

**COUNCIL MEETING
MINUTES
OCTOBER 6, 2010**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, October 6, 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.

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

RECOGNITION OF SHANE ARNOLD FOR REVITALIZATION OF PELICAN COAST/HP COMMUNITIES PROPERTY

Community Development Director Laura Canady commended Shane Arnold of HP Communities for meeting and exceeding expectations in addressing the multitude of unresolved/neglected issues of this formerly troubled project. He worked tirelessly with staff to convert an eye-sore into a project that he and the City can be proud of.

Mayor Ferrante presented a certificate of appreciation to Mr. Arnold for his outstanding efforts and cooperation in turning around the Pelican Coast project.

Mr. Arnold expressed appreciation to staff for expediting permits and inspections, stating that he had enjoyed a solid working relationship with staff. This project will be complete in about one month; HP will still be in the office because of another job in the area.

PRESENTATION BY BREVARD COUNTY SCHOOL DISTRICT REPRESENTATIVES ON NOVEMBER 2, 2010, BALLOT MEASURE ENTITLED "AUTHORITY OF SCHOOL BOARD TO CONTINUE TO LEVY 0.25 MILLS FOR CRITICAL OPERATING NEEDS"

DeLaura Middle School Principal Jeremy Salmon gave a PowerPoint presentation regarding the November 2010 ballot question entitled "Authority of the School Board to Continue to Levy 0.25 Mills for Critical Operating Needs." He emphasized that this is not a new tax; it is the continuation of an existing tax. He explained that this revenue is needed to support critical needs of schools. He gave an overview of "The Bus Ride," highlighting reductions in maintenance costs, savings through energy efficiency, and the need for additional teachers to meet requirements of the class size amendment. The full presentation of school funding and expenses is on the Brevard County School District website. The 0.25 Mills costs the owner of an average home approximately \$1.56 per month. Mr. Salmon concluded by thanking Council for the opportunity to present this information.

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

- John Fergus, 135 Maple Drive, stated that the District loses about \$1.6 Million in matching funds from the State if this referendum does not pass.

Council agreed that a "yes" vote is essential and urged the School District to get information to parents of students and encourage them to get out and vote.

INTRODUCTION OF GUESTS

Lisa Fournier, 687 Palos Verde Drive, stated that she was there to support Shane Arnold and to see what is going on in the community.

CITIZEN COMMENTS

No citizens had signed up to speak.

CITY COUNCIL COMMENTS

Councilman Chase stated that he will not be available the last week in October; he and his wife are trying something new this year - a virtual vacation – staying home and enjoying our beautiful City, beaches, and shops without doing any work in the house or yard. He reported that the Comprehensive Planning Advisory Board looked at off-site parking provisions and the Capital Improvements Element at their September 27 meeting. The Code Enforcement Board considered two items at the September 28 meeting. It took seven months to work the dumpster issue and over a year to work the tall grass issue. This shows the amount of effort to follow proper procedures for Code Enforcement. The Board of Adjustment meeting for October 4 was cancelled.

Councilman Rhodes reported that about fifteen or twenty people attended his Town Hall meeting where George Geletko from Waste Management presented information about single stream recycling and recycling at the parks. Councilman Rhodes attended the Planning and Zoning Advisory Board meeting where they discussed placement of Waste Management carts. He expressed appreciation to the Fire Department for using heat seeking thermal imaging to track the smell of smoldering wires to his water heater.

Vice-Mayor Fleis stated that the City is well run, both administratively and financially. However, one of the biggest financial challenges is the revenue not received from the underdeveloped Commercial District. In an effort to reduce the millage, Vice-Mayor Fleis recommended that stormwater assessments be increased to fully fund stormwater projects and the implementation of a fire assessment; in both cases there should be a decrease in ad valorem taxes equal to any increase in non-ad valorem assessments. He also suggested a new market study for the Commercial District. A copy of his complete report is attached.

Mayor Ferrante reported that he attended the Planning and Zoning Advisory Board meeting and everything they discussed is included in the agenda packet for this meeting. He also met with a Boy Scout Troop that was working on their Citizenship Badge; he thanked the City Clerk for her participation in the tour of City Hall. He also attended the Lions Club dinner; the Satellite Beach Lions Club was established in 1957, the same year the City was incorporated. Mayor Ferrante commended Vice-Mayor Fleis for moving forward on financial issues and suggested setting a date to hold a workshop with the Blue Ribbon Committee to look at priorities.

City Manager Crotty stated that if Council wants to pursue the fire assessment there are a number of steps that must be completed before December 31, 2010, in order to implement the assessment in November 2011.

CITY ATTORNEY REPORT

City Attorney Beadle reported that US Supreme Court refused to hear Mr. Redfean's Petition and the case is back in the trial court. Council asked for a report on legal costs; the report will be provided at the next Council meeting.

CITY MANAGER REPORT

City Manager Crotty reported as follows:

- The Sea Level Rise Subcommittee of the Comprehensive Planning Advisory Board will present their report to the City Council at the October 20 meeting. They will also hold their final Community Forum in the conference room of the Satellite Beach Library on Tuesday, October 26, at 7:00 p.m.
- Mayor Ferrante and Recreation Director Kerry Stoms met with Brevard County Commission Chairman Mary Bolin and County staff regarding transfer of ownership of Pelican Beach Park and Hightower Beach from Brevard County to Satellite Beach. The County is interested but there is a lot of legal legwork involved in the transfer; they will get back to the City after the beginning of the year.
- There are a number of code enforcement issues to discuss; City Manager Crotty recommended establishing a workshop to consider all the issues at one time.
- He read the certificate accompanying the United States Flag presented to the City by Lt. Col. Ron Culp (Ret.), USMC. This flag was flown by the 8th Expeditionary Special Operations Squadron on a CV-22B "Osprey" during combat operations in Afghanistan on 31 May 2010 – Memorial Day – and was flown over Kandahar Air Base at U. S. Marine Corps Compound in support of Operation Enduring Freedom. This will be placed in the display case at the David R. Schechter Community Center beside the Olympic Torch that Scotty Culp carried in 1996.

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

DISCUSS/TAKE ACTION ON FAÇADE GRANT APPLICATIONS

BEACHSIDE FAMILY PRACTICE/DR. MAILE KANE, 1186 HIGHWAY A1A

Cost: \$5,280

Price per square foot: \$60

CRA Grant Award Request: \$5,000

New Sign Type: Freestanding Sign Retrofit to Monument

Review by Building Official: Meets Current Sign Code

Architectural Review: Meets CRA Requirements

CRA Advisory Committee: Recommends Approval

Staff Recommendations: Approval Grant Award \$5,000

BRAY PROPERTIES/GALE BRAY, 1404 HIGHWAY A1A

Cost: \$6,500

Price per square foot: \$50

CRA Grant Award Request: \$5,000

New Sign Type: Freestanding Sign Retrofit to Monument

Review by Building Official: Meets Current Sign Code

Architectural Review: Meets CRA Requirements

CRA Advisory Committee: Recommends Approval

Staff Recommendations: Approval Grant Award \$5,000

ABC WINE AND SPIRITS, 1426 HIGHWAY A1A

Cost: \$9,500

Price per square foot: \$69

CRA Grant Award Request: \$5,000

New Sign Type: Freestanding Sign Retrofit to Monument

Review by Building Official: Meets Current Sign Code
Architectural Review: Meets CRA Requirements
CRA Advisory Committee: Recommends Approval
Staff Recommendations: Approval Grant Award \$5,000

Building Official Stone presented the above information for the three sign grant applications. The CRA Advisory Committee and staff have recommended these applications for approval.

ACTION: Councilman Chase MOVED, SECOND Vice-Mayor Fleis to approve the three retrofit sign applications detailed above.

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

VOTE: ALL AYES. MOTION CARRIED.

There are eight non-conforming signs remaining; three of them have submitted grant applications to be considered in October and November. The other five have talked with staff and are considering possibilities.

Council commended staff and the CRA Advisory Committee for their diligence in working with business owners to achieve outstanding results.

David R. Schechter, Chair of the CRA Advisory Committee, expressed appreciation to staff for making the contacts – going to the businesses – to make the transition to the new sign codes.

DR. DONALD KANE, 1328 HIGHWAY A1A

Total Cost: \$30,000 (\$21,070 (Option A) plus \$8,930 allowance for sealcoat and stripe parking lot:
CRA Grant Award Request: \$10,000 (Property Already Received \$5,000 sign replacement grant)
Type Grant: Façade Improvements, Paint, Parking, Shutters, Embellishment, Sealcoat and Strip Parking Lot

Review by Building Official: Meets Current Code
Architectural Review/Comments: Meets and exceeds CRA Requirements – This complete exterior building renovation will dramatically enhance and update this aged building. The enhancements shown under Option A are the basis for the façade grant request. The owner is considering additional items that will add extra gingerbread for more detailing (Opts B & C). The property's new monument sign will be installed by the end of September.

CRA Advisory Committee: Recommends Approval
Staff Recommendation: Approval Grant Award \$10,000

Community Development Director Laura Canady presented the above request for a façade grant.

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to approve the above façade grant as presented.

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

VOTE: ALL AYES. MOTION CARRIED.

COUNCIL RECONVENED FOR THE FOLLOWING AGENDA ITEMS:

ORDINANCE NO. 1034, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD

COUNTY, FLORIDA, AMENDING SECTION 46-33(b)(1), RETIREMENT BENEFITS (NORMAL OR DELAYED) OF THE GENERAL EMPLOYEES RETIREMENT SYSTEM; PROVIDING AN EFFECTIVE DATE (SECOND READING)

City Attorney Beadle read Ordinance No. 1034 by title on second reading.

Ordinance No. 1034 was approved on first reading on September 15, 2010. This ordinance incorporates the offer of members of the General Employees Pension Plan to assist the City in dealing with the ever-increasing cost of the pension plan during challenging financial times. It will reduce the accrual rate from 3% to 2% for three years (October 1, 2010, through September 30, 2013) and save the City over \$100,000.

The Impact Statement prepared by Charles T. Carr, A.S.A, Consulting Actuary, indicates that the savings to the City will be \$35,650 for FY 10/11.

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

ACTION: Councilman Chase MOVED, SECOND Councilman Higginson, to adopt Ordinance no. 1034 on second reading. VOTE: ALL AYES. MOTION CARRIED.

Council expressed appreciation to Kerry Stoms and Allen Potter, employee representatives to the General Employees Pension Plan Board of Trustees, and to all members of the Plan for being part of the solution.

REPORT ON PLANNING AND ZONING ADVISORY BOARD'S REVIEW OF ISSUES AT THEIR SEPTEMBER 20 MEETING:

Building Official John Stone reported that the Planning and Zoning Advisory Board (PZAB) reviewed the following three items on September 20, 2010.

STOPPING, STANDING OR PARKING PROHIBITED IN CERTAIN AREAS OR SPACES; SECTION 34-32(a)(1)(b)

Building Official John Stone reported that State Statutes and City Codes prohibit parking across a sidewalk. However, there are about eight houses that were built on corner lots at a time when the side setbacks were eight to ten feet. As a result of smaller setbacks and the addition of sidewalks after neighborhoods were established, it is difficult to park in those driveways without crossing the sidewalk. Also, residents in those locations are limited to where they can park on the street because of the visibility triangle setbacks.

For transparency, City Manager Crotty stated that the example at 225 Cherry Circle is his home.

PZAB recommended adding a grandfather clause for the properties that were in compliance with the City Code when they were constructed.

Police Lt. Berrios stated that the Police Department has talked with the residents and six of them have been able comply. The two that remain have very short driveways and cannot park in the driveway without being across the sidewalk. The Police Department has not taken any action against those two because it would likely be thrown out of court since there is no place for them to park. The Police Department has no authority to tell them what they can store in the garage.

Council discussed the following:

- Homeowners/residents have property rights.
- People have the right to walk down the sidewalk without going into the street.
- People need to be able to park in their driveway to wash their cars.
- The Police Department's interpretation – residents must keep the sidewalk clear if there is another place to park the cars and the one or two locations where there is no place else to park are the exception to the rule – makes sense and has been working.
- This is a complaint from one individual.

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

- David R. Schechter, 635 Seville Court, stated that to be "green" you should wash your car on the grass.

Council asked staff to contact the new tenant at 675 Caribbean, asking them to keep the sidewalk clear.

PLACEMENT OF GREEN CARTS (WASTE CANS), SECTION 30-611(b)(1)

In response to complaints from one citizen, the issue of placement of green carts was taken to PZAB to see if a Code amendment is warranted. PZAB recommended stronger enforcement of the current City Code instead of changing the Code.

The Code Enforcement Officer surveyed about three-fourths of the City on Wednesday and handed out 75 copies of the Code at locations where the carts were still out. Mr. Stone stated that he received six complaints about the enforcement.

City Manager Crotty reported that on Saturday and Sunday he observed about 300 cans at the curb waiting for Monday yard trash pick up.

Council discussed the following:

- The green carts should not be placed on a storm drain.
- Enforcement is important.
- The Code Enforcement Officer works part-time; the time he can devote to green carts is limited because of the number of other issues that have to be addressed.

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

- Dominick Montanaro, 465 Glenwood Avenue, suggested that this be addressed when Council workshops all code enforcement issues.

NEW SECTION FOR SUPPLEMENTAL COMMERCIAL OFF-SITE PARKING PROVISIONS

Building Official John Stone stated that the shallow depth of commercial properties make it hard for a successful business to have adequate parking on site. Staff has been working with La Rue Planning & Management Services to determine the feasibility of off site parking under certain conditions. PZAB reviewed the July 6, 2010, report from La Rue Planning and recommended that Council establish both the temporary use and the special exception for commercial off-site parking and that both sections be brought back to PZAB for further evaluation.

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

- Dominick Montanaro, 465 Glenwood Avenue, stated that off-site parking agreements have worked in the past and they provide a way for viable businesses to continue to succeed.

This will go back to PZAB for further review. Timing is not critical because Cantina dos Amigos has worked out an agreement for parking at the former Dairy Queen property. Cantina dos Amigos carries liability insurance and has cleaned up code enforcement issues at the DQ property.

DISCUSSION ON COUNCIL PROCEDURES FOR REVIEW OF BLUE RIBBON FINANCIAL/BUDGET COMMITTEE FINAL REPORT

Council established an October 20, 2010, workshop at 5:30 p.m. meeting to determine how to proceed with the suggestions in the Blue Ribbon Financial/Budget Committee Final Report. Members of the Committee are encouraged to attend.

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

- John Fergus, 135 Maple Drive, stated that assessments have to have at least four weeks consecutive advertising before any action can be taken. He said that the fire assessment and road assessment could be considered at the same time. He also said time is important for the beach bonfire resolution because the season starts November 1.
- Dominick Montanaro, 465 Glenwood Avenue, said that assessments can be tied to specific projects such as roads, stormwater, fire, etc., and the millage rate can be reduced accordingly.

Councilman Chase requested staff to prepare comparisons of total taxes and assessments for a \$250,000 home in neighboring communities to show the TOTAL that residents are paying in each City. This will help in the exploration of what it means to reduce millage and increase assessment.

APPOINTMENTS TO BOARDS

City Clerk Barbara Montanaro presented the September 29, 2010, Board Report, stating that no action is needed at this meeting.

Ms. Montanaro also presented information about the Florida League of Cities Annual Legislative Conference in Orlando November 18-19. If Council Members wish to attend, it would be appropriate to authorize their attendance now so that reservations can be made while hotel rooms are still available.

ACTION: Councilman Chase MOVED, SECOND Councilman Higginson, to approve Council Members to attend the Florida League of Cities Annual Legislative Conference. VOTE: ALL AYES. MOTION CARRIED.

AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING

City Manager Crotty presented a list of items for the next Council meeting, including the report on legal costs for the Redfearn case.

Mayor Ferrante stated that Council usually cancels the second meeting in December because of the holidays. Since the second meeting is early this year, December 15, he suggested that Council hold both meetings in December and cancel the January 5, 2011, meeting.

ACTION: Councilman Higginson MOVED, SECOND Councilman Chase, to cancel the January 5, 2011, regular Council meeting. VOTE: ALL AYES. MOTION CARRIED.

**ADOPTION OF MINUTES: SEPTEMBER 15, 2010, REGULAR MEETING
 SEPTEMBER 22, 2010, SPECIAL MEETING
 SEPTEMBER 28, 2010, PUBLIC HEARING
 SEPTEMBER 28, 2010, SPECIAL MEETING
 SEPTEMBER 29, 2010, SPECIAL MEETING**

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

**DISCUSS/TAKE ACTION ON CONTRACT NEGOTIATIONS FOR POLICE CONTRACT 2010-2011
(FRATERNAL ORDER OF POLICE) CLOSED SESSION**

At 9:40 p.m., Mayor Ferrante asked staff and the public to leave the Council Chamber so that Council and the City Manager could conduct a closed session regarding contract negotiations for the Fraternal Order of Police contract.

After contract negotiation discussion, Mayor Ferrante invited staff and the public to return to Council Chamber for the close of the regular meeting of City Council.

Mayor Ferrante adjourned the meeting 10:05 p.m.

Barbara Montanaro
City Clerk