

**COUNCIL MEETING MINUTES  
NOVEMBER 3, 2010**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, November 3, 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, asking that those present remember members of the Armed Forces who are in harm's way, and then led the Pledge of Allegiance.

**CITIZEN RECOGNITION**

- **INTRODUCTION OF GUESTS**
- **CITIZEN COMMENTS**

- Steven Headley, 343 Lee Avenue, cited Section 106.113(2), FS, stating that it was not appropriate for a Councilman to express his opinions regarding Constitutional Amendment No. 4 in the *Beachcaster*, a publication paid for with public funds. He stated that only factual information, not opinions, could be included in such an article. He asked that Council address the breach of law.

Council asked the City Attorney to prepare a response.

**CITY COUNCIL COMMENTS**

**Councilman Chase** reported on liaison activities: He missed the Comprehensive Planning Advisory Board meeting because he was on vacation; and the Code Enforcement Board and Board of Adjustment meetings were cancelled. Councilman Chase presented an article from the newspaper about the award the Florida Redevelopment Association presented to Satellite Beach for "Best Creative Organizational Development and Funding" for the Hightower Beach Park renovation. He commended staff for their work on this project. Councilman Chase asked if anyone had followed up on the e-mail from Janet Steiner, 460 Kingston Road, and the comments by Phyllis Principe made at the last Council meeting.

City Manager Crotty and representatives from the Police and Building Departments met with Ms. Steiner to discuss parking in the driveway across the sidewalk. They are waiting to hear back from her. The Building Official contacted Ms. Principe to see if her comments about the appearance of the residential district are general or if specific locations need to be inspected.

**Councilman Rhodes** stated that he is looking forward to the Founder's Day Parade; he will wear the pink shirt presented by the Fire Department to recognize Breast Cancer Research. Councilman Rhodes expressed concern that Waste Management has failed to install recycling bins at the recreation facilities as promised. It is important to salvage the recyclables.

**Councilman Higginson** stated that the Transportation Planning Organization did not meet this month; so the South Beaches Coalition meeting has been cancelled.

**Vice-Mayor Fleis** stated that he was not able to attend the Community Redevelopment Agency Advisory Committee meeting due to a conflict.

**Mayor Ferrante** stated he is going to write a letter of congratulations to recently elected members of the local Florida Delegation and ask them for some financial relief for the taxes lost by removing 40% of our ocean front property from the tax roll. The Councilmen concurred with this idea.

**CITY ATTORNEY REPORT**

City Attorney James Beadle did not have anything to report.

**CITY MANAGER REPORT**

City Manager Michael Crotty reported that he received a communication from Mike McGarry, Brevard County Department of Natural Resources, stating that the General Reevaluation Report was sent to US Army Corps Headquarters in September. They anticipate completing Preconstruction Engineering and Design in 2011 and construction in late 2012 or 2013 if all goes well. He presented a letter from US Representative Bill Posey to the Assistant Secretary of the Army supporting funding the project.

Community Development Director Laura Canady reported that Lighting Science Group Corp is in negotiations with Hunt to locate their corporate headquarters at Pelican Coast. They would build a gold LEEDS building on a ten-acre parcel, a portion of the one hundred acre parcel that the Air Force does not need for housing. Both sides are doing due diligence. The Comprehensive Planning Advisory Board, the Planning and Zoning Advisory Board, and City Council will hold public hearings on the project.

**DISCUSS/TAKE ACTION ON GRANT AUTHORIZATION OF JUSTICE ASSISTANCE GRANT FROM FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR LAPTOP COMPUTERS**

The Florida Department of Law Enforcement has allocated \$2,543 from the Edward Byrne Memorial Justice Assistance Grant Program to Satellite Beach Police Department. The grant application is for these funds to be used for the purchase of at least three notebook computers.

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

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Higginson, to authorize Plain English to submit, on behalf of the City, a Florida JAG Direct grant application in the amount of \$2,543 to purchase at least three notebook computers for the Police Department, with a total project cost of \$2,543 and no local match. VOTE: ALL AYES. MOTION CARRIED.

**RESOLUTION NO. 906, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, APPROVING AND RECORDING THE STREET NAME OSBOURNE AVENUE IN PELICAN COAST PUD; AND PROVIDING AN EFFECTIVE DATE**

City Attorney Beadle read Resolution No. 906 by title.

Shane Arnold, Project Manager of Hunt Building Company, has requested and Brevard County E 9-1-1 Addressing has approved the name "Osbourne Avenue" for the unnamed private street in Pelican Coast.

Council discussed that the remainder of the streets in Pelican Coast have bird names; however, this is a private street and developers generally choose their own street names.

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

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to adopt Resolution No. 906. VOTE: ALL AYES. MOTION CARRIED.

**RESOLUTION NO. 905, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO DISASTER PREPAREDNESS; PROVIDING A COMMITMENT TO CONTINUE PARTICIPATION IN THE BREVARD PREPARES LOCAL MITIGATION STRATEGY PLAN; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION**

City Attorney Beadle read Resolution No. 905 by title.

Fire Chief Don Hughes stated that the Federal Emergency Management Agency (FEMA) and the State of Florida Department of Emergency Management require the Local Mitigation Strategy (LMS) Plan. The Brevard County LMS has been a ten-year project wherein all communities have presented their critical infrastructure issues for disaster readiness and the mitigation strategies proposed to correct or mitigate the issue. If funds become available for mitigation, FEMA will only approve projects that are part of the Local Mitigation Strategy.

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

**ACTION:** Councilman Chase MOVED, SECOND Councilman Higginson, to adopt Resolution No. 905. VOTE: ALL AYES. MOTION CARRIED.

**RESOLUTION NO. 901, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, REGARDING USER/APPLICATION FEE FOR RECREATIONAL FIRES ON THE BEACH; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION**

City Attorney Beadle read Resolution No. 901 by title.

Resolution No. 901 has been prepared based on discussion at the Council's workshop meeting to discuss the Blue Ribbon Financial/Budget Committee's Final Report. Discussion at the workshop favored establishing one fee for residents and a higher fee for non-residents. After legal review, it appears there are no State regulations regarding resident/non-resident fees. However, since a significant portion of beach fire permits are for beach areas adjacent to parks controlled by joint use agreements with Brevard County that require uniform fees for residents and non-residents, different fees could become a problem.

Chief Hughes stated that in order to accommodate individuals who have more than one beach fire per season Resolution No. 901 provides a \$15.00 fee for a one-time permit or a \$30.00 fee for the entire season.

Council discussed the following:

- There are thirteen pages of recommendations from the Blue Ribbon Committee; it might be good to review all the recommendations in detail and then present a total package of recommendations to be implemented.
- Satellite Beach and Cocoa Beach are the only two locations in Brevard County that allow campfires on the beach; Cocoa Beach charges \$25 for a permit.
- Satellite Beach does not charge for permits. The Fire Department issued approximately 360 permits last season. About 40% were issued to non-residents and the remainder to residents.
- This is a user fee, and the \$15/\$30 fee structure is fair.
- The proceeds should go into the General Fund.

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

- Rodney Smith, 265 South Robert Way, expressed concern that when this topic was considered previously there was an individual who spoke against it and he is not at this meeting. While Mr. Smith did not have a personal opinion on this, he suggested running an article in the *Beachcaster* to get public opinion.
- Patrick Gibbons, 469 Coach Road, stated that all ideas from the Blue Ribbon Committee should be considered before any are adopted. He also questioned who would enforce the permit fees, clean up, and fires without permits. He objected to Satellite Beach residents paying the same fee as non-residents.
- Dominick Montanaro, 465 Glenwood Avenue, stated that Council tasked the Blue Ribbon Committee to find revenue generating sources. Permit fees for campfires are only one of many ideas; there is a lot of information to consider. It will take a long time to review and prioritize all recommendations. This was discussed at length, and Council gave staff the go ahead to prepare the resolution at its October 20<sup>th</sup> meeting.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Higginson, to adopt Resolution No. 901. VOTE: THREE AYES (Fleis, Higginson, Chase); and TWO NAYS (Ferrante and Rhodes). MOTION CARRIED THREE TO TWO.

**ORDINANCE NO. 1037, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES SECTION 163.3177(3)(b)1; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE (SECOND READING)**

City Attorney Beadle read Ordinance No. 1037 by title on first reading and announced that members of the public who are interested in receiving notification directly from the Department of Community Affairs should sign in.

Ordinance No. 1037 provides the mandated annual updates to the Capital Improvements Element and School Capital Improvement Program. There have been no changes since first reading on October 20, 2010.

Mayor Ferrante opened the Public Hearing on Ordinance No. 1037 and asked for public comments. There were no comments.

**ACTION:** Councilman Higginson MOVED, SECOND Vice-Mayor Fleis, to adopt Ordinance No. 1037 on second reading. VOTE: ALL AYES. MOTION CARRIED.

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

Community Development Director Laura Canady presented an overview of the Façade Grant Program Budget for FY 2010/11 as follows:

Grant Funds Available for 2010/11	\$40,807
Amount needed to fund sign grants currently before Council:	17,500
Amount need for five remaining sign replacements	<u>25,000</u>
Estimated Deficit for sign replacement	\$ (1,693)

After funding all grants for replacement of non-conforming signs, there will not be money left to fund exterior renovations. Currently, there are three applications to be considered for a total of \$28,207. If these applications are funded, Ms. Canady recommended transferring funds from the Beach Access line item. Considering the time required for permitting, full design, costing, and bidding, it is unlikely that Beach Access projects will be ready for construction in this fiscal year.

**DISCUSS/TAKE ACTION ON FAÇADE GRANT APPLICATIONS FOR REPLACEMENT OF NON-CONFORMING SIGNS:**

Building Official John Stone presented façade grant applications for replacement of non-conforming signs at the following locations:

CVS Drug Store # 1318/Barbara Schaffer, 1596 Hwy A1A

Cost: \$ 21,297 (\$138 per square foot)

CRA Grant Award Request: 50/50 Match Amt: \$ 10,648.50 for new monument sign

Meets Sign Code and Architectural Review

**CRA Advisory Committee Review: Recommend for approval up to \$ 7,500 maximum.**

One member asked for the record to reflect that she has a preference that the entire request be approved by the CRA for funding as the CRA paid the maximum toward other national retailers.  
Staff Recommendation: Approval

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

- Dominick Montanaro, member of the CRA Advisory Committee, stated that he had recommended awarding only \$5,000 retrofit grant as they had done for many other businesses. The cost of the CVS sign is higher than others because they are under contract with a sign company and could not consider other bids for replacing the sign. CVS is being held hostage by their contractor but that does not mean the City has to bear that cost.

Council discussed the following:

- \$850 line item on the sign estimate for obtaining a permit that will cost approximately \$160.
- The applications waiting until the end have run the risk of the program running out of money; it may be necessary to reduce the amount awarded to the remaining applicants.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to approve a façade grant in the amount of \$7,500 to replace a non-conforming sign at CVS 1596 Highway A1A.  
**VOTE:** FOUR AYES (Rhodes, Chase, Higginson, Ferrante); ONE NAY (Fleis). **MOTION CARRIED FOUR TO ONE.**

Oceancrest Office Center/Robert & Barbara Guido, 1290 Hwy A1A

Cost: \$ 7,260 (\$100 per square foot)

CRA Grant Award Request: \$ 5000 to retrofit monument sign

Meets Sign Code and Architectural Review

**CRA Advisory Committee Review: Recommend for approval up to \$ 5,000 maximum**

Staff Recommendation: Approval

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

**ACTION:** Councilman Chase MOVED, SECOND Councilman Higginson, to approve a façade grant in the amount of \$5,000 to retrofit the sign at Oceancrest Office Center, 1290 Highway A1A. VOTE: ALL AYES. MOTION CARRIED.

Shell Gas Station/Reb Oil, Inc, 1202 Hwy A1A

Cost: \$ 5,155 (\$58 per square foot)

CRA Grant Award Request: \$ 5000 to retrofit monument sign

Meets Sign Code and Architectural Review

**CRA Advisory Committee Review: Recommend for approval up to \$ 5,000 maximum, subject to owner removing trees that are growing in gutters on canopy.**

Staff Recommendation: Approval with contingencies as outlined by CRA AC, citing poor appearance and lack of upkeep of the property.

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

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to approve a façade grant in the amount of \$5,000 to retrofit the sign at Shell Gas Station, 1202 Highway A1A, subject to removal of trees growing in the gutters. VOTE: ALL AYES. MOTION CARRIED.

KFC Restaurant/Union Fidelity Life Ins Co, 1150 Hwy A1A

Cost: \$ 3,550 (\$53.70 per square foot)

CRA Grant Award Request: \$ 3,550 to retrofit monument sign

Meets Sign Code and Architectural Review

**CRA Advisory Committee Review: Recommend Denial, as business is closed and sign will have to be removed January 1, 2011.**

Staff Recommendation: Deny

Council discussed the following:

- The property is vacant, so there is no point to replacing the sign when a new tenant may remove the sign.
- A new sign case with “for sale or lease” or a blank face would improve the appearance of the property and might attract a new tenant.

When asked about legal ramifications of denying the application, City Attorney Beadle stated that the CRA has the right to determine how the funds are distributed. This application has come in at the end of the program, and there was no guarantee that funds would be available.

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

- Dominick Montanaro, member of CRA AC, stated that the Committee looked at the limited resources and decided it was not a wise use of the funds to replace this sign at a vacant building that might eventually be leased to someone who would take the sign down.
- David Omler, 125 Ellwood Avenue, stated that it would be better to use the money for a local businessman.

**ACTION:** Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to deny the façade grant application for 1150 Highway A1A. (A vote of “aye” means that funds will not be awarded) VOTE: ALL AYES. MOTION CARRIED.

V-Systems/Kenneth Vilardebo, 1670 Hwy A1A - REDESIGN

Cost: \$ 5,060 (\$63.25 per square foot)

CRA Grant Award Request: \$ 5,000 Funds already reserved to retrofit monument sign

Meets Sign Code and Architectural Review

**CRA Advisory Committee: Prior approval, redesign changes and cost decrease only.**

Staff Recommendation: Approval

Building Official Stone stated that application was sent back to the original sign contractor to redesign at a cost lower than their original \$168 per square foot; they could not. Another contractor came back with a cost of \$63 per square foot for a better product - a reinforced foot and new top, sides, and stonework to tie in with the building.

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

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Higginson, to approve a façade grant in the amount of \$5,000 to retrofit the sign at V-Systems, 1670 Highway A1A. VOTE: ALL AYES. MOTION CARRIED.

Island Cleaners/Lawrence Mula, 1395 S. Patrick Dr - REDESIGN

Cost: \$ 4,734 (\$92.37 per square foot)

CRA Grant Award Request: \$ 4,734\* Funds already reserved to retrofit monument sign

Meets Sign Code and Architectural Review

**CRA Advisory Committee: Recommends Approval 10/28/10**

Staff Recommendation: Approval

This request was sent back to the CRA AC for review because substantial changes were made from the original application. On October 28, the CRA AC approved a façade grant in the amount of \$4,734 for this freestanding monument sign retrofit.

Community Development Director Canady read into the record correspondence from Martha L. Kirby in opposition to awarding grant money to a business that is for sale.

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

- Dominick Montanaro, 465 Glenwood Avenue, stated the CRA AC recognized that Island Cleaners had been a legitimate business in the City for a long time. Although the property is currently for sale, the dry cleaners could be there for years to come. Or a new owner may completely redevelop the property and move the sign to another location on the property.

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to approve the façade grant in the amount of \$4,734 for a sign retrofit at Island Cleaners, 1395 South Patrick Drive. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON FAÇADE GRANT APPLICATIONS FOR EXTERIOR FAÇADE RENOVATIONS:**

Wireless Systems Engineering/Chris Hall, 100 Scorpion Ct

Cost: \$ 21,888

CRA Grant Award Request: 50/50 match = \$ 10,944

Summary of Improvements: In preparation for their new banking tenant, Kennedy Space Center Credit Union, the building will receive complete basic exterior treatments including exterior prep & paint, seal coat & stripe of parking lot, and landscaping. Site has existing irrigation.

Meets code and Architectural Review

**CRA Advisory Committee Review: Recommend approval, subject to Beautification Board approval 11/5/10.**

Staff Recommendation: Approval subject to Beautification Board approval 11/5/10.

Community Development Director Canady presented the request for a matching grant for exterior renovation of 100 Scorpion Court. Kennedy Space Coast Credit Union has signed a long-term lease for this property (former Bank of America building). Total cost of the renovation is \$21,888 with a match of \$10,944.

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

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Higginson, to approve a 50/50 matching façade grant in the amount of \$10,944 to Wireless Systems Engineering for exterior renovations at 100 Scorpion Court. VOTE: ALL AYES. MOTION CARRIED.

Space Coast Marine Center/Charles Schneller, 1180 S. Patrick Drive

Cost: \$ 14,525

CRA Grant Award Request: 50/50 match = \$ 7,262.50

Summary of Improvements: In preparation for a new tenant Vintage Emporium, the building will receive complete basic exterior treatments including exterior prep & faux finish paint treatment to resemble an old-time emporium, seal coat & stripe of parking lot, and landscaping. Applicant proposes to temporarily irrigate site until plantings are established, in a manner acceptable to Beautification Board.

Meets Code and Architectural Review

**CRA Advisory Committee Review: Recommend Approval up to \$ 7,262.50, subject to Beautification Board approval landscape and irrigation plan on 11/5/10.**

Staff Recommendation: Approval subject to Beautification Board approval of landscape and irrigation plan on 11/5/10.

Community Development Director Canady presented the façade grant application for exterior renovations at 1180 South Patrick Drive, stating that the applicants plan to faux paint the building to resemble a vintage emporium. The picture submitted to the CRA AC showing the faux application was not clear and the CRA AC recommended that the applicants present a clear example of the faux treatment at the CRA meeting. The applicants were not present at the CRA meeting, but Ms. Canady presented a picture of a building at the corner of Highway A1A and Cinnamon Drive showing a similar faux finish. She also reported that the applicants would eliminate the faux finish if it presents a problem and just paint the building.

Council discussed the following:

- The emporium should operate the same as a retail store with all merchandise stored inside the building to avoid a flea market appearance.
- At this time the only signs are window signs and they will have to follow the Code for signs.

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

- Dominick Montanaro, 465 Glenwood Avenue, stated that paint in place of a faux finish would reduce the cost and the grant should be reduced accordingly if they do not use the faux finish. A faux finish is what the CRA AC approved with the request that they present a better sample for the CRA to review.

**ACTION:** Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to return this application to the CRA AC for review at the November 18 meeting. VOTE: ALL AYES. MOTION CARRIED.

Norman Slabine, 164 Washington (Corner of Grant Ave and Washington)

Cost: \$ 13,454

CRA Grant Award Request: 50/50 match = \$ 6,727

Summary of Improvements: The residential triplex located within the CRA district and clearly visible from A1A and the new Grant Avenue beach access, will receive complete basic exterior treatments including exterior prep & paint, and landscaping. The grant will greatly enhance the appearance of this area of the district that currently has two vacant commercial and one rundown commercial properties adjacent to the property. In addition, several of the properties along SR A1A in the area are recipients of façade improvements or sign replacement grants that have already improved the appearance of this area of the district. This project will greatly enhance the appearance and marketability of the area. The site has existing irrigation that will be tested and repaired if needed prior to the new landscaping.

Meets code and Architectural Review

**CRA Advisory Committee Review: Recommend Denial of application for the following reasons – although in CRA and eligible for funding, residential properties have a lower priority for funding and have not been awarded façade grant funds to date; and applicant requests palm not on approved plant list for funding and requests substitution; and funding constraints this year.**

Staff Recommendation: Deny.

Community Development Director Canady presented the façade grant application for exterior renovations for a residential triplex at 164 Washington Street. This triplex is in the Redevelopment District and visible from Highway A1A and the Grant Avenue beach access. The palm trees listed are not on the approved list; however, the landscaper believes these palms to be sturdier than many on the list. Also, Public Works has asked to use this tree in the future.

Council discussed the following:

- Renovation of residential properties is a lower priority than the commercial district.
- The property owner has already received a façade grant for his commercial property.
- There are no funds in the budget at this time for this grant.
- The CRA AC has recommended denial.

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

- Dominick Montanaro, 465 Glenwood Avenue, stated that the vote of the CRA AC was unanimous not to award a grant for this residential property.
- David Omler, 129 Ellwood Avenue, stated that the property has been poorly maintained. What guarantee is there that it will be any better maintained after the grant?

**ACTION:** Councilman Chase MOVED, SECOND Councilman Rhodes, to deny the façade grant for exterior renovations at 164 Washington Street. (A vote of “aye” means that funds will not be awarded) VOTE: ALL AYES. MOTION CARRIED.

