

COUNCIL MINUTES MARCH 17, 2010

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, March 17, 2010, at 7:00 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Vice-Mayor Jeffrey Fleis, Councilman William Higginson, Councilman Mike Chase, Councilman Scott Rhodes, City Manager Michael P. Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro.

Councilman Higginson led a moment of reflection and prayer for the men and women in the Military around the world who may be in harm's way and led Pledge of Allegiance.

City Manager Michael Crotty stated that a number of citizens were present for Agenda Item No. 7A. Council moved this topic forward to accommodate the public.

PRESENTATION ON STATE LAW REGARDING REGULATIONS FOR OPERATING GOLF CARTS ON PUBLIC STREETS

City Manager Michael Crotty stated that Police Chief Lionel Cote will introduce this topic and then citizens will have an opportunity to address Council.

Chief Cote stated that about twenty years ago Mr. Paul Davis asked permission to use his golf cart in Satellite Beach due to specific medical conditions. While permission was never formally granted, the City had turned a blind eye except for a couple incidents when he was driving along Highway A1A. Mr. Davis and his family have been an active part of the City, and the golf cart is his most comfortable form of transportation to City facilities.

Chief Cote cited Section 316.212, Florida Statutes, prohibiting the operation of golf carts on public roads except when they have been officially designated for golf cart use. Prior to making such designation, the City has to determine that the road is safe, taking into consideration the speed, volume, and character of traffic on the road. If a road meets the criteria for safe operation of golf carts, the City could adopt an ordinance and post signs indicating that golf carts share the roadway. Golf carts may not cross federal, state, or county numbered roads and cannot drive on sidewalks or walking trails.

To operate on a City road, a golf cart must have efficient brakes, reliable steering, safe tires, rearview mirror, and red reflector warning devices on front and rear.

Council discussed the following:

- Possible ways to allow golf carts on City streets, including designating a limited number of north-south and east-west streets. However, this would require feeder streets to get to the designate streets.
- Senior citizens may voluntarily give up their driver's license if they could navigate the City in a golf cart. This would support the City's Communities for a Lifetime program.

- Golf carts within the City would be a step toward going green.
- Council recognized the legal liabilities of opening City streets to golf carts. The City's streets are not as wide as those in golfing communities.
- The local newspapers have reported issues Suntree has encountered with golf cart usage, even with some of their streets marked for golf carts.
- Are there ADA provisions that would relieve the City of liability?

In response to questions from Council, City Attorney Beadle stated that Florida prohibits golf carts on public streets unless the local government comes up with a plan to allow them. But such a plan leads back to the other issues discussed. The Florida Statute addresses roads, not individual needs.

City Manager Crotty said that the City Attorney could undertake a review of ADA exemptions and report to Council at a future meeting.

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

- Sally Davis, 574 Verbenia Court, read a statement explaining the limitations imposed by MS on her husband. She asked Council to give him the independence and freedom of mobility through the City in his golf cart. She asked that they make special exceptions for individuals with medical needs and allow him to continue using the golf cart as he has done for the past eighteen years.
- Beth Vazquez, 665 Seville Court, spoke in favor of permitting golf carts to travel on the streets of Satellite Beach because the maximum speed limit is 25 mph and the volume of traffic on streets is not that high. It is expensive to hire a service to drive an individual to and from appointments, shopping, etc. She recommended making Satellite Beach a golf cart community, it would be a step toward a green community, and it would save gas.
- Gabe Feindt, 470 Caribbean Drive, stated that Paul Davis has been a resident and business man in Satellite Beach and has given back to the community for years. He asked Council to find a way to allow Mr. Davis's golf cart on the streets.
- Joe La France, 575 Verbenia Court, stated that he supports Mr. Davis request and suggested that there be some allowance made for individuals with a handicap sticker. He was not in favor of everyone driving golf carts on the streets, just those individuals with a medical need.
- Rodney Smith, 265 South Robert Way, stated that you have to look outside the box at alternative means of transportation. Satellite Beach is a special spot that looks after its residents.

- Kim Leary, 710 Robin Way South, stated that she moved here from Maryland and Satellite Beach is a different world. She asked Council to do what is right for Mr. Davis.
- Sherry D'Amato, 565 Temple Street, asked if the City would allow a street-legal golf cart. She asked who gave FedEx a special exemption to use golf carts to deliver phone books. (It was not the City; it could have been the County or State.)
- Bert Gamin, stated that there are Florida Statutes in addition to 316 that deal with golf carts and offered to work with Chief Cote or Attorney Beadle to explore those provisions. He also talked about a souped-up golf cart or Global Electric Motorcar (GEMs) with lighting, windshields, turn signals, etc. He suggested that Florida League of Cities may provide additional insight.
- Dominick Montanaro, 465 Glenwood Avenue, stated that he had seen a couple golf carts on the streets in Melbourne Beach; perhaps their Police Chief has additional information.
- John Fergus, 135 Maple Drive, reported that the City had gotten legislation passed to declare municipalities exempt from liability for skate parks. It is too late for this year, but it may be able to introduce legislation next year to exempt the City from liability for golf carts. He suggested that Council address the medical need before them now and address the bigger picture of a green community with many plug-in vehicles in on-going discussions.
- Al Vazquez, 665 Seville Court, stated that he has been working in carbon emission reduction internationally and transportation is a big cause. The latest data on sea level rise reports a rise of one inch every eight years. He suggested that Council approach this in three stages: Short term: Mr. Davis' issue; Mid term: designate City streets and adopt an ordinance to allow a golf carts to ride on those streets; and Long term: look into alternative vehicles. Ask the grant writers to find money to help the City do this.

After further discussion, Council asked the City Attorney and staff to continue to research Florida Statutes, and/or ADA regulations, specifically addressing those who have no other means to get around. The City can look at going green as time permits. They also asked for information about the cost of a properly registered cart vs. a golf course cart. Council asked that this information be included on the April 7 Council Agenda.

Mayor Ferrante recessed the meeting from 8:00 – 8:10 p.m.

INTRODUCTION OF GUESTS

Mayor Ferrante congratulated City Manager Michael Crotty for achieving the International City Manager Association Credentialed Manager title and presented him with the framed certificate. Mr. Crotty received a standing ovation from Council and the citizens in attendance.

CITIZEN COMMENTS

Sgt. Paul Creatura announced the reincarnation of the old Lions Club pancake breakfast. This will be a community event fundraiser hosted by the Police Athletic League on Sunday, March 21. He encouraged everyone to attend.

CITY COUNCIL COMMENTS

Vice-Mayor Fleis reported that he attended the Space Coast Transportation Planning Organization meeting on March 11 and the Economic Development Committee meeting on March 12.

Councilman Rhodes reported that he attended Little League Opening Day at Crispino Park in Indian Harbour Beach. He also talked with George Geletko from Waste Management about igloo recycle containers for the sports fields.

Councilman Chase stated that there will be an interesting presentation on red light camera enforcement on March 22 at the CPAB meeting. He reported that he received his Census today and will mail it back tomorrow.

Mayor Ferrante reported that Sheriff Jack Parker spoke at the Space Coast League of Cities meeting about two bills before the Florida Legislature that would allow two classes of inmates sentenced to long terms in prison without parole to be released – the elderly (over 50 years of age) and those who had been convicted at age 15 or younger. The Space Coast League of Cities will back Sheriff Parker in opposition to these two bills.

Mayor Ferrante also reported that fines for past-due library books go to the library where they are paid; if anyone has to pay a fine, be sure to pay it at the Satellite Beach Library.

He thanked Recreation Director Kerry Stoms for the presentation at the David R. Schechter Community Center.

CITY ATTORNEY REPORT

City Attorney Beadle reported that he looked at Florida Statutes during the recess, and there may be some other ways to deal with the golf cart issue. He will do more research.

CITY MANAGER REPORT

City Manager Crotty reported as follows:

- March is a busy month for the Recreation Department with an event each of the four Saturdays: 1. Little League Opening Day, 2. City Auction and Go Green Event, 3. Big Truck Day, and 4. Open House on Samsons Island.

- He has scheduled a meeting with Waste Management to discuss single stream recycling.
- He presented a copy of the report that the National Park Service provides with Congress each year. The cover on this year's report and page three of the report highlight the improvements at Hightower Beach Park.
- He invited Council to the March 24 luncheon honoring the employees and volunteers of the year. Full-time employees – Police Corporal Steve Owens, Public Works Grounds Maintenance Specialist Lubow Panasenko, and Deputy Building Official Rob Perry; Part-time employee, Bill Rycroft; and Community volunteers Officer Matt Messer and Recreation Monitor Dori Hughes.

Mayor Ferrante stated that he would not be able to attend because he will be delivering meals with Mayors for Meals (Meals on Wheels).

REPORT ON MARCH 11 COMMUNITY MEETING HOSTED BY COUNCILMAN CHASE

Councilman Chase stated that his community meeting on March 11 consisted of three parts.

First, he introduced himself, talked about childhood memories, why he moved here, what he does for a living, pet peeves, and his three-tier system to make decisions: health and welfare, security, and prosperity.

Second, he talked about how they can become involved in City decisions. He explained that many Council Agenda items are worked at the board level first. He provided a copy of the Board Application Form and the website board information. The boards are citizen volunteers – their neighbors. This is a good place to begin participation in City decisions.

Third, he explained how Council had received the level of service reports from each department and are visiting all departments. They generated the following punch as a starting point:

- Record utilization of assets and facilities and cross-utilization between departments.
- Value equals benefits minus burdens; CPAB has begun this process.
- Outsourcing vs. in house services.
- Better define what it means to go green. (single stream recycling, grants, etc.)
- Active participant with School Board on school redistricting.
- Develop strategy to retain and recruit compatible businesses.
- Monitor legislation in Tallahassee to better forecast change and contribute constructively, noting that one-size-fits all legislation can destroy a city as unique as Satellite Beach. Communicate with Tallahassee representatives.
- Understand what citizens are looking for.

One citizen thought it would be helpful to have the names of board members on the web.

Mayor Ferrante thanked Councilman Chase for a yeoman's effort and good presentation. He also expressed appreciation to Mr. Norman Moody who gave excellent publicity. Vice-Mayor Fleis will hold the next community meeting.

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

- Gabe Feindt, 470 Caribbean Drive, commented that citizens only show up if they have an issue. Satellite Beach Council members and staff have done a great job of running this City. The citizens are satisfied and will not attend meetings unless there is a problem.

ORDINANCE NO. 1029, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-415(b) BY DELETING MULTI-FAMILY DWELLINGS AS PERMITTED USE, PROHIBITING INCREASE IN THE NUMBER OF DWELLING UNITS, AND ESTABLISHING MAXIMUM NUMBER OF RESIDENTIAL UNITS IN THE RM-3 ZONING DISTRICT SOUTH OF DESOTO PARKWAY AND EAST OF HIGHWAY A1A; AMENDING SECTION 30-415(d) AND (e) BY PROHIBITING COMBINATION OF LOTS IN ANY MANNER TO ALLOW CONSTRUCTION OF MULTI-FAMILY AND TOWNHOUSE DWELLINGS IN THE RM-3 ZONING DISTRICT SOUTH OF DESOTO PARKWAY AND EAST OF HIGHWAY A1A; PROVIDING AN EFFECTIVE DATE (SECOND READING)

City Attorney Beadle read Ordinance No. 1029 by title only on second reading.

Ordinance No. 1029 was approved on first reading on March 3. This ordinance amends the Land Development Regulations by prohibiting aggregation of lots to create multi-family dwellings and establishes the maximum number of residential units in the area south of DeSoto parkway and east of Highway A1A.

In response to a question from Council, City Attorney Beadle stated that multi-family is defined as three or more; this ordinance says that three units can be built, but not four or more. Section 6 says you cannot build a townhouse that is more than three units.

ACTION: Vice-Mayor Fleis MOVED, SECOND Councilman Higginson, to adopt Ordinance No. 1029 on second reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1030, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CREATING A NEW SECTION 30-620, SATELLITE BEACH CODE, IMPLEMENTING COMPREHENSIVE PLAN REGARDING "NO NET LOSS" OF COMMERCIAL PROPERTY IN SATELLITE BEACH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (SECOND READING)

City Attorney Beadle read Ordinance No. 1030 by title only on second reading.

Ordinance No. 1030 was approved on first reading on March 3. However, Council considered including the exact number of parcels or acres of commercial land in the City on April 1, 2009.

City Clerk Barbara Montanaro offered three options for Council to consider. Option A is the language recommended by the Planning and Zoning Advisory Board and included in the first reading of Ordinance No. 1030. Option B includes the number of acres zoned Commercial on April 1, 2009. However, there are several parcels which are zoned Commercial but are currently used as residential or institutional property. Option C mirrors the language of Future Land Use Policy 1.1.14, Comprehensive Plan.

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

John Fergus, 135 Maple Drive, stated that he prefers Option C; however, if it is passed tonight, it could cause a future problem for the City. The DRS Community Center is still zoned Commercial, although its use is institutional. If the City decides to change the zoning from Commercial to Institutional to reflect its use, they will have to find an equal number of acres to convert to Commercial. Also, there are seven residential units on land zoned Commercial. He recommended that Council not adopt the ordinance until these properties have been rezoned to reflect their use.

City Attorney Beadle stated that all this ordinance does is implement the Comprehensive Plan. The issues exist whether this ordinance is adopted or not. The City cannot do anything contrary to the Comprehensive Plan.

ACTION: Councilman Chase MOVED, SECOND Councilman Higginson, to adopt Ordinance No. 1030 on second reading. VOTE: FOUR AYES; ONE NAY (Vice-Mayor Fleis).

LANDSCAPE AND IRRIGATION IMPROVEMENTS ALONG STATE ROAD 513:

DISCUSS/TAKE ACTION ON JOINT PARTNERSHIP AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION

Community Development Director Laura Canady presented an overview of the Joint Participation Agreement between the City of Satellite Beach and the Florida Department of Transportation (FDOT) for funding the South Patrick Drive Landscaping project, with a \$179,500 reimbursement from FDOT. The landscape and irrigation plans were reviewed and approved by the Community Redevelopment Agency Advisory Committee on September 25, 2008, and by the Beautification Board on October 3, 2008.

Ms. Canady also presented a Scope of Service Agreement between the City and Quentin L. Hampton Associates for City Engineer David King to oversee the bid process, construction and permitting of the project.

In response to questions from Council, Assistant Public Works Director Steve Rogers

stated that wherever possible they will tie into existing irrigations systems. Some areas will have to be irrigated by tank system until they are established. The FDOT has eliminated a lot of the palms because of concerns that the root system may crack sidewalks. They have chosen plants that do not require a lot of maintenance.

Ms. Canady stated that the FDOT landscape projects were not funded last year. This project has gotten attention at high levels in FDOT because of the City, Indian Harbour Beach, and Brevard County's participation in the planning. She expects that FDOT will fund this. If not, the funds will come from the Community Redevelopment funds.

RESOLUTION NO. 893, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE AND IRRIGATION IMPROVEMENTS ALONG A PORTION OF STATE ROAD 513

City Attorney Beadle read Resolution No. 893 by title.

Resolution No. 893 authorizes the City Manager to execute the Joint Partnership Agreement with the Department of Transportation.

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

ACTION: Councilman Higginson MOVED, SECOND Councilman Chase, to approve the Joint Participation Agreement with FDOT in the amount of \$179,500 for approved landscaping and irrigation along South Patrick Drive and to adopt Resolution No. 893. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to approve the Scope of Service Agreement with Quentin L. Hampton and Associates for project management of the South Patrick Drive Landscaping project. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARDS

City Clerk Barbara Montanaro presented the March 10, 2010, Boards Report showing board vacancies, reappointments and applicants.

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

ACTION: Councilman Chase MOVED, SECOND Councilman Higginson, to reappoint regular member Lisa Crawford McRoberts to a three-year term on the Comprehensive Planning Advisory Board, said term to expire April 1, 2013. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to appoint Conrad

Lawler to a three-year alternate position on the Comprehensive Planning Advisory Board, said term to expire April 1, 2013. VOTE: ALL AYES. MOTION CARRIED.

Ms. Montanaro reported that Allen Lindsey, for whom Council had approved a plaque for almost twenty years of service on the Code Enforcement Board, will not be able to attend a meeting in the foreseeable future because of suffering a stroke. The Mayor or a member of Council will deliver the plaque to Mr. Lindsey when it is ready.

AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING AND ESTABLISH NEW DATE FOR PUBLIC WORKS DEPARTMENT TOUR

City Manager Crotty presented a list of items for the next Council meeting. He also requested that Council consider rescheduling the tour of the Public Works Department from April 7 to April 21 because Public Works Director Allen Potter will be at the Masters Golf Tournament on April 7. Council agreed to this change in schedule.

ADOPTION OF MINUTES: MARCH 3, 2010, REGULAR MEETING

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to approve the above minutes as amended to reflect one NAY vote on Ordinance No. 1030. VOTE: ALL AYES. MOTION CARRIED.

Mayor Ferrante adjourned the meeting at 9:25 p.m.

Barbara Montanaro, CMC
City Clerk