

## **COUNCIL MINUTES**

### **APRIL 20, 2011**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, April 20, 2011, at 7:05 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Vice-Mayor Mike Chase, Councilman Jeffrey Fleis, Councilman William Higginson, Councilman Scott Rhodes, City Manager Michael P. Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro.

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

#### **CITIZEN RECOGNITION**

#### **INTRODUCTION OF GUESTS**

Mayor Ferrante welcomed Boy Scouts Chase Chambliss and Hunter Hoover, who are working on their Citizenship in the Community Merit Badges.

#### **CITIZEN COMMENTS**

The following individuals addressed Council:

- Gail Bray and Scott Bray, 1400 SR A1A, stated that they own the business at the corner of A1A and Cassia Boulevard. They replaced their pole sign with a monument sign. Their new sign is blocked by the City's way finding sign. [Staff will meet with the two churches included on the sign and the sign will be removed and/or replaced by a sign that does not block the business sign.]
- Rick Fleming, 406 Glenwood Avenue, stated that he is a sixteen-year resident of Satellite Beach. He lost everything after Hurricane Andrew, and he spent two years looking for a good place to raise his four children. He was attracted to Satellite Beach by the infrastructure and facilities. He has coached Little League for fifteen years, including two championship teams. He urged Council to preserve the parks and recreational facilities for the kids and for seniors. He thanked the Council for the foresight to establish and preserve the City.

Mayor Ferrante complimented Mr. Fleming on his work with the students of West Shore School.

#### **CITY COUNCIL COMMENTS**

Councilman Higginson stated that the Citizens on Patrol (COP) car is back in operation so he is back on duty. In response to questions, he reported: 1) one of the most frequent problems they see is irrigation systems running on wrong days; 2) contact Administrative Assistant Linda Harlow if you want to volunteer for the COP program; and 3) Neighbor Helping Neighbor needs more volunteers.

Councilman Fleis reported that he went back to Tallahassee April 12 and 13 and met with Senate President Haridopolos, Senator Altman, Representative Tobia, and Representative Goodson. He talked with Senate President Haridopolos and Senator Altman again at the ribbon cutting ceremony for AAR Airlift Group Headquarters in Melbourne on April 18. He and his fifteen-year-old son attended Project NOW at the David R. Schechter Community Center and commended emergency service personnel for their impressive presentation.

Councilman Rhodes stated that he participated in the Beautification Board Tree and Plant Sale at the David R. Schechter Community Center on April 9. He stated that the Surfside Elementary School fundraiser made over \$4,000. He thanked the Fire Department for being there to hose down the kids.

Vice-Mayor Chase read from the Letter to the Editor in Florida Today on April 13, 2011, regarding the level of services provided by Police, Fire, Recreation, and Public Works. He commended the City Manager and his staff.

Mayor Ferrante reported the following activities: April 9, attended Relay for Life at Satellite High School and was encouraged to see the number of survivors who attended; April 11, attended the Space Coast League of Cities Board meeting; April 12, he spoke at the Library Volunteer Awards; April 17, attended the PAL/Lions Club Pancake Breakfast; and April 20, he and Community Development Director Laura Canady visited eight businesses. They were able to personally thank Jim Struttmann at Ace Hardware who provided the equipment and paid the \$350 rental fee for the movie for the City's family night movie. This was a successful event, and the City hopes to have more in the future.

### **CITY ATTORNEY REPORT**

No report.

### **CITY MANAGER REPORT**

Information on Public Safety Activities: City Manager Crotty presented the synopsis for February 2011 Police activity and asked if this was the type of information they were looking for. If so, the Fire Department will provide a similar report each month.

Vice-Mayor Chase stated it is something that he wants to see as a Councilman and as a resident and suggested that it be included on the web so that citizens are aware of the level of service provided.

Unused Prescriptions: An article has been included in the upcoming edition of the *Beachcaster* and on the Fire Department website outlining recommended procedures for disposing of unused prescriptions.

Vice-Mayor Chase asked if a depository could be placed in the Police and Fire Departments for drop offs.

Councilman Higginson said that a number of doctors will take back and dispose of unused prescriptions.

Pedestrian Easement to Atlantic Plaza from Jackson Avenue: A report will be made once the City has received a response from all involved property owners.

Pelican Beach Park and Hightower Beach Park Ownership: Staff is meeting with representatives of Brevard County on April 22 to discuss transfer of title to Satellite Beach.

Gun Safety: Deputy Police Chief Pearson stated that the Police Department and School Resource Officers are increasing gun safety training since the accidental shooting of one juvenile by another juvenile. They provide the following:

- The nationally recognized gun safety program "Eddie the Eagle" in the schools.
- Sergeant Creatura is going to speak to 390 kids in the PAL program about gun safety.
- The Police Department hosts two Citizens Firearms Safety courses each year, which includes an in depth presentation on the requirements for safe home storage of firearms and penalties for improperly stored firearms.

Mayor Ferrante stated he has written to School Board Member Amy Kneessy, asking that gun safety be included in all schools.

Councilman Higginson asked if the Police Department can provide free gun locks. [They will contact

other municipalities to see if they can purchase in bulk or find a grant.]

Operation NOW: Renee Rubiella, whose daughter was killed in an accident several years ago, started the Not on Our Watch (NOW) program to educate young drivers. PAL, the Police and Fire Departments, and Sergeant Creatura, coordinated the event which included slide presentations, vender booths, a K-9 demonstration, and the enactment of a crash, trauma treatment, helicopter transport, arrest, and trial. During the course of the day, there were 300-500 people in attendance.

Tsunami Ready: Fire Chief Hughes reported that the City has a Comprehensive Emergency Management Plan (CEMP) on file with Brevard County Emergency Management, which meets Chapter 252, Florida Statutes. Commander Abernathy participated in a tsunami tabletop exercise where Bob Lay, County Emergency Manager, stated that the probability of an earthquake that will result in a tsunami is almost nonexistent based on the types of tectonic shifts that occur in the Caribbean basin. Since there is no high ground on the barrier island, the only option would be to move up to a third floor or higher or evacuate. There will be less than sixty minutes warning, and it takes thirty-six hours to evacuate the barrier island.

“Tsunami Ready” is a program established under the National Oceanic Atmospheric Administration; Indian Harbour Beach and Mayport Naval Station are the only communities in Florida having this designation.

**ORDINANCE NO. 1041, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE SATELLITE BEACH CITY CODE TO PROVIDE FOR THE ESTABLISHMENT OF A “SINGLE STREAM,” SINGLE CART RECYCLING PROGRAM; AMENDING SECTION 50-1 DEFINITIONS, SECTION 50-63 (h), (i), AND (j) PERFORMANCE REQUIREMENTS, SECTION 50-84 TERM, SECTION 50-88 PAYMENT TO CITY, AND SECTION 50-142 ADJUSTMENTS TO RATES; CREATING A NEW SECTION 50-144 MISCELLANEOUS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (SECOND READING)**

City Attorney Beadle read Ordinance No. 1041 by title on second reading.

Ordinance No. 1041 will establish a “single stream,” single cart recycling program effective no later than June 1, 2011. It was approved on first reading on April 6, 2011, and no changes have been made. The program is to be in place by June 1, 2011, and rates will remain the same until May 2012.

If residents want to upgrade from the sixty-four gallon to a ninety-six gallon recycling cart, they can call Waste Management or enter the request online before the carts are delivered or ask for an exchange of carts after they are delivered. Also, if a homeowner does not use both garbage/yard debris carts, Waste Management can replace the green lid with a yellow lid for recycling.

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

- Lorraine Gott encouraged adoption of the ordinance.

**ACTION:** Vice-Mayor Chase MOVED, SECOND Councilman Higginson, to adopt Ordinance No. 1041 on second reading. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON POTENTIAL MARKET STUDY**

Community Development Director Laura Canady presented a proposal from LaRue Planning & Management Services for an updated market study to analyze market factors related to Satellite Beach, especially regarding commercial properties. The study would address the items identified by Council

over the past six months and some suggestions from staff. The study would include, in part, recommendations regarding converting Commercial property to Residential; the impact of commercial lot sizes on sale, redevelopment and renovation of vacant and underutilized properties; hotels; and percentage of commercial properties that are owner-occupied versus rentals.

Mr. LaRue stated that Satellite Beach is a residential community with limited commercial property. Regarding the limitations placed on converting Commercial to Residential, he recommended that the City compile an accurate accounting of what exists and compare it to the current forecast of business services needed by the residents. If the City needs to amend the Comprehensive Plan, there is a window of opportunity at this time.

Since this topic is being forwarded to the Community Redevelopment Agency Advisory Committee, it was not opened for public comment. Mayor Ferrante announced that the Advisory Committee would consider the market study proposal on April 28 at 6:30 p.m.

**RESOLUTION NO. 909, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, REEMPHASIZING OUR COMMITMENT TO MAINTAIN CIVILITY IN THE CONDUCT OF THE PUBLIC'S BUSINESS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION**

City Attorney Beadle read Resolution No. 909 by title.

In 2002, former Mayor David R. Schechter signed a Proclamation designating May as Civility Month. This year, the Florida League of Cities has adopted a resolution and is encouraging each city to re-commit to civility in government. Resolution No. 909 is a combination of those two documents.

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

Councilman Rhodes spoke in opposition to the resolution, stating that it seems like a lot of fluff with no way to enforce civility if a member of the public or Council does get a little heated.

Others agreed that there is no enforcement, but it is good to be reminded to act in a civil manner.

**ACTION:** Vice-Mayor Chase MOVED, SECOND Councilman Higginson, to adopt Resolution No. 909. **VOTE:** FOUR AYES (Fleis, Higginson, Chase, Ferrante); ONE NAY (Rhodes). **MOTION PASSED FOUR TO ONE.**

**PRESENTATION AND DISCUSSION ON SURVEY ISSUES**

City Manager Crotty stated that comments he received from Councilman Higginson and John Fergus on the draft survey have been posted on the website and distributed to Council. The first decision to make is whether Council wants to conduct the survey. If so, then discussion can proceed toward finalizing the questions.

Mayor Ferrante received the following responses from Council Members when he asked if they want to move forward with the survey:

Councilman Higginson, yes; the City has received good public input from previous surveys. He recommended giving the draft to Plain English Writing Services for editing.

Vice-Mayor Chase, yes; this is a Council of communication, and this is a mechanism to receive citizen input.

Councilman Fleis, yes; the City has received good information on citizen priorities from several other surveys and the open forum at the David R. Schechter Community Center.

Councilman Rhodes, no; there are too many ways for this to go awry – responses from the Woman's Club, MOMS Club, schools, and sport people will skew the results. He stated that Council is elected as a representative government. No survey will change his mind because he talks with people every day and knows what they want. He stated the survey is too wide in scope for the public to understand the depth of the questions, and they may not have the time to take the survey.

Mayor Ferrante stated that he could not see how the survey could negatively impact the City. He was originally concerned about the cost; but the cost issues have been resolved. He has received emails from individuals who would like to be involved in the process.

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

- Lorraine Gott stated that surveys are a legitimate way to gather information, and data gathered from previous surveys has been used in grant applications.
- Rodney Smith, 265 South Robert Way, thanked Council for giving of their time for meetings and commended them for wanting to find out what citizens want. Not everyone can afford the time to be present at every Council meeting, and the survey is a means to hear from those residents. He recommended getting citizens' opinions any way you can, value them, and use the data.
- Lloyd French, 240 Colonial Court, stated that the survey should be simple and specific. It should quantify and give concrete simple action and impact of action questions. He recommended avoiding terms such as "ad valorem" and "millage" and using terms familiar to everyone. He provided some sample questions and suggested getting over the idea that people are happy with the status quo.
- Gregg Billman, 690 Jackson Court, recommended that the questions be succinct, that questions not have words that can be construed one way or another, and that surveys be controlled so that one resident can submit only one survey.
- Gabe Feindt, 470 Caribbean Drive, stated he is not in favor of policy by consensus. He questioned how honest the survey will be. He also questioned whether those who spoke with residents talked or actually listened.

Council concluded that it may be too late to properly prepare the survey for this year's budget and determined that it would be better to take the time to do it right even if the information is not used until next year's budget. Council asked that City Attorney Beadle review the survey once it is complete. Election Day may provide an opportunity to get the survey completed. In order to assure the validity of the surveys, it may be necessary to include individuals' signatures and addresses. Council will discuss the survey again at the May 18 Council meeting.

Ms. Gott volunteered to take all the questions and comments presented thus far and compose a succinct, non-biased survey.

## **BUDGET ISSUES**

City Manager Crotty asked that Council provide initial direction on millage for the FY 11/12 Budget so that staff can begin preliminary analysis and impact of a proposed millage rate. Staff will assume a 10% decrease in the tax base based on an overall County projection of a 17% decrease. With the FY 10/11

budget, we set a goal of decreasing salaries and benefits by 5.25%. As of April, we have reduced personnel expenditures by \$260,736; that is within \$12,000 of that goal. There has been an 8% reduction in full-time personnel since FY 07/08 and about a 7% reduction in part-time employees.

The millage rate this year (FY 10/11) is 8.1439 mills. The roll forward rate to produce the same amount of revenue in FY 11/12 would be approximately 8.9 mills. The millage rate to produce the same revenue as FY 10/11, less the 5.25% savings, would be 8.45 mills.

Council discussed the following regarding reserves:

- The City has about two months' operating expenses in Reserve Funds. Council discussed how much should be held in reserves and when/if Council should dip into reserves to balance the budget.
- Council asked staff to do an analysis of reserves and how they relate to millage – 1/10 mills = how much \$?
- If the tax base comes in different from the projected 10% reduction, staff will recalculate.
- If money is taken from reserves this year and not repaid next year, the reserves will continue to decrease.

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

- Lloyd French, 240 Colonial Court, stated that we need to look at budget line items to determine what \$30,000 in supplies is actually used for. He urged that Council look at needs, not wants, in setting the budget.
- Gregg Billman, 690 Jackson Court, commended staff on cutting 5.25%. He stated that we are in near crisis mode and need to figure out what needs to be done as a government – what must be done versus what can be done. He recommended looking for areas to operate more efficiently. He stated he is paying over \$7,000 in taxes per year, so any tax increase comes from his reserves.
- Pat Gibbons, 469 Coach Road, recommended making a worksheet from this year's budget and reviewing it line by line.

City Manager Crotty will bring a report back based on comments at this meeting.

### **APPOINTMENTS TO BOARDS**

City Clerk Barbara Montanaro presented a list of board vacancies and applications; and reported that no action is necessary at this meeting.

### **AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING**

City Manager Crotty presented a list of items for the next meeting.

Vice-Mayor Chase stated that he will not be able to attend the May 4, 2011, Council meeting.

Mayor Ferrante announced that he will hold his State of the City Meeting on August 2 at 6:30 p.m., at the David R. Schechter Community Center.

Mayor Ferrante said that Titusville changed the time for its summer meetings to begin at 6:00 p.m. and

