

COUNCIL MINUTES JUNE 8, 2011

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, June 8, 2011, at 6:10 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.

Councilman Rhodes led a prayer asking for protection of our Troops, Firefighters, and Police Officers and for wisdom and guidance to lead the City. He then led the Pledge of Allegiance.

RECOGNITION OF BEACHSIDE AREA CHURCHES FOR COMMUNITY EASTER SUNRISE DONATION

Fire Chief Don Hughes introduced Pastor Joe Jursa, Satellite Beach United Methodist Church; Pastor Rick McConn, Beachside Fellowship; and Elders John Keen and Nelson Turner, Our Father's House. Local beachside pastors had unanimously voted to give the love offering from the Community Easter Sunrise Service to enhance the Community Health Paramedic Program, which is part of the City's "Community for a Lifetime" initiative. Chief Hughes presented a certificate of appreciation to each congregation for the generous donation of \$3,491.92, stating this will provide weekly in-home visits for 3 ½ people for one year.

The Community Health Paramedic Program provides service to at-risk individuals who have chronic health issues, but are not eligible for in-home care and are trying to manage their medications and health issues alone. This program provides weekly visits to assess vital signs and medication of eligible residents and is funded through grants and donations. It has been highly successful in preventing major health incidents and hospitalizations, allowing citizens to stay in their homes.

Mayor Ferrante thanked the church leaders for the donation and for their constant prayers for the City and its leaders.

INTRODUCTION OF GUESTS

- Trevor Lowing of Sherwood Avenue introduced himself.
- Mayor Ferrante introduced special friend Karen Miller, Councilwoman for eighteen years in Hypoluxo, Florida.

CITIZEN COMMENTS

- Lloyd French, 240 Colonial Court, read subsections (a), (c), and (e) of Section 59-1 of the City Code on creating the redevelopment trust fund. He questioned the use of Community Redevelopment funds for funding a portion of the Fire Department. He referred to Laws of Florida regarding detailed CRA Plans and asked that the City provide definitive proof that funds to be transferred by Ordinance No. 1042 are in line with Florida Statutes as well as the spirit and intent of a CRA and its funds application and allocation. Mr. French provided a written copy of his comments.
- Ron Jurgutis, 620 Ocean Street, thanked staff for the quick response in posting the CRA documents for easy access. He questioned why there are no minutes of CRA meetings posted for 2011. [There has been only meeting of the CRA in 2011 prior to this one.]
- Gregg Billman, 690 Jackson Court, commented on the presentation and questions posed at the last Council meeting. Mr. Billman felt that Council may have violated Proposition 909 in their response to a citizen. He stated that the purpose of these questions is to ensure that money is

used in an efficient manner.

CITY COUNCIL COMMENTS

Councilman Rhodes stated that the single stream recycling carts have been delivered and he has heard that not all residents are as enthusiastic as he is about the program. He stated that recycling is the right thing to do for the landfill, the community, and the planet. He commented that Code Enforcement has responded to complaints about carts being left at the street too long or improperly stored by providing information to a number of individuals; he asked that an article be placed in the next Beachcaster, reminding residents of garbage cart storage regulations.

Vice-Mayor Chase stated that, as Council Liaison, he attended the Code Enforcement Board hearing, where they discussed storm drainage and a condition declared to be a nuisance, and the Board of Adjustment Board (BOA) hearing regarding fence height. Only four of the five BOA members were present. Since four affirmative votes are required for approval of a variance, the applicant asked that the meeting be continued to a future meeting when all five members can be present.

Mayor Ferrante stated that he attended the Palm Beach League of Cities meeting where guest speakers Florida Chief Financial Officer Jeff Atwater and Senatorial Candidate George LeMieux emphasized the importance of attracting/creating jobs. He asked staff to obtain the unemployment rate for Satellite Beach. He recommended an initiative, perhaps at the Library, to help citizens of Satellite Beach with jobs.

CITY ATTORNEY REPORT

City Attorney Beadle referred to his correspondence of May 31, 2011, and its attachments regarding the City's interest in the land at the end of the canal at 600 Cinnamon Court. The attorney for the property owner has asked if the City is interested in selling the land; Attorney Beadle asked for direction from Council whether Council is interested to any monetary resolution to this case.

Council discussed the following:

- Since the early 1990's, the City has had an unwritten policy not to vacate or abandon easements or rights of way.
- Do other residents use the property? [No, it is fenced.]
- The property owner bought the home in 1987. The ownership of land at the end of the canal became an issue in 2008 when he applied for a permit to replace his dock and seawall.
- Do not want to give up easement, but would like to see if there is a better means to an end.

This will be an agenda item on June 22 and open for public comment at that time.

CITY MANAGER REPORT

Operation NOW: City Manager Crotty referred to the DVD provided to Council and asked Deputy Chief Pearson to give an overview of Operation NOW.

Deputy Chief Pearson stated that Senior Master Sergeant Rubella at Patrick Air Force Base developed a program to depict what happens when driving under the influence or distracted. The presentation includes crashed cars, removal of victims from the cars, First Flight helicopter transport,

and ER/operating scenes. When the School Board stopped presenting this program at the schools, Satellite Beach Police Sgt. Creatura took over the program to increase awareness in teens. Volunteer Bill Spiegelhalter videoed the event and has burned DVDs for each member of Council.

Council expressed appreciation to Sgt. Creatura and Bill Spiegelhalter.

Single Stream Recycling Carts: City Manager Crotty stated that Waste Management is completing delivery of the 64-gallon recycling carts.

ORDINANCE NO. 1042, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE FY 2010/2011 BUDGET ORDINANCE NO. 1036; PROVIDING AN EFFECTIVE DATE (SECOND READING)

City Attorney James Beadle read Ordinance No. 1042 by title on second reading.

Ordinance No. 1042 reflects activities during the first half of the FY 10/11 Budget and was approved on first reading at the May 24, 2011, Council meeting.

Due to concerns expressed by some citizens about the Community Redevelopment funds, City Manager Crotty suggest that no action be taken on this ordinance until further research can be completed to ensure that any action be consistent with regulations. Even though Council will not take any action at this time, he asked that Council receive public comments so that staff can respond to all the issues at the next hearing.

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

- Jim Hayes, 490 Roosevelt Avenue, stated that he moved here from Delray Beach, Florida, where the Community Redevelopment District turned a downtown Delray Beach into an active nightlife, revenue-generating area. He does not see anything in Satellite Beach that needs redevelopment. A couple businesses have left, but that is just the result of the downturn in the economy.
- Lloyd French, 240 Colonial Court, said to stick to the Community Redevelopment Plan. He questioned paying for general fund items with CRA funds. He stated that citizens are taxed based on having the CRA; the tax base pays into the CRA. He further stated that if we did not have the CRA, citizens would have lower taxes and would not be paying money into CRA; the tax base pays into the CRA. However, when money goes into the CRA, it should stay there and should not be used to pay for general fund items. He has contacted state and county officials, as well as auditors, about the need for detailed reports regarding the use of CRA funds.
- Gregg Billman, 690 Jackson Court, stated that the City does not need a Community Redevelopment Plan or a CRA. It is just another overhead expense in government. The money could be more efficiently spent without another agency to do it. He stated that it appears \$10.625 Million dollars have gone into the CRA. For what?

The second reading of and action on Ordinance No.1042 will take place at a future meeting. Mayor Ferrante suggested scheduling a meeting or workshop to discuss other CRA issues.

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

DISCUSS/TAKE ACTION ON MARKET STUDY

Community Development Director Laura Canady provided a brief history, including the 2005 Market Study and the resulting analysis and planning that led to the adoption of the mixed-use district. There have been discussions on a new market study to re-evaluate the following:

- The need and potential for the re-designation of commercial lands to residential uses;
- Impact of current commercial lot sizes on sale, redevelopment, and renovation of vacant and underutilized properties;
- Discussion on appropriateness of hotel/motel use; and
- Percentage of commercial properties that are owner-occupied versus rental properties.

The CRA Advisory Committee voted four to one to delay the market study until the market stabilizes.

Council and staff discussed the following:

- Suggested using this time to plan so the City is ready to take action at the end of downturn.
- There are four major changes that have taken place since the 2005 study: 1) Patrick Air Force Base no longer plans to build homes in the remaining 100 acres; 2) the economic conditions that led to amending the Comprehensive Plan to prohibit reducing the amount of commercial property by rezoning it to residential have reversed; 3) opening the Pineda extension has increased evacuation routes; and 4) the State gubernatorial position is now more pro job creation versus bureaucracy limiting development.
- The cost of proposed market study is \$12,000.
- Market study is probably one or two years away.

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

- Ron Jurgutis, 620 Ocean Street, spoke against a market study at this time; he noted, however, the time is coming when a market study will be needed. He recommended that staff and the CRA begin setting goals and efficiencies internally; otherwise, the city will not be ready to absorb new businesses when the market rebounds.
- Dominick Montanaro, 465 Glenwood Avenue, acknowledged that the changes that have occurred since the last market study do call for a market study. Staff can look at some of the issues of undersized commercial lots and have the Comprehensive Planning Advisory Board (CPAB) investigate expanding the area where mixed use is allowed and making mixed use more viable by allowing two floors of residential use above one floor of commercial use to offset costs. This could encourage growth along the business corridors.
- Lloyd French, 240 Colonial Court, suggested adding incentives to entice new business. He spoke against the market study and suggested eliminating redundancy in service.

ACTION: Vice-Mayor Chase MOVED, SECOND Councilman Rhodes, to accept the recommendation to postpone the market study and ask the CRA Advisory Committee to revisit the potential for this study as the market and economic conditions improve. VOTE: ALL AYES. MOTION CARRIED.

Council and City Manager Crotty discussed the apparent consensus of residents and Council to have a hotel to meet community needs. It is premature to establish the Land Development Regulations at

this time; it is uncertain whether the desire is for an oceanfront hotel, a business hotel, or a hotel/conference center.

ACTION: Councilman Fleis MOVED, SECOND Councilman Higginson, to recommend that the CPAB hold a public hearing to amend the Comprehensive Plan by removing the prohibition against hotels in the City. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON STATUS OF FORMER PEG LEGS AND CORINTHIAN APARTMENT PROPERTIES (CORNER SR A1A AND DESOTO PARKWAY)

Community Development Director Canady recommended that Council hold a workshop with CPAB, PZAB, and the CRA AC to determine options regarding the property at the corner of Highway A1A and DeSoto Parkway.

Council discussed amending the Comp Plan to allow mixed use on this property and other properties; they requested for staff to obtain lists from local banks of people who are purchasing land.

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

Council sent it back to the CRA AC for consideration at their June 23 meeting with the first portion of the meeting being an open workshop for Council and other boards to receive input. Afterwards CRA AC can continue discussion and make their recommendations.

COUNCIL RECONVENED FOR THE FOLLOWING AGENDA ITEMS:

DISCUSS/TAKE ACTION ON EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND FOR FLORIDA MISSING CHILDREN'S DAY 2011

Police Chief Lionel Cote requested authorization to send \$200.00 from the Law Enforcement Trust Fund to support the Florida Missing Children's Day 2011, which is sponsored by the Florida Police Chiefs Association and the Florida Sheriffs Association at the State Capitol in Tallahassee on September 12. Families of missing children and families of children who did not survive their abduction, together with law enforcement officers and legislators, will assemble to stand together against crimes against children. Chief Cote certified that this expenditure complies with the provisions of Section 923.7055(4)(a), Florida Statutes. In the past, Council has approved \$250.00 and agreed to have the same given this year.

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

- Gregg Billman, 690 Jackson Court, asked if there is a way the public can donate to this. [Chief Cote said checks can be made payable to Florida Missing Children's Day and mailed to 253 East Virginia Street, Tallahassee, FL 32301 or delivered to the Police Department.]

ACTION: Councilman Higginson MOVED, SECOND Councilman Fleis, to authorize expenditure from the Law Enforcement Trust Fund in the amount of \$250.00 in support of the Florida Missing Children's Day. VOTE: ALL AYES. MOTION CARRIED.

BUDGET ISSUES

City Manager Crotty reported that the property appraiser has released the preliminary assessment figures; the values for Brevard County overall have decreased 25%. The City decreased 11.3%, but had new growth of \$7,500,000, creating an actual decrease of 10.1%.

Vice-Mayor Chase stated that he sees great assets (parks, ball fields, the David R. Schechter Community Center, etc.) as he drives around the City. He asked if staff can provide information on the total cost to maintain each asset, determine who uses it and how, and if each asset can be made self-sufficient (fees, etc.). There may be some facility that is being maintained but not used.

City Manager Crotty stated that the ICMA book says that if a recreation program recovers 35% of its costs, it is successful. The City exceeds 35%. Some programs bring in more money than others.

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

- Gregg Billman, 690 Jackson Court, well done, Vice-Mayor Chase.
- Dania Billman, 690 Jackson Court, suggested that people who use specific facilities pay a reasonable fee to use the facility.
- Lloyd French, 240 Colonial Court, recommended looking at the Schechter Center to understand the financial dynamics of the facility.

City Manager Crotty provided an example of how many people are using the David R. Schechter Community Center. He reported that there were 300 individuals using the Center on Tuesday morning at 9:00 a.m.

AUTHORIZE ATTENDANCE AND DISCUSS/TAKE ACTION ON APPOINTMENT OF VOTING DELEGATE TO THE FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE IN ORLANDO ON AUGUST 11-13, 2011

City Clerk Barbara Montanaro presented a request from the Florida League of Cities for the City to appoint the voting delegate and alternate for the business meetings held during the Florida League of Cities Annual Conference in Orlando, August 11-13. Also, it would be appropriate to authorize interested Council members to attend the conference.

ACTION: Councilman Higginson MOVED, SECOND Vice-Mayor Chase to designate Mayor Ferrante voting delegate and Councilman Rhodes alternate to the FLC Annual Conference. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Vice-Mayor Chase MOVED, SECOND Councilman Higginson to authorize interested Council Members to attend the FLC Annual Conference. VOTE: ALL AYES. MOTION CARRIED.

City Manager Crotty requested permission to attend the ICMA Annual Conference in Milwaukee instead of the FLC Annual Conference. Council approved.

APPOINTMENTS TO BOARDS

City Clerk Barbara Montanaro presented a list of board vacancies and applications as outlined in the June 1, 2011, memorandum.

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

ACTION: Councilman Rhodes MOVED, SECOND Councilman Fleis, to appoint Sheryl Denan to a two-year term as an alternate member of the Beautification Board, said term to end June 30, 2013. VOTE: ALL AYES. MOTION CARRIED.

