

CITY OF SATELLITE BEACH

CITY COUNCIL
JULY 6, 2016

REGULAR MEETING
7:00 P.M.



CITY OF SATELLITE BEACH, FLORIDA

565 CASSIA BOULEVARD 32937-3116
(321) 773-4407
(321) 779-1388 FAX



INCORPORATED 1957

AGENDA

CITY COUNCIL REGULAR MEETING

**SATELLITE BEACH COUNCIL CHAMBER
565 CASSIA BOULEVARD, SATELLITE BEACH, FL 32937**

**JULY 6, 2016
7:00 P.M.**

1. **CALL TO ORDER BY MAYOR CATINO**
2. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE LED BY COUNCILWOMAN GOTT**
3. **CITIZEN COMMENTS**
4. **CITY COUNCIL COMMENTS**
5. **CITY MANAGER REPORT**
6. **DISCUSS/TAKE ACTION ON APPROVAL OF MONTECITO PHASE 2C REVISED PRELIMINARY PLAT**
7. **DISCUSS/TAKE ACTION ON SCRUB AREA LOCATED NEAR THE SATELLITE BEACH LIBRARY**
 - **REMOVAL OF VEGETATION FROM THE SCRUB AREA**
 - **AGREEMENT WITH ATLANTIC ENVIRONMENTAL SOLUTIONS**
8. **DISCUSS/TAKE ACTION ON ORDINANCE NO. 1120, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF SATELLITE BEACH; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR CODIFICATION (FIRST READING)**

Pursuant to Section 286-0105, FSS, if an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual may need to insure that a verbatim transcript of the proceedings is made. In accordance with the Americans with Disabilities Act and Section 286.26, FSS. Persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's office.

9. DISCUSS/TAKE ACTION ON ORDINANCE NO. 1121, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CREATING A NEW SECTION 14-3, SATELLITE BEACH CITY CODE, ALLOWING BACKYARD CHICKENS (*GALLUS GALLUS DOMESTICUS*); ESTABLISHING TERMS OF PILOT PROJECT; AMENDING SECTIONS 14-1 AND 14-2, SATELLITE BEACH CITY CODE, RESULTING FROM SECTION 14-3; ESTABLISHING REGULATIONS FOR POSSESSION OF BACKYARD CHICKENS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)
10. DISCUSS/TAKE ACTION ON ORDINANCE NO. 1122, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CALLING A REFERENDUM ELECTION ON PROPOSED AMENDMENTS TO THE CITY CHARTER RELATED TO LIMITED EDITING OF EXISTING PROVISIONS, CITY COUNCIL AND STAFF FUNCTIONS, FILLING CITY COUNCIL VACANCIES, COMBINING FUNCTIONS OF PLANNING ADVISORY BOARDS, AND REINSTATING MAJORITY VOTE FOR REVENUE INCREASES; ESTABLISHING A REFERENDUM DATE; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)
11. AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING
12. APPOINTMENT TO BOARDS
13. ADOPTION OF MINUTES: JUNE 15, 2016, REGULAR MEETING



City Manager's Report

To: Mayor and City Council Members
From: City Manager Courtney Barker, AICP
Meeting Date: 7/6/2016

Please remember that our very popular **Satellite Beach Farmers Market** continues weekly at Pelican Beach Park on **Thursdays from 10am-4pm!** All items are handmade or grown and nothing is mass produced.

Informational Items:

1. I have received a thank you note complimenting the City's community paramedic program (see attached).
2. I have received a thank you note complimenting our Public Works Department (see attached).
3. We have received an invitation from Indian Harbour Beach to participate in their September 11th Ceremony (see attached).
4. Sustainability Board secretary Julie Finch will present shirts and a thank you card to City Council on behalf of the Sustainability Board.

Action Items:

1. On June 1st, the City Council adopted a new City Manager Evaluation Form that was revised by Councilwoman Gott. Since then, Councilwoman Gott has recommended some changes to the language of the Evaluation Form to be consistent with the language of the Charter. Staff is requesting your approval of this final City Manager Evaluation Form.
2. Staff is requesting City Council permission to apply for a SolSmart Designation through the International City/County Management Association and The Solar Foundation. SolSmart is a new national designation program designed to recognize communities that have taken key steps to address local barriers to solar energy and otherwise foster the growth of strong local solar markets. The program is administered by The Solar Foundation for the U.S. Department of Energy. There are no fees associated with the application.

As part of its sustainability efforts, the City is preparing an application attempting to qualify for the highest of three levels of recognition, gold. The City already is doing much that counts towards this goal. Communities committed to pursuing SolSmart designation will be eligible for

no-cost technical assistance from a team of national solar and local government experts. This technical assistance is designed to help communities meet the criteria for designation. The City is preparing an application for this no-cost technical assistance, due no later than July 8th.

Building Official John Stone is the staff lead, with assistance by resident volunteer and Sustainability Board members Josh Pause and John Fergus. Part of the application is a commitment letter, which I have attached for your approval.

Satellite Beach Community
Medic Program
1390 South Patrick Drive,
Satellite Beach, FL 32937. -

RECEIVED
JUN 23 2016

Re: Mary Herzig

Dear Sir/Madam,

Recently I lost an acquaintance of mine Ms. Mary Herzig of Satellite Beach, FL. It is my understanding that you and your group came to Mary's aid on many different occasions. Your generosity and kindness was recognized by her family, daughters Susan and Cindy. I would like to acknowledge your good deeds with a contribution to your work so that it may continue on to help other senior citizens in need.

Sincerest regards,



Sandra W. Farmer
4298 Executive Drive
Stone Mountain, GA 30083
404-990-4289
Sandy2000farmer@gmail.com

PS: Please send acknowledgement to the family.

Susan & Ben Craft
Cindy Hendricksen
PO Box 896
Melbourne, FL 32902

Bernard and Lisa Harland

330 Cherry Drive
Satellite Beach, FL 32937
bharland2000@yahoo.com

H - (321) 777-9106

C - (321) 517-5472

June 24, 2016

Ms. Courtney Barker
Satellite Beach City Manager
565 Cassia Blvd.
Satellite Beach, FL 32937

Subject: Repair Work on Cherry Drive

Dear Ms. Barker,

Enclosed is a letter of thanks to Mr. Allen Potter, your Director of Public Works for his efforts to repair a pothole on Cherry Drive. He and his crew reflected great credit upon Satellite Beach in the exercise of their duties.

Potholes may not rise to the top of the list when it comes to keeping a city going but how the little things are handled reflects a great deal on the professionalism displayed by its employees. You have every reason to be proud of the folks in Public Works.

Sincerely,



Bernard S. Harland

Encl. Ltr. To A. Potter

Bernard and Lisa Harland

330 Cherry Drive
Satellite Beach, FL 32937
bharland2000@yahoo.com

H - (321) 777-9106
C - (321) 517-5472

June 24, 2016

Mr. Allen Potter
Director
Satellite Beach Public Works
530 Cinnamon Dr.
Satellite Beach, FL 32937

Subject: Repair Work on Cherry Drive

Dear Mr. Potter,

Thank you so much for all you did to repair the pothole and other damage on Cherry drive. When I spoke to you about this at the town hall meeting on May 17th you assured me that you would look into it and you did as promised. Cherry Drive is now in great shape, thanks to your efforts.

A word of thanks is also due to the team that made the repairs. They were awesome! The crew that you sent to the work site not only repaired the pothole but discovered and repaired a broken storm drain next to the pothole. During the three-day process they went about their business in a most efficient, professional manner. The work site remained tidy throughout the process and the noise level was extremely low. The men were courteous at all times and went out of their way to avoid interruptions to residents' comings and goings. I nominate them for special recognition.

This was the first time I ever contacted the City with such a request and my experience was most positive, thanks to you and your crew. It just confirms that Satellite Beach is the best place to live in the county.

Warm regards,

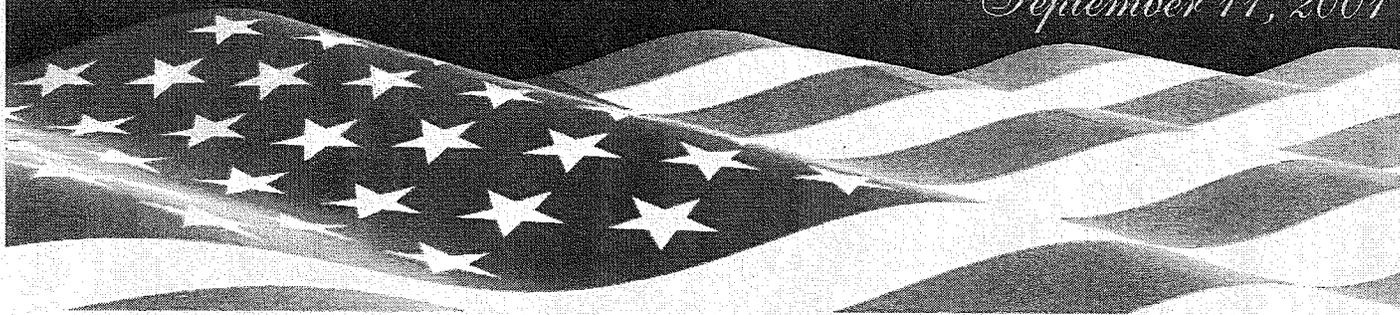


Bernard S. Harland

/ Cc: Ms. C. Barker, City Manager

A Moment of Remembrance

September 11, 2001



September 11, 2016

8:30am- 10:30am

IHBVFD

Station 56

1116 Pine Tree Dr.

Indian Harbour Beach

Please join us as we commemorate the
15th Anniversary of September 11th
and remember all those who were lost.

Please RSVP

By August 1, 2016

321-773-3181

tscaldo@indianharbour.org

**CITY OF SATELLITE BEACH
CITY MANAGER EVALUATION**

*Rate each item based on the following scale: (1) poor; (2) fair; (3) good; (4) very good; (5) excellent.
If an item has not been observed, enter N/O (not observed). Maximum points: 150*

City Manager: _____ Date: _____

Evaluator's Printed Name _____ Signature _____

Organizational Management

- _____ Effectively implements City Council goals, objectives, and policies.
- _____ Accomplishes the goals which are the City Manager's direct responsibility in a timely manner.
- _____ Establishes reasonable goals for each department and helps staff achieve those goals.
- _____ Demonstrates a thorough knowledge of departmental operations.
- _____ Maintains appropriate control of operations while encouraging Department Directors to make independent decisions within their departments.
- _____ Stays current on technology innovations to enhance City operations, recommends to Council and implements feasible technology improvements, and encourages staff to do the same.

Comments: _____

Personnel Management

- _____ Recruits and retains competent personnel for City positions.
- _____ Establishes and maintains effective professional relationships with Department Directors; instills confidence and initiative in subordinates; provides support, rather than restrictive controls, for their programs.
- _____ Assumes responsibility for staff performance.
- _____ Initiates corrective action to improve job performance when needed.
- _____ Effectively manages personnel issues (e.g., employee insurance, fringe benefits, promotions, pensions, salaries, and union negotiations).

Comments: _____

Fiscal Management

- _____ Prepares the annual budget in conformance with Council guidelines.
- _____ Administers the adopted budget within approved revenues and expenditures.
- _____ Identifies financial plans, including alternate funding sources, to implement capital projects.
- _____ Ensures the most economic use of manpower, materials, and equipment feasible.
- _____ At least quarterly, provides Council with up-to-date expenditures and revenues.

Comments: _____

Planning

- _____ Establishes and implements a planning process that anticipates future needs and problems.
- _____ Identifies and prioritizes capital needs; plans and/or coordinates the design, development, and implementation of capital projects.

Comments: _____

Reports

- _____ Through own initiative and upon request, provides reports to Council on important City matters.
- _____ Reports, both written and oral, are accurate and comprehensive.

Comments: _____

Relations with Council

- _____ Keeps Council well-informed about current City matters.
- _____ Responds to Councilmembers' requests for information or assistance.
- _____ Accepts and responds positively to constructive criticism and advice.

Comments: _____

Community and Intergovernmental Relations

- _____ Effectively uses technology to engage residents and keep them informed of City matters.
- _____ Handles residents' questions and complaints in a prompt and professional manner.
- _____ Demonstrates willingness to meet with City residents and businesses to discuss issues of concern; initiates follow-up as appropriate.
- _____ Cooperates with neighboring communities; maintains open communication with other units of government on matters affecting the City; professionally represents the City to government, professional, and civic organizations.

Comments: _____

Professional Characteristics

- _____ Invests sufficient time and effort in job performance.
- _____ Demonstrates willingness to attend seminars/conferences/training to stay informed of new legislation and other professional matters.
- _____ Maintains professional personal appearance.

Comments: _____

Evaluator's Observations

1. City Manager's strongest qualities and greatest accomplishments/beneficial changes this past year:

2. Areas most in need of improvement, and how they could be improved:

3. Thing(s) the City Manager does that I would most like to see continued:

Total Score: _____

ARTICLE

Communities Nationwide Invited to Become SolSmart

April 27, 2016

ICMA and The Solar Foundation (TSF) have partnered to launch the SolSmart designation program, which will recognize hundreds of leading communities that take action to foster solar market growth and reduce costs to residents and businesses.

SolSmart will also empower new communities to advance through no-cost technical assistance. A core component of the technical assistance program are the SolSmart Advisors, fully funded temporary staff embedded in up to 40 communities to help each achieve designation. Communities interested in pursuing SolSmart designation, receiving technical assistance, and applying to host an advisor can learn more and take action at www.solsmart.org.

SolSmart is funded by the U.S Department of Energy SunShot Initiative through the Solar Powering America by Recognizing Communities (SPARC) funding opportunity. Over the three-year, federally funded portion of the program, SolSmart will recognize more than 300 communities that cut red tape around going solar and make it possible for more American homes and businesses to use solar energy to meet their electricity needs.

"Our city has worked hard to make solar more affordable and easier for our residents and small businesses to install," said City Manager Scott Wingerson of Gladstone, Missouri. "We have seen firsthand how our actions have led to considerable social and economic benefits locally. The solar panels that have been installed at our water treatment plant have served to partially offset the annual utility costs at this facility. Solar gives us another tool to help manage operational costs. SolSmart presents cities and counties nationwide with an opportunity to realize similar benefits and I encourage every community to join Gladstone and get involved.



"SolSmart national designation will signal that a community is open for [solar] business," helping to attract local economic development and create solar jobs. Attracting new solar businesses can help communities deliver cost savings for solar customers and local governments while new solar installations can help communities achieve their climate goals.

The SolSmart program seeks to address solar "soft costs," which are business processes or administrative costs that can increase the time and money it takes to install a solar energy system. Local governments are in a unique position to both reduce these costs and to promote the use of solar in their jurisdictions.

SolSmart offers three levels of designation: Bronze, Silver, and Gold. Communities can earn points to achieve designation tiers by taking action across eight categories. To achieve designation, communities must meet minimum requirements pertaining to two main categories: permitting, as well as planning, zoning, and development regulations. SolSmart communities then have flexibility in achieving the remaining points toward

designation in six special-focus categories.a unique position to both reduce these costs and to promote the use of solar in their jurisdictions.

“The role of local governments in building stronger and more resilient communities has never been greater,” said ICMA Executive Director Robert J. O’Neill Jr. “Cities, towns, and counties consume a large portion of the nation’s electricity, which is why they can also have a significant impact on the financial, environmental, and economic health of the country by adopting solar energy technologies. The SolSmart program will recognize that impact.”

ICMA will lead the effort to designate communities under SolSmart by reviewing applications and determining whether a community meets the criteria for designation. Communities that apply and do not reach the base designation level will be referred to TSF and their team to receive no-cost technical assistance to help the community qualify for designation.

ICMA will be supported by the National Civic League, Home Innovation Research Labs, Meister Consultants Group, and TSF. Joining TSF on the technical assistance team are the National Renewable Energy Laboratory, Meister Consultants Group, the National League of Cities, the National Association of Counties, the Solar Energy Industries Association, the Electric Power Research Institute, the Regulatory Assistance Project, and Brooks Engineering.

For inquiries about the designation program and process, contact Emily Dodson at ICMA, edodson@icma.org or 202-962-3694. For inquiries about technical assistance or the SolSmart Advisors program, contact Philip Haddix at The Solar Foundation, phaddix@solarfound.org or 202-469-3743.

COMMENTS & RATINGS

Please sign in to rate this article.

Sign in to comment or comment anonymously.

MEET YOUR MATCH

Reach the best and the brightest at the ICMA Job Center

POST YOUR JOB NOW

ICMA

- About
- Membership
- Ethics
- Priorities
- Partners
- Career Network
- News
- Events

UNIVERSITY

- About
- Annual Conference
- Professional Development
- Credentialing
- Leadership Development

ICMA HOME

- Contact Us
- Sign up for E-Newsletter
- Join Now
- Make a Gift

PUBLICATIONS

- Print
- Digital
- PM Magazine
- Blog

PROGRAM CENTERS

- About
- Sustainable Communities
- Performance Analytics
- Management Strategies

INTERNATIONAL

- About
- Projects
- Services
- Where We Work
- CityLinks
- Resources
- News



INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION

777 North Capitol Street, NE Suite 500 Washington, DC 20002-4201 800-745-8780/202-962-3680 Fax: 202-962-35

Privacy Statement | Terms of Use

Friday, July 1, 2016

International City/County Management Association
777 North Capitol St. NE, Ste. 500
Washington, DC 20002

The Solar Foundation
600 14th St. NW, Ste. 400
Washington, DC 20005

Dear Emily Dodson and Philip Haddix:

On behalf of the City of Satellite Beach, I am proud to announce our commitment to become a SolSmart-designated community. In partnership with the SolSmart team, the City of Satellite Beach dedicated staff members and volunteers will work to improve solar market conditions, making it faster, easier, and more affordable for our residents and businesses to install solar energy systems. These efforts will also increase the efficiency of local processes related to solar development, which may save our City time and money.

The City, composed primarily of over 3,300 single-story, single-family, detached homes on a coastal barrier island, is pursuing the goal of becoming a sustainable community. The City has embarked on an effort to make rooftop photovoltaic (PV) systems affordable for its residents and businesses, to make the community aware of the economic return that is possible with rooftop PV, and to encourage installers of rooftop PV to do business in the City. The City believes SolSmart designation will assist the City in reaching our goals.

The City has been attempting to implement rooftop PV on City buildings since 2009, but has been unsuccessful due to the financial infeasibility. The City believes this has now changed with affordable pricing for solar systems. We are currently preparing a proposal for City Council approval to make available Property Assessed Clean Energy (PACE) financing to property owners. On a broader front, the City established in 2015 a citizens' Sustainability Board that is working with the Florida Institute of Technology to complete a sustainability assessment, which is to be the basis for a sustainability plan.

In the interest of being business-friendly, the City has completed local SNAP (Simplified, Nimble, Accelerated Permitting) certification that recognizes the community for providing an efficient, quick, user-friendly permit application process for all types of building permits. As such, the City already meets multiple permitting and inspection criteria for the SolSmart designation.

The City is committed to tracking metrics related to installation of solar systems in the City and providing benchmarks of available solar metrics, as well as making available staff time, community volunteers, and other resources to improve the local environment for installation of PV systems in the City. The City hopes to take the lead within Brevard County in promoting the installation of rooftop PV systems.

Sincerely,

Frank Catino
Mayor



CITY COUNCIL AGENDA ITEM

#6

DISCUSS/TAKE ACTION ON APPROVAL OF MONTECITO PHASE 2C REVISED PRELIMINARY PLAT

To: City Manager Courtney Barker
From: Building Official John Stone
Meeting Date: 7/6/2016
Department: Building & Zoning

Recommended Action: Approve the Montecito phase 2C revised preliminary plat.

Summary: On December 11, 2007 the City approved phase 2C preliminary plat for the Montecito subdivision in the Pelican Coast PUD. These plats were last revised in 2016. City Code 30-314(b)(1) requires a final plat to occur within 18 months of the preliminary plat. Subsequently, the current preliminary plat must be updated and re-established to reset this time line.

Because of the 18 month completion requirement between preliminary and final plats, the developer has taken this opportunity to make minor changes to the plat that principally addresses the need for additional off-street parking both in the form of wider driveways and in some cases adding two car garages. Modifying or shifting lot widths were necessary to accommodate these changes. There are no proposed changes to street layouts, density, impervious or other development requirements.

More specific details of the changes are provided in the attached memo by engineer of record Allen Engineering.

Proposed revisions have been reviewed by City Engineer, City Attorney and the Planning and Zoning Advisory Board (6/20/16) with all recommending approval.

Budget Impacts: None

Attachments:

- Revised Montecito Phase 2C Revised Preliminary Plat
- Allen Engineering 3/31/16 memo
- Boundary Survey
- Phase 2C Legal Description

March 31, 2016

Mr. John Stone
Building Official
City of Satellite Beach
565 Cassia Boulevard
Satellite Beach, FL 32937

**RE: Montecito Townhomes – Phase 2C
Minor Revisions to Preliminary Plat**

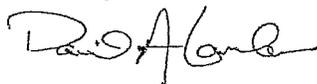
Dear Mr. Stone:

Allen Engineering, Inc. on behalf of the developer Montecito CDD Holdings, Inc., submits the attached Preliminary Plats, two of the original plan from 2007, and two revised plans proposed for Phase 2C. The street layout and number of units has not changed; the following minor adjustments have been made:

- 1) All lots, except 163-168, have been increased in width to allow for 24 feet wide interior lot width. This will enable a 2-car garage and wider driveways providing needed extra storage and parking spaces.
- 2) All lots on the south side of Montecito Dr. were shifted to the west to provide a 10' setback from the interior PUD property line divide between Phase 2C and future Phase 3.
- 3) Lots 181-186, 223-234, and 271-276 have increased end unit widths for 28 feet plus to allow for a single story end unit.
- 4) Off street parking overflow area 17 was modified and 2 spaces added; parking area 20 was moved to the east side of Carlsbad Dr. with 3 spaces added; parking area 24 was added to the east side of Carlsbad Dr. with 4 spaces added.

We feel all these revisions are minor in nature, and that the intended use, density and layout is essentially the same as previously approved. We appreciate your considerations and concurrence that the attached revised plan will not have to go back through City Council and public hearing process for minor changes proposed. Please contact me if you need any additional information.

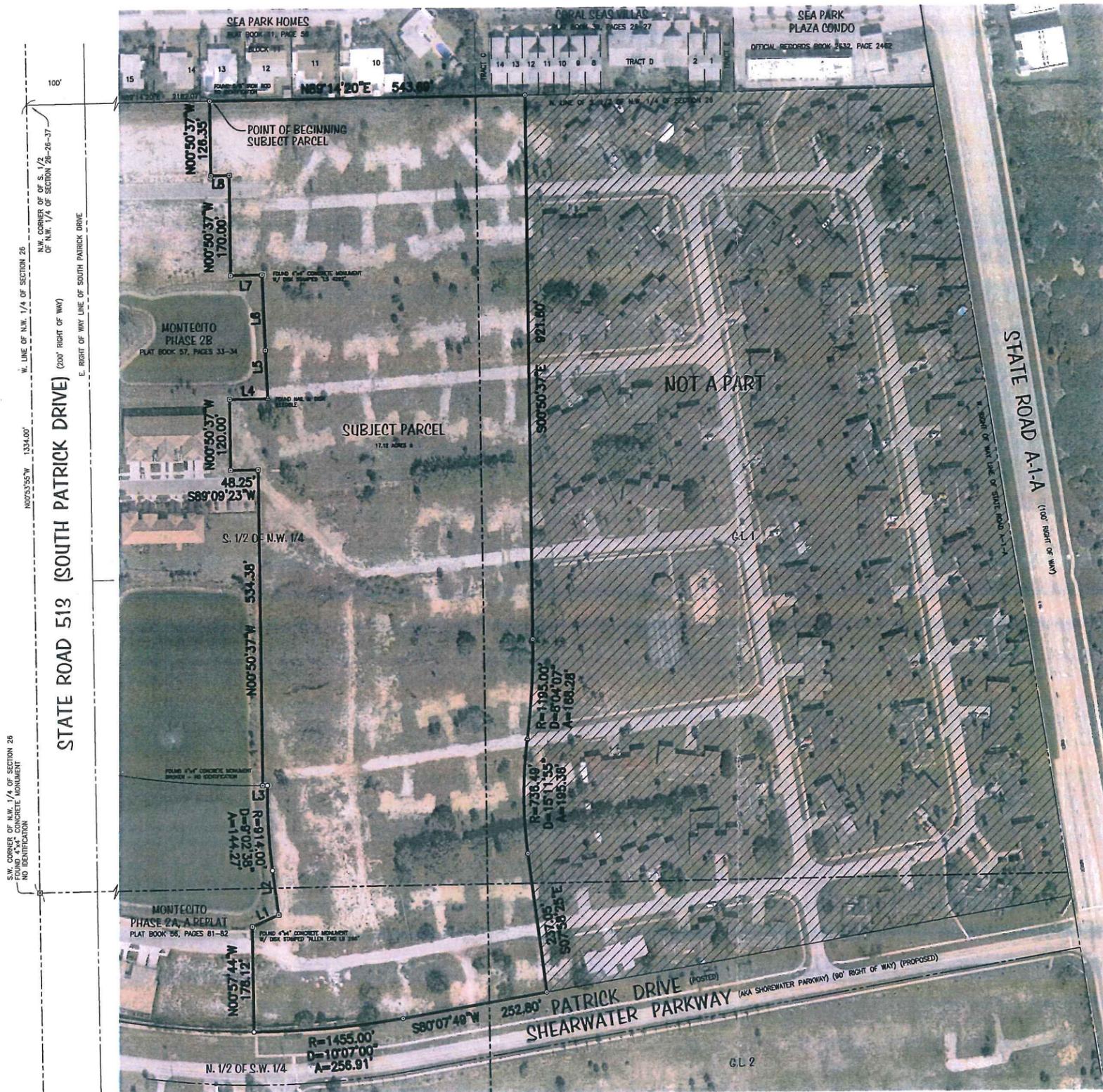
Sincerely,



David A. Lavender, P.E.
Allen Engineering, Inc.

cc: Chip Jones, Montecito CDD Holdings, Inc. – via email

Attch.: (2) Preliminary Plats Revised 2016, (2) Original Preliminary Plats 2007



W. LINE OF N.W. 1/4 OF SECTION 26
 FOUND 4"x4" CONCRETE MONUMENT
 NO IDENTIFICATION

W. LINE OF N.W. 1/4 OF SECTION 26
 N.W. CORNER OF S. 1/2
 OF N.W. 1/4 OF SECTION 26-26-37

W. LINE OF N.W. 1/4 OF SECTION 26
 FOUND 4"x4" CONCRETE MONUMENT
 NO IDENTIFICATION

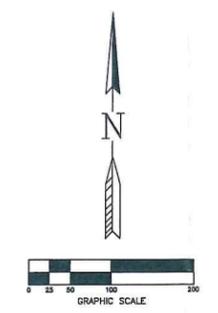
W. LINE OF S.W. 1/4 OF SECTION 26
 FOUND P.K. NAIL & DISK
 STAMPED "MOTT LB 3608"

LINE TABLE

LINE	BEARING	LENGTH
L1	N66°38'51"E	49.89'
L2	N07°58'25"W	76.13'
L3	S89°35'07"W	8.33'
L4	N89°09'23"E	66.36'
L5	N02°49'42"W	81.96'
L6	N02°32'32"W	128.14'
L7	S89°09'23"W	54.72'
L8	S89°09'23"W	32.19'

- LEGEND:**
- = FOUND 4"x4" CONCRETE MONUMENT - ILLEGIBLE (UNLESS NOTED OTHERWISE)
 - ⊙ = FOUND 5/8" IRON ROD W/ CAP STAMPED "ALLEN ENG LB 266" (UNLESS NOTED OTHERWISE)
 - △ = FOUND MAG NAIL & DISK STAMPED "ALLEN ENG LB 266" (UNLESS NOTED OTHERWISE)
 - = SET 5/8" IRON ROD W/ CAP STAMPED "ALLEN ENG LB 266"
 - △ = SET MAG NAIL & DISK STAMPED "ALLEN ENG LB 266"

POINT OF COMMENCEMENT
 SUBJECT PARCEL
 S.W. CORNER OF SECTION 26-26-37
 FOUND P.K. NAIL & DISK
 STAMPED "MOTT LB 3608"



LOCATION MAP
 NOT TO SCALE

- ABBREVIATIONS**
- A ARC LENGTH
 - CONC. CONCRETE
 - D.C. CENTRAL ANGLE
 - G.L. GOVERNMENT LOT
 - LB LAND SURVEYING BUSINESS
 - ORB OFFICIAL RECORDS BOOK
 - P.K. PARKER KALON (BRAND NAME)
 - PLS PROFESSIONAL LAND SURVEYOR
 - PRM PERMANENT REFERENCE MONUMENT
 - R RADIUS

NO.	DATE	FB/PG	CHK'D

COPYRIGHT © 2015 ALLEN ENGINEERING, INC. FB 495/1
 FB 464/77

FOR: **MONTECITO CDD HOLDINGS, INC.**

SKETCH OF
BOUNDARY SURVEY

LYING NORTH OF SHEARWATER PARKWAY
 (AKA PATRICK DRIVE)
 BREVARD COUNTY, FLORIDA

ALLEN ENGINEERING, INC.
 FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 266
 105 DIXIE LANE
 COCOA BEACH, FLORIDA 32931
 TELEPHONE: (321)763-7443 - FAX: (321)763-5902
 WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

SURVEY DATE: 11-05-15
 SCALE: 1"=100'
 JOB NO.: 150034.1
 DRAWN: DJG
 SHEET NO.: 1 OF 3

Legal Description
Montecito Phase 2C

A portion of Section 26, Township 26 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of MONTECITO, PHASE 2B, according to the plat thereof recorded in Plat Book 57, Page 33, of the Public Records of Brevard County, Florida; thence N89°14'20"E, along the North line of the South one-half of the Northwest one-quarter of said Section 26, a distance of 543.69 feet, to the Northeast corner of those lands described in that Quit Claim Deed recorded in Official records book 7450, Page 2184 of said Public Records; thence the following 4 courses along the East line of said parcel: (1) S00°50'37"E, a distance of 921.60 feet, to the point of curvature of a curve, concave Westerly, having a radius of 1,195.00 feet and a central angle of 08°04'07"; (2) Southerly, along the arc of said curve to the right, a distance of 168.28 feet, to a point of reverse curvature with a curve, concave Easterly, having a radius of 736.49 feet and a central angle of 15°11'55"; (3) Southerly, along the arc of said curve to the left, a distance of 195.36 feet, to a point of tangency; (4) S07°58'25"E, a distance of 237.05 feet, to the Southeast corner of said Parcel and the South line of that parcel described in Official Records Book 5322, Page 4444; thence the following 2 courses along said South line: (1) S80°07'49"W, a distance of 252.80 feet, to the point of curvature of a curve, concave Northerly, having a radius of 1,455.00 feet and a central angle of 10°07'00"; (2) Westerly, along the arc of said curve to the right, a distance of 256.91 feet, to a point of intersection with a non-tangent line and the Southeast corner of MONTECITO, PHASE 2A, A REPLAT according to the plat thereof recorded in Plat Book 56, Page 81 of said public records; thence the following 15 courses along the East line of said MONTECITO PHASE 2A and the East line of said MONTECITO, PHASE 2B: (1) N00°57'44"W, a distance of 178.12 feet; (2) N66°38'51"E, a distance of 49.89 feet; (3) N07°58'25"W, a distance of 76.13 feet, to the point of curvature of a curve, concave Easterly, having a radius of 914.00 feet and a central angle of 09°02'38"; (4) Northerly, along the arc of said curve to the right, a distance of 144.27 feet, to a point of intersection with a non-tangent line; (5) S89°35'07"W, a distance of 8.33 feet; (6) N00°50'37"W, a distance of 534.38 feet; (7) S89°09'23"W, a distance of 48.25 feet; (8) N00°50'37"W, a distance of 120.00 feet; (9) N89°09'23"E, a distance of 66.36 feet; (10) N02°49'42"W, a distance of 81.96 feet; (11) N02°32'32"W, a distance of 128.14 feet; (12) S89°09'23"W, a distance of 54.72 feet; (13) N00°50'37"W, a distance of 170.00 feet; (14) S89°09'23"W, a distance of 32.19 feet; (15) N00°50'37"W, a distance of 126.35 feet, to the POINT OF BEGINNING; Containing 17.12 acres, more or less.



CITY COUNCIL AGENDA ITEM

#7

DISCUSS/TAKE ACTION ON SCRUB AREA LOCATED NEAR THE SATELLITE BEACH LIBRARY

- REMOVAL OF VEGETATION FROM THE SCRUB AREA
- AGREEMENT WITH ATLANTIC ENVIRONMENTAL SOLUTIONS

To: City Manager Courtney Barker
From: Recreation Director Cassie Warthen
Meeting Date: 7/6/2016
Department: Recreation

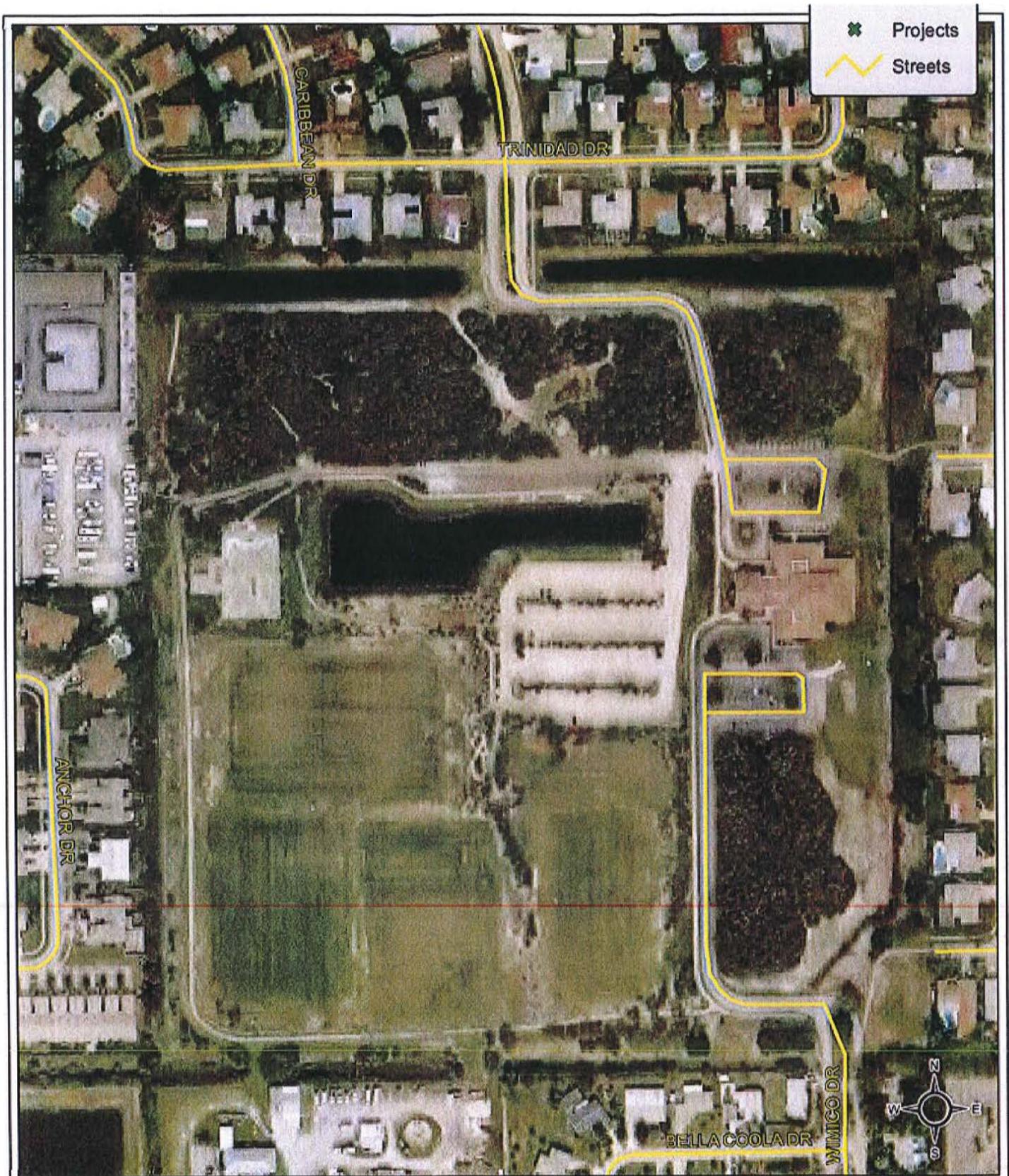
Recommended Action: Approve the removal of vegetation located near the Satellite Beach Library and approve the Agreement with Atlantic Environmental Solutions with a total cost not to exceed \$6,500, to come from General Fund.

Summary: Staff has been researching options to improve the preserve area just north of the Satellite Beach Library. The Department reached out to Atlantic Environmental Solutions (AES) to evaluate and provide a proposal to improve this area as the vegetation has become overgrown and is also consequently accumulating litter. AES provided two options for the City: conducting a prescribed burn or mechanical removal of unwanted vegetation in the preserve area. AES also provided an option to schedule a community meeting with neighboring residents directly adjacent to the area, to include a presentation on the process of removal and addressing any questions or concerns.

Budget Impacts: \$4,500-\$6,500 depending on method of removal, and funding is available in the General Fund.

Attachments:

- Aerial view of scrub area affected
- Proposals from Atlantic Environmental Solutions for prescribed burn, mechanical removal and mechanical treatment of preserve area.
- Letter from Brevard County Parks and Recreation Department



Project: Satellite Beach Library Trail

Figure 1:



2015 Aerial, Brevard County, Florida



AES Proj #:



Jamaica Blvd

Satellite Beach Library Trail



Imagery ©2016 Google, Map data ©2016 Google 200 ft

Jamaica Blvd
Satellite Beach, FL 32937

ESTIMATE



Atlantic Environmental Solutions

657 Montreal Ave.
Melbourne, FL 32935

(321) 917-6649

(321) 676-1505

C&C Ag Services LLC

1613 NW 7th Ave.
Okeechobee, Florida 34972

Phone: (863) 634-9217

Email: ccagservices@gmail.com

Estimate #

000004

Date

04/21/2016

Description	Total
-------------	-------

Conduct Prescribed burn on The Eastern Half Of The 7 Acre Preserve.	\$6,000.00
---	------------

C&C Ag Services will conduct a prescribed burn which will take two days to complete due to the location of the preserve and it's surroundings. It will have to be divided into two units to minimize smoke impact to the area. C&C Ag Services will retain all authorizations to conduct the prescribe burns and provide all manpower needed.

Subtotal	\$6,000.00
-----------------	-------------------

Total	\$6,000.00
--------------	-------------------

Atlantic Environmental Solutions

ESTIMATE



Atlantic Environmental Solutions
657 Montreal Ave.
Melbourne, FL 32935

(321) 917-6649
(321) 676-1505

C&C Ag Services LLC
1613 NW 7th Ave.
Okeechobee , Florida 34972

Estimate # 000005
Date 04/21/2016

Phone: (863) 634-9217
Email: ccagservices@gmail.com

Description	Total
Mechanical Removal Of Unwanted Vegetation in Preserve area	\$4,500.00
Conduct mechanical removal of unwanted debris within the preserve area to make the area more accessible and appealing for the public and wildlife as well.	
Subtotal	\$4,500.00
Total	\$4,500.00

ESTIMATE



Atlantic Environmental Solutions
657 Montreal Ave.
Melbourne, FL 32935

(321) 917-6649
(321) 676-1505

C&C Ag Services LLC
1613 NW 7th Ave.
Okeechobee, Florida 34972

Estimate # 000006
Date 05/23/2016

Phone: (863) 634-9217
Email: ccagservices@gmail.com

Description	Total
Public Awareness presentation <u>One day presentation to discuss prescribed burning with the local residents and business owners.</u>	\$500.00
Subtotal	\$500.00
Total	\$500.00

Atlantic Environmental Solutions



Parks and Recreation Administration
2725 Judge Fran Jamieson Way
Building B, Room 203
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

June 30, 2016

Courtney H. Barker, AICP, City Manager
City of Satellite Beach
565 Cassia Blvd.
Satellite Beach, FL 32937

Dear Ms. Barker,

The Brevard County Parks and Recreation Department has been informed the City of Satellite Beach is considering proposals to remove overgrown and dead vegetation in sections of the Satellite Beach Sports and Recreation Park. Pursuant to the Agreement between the City and County, this Department has no objections to the proposals contingent upon the City securing all required permits, including any environmental permits/approvals as required. I further understand the City is under contract with Atlantic Environmental Solutions in order to perform its due diligence, including but not limited to, environmental assessments, recommendations and potential coordination for this proposed project. County consent in no way waives any of the provisions of the lease agreement between the City and the County for the subject parcel.

Please do not hesitate to call if I may be of further assistance.

Sincerely,

Jack Masson, Director
Parks and Recreation Department
Brevard County, Florida

cc. Pat Woodward, Legislative Aide, District 4 Commission Office
Venetta Valdengo, Assistant County Manager
Cassie Warthen, Satellite Beach Recreation Director



CITY COUNCIL AGENDA ITEM

#8

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1120, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF SATELLITE BEACH; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR CODIFICATION (FIRST READING)

To: City Manager Courtney Barker
From: Assistant City Manager Suzanne Sherman
Meeting Date: 7/7/2016
Department: Support Services

Recommended Action: Approve Ordinance No. 1120 on first reading.

Summary: The City of Satellite Beach Police Officers and Firefighters Retirement Plan and Trust System receives insurance premium taxes to fund firefighter and police officer pension benefits pursuant to Chapters 175 and 185, Florida Statutes. The State of Florida recently amended the law to require the creation of a defined contribution "share" plan for these employees in order to continue receiving excess premium tax revenues each year.

This ordinance was reviewed by the Board of Trustees of the Satellite Beach Police Officers and Firefighters Retirement Plan and Trust, and adoption of this ordinance will authorize the creation of a new share plan and will provide the Board of Trustees with the authority to establish rules necessary for administration of the plan.

Budget Impacts: There is no cost to the City. The monies placed in this plan will be derived exclusively from funds received from the State of Florida.

Attachments:

- Ordinance No. 1120

#8

7-6-16

ORDINANCE NO. 1120

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF SATELLITE BEACH; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR CODIFICATION (FIRST READING)

WHEREAS, the City of Satellite Beach Police Officers and Firefighters Retirement Plan and Trust is governed, in part, by Chapters 175 and 185, Florida Statutes; and

WHEREAS, the City of Satellite Beach Police Officers and Firefighters Retirement Plan and Trust System receives insurance premium taxes to fund firefighter and police officer pension benefits pursuant to Chapters 175 and 185, Florida Statutes; and

WHEREAS, Chapters 175 and 185 were recently amended by Senate Bill 172, Chapter 2015-39, Laws of Florida; and

WHEREAS, Senate Bill 172 requires the creation of a defined contribution "share plan" to provide "special benefits" to police officers and firefighters, funded with available "additional premium tax revenue"; and

WHEREAS, the creation of a share plan will permit the City of Satellite Beach Police Officers and Firefighters Retirement Plan and Trust to continue to receive insurance premium tax rebate monies from the State of Florida; and

WHEREAS, defined contribution share plans under Chapters 175 and 185 are entirely funded with premium taxes received from the State of Florida; and

WHEREAS, the City of Satellite Beach City Council has determined that the passage of this ordinance is in the best interest of the citizens of the City of Satellite Beach.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA as follows:

SECTION 1. The City Council of the City of Satellite Beach, in its capacity as the Trustee of the Retirement Plan and Trust for the police officers and firefighters of the City of Satellite Beach hereby approves the changes as set forth below, with additions to the Plan and Trust indicated by underlining (underlining) and deletions by strike through (~~stricken through~~).

N. POLICE OFFICERS SHARE PLAN

The purpose of this Section is to implement the provisions of Chapter 185, Florida Statutes, and to provide a mechanism to pay required "extra benefits" to police officers based on the growth of premium tax revenue pursuant to Chapter 185. The monies shall be derived exclusively from monies received from the state and not from any additional taxes levied by the City and shall be in addition to the benefits they receive in the Plan.

O. FIREFIGHTERS SHARE PLAN

The purpose of this Section is to implement the provisions of Chapter 175, Florida Statutes, and to provide a mechanism to pay required "extra benefits" to Firefighters based on the growth of premium tax revenue pursuant to Chapter 175. The monies shall be derived exclusively from monies received from the state and not from any additional taxes levied by the City and shall be in addition to the benefits they receive in the Plan.

If any provisions of this Section or the Plan hereby created shall conflict with the provisions of Chapters 175 and 185, Florida Statutes, such conflict shall be resolved in favor of the statutory provisions which are intended to control.

Rule-making Authority: The Board of Trustees of the Satellite Beach Police Officers and Firefighters Retirement Plan and Trust shall be authorized to adopt any rules necessary for the administration of the Share Plans.

SECTION 2. These Sections shall be codified and made a part of the Code of Ordinance of the City of Satellite Beach. In any such codification, the editor shall have the authority to re-number or re-letter any section of this ordinance as may be necessary provided, however, that no such editorial change shall alter the substantive language of this ordinance.

SECTION 3. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected thereby, and it will be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 4. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 6. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the ____ day of _____, 2016, and adopted on the second and final reading at a regular meeting of the City Council on the ____ day of _____, 2016.

FRANK CATINO, MAYOR

ATTEST:

LEONOR OLEXA, CMC, CITY CLERK



CITY COUNCIL AGENDA ITEM

#9

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1121, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CREATING A NEW SECTION 14-3, SATELLITE BEACH CITY CODE, ALLOWING BACKYARD CHICKENS (GALLUS GALLUS DOMESTICUS); ESTABLISHING TERMS OF PILOT PROJECT; AMENDING SECTIONS 14-1 AND 14-2, SATELLITE BEACH CITY CODE, RESULTING FROM SECTION 14-3; ESTABLISHING REGULATIONS FOR POSSESSION OF BACKYARD CHICKENS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

To: City Manager Courtney Barker
From: Building Official John Stone
Meeting Date: 7/6/2016
Department: Building & Zoning

Recommended Action: Approve Ordinance No. 1121 on first reading.

Summary: At the March 2, 2016 City Council provided direction to staff to bring back an ordinance allowing backyard chickens within the City. The proposed ordinance provides for setbacks from conservation areas, minimum standards for coops, screening and a one-year pilot program to monitor the impacts of the code change. Subsequent to the pilot period ending, and at the discretion of Council, the Ordinance can be brought back for review of the impacts, and therefore be modified, rescinded or continued as is without going back for further discussion. As the pilot period ends staff will bring back to Council a staff report for direction.

Budget Impacts: None.

Attachments:

- 3/2/16 Building Official Memo to Council
- Ordinance No. 1121



CITY COUNCIL AGENDA ITEM

#13

DISCUSS/TAKE ACTION ON STAFF RECOMMENDATION TO PREPARE AN ORDINANCE TO ALLOW BACKYARD CHICKENS IN THE CITY

To: City Manager Courtney Barker
From: Building Official John Stone
Meeting Date: 3/2/2016
Department: Building & Zoning

Recommended Action: Motion to direct staff to prepare an ordinance to allow backyard chickens in the City.

Summary: Over the past several years the City has received numerous requests from residents to allow backyard chickens, for the purpose of providing families with a healthy alternative to store-purchased eggs. In addition to an egg source, chickens as a domesticated animal have been found to be great pets and a parenting tool for teaching children responsibility. In the last five years we have received only two complaints about chickens and only one of which was verified. The complaint was not about noise, but the legality of having them. In contrast, within one year the police department has fielded 215 animal noise complaints, primarily barking dogs and squawking birds that appear to be a far greater noise nuisance.

In surveying Brevard County and the 16 other cities within our county, approximately half allow backyard chickens to some degree. In lengthy discussions with Joe Walter, a Brevard County Agriculture Agent of the Brevard County extension of the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS), the appropriate number of chickens for a typical household on a .5 acre or less parcel would be the greater of four or one per member of the household. Each chicken averages five eggs per week over a year's time. Chickens do not do well and stress easily in a non-social environment; subsequently, egg production drops off if only a single chicken exists within the coop. When considering the quantity appropriate for a household, attrition should also be considered if wanting four chickens, five may need to be acquired to account for premature death and improper sexing of the chicks. Lastly, as with community gardens and even backyard gardens along the line of sustainability concepts, it is always better to have more than needed to share with neighbors when conventional food sources are not readily available or desired.

Satellite Beach as well as several other cities within the County have adopted the Brevard County Animal Control Ordinance which allows chickens. Unfortunately, our City Code, like several others, preempts the County ordinance by prohibiting livestock and farm animals in their local ordinances.

If the direction of Council is to have staff bring back an ordinance to allow backyard chickens, we will do so at the March 16, 2016 Council meeting, and will include a presentation by Joe Walter, UF/IFAS Extension of Brevard County, who supports the initiative and is a well-seasoned local expert chicken farmer.

Budget Impacts: None

Attachments: None

ORDINANCE NO. 1121

#9
7-6-16

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CREATING A NEW SECTION 14-3, SATELLITE BEACH CITY CODE, ALLOWING BACKYARD CHICKENS (*GALLUS GALLUS DOMESTICUS*); ESTABLISHING TERMS OF PILOT PROJECT; AMENDING SECTIONS 14-1 AND 14-2, SATELLITE BEACH CITY CODE, RESULTING FROM SECTION 14-3; ESTABLISHING REGULATIONS FOR POSSESSION OF BACKYARD CHICKENS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

WHEREAS, City staff has been approached by residents to allow possession of backyard chickens within the City; and

WHEREAS, after researching the matter, City staff has recommended to City Council that backyard chickens be allowed subject to regulation.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Satellite Beach, Florida, as follows:

SECTION 1. A new Section 14-3, Satellite Beach City Code, is created to read as follows:

Sec. 14-3 Backyard Chickens.

(a) For purposes of this section, backyard chicken shall mean birds having the taxonomic name of *gallus gallus domesticus*.

(b) Up to four backyard chickens may be kept on any single-family lot in the City, subject to the following:

- (1) Only hens may be kept; all roosters are prohibited.
- (2) Backyard chickens are allowed for personal use only. The sale or bartering of backyard chickens, eggs, or manure is prohibited.
- (3) Breeding of backyard chickens for any reason is prohibited.
- (4) Except as provided in Section 14-3(d), slaughter of backyard chickens for any reason is prohibited.
- (5) Dead backyard chickens shall be immediately removed from the property and disposed of at the Brevard County landfill.
- (6) All backyard chickens shall be maintained and contained in a coop located in the enclosed back yard of the lot. For purposes of this section, coop shall mean the henhouse where backyard chickens sleep or nest and any adjacent outdoor run. The coop shall be completely enclosed at all times; shall satisfy all

accessory-structure requirements in Section 30-510, Satellite Beach City Code; and shall be constructed and secured to prevent access into the coop by other animals, including from digging under any enclosure material. If the henhouse is larger than 80-square-feet, a building permit shall be required prior to construction. The henhouse shall have a maximum height of 5.5 feet and provide at least four-square-feet per chicken.

- (7) All coops shall be constructed, maintained, and cleaned to avoid attracting rodents, reptiles, vermin, insects, predators, birds of prey, foraging animals, and other pests. Regular removal of waste is required, and any manure not used for composting or fertilizer shall be promptly removed.
- (8) All feed and other items associated with backyard chickens shall be kept in secure metal containers or otherwise protected to prevent rodents, reptiles, vermin, insects, predators, birds of prey, foraging animals, and other pests from gaining access to the feed or other items. Under no circumstances shall plastic containers of any kind be allowed.
- (9) Backyard chickens shall not be set free or allowed to wander outside a coop at any time, except that they may wander within the enclosed back yard between the hours of 8 a.m. and 8 p.m.
- (10) All coops shall be screened from the view of any adjoining property by an opaque fence or by a completely opaque landscape buffer at least six feet high. A perimeter or boundary fence or wall, chain link fence, chain link fence with slats, or similar fence shall not meet the requirement for an opaque fence.
- (11) No property located within 100 feet of any conservation area shall be allowed to have chickens. Conservation areas include, but are not limited to, the ocean bluff, the Satellite Beach Sports and Recreation Park site, and Samsons Island.

(c) No animal that kills or wounds a chicken will, for that reason alone, be considered a dangerous or aggressive animal.

(d) If a regulatory agency issues any advisory or alert that chickens must be exterminated in the interest of public health, all chickens located in the City shall be immediately exterminated. No backyard chickens shall be allowed within the City thereafter until such advisory or alert is lifted and the agency reauthorizes backyard chickens within the City. If such agency imposes conditions to allowing backyard chickens, any person intending to keep backyard chickens shall provide proof of compliance to the agency and/or the City.

SECTION 2. Section 14-1, Satellite Beach City Code, is amended to read as follows:

Sec. 14-1. County animal control ordinance adopted.

The City hereby adopts by reference the county animal control ordinance, Brevard County Ordinance 95-57, to be in effect within the City, except to the extent of any conflict with

Section 14-3, Satellite Beach City Code.

SECTION 3. Section 14-2, Satellite Beach City Code, is amended to read as follows:

Sec. 14-2. Livestock prohibited in city.

Except as allowed by Sec. 14-3, Satellite Beach City Code, the presence of livestock in the City is prohibited.

SECTION 4. The provisions of Section 14-3, Satellite Beach City Code, shall be deemed a pilot project during the first year after adoption of this ordinance, after which the City Council shall evaluate the project and make any changes deemed necessary or, in its discretion, repeal this ordinance.

SECTION 5. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction holds that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected; and it shall be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 6. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 8. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the ____ day of _____, 2016, and adopted on the second and final reading at a regular meeting of the City Council on the ____ day of _____, 2016.

FRANK CATINO, MAYOR

ATTEST:

LEONOR OLEXA, CMC, CITY CLERK



CITY COUNCIL AGENDA ITEM

#10

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1122, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CALLING A REFERENDUM ELECTION ON PROPOSED AMENDMENTS TO THE CITY CHARTER RELATED TO LIMITED EDITING OF EXISTING PROVISIONS, CITY COUNCIL AND STAFF FUNCTIONS, FILLING CITY COUNCIL VACANCIES, COMBINING FUNCTIONS OF PLANNING ADVISORY BOARDS, AND REINSTATING MAJORITY VOTE FOR REVENUE INCREASES; ESTABLISHING A REFERENDUM DATE; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

To: Mayor and City Council
From: Lorraine Gott, City Council Member
Meeting Date: 7/6/2016
Department: Support Services

Recommended Action: Approve Ordinance No. 1122 on first reading.

Summary: On January 6, 2016, City Council appointed a Charter Review Committee to review and recommend changes to the City's Charter. The City Council appointed the following members.

Committee Members:

Michael Chase, Chair
David Schechter, Vice-Chair
Paul DiMouro
John Fergus
David Omler
Jeff Chestine, Alternate
William Spiegelhalter, Alternate

On April 20th, the City Council accepted the Committee's report, which included nine amendment proposals. Since then, Councilwoman Lorraine Gott has created the Ordinance based on the Committee and City Council's guidance.

Councilwoman Gott will present this item. In the enclosed documents, please note that blue indicates deletions, red indicates additions, and yellow means that the City Council must discuss and provide a Council decision.

Budget Impacts: None at this time.

Attachments:

- Ordinance No. 1122
- Exhibit 1 Amended Charter Final Version
- Exhibit 2 Amended Charter Legislative Version

ORDINANCE NO. 1122

#10
7-6-16

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CALLING A REFERENDUM ELECTION ON PROPOSED AMENDMENTS TO THE CITY CHARTER RELATED TO LIMITED EDITING OF EXISTING PROVISIONS, CITY COUNCIL AND STAFF FUNCTIONS, FILLING CITY COUNCIL VACANCIES, COMBINING FUNCTIONS OF PLANNING ADVISORY BOARDS, AND REINSTATING MAJORITY VOTE FOR REVENUE INCREASES; ESTABLISHING A REFERENDUM DATE; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

WHEREAS, the City Council established a Charter Review Committee to review the City Charter and make recommendations regarding proposed changes to the City Charter; and

WHEREAS, the Charter Review Committee fulfilled its delegated responsibilities and provided its recommendations and reasoning to the City Council; and

WHEREAS, the City Council accepted the Charter Review Committee's report and recommendations and proposed additional revisions; and

WHEREAS, the primary proposed changes relate to limited editorial revisions, procedures for certain City Council and staff functions, procedures for filling City Council vacancies, providing the option of combining the functions of planning advisory boards, and reinstating majority vote for revenue rate-and-source increases; and

WHEREAS, the City Council desires to place the proposed Council-approved Charter revisions on the ballot for consideration by the City's voters;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, FLORIDA, as follows:

Section 1. The City Council of the City of Satellite Beach hereby calls for a referendum to be held on November 8, 2016 for the purpose of submitting to the qualified voters of the City of Satellite Beach the following referendum questions:

Referendum 1. AMENDING CITY CHARTER TO PROVIDE CERTAIN EDITORIAL REVISIONS

Shall Satellite Beach amend its charter by making editorial revisions to **Article I and Sections 2.05(1), 3.02(2) and (5) and (7), 3.03, 3.04, 4.01(2), 4.02(1), 5.05(1), 7.02(3) and (4), and 7.05** to (a) provide concise wording, consistency, and updated terminology; and (b) delete provisions which are obsolete or conflict with State law?

YES (for approval) ____ NO (for rejection) ____

Referendum 2. AMENDING CITY CHARTER TO ADD OR AMEND CERTAIN PROVISIONS REGARDING CITY COUNCIL AND STAFF FUNCTIONS

Shall Satellite Beach amend its charter to (a) allow a tied City election to be determined by the city clerk's coin toss; (b) allow Council approval of administrative/housekeeping matters by unanimous consensus without roll-call vote; (c) update procedures for appointing an interim city manager and an acting city manager; (d) authorize city manager to establish personnel policies; and (e) establish by ordinance the City's dollar threshold for competitive bidding?

YES (for approval) ____ NO (for rejection) ____

Referendum 3. AMENDING CITY CHARTER TO AMEND PROCEDURES FOR FILLING CITY COUNCIL VACANCIES

Shall Satellite Beach amend its charter to allow councilmembers to appoint a replacement to fill a council vacancy until the next regular election, at which time (a) for council seats other than mayor, a replacement shall be elected to complete any remainder of the vacated seat's unexpired term, and (b) for the mayor's seat, a new four-year term shall begin?

YES (for approval) ____ NO (for rejection) ____

Referendum 4. AMENDING CITY CHARTER TO PROVIDE OPTION OF COMBINING FUNCTIONS OF PLANNING ADVISORY BOARDS

Shall Satellite Beach amend its charter to eliminate separate designations for the Comprehensive Planning Advisory Board and the Planning and Zoning Advisory Board, and provide the option of combining their functions in a single planning advisory board?

YES (for approval) ____ NO (for rejection) ____

Referendum 5. AMENDING CITY CHARTER TO REINSTATE MAJORITY VOTE FOR INCREASING REVENUE RATES AND SOURCES

Shall Satellite Beach amend its charter to reinstate a majority vote requirement to increase any ad valorem millage rate, or increase or impose any new non-ad valorem assessment or public service tax rate, and eliminate the legal question regarding the validity of a supermajority vote requirement?

YES (for approval) ____ NO (for rejection) ____

Section 2. The City Clerk is directed to publish notice of this referendum in a newspaper of local circulation within the municipality.

Section 3. The referendum described herein shall be held in accordance with this Ordinance, the Satellite Beach City Code, and the laws of the State of Florida.

Section 4. Following the referendum described herein, the City Council shall adopt a resolution declaring and ratifying the results of the referendum.

Section 5. If all parts of the referendum are approved, the resulting amended charter shall read as provided in **Exhibit 1** to this Ordinance. The legislative version is attached as **Exhibit 2**.

Section 6. The proposed Charter amendments set forth in Section 1 shall become effective only if a majority of City voters in the referendum election approve the amendments. Any amendments approved by City voters as provided by law shall be effective immediately and shall become the City Charter. If approved, the City Clerk is directed to promptly file the amended Charter with the State of Florida, Secretary of State, as required by Section 166.031, Florida Statutes (2015). The remaining sections of this Ordinance shall take effect immediately upon adoption of this Ordinance.

Section 7. Should any part of this Ordinance be declared by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional for any reason, such decision shall not affect the validity of the remainder of this Ordinance; this Ordinance shall be applied as if the invalid, unenforceable, or unconstitutional part did not exist; and the remainder shall remain in full force and effect.

Section 8. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the ____ day of _____, 2016, and adopted on the second and final reading at a regular meeting of the City Council on the ____ day of _____, 2016.

FRANK CATINO, MAYOR

ATTEST:

LEONOR OLEXA, CMC, CITY CLERK

Referendum Questions & Charter Revisions Summary

Referendum 1. Providing Certain Editorial Revisions

1. **Article I. Renumber Sections 1.02, 1.03, 1.04, and 1.05.**
2. **Section 2.05. Terms (1).** Delete obsolete provisions pertaining to 2012 and 2014 elections.
3. **Section 3.02. Powers and duties.**
 - a. (2) and (7) Updated terminology (department “head” to “director”).
 - b. (5) Edit for more concise wording in that paragraph.
4. **Section 3.03. Evaluation.** Change city manager’s annual evaluation date from September 15 [obsolete] to anniversary date of city manager’s hiring.
5. **Section 3.04. Acting city manager.** Updated terminology (department “head” to “director”).
6. **Section 4.01. Boards (2).** Updated terminology (department “head” to “director”).
7. **Section 4.02. Boards (1).**
 - a. Include “committees” (for consistency with Board Handbook).
 - b. Add requirement for board members to be **registered voters** (for consistency with board application form).
 - c. Renumber paragraphs.
8. **Section 5.05. Ordinances requiring voter approval.**
 - a. (1) Delete provision (requiring voter approval for development permits increasing density in any zoning district) which conflicts with Florida law. [*FS 163.3167(8)(a): An initiative or referendum process in regard to any development order is prohibited.*]
 - b. Renumber paragraphs.
9. **Section 7.02. Transitional provisions (3) and (4).** Delete unneeded words; make more concise.
10. **Section 7.05. Effective date.** Change obsolete date.

Referendum 2. Adding/Amending Certain Provisions Regarding City Council and Staff Functions

1. **Section 2.07. Elections.** Add coin-toss procedure to determine winner of a tied election.
2. **Section 2.11(6). Voting.** Add provision for unanimous-consensus council vote without roll call for administrative or housekeeping matters.
3. **Section 3.01(3). Removal or sudden permanent absence.** Provide procedure for assistant city manager to become interim city manager upon removal or sudden permanent absence of the city manager.
4. **Section 3.02. Powers and duties (5).** Authorize city manager to establish personnel policies.
5. **Section 3.04. Acting city manager.** Provide procedure for designating department directors to be acting city manager when both the city manager and assistant city manager are temporarily absent or disabled.
6. **Section 6.05. Competitive bidding.** Add requirement for dollar threshold for competitive bidding to be established by ordinance.

Referendum 3. Amending Procedures for Filling City Council Vacancies

Section 2.08. Vacancies (2) and (3). **Change the duration of a Council replacement appointment from “next regular election” to “remainder of the councilmember’s unexpired term.”** **OR** Allow Council to appoint a replacement to fill a council vacancy until the next regular election, at which time (a) for council seats other than mayor, a replacement shall be elected to complete any remainder of the vacated seat’s unexpired term, and (b) for the mayor’s seat, a new four-year term shall begin.

Referendum 4. Providing Option of Combining Functions of Planning Advisory Boards

Section 4.02. Boards (2) and (4). Eliminate separate CPAB and PZAB designations, and provide option of combining their functions in a single planning advisory board.

Referendum 5. Reinstating Majority Vote for Increasing Revenue Rates & Sources

Section 6.03(5) Prohibition (b). Reinstate majority vote to increase or impose any ad valorem millage rate, non-ad valorem assessment, or public service tax rate, and eliminate the legal question (per **FS 195.207**) regarding validity of supermajority vote requirement.

195.207 Effect on levy of municipal taxes. No municipal charter may prohibit or limit the authority of the governing body to levy ad valorem taxes or utility service taxes . . . Any word, sentence, phrase, or provision, of any special act, municipal charter, or other law, that prohibits or limits a municipality from levying ad valorem taxes within the millage limits fixed by s. 9, Art. VII of the State Constitution, or prohibits or limits a municipality from levying utility service taxes . . . is hereby nullified and repealed.

EXHIBIT 1

CITY OF SATELLITE BEACH, FLORIDA CHARTER

(Adopted by Referendum on November 3, 2009 and Amended on November 6, 2012)

Article I. In General

- Sec. 1.01 City government
- Sec. 1.02 Intergovernmental activities
- Sec. 1.03 Annexation of land
- Sec. 1.04 Bird and wildlife sanctuary
- Sec. 1.05 City boundaries

Article II. City Council

- Sec. 2.01 Definition
- Sec. 2.02 Powers and duties generally
- Sec. 2.03 Prohibitions
- Sec. 2.04 Membership and qualifications
- Sec. 2.05 Terms
- Sec. 2.06 Compensation
- Sec. 2.07 Elections
- Sec. 2.08 Vacancies
- Sec. 2.09 Grounds for removal
- Sec. 2.10 Duties of mayor and vice-mayor
- Sec. 2.11 City council meetings

Article III. City Manager

- Sec. 3.01 Appointment, qualifications, removal or sudden permanent absence, compensation
- Sec. 3.02 Powers and duties
- Sec. 3.03 Evaluation
- Sec. 3.04 Acting city manager

Article IV. City Departments and Boards

- Sec. 4.01 Departments
- Sec. 4.02 Boards

Article V. Ordinances

- Sec. 5.01 Generally
- Sec. 5.02 Emergency ordinances
- Sec. 5.03 Codification
- Sec. 5.04 Ordinance initiatives
- Sec. 5.05 Ordinances requiring voter approval

Article VI. Fiscal Matters

- Sec. 6.01 Fiscal year
- Sec. 6.02 Taxes and other revenues
- Sec. 6.03 Budget
- Sec. 6.04 Borrowing
- Sec. 6.05 Competitive bidding
- Sec. 6.06 Independent audits

Article VII. Miscellaneous

- Sec. 7.01 Code of ethics
- Sec. 7.02 Transitional provisions
- Sec. 7.03 Conflicting city laws
- Sec. 7.04 Severability
- Sec. 7.05 Effective date

ARTICLE I. IN GENERAL

Sec. 1.01. City government.

There shall be a municipal corporation named the City of Satellite Beach in Brevard County, Florida. The city shall have a council/manager form of government and shall have all powers possible under the Constitution and laws of the United States and the State of Florida, in addition to any powers specifically enumerated in this Charter. City powers under this Charter shall be construed liberally in favor of the city; and no specific power under the Charter shall be construed as limiting in any way the general power stated in this section or any powers vested in municipalities under federal or State law.

Sec. 1.02. Intergovernmental activities.

To the fullest extent permitted by law, the city may exercise any of its powers, perform any of its functions, and participate in the financing thereof, by contract or otherwise, with any one or more states or their agencies; any counties, municipalities, or other governmental units thereof; or the United States or agencies thereof.

Sec. 1.03. Annexation of land.

All annexations shall adhere to procedures prescribed by law.

Sec. 1.04. Bird and wildlife sanctuary.

All territory within the city's boundaries shall be deemed a bird and wildlife sanctuary.

Sec. 1.05. City boundaries.

The city shall include and have jurisdiction over all that territory in Brevard County described as follows:

OFFICIAL COURT USE ONLY

LEGAL DESCRIPTION

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST

"EXHIBIT A"

PURPOSE: CREATE UNIFIED LEGAL DESCRIPTION OF THE CITY OF SATELLITE BEACH

SHEET 1 OF 3
NOT VALID WITHOUT
SHEETS 2 AND 3

LEGAL DESCRIPTION:

BEGIN AT THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF SECTION 1, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND THE LOW WATER MARK OF THE ATLANTIC OCEAN AND THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SECTION 1 AND SECTION 2 TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SECTION 2;

THENCE, RUN NORTHERLY ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 2 TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 2;

THENCE RUN WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2 TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2;

THENCE, RUN NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2 AND CONTINUE ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 2 TO A POINT 825.0 FEET SOUTH OF THE NORTH LINE OF SECTION 2, TOWNSHIP 27 SOUTH, RANGE 37 EAST;

THENCE RUN WESTERLY PARALLEL WITH THE NORTH LINE OF SAID SECTION 2, 564.0 FEET;

THENCE, RUN NORTHERLY PARALLEL WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 2, TO THE NORTH LINE OF SAID SECTION 2, TOWNSHIP 27 SOUTH, RANGE 37 EAST;

THENCE, RUN WESTERLY ALONG THE NORTH LINE OF SECTION 2 AND SECTION 3, TO THE CHANNEL OF THE BANANA RIVER;

THENCE, RUN NORTHERLY ALONG THE CHANNEL OF SAID BANANA RIVER TO A POINT LYING ON THE WESTERLY EXTENSION OF THE NORTH LINE OF GOVERNMENT LOT 4 LYING IN SECTION 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST;

THENCE, RUN EASTERLY ALONG THE NORTH LINE OF GOVERNMENT LOT 4 AND ITS WESTERLY EXTENSION TO A POINT LYING ON THE CENTER LINE OF THE MOSQUITO CONTROL CANAL LYING IN SAID GOVERNMENT LOT 4;

THENCE, RUN SOUTHERLY ALONG THE CENTERLINE OF SAID MOSQUITO CONTROL CANAL TO A POINT LYING ON THE NORTH LINE OF SECTION 34, TOWNSHIP 26 SOUTH, RANGE 37 EAST;

THENCE, RUN EASTERLY ALONG THE NORTH LINE OF SECTION 34 AND SECTION 35 TO THE WEST LINE OF THE RIGHT-OF-WAY OF STATE ROAD A1A, BREVARD COUNTY, FLORIDA;

THENCE, RUN NORTHERLY ALONG THE WEST LINE OF THE RIGHT-OF-WAY OF STATE ROAD A1A TO THE SOUTH LINE OF THE NORTH 1334.20 OF GOVERNMENT LOT 1, WEST OF STATE ROAD A1A;

THENCE, RUN EASTERLY ALONG SAID SOUTH LINE OF THE NORTH 1334.20 OF GOVERNMENT LOT 1 TO THE LOW WATER MARK OF THE ATLANTIC OCEAN;

THENCE, RUN SOUTHERLY ALONG THE LOW WATER MARK OF THE ATLANTIC OCEAN TO THE POINT OF BEGINNING.

PREPARED FOR: CITY OF SATELLITE BEACH, FLORIDA

DAVID J. KUGELMANN, PLS NO. 5117
NOT VALID UNLESS SIGNED AND SEALED

KUGELMANN LAND SURVEYING, INC.
30 NORTH TROPICAL TRAIL, SUITE B
MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

PREPARED BY: DAVID J. KUGELMANN, P.L.S.

DRAWN BY: DJK
DATE: 12-13-07

CHECKED BY: KKW
SHEET 1 OF 3

DRAWING NO. 2007108
REVISIONS _____

SECTION 26
TOWNSHIP 26 SOUTH
RANGE 37 EAST

OFFICIAL COURT USE ONLY

LEGAL DESCRIPTION

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST

"EXHIBIT A"

PURPOSE: CREATE UNIFIED LEGAL DESCRIPTION OF THE CITY OF SATELLITE BEACH

SHEET 2 OF 3
NOT VALID WITHOUT
SHEETS 1 AND 3

LEGAL DESCRIPTION:

ALL THAT CERTAIN PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A P** NAIL AND WASHER STAMPED MOTT 3608 MARKING THE SOUTHWEST CORNER OF SAID SECTION 26 LYING IN TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEARING COORDINATES NORTH 1.400,864.68 FEET AND EAST 783,018.08 FEET BASED ON STATE PLANE COORDINATE SYSTEMS, FLORIDA EAST, NAD 83;

THENCE NORTH 89 DEGREES, 16 MINUTES, 21 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 26 FOR A DISTANCE OF 1,317.82 FEET TO A RECOVERED 4x4 INCH CONCRETE MONUMENT BEING DESIGNATED AS THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE FROM THE POINT OF BEGINNING RUN NORTH 00 DEGREES, 53 MINUTES, 24 SECONDS WEST ALONG THE EAST LINE OF SOUTH PATRICK PARK FIRST ADDITION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 116 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, FOR A DISTANCE OF 1,000.55 FEET TO AN IRON PIPE;

THENCE SOUTH 89 DEGREES, 16 MINUTES, 43 SECONDS WEST FOR A DISTANCE OF 1,218.85 FEET TO A 4x4 INCH CONCRETE RIGHT-OF-WAY MARKER FOR SOUTH PATRICK DRIVE;

THENCE NORTH 00 DEGREES, 55 MINUTES, 02 SECONDS WEST FOR A DISTANCE OF 3,001.31 FEET TO A RECOVERED 4x4 INCH CONCRETE RIGHT-OF-WAY MARKER;

THENCE NORTH 89 DEGREES, 14 MINUTES, 27 SECONDS EAST FOR A DISTANCE OF 3,333.18 FEET TO A RECOVERED 1 FOOT CONCRETE MONUMENT BEING A RIGHT-OF-WAY MARKER FOR STATE HIGHWAY A1A;

THENCE SOUTH 09 DEGREES, 58 MINUTES, 53 SECONDS EAST FOR A DISTANCE OF 1,700.45 FEET TO A P** NAIL SET IN TOP OF CONCRETE WALL;

THENCE SOUTH 12 DEGREES, 03 MINUTES, 50 SECONDS EAST FOR A DISTANCE OF 2,371.13 FEET TO A RECOVERED 6x6 INCH CONCRETE MONUMENT MARKING THE RIGHT-OF-WAY OF STATE HIGHWAY A1A;

THENCE SOUTH 89 DEGREES, 15 MINUTES, 35 SECONDS WEST FOR A DISTANCE OF 1,000.00 FEET TO A SET ALUMINUM MONUMENT HAVING THE DESIGNATION OF SECOR-1;

THENCE SOUTH 89 DEGREES, 15 MINUTES, 28 SECONDS WEST FOR A DISTANCE OF 1,000.04 FEET TO A SET ALUMINUM MONUMENT HAVING THE DESIGNATION OF SECOR-2;

THENCE SOUTH 89 DEGREES, 15 MINUTES, 46 SECONDS WEST FOR A DISTANCE OF 841.06 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 309.99 ACRES, MORE OR LESS.

ALSO, GENERALLY KNOWN AS PATRICK AIR FORCE BASE SOUTH HOUSING AREA.

PREPARED FOR: CITY OF SATELLITE BEACH, FLORIDA

DAVID J. KUGELMANN, PLS NO. 5117
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: DAVID J. KUGELMANN, P.L.S.

KUGELMANN LAND SURVEYING, INC.
30 NORTH TROPICAL TRAIL, SUITE B
MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

DRAWN BY: DJK

CHECKED BY: KKW

DRAWING NO. 2007108

SECTION 26
TOWNSHIP 26 SOUTH
RANGE 37 EAST

DATE: 12-13-07

SHEET 2 OF 3

REVISIONS _____

SKETCH OF DESCRIPTION

OFFICIAL COURT USE ONLY

THIS IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREON.

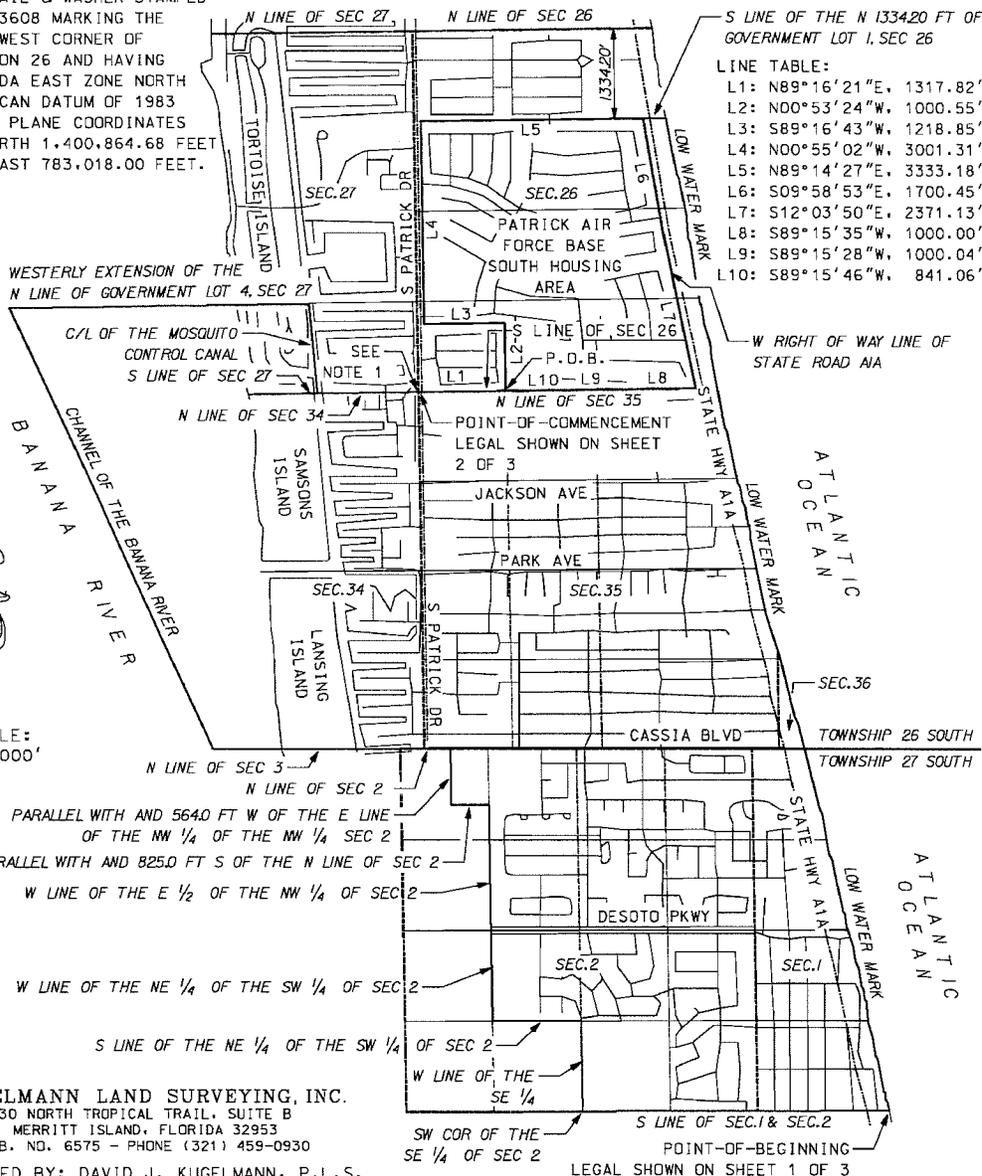
PROJECT NO. 2007108

"EXHIBIT A"

SHEET 3 OF 3

THIS SKETCH IS NOT A SURVEY AND IS NOT VALID WITHOUT SHEETS 1 AND 2

NOTE 1:
 P* NAIL & WASHER STAMPED
 MDTT 3608 MARKING THE
 SOUTHWEST CORNER OF
 SECTION 26 AND HAVING
 FLORIDA EAST ZONE NORTH
 AMERICAN DATUM OF 1983
 STATE PLANE COORDINATES
 OF NORTH 1,400,864.68 FEET
 AND EAST 783,018.00 FEET.



SCALE:
 1"=2000'

KUGELMANN LAND SURVEYING, INC.
 30 NORTH TROPICAL TRAIL, SUITE B
 MERRITT ISLAND, FLORIDA 32953
 L.B. NO. 6575 - PHONE (321) 459-0930

PREPARED BY: DAVID J. KUGELMANN, P.L.S.

POINT-OF-BEGINNING
 LEGAL SHOWN ON SHEET 1 OF 3

ARTICLE II. CITY COUNCIL

Sec. 2.01. Definition.

The term "**councilmembers**" means all members of the city council, including the mayor.

Sec. 2.02. Powers and duties generally.

- (1) Except as otherwise provided by law or this Charter, all powers of the city shall be vested in the city council, which shall exercise the powers granted, and perform the duties imposed on, the city by law and this Charter.
- (2) The city council shall judge the qualifications and grounds for removal of its members. For this purpose, the city council shall have the power to subpoena witnesses and evidence. The city council's decision shall be subject to review by the courts.

Sec. 2.03. Prohibitions.

- (1) **Holding other city office.** Councilmembers shall not hold any other city office, whether paid or unpaid, during their city council term.
- (2) **Interference in city administration.** The city council and its individual members shall not direct or request any personnel action regarding any city employee whom the city manager or his/her subordinates are empowered to hire, nor shall they interfere in any manner with city administration. However, the city council and its individual members may freely discuss any personnel matter with the city manager and make any recommendation to the city manager for improvement in city government operations. In addition, individual members may question and observe all aspects of city government operations to obtain information to help formulate sound city council policies. It is the intent of this section that all interactions between councilmembers and city personnel regarding city government business shall occur through the city manager.

Sec. 2.04. Membership and qualifications.

- (1) The city council shall consist of four members and a mayor elected at-large by the city's voters. Councilmembers, whether elected or appointed, must be registered voters who have resided in the city for at least one year before they qualify for office.
- (2) To qualify for office, candidates must file the following with the city clerk during the qualifying period designated in the city code: a petition signed by ten registered city voters, a filing fee designated in the city code, and a sworn statement of his/her name, residential address, occupation, and willingness to serve the full term if elected.

Sec. 2.05. Terms.

- (1) All councilmembers shall be elected to a four-year term of office.
- (2) No councilmember who is completing two consecutive elective terms shall be eligible for election or appointment to the city council, and no person shall serve more than ten consecutive years in the office of mayor, or councilmember, or combination of the two offices. A period of two years must elapse before a former councilmember shall be eligible for reelection; a period of one year must elapse before a former councilmember shall be eligible for appointment.
- (3) Councilmembers shall take office at the start of new business at the first regular city council meeting following the meeting held to accept the election results from the supervisor of elections. Councilmembers shall continue to hold their offices and discharge their duties until their successors are installed.

Sec. 2.06. Compensation.

Councilmembers shall serve without salary, but shall be compensated for expenses as provided in the city code.

Sec. 2.07. Elections.

Regular city elections shall be held on the first Tuesday after the first Monday in November of each presidential and gubernatorial election year. City council candidates receiving the most votes shall be elected to fill the number of vacant seats. In the event of a tie vote, the winner shall be determined by a coin called and tossed by the city clerk.

Sec. 2.08. Vacancies.

- (1) A vacancy shall occur upon the death, resignation, forfeiture of office, or lawful removal of a councilmember.
- (2) **Councilmember.** No later than 30 days after a vacancy occurs in the seat of a councilmember other than mayor, the city council shall appoint a replacement to serve until the next regular election, at which time a replacement shall be elected to complete any remainder of the vacated seat's unexpired term.
- (3) **Mayor.** No later than 30 days after a vacancy occurs in the mayor's seat, the city council shall:
 - (a) appoint one of the remaining councilmembers to serve as mayor until the next regular election, at which time a new four-year term for mayor shall begin; and
 - (b) appoint a replacement for the councilmember who was appointed mayor, to serve until the next regular election, at which time a replacement shall be elected to complete any remainder of the vacated seat's unexpired term.
- (4) **Vacancies precluding quorum.** Any time the city council is reduced to fewer than three members, the city shall:
 - (a) immediately request the governor to temporarily appoint from a list of all former councilmembers residing in the city, regardless of whether they meet the provisions of [section] 2.05(2), a sufficient number to constitute a five-member city council, and
 - (b) conduct a special election no later than 90 days after the occurrence of the vacancy which triggers the special election. The winners of the special election shall serve the remainder of the unexpired terms.
- (5) **Candidate.** Following the end of the qualifying period, if a vacancy occurs from the death, withdrawal, or removal from the ballot of a qualified candidate, and the vacancy leaves only one candidate for an office, the remaining candidate shall be deemed elected.

Sec. 2.09. Grounds for removal.

The office of a councilmember shall be forfeited whenever at least four of the five councilmembers determine that a member:

- (1) Ceases to be a registered voter residing in the city;
- (2) Is convicted of a misdemeanor involving moral turpitude or any felony;
- (3) Commits an act constituting malfeasance, misfeasance, or neglect of duty;
- (4) Is permanently unable to perform official duties; or
- (5) Is absent from four consecutive regular city council meetings or from one-third of the regular city council meetings during any 12-month period for any reason.

Sec. 2.10. Duties of mayor and vice-mayor.

- (1) The mayor shall be a voting member and the presiding officer of the city council, as well as the head of the city for purposes of ceremonies, service of civil process, and martial law. Unless

otherwise provided by law, this Charter, or the city council, the mayor shall execute instruments in which the city is authorized to be a party by the city council.

- (2) As prescribed by the city council, the city council shall select from its membership a vice-mayor who shall serve as mayor in the mayor's absence.

Sec. 2.11. City council meetings.

- (1) **Regular meetings.** The city council shall meet regularly at least once each month at such time and place as it may prescribe. Except as otherwise provided by law, all city council meetings shall be open to the public.
- (2) **Special meetings.** Special meetings, which must be limited to the subject(s) specified on the agenda, may be convened by the mayor, any three councilmembers, or the city manager upon at least 24 hours' notice to each councilmember and at least one newspaper of general circulation in the city.
- (3) **Emergency meetings.** Emergency meetings may be called in the same manner as special meetings, except that prior public notice shall not be required. Emergency meetings shall be conducted as prescribed by the city council.
- (4) **Rules.** The city council shall determine its own rules, including order of business and rules for expelling disorderly persons from its meetings.
- (5) **Quorum.** Three members of the city council shall constitute a quorum to open a meeting, but a smaller number may require the attendance of absent members under procedures and penalties prescribed by the city council.
- (6) **Voting.** Except as otherwise provided by this Charter, the affirmative vote of at least three members of the city council shall be required for any city council action to be valid. Voting shall be by roll call, with votes recorded in the city council's minutes. An exception may be made for administrative or housekeeping matters, which may be approved by unanimous consensus without a roll-call vote.
- (7) **Minutes.** Minutes of city council meetings shall be kept by the city clerk.

ARTICLE III. CITY MANAGER

Sec. 3.01. Appointment, qualifications, removal or sudden permanent absence, compensation.

- (1) **Appointment.** Based solely on executive qualifications as determined by the city council, the city council shall appoint a city manager, who shall be an at-will employee.
- (2) **Qualifications.** The city manager shall be a resident of the city within one year of appointment and a United States citizen.
- (3) **Removal or sudden permanent absence.** Removal of the city manager shall require the affirmative vote of at least four of the five councilmembers. Upon the manager's removal or sudden permanent absence, the assistant city manager shall become the interim city manager upon approval by the city council, and the city council shall appoint a permanent city manager within 180 days.

(4) **Compensation.** The city council shall determine the compensation of the city manager.

Sec. 3.02. Powers and duties.

In addition to other duties specified by this Charter or the city council, the city manager shall:

- (1) Serve as chief executive officer of the city, responsible to the city council for all city affairs placed in his/her charge.
- (2) Hire, suspend, or discharge all city employees in accordance with established personnel policies. The city manager may authorize any department director to exercise these powers with respect to that director's subordinates.
- (3) Within the pay classifications established by the city council, fix the compensation of all city employees.
- (4) Supervise all city departments, except as otherwise provided by law, and determine their functions and staffing.
- (5) Establish personnel policies, including a merit system and appeals process, and ensure that all personnel actions involving city employees are based on competence and performance and are free of political pressure.
- (6) Attend city council meetings. The city manager may take part in discussions but may not vote.
- (7) Ensure that all laws and city council actions subject to enforcement by the city manager or department directors are faithfully executed.
- (8) Prepare and submit the annual budget to the city council, and make other reports, including the present financial status of the city, whenever requested by the city council.
- (9) Keep the city council fully advised of the financial condition and future needs of the city, and make recommendations to the city council.
- (10) Execute contracts on behalf of the city, unless the city council provides otherwise.

Sec. 3.03. Evaluation.

No later than the anniversary date of the city manager's hiring, the city council shall complete an annual evaluation of the city manager and discuss it with him or her. The evaluation shall be a composite of all councilmembers' evaluations and shall rate the city manager's performance in the areas of goals and objectives established by the city council, duties delineated in this Charter, personal relations, and beneficial changes to the city. The city council may complete additional evaluations whenever it deems appropriate.

Sec. 3.04. Acting city manager.

During any temporary absence or disability of both the city manager and the assistant city manager, in a writing to the city clerk with copies to all councilmembers and department directors, the city manager or assistant shall designate a department director to act as city manager during such absence or disability. If such designation is not made, or the city council disapproves the designation, the city council may appoint another department director to serve until the city manager or assistant returns or the disability ends.

ARTICLE IV. CITY DEPARTMENTS AND BOARDS

Sec. 4.01. Departments.

- (1) The city council may establish, consolidate, or abolish city departments.
- (2) All city departments shall be administered by a department director appointed by the city manager. The city manager may appoint one person as the director of two or more departments or, with consent of the city council, the city manager may serve as director of one or more departments.

Sec. 4.02. Boards.

- (1) **Generally.** The city council may establish boards, including committees, as it deems appropriate. Members of such boards shall be registered voters who reside in the city, unless otherwise provided by ordinance, and shall be appointed by the city council. The terms and method of reappointment shall be established by the city council. Councilmembers may serve as liaisons to these boards, but shall not attempt to guide the deliberations of the boards.
- (2) **Planning and zoning board.** The city council shall serve as the city's planning and zoning board.
- (3) **Planning advisory board.** The city council shall establish an advisory board or boards to do the following:
 - (a) Perform the duties of the local planning agency by preparing the city's comprehensive plan and plan amendments. The comprehensive plan shall serve as a guide for city council actions concerning land use, land development regulations, and capital improvements; and
 - (b) Advise the city council on land development regulations, which shall not be inconsistent with the comprehensive plan.

ARTICLE V. ORDINANCES

Sec. 5.01. Generally.

Every proposed ordinance and resolution shall be introduced in the final written form required for adoption, except that ordinances amending legislation shall be introduced in legislative style on first reading and final written form required for adoption on second reading. The enacting clause of ordinances shall recite: "Be it enacted by the City Council of the City of Satellite Beach, Florida." No ordinance shall be adopted until it has been read by title at two city council meetings at least two weeks apart. Ordinances and resolutions shall become effective upon adoption unless specified otherwise therein. Upon adoption, every ordinance and resolution shall be authenticated by the presiding officer and the city clerk and shall be recorded in full in a properly-indexed book maintained by the city clerk.

Sec. 5.02. Emergency ordinances.

Notwithstanding the provisions of the foregoing section, the city council may enact emergency ordinances to meet serious public emergencies affecting the welfare of the city or its residents. An emergency ordinance shall be introduced as prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance, and the conditions constituting such emergency shall be stated therein. Emergency ordinances may be adopted, with or without amendment, at the first reading. No emergency ordinance shall enact a land development regulation, enact or amend a land-use plan, or rezone private real property. Emergency ordinances shall expire 120 days after enactment unless sooner specified therein.

Sec. 5.03. Codification.

The city council shall provide for the preparation of a general codification of all city ordinances, which shall be known as the City Code of Satellite Beach, Florida.

Sec. 5.04. Ordinance initiatives.

- (1) The city's voters shall have the power to propose ordinances to the city council, and, if the city council fails to adopt them without substantive change, to approve or reject the proposed ordinances at a city election.
- (2) The city's voters shall have the power to require the city council to reconsider any adopted ordinance, and, if the city council fails to repeal the reconsidered ordinance, to approve or reject it at a city election.

(3) Voters' petitions to exercise the powers granted by this section shall be signed by at least 15 percent of the city's registered voters as of the most recent election held in the city. Petitioners shall have 90 days from the date of the city council action being challenged to obtain the required signatures.

(4) No power specified in this section shall extend to the budget, taxes, or salaries of city employees.

Sec. 5.05. Ordinances requiring voter approval.

(1) Any ordinance amending the city's land development regulations to increase residential densities or building heights greater than that allowed on November 7, 2006; or decrease breezeway percentages below those required on November 7, 2006, shall require voter approval before any such ordinance shall become effective.

(2) Notwithstanding the foregoing, any structure existing, permitted, or approved by any appropriate regulatory agency on November 7, 2006, shall be allowed to be built, rebuilt, or repaired in the event of a casualty or catastrophe, even if such structure is nonconforming for failure to comply with regulations existing on November 7, 2006, governing density, height, and/or breezeways.

ARTICLE VI. FISCAL MATTERS

Sec. 6.01. Fiscal year.

Unless otherwise provided by law, the fiscal year for the city government shall begin on October 1 and end on September 30 of the following year.

Sec. 6.02. Taxes and other revenues.

The city council shall have full power to raise funds for all municipal purposes through taxes and other revenue sources not prohibited by law.

Sec. 6.03. Budget.

(1) **City manager's proposed budget.** No later than the first regular city council meeting in August, the city manager shall present a proposed budget to the city council for all operations of city government for the next fiscal year. In addition to any other(s) the city council may request, the proposed budget shall contain the following components:

- (a) The city manager's budget message explaining the important features, financial issues, policies and proposed policy changes, and objectives of the proposed budget;
- (b) A budget summary presenting an overview of sources and amounts of anticipated revenues and expenditures; and
- (c) A detailed budget presenting the specifics of all anticipated revenues and expenditures.

(2) **City council's proposed budget.** After considering and revising the city manager's budget as it deems necessary, the city council shall adopt a proposed budget and determine tax requirements under that budget.

(3) **Public hearing.** The city council shall hold a public hearing on its proposed budget at the first regular city council meeting in September, or at such other time as the city council may approve. Notice of the hearing shall be provided as required by law. All members of the public shall have the opportunity to be heard on the budget at the public hearing. After the public hearing, the city council may amend any part of its proposed budget except for expenditures required by law or debt service.

(4) **City council's approved budget.** No later than September 30, the city council shall adopt an ordinance approving a final balanced budget with the same components as the city manager's

budget. The city clerk shall then certify the taxes levied under the budget and make copies of the budget available to all interested persons.

- (5) **Prohibition.** Funds shall not be transferred from one department to another or allocated for items not included in the approved budget without prior approval of the city council.

Sec. 6.04. Borrowing.

- (1) **Temporary revenue deficiencies.** The city may borrow to meet current obligations when temporary revenue deficiencies occur. However, the amount borrowed shall not exceed one-fourth of one percent of the assessed value of all taxable property within the city, as determined by the most recent assessment; and the term of the loan shall not exceed one year. The loan may be extended as necessary until fully paid, but no extension shall exceed one year.
- (2) **Financing for projects.** The city may borrow money to finance any project not prohibited by law and may pledge city assets to repay such indebtedness, subject to the following limitations:
- (a) Any proposal to pledge ad valorem taxes for debt repayment shall require approval by the city's voters.
 - (b) The city's total outstanding indebtedness, including the proposed amount, shall not exceed five percent of the assessed value of all taxable property within the city, as determined by the most recent assessment.

Sec. 6.05. Competitive bidding.

Competitive bidding, through the city or other governmental agencies, shall be required on all purchases above an amount prescribed by an ordinance of the city council.

Sec. 6.06. Independent audits.

The city council shall appoint qualified certified public accountants to make an independent audit of accounts and financial transactions of the city government as of the end of each fiscal year. The city council may provide for more frequent audits of the city government. A copy of each audit shall be filed with the State of Florida.

ARTICLE VII. MISCELLANEOUS

Sec. 7.01. Code of ethics.

All city elected officials, employees, and board members shall be bound by the minimum ethics standards set forth in Chapter 112, Florida Statutes.

Sec. 7.02. Transitional provisions.

- (1) All persons holding office when this amended Charter becomes effective shall continue in office for the remainder of their terms.
- (2) To the extent not inconsistent with this amended Charter, all ordinances, resolutions, regulations, and policies in effect upon the adoption of this amended Charter shall remain in force until they expire by their terms or are repealed.
- (3) All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the city shall continue.
- (4) All financial obligations of the city existing on the date this amended Charter becomes effective shall continue to be valid.

Sec. 7.03. Conflicting city laws.

All laws, or portions thereof, of the city that conflict with provisions of this Charter are hereby repealed.

Sec. 7.04. Severability.

If a court of competent jurisdiction shall declare any provision of this Charter invalid, such declaration shall not affect the remainder of this Charter.

Sec. 7.05. Effective date.

This amended Charter shall become effective on November 8, 2016.

~~BLUE has been stricken.~~

RED has been added.

YELLOW needs Council decision.

EXHIBIT 2

CITY OF SATELLITE BEACH, FLORIDA CHARTER

(Adopted by Referendum on November 3, 2009 and Amended on November 6, 2012)

Article I. In General

- Sec. 1.01 City government
- Sec. 1.02 ~~City boundaries~~ Intergovernmental activities
- Sec. 1.03 ~~Intergovernmental activities~~ Annexation of land
- Sec. 1.04 ~~Annexation of land~~ Bird and wildlife sanctuary
- Sec. 1.05 ~~Bird and wildlife sanctuary~~ City boundaries

Article II. City Council

- Sec. 2.01 Definition
- Sec. 2.02 Powers and duties generally
- Sec. 2.03 Prohibitions
- Sec. 2.04 Membership and qualifications
- Sec. 2.05 Terms
- Sec. 2.06 Compensation
- Sec. 2.07 Elections
- Sec. 2.08 Vacancies
- Sec. 2.09 Grounds for removal
- Sec. 2.10 Duties of mayor and vice-mayor
- Sec. 2.11 City council meetings

Article III. City Manager

- Sec. 3.01 Appointment, qualifications, removal or sudden permanent absence, compensation
- Sec. 3.02 Powers and duties
- Sec. 3.03 Evaluation
- Sec. 3.04 Acting city manager

Article IV. City Departments and Boards

- Sec. 4.01 Departments
- Sec. 4.02 Boards

Article V. Ordinances

- Sec. 5.01 Generally
- Sec. 5.02 Emergency ordinances
- Sec. 5.03 Codification
- Sec. 5.04 Ordinance initiatives
- Sec. 5.05 Ordinances requiring voter approval

Article VI. Fiscal Matters

- Sec. 6.01 Fiscal year
- Sec. 6.02 Taxes and other revenues
- Sec. 6.03 Budget
- Sec. 6.04 Borrowing
- Sec. 6.05 Competitive bidding
- Sec. 6.06 Independent audits

Article VII. Miscellaneous

- Sec. 7.01 Code of ethics
- Sec. 7.02 Transitional provisions
- Sec. 7.03 Conflicting city laws

Sec. 7.04 Severability
Sec. 7.05 Effective date

PART I—CHARTER⁽¹⁾

Footnotes:

—(1)—

Editor's note—Printed herein is the Charter of the City of Satellite Beach, Florida, originally adopted by referendum on Sept. 18, 1973, and subsequently amended to read as herein set out by Ord. No. 1019, § 1, adopted Aug. 19, 2009, passed by referendum on November 3, 2009. For stylistic purposes, a uniform system of headings, catchlines, citations to state statutes and expression of numbers in text has been used. Additions made for clarity are indicated by brackets.

State Law reference—Municipal home rule powers, F.S. ch. 166.

ARTICLE I. IN GENERAL

Sec. 1.01. City government.

There shall be a municipal corporation named the City of Satellite Beach in Brevard County, Florida. The city shall have a council/manager form of government and shall have all powers possible under the Constitution and laws of the United States and the State of Florida, in addition to any powers specifically enumerated in this Charter. City powers under this Charter shall be construed liberally in favor of the city; and no specific power under the Charter shall be construed as limiting in any way the general power stated in this section or any powers vested in municipalities under federal or State law.

Sec. 1.03 02. Intergovernmental activities.

To the fullest extent permitted by law, the city may exercise any of its powers, perform any of its functions, and participate in the financing thereof, by contract or otherwise, with any one or more states or their agencies; any counties, municipalities, or other governmental units thereof; or the United States or agencies thereof.

Sec. 1.04 03. Annexation of land.

All annexations shall adhere to procedures prescribed by law.

Sec. 1.05 04. Bird and wildlife sanctuary.

All territory within the city's boundaries shall be deemed a bird and wildlife sanctuary.

Sec. 1.02 05. City boundaries.

The city shall include and have jurisdiction over all that territory in Brevard County described as follows:

LEGAL DESCRIPTION

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST

"EXHIBIT A"

PURPOSE: CREATE UNIFIED LEGAL DESCRIPTION OF THE CITY OF SATELLITE BEACH

SHEET 1 OF 3
NOT VALID WITHOUT SHEETS 2 AND 3

LEGAL DESCRIPTION:

BEGIN AT THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF SECTION 1, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, AND THE LOW WATER MARK OF THE ATLANTIC OCEAN AND THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SECTION 1 AND SECTION 2 TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SECTION 2;

THENCE, RUN NORTHERLY ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 2 TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 2;

THENCE RUN WESTERLY ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2 TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2;

THENCE, RUN NORTHERLY ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2 AND CONTINUE ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 2 TO A POINT 825.0 FEET SOUTH OF THE NORTH LINE OF SECTION 2, TOWNSHIP 27 SOUTH, RANGE 37 EAST;

THENCE RUN WESTERLY PARALLEL WITH THE NORTH LINE OF SAID SECTION 2, 564.0 FEET;

THENCE, RUN NORTHERLY PARALLEL WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 2, TO THE NORTH LINE OF SAID SECTION 2, TOWNSHIP 27 SOUTH, RANGE 37 EAST;

THENCE, RUN WESTERLY ALONG THE NORTH LINE OF SECTION 2 AND SECTION 3, TO THE CHANNEL OF THE BANANA RIVER;

THENCE, RUN NORTHERLY ALONG THE CHANNEL OF SAID BANANA RIVER TO A POINT LYING ON THE WESTERLY EXTENSION OF THE NORTH LINE OF GOVERNMENT LOT 4 LYING IN SECTION 27, TOWNSHIP 26 SOUTH, RANGE 37 EAST;

THENCE, RUN EASTERLY ALONG THE NORTH LINE OF GOVERNMENT LOT 4 AND ITS WESTERLY EXTENSION TO A POINT LYING ON THE CENTER LINE OF THE MOSQUITO CONTROL CANAL LYING IN SAID GOVERNMENT LOT 4;

THENCE, RUN SOUTHERLY ALONG THE CENTERLINE OF SAID MOSQUITO CONTROL CANAL TO A POINT LYING ON THE NORTH LINE OF SECTION 34, TOWNSHIP 26 SOUTH, RANGE 37 EAST;

THENCE, RUN EASTERLY ALONG THE NORTH LINE OF SECTION 34 AND SECTION 35 TO THE WEST LINE OF THE RIGHT-OF-WAY OF STATE ROAD A1A, BREVARD COUNTY, FLORIDA;

THENCE, RUN NORTHERLY ALONG THE WEST LINE OF THE RIGHT-OF-WAY OF STATE ROAD A1A TO THE SOUTH LINE OF THE NORTH 1334.20 OF GOVERNMENT LOT 1, WEST OF STATE ROAD A1A;

THENCE, RUN EASTERLY ALONG SAID SOUTH LINE OF THE NORTH 1334.20 OF GOVERNMENT LOT 1 TO THE LOW WATER MARK OF THE ATLANTIC OCEAN;

THENCE, RUN SOUTHERLY ALONG THE LOW WATER MARK OF THE ATLANTIC OCEAN TO THE POINT OF BEGINNING.

PREPARED FOR: CITY OF SATELLITE BEACH, FLORIDA

PREPARED BY: DAVID J. KUGELMANN, P.L.S.

DAVID J. KUGELMANN, PLS NO. 5117
NOT VALID UNLESS SIGNED AND SEALED

KUGELMANN LAND SURVEYING, INC.
30 NORTH TROPICAL TRAIL, SUITE B
MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

DRAWN BY: <u>DJK</u>	CHECKED BY: <u>KKW</u>	DRAWING NO. <u>2007108</u>	SECTION <u>26</u>
DATE: <u>12-13-07</u>	SHEET <u>1</u> OF <u>3</u>	REVISIONS _____	TOWNSHIP <u>26</u> SOUTH RANGE <u>37</u> EAST

LEGAL DESCRIPTION

SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST

"EXHIBIT A"

PURPOSE: CREATE UNIFIED LEGAL DESCRIPTION OF THE CITY OF SATELLITE BEACH

SHEET 2 OF 3
NOT VALID WITHOUT SHEETS 1 AND 3

LEGAL DESCRIPTION:

ALL THAT CERTAIN PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A P*K NAIL AND WASHER STAMPED MOTT 3608 MARKING THE SOUTHWEST CORNER OF SAID SECTION 26 LYING IN TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA AND BEARING COORDINATES NORTH 1.400.864.68 FEET AND EAST 783.018.08 FEET BASED ON STATE PLANE COORDINATE SYSTEMS, FLORIDA EAST, NAD 83;

THENCE NORTH 89 DEGREES, 16 MINUTES, 21 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 26 FOR A DISTANCE OF 1,317.82 FEET TO A RECOVERED 4x4 INCH CONCRETE MONUMENT BEING DESIGNATED AS THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE FROM THE POINT OF BEGINNING RUN NORTH 00 DEGREES, 53 MINUTES, 24 SECONDS WEST ALONG THE EAST LINE OF SOUTH PATRICK PARK FIRST ADDITION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 116 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, FOR A DISTANCE OF 1,000.55 FEET TO AN IRON PIPE;

THENCE SOUTH 89 DEGREES, 16 MINUTES, 43 SECONDS WEST FOR A DISTANCE OF 1,218.85 FEET TO A 4x4 INCH CONCRETE RIGHT-OF-WAY MARKER FOR SOUTH PATRICK DRIVE;

THENCE NORTH 00 DEGREES, 55 MINUTES, 02 SECONDS WEST FOR A DISTANCE OF 3,001.31 FEET TO A RECOVERED 4x4 INCH CONCRETE RIGHT-OF-WAY MARKER;

THENCE NORTH 89 DEGREES, 14 MINUTES, 27 SECONDS EAST FOR A DISTANCE OF 3,333.18 FEET TO A RECOVERED 1 FOOT CONCRETE MONUMENT BEING A RIGHT-OF-WAY MARKER FOR STATE HIGHWAY A1A;

THENCE SOUTH 09 DEGREES, 58 MINUTES, 53 SECONDS EAST FOR A DISTANCE OF 1,700.45 FEET TO A P*K NAIL SET IN TOP OF CONCRETE WALL;

THENCE SOUTH 12 DEGREES, 03 MINUTES, 50 SECONDS EAST FOR A DISTANCE OF 2,371.13 FEET TO A RECOVERED 6x6 INCH CONCRETE MONUMENT MARKING THE RIGHT-OF-WAY OF STATE HIGHWAY A1A;

THENCE SOUTH 89 DEGREES, 15 MINUTES, 35 SECONDS WEST FOR A DISTANCE OF 1,000.00 FEET TO A SET ALUMINUM MONUMENT HAVING THE DESIGNATION OF SECOR-1;

THENCE SOUTH 89 DEGREES, 15 MINUTES, 28 SECONDS WEST FOR A DISTANCE OF 1,000.04 FEET TO A SET ALUMINUM MONUMENT HAVING THE DESIGNATION OF SECOR-2;

THENCE SOUTH 89 DEGREES, 15 MINUTES, 46 SECONDS WEST FOR A DISTANCE OF 841.06 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 309.99 ACRES, MORE OR LESS.

ALSO, GENERALLY KNOWN AS PATRICK AIR FORCE BASE SOUTH HOUSING AREA.

PREPARED FOR: CITY OF SATELLITE BEACH, FLORIDA

DAVID J. KUGELMANN, PLS NO. 5117
NOT VALID UNLESS SIGNED AND SEALED

KUGELMANN LAND SURVEYING, INC.
30 NORTH TROPICAL TRAIL, SUITE B
MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

PREPARED BY: DAVID J. KUGELMANN, P.L.S.

DRAWN BY: DJK
DATE: 12-13-07

CHECKED BY: KKW
SHEET 2 OF 3

DRAWING NO. 2007108
REVISIONS _____

SECTION 26
TOWNSHIP 26 SOUTH
RANGE 37 EAST

SKETCH OF DESCRIPTION

OFFICIAL COURT USE ONLY

THIS IS NOT A SURVEY BUT ONLY A GRAPHIC DEPICTION OF THE LEGAL DESCRIPTION SHOWN HEREON.

PROJECT NO. 2007108

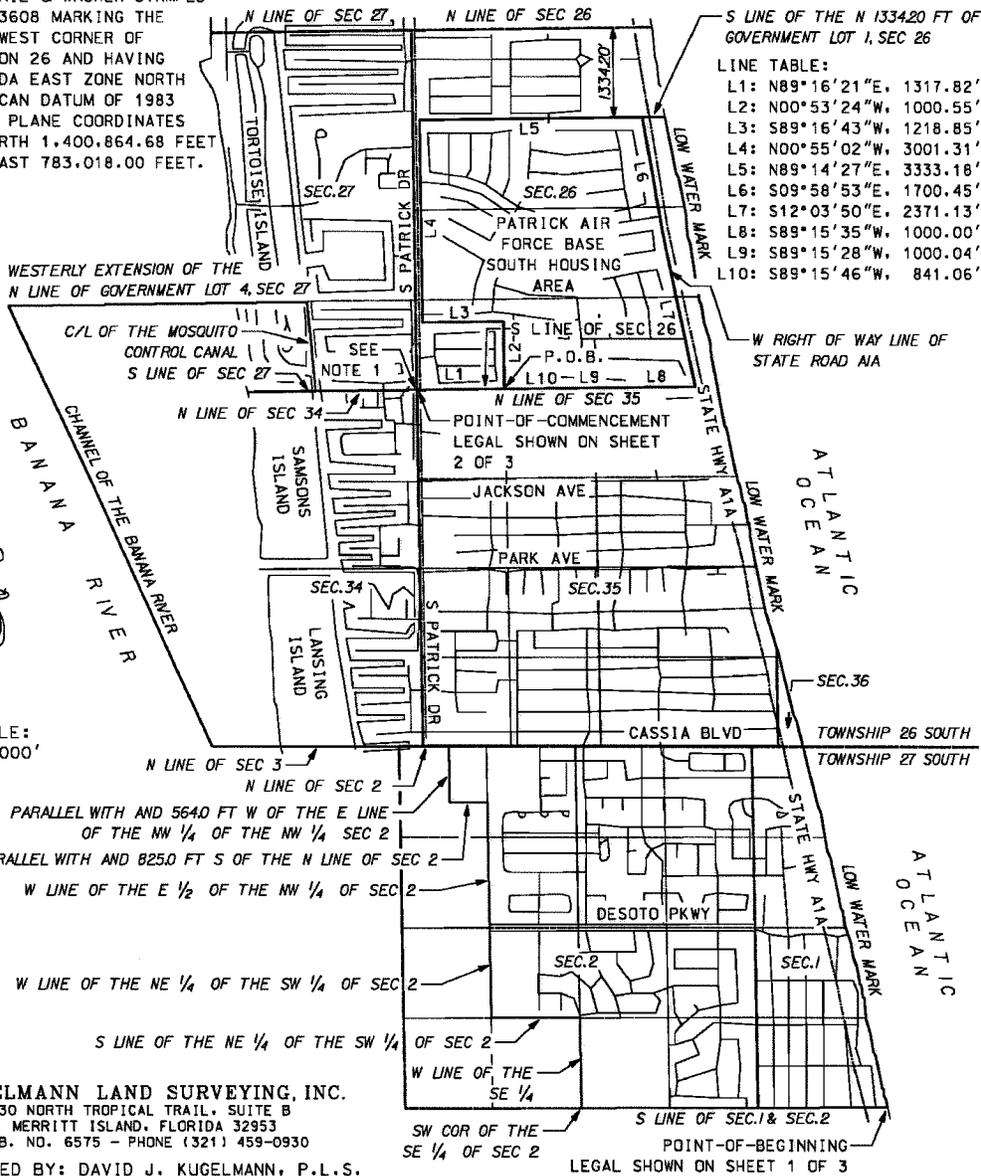
SHEET 3 OF 3

"EXHIBIT A"

THIS SKETCH IS NOT A SURVEY AND IS NOT VALID WITHOUT SHEETS 1 AND 2

NOTE 1:

P***K** NAIL & WASHER STAMPED MOTT 3608 MARKING THE SOUTHWEST CORNER OF SECTION 26 AND HAVING FLORIDA EAST ZONE NORTH AMERICAN DATUM OF 1983 STATE PLANE COORDINATES OF NORTH 1,400,864.68 FEET AND EAST 783,018.00 FEET.



ARTICLE II. CITY COUNCIL

Sec. 2.01. Definition.

The term "**councilmembers**" means all members of the city council, including the mayor.

Sec. 2.02. Powers and duties generally.

- (1) Except as otherwise provided by law or this Charter, all powers of the city shall be vested in the city council, which shall exercise the powers granted, and perform the duties imposed on, the city by law and this Charter.
- (2) The city council shall judge the qualifications and grounds for removal of its members. For this purpose, the city council shall have the power to subpoena witnesses and evidence. The city council's decision shall be subject to review by the courts.

Sec. 2.03. Prohibitions.

- (1) **Holding other city office.** Councilmembers shall not hold any other city office, whether paid or unpaid, during their city council term.
- (2) **Interference in city administration.** The city council and its individual members shall not direct or request any personnel action regarding any city employee whom the city manager or his/her subordinates are empowered to hire, nor shall they interfere in any manner with city administration. However, the city council and its individual members may freely discuss any personnel matter with the city manager and make any recommendation to the city manager for improvement in city government operations. In addition, individual members may question and observe all aspects of city government operations to obtain information to help formulate sound city council policies. It is the intent of this section that all interactions between councilmembers and city personnel regarding city government business shall occur through the city manager.

Sec. 2.04. Membership and qualifications.

- (1) The city council shall consist of four members and a mayor elected at-large by the city's voters. Councilmembers, whether elected or appointed, must be registered voters who have resided in the city for at least one year before they qualify for office.
- (2) To qualify for office, candidates must file the following with the city clerk during the qualifying period designated in the city code: a petition signed by ten registered city voters, a filing fee designated in the city code, and a sworn statement of his/her name, residential address, occupation, and willingness to serve the full term if elected.

Sec. 2.05. Terms.

- (1) ~~Beginning in the presidential election year of 2012 for the mayor and two other councilmembers and in the gubernatorial election year of 2014 for the remaining two councilmembers, a~~All councilmembers shall be elected to a four-year term of office.
- (2) No councilmember who is completing two consecutive elective terms shall be eligible for election or appointment to the city council, and no person shall serve more than ten consecutive years in the office of mayor, or councilmember, or combination of the two offices. A period of two years must elapse before a former councilmember shall be eligible for reelection; a period of one year must elapse before a former councilmember shall be eligible for appointment.
- (3) Councilmembers shall take office at the start of new business at the first regular city council meeting following the meeting held to accept the election results from the supervisor of elections. Councilmembers shall continue to hold their offices and discharge their duties until their successors are installed.

Sec. 2.06. Compensation.

Councilmembers shall serve without salary, but shall be compensated for expenses as provided in the city code.

Sec. 2.07. Elections.

Regular city elections shall be held on the first Tuesday after the first Monday in November of each presidential and gubernatorial election year. City council candidates receiving the most votes shall be elected to fill the number of vacant seats. In the event of a tie vote, the winner shall be determined by a coin called and tossed by the city clerk.

Sec. 2.08. Vacancies.

- (1) A vacancy shall occur upon the death, resignation, forfeiture of office, or lawful removal of a councilmember.
- (2) **Councilmember.** No later than 30 days after a vacancy occurs in the seat of a councilmember other than mayor, the city council shall appoint a replacement to serve until the end of that seat's term ~~[or the remainder of the councilmember's unexpired term]~~ **OR** next regular election, at which time a replacement shall be elected to complete any remainder of the vacated seat's unexpired term.
- (3) **Mayor.** No later than 30 days after a vacancy occurs in the mayor's seat, the city council shall:
 - (a) appoint one of the remaining councilmembers to serve as mayor until the end of that seat's term ~~[or the remainder of the councilmember's unexpired term]~~ **OR** next regular election, at which time a new four-year term for mayor shall begin; and
 - (b) appoint a replacement for the councilmember who was appointed mayor, to serve until the end of that seat's term ~~[or the remainder of the councilmember's unexpired term]~~ **OR** next regular election, at which time a replacement shall be elected to complete any remainder of the vacated seat's unexpired term.
- (4) **Vacancies precluding quorum.** Any time the city council is reduced to fewer than three members, the city shall:
 - (a) immediately request the governor to temporarily appoint from a list of all former councilmembers residing in the city, regardless of whether they meet the provisions of [section] 2.05(2), a sufficient number to constitute a five-member city council, and
 - (b) conduct a special election no later than 90 days after the occurrence of the vacancy which triggers the special election. The winners of the special election shall serve the remainder of the unexpired terms.
- (5) **Candidate.** Following the end of the qualifying period, if a vacancy occurs from the death, withdrawal, or removal from the ballot of a qualified candidate, and the vacancy leaves only one candidate for an office, the remaining candidate shall be deemed elected.

Sec. 2.09. Grounds for removal.

The office of a councilmember shall be forfeited whenever at least four of the five councilmembers determine that a member:

- (1) Ceases to be a registered voter residing in the city;
- (2) Is convicted of a misdemeanor involving moral turpitude or any felony;
- (3) Commits an act constituting malfeasance, misfeasance, or neglect of duty;
- (4) Is permanently unable to perform official duties; or

- (5) Is absent from four consecutive regular city council meetings or from one-third of the regular city council meetings during any 12-month period for any reason.

Sec. 2.10. Duties of mayor and vice-mayor.

- (1) The mayor shall be a voting member and the presiding officer of the city council, as well as the head of the city for purposes of ceremonies, service of civil process, and martial law. Unless otherwise provided by law, this Charter, or the city council, the mayor shall execute instruments in which the city is authorized to be a party by the city council.
- (2) As prescribed by the city council, the city council shall select from its membership a vice-mayor who shall serve as mayor in the mayor's absence.

Sec. 2.11. City council meetings.

- (1) **Regular meetings.** The city council shall meet regularly at least once each month at such time and place as it may prescribe. Except as otherwise provided by law, all city council meetings shall be open to the public.
- (2) **Special meetings.** Special meetings, which must be limited to the subject(s) specified on the agenda, may be convened by the mayor, any three councilmembers, or the city manager upon at least 24 hours' notice to each councilmember and at least one newspaper of general circulation in the city.
- (3) **Emergency meetings.** Emergency meetings may be called in the same manner as special meetings, except that prior public notice shall not be required. Emergency meetings shall be conducted as prescribed by the city council.
- (4) **Rules.** The city council shall determine its own rules, including order of business and rules for expelling disorderly persons from its meetings.
- (5) **Quorum.** Three members of the city council shall constitute a quorum to open a meeting, but a smaller number may require the attendance of absent members under procedures and penalties prescribed by the city council.
- (6) **Voting.** Except as otherwise provided by this Charter, the affirmative vote of at least three members of the city council shall be required for any city council action to be valid. Voting shall be by roll call, with votes recorded in the city council's minutes. An exception may be made for administrative or housekeeping matters, which may be approved by unanimous consensus without a roll-call vote.
- (7) **Minutes.** Minutes of city council meetings shall be kept by the city clerk.

ARTICLE III. CITY MANAGER

Sec. 3.01. Appointment, qualifications, removal or sudden permanent absence, compensation.

- (1) **Appointment.** Based solely on executive qualifications as determined by the city council, the city council shall appoint a city manager, who shall be an at-will employee.
- (2) **Qualifications.** The city manager shall be a resident of the city within one year of appointment and a United States citizen.
- (3) **Removal or sudden permanent absence.** Removal of the city manager shall require the affirmative vote of at least four of the five councilmembers. Upon the manager's removal or sudden permanent absence, the assistant city manager shall immediately become the interim city manager

upon approval by the city council, and the city council shall ~~immediately appoint an interim city manager and~~ appoint a permanent city manager within 180 days.

(4) **Compensation.** The city council shall determine the compensation of the city manager.

Sec. 3.02. Powers and duties.

In addition to other duties specified by this Charter or the city council, the city manager shall:

- (1) Serve as chief executive officer of the city, responsible to the city council for all city affairs placed in his/her charge.
- (2) Hire, suspend, or discharge all city employees in accordance with established personnel policies. The city manager may authorize any department ~~head~~ director to exercise these powers with respect to that department ~~head's~~ director's subordinates.
- (3) Within the pay classifications established by the city council, fix the compensation of all city employees.
- (4) Supervise all city departments, except as otherwise provided by law, and determine their functions and staffing.
- (5) ~~Publish~~ Establish personnel policies, including a merit system and appeals process, ~~which shall be submitted for city council approval;~~ and ensure that ~~selection, promotion, demotion, and dismissal of~~ all personnel actions involving city employees are based on competence and performance and are free of political pressure.
- (6) Attend city council meetings. The city manager may take part in discussions but may not vote.
- (7) Ensure that all laws and city council actions subject to enforcement by the city manager or department ~~heads~~ directors are faithfully executed.
- (8) Prepare and submit the annual budget to the city council, and make other reports, including the present financial status of the city, whenever requested by the city council.
- (9) Keep the city council fully advised of the financial condition and future needs of the city, and make recommendations to the city council.
- (10) Execute contracts on behalf of the city, unless the city council provides otherwise.

Sec. 3.03. Evaluation.

No later than ~~September 15~~ the anniversary date of the city manager's hiring, the city council shall complete an annual evaluation of the city manager and discuss it with him or her. The evaluation shall be a composite of all councilmembers' evaluations and shall rate the city manager's performance in the areas of goals and objectives established by the city council, duties delineated in this Charter, personal relations, and beneficial changes to the city. The city council may complete additional evaluations whenever it deems appropriate.

Sec. 3.04. Acting city manager.

~~In a writing to the city clerk, with copies to all councilmembers and department heads, the city manager shall designate a department head to act as city manager during the city manager's temporary absence or disability. If the city manager fails to make such designation, or the city council disapproves the designation, the city council may appoint another department head to serve until the city manager returns or the disability ends.~~

During any temporary absence or disability of both the city manager and the assistant city manager, in a writing to the city clerk with copies to all councilmembers and department heads directors, the city manager or assistant shall designate a department head director to act as city manager during such unavailability absence or disability. If such designation is not made, or the city council disapproves the designation, the city council may appoint another department head director to serve until the city manager or assistant returns or the disability ends.

ARTICLE IV. CITY DEPARTMENTS AND BOARDS

Sec. 4.01. Departments.

- (1) The city council may establish, consolidate, or abolish city departments.

- (2) All city departments shall be administered by a department **head director** appointed by the city manager. The city manager may appoint one person as the **head director** of two or more departments or, with consent of the city council, the city manager may serve as **head director** of one or more departments.

Sec. 4.02. Boards.

- (1) **Generally.** The city council may establish boards, **including committees**, as it deems appropriate. Members of such boards shall be **residents of registered voters who reside in** the city, unless otherwise provided by ordinance, and shall be appointed by the city council. The terms and method of reappointment shall be established by the city council. Councilmembers may serve as liaisons to these boards, but shall not attempt to guide the deliberations of the boards.
- ~~(2) **Comprehensive planning advisory board.** There shall be a comprehensive planning advisory board which shall perform the duties of the local planning agency by preparing the city's comprehensive plan and plan amendments. The comprehensive plan shall serve as a guide for city council actions concerning land use, land development regulations, and capital improvements.~~
- ~~(3) **(2) Planning and zoning board.** The city council shall serve as the city's planning and zoning board.~~
- ~~(3) **Planning advisory board.** The city council shall establish a planning advisory board or boards which shall perform the following functions: to do the following:~~
- ~~(a) Perform the duties of the local planning agency by preparing the city's comprehensive plan and plan amendments. The comprehensive plan shall serve as a guide for city council actions concerning land use, land development regulations, and capital improvements; and~~
- ~~(b) Advise the city council on land development regulations, which shall not be inconsistent with the comprehensive plan.~~
- ~~(4) **Planning and zoning advisory board.** There shall be a planning and zoning advisory board which shall serve as the city's land development regulation commission to advise the city council on land development regulations, which shall not be inconsistent with the comprehensive plan.~~

ARTICLE V. ORDINANCES

Sec. 5.01. Generally.

Every proposed ordinance and resolution shall be introduced in the final written form required for adoption, except that ordinances amending legislation shall be introduced in legislative style on first reading and final written form required for adoption on second reading. The enacting clause of ordinances shall recite: "Be it enacted by the City Council of the City of Satellite Beach, Florida." No ordinance shall be adopted until it has been read by title at two city council meetings at least two weeks apart. Ordinances and resolutions shall become effective upon adoption unless specified otherwise therein. Upon adoption, every ordinance and resolution shall be authenticated by the presiding officer and the city clerk and shall be recorded in full in a properly-indexed book maintained by the city clerk.

Sec. 5.02. Emergency ordinances.

Notwithstanding the provisions of the foregoing section, the city council may enact emergency ordinances to meet serious public emergencies affecting the welfare of the city or its residents. An emergency ordinance shall be introduced as prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance, and the conditions constituting such emergency shall be stated therein. Emergency ordinances may be adopted, with or without amendment, at the first reading. No emergency ordinance shall enact a land development regulation, enact or amend a land-use plan, or rezone private real property. Emergency ordinances shall expire 120 days after enactment unless sooner specified therein.

Sec. 5.03. Codification.

The city council shall provide for the preparation of a general codification of all city ordinances, which shall be known as the City Code of Satellite Beach, Florida.

Sec. 5.04. Ordinance initiatives.

- (1) The city's voters shall have the power to propose ordinances to the city council, and, if the city council fails to adopt them without substantive change, to approve or reject the proposed ordinances at a city election.
- (2) The city's voters shall have the power to require the city council to reconsider any adopted ordinance, and, if the city council fails to repeal the reconsidered ordinance, to approve or reject it at a city election.
- (3) Voters' petitions to exercise the powers granted by this section shall be signed by at least 15 percent of the city's registered voters as of the most recent election held in the city. Petitioners shall have 90 days from the date of the city council action being challenged to obtain the required signatures.
- (4) No power specified in this section shall extend to the budget, taxes, or salaries of city employees.

Sec. 5.05. Ordinances requiring voter approval.

- ~~(1) Any ordinance approving a development permit which would increase the existing density in any zoning district as of November 7, 2006 shall require voter approval before any such ordinance shall become effective. No development permit shall be issued or effective until said ordinance is approved by referendum.~~
- ~~(2)~~(1) Any ordinance amending the city's land development regulations to increase residential densities or building heights greater than that allowed on November 7, 2006; or decrease breezeway percentages below those required on November 7, 2006, shall require voter approval before any such ordinance shall become effective.
- ~~(3)~~(2) Notwithstanding the foregoing, any structure existing, permitted, or approved by any appropriate regulatory agency on November 7, 2006, shall be allowed to be built, rebuilt, or repaired in the event of a casualty or catastrophe, even if such structure is nonconforming for failure to comply with regulations existing on November 7, 2006, governing density, height, and/or breezeways.

ARTICLE VI. FISCAL MATTERS

Sec. 6.01. Fiscal year.

Unless otherwise provided by law, the fiscal year for the city government shall begin on October 1 and end on September 30 of the following year.

Sec. 6.02. Taxes and other revenues.

The city council shall have full power to raise funds for all municipal purposes through taxes and other revenue sources not prohibited by law.

Sec. 6.03. Budget.

- (1) **City manager's proposed budget.** No later than the first regular city council meeting in August, the city manager shall present a proposed budget to the city council for all operations of city government for the next fiscal year. In addition to any other(s) the city council may request, the proposed budget shall contain the following components:
 - (a) The city manager's budget message explaining the important features, financial issues, policies and proposed policy changes, and objectives of the proposed budget;
 - (b) A budget summary presenting an overview of sources and amounts of anticipated revenues and expenditures; and
 - (c) A detailed budget presenting the specifics of all anticipated revenues and expenditures.
- (2) **City council's proposed budget.** After considering and revising the city manager's budget as it deems necessary, the city council shall adopt a proposed budget and determine tax requirements under that budget.
- (3) **Public hearing.** The city council shall hold a public hearing on its proposed budget at the first regular city council meeting in September, or at such other time as the city council may approve. Notice of the hearing shall be provided as required by law. All members of the public shall have the opportunity to be heard on the budget at the public hearing. After the public hearing, the city council may amend any part of its proposed budget except for expenditures required by law or debt service.
- (4) **City council's approved budget.** No later than September 30, the city council shall adopt an ordinance approving a final balanced budget with the same components as the city manager's budget. The city clerk shall then certify the taxes levied under the budget and make copies of the budget available to all interested persons.
- (5) **Prohibition.**
 - (a) Funds shall not be transferred from one department to another or allocated for items not included in the approved budget without prior approval of the city council.
 - (b) ~~No ad valorem millage rate, amount of non-ad valorem assessment or public service tax rate shall be approved for inclusion in any budget where such rates are in excess of the current rate, unless such rates and/or assessments are approved by the affirmative vote of at least four of the five members of city council. This supermajority voting requirement shall also apply in the event any proposed budget includes a public service tax or non-ad valorem assessment on any item not then currently imposed. This supermajority requirement applies only to actual approval of ordinances increasing the enumerated funding sources, and not matters preliminary to adoption of a budget, such as any resolution reflecting the millage rate will not exceed a certain amount or any resolution reflecting an intent to impose a non-ad valorem assessment required by law. The supermajority voting requirement shall not apply to an ordinance adopting or amending the annual budget.~~
(Ord. No. 1055, § 5, 6-13-12)

Sec. 6.04. Borrowing.

- (1) **Temporary revenue deficiencies.** The city may borrow to meet current obligations when temporary revenue deficiencies occur. However, the amount borrowed shall not exceed one-fourth of one percent of the assessed value of all taxable property within the city, as determined by the most recent assessment; and the term of the loan shall not exceed one year. The loan may be extended as necessary until fully paid, but no extension shall exceed one year.
- (2) **Financing for projects.** The city may borrow money to finance any project not prohibited by law and may pledge city assets to repay such indebtedness, subject to the following limitations:
 - (a) Any proposal to pledge ad valorem taxes for debt repayment shall require approval by the city's voters.

- (b) The city's total outstanding indebtedness, including the proposed amount, shall not exceed five percent of the assessed value of all taxable property within the city, as determined by the most recent assessment.

Sec. 6.05. Competitive bidding.

Competitive bidding, through the city or other governmental agencies, shall be required on all purchases above an amount prescribed by an ordinance of the city council.

Sec. 6.06. Independent audits.

The city council shall appoint qualified certified public accountants to make an independent audit of accounts and financial transactions of the city government as of the end of each fiscal year. The city council may provide for more frequent audits of the city government. A copy of each audit shall be filed with the State of Florida.

ARTICLE VII. MISCELLANEOUS

Sec. 7.01. Code of ethics.

All city elected officials, employees, and board members shall be bound by the minimum ethics standards set forth in Chapter 112, Florida Statutes.

Sec. 7.02. Transitional provisions.

- (1) All persons holding office when this amended Charter becomes effective shall continue in office for the remainder of their terms.
- (2) To the extent not inconsistent with this amended Charter, all ordinances, resolutions, regulations, and policies in effect upon the adoption of this amended Charter shall remain in force until they expire by their terms or are repealed.
- (3) All rights, claims, actions, orders, contracts, and legal or administrative proceedings involving the city shall continue. ~~except as modified by provisions of this Charter.~~
- (4) All financial obligations of the city existing on the date this amended Charter becomes effective shall continue to be valid. ~~as if this amended Charter had not been adopted.~~

Sec. 7.03. Conflicting city laws.

All laws, or portions thereof, of the city that conflict with provisions of this Charter are hereby repealed.

Sec. 7.04. Severability.

If a court of competent jurisdiction shall declare any provision of this Charter invalid, such declaration shall not affect the remainder of this Charter.

Sec. 7.05. Effective date.

This amended Charter shall become effective on ~~November 3, 2009~~ November 8, 2016.

#11
7-6-16

AGENDA
CITY COUNCIL
PROPOSED REGULAR MEETING

SATELLITE BEACH COUNCIL CHAMBER
565 CASSIA BOULEVARD, SATELLITE BEACH, FL 32937

JULY 20, 2016
7:00 P.M.

1. CALL TO ORDER BY MAYOR CATINO
2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE LED BY COUNCILMAN MONTANARO
3. RECOGNITION OF LONG-STANDING BOARD OF ADJUSTMENT MEMBER LESLIE CASTALDI
4. PRESENTATION OF PROCLAMATIONS:
 - RECOGNITION OF CITY RESIDENT DEE ANDERSON'S 90TH BIRTHDAY
 - RECOGNITION OF CITY RESIDENT MARJORIE ALDERSON'S 90TH BIRTHDAY
5. CITIZEN COMMENTS
6. CITY COUNCIL COMMENTS
7. CITY MANAGER REPORT
8. DISCUSS/TAKE ACTION ON AN AGREEMENT WITH TEAM PAIN FOR SKATE PARK IMPROVEMENTS (RFP NO. 15/16-04)
9. DISCUSS/TAKE ACTION ON HEALTH INSURANCE RENEWAL AND CREATION OF AN EMPLOYEE HEALTH CLINIC
10. DISCUSS/TAKE ACTION ON RESULTS OF A REQUEST FOR BIDS FOR TENNIS COURT RELIGHTING (RFB NO. 15/16-05)

Pursuant to Section 286-0105, FSS, if an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual may need to insure that a verbatim transcript of the proceedings is made. In accordance with the Americans with Disabilities Act and Section 286.26, FSS. Persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's office.

- 11. DISCUSS/TAKE ACTION ON RESULTS OF A REQUEST FOR BIDS FOR SHELL STREET BOLLARDS (RFB NO. 15/16-06)**

12. PUBLIC HEARING:

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1120, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF SATELLITE BEACH; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR CODIFICATION (SECOND READING)

13. PUBLIC HEARING:

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1122, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CALLING A REFERENDUM ELECTION ON PROPOSED AMENDMENTS TO THE CITY CHARTER RELATED TO LIMITED EDITING OF EXISTING PROVISIONS, CITY COUNCIL AND STAFF FUNCTIONS, FILLING CITY COUNCIL VACANCIES, COMBINING FUNCTIONS OF PLANNING ADVISORY BOARDS, AND REINSTATING MAJORITY VOTE FOR REVENUE INCREASES; ESTABLISHING A REFERENDUM DATE; PROVIDING EFFECTIVE DATE (SECOND READING)

- 14. DISCUSS/TAKE ACTION ON ORDINANCE NO. XXXX, AN ORDINANCE AMENDING THE CITY BOARDS HANDBOOK TO ADD THE SUSTAINABILITY BOARD (FIRST READING)**

- 15. DISCUSS/TAKE ACTION ON ORDINANCE NO. XXXX, AN ORDINANCE AMENDING THE CITY CODE REGARDING SOLID WASTE SERVICES (FIRST READING)**

- 16. DISCUSS/TAKE ACTION ON RESOLUTION NO. XXXX, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, PROHIBITING THE USE OF STYROFOAM AT CITY EVENTS AND FACILITIES (FIRST READING)**

- 17. AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING**

- 18. ADOPTION OF MINUTES:**



CITY COUNCIL AGENDA ITEM

#12

APPOINTMENT TO BOARDS

To: City Manager Courtney Barker
From: City Clerk Leonor Olexa
Meeting Date: 7/6/2016
Department: City Clerk's Office

Recommended Action: Reappoint David Vosburgh to the Board of Adjustment as a primary member, term ending 08/01/19.

Summary: Below is a list of Board vacancies (primary and alternate positions) and a board reappointment for Council to consider:

Current Board Vacancies:

- **Beautification Board:** one (1) primary and two (2) alternate members
- **Board of Adjustment:** one (1) primary and one (1) alternate members
- **Code Enforcement Board:** one (1) primary member
- **Planning and Zoning Advisory Board:** one (1) alternate member
- **Recreation Board:** one (1) primary and one (1) alternate members
- **Samsons Island Working Board:** two (2) alternate members

Board Reappointment:

- David Vosburgh – Board of Adjustment – Primary Member (08/01/19)

Attachment:

- Board Attendance Record for Board of Adjustment

**City of Satellite Beach
BOARD ATTENDANCE RECORD**

Name of Board: **Board of Adjustment**_____

Calendar Year: **2016**__

	Chair Leslie Castaldi Exp.6/1/18	V. Chair Tom Willett Exp.7/16/18	Primary Richard Coolong Exp.6/1/16	Primary Kenneth Farson Exp.11/1/16	Primary David Vosburgh Exp.8/1/16	Primary Stephen Nieroda.	Primary Exp.	Alt. A Suzanne McLendon Exp.11/17/17	Alt. B Exp.
JANUARY Regular Other								*	
FEBRUARY Regular Other									*
MARCH Regular Other	P	P	P	P	P			E *	
APRIL Regular Other									*
MAY Regular Other								*	
JUNE Regular Other	No longer on Board	P	No longer on Board	E	P	P		P	*
JULY Regular Other								*	
AUGUST Regular Other									*
SEPTEMBER Regular Other								*	
OCTOBER Regular Other									*
NOVEMBER Regular Other								*	
DECEMBER Regular Other									*

Complete this form as follows:

Columns. Enter members' **names** in appropriate column headings.
Enter the date each member's term expires beside "**Exp.**"

Rows. Enter date of regular meeting beside "**regular**" and date of special or workshop meeting beside "**other.**"
Record attendance as: **P** for present **E** for excused absence **U** for unexcused absence

***** Indicates Alternate responsible for substituting.

#13
7-6-16

**CITY COUNCIL REGULAR MEETING
UNAPPROVED MINUTES
JUNE 15, 2016**

Pursuant to Public Notice, Mayor Frank Catino convened a regular meeting of the City Council on Wednesday, June 15, 2016, at 7:00 p.m., in the Council Chamber. Those present were Mayor Frank Catino, Vice-Mayor Mark Brimer, Councilman Dominick Montanaro, Councilman Steve Osmer, City Attorney James Beadle, City Manager Courtney Barker, and City Clerk Leonor Olexa. Councilwoman Lorraine Gott was absent.

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

(TIME: 7:01) CITIZEN COMMENTS

No public comments.

(TIME: 7:01) CITY COUNCIL COMMENTS

Mayor Catino stated Rodney Smith recently suffered a stroke. He also expressed sympathy to the Rohmann family for the recent passing of Robert Rohmann, a well-known local fisherman and surfer. Mayor Catino attended the Florida Institute of Technology and Space Coast League of Cities (SCLC) Indian River Lagoon Summit meeting.

Councilman Osmer attended the SCLC meeting and the Florida National Space Club luncheon where Frank DiBello, Space Florida President & CEO addressed the state providing funding to help bring space-related companies to Florida.

Councilman Montanaro attended the SCLC meeting where Brigadier General Wayne Monteith spoke on the future of launches.

(TIME: 7:05) CITY MANAGER REPORT

City Manager Barker reported on the following: a benefit for Robert Rohmann; the Satellite Beach Youth Musical production "Seussical the Musical Jr"; a Public Service Commission service hearing on Florida Power and Light's requested rate increase (which includes fracking); the Florida League of Cities Policy Committee sign ups; thank-you notes received for Sergeant Anderson and the Fire Department; and the Statement of Financial Interests forms which are due by July 1st.

Police Chief Jeff Pearson presented resident Carlo Arbore with a plaque recognizing him for his \$200,000 donation to the Police and Fire Departments (\$100,000 per department). Mr. Arbore expressed his appreciation for the services he and his family have received over the years. Council thanked Mr. Arbore.

(TIME: 7:13) DISCUSS/TAKE ACTION ON AN AGREEMENT BETWEEN THE CITY OF SATELLITE BEACH AND MARK QUAVILLON FOR SKATEPARK MARKETING SERVICES (RFQ NO. 14/15-12)

Assistant City Manager Suzanne Sherman presented information on RFQ No. 14/15-12 for management and operations of the Skatepark and the upcoming Skatepark renovations. Staff is recommending approving a contract for marketing services to include branding, event management, and the use of website/social media to promote the Skatepark. A revised page 4 (Section 5.5) was provided. Council discussed the Skatepark renovations and marketing services contract.

Mayor Catino asked for citizen comments; there were no comments.

ACTION: Councilman Montanaro MOVED, SECOND by Councilman Osmer, to authorize the City Manager to sign the Contract with Mark Quavillon for Skatepark marketing services. VOTE: ALL YES. MOTION CARRIED.

(TIME: 7:19) DISCUSS/TAKE ACTION ON ORDINANCE NO. 1119, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTIONS 30-416(b) AND 30-416(d), SATELLITE BEACH CITY CODE, TO CHANGE SELF-STORAGE FACILITIES FROM PROHIBITED USES TO ALLOWED USES, WITH RESTRICTIONS, IN THE CITY'S "C-COMMERCIAL" ZONING DISTRICT; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Attorney Beadle read Ordinance No. 1119 by title on first reading. Building Official John Stone reported on the applicants' request, and Council discussed the requested code change. Applicant representative Bruce Moia, MBV Engineering, responded to questions. City Attorney Beadle stated he was representing the seller in this transaction.

Mayor Catino asked for citizen comments; there were no comments.

ACTION: Vice-Mayor Brimer MOVED, SECOND by Councilman Osmer, to approve Ordinance No. 1119 on first reading. VOTE: ALL YES. MOTION CARRIED.

(TIME: 7:29) DISCUSS/TAKE ACTION ON THE CONSTRUCTION OF LIGHTING ALONG STATE ROAD A1A

- **JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF SATELLITE BEACH**
- **RESOLUTION NO. 970, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF LIGHTING ON STATE ROAD A1A; AND PROVIDING AN EFFECTIVE DATE**

City Attorney Beadle read Resolution No. 970 by title. City Manager Barker reported on the purpose of the agreement and project as it relates to the installation of lighting along State Road A1A. Council discussed the benefits of the project.

Mayor Catino asked for citizen comments; there were no comments.

ACTION: Councilman Montanaro MOVED, to approve the Joint Participation Agreement with the Florida Department of Transportation for the installation of pedestrian lighting. City Attorney Beadle recommended including both the agreement and the resolution in the motion. Councilman Montanaro MOVED, to amend his motion, SECOND by Vice-Mayor Brimer, to also adopt Resolution No. 970. VOTE: ALL YES. MOTION CARRIED.

(TIME: 7:32) DISCUSS/TAKE ACTION ON A DRUG-FREE WORKPLACE POLICY

Assistant City Manager Suzanne Sherman reported on the Drug-Free Workplace Policy revisions and stated the Policy has been reviewed by City Labor Attorney Wayne Helsby and has also been reviewed by both unions with no objections received. Council discussed the Policy.

(Time: 7:37) The following Satellite Beach resident addressed Council: Joanne Regan.

ACTION: Councilman Montanaro MOVED, SECOND by Councilman Osmer, to approve the revised Drug-Free Workplace Policy to be in compliance with the current laws. VOTE: ALL YES. MOTION CARRIED.

(TIME: 7:39) AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING

Council discussed agenda items for the next regular Council meeting.

(TIME: 7:39) ADOPTION OF MINUTES: MAY 18, 2016, REGULAR MEETING, JUNE 1, 2016, WORKSHOP MEETING, AND JUNE 1, 2016, REGULAR MEETING

Mayor Catino stated a revised June 1, 2016 regular meeting minutes were provided.

ACTION: Councilman Montanaro MOVED, SECOND by Councilman Osmer, to approve the June 1, 2016 meeting minutes as submitted. Councilman Montanaro MOVED, to amend his motion, SECOND by Councilman Osmer, to approve all three sets of minutes as submitted. VOTE: ALL YES. MOTION CARRIED.

Mayor Catino adjourned the meeting at 7:40 p.m.

Leonor Olexa, CMC
City Clerk

June '16

S	M	T	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

City of Satellite Beach July 2016

August '16

S	M	T	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 9:00 a.m. Beautification	2
3	4 Independence Day HOLIDAY CANCELLED BOA	5	6 CANCELLED CRA 7:00 p.m. City Council	7 2:00 p.m. Pension Board Special Meeting	8	9
10	11 4:30 p.m. South Beaches Coalition 7:00 p.m. SCLC	12 6:00 p.m. Library 6:15 p.m. Recreation	13	14	15	16
17	18 CANCELLED PZAB	19 6:00 p.m. Samsons	20 7:00 p.m. City Council	21 7:00 p.m. CRAAB	22	23
24	25 CANCELLED CPAB	26 CANCELLED CEB	27 7:00 p.m. Sustainability Board	28 7:00 p.m. City Council Special Meeting	29	30
31						

July '16

S	M	T	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

City of Satellite Beach

August 2016

September '16

S	M	T	W	Th	F	Sa	
					1	2	3
4	5	6	7	8	9	10	
11	12	13	14	15	16	17	
18	19	20	21	22	23	24	
25	26	27	28	29	30		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 7:00 p.m. BOA	2	3 6:00 p.m. CRA 7:00 p.m. City Council	4	5 9:00 a.m. Beautification	6
7	8 4:30 p.m. South Beaches Coalition 7:00 p.m. SCLC	9 6:15 p.m. Recreation	10	11	12	13
14	15 1:00 p.m. Ethics Training 7:00 p.m. PZAB	16 6:00 p.m. Samsons	17 7:00 p.m. City Council	18 7:00 p.m. CRAAB	19	20
21	22 7:00 p.m. CPAB	23 7:00 p.m. CEB	24 7:00 p.m. Sustainability Board	25 2:00 p.m. Pension Boards	26	27
28	29	30	31			