

**CITY COUNCIL REGULAR MEETING
MINUTES
JULY 20, 2016**

Pursuant to Public Notice, Mayor Frank Catino convened a regular meeting of the City Council on Wednesday, July 20, 2016, at 7:00 p.m., in the Council Chamber. Those present were Mayor Frank Catino, Vice-Mayor Mark Brimer, Councilwoman Lorraine Gott, Councilman Dominick Montanaro, Councilman Steve Osmer, City Attorney James Beadle, City Manager Courtney Barker, and City Clerk Leonor Olexa.

Councilman Montanaro led a prayer and the Pledge of Allegiance.

(TIME: 7:01) RECOGNITION OF LONG-STANDING BOARD OF ADJUSTMENT MEMBER LESLIE CASTALDI

Mayor Catino presented a plaque of recognition to Board of Adjustment Member Leslie Castaldi and thanked her for exemplary service to the City. The City Council wished her well in her new appointment as a General Magistrate in the Eighteenth Judicial Circuit in Brevard County.

(TIME: 7:03) PRESENTATION OF PROCLAMATION RECOGNIZING CITY RESIDENT MARJORIE ALDERSON'S 90TH BIRTHDAY

Mayor Catino presented a proclamation to Marjorie Alderson in celebration of her 90th birthday and thanked her for keeping our school children safe as a school bus driver and crossing guard.

(TIME: 7:06) CITIZEN COMMENTS

City resident Don McLendon thanked staff for providing information requested.

(TIME: 7:07) CITY COUNCIL COMMENTS

Councilman Osmer attended the Samsons Island Working Board working day on Samsons Island and thanked the Board for their great work.

(TIME: 7:07) CITY MANAGER REPORT

City Manager Barker reported on the following: Raj Shah Memorial Blood Drive; thank-you emails received for the Public Works Department and the Fire Department; provided the status of the invasive tree removal ordinance and reimbursement program; and the approval of the 319 grant application for the DeSoto Field.

Police Chief Jeff Pearson thanked the citizens for their support and expressions of appreciation toward the Police Department in the wake of all the recent events in our Nation.

City Manager Barker stated that the Sea Villa Condominium is undergoing construction and has requested permission to park overnight at Pelican Beach Park. She stated that the Police Department can implement a parking procedure for the condo residents. Mayor Catino asked for citizen comments; there were no comments. Council agreed, by consensus, to allow the Sea Villa Condominium residents temporary use of Pelican Beach Park for overnight parking.

City Manager Barker reported that the Brevard County Commission voted to finalize the Mid-Reach Beach Renourishment project. The City has been diligent in supporting the efforts of this project and she recommended sending a thank-you letter to Commissioners who were in favor of the project. Mayor Catino asked for citizen comments; there were no comments. Council agreed, by consensus, for the Mayor to sign the letter.

City Manager Barker stated that the Surfrider Foundation is requesting a letter from the City to the U.S. Department of the Interior and Bureau of Ocean Energy Management to deny permit applications for geological and geophysical exploration along our coast. Council previously adopted Resolution No. 953 prohibiting seismic testing. Mayor Catino asked for citizen comments; there were no comments. Council agreed, by consensus, for the Mayor to sign the letter.

City Manager Barker stated the 45th Space Wing at Patrick Air Force Base has offered to have one of their subject matter experts come and speak to the community about their program. Mayor Catino asked for citizen comments; there were no comments. Council discussed the Air Force's proactive efforts to engage with the community and agreed to encourage these presentations for local clubs, organizations, schools, community, and Council meetings.

(TIME: 7:17) DISCUSS/TAKE ACTION ON APPROVING FUNDING TO PARTICIPATE IN THE BREVARD ZOO OYSTER MAT RESTORATION PROJECT

City Manager Barker reported on the existing partnership with Brevard Zoo for Oyster Mat Making programs that benefit the Oyster Reef Restoration Project for the Mosquito Lagoon. Funds that are no longer needed for the recycling bag program (due to a donation by Complete Air & Heat) can now be allocated to continue the Oyster Mat Making workshops. City Attorney Beadle disclosed that he is the attorney for Brevard Zoo.

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

ACTION: Councilman Montanaro MOVED, SECOND by Vice-Mayor Brimer, to authorize the expenditure of \$5,000 to allow Brevard Zoo to continue their Oyster Mat Making workshops at the David R. Schechter Community Center. VOTE: ALL YES. MOTION CARRIED.

(TIME: 7:20) PUBLIC HEARING: 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 (SECOND READING)

OR

DISCUSS/TAKE ACTION ON ORDINANCE NO. 1123, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CALLING A NON-BINDING REFERENDUM ELECTION ON PROPOSED AMENDMENT TO THE CITY CODE WHICH PROHIBITS LIVESTOCK IN THE CITY; ESTABLISHING A REFERENDUM DATE; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

Mayor Catino opened the public hearing. City Attorney Beadle read Ordinance No. 1121 by title on second reading and also read Ordinance No. 1123 by title on first reading. City Manager Barker reported on changes to Ordinance No. 1121 as requested by Council at their last meeting, including the required setback from the property line for the coop, the privacy fence requirement, the update to the buffer zone map to better reflect the zone, and the addition of a permit requirement and related inspections. She also provided information regarding regulations on chickens in other local municipalities. Council discussed the changes, citizen input received, the ability to end the pilot program prior to the one-year period, and the ability to

monitor, enforce, and collect benchmark information (with quarterly updates). Mayor Catino provided information from former Councilwoman and Satellite Beach resident Martha Kirby.

(Time: 7:34) The following Satellite Beach residents addressed Council: Joanne Regan, John Fergus, Thomas Eberle, Ann Fredericks, Mike Rozos, Roxanne Leavitt, Domingo Sanchez, Devon Dann, Don McLendon, Bill Duckworth, and Terrance Brooks. The following Satellite Beach non-resident addressed Council: Erika Maier.

ACTION: Councilwoman Gott MOVED, SECOND by Councilman Montanaro, to approve Ordinance No. 1123 on first reading. Council discussed citizen input received; the option of Ordinance No. 1123 which calls for a non-binding referendum election to obtain results of the voters' wishes on whether to amend the City Code; adopting Ordinance No. 1121 based on the results of the referendum; and preparing a *Beachcaster* article outlining the pilot program. VOTE: TWO YES; THREE NO (Brimer, Catino, and Osmer). MOTION FAILED.

ACTION: Vice-Mayor Brimer MOVED, SECOND by Councilman Osmer, to adopt Ordinance No. 1121 with changes recommended by City Attorney Beadle. Council discussed the changes to the language provided by City Attorney Beadle. Mayor Catino asked for citizen comments; there were no comments. VOTE: THREE YES; TWO NO (Gott, Montanaro). MOTION CARRIED.

Mayor Catino recessed the meeting at 8:21 p.m. Council reconvened at 8:35 p.m.

Councilwoman Gott was absent for the remainder of the meeting.

(TIME: 8:35) DISCUSS/TAKE ACTION ON HEALTH INSURANCE RENEWAL AND CREATION OF AN EMPLOYEE HEALTH CLINIC

Assistant City Manager Suzanne Sherman introduced the agenda item and its connection with City Council's 2016 Goals. Shawn Fleming, Senior Benefits Consultant, Gehring Group presented information on the City's health insurance plan renewal and the employee health clinic. Council discussed the health insurance plan renewal and the benefits of the employee wellness program. Council also discussed the cost-benefits of the employee health clinic and the benefits of partnering with other local municipalities. Mr. Fleming responded to questions from Council.

(Time: 9:03) The following Satellite Beach resident addressed Council: Don McLendon.

ACTION: Councilman Montanaro MOVED, SECOND by Councilman Osmer, to authorize the City Manager to accept the health insurance plan renewal as quoted and to sign a letter of intent with CareATC for an employee health clinic. VOTE: ALL YES. MOTION CARRIED.

(TIME: 9:17) DISCUSS/TAKE ACTION ON RESULTS OF A REQUEST FOR BIDS FOR TENNIS COURT RELIGHTING (RFB NO. 15/16-05)

City Manager Barker stated staff is recommending award of RFB No. 15/16-05 for tennis court relighting to Boys Electrical Contractors, LLC. Council and City Manager Barker discussed the budget impact of this project.

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

ACTION: Vice-Mayor Brimer MOVED, SECOND by Councilman Montanaro, to approve award of Request for Bid No. 15/16-05 for tennis court relighting to Boys Electrical Contractors, LLC, with a total project cost not to exceed \$28,041.23, to come from the Capital Assets Fund. VOTE: ALL YES. MOTION CARRIED.

(TIME: 9:19) DISCUSS/TAKE ACTION ON RESULTS OF A REQUEST FOR BIDS FOR SHELL STREET BOLLARDS (RFB NO. 15/16-06)

City Manager Barker stated staff is recommending award of RFB No. 15/16-06 for Shell Street bollards to Graybar Electric Company, Inc. This project was requested by Council. Public Works Director Allen Potter stated Public Works would install the bollards.

(Time: 9:19) The following Satellite Beach resident addressed Council: Joanne Regan.

ACTION: Councilman Montanaro MOVED, SECOND by Vice-Mayor Brimer, to approve award of Request for Bid No. 15/16-06 for Shell Street bollards to Graybar Electric Company, Inc., with a total project cost of \$39,840, to come from the Community Redevelopment Trust Fund. VOTE: ALL YES. MOTION CARRIED.

(TIME: 9:20) DISCUSS/TAKE ACTION ON AGREEMENTS WITH CITIZENSERVE AND ETS CORPORATION FOR MUNICIPAL COMMUNITY DEVELOPMENT SOFTWARE AND SERVICES

City Manager Barker stated City Council awarded RFP No. 14/15-03 to CitizenServe for municipal community development software services; however, the Agreement was not brought forward for approval by Council. Staff is seeking to ratify the prior execution of the Agreement, and is also recommending approval of ETS Corporation's Merchant Application and Agreement.

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

ACTION: Councilman Montanaro MOVED, SECOND by Vice-Mayor Brimer, to authorize the City Manager to sign the ETS Merchant Application and Agreement and ratify the prior action of staff in executing the Service Agreement with Online Solutions (CitizenServe) and staff actions subsequent thereto. VOTE: ALL YES. MOTION CARRIED.

(TIME: 9:22) 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)

Mayor Catino opened the public hearing. City Attorney Beadle read Ordinance No. 1120 by title on second reading.

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

ACTION: Councilman Osmer MOVED, SECOND by Vice-Mayor Brimer, to adopt Ordinance No. 1120 on second reading. VOTE: ALL YES. MOTION CARRIED.

(TIME: 9:23) 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; AND PROVIDING AN EFFECTIVE DATE (SECOND READING)

Mayor Catino opened the public hearing. City Attorney Beadle read Ordinance No. 1122 by title on second reading.

(Time: 9:24) The following Satellite Beach residents addressed Council: Don McLendon and Joanne Regan.

Council, City Attorney Beadle, and City Manager Barker discussed Section 6.03(5) Prohibition (b) and the Charter Review Committee's recommendation to remove this section due to concern that the minority would control the majority. City Attorney Beadle commented that the removal of this section would eliminate the legal question regarding the validity of a supermajority vote requirement.

ACTION: Councilman Osmer MOVED, SECOND by Vice-Mayor Brimer, to adopt Ordinance No. 1122 on second reading. VOTE: ALL YES. MOTION CARRIED.

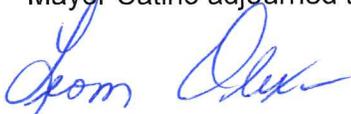
(TIME: 9:31) AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING

Council discussed agenda items for the next regular Council meeting.

(TIME: 9:31) ADOPTION OF MINUTES: JULY 6, 2016, REGULAR MEETING

ACTION: Councilman Montanaro MOVED, SECOND by Councilman Osmer, to approve the minutes as submitted. VOTE: ALL YES. MOTION CARRIED.

Mayor Catino adjourned the meeting at 9:32 p.m.



Leonor Olexa, CMC
City Clerk

