

COUNCIL MINUTES JUNE 2, 2010

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, June 2, 2010, at 7:00 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Councilman Mike Chase, Councilman Scott Rhodes, Councilman William Higginson, City Manager Michael P. Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro. Vice-Mayor Jeffrey Fleis was attending a meeting of the Florida Municipal Pension Fund Board of Trustees and was unable to attend Council meeting.

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

CITIZEN RECOGNITION:

- **INTRODUCTION OF GUESTS**

There were no introductions.

- **CITIZEN COMMENTS**

Gabe Feindt, 470 Caribbean Drive, commended Laura Canady for her presentation at the Town Hall meeting. He expressed his disappointment in the citizen response to these meetings. Mr. Feindt asked if the golf cart issue had been resolved for Mr. Paul Davis. (Yes.)

CITY COUNCIL COMMENTS

Councilman Chase reported that he attended the May Comprehensive Planning Advisory Board; they discussed ways to reduce costs and agreed to send their agenda packets electronically to save paper, time, and postage.

Councilman Chase read an article from the Sunday, May 23, edition of Florida Today, which recognized Scotty Culp's community service and Satellite Beach's 23rd annual 21-Day Salute to the Flag. The Brevard Chapter of the Florida Society of the Sons of the American Revolution presented a Bronze Good Citizenship Medal to Scotty.

Councilman Rhodes stated that several individuals had received citations for watering outside the St. Johns River Water Management District's (SJRWMD) time schedule. The SJRWMD is monitoring throughout the area; one citation was for a sprinkler running at 2:00 a.m. on an off day.

City Manager Crotty stated that the City does not have staff to enforce irrigation regulations; however, the City has been proactive in providing education about the new irrigation rules and reasons for observing the rules.

Councilman Higginson reported he attended the memorial ceremony for Sgt. Ed Hartmann and Officer Phil Flagg. The turnout to remember the loss of two officers eighteen years ago showed that Satellite Beach cares.

Councilman Higginson stated that he attended the meeting of the General Employees and Police and Firefighters Retirement Plans Boards of Trustees. Investments have been good and the fund is on target.

Mayor Ferrante reported attending the 50th Annual Lions Club dinner with the City Manager, Police Chief and Deputy Police Chief; he commended Deputy Chief Pearson for an excellent job as Emcee.

CITY ATTORNEY REPORT

City Attorney Beadle reported that the Judge had granted his Motion in the Rehm case; the Court also allowed Mr. Rehm time to file an amended Complaint.

CITY MANAGER REPORT

City Manager Crotty reported the following:

- George Geletko will present information on single stream recycling, including e-waste and CFLs, street sweeping, solar compactors at beach parks, and recycling containers at sports parks.
- Council has undertaken aggressive actions to promote the business community and put in place procedures to assist Satellite Beach businesses. The City Clerk and her staff have put in place procedures to have an online business directory. When business tax renewals are mailed the beginning of July, an application will be enclosed for business owners to complete if they want to be included in the online directory.
- The next meeting of the Blue Ribbon Financial/Budget Committee will be June 10 at 6:30 p.m.

ORDINANCE NO. 1033, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SATELLITE BEACH CITY CODE TO PROVIDE FOR REGULATION OF PAIN MANAGEMENT CLINICS; MAKING LEGISLATIVE FINDINGS; AMENDING DEFINITIONS CONTAINED IN SECTION 30-107, SATELLITE BEACH CITY CODE; CREATING A NEW CONDITIONAL USE IN SECTION 30-416(c), SATELLITE BEACH CITY CODE; CREATING NEW SECTION 30-621, SATELLITE BEACH CITY CODE, REGULATING LOCATION AND REQUIREMENTS FOR OPERATION OF PAIN MANAGEMENT CLINICS; PROVIDING AN EFFECTIVE DATE. (FIRST READING)

City Attorney Beadle read Ordinance No. 1033 by title on first reading.

Ordinance No. 1033 adds definitions for drug store, medical office, pain management clinic, and retail pharmacy to Section 30-107 of the Land Development Regulations. It also creates a new subsection (16) to Section 30-416 (c), which allows pain management clinics as a conditional use in the Commercial Zoning District so long as they comply with provisions in the newly created section 30-621.

Police Commander Brad Hodge presented an overview of the information in the Agenda packet regarding the background and local impact of prescription drug abuse. In 2008, 27% of total drug arrests in Satellite Beach were for illegal prescription pills; in 2009, 34%; and thus far in 2010, 42%.

The Planning and Zoning Advisory Board held a public hearing on May 24, 2010, recommended approval of Ordinance No. 1033. Commander Hodge recognized the extensive work that the City Attorney and Lorraine Gott had put into drafting this ordinance.

The Prescription Drug Monitory Program (currently in effect in 32 states) was passed in Florida in July 2009, and will become effective December 1, 2010. There is some question whether the law will deter such clinics after they have been established. Brevard County Sheriff's Office is working with the County Attorney to develop a county ordinance.

Staff recommended approval of this ordinance to provide immediate regulation of pain management clinics. This ordinance will work well in conjunction with the State regulations and will provide protection for the City immediately, instead of waiting until December 31 when the State regulations take effect.

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

ACTION: Councilman Higginson MOVED, SECOND Councilman Chase, to approve Ordinance No. 1033 on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Ferrante expressed appreciation to City Attorney Beadle for his work in drafting Ordinance No. 1033. He also requested staff to get some information into the newspaper about this Ordinance. City Manager Crotty will schedule a conference call with Norman Moody from Florida Today, the Mayor, and Commander Hodge.

DISCUSS/TAKE ACTION ON 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – JAG COUNTYWIDE

The Florida Department of Law Enforcement has notified the City of the 2010 Edward Byrne Memorial Justice Assistance Grant Program allocation of \$264,582 to be used by all units of government within Brevard County. Police Chief Cote recommended that the City support utilization of these funds for the Brevard County Prisoner Transportation Program.

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

ACTION: Councilman Chase MOVED, SECOND Councilman Higginson, to authorize the Mayor to execute, on behalf of the City, a letter to Clayton H. Wilder of the Florida Department of Law Enforcement indicating the City of Satellite Beach's support for the distribution of the Justice Assistance Grant funds for FY 10/11 for the Brevard County Prisoner Transportation program in the amount of \$264,582. VOTE: ALL AYES. MOTION CARRIED.

COUNCIL CONVENED AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE FOLLOWING AGENDA ITEMS:

DISCUSS/TAKE ACTION ON FAÇADE GRANT APPLICATIONS:

Building Official John Stone presented information on eleven applications for façade grants to replace non-conforming signs with monument signs. The following applications were reviewed by the Community Redevelopment Agency Advisory Board (CRA Advisory Board) and recommended for approval at their May 27 meeting.

- A façade grant of \$5,000 to Sun on the Beach Plaza, 1767-1771 Highway A1A, to retrofit the sign, total cost of \$6,000.
- A façade grant of \$3,739 to Ireland Family Practice, 1380 South Patrick Drive, to retrofit the sign, total cost of \$3,739.
- A façade grant of \$3,860 to Town Homes of Satellite Beach, 280 Queens Court, to retrofit the sign, total cost of \$3,860.
- A façade grant of \$5,000 to Long Doggers Eateries, Inc., 1201 South Patrick Drive, to retrofit the sign, total cost of \$7,500.
- A façade grant of \$4,630 to Our Father's House, 535 Cassia Boulevard, to retrofit the sign, total cost of \$4,630.
- A façade grant of \$5,000 to Ocean Spray Car Wash, 1690 Highway A1A, to retrofit the sign, total cost of \$5,130.
- A façade grant of \$5,000 to A1A Lawnmower, 1346 Highway A1A, to retrofit the sign, total cost of \$5,280.
- A façade grant of \$4,900 to Red Cap Cleaning Service & Supply (Brevard Montessori School), 1132 South Patrick Drive, to retrofit the sign, total cost of \$4,900.
- A façade grant of \$5,000 to Seamark Condominiums, 1195 Highway A1A, to retrofit the sign, total cost of \$5,280.
- A façade grant of \$1,830 to City of Satellite Beach Scotty Culp Municipal Complex, 565 Cassia Boulevard, to retrofit the sign, total cost of \$1,830.
- A façade grant of \$5,000 Dr. Kane (Radio Shack Building), 1328 Highway A1A, to retrofit the sign, total cost of \$6,180. Dr. Kane is planning a full enhancement to the property; the sign is the first step. The CRA Advisory Committee recommended awarding the full \$5,000 for the sign and then granting the remaining \$10,000 matching grant when the rest of the enhancements are completed.

Council questioned whether one property could receive more than one façade grant; the original guidelines specify a one-time grant opportunity per property. However, the sign grants are an enticement to businesses to replace non-conforming signs and it would be counter-productive to delay replacement of the sign until the other façade improvements are completed.

- A façade grant of \$5,000 to Breeze-Thru Mini Mart, 1652 Highway A1A, to retrofit the sign, total cost of \$5,090, pending repainting the building with an approved color.

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

- Sherry D'Amato, 565 Temple Street, spoke in favor of granting all the façade grants.
- David R. Schechter, 635 Seville Court, Chairman of the CRA Advisory Committee, stated that the façade grant funds come from the Redevelopment District and that is where the

funds have to be spent. This portion of the façade grant program which is specifically for replacement of non-conforming signs ends December 31, 2010. If Dr. Kane waits until all the plans are prepared for the renovation of his building, the time for replacement of the sign may have passed.

- Gabe Feindt, 470 Caribbean Drive, stated that the last Town Hall meeting focused on the business community. The Community Development Director made an excellent presentation, but there were only one or two business people in attendance.
- Dominick Montanaro, 465 Glenwood Avenue, stated that there are only forty-seven non-conforming signs remaining. Staff has done an excellent job contacting businesses and bringing businesses on board with these grants. The CRA Advisory Committee may come back to Council to allocate more of the District Funds to this grant program. It is working well.

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

DISCUSS/TAKE ACTION REGARDING USE OF VACANT LAND AT 1254 HIGHWAY A1A AS OVERFLOW PARKING

Building Official John Stone reported that the CRA Advisory Committee had recommended approval for the temporary use of the Dairy Queen vacant property as overflow (off-site) parking for Cantina Dos Amigos. Although Cantina Dos Amigos, 1246 Highway A1A, meets both seating and parking requirements, they have experienced parking challenges due to their popularity. Parking on the right-of-way is permitted, but it does impact the residential neighborhood.

Using the vacant Dairy Queen property is beneficial in two ways: it alleviates the parking challenges, and it cleans up a property that has had repeated code enforcement action. The owner of Cantina Dos Amigos has started maintaining the grounds, has agreed to paint the west wall in a color pre-approved by staff, and has agreed to provide liability insurance. He has also received permission from the VFW for people to walk through their parking lot.

Council discussed the following safety concerns: Proper lighting and a safe passage from one property to another.

They concurred that such a use should be short-term because they do not want the A1A corridor to become a parking lot. They also recognized that the shallow lots along A1A create parking challenges for a thriving business.

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

No action was taken. Staff will contact LaRue Planning Associates to discuss ways to create supplemental parking guidelines for situations such as this.

DISCUSS/TAKE ACTION REGARDING SOUTH PATRICK DRIVE FLORIDA DEPARTMENT OF TRANSPORTATION LANDSCAPE PROJECT

City Manager Crotty gave an overview of Community Development Director Laura Canady's May 28, 2010, memorandum, stating the Florida Department of Transportation (FDOT) did not fund the

SR 513 Landscape Project in Satellite Beach in this year's budget cycle due to budget reduction. FDOT proposed amending the existing Joint Participation Agreement to place the entire \$179,500 approved landscape plan in next year's cycle subject to funds availability on July 1, 2011.

At their May 27 meeting, the CRA Advisory Committee recommended postponing the project until they know if the FDOT funds will be approved.

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

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to postpone the SR 513 Landscape Project to see if FDOT budgets their share of the costs in July 2011. VOTE: ALL AYES. MOTION CARRIED.

COUNCIL RECONVENED FOR THE FOLLOWING AGENDA ITEMS:

DISCUSS/TAKE ACTION ON INTERLOCAL AGREEMENT WITH BREVARD COUNTY SCHOOL BOARD REGARDING SCHOOL RESOURCE OFFICERS

City Manager Crotty presented the Interlocal Agreement between the City and the Brevard County School Board for the continuation of the School Resource Officers Program at Satellite High School and DeLaura Middle School for school year 2010-2011. The reimbursement is \$29,500 per officer, an increase over last year of \$500 per officer.

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

ACTION: Councilman Higginson MOVED, SECOND Councilman Chase, to authorize the execution of the Agreement with the Brevard County School District for School Resource Officers for Satellite High School and DeLaura Middle School for school year 10/11 in the amount of \$29,500 per officer. VOTE: ALL AYES. MOTION CARRIED.

AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING - SCHEDULE OF SUMMER MEETINGS

City Manager Crotty stated that there will be a Public Hearing on the Stormwater Utility Assessment at 6:45 p.m. on June 16; the assessment rate remains the same - \$65 per house.

Also, there will be an interview of one board applicant at 6:50 p.m., followed by the regular meeting at 7:00 p.m.

Council considered whether it would be necessary to hold the July 7 meeting.

ACTION: Councilman Higginson MOVED, SECOND Councilman Chase, to cancel the July 7, 2010, meeting. VOTE: ALL AYES. MOTION CARRIED.

ADOPTION OF MINUTES:

**MAY 19, 2010, WORKSHOP MEETING
MAY 19, 2010, REGULAR MEETING**

The City Clerk presented a revision to comments made by Councilman Higginson in the minutes of the May 19, 2010, regular meeting.

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

Mayor Ferrante adjourned the meeting at 8:27 p.m.

Barbara Montanaro, CMC
City Clerk