

**COUNCIL MINUTES  
MAY 19, 2010**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, May 19, 2010, at 7:00 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Vice-Mayor Jeffrey Fleis, Councilman Mike Chase, Councilman Scott Rhodes, Councilman William Higginson, City Manager Michael P. Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro.

Councilman Chase led a moment of silence and the Pledge of Allegiance.

**FIRE DEPARTMENT ANNUAL AWARDS**

Mayor Ferrante and Fire Chief Don Hughes presented the following awards:

- Meritorious Service Award – Firefighter/Paramedic Jeff Dangler and Firefighter/EMT Nicolas Gillespie
- Combat Cross – Firefighter/Paramedic Jeff Dangler and Firefighter/EMT Nicolas Gillespie  
Firefighter/Paramedic Darron Pelecki
- Life Saving Award – Fire Captain/Paramedic James Keating  
Fire Captain/Paramedic Scott Manning  
Firefighter/Paramedic Rhiannon Iverson  
Firefighter/Paramedic Barry Pettingill
- Education Service Award – Fire Commander David Abernathy
- Chiefs Achievement Award – Firefighter/EMT Nicolas Gillespie
- Citizen Support of the Fire Department – Lynn Cavanaugh

Mayor Ferrante commended members of the Fire Department for their outstanding fire fighting and medical assistance and service to the community through the Communities for a Lifetime program.

**CIVICS IN THE CLASSROOM PRESENTATION**

Community Development Director Laura Canady stated that Satellite Beach was one of ten cities in Florida that were chosen to design and run a pilot project for a collaborative effort between the Florida League of Cities and the Lou Frey and Bob Graham Institutes of Government at the University of Central Florida and the University of Florida. DeLaura Middle School educator Larry Finch participated in a three-week internship with the City and took that knowledge to a state workshop to finalize the Satellite Beach curriculum.

The Mayor and Department Heads spoke with fifty students in two advanced placement classes who participated in the Civics in the Classroom program. One class focused on the Communities for a Lifetime Program. Their class project was to man the City's Services Booth at Big Truck Day, distributing information about the Fall Prevention Program, the 2010 Census, the Stop By and Say Hi Program, and communicating with Waste Management online.

The other class prepared a hypothetical plan for the vacant 100 acres at Pelican Coast, exploring various phases of demolition and revitalization efforts. Students Katie Cashman, Kim Storhufus, Brantley Daniel, and Susannah Bowman gave a PowerPoint presentation and discussed their project with Council. Other students present were Emily Duschl, Scott Cripps, and Analucia Cavanillas.

Council complimented the students and instructors on an outstanding start to the Civics in the Classroom program. Council encouraged the students to continue their education and challenged them to become involved in their communities, wherever they might live in the future.

**CITIZEN RECOGNITION:**

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

There were no introductions or comments.

**CITY COUNCIL COMMENTS**

**Councilman Chase** reported that the April Comprehensive Planning Advisory Board was cancelled. He attended the Code Enforcement Board meeting on April 27 and commended the members of the Board for their ability to work through the complicated situation presented to them. Chairman Richard Ralph was able to get everyone to work through the conflict to reach a win/win resolution of the issue.

**Councilman Rhodes** reminded everyone that the school year ends on Friday and there will be lots of students out – drive carefully. He attended the Space Coast League of Cities meeting with the Mayor and City Manager. He also attended the National Day of Prayer sponsored by five houses of worship which pray for City leaders on a regular basis.

**Councilman Higginson** reported that the City Manager attended the South Beaches Coalition meeting on his behalf and put forward a proposal that Port Canaveral provide free handicap parking. The Coalition agreed to recommend to the Space Coast League of Cities that free handicap parking should be available at Jetty Park.

**Vice-Mayor Fleis** reported that the April Community Redevelopment Agency Advisory Committee was cancelled. On April 23, he attended a meeting with the Deputy Director of NASA, who gave an overview of the impact of proposed changes to the program. Vice-Mayor Fleis announced his Town Hall meeting to be held on May 20 at 6:30 p.m. at the Pelican Beach Club House.

**Mayor Ferrante** reported attending the following:

- National Day of Prayer, where he gave an opening talk;
- Space Coast League of Cities, where he presented information on pain clinics;
- Library Board and it appears that the funding will be adequate to keep the libraries open;
- Satellite High School Graduation – he commended School Resource Officer Paul Creatura for his interaction with the students and the other Police Officers for their assistance with the crowd and traffic;
- Planning and Zoning Advisory Board, where they recommended including pain management clinics as a conditional use with specific guidelines for operation; and

- A ceremony where the Drifting Sands Girl Scouts named the City of Satellite Beach as their Volunteer of the Year based on assistance provided by the Recreation Department.

### **CITY ATTORNEY REPORT**

City Attorney Beadle had nothing to report.

### **CITY MANAGER REPORT**

City Manager Crotty reported on the following issues:

#### Review of the Pain Management Clinic Ordinance

At the May 17, 2010, meeting, the Planning and Zoning Advisory Board held a public hearing and made recommendations regarding an ordinance to include pain management clinics as a conditional use in the Commercial District and provide a new section to the Land Development Regulations which provides specific standards and guidelines for operating a pain management clinic. The draft ordinance as recommended by PZAB has been forwarded to Paul Gougelman, Attorney for the Space Coast League of Cities.

#### Memorial for Sgt. Ed Hartmann and Officer Phil Flagg

There will be a memorial service to honor Sgt. Hartmann and Officer Flagg who were killed in the line of duty eighteen years ago. The ceremony will be Friday, May 28, at 2:00 p.m., in the Atlantic Plaza parking lot.

#### Undergrounding of Utilities at Ball Field

In response to a request at the last Council meeting, Florida Power and Light provided a cost estimate of \$8,000 to move the wiring for Olson Field lights from overhead to underground. In addition, moving the wires would activate a different billing rate, costing the City an additional \$2,700 per year for service. By consensus, Council recommended that the wires be left where they are.

#### Unveiling of plaque honoring former Mayor Pat Utecht

City Manager Crotty asked Council if June 2 would be a convenient time for the ceremony honoring former Mayor Pat Utecht. The unveiling of the plaque would take place at the DeSoto Park Complex in the garden area near the parking lot for the tennis courts at 6:00 p.m. and would be over in time for the 7:00 p.m. Council meeting. Vice-Mayor Fleis stated that he would be attending the Florida Municipal Pension Trust Board meeting that night and would miss both events. The other Council Members concurred with the date and time.

#### Preliminary Assessment Figures for FY 10/11

Based upon preliminary information from the Brevard County Property Appraiser, the overall assessed valuation of the City decreased by approximately 8.5%. The millage rate for the 09/10 Budget was 7.8193 mills. A "rolled forward" rate of 8.4214 mills would bring in the same revenue for the City in FY 10/11 as 7.8193 mills did for FY 09/10. Due to the decrease in the overall taxable value of the City, last year's millage rate of 7.8193 mills would result in a loss of approximately \$465,700 in ad valorem revenue if the same millage rate for 09/10 is adopted in 10/11.

Stormwater Monitoring and Stormwater Sampling Equipment

- The St. Johns River Water Management District grant for water sampling equipment will probably not be funded.
- Regarding the sewage leak that occurred in the Grand Canal adjacent to Tortoise Island on April 20, Dick Martens, Director of Brevard County Utilities, stated that the leak was repaired the evening of April 20. Testing done north and south of the leak area on April 21 showed the water to be at 300 FCUs (Fecal Coliform Units), which is above the safe bathing limit of 200 FCUs. However, testing on April 22 showed the FCUs had dropped to 8 and by April 23 they had dropped to 2 FCUs.

Canoe/Kayak Launching at the Fire Station

The City has placed a barricade at the area south of the Fire Department parking lot where individuals have been launching canoes and kayaks. In order to get to the water, people had to carry their kayak over a sloped drainage swale with an exposed pipe and down a narrow, steep bank to the water. Also, there is a fuel tank near the launch site. A sign and flyers have been prepared to advise boaters of two public launch sites.

Contracts

- Council held a special meeting on May 3 to terminate the contract with H&D Construction for the Cassia Phase I and II Stormwater Drainage project; the release has been prepared. Contracts are ready to be signed to award the bid to Luchetti Construction.
- The invitation to bid on the resurfacing of a portion of DeSoto Parkway has been advertised and bids will be opened June 17. This will be funded with the remainder of the stimulus money.

**DISCUSS/TAKE ACTION ON BLUE RIBBON FINANCIAL/BUDGET COMMITTEE**

City Manager Crotty presented a revised draft Charter of the Blue Ribbon Financial/Budget Committee that includes input from the last Council meeting.

Mayor Ferrante asked for public comments on the Charter; there were no comments.

**ACTION:** Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to approve the Charter for the Blue Ribbon Financial/Budget Committee as presented. VOTE: ALL AYES. MOTION CARRIED.

In accordance with the Charter, each member of Council appointed one member to the Committee:

- Councilman Chase – Lorraine Gott
- Councilman Rhodes – Mike Everett
- Councilman Higginson – Harry Pawlak
- Vice-Mayor Fleis – Dominick Montanaro
- Mayor Ferrante – Joseph Hemple

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

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to ratify the appointment of Lorraine Gott, Mike Everett, Harry Pawlak, Dominick Montanaro, and Joseph Hemple to the Blue Ribbon Financial/Budget Committee. VOTE: ALL AYES. MOTION CARRIED.

Mayor Ferrante paused the meeting for two minutes for Council to review the applications submitted for this Committee.

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

- Pat Gibbons, 469 Coach Road, stated that he had applied to serve on this Committee because he saw an opportunity to represent the sixteen small businesses in Lori Laine. He listed his experience with budgets and financial matters with various corporations.
- Jerry de la Rosa, 235 Pineapple Street, stated that he was a member of the Charter Review Committee where the two alternate members became an essential part of the Committee. He asked if there were any alternate members for this Committee. (No, Council changed the membership from seven regular and two alternate members to nine regular members.)

In order to determine which four of the remaining applicants would serve on the Committee, Mayor Ferrante asked each member to award four points to their first choice, three points to second choice, two points to third choice, and one point to fourth choice. The four with the highest number of points would be appointed.

City Manager Crotty distributed tally sheets. He reminded Council that their written vote was a public record so they needed to sign their names to the tally.

**ACTION:** Councilman Higginson MOVED, SECOND Councilman Chase, to ratify the written tally (de la Rosa, 14; Gibbons, 12; Fergus, 6; Burns, 6; Stroup, 5; Ryan, 4; Howlett, 3) and to appoint Messrs. de la Rosa, Gibbons, Fergus, and Burns to the Blue Ribbon Financial/Budget Committee. VOTE: ALL AYES. MOTION CARRIED.

The City Manager will chair the meetings until the Committee selects their own chair.

FDOT Landscape Funding for South Patrick Drive: Community Development Director Laura Canady reported that Florida Department of Transportation has decided to postpone funding the landscaping improvements along South Patrick Drive. At their next meeting, the CRA Advisory Committee will consider options for funding the project.

**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 (SECOND READING)**

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

Ordinance No. 1032 was approved on first reading on April 21, 2010. No changes have been made since that time.

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

**ACTION:** Councilman Higginson MOVED, SECOND Councilman Rhodes, to adopt Ordinance No. 1032 on second reading. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON GRANT AUTHORIZATIONS FOR FY 2010 ASSISTANCE TO FIREFIGHTERS GRANT/FEMA**

Fire Chief Don Hughes presented two Requests for Grant Authorizations for FY 2010 Assistance to Firefighters Grants/FEMA grants.

The first grant would purchase twenty-nine sets of bunker gear (boots, pants, coat, and helmet) for the City's volunteer firefighters (Reserve Firefighters) at a cost of \$1,266 per set. The total cost is \$36,714 with \$34,878 coming from grant funds and a City match of \$1,836 to come from the General Fund. This gear, together with the six sets provided by the City, will fully outfit all the Reserve Firefighters.

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, a grant application in the amount of \$36,714 for 29 sets of bunker gear, with a total project cost of \$36,714 and City match of \$1,836 to come from the General Fund. VOTE: ALL AYES. MOTION CARRIED.

The second grant request is for funds to purchase a Quint 100-Foot Aerial Platform Truck. This truck would provide better access to high-rise buildings, rooftops, and elevated locations. It may reduce insurance premiums by improving the City's ISO rating.

Council discussed the following concerns:

- What impact the City's match for this truck might have on the budget?

Chief Hughes: The City does not have to accept the grant for the truck if the budget will not support the match. However, the pumper truck will need to be replaced in the near future at a cost of \$300,000+. It is 19 years old; fire trucks are typically rotated out of the fleet after 15 years. The ladder truck is also a pumper and could be used as a replacement for the pumper. It could be late 2012 before money is needed for the truck.

- Would manning this truck would require additional firefighters?

Chief Hughes: Brevard County is a partner in this grant application because they need a ladder truck for the beaches and they would like to improve the ISO rating for County residents. The truck requires a staff of three. The City has a gentleman's agreement that the County would provide two people each shift to supplement the City's staff.

City Manager: If this truck were funded, we would enter into an interlocal agreement with Brevard County regarding staffing and costs prior to accepting the grant.

- If this truck is used outside the City, would that jeopardize the residents of Satellite Beach?

Chief Hughes: The City currently has Mutual Response Agreements that cause the Fire Department to respond to calls outside the City limits. These calls are generally very short, 10-20

minutes. The calls for the ladder truck may be more frequent but would not put City residents in jeopardy.

- Can this truck navigate the smaller streets in the City? Will it fit into the garage?

Chief Hughes: Yes to both. When the City applied for this grant the first time, they brought a Quint ladder truck into the City and drove through all the streets and into the station.

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

- Jerry de la Rosa, 235 Pineapple Street, asked if the City has considered a hybrid tax or MSTU for funding this truck and/or fire/emergency services.

**ACTION:** Councilman Chase MOVED, SECOND Higginson, to authorize Plain English to submit, on behalf of the City, a grant application in the amount of \$837,000 for a Quint 100-foot aerial platform truck and required tools and equipment, with a total project cost of \$837,000, a City match of \$250,000 to come from the Capital Improvement Fund, and a Brevard County match contribution of \$250,000. VOTE: FOUR AYES; ONE NAY (Councilman Rhodes). MOTION CARRIED.

Fire Chief Hughes reported the Brevard County Emergency Management is eliciting the help of volunteer groups such as the Sea Turtle Preservation Society and Keep Brevard Beautiful to monitor Brevard Beaches for evidence of the gulf oil spill. There have been tar balls in Key West and we have some of those here from time to time; these are not associated with the oil spill.

The Coast Guard has a contractor that will clean up hazardous spills. However, the City's haz-mat team will clean spills here because they will respond quicker. Council enacted an ordinance that allows the City to back-charge the source of the spill for the cost of clean up.

### **DISCUSS/TAKE ACTION ON CONTRACT WITH ELIGERE STRATEGIES, LLC**

At the November 5, 2009, meeting, Council extended the contract with Eligere Strategies to May 5, 2010. If Council does not want to continue the contract, no action is necessary. If Council desires to renew the contract, they should determine the terms of the new agreement.

Council discussed the following reasons to continue the contract:

- Last year, there were issues before the Legislature that needed to be watched and negotiated.
- Eligere Strategies provided reports on progress as these issues moved through the Committees, which helped explain to citizens what was happening.
- Eligere was able to express the small city concerns to the Legislators.

Council discussed the following reasons not to continue the contract:

- The Florida League of Cities posted progress reports similar to those posted by Eligere.
- The \$15,000 consultant fee would pay for one part-time position.
- Council Members can meet personally with their Legislators in their Brevard County offices; it is not necessary to go to Tallahassee to be heard.
- The Legislature is not in session from now until May and little will be accomplished by the consultant in that period.

- Eligere member Mitch Needelman is running for Clerk of Courts and probably will not be involved in the firm after November.
- The City generally does not have consultants.

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

- Pat Gibbons, 469 Coach Road, stated that he was at the meeting when Eligere made their presentation to Council and noticed that the information they presented was available elsewhere. The money could be better spent elsewhere. A Council Member, a staff member, other citizens could go to Tallahassee, if necessary.
- David R. Schechter, 635 Seville Court, recommended letting the contract lapse for now and determine what the issues are in the fall to see if their services are needed next year. Committee meetings begin before session and lots of decisions are made in those meetings. The incoming President of the Senate is one of those who backed off TABOR.

No action was taken. Council asked staff to arrange for representatives of Eligere to make a presentation at the June 16 Council meeting.

#### **DISCUSS/TAKE ACTION ON INTERLOCAL AGREEMENT WITH BREVARD COUNTY REGARDING STORMWATER UTILITY ASSESSMENT ROLL**

Brevard County has prepared the Stormwater Utility Assessment Roll and included the billing in the ad valorem tax bills since the assessment was established. The County is no longer willing to provide this service and several others free of charge. The \$1.00 per parcel is not unreasonable. It would cost substantially more than that for City Hall to prepare the list and collect the money.

One change in procedure, the City will have to adopt its assessment rate in May, instead of August, so that the Clerk can submit the request for the assessment roll in a timely manner. The advertisements have been sent to the paper for the public hearing on the Stormwater Tax Assessment. Council will hold a special meeting/public hearing at 6:45 p.m. on June 16.

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

**ACTION:** Councilman Higginson MOVED, SECOND Councilman Chase, to authorize the Mayor to enter into the Interlocal Agreement with Brevard County regarding the Stormwater Utility Assessment Roll.

#### **APPOINTMENTS TO BOARDS**

City Clerk Barbara Montanaro presented the April 14, 2010, memorandum showing board vacancies, applicants, and reappointments.

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

**ACTION:** Councilman Chase MOVED, SECOND Councilman Higginson, to reappoint Jane Mandeville to a two-year regular term on the Beautification Board, said term ending June 1, 2012. VOTE: ALL AYES. MOTION CARRIED.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to move alternate member Richard Coolong to a regular member for a three-year term on the Board of Adjustment, said term ending June 1, 2013. VOTE: ALL AYES. MOTION CARRIED.

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Chase to appoint Maria Kaps to an alternate position on the Community Redevelopment Agency Advisory Committee, said term ending December 1, 2011. VOTE: ALL AYES. MOTION CARRIED.

**ACTION:** Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to appoint Jennifer Meyer to a two-year regular term on the Samsons Island Park Committee, said term ending June 1, 2012. VOTE: ALL AYES. MOTION CARRIED.

The City Clerk will contact Karen Kait for an interview at a future meeting.

**DISCUSS/TAKE ACTION ON CITY ATTORNEY'S ATTENDANCE AT FLORIDA MUNICIPAL ATTORNEYS ASSOCIATION 29<sup>TH</sup> ANNUAL SEMINAR JULY 29-31, 2010**

The City budgets for the City Attorney to attend two training sessions each year. This is one of them.

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

**ACTION:** Councilman Higginson MOVED, SECOND Vice-Mayor Fleis, to approve the attendance of the City Attorney at the Florida Municipal Attorneys Association's Annual Seminar, July 29-31, and to pay the appropriate registration, hotel, transportation, and per diem costs. VOTE: ALL AYES. MOTION CARRIED.

City Manager Crotty stated that the rooms for the annual Florida League of Cities Conference fill up fast. It might be appropriate for Council to authorize the attendance of interested Council Members so that reservations can be made as soon as the announcement arrives. City Clerk Montanaro stated that registration for the conference has to be made before hotel rooms can be reserved. Mayor Ferrante, Vice-Mayor Fleis, and Councilman Rhodes indicated they will attend. Councilman Chase said that he will not. Councilman Higginson was undecided.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Higginson, to authorize interested Council Members to attend the Florida League of Cities Annual Conference. VOTE: ALL AYES. MOTION CARRIED.

**AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING**

City Manager Crotty presented a list of items for the next Council meeting. Councilman Higginson asked about the schedule for summer meetings. The Charter requires at least one meeting per month but Council can consider cancelling one of the two scheduled meetings each month. No action taken.

City Attorney Beadle presented an update on the Rehm and Redfearn lawsuits.

**ADOPTION OF MINUTES: APRIL 21, 2010, TOUR OF PUBLIC WORKS  
APRIL 21, 2010, REGULAR MEETING**

**APRIL 28, 2010, SPECIAL MEETING  
MAY 3, 2010, SPECIAL MEETING**

Councilman Rhodes asked that the name "Ruth Kaminski" be changed to "Drew Kaminski" on page 3 of the April 28 minutes.

**ACTION:** Councilman Higginson MOVED, SECOND Councilman Rhodes, to approve the above minutes as corrected. VOTE: ALL AYES. MOTION CARRIED.

Mayor Ferrante adjourned the meeting at 10:02 p.m.

Barbara Montanaro, CMC  
City Clerk