diane Sheffield has indicated that she would not like to be reappointed.
- Request to follow the Council Policies and Procedures (as outlined) that Board appointments take place on the first meeting of each month.
- Request to discuss establishing a date for the two board/committee applications. [*Mr. French was recently appointed to serve on the CAPEG and requested to wait for future board interviews till more applicants are received.*]
- Due to standard process of shifting alternate members to regular members, Mayor Ferrante requested that Council consider adjusting Board members Tom Romanisko and Chris Burrough.

**ACTION:** Vice-Mayor Rhodes MOVED, SECOND Councilman Billman, to change the appointment of alternate member Tom Romanisko to a regular member position and change the appointment of regular member Chris Burrough to an alternate on the Planning and Zoning Advisory Board, terms to remain the same. VOTE: ALL AYES. MOTION CARRIED.

**AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING**

City Manager Crotty stated that a draft agenda was prepared and provides an opportunity for Council to adjust accordingly.

Council discussed the following:

- Council asked if a consent agenda can be used. [*City Attorney Beadle stated that he would look into this.*]
- Council requested to move those items that the public would like to hear up on the agenda.
- Add the following agenda items: 1.) discuss the roles of CPAB and PZAB to reduce staff time, 2.) vacate easement on Cinnamon Drive, 3.) discuss vendors for Pelican Beach and Hightower Beach Parks, and 4. provide an update on the request for information on the Transparency page of the City's website.
- A request was made to adjust the CRA workshop meeting to February 22.
- If there is an agenda item that Council would like to submit after review of the draft agenda, an emergency form would need to be submitted.
- Citizens that would like to request items to be scheduled on the agenda should submit their information by the Wednesday prior to the next Council meeting.

**ADOPTION OF MINUTES:**            **JANUARY 11, 2012, WORKSHOP MEETING**  
   **JANUARY 11, 2012, CRA WORKSHOP MEETING**  
   **JANUARY 18, 2012, WORKSHOP MEETING**  
   **~~JANUARY 18, 2012, REGULAR MEETING~~**

The January 18, 2012, regular meeting minutes will be submitted at the next regular Council meeting.

**ACTION:** Vice-Mayor Rhodes MOVED, SECOND Councilman Billman to approve the minutes as presented. VOTE: ALL AYES. MOTION CARRIED.

Mayor Ferrante adjourned the meeting at 10:40 p.m.