

**COUNCIL MINUTES
APRIL 21, 2010**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, April 21, 2010, at 7:00 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Councilman Mike Chase, Councilman Scott Rhodes, City Manager Michael P. Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro. Vice-Mayor Jeffrey Fleis was unable to attend. Councilman William Higginson attended via telephone because the elevator to his seventh-floor home was out of commission and he could not use the stairs due to recent back surgery.

Mayor Ferrante led a moment of silence and the Pledge of Allegiance.

POLICE DEPARTMENT ANNUAL AWARDS

- **OFFICER OF THE YEAR – CPL. STEVE OWENS**
- **OFFICER OF THE YEAR RUNNERS UP – SGT. PAUL CREATURA AND OFFICER MATT MESSER**
- **TELECOMMUNICATIONS OFFICER OF THE YEAR – OFFICER BRIGID GRACE**
- **DUI HARTMANN-FLAGG OFFICER OF THE YEAR – SGT. PAUL SOUSA**

Mayor Ferrante and Police Chief Cote presented plaques and commended the following individuals for outstanding service:

Officer Brigid Grace as Telecommunications Officer of the Year for 2009;
Officer Matt Messer as Officer of the Year Runner Up for 2009;
Sgt. Paul Creatura as Officer of the Year Runner Up for 2009;
Sgt. Paul Sousa for the DUI Hartmann-Flagg Officer of the Year for 2009 (unable to attend); and
Cpl. Steve Owens as Officer of the Year for 2009.

Mayor Ferrante commended each of them for outstanding service to the residents of Satellite Beach, noting that police officers face many challenges in the line of duty.

Mayor Ferrante announced for the record that Councilman Higginson is attending via telephone.

DISCUSS/TAKE ACTION ON FLORIDA POWER AND LIGHT EASEMENT AGREEMENT

Building Official John Stone stated that Florida Power and Light (FPL) has requested a permanent utility easement in the Cassia Boulevard and Thyme Street rights-of-way to move existing overhead lines that service the City's 911 response system to underground. Staff and City Engineer David King reviewed the proposed locations and do not find any conflicts with existing and proposed City projects.

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

- David R. Schechter, 635 Seville Court, asked if there are any issues with connecting to this line – how will other lines be connected?

Ron Cummins, FPL Project Manager, stated that this project is not connected to any other undergrounding projects. This will harden the feeder and lateral line that serves the Police Department and the 911 service.

In response to questions from Council, Mr. Cummins stated that the pole and overhead lines to the ball field will remain to supply the primary meter for the ball field. This project addresses undergrounding the Police Department 911 service lines only.

ACTION: Councilman Chase MOVED, SECOND Councilman Higginson, to authorize the execution of the easement agreements with Florida Power and Light for Thyme Street and Cassia Boulevard. VOTE: ALL AYES. MOTION CARRIED.

Staff will obtain a non-binding estimate of the cost to put the ball field lines underground. FPL will not charge the City for this estimate. There will be a report at the next Council meeting.

INTRODUCTION OF THE CITY'S NEW WEBSITE

City Clerk Barbara Montanaro stated that the City had received an estimate from a professional web design company of approximately \$12,000 for the design and first year maintenance with a minimum charge of \$1,500 per year thereafter. Deputy City Clerk Leonor Olexa asked for the opportunity to design the page in order to control the cost and keep modifications/updates in house. She used her own initiative and elicited help from her husband to work around the limitations of the free design program to create a professional web page.

Ms. Olexa presented an overview of the new website, showing the various departments and links. She explained the capabilities of the free Office Live Program and outlined the schedule for training personnel in other departments and creating their new websites.

Council commended Ms. Olexa for creating an outstanding website which presents a positive image for the City and provides volumes of information about the City. They commented on the flexibility and ease in using the new site. Ms. Olexa's efforts have saved the City \$12,000 this year and will continue to save money in years to come. The site can be managed and updated in house so that the City is not dependent on a consultant.

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

CITIZEN RECOGNITION

- **INTRODUCTION OF GUESTS**
- **CITIZEN COMMENTS**

- John Fergus, 135 Maple Drive, read a statement commending personnel, services, and equipment used by Satellite Beach Fire/Rescue in responding to a life and death situation. (Copy attached)
- Sgt. Paul Creatura, 240 Orange Avenue, invited Council and those present to attend the Operation Now presentation at the David R. Schechter Community Center on Saturday, April 23, from 10:00 a.m. to 1:00 p.m. This program was initiated by Mr. Rubiella to honor the memory of his teenage daughter who was killed in an auto accident. The Fire Department, Police Department, and Patrick Air Force Base will be participating in an enactment of an accident and rescue/police response.

CITY COUNCIL COMMENTS

Councilman Rhodes stated that he met with City staff and Drew Kaminski of the Satellite Seahawks to discuss the concession stand and press box that the Seahawks hope to begin building at the Sports Park at the end of the season. He also commented on an article in the paper about the Beachside Bouncers led by his wife; the article promoted Satellite Beach as having the best recreation department in the area. There is a five-minute video clip on the Florida Today website.

Councilman Chase noted the announcement of the break in the sewer line running under the Banana River between Tortoise Island and Satellite Beach. He asked if there is a way to track the impact that this break would have on the measurements and clean up required under the TMDLs.

Vice-Mayor Fleis stated that he met with the Realtors Association where Brevard County Clerk of Court Scott Ellis spoke on property valuations and the impact on ad valorem taxes. It is anticipated that property values will decrease to the 2002 level before the market turns around.

Mayor Ferrante reported that he attended the Planning and Zoning Advisory Board where staff was tasked to conduct further research on lot size and set backs within the R1 Zoning District. However, the applicant has withdrawn his request and that research will not be necessary at this time.

Mayor Ferrante attended the Space Coast League of Cities Board meeting where they discussed the potential for Brevard County to claim 50% of the revenue from the redevelopment districts or to eliminate the districts entirely. Also, Brevard County may turn over some expenses, such as Libraries, to the municipalities.

Bill Mick live Talk Radio received a call about signs in Satellite Beach and asked on the air if the Satellite Beach Mayor would respond. Mayor Ferrante called in and talked about the façade grant to help replace non-conforming signs for safety and aesthetics.

CITY ATTORNEY REPORT

City Attorney James Beadle did not have a report.

CITY MANAGER REPORT

City Manager Michael Crotty reported as follows:

- On April 27, Dr. Brian T. Binggeli, Superintendent of Schools, will host an event at Satellite High where Community Development Director Laura Canady and DeLaura Middle School teacher Larry Finch will receive awards from the Brevard County School Board for the Cities in the Classroom Project.
- On Tuesday, April 27, at 5:30 p.m., the Brevard County School Board will award volunteer Scotty Culp the Outstanding Senior Citizen Award for her tens of thousands of hours of volunteer service.
- Police Commander Brad Hodge gave an overview of his investigation into the rapid growth of unregulated pain management clinics. A 2009 Broward County Grant Jury investigation showed an increase in “pill mills” from four to 176 within a period of two years. These clinics are responsible for prescribing over 9 million doses of Oxycodone every six months, with an associated increase in law enforcement issues because they offer easy access for the addict or dealer to obtain prescription medication.

The Brevard County Sheriff’s Office reported that there are no pain management clinics that are suspected of illegal activity at this time. However, there has been an increase in arrests, both in Satellite Beach and Brevard County, for illegal prescription pills. Pain clinics in West Palm Beach and Orange County are the source for some of these drugs. As the south Florida cities and counties close the loopholes through enactment of ordinances, these pain clinics may move in this direction.

Commander Hodge reported on the efforts of the State of Florida and Brevard County to adopt legislation. He recommended that Satellite Beach support these efforts. He further recommended that the City move forward with a local ordinance; it could take some time for the State and County to work through the process. Adopting an ordinance that prohibits dispensing medicine within three miles of a pharmacy would take care of Satellite Beach.

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

- John Fergus, 135 Maple Drive, suggested that a moratorium to prohibit pain clinics would allow time to work through the details of an ordinance.
- Dominick Montanaro, 465 Glenwood Avenue, recommended moving forward promptly with the ordinance to prohibit pain clinics.
- Gabe Feindt, 470 Caribbean Drive, urged Council to move forward to prevent the clinics in Satellite Beach and to support Brevard County’s efforts to prevent the clinics throughout the County. The clinics involve criminal activity and Medicare/Medicaid fraud.

After discussion, Council asked the City Attorney to draft an ordinance to be reviewed by the Planning and Zoning Advisory Board at their May 17 meeting.

GRANT AUTHORIZATIONS:

• **COPS HIRING PROGRAM (US DEPARTMENT OF JUSTICE)**

The City applied for this grant last year but the request was not funded. The Department of Justice has advised of another grant. The proposed grant request is to hire three full-time, entry-level police officers for four years for a total project cost of approximately \$871,494, plus \$10,500 for equipment. The funds from the grant would be \$628,326 for years one through three. The matching funds from the City would be \$243,168 for the fourth year, plus \$10,500 for equipment.

Police Chief Cote stated that the additional officers would be used to enhance coverage, reduce overtime, and expand some programs, including extra surveillance at bars, grow houses, etc.

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

- Dominick Montanaro, 465 Glenwood Avenue, stated that this is a major commitment when Council may have to look at cuts in the upcoming budget.

Council discussed the need to provide adequate staffing; the downturn in the economy may increase criminal activity. They also considered the impact additional officers might have on the budget by reducing overtime.

Grant writer John Fergus pointed out that if the City had not applied for the grant last year they would not have been eligible to apply this year. Also, if the City is not able to fund the officers the fourth year, they do not have to. However, that will make them ineligible for this grant for the next three years.

ACTION: Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to authorize Plain English to submit, on behalf of the City, an update to 2009's CRRP grant application to hire 3 entry-level police officers for at least four years, with an estimated total project cost of \$871,494 (plus \$10,500 for equipment) and with the grant paying entry-level salaries and benefits of \$628,326 for the first three years and the City paying fourth-year costs of \$243,168 (or \$60,792 for each of four years) plus \$10,500 for equipment. VOTE: THREE AYES; ONE NAY (Councilman Rhodes). MOTION CARRIED.

INVASIVE UPLAND PLANT MANAGEMENT PROGRAM (FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION) FOR SAMSONS ISLAND

This grant application project is for a State-provided contractor to kill Brazilian peppers and Australian pines and rid Samsons Island of these invasive, exotic, upland plants. Grant Writer John Fergus explained that the island was originally infested with invasive plants. However, volunteers, Public Works and developer Tim McWilliams's crews eradicated

virtually all of the invasive plants in the 1990s. The professional services provided under this grant would rid the island of new growth and viable roots and seeds.

The funding will be through in-kind service provided by the State with no match from the City.

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

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to authorize Plain English to submit, on behalf of the City, an Upland Invasive Plant Management Program grant application for a State-provided contractor to eradicate the Brazilian peppers and Australian pine remaining on Samsons Island, with no City match. VOTE: ALL AYES. MOTION CARRIED.

PEDESTRIAN SAFETY WORKSHOPS: A FOCUS ON OLDER ADULTS (NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION) COMMUNITIES FOR A LIFETIME

This grant application would provide funds for a twelve month demonstration project to assist selected sites to conduct workshops on pedestrian safety. This program fits nicely with the City's Community for a Lifetime Program. The workshop is based on a model developed by the University of North Carolina Highway Safety Research Center.

Funding is \$2,500 from grant funds with no City match.

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

ACTION: Councilman Chase MOVED, SECOND Councilman Higginson, to authorize Plain English to submit, on behalf of the City, an application for a Pedestrian Safety Workshop Mini-Grant to conduct four pedestrian safety workshops focusing on older adults, with a total project cost of \$2,500 and no City match. VOTE: ALL AYES. MOTION CARRIED.

Mayor Ferrante expressed appreciation to grant writer John Fergus for his work on these grants.

ORDINANCE NO. 1032, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE FY 2009/2010 BUDGET ORDINANCE NO. 1021; PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Attorney Beadle read Ordinance No. 1032 by title on first reading.

Ordinance No. 1032 amends the FY 2009/2010 Budget to reflect changes in revenue and expenditures in the first half of the year. Finance Director Brenda Raver gave an overview of her April 16, 2010, memo detailing each change.

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

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to approve Ordinance No. 1032 on first reading. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON CHARTER FOR BLUE RIBBON AD HOC FINANCIAL/BUDGET COMMITTEE

City Manager Crotty presented a draft document showing options for establishing a Blue Ribbon Ad Hoc Financial/Budget Committee for Council to consider.

Council discussed committee membership, tasks, citizen input, and time frame. Council felt it is important to include citizens with a variety of skills, people who understand municipal accounting and public service, and local business owners/managers.

City Manager Crotty explained that Council must set the millage by the end of July and they will want input from this committee prior to setting that millage.

Councilman Higginson asked to remove the term “ad hoc” from the name of the committee because Council wants to attract high caliber people.

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

- David R. Schechter, 635 Seville Court, stated that if Council does not use the term “ad hoc” they need to make it clear that this committee is established for a specific period of time, not an ongoing commitment. Council will be making all the appointments, whether it is their individual appointment or appointing from a pool of applicants.
- Dominick Montanaro, 465 Glenwood Avenue, stated that there is some urgency in getting the committee in place and it may not be feasible to advertise and interview. This committee will have a very short window to consider a number of options pertaining to budget/service/personnel issues.
- John Fergus, 135 Maple Drive, stated that Council has a list of volunteers from the existing boards. There will be a huge learning curve for anyone who has not been involved with the City in some capacity in the past.

After discussion and public input, Council proposed the following amendments to the draft:

- Each Council member shall appoint one regular member, resulting in five regular members who will be ratified by Council vote.
- Council will appoint four additional regular members from the pool of volunteers.
- The committee will not have alternate members. (Eliminate subsections C and D of Section II Committee Membership.)
- The time frame will be 60 days, with the option of a 30-day extension, if necessary.

ACTION: Councilman Chase MOVED, SECOND Councilman Higginson, to approve the Blue Ribbon Financial/Budget Committee document as amended above. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARDS

City Clerk Barbara Montanaro presented the April 14, 2010, memorandum showing board vacancies, applicants, and reappointments. After the packet was distributed, John Holdsworth, regular member of the Planning and Advisory Board, resigned because of schedule conflicts; he indicated that he might be willing to serve as an alternate member.

Also, an application was received from Karen Kait indicating that she is interested in serving on the Community Redevelopment Agency Advisory Committee, the Comprehensive Planning Advisory Board, or the Planning and Zoning Advisory Board. Council scheduled an interview at 6:45 p.m. on May 19.

Mayor Ferrante asked for public comments before each board appointment; there were no comments.

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to reappoint Barbara Stasko to a two-year regular term on the Library Board, said term ending May 5, 2012. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to reappoint Dale Howlett to a three-year regular term on the Planning and Zoning Advisory Board, said term ending May 1, 2013. VOTE: ALL AYES. MOTION CARRIED.

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 and reminded Council of the workshop meeting regarding pension plans at 6:00 p.m., April 28.

ADOPTION OF MINUTES: APRIL 7, 2010, REGULAR MEETING

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

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

Barbara Montanaro, CMC
City Clerk