

COUNCIL MINUTES FEBRUARY 17, 2010

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, February 17, 2010, at 7:05 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.

CITIZEN RECOGNITION

INTRODUCTION OF GUESTS

Branny Paletta stated that this is his first Council meeting. He lives on Rosada Street, a neighbor of Mayor Ferrante.

CITIZEN COMMENTS

Former Mayor Pat Utecht, spoke about his personal experiences with the Fire Department and the excellent services they provide the citizens.

CITY COUNCIL COMMENTS

Councilman Chase complimented Mayor Ferrante on his Beachcaster article, noting that the "Administration of Communication" is a great goal. Councilman Chase recommended that the Home Page contain a link to encourage questions - such as "Can't Find It - Submit Your Question Here." There should be a response within one business day, even if the response is "We received your question and are gathering information."

Councilman Chase asked that the Comprehensive Planning Advisory Board (PZAB) and the Community Redevelopment Agency Advisory Committee (CRA AC) review again the pros and cons of red light camera enforcement to see if there is merit in installing the cameras in Satellite Beach. He suggested that Deputy Chief Pearson work with the boards to explain the risks and benefits.

Council discussed the lawsuits being filed against camera enforcement and what can be expected to come from the next State Legislative session regarding camera use and fine distribution.

Councilman Rhodes stated that he attended a three-day conference on beach preservation where they discussed beach projects all over the country. He also attended the Army Corps of Engineers presentation and heard pro and con discussion on mid-reach renourishment. It appears that the Corps plan is a good compromise.

Councilman Higginson apologized for being in informal attire for medical reasons.

Vice-Mayor Fleis stated that he had been on a mission trip to Jamaica with his daughter and did not have a report.

Mayor Ferrante stated that he attended the Space Coast League of Cities meeting and met with the Fire Department during their general meeting. He also attended the Army Corps of Engineers presentation on Mid-Reach renourishment and the DeLaura Middle School Open House. Mayor Ferrante asked to trade liaison positions with someone because he has a conflict with the Community Redevelopment Agency Advisory Committee (CRA AC) meeting on the fourth Thursday. Vice-Mayor Fleis will attend the CRA AC meetings and Mayor Ferrante will attend the Planning and Zoning Advisory Board (PZAB) meetings on the third Monday.

CITY ATTORNEY REPORT

City Attorney James Beadle did not have a report.

CITY MANAGER REPORT

City Manager Michael Crotty reported that paving on Jackson Avenue will be completed on Saturday. Paving had been scheduled for previous Saturdays but weather prevented it. Public Works Director will identify paving projects to use the additional \$64,000 of stimulus funds.

The Post Office is scheduled to open in their new location on South Patrick Drive on February 22.

ORDINANCE NO. 1026, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-507, CITY CODE, REGARDING NONCONFORMING FREESTANDING SIGNS BY CREATING NEW SUBSECTION (e) PERMITTING EXISTING NONCONFORMING FREESTANDING SIGNS TO BE RETROFITTED; PROVIDING SUNSET DATE; AND PROVIDING AN EFFECTIVE DATE (SECOND READING)

City Manager Crotty read Ordinance No. 1026 by title only on second reading.

Ordinance No. 1026 was approved on first reading on February 3. This ordinance amends the nonconforming signs section of the City Code to allow nonconforming freestanding signs to be retrofit within the existing footprint as long as it meets all other permit requirements, including visibility triangle regulations. These provisions sunset on December 31, 2010.

In response to questions from Council about what happens after the sunset date, City Attorney Beadle stated that signs that do not conform will be taken to the Code

Enforcement Board. That Board will hear facts and testimony and then determine the appropriate fine for signs that are not in compliance with the Code.

Mayor Ferrante asked for public comments; there were no comments.

ACTION: Councilman Higginson MOVED, SECOND Councilman Chase, to adopt Ordinance No. 1026 on second reading. VOTE: ALL AYES. MOTION CARRIED.

MAYOR FERRANTE CONVENEED AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE FOLLOWING AGENDA ITEM:

DISCUSS/TAKE ACTION ON AMENDMENTS TO THE FAÇADE GRANT PROGRAM

City Manager Crotty presented the revised Façade Grant Program and Guidelines, which include grants to replace nonconforming freestanding signs with a wall sign (maximum \$5,000.00 with no match) or to retrofit a nonconforming freestanding sign in its existing foot print (maximum \$5,000.00 with no match).

In response to questions from Council:

- Community Development Director Laura Canady stated that grants for replacement of nonconforming freestanding signs will not be available after January 1, 2011. This is the last opportunity for assistance with replacement costs.
- Building Official John Stone stated that the Long Doggers sign is an example of a freestanding monument sign that does not meet the current Code because of size.

Mayor Ferrante asked for public comments; there were no comments.

ACTION: Councilman Higginson MOVED, SECOND Councilman Rhodes, to approve the amendment to the Façade and Landscape Treatment Grant Program to incorporate coverage for wall signs, with no match up to a \$5,000 maximum; and coverage of retrofitted freestanding signs, with no match up to \$5,000 maximum; and approval of editorial changes as contained in the draft program guidelines attached to the February 4, 2010, memorandum of the Community Development Director. VOTE: ALL AYES. MOTION CARRIED.

Mayor Ferrante asked that staff, accompanied by a member of Council, visit each business with a nonconforming sign to present them information about the Façade Grants that are available to help them bring their signs into compliance.

MAYOR FERRANTE RECONVENED THE COUNCIL FOR THE FOLLOWING AGENDA ITEMS:

ORDINANCE NO. 1028, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-416

(C-COMMERCIAL DISTRICT) OF THE CITY CODE; DELETING SECTION 30-416(c)(13); CREATING A CONDITIONAL USE FOR MIXED USE IN THE COMMERCIAL ZONING DISTRICT NORTH OF PARK AVENUE, WEST OF HIGHWAY A1A, AND EAST OF SOUTH PATRICK DRIVE; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Manager Crotty read Ordinance No. 1028 by title only on first reading.

Ordinance No. 1028 will implement amendments made to the Comprehensive Plan (Ordinance No. 979, adopted April 1, 2009) by amending the Conditional Uses within the portion of the Commercial Zoning District north of Park Avenue, west of Highway A1A, and east of South Patrick Drive (Town Center).

Council discussed the following with staff:

- This is intended to help preserve existing businesses; income from the residential units may help offset the costs of maintaining the commercial property.
- Mixed-use is available for new construction, as well as retrofit of existing structures.
- The requirement for equal square footage of residential and commercial makes it impossible to have two levels of residential above commercial.
- The limitation to 200 residential units was the result of negotiations with the Department of Community Affairs (DCA); the City wanted more residential units and DCA did not want to approve any units. This does not mean that the City as a whole is limited to 200 units; this limit is on Mixed-Use residential.
- Mixed-use is by Conditional Use only; PZAB and Council will review all applications for mixed-use.

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

- Dominick Montanaro, 465 Glenwood Avenue, asked why not allow the second story of residential to make the project more viable for a business.
- John Fergus, 135 Maple Drive, stated that the Comprehensive Plan limits the residential to commercial ratio to 1:1.
- David R. Schechter, 635 Seville Court, stated that the ordinance implements a plan negotiated with DCA to get the mixed-use tool in the box. It is not intended for everyone to have a mixed-use project; but it provides another tool to use in revitalizing the corridor. There are mixed-use properties in the City that have worked well for years. Mr. Schechter encouraged Council to pass this ordinance.

- Pat Utecht, 235 Hedgecock Court, asked if existing businesses have the structural integrity to add a second story. (Any construction requires engineering and footers would be addressed during that process.)

ACTION: Vice-Mayor Fleis MOVED, SECOND Councilman Chase, MOVED, SECOND to approve Ordinance No. 1028 on first reading. VOTE: ALL AYES. MOTION CARRIED.

Council discussed the possibility of adding provisions for a second level of residential above commercial for second reading of the ordinance and asked staff to contact DCA to see if they object to the second level. Community Development Director Laura Canady stated that the 1:1 ratio came from the boards, not DCA.

Councilman Higginson advised that one reason for limiting the buildings to two stories (one residential and one commercial) is to allow a steeper pitch to the roof within the 35-foot height limit. A steeper pitch is more hurricane resistant.

DISCUSS/TAKE ACTION ON CITY COUNCIL'S 2010 GOAL STATEMENT

City Manager Crotty presented the revised goal statement for 2010, ranking the goals from high to low. He noted that each member of Council used a different approach when rating the proposed goals.

Council discussed the how's and why's of their rankings, noting that all the ideas are good but they cannot accomplish all of them in one year. Council discussed the following:

- Maintaining the viability of the commercial corridors – maintaining existing businesses and attracting new ones;
- Preserving the fiscal integrity of the City;
- Evaluating pension plans;
- Installing parking meters;
- Gathering ideas from a broad base of individuals - existing board members, business leaders, intellectuals, and marketing specialists;
- Establishing a separate tax district for public safety.

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

- John Fergus, 135 Maple Drive, requested that Council focus on preserving the City's fiscal viability – not by raising revenue – but balancing the budget so that the City does not go broke as happened with some cities in the '30s.

Council concurred that goals on the list will be considered at some time, either by Council

or staff. The question is establishing a priority. After discussion, Council will start at the top (#15, #14, and #13). At a future meeting they will review #12 and work down the list.

DISCUSS/TAKE ACTION ON APPOINTMENT OF SOUTH BEACHES TRANSPORTATION PLANNING ORGANIZATION (TPO) ALTERNATE MEMBER AND APPOINTMENT OF SOUTH BEACHES TPO CITIZEN ADVISORY COMMITTEE (CAC) MEMBER

Councilman Higginson was appointed as the South Beaches Coalition voting representative to the Space Coast Transportation Planning Organization (TPO) in December 2009. The TPO has requested that we also appoint an alternate; the alternate must be an elected official. No member of Council is available. Staff will contact the other municipalities in the TPO to see if they have an elected official who can serve as alternate to the TPO.

Councilman Higginson was the representative to the TPO's Citizen Advisory Committee (CAC). This position cannot be filled by an elected official; it must be a citizen. The CAC meets at 10:00 a.m. the first Monday of each month in Viera.

ACTION: Councilman Higginson MOVED, SECOND Vice-Mayor Fleis, to appoint Gabe Feindt to the CAC. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARDS

City Clerk Barbara Montanaro stated that several changes in Board membership have taken place since the Boards Report was prepared on February 10:

- Conrad Lawlor has asked to be taken off the CRA AC and assigned to another volunteer position because of hearing difficulties in the Council Chamber;
- Debra Anders has resigned from PZAB because of travel obligations; and
- Allen Lindsey has had a stroke and resigned from CEB. Mr. Lindsey has been a valuable member of the CEB since it originated in 1989, providing an understanding of the Code and a level head in controversial situations.

Mayor Ferrante asked for public comments prior to each appointment; there were no comments.

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to reappoint Diane Sheffield to a two-year term on the Library Board, said term ending March 1, 2012. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Councilman Chase MOVED, SECOND Councilman Higginson, to move Kelly Delmonico from an alternate position to a three-year regular position on the Planning Advisory Board, said term to end February 17, 2013. VOTE: ALL AYES. MOTION CARRIED.

Council asked staff to see if Mr. Lawlor would be interested in serving on the Samsons Island Committee. Since they are beginning to plan future goals and objectives, he could be very helpful to them.

AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING

City Manager Crotty presented a list of items for the March 3, 2010, Agenda.

ADOPTION OF MINUTES: **JANUARY 13, 2010, SPECIAL MEETING**
 JANUARY 20, 2010, POLICE DEPARTMENT TOUR
 JANUARY 20, 2010, REGULAR MEETING
 JANUARY 27, 2010, SPECIAL MEETING
 FEBRUARY 3, 2010, REGULAR MEETING

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

Mayor Ferrante adjourned the meeting at 8:45 p.m.

Barbara Montanaro, CMC
City Clerk