

**COUNCIL SPECIAL MEETING  
MINUTES  
AUGUST 18, 2010**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, August 18, 2010, at 7:00 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Vice-Mayor Jeffrey Fleis, Councilman Mike Chase, Councilman Scott Rhodes, Councilman William Higginson, City Manager Michael P. Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro.

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

**PROCLAMATION HONORING MR. ARVID KEITH SHOOK ON THE OCCASION OF HIS 90<sup>TH</sup> BIRTHDAY**

Instead of presenting the Proclamation at this meeting, it will be presented to Mr. Shook at his surprise party on August 20.

**INTRODUCTION OF GUESTS**

Community Development Director Laura Canady introduced Lighting Sciences founder Fred Maxik and Chairman/CEO Zack Gibler.

Mr. Gibler stated that Lighting Sciences started a small office (six employees) in Satellite Beach four years ago; they now are in growth mode. They are excited about being part of the community and are committed to Brevard County and, as much as possible, to Satellite Beach. Their company is based on advanced science and needs to be in a community that attracts the caliber employees who desire to live and work in the same community with great schools and recreational opportunities. They are a publicly traded company and cannot give specifics for future plans.

Council congratulated them on the growth of their company and their green approach to development. Council expressed a desire to work with the company to have them and their employees remain in Satellite Beach.

**PRESENTATION ON INTERNATIONAL SCIENCE CENTER BY RON MORGAN**

Mr. Ron Morgan gave a PowerPoint presentation about the International Science Center (ISC), a facility that will bring together representatives from U.S. Space, Energy, and Science Agencies. The ISC will provide a venue to communicate and share information on new technology projects, systems, and equipment. It will educate the scientific community and the general public through on-site presentations, forums, conferences, and symposiums. It will be home to New Science and Old Science. The ISC will be dedicated to two simultaneous goals: 1) The Universe is our Domain and 2) The Earth is our Responsibility.

**CITIZEN COMMENTS**

Joseph Morgan, Chairman of Brevard County Historical Commission, presented a three-volume History of Brevard County to the City and requested that the City Clerk retain it in her office to be checked out to interested individuals. Mayor Ferrante and Council Members thanked Mr. Morgan for the books.

Mr. Morgan distributed information about the Brevard County Historical Commission, which became a Brevard County Agency in 1973. They were charged to collect, arrange, record, and preserve historical materials; in other words, they are the keepers and storytellers of Brevard County's history. This fifteen member Commission is facing a \$96,000 budget cut which will fund only one staff person and possibly

cause numerous historical documents to be boxed and stored.

Mr. Morgan requested that Satellite Beach write a letter requesting the Brevard County Board of County Commissioners to restore the \$96,000 to the County Budget.

Council will consider this request as an agenda item at the September 8 Council meeting.

### **CITY COUNCIL COMMENTS**

**Councilman Higginson** reported that he attended some of the Blue Ribbon Committee meetings and has been able to ride with Citizens on Patrol.

**Councilman Chase** reported that he attended the July 27 Code Enforcement Board meeting, the August 2 Special Council meeting to approve of purchase a truck to transport marine rescue equipment, and the August 10 Blue Ribbon Financial/Budget Committee meeting where they completed the last half of their draft. The August Board of Adjustment meeting was cancelled.

**Councilman Rhodes** stated that he is going to attend the Florida League of Cities Conference, and the City Manager has pointed out some meetings to attend.

**Vice-Mayor Fleis** extended appreciation to the Satellite Beach Lions Club for their generous donation of an automatic external defibrillator to the Satellite Beach Police Department.

**Mayor Ferrante** stated that he attended an informational breakfast meeting for community leaders at the Kennedy Space Center where they received a report that the future looks promising. He also attended the Space Coast League of Cities meeting on August 9. As Mayor of Satellite Beach and teacher at Eau Gallie, he has been asked to present a tribute to September 11 at the beginning of the September 10 football game between Satellite High and Eau Gallie High. Council supported this idea.

### **CITY ATTORNEY REPORT**

City Attorney Beadle reported that the Clerk of the Supreme Court has accepted Mr. Redfean's late filing, and it will be discussed by the conference of the Court a week before their term starts in October. If they determine that he filed it too late, that will be the end of it.

### **CITY MANAGER REPORT**

City Manager Michael Crotty did not have anything other than the agenda items.

### **DISCUSS/TAKE ACTION ON FORWARDING ISSUES TO THE PLANNING AND ZONING ADVISORY BOARD FOR REVIEW AND RECOMMENDATIONS:**

- **SEC. 30-611(B)(1) REGARDING PLACEMENT OF GREEN CARTS (WASTE CANS)**
- **PARKING AND SIDEWALK REGULATIONS AND USE OF DRIVEWAYS**

Members of Council have received correspondence from residents regarding three major issues:

1. The time to place green garbage/yard debris carts provided by Waste Management at the curb and the location to store the carts; and
2. Parking vehicles across the sidewalk portion of the driveway; and
3. Placement of garage sale signs.

There are Codes addressing these issues. However, there may be community preferences that warrant having the Planning and Zoning Advisory Board (PZAB) review the Code to see if amendments are needed. If an individual requests a Code change, there is a fee associated with the application to cover the costs. If the Council forwards these issues to PZAB, there is no expense to the individual.

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to forward the three items listed above, together with information in the Agenda packet, to the Planning and Zoning Advisory Board. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS TAKE ACTION ON RECEIPT OF BLUE RIBBON FINANCIAL/BUDGET COMMITTEE'S FINAL REPORT AND DISCUSSION ON ISSUES RELATING TO THE BLUE RIBBON COMMITTEE AND REPORT**

City Manager Crotty presented the Final Report as approved by the Blue Ribbon Financial/Budget Committee on August 13, 2010.

Council expressed their appreciation of the amount and quality of work completed in a short time. They would like for the Committee to continue their review of ideas/options to divide them into short-term and long-term goals and prioritize goals within the two categories.

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

**ACTION:** Councilman Higginson MOVED, SECOND Vice-Mayor Fleis, to acknowledge receipt of the Final Report approved by the Blue Ribbon Financial/Budget Committee on August 13, 2010. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON REQUEST TO BREVARD COUNTY REGARDING PELICAN BEACH PARK AND HIGHTOWER BEACH PARK OWNERSHIP ISSUES**

The Blue Ribbon Committee's recommendations included a recommendation to approach Brevard County to see if they are willing to deed Pelican Beach Park and Hightower Beach Park to the City. Discussions have been held with senior staff from Brevard County about this request. Last year, during budget preparation, County officials expressed concern about the County's \$8,500 annual maintenance payment to the City and asked if the City would be interested in taking over the ownership.

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

**ACTION:** Councilman Higginson MOVED, SECOND Councilman Chase, to authorize the Mayor to submit a letter to Brevard County to specifically request negotiations begin with Brevard County to obtain title to Pelican Beach Park and Hightower Beach Park. VOTE: ALL AYES. MOTION CARRIED.

Council expressed appreciation to the Blue Ribbon Committee for this recommendation.

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

**DISCUSS/TAKE ACTION ON FAÇADE GRANT APPLICATIONS**

Building Official John Stone introduced the following façade grant applications; all of which were recommended for approval by the Community Redevelopment Agency Advisory Committee at the July 22, 2010, meeting:

Parkside Center

790 Hwy A1A

Cost: \$14,924

CRA Grant Match: \$ 7,462

New Sign Type: New Monument

Building Official Review: Meets Current Sign Code

Architectural Review: Meets CRA Requirements

CRA Advisory Committee Recommends: Approval

**Staff Recommendation: 50% Match Approval of Maximum Grant Award of \$ 7,500.**

InterAmerican Realty

599 Sherwood Ave

Cost: \$ 4,884

CRA Grant Amount: \$ 4,884.78

New Sign Type: Retrofit

Building Official Review: Meets Current Sign Code

Architectural Review: Meets CRA Requirements

CRA Advisory Committee Recommends: Approval

**Staff Recommendation: Approval Grant Award \$ 4,884.78**

Coquina Point, Inc.

1170 Hwy A1A

Cost: \$ 5,880

CRA Grant Amount: \$ 5,000

New Sign Type: Retrofit

Building Official Review: Meets Current Sign Code

Architectural Review: Meets CRA Requirements

CRA Advisory Committee Recommends: Approval

**Staff Recommendation: Approval Grant Max Match Award \$ 5,000**

Spanish Trace Office Condominium Assn, Inc

1680 Hwy A1A, Suite 3

Cost: \$ 5,500

CRA Grant Amount: \$ 5,000

New Sign Type: Retrofit

Building Official Review: Meets Current Sign Code

Architectural Review: Meets CRA Requirements

CRA Advisory Committee Recommends: Approval

**Staff Recommendation: Approval Grant Max Award \$ 5,000**

City of Satellite Beach DRS Community Center

1089 South Patrick Dr

Cost: \$ 8,790

CRA Grant Amount: \$ 5,000

New Sign Type: Retrofit

Building Official Review: Meets Current Sign Code

Architectural Review: Meets CRA Requirements

CRA Advisory Committee Recommends: Approval

**Staff Recommendation: Approval Grant Max Award \$ 5,000**

Lori Laine

1301 S. Patrick Dr.

Cost: \$ 20,500

Paint Both Buildings/CRA Pre-Approved Colors	\$ 6,000
Parking Lots	
<u>Seal Coat &amp; Stripe</u>	<u>\$ 14,500</u>
	\$ 20,500

Remaining Grant Funds Available to this property	
After Retrofit Monument Sign Award (\$ 5,000.)	\$ 10,000

CRA Grant Amount: 50%-50% Match \$10,000

Exterior Rehabilitation: Paint & Parking Lot Seal Coat and Striping

Building Official Review: Meets Current Code

Architectural Review: Meets CRA Requirements

CRA Advisory Committee Recommends: Approval

**Staff Recommendation: Approval Grant Award Remaining Grant Funds Available to this property of \$ 10,000.**

In response to questions from Council, staff confirmed that this grant, together with the \$5,000 non-conforming sign retrofit grant, total \$15,000 and is the maximum grant that this property can receive. Funds will not be released until the property, including the Pour House sign, is in compliance.

Mayor Ferrante asked for public comments on the façade grant applications; there were no comments.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to approve the Façade Grants as listed above. VOTE: ALL AYES. MOTION CARRIED.

Community Development Director Laura Canady gave a financial report showing the need for a line item transfer of \$212.51 to cover approved façade grants. The City Manager has the authority to make this transfer.

***COUNCIL RECONVENED FOR THE FOLLOWING AGENDA ITEMS:***

**DISCUSS/TAKE ACTION ON REDUCTION OF CODE ENFORCEMENT LIEN (795 SHELL STREET) AND ESTABLISH DATE OF WORKSHOP TO ADDRESS CODE ENFORCEMENT ISSUES**

City Attorney Beadle stated that the Code Enforcement Board heard the request from applicant CSM Investment Group, LLC, Steven D. Lathem, Registered Agent, to reduce the \$148,727.28 lien on the property at 795 Shell Street on July 27. No action was approved on the request, and the Code Enforcement Board deferred any action to the City Council.

The amount of the lien and circumstances of the property make this an unusual case. The property was damaged during the 2004 hurricanes, and the former owner had been brought before the Code Enforcement Board (CEB 243-05). The Board issued an Order dated July 27, 2007, providing three options, together with a timeline, for the Respondent (property owner Barbara L. Carlsen) to bring the property into compliance: Option 1 – Remove all structures located on the property; Option 2 – Repair the existing structure without any change to the present footprint; or Option 3 – Replace the removed portion of the existing building or expand the footprint of the existing building.

Ms. Carlsen subsequently sold the property. No liens had been filed at the time of the sale because Ms. Carlsen was within the timelines prescribed by the CEB.

Building Official John Stone stated that in June 2008 the potential new owners were given a copy of the

code violations and pending CEB Order. In October 2008, the building permit issued to the previous owner expired. In January 2009, the Building Department sent another copy of the CEB Order with an explanation of what was required to bring the property into compliance. Mr. Stone had numerous conversations with the owner and his representatives regarding repairs that needed to be made and the dangers of an unsecured building and flying debris from the building. In May 2009, a lien in the amount of \$57,112 was filed. In May 29, 2010, the building was demolished and an Affidavit of Compliance was issued.

Christopher Coleman, representative of CSM Investment and the general contractor and engineer stated that his clients could not move forward with demolition of the structures until they received permits from DEP to rebuild. He stated the delays were caused by DEP's review process, not his clients. Mr. Coleman referred to four separate responses to DEP over the course of one year.

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

- Tom Rowat, 243 Carissa Drive, stated that in his role as volunteer with the Police Department's Citizens on Patrol he observed loose debris from 795 Shell Street blowing around the neighborhood. He saw soffit and roof materials that had blown 100 yards north of the property.
- Dominick Montanaro, 465 Glenwood Avenue, stated that he was Council Liaison to the CEB when the prior owner was before the Board. He recommended that Council not let the entire fine go by the wayside; the City needs to be prudent in collecting fines as a deterrent to continued non-compliance.
- John Dismor, Brevard Homes, stated that he met with the Building Official before buying the property and there were no fines at that time. They determined what variances would be necessary to rebuild and went to MAI for plans to submit to DEP. Mr. Dismor stated he checked the house regularly for any safety violations.
- Dave Menzel, MAI Engineers, stated he submitted plans to DEP and had to make changes and resubmit plans. The day after they got the DEP permit, they got the demolition permit from the City and demolished the house the next day.
- Steve Lathem, one of the property owners, stated that Mr. Stone was very helpful. He presented a spreadsheet showing the permitting process from the time he bought the property. He further stated that he cannot afford to pay \$148,000 in fines.
- Bill O'Brien, 811 Loggerhead Island Drive, member of the CEB, stated that the CEB conducted a thorough hearing of the matter but they were not able to determine how much to reduce the lien. He said he felt there was a lot of foot-dragging by the property owner and/or his representatives.
- Carl Cooke stated that he responded within one week to every request he received to secure the property. He picked up the trash, put plywood on the southeast corner of the roof, painted and later replaced the front door, cut the grass, and put up a six-foot chain link fence.

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to reduce the fine to \$7400. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON REQUEST FOR PROPOSAL FOR FUNDING FOR SHORT-TERM (4 YEARS) LEASE TO REFINANCE CAPITAL LEASES**

City Manager Crotty presented the proposal from Capital One to refinance existing short-term debt with an interest rate of 3.19%, which will result in an interest reduction of about \$16,000. It provides budget relief for the first and second years. The loan amount is up to \$1,080,000.

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

**ACTION:** Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to approve the lease purchase financing as outlined in the letter from Capital One dated August 17, 2010. VOTE: ALL AYES. MOTION CARRIED.

Council expressed appreciation to Finance Director Brenda Raver for saving this money.

**APPOINTMENTS TO BOARDS**

City Clerk Barbara Montanaro presented a report of board vacancies and applicants dated August 11, 2010.

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

**ACTION:** Councilman Higginson MOVED, SECOND Councilman Rhodes, to appoint David Ryan to the Blue Ribbon Budget/Finance Committee. VOTE: ALL AYES. MOTION CARRIED. [This is a replacement for John Burns who resigned due to a wrist injury.]

**ACTION:** Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to reappoint Scotty Culp to a two-year term on the Beautification Board, said term ending September 2012. VOTE: ALL AYES. MOTION CARRIED.

**ACTION:** Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to appoint Kimberly Durjan to a three-year term as a regular member of the Comprehensive Planning Advisory Board, said term ending September 2013. VOTE: ALL AYES. MOTION CARRIED.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to appoint Richard Eginton to a three-year term as a regular member of the Comprehensive Planning Advisory Board, said term ending September 2013. VOTE: ALL AYES. MOTION CARRIED.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to appoint Frank Fortino to a three-year term as an alternate member of the Planning and Zoning Advisory Board, said term ending September 2013. VOTE: ALL AYES. MOTION CARRIED.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to appoint Charles (Chuck) Keith to a three-year term as an alternate member of the Planning and Zoning Advisory Board, said term ending September 2013. VOTE: ALL AYES. MOTION CARRIED.

**ACTION:** Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to reappoint Lore Scurrah to a two-year term as a regular member of the Library Board, said term ending September 2012. VOTE: ALL AYES. MOTION CARRIED.

**AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING**

Council set a special meeting to continue discussion of budget issues for Wednesday, August 25, 2010, at 5:30 p.m.

**ADOPTION OF MINUTES:**                   **JULY 20, 2010, SPECIAL MEETING  
JULY 21, 2010, WORKSHOP MEETING  
JULY 21, 2010, REGULAR MEETING  
AUGUST 2, 2010, SPECIAL MEETING**

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

Mayor Ferrante adjourned the meeting at 9:40 p.m.

Barbara Montanaro, CMC  
City Clerk