

**COUNCIL MEETING  
MINUTES  
DECEMBER 21, 2011**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, December 21, 2011, at 6:00 p.m., in the Council Chamber. Those present were Mayor Joseph Ferrante, Councilman Gregg Billman, Councilwoman Sheryl Denan, Councilman William Higginson, Vice-Mayor Scott Rhodes, City Manager Michael P. Crotty, City Attorney James Beadle, and Deputy City Clerk Leonor Olexa.

Vice-Mayor Rhodes led a prayer to watch over and guide our Police Officers, Firefighters, staff, citizens, and asked for protection of our Troops in harm's way. He then led the Pledge of Allegiance.

**HONOR AMERICA, INC., RECOGNITION OF CORPORAL STEVE OWENS – 2011 POLICE OFFICER OF THE YEAR FOR THE STATE OF FLORIDA (GEORGE GELETKO, PRESIDENT)**

Mayor Ferrante welcomed George Geletko, President of Honor America, Inc.

Mr. Geletko introduced Stephanie Eley, First Vice-President of Honor America, Inc. He explained that Honor America was established to promote patriotism, show respect to our American flag, commemorate our veterans, and to remember the traditions and principles upon which our founding fathers established this great nation. Mr. Geletko stated that Corporal Steve Owens was unable to attend the official award ceremony and felt it appropriate to present him with the award in the city where he performed his outstanding service. He requested Police Chief Jeff Pearson to give a description of Corporal Steve Owens services to the city.

Chief Pearson stated that Corporal Owens was chosen for the Satellite Beach 2010 Officer of the Year award. Some of the attributes that stood out were that Corporal Owens communicates well with citizens; he has a high productivity level, great attitude on the job, and the most significant event that occurred on November 28, 2010. A 9-1-1 was placed by the grandmother where gun shots were heard and she was trying to leave the house with her infant granddaughter. The mother of the child had already been shot and killed. Corporal Owens and Officer Hoskins responded to the call. Officer Hoskins was positioned at the front of the house while Corporal Owens went to the back for the house while further shots were fired. He was forced to use deadly force to prevent further casualties. It is times like these that show the impacts of dedicated training. When a situation arises that requires all your training to come to the forefront and the best possible result occurs, it is then that you know that the training helped to overcome the situation at hand. Everything came out the best that it could.

Ms. Eley presented the 2011 Officer of the Year for the State of Florida and thanked Corporal Steve Owens for his service.

Corporal Owens thanked the City of Satellite Beach and Chief Cote for the opportunities provided to him; the training program is phenomenal. He stated that they were very fortunate to have the training that helped both Officer Hoskins and him through a very difficult situation. The event was very unfortunate, but turned out the best that it possibly could for the circumstances.

Mayor Ferrante stated that Corporal Owens is a credit to the police department, to Satellite Beach, and thank him on behalf of the City Council for a job well done.

**CITIZEN RECOGNITION**

• **INTRODUCTION OF GUESTS**

There were no introductions.

• **CITIZEN COMMENTS**

The following individuals addressed Council:

- Alan Dillon, 670 Kenwood Court, reminded the Council of their duties and responsibilities to oversee the City operations. A compliance audit needs to be done to show what the City has been

doing. An assessment of salaries needs to take place (according to size and population). There needs to be an investigation (whether internal or external) with the CRA funds being used. Don't want services to decrease, need police and fire. We need to prioritize what grants are actually needed.

- Brian Rodrigues, 689 South Hedgecock Square, reiterated that the Sunrise property that was purchased for \$750K more than what it was purchased for six months earlier is a glaring sign that there had to have been something wrong. We need to look at the properties that the City has purchased and look at why the properties were purchased. A former Councilmember was on the CRA Advisory Committee that implemented the eminent domain to purchase the Sunrise property.
- Don McLendon, 695 Fountain Boulevard, recommended that City Council and staff be provided a hard copy on Roberts Rules of Order, together with a training seminar on how to conduct an efficient meeting. He recommended having an agenda item for instituting Roberts Rules of Order and change city policy to not allow any city business emails forwarded to personal emails.

### **CITY COUNCIL COMMENTS**

Councilman Billman stated that he is heartened by what he reads in the emails he receives and the citizen's participation. He talked about a documentary on inefficient government and issues facing increases in cost of federal, state, and city government. He recommended those interested to do a word search online for "The Money Hole" to view this educational tool on You Tube.

Councilman Higginson stated that there were no activities to report within the past two weeks. He wished everyone a happy holiday and best wishes for the New Year.

Councilwoman Denan thanked Michelle and Lloyd French for providing refreshments at the swearing in ceremony. She attended the Space Coast League of Cities dinner. She also attended the Comprehensive Planning Advisory Board meeting. The Board is in the process of updating the Comprehensive Plan, which will direct the path that the City takes in the future and recommended the public to attend. There will be an agenda item at the next meeting on grant writing and the possibility of accepting grants on a percentage basis. She talked with Public Works Director Allen Potter about the child that got hit on Park Avenue and possibly putting a sidewalk in from Park Avenue to Avocado Street. Due to the cost and liability, the City will not be able to install a sidewalk at this location.

Vice-Mayor Rhodes stated that the Twilight Santa came by and was great. He was invited to the McLendon's home to see the Boat Parade which was really nice. He was grateful to the citizens for their recent input and willingness to volunteer their services to the City and to the community.

Mayor Ferrante stated that he attended the Council meeting in Hypoluxo; Pat Gibbons uncle was participating as Santa in the festivities and brought back a picture to show Mr. Gibbons. He also attended the Space Coast League of Cities dinner. Kevin McKeown who is studying Public Administration at the University of Central Florida received the Space Coast League of Cities \$2K scholarship.

Mayor Ferrante explained that a Council Liaison who attends a board/committee meeting will provide an update of what occurred at the next Council meeting. The Mayor provided a synopsis of the process for setting an agenda item and procedure/order to be followed according to Council Policies and Procedures as follows:

- An agenda item can be requested to be placed on a City Council agenda by the following: City Manager, City Council, or the public.
- Once an item is scheduled on the agenda, at the meeting the Mayor will state the agenda item and refer to the City Manager or City Council member who can provide background information.
- Council will discuss the topic and come up with a consensus.
- The Mayor will open discussion for citizen comments on the agenda item.

- The Mayor will close citizen comments and it will come back to Council for any further discussion, with a motion/second and finally for a vote.

Mayor Ferrante stated by following these procedures, coming prepared to speak on the issues at hand will create the best dialogue to produce quality results.

### **CITY ATTORNEY REPORT**

City Attorney Beadle had nothing to report.

### **CITY MANAGER REPORT**

#### ***Single Stream Recycling***

City Manager Crotty stated that back in June/July timeframe, the City implemented with Waste Management single stream recycling. Waste Management has reported that the participation rate and the volume of recycling collection have been extraordinarily high and they will come back in January to discuss this with City Council. The ordinance that established the single stream recycling provided for a review after six-months to explore the possibility of reducing garbage collection from twice a week to once a week, which would reduce the solid waste bill \$2.77 per month/per household, or an overall savings of \$33.24.

Mayor Ferrante asked whether this could be scheduled in February. *[City Manager will schedule this item in February.]*

#### ***Hightower Beach Park and Pelican Beach Park Transfer of Ownership to the City***

City Manager reported that the agreement with Brevard County and the State of Florida for transferring ownership of Hightower Beach Park and Pelican Beach Park to the City is in its final stage of preparation at the Brevard County attorney's office. They have indicated that this should be completed by the end of December. This will come back to City Council within the first quarter.

Mayor Ferrante stated that Commissioner Mary Bolin wanted to have a formal turnover signing either at one of the Brevard County Commissioners meetings or at one of the City Council meetings.

#### ***Recognition of Services Provided by Employees***

City Manager stated that he received an email recognizing the Fire Department for their ongoing service to a citizen with MS and conveyed her appreciation of their efforts to assist with her condition.

There was vandalism to a Christmas display belonging to a senior citizen on Jamaica Boulevard. A special thank you goes to Corporal Robert Mench who went over to take the report and was able to help restore the display.

The City also received notification from Robert Schmitz, NASA Protective Services, on the work of Sergeant Eric Fuller who assisted NASA with an investigation and noted his professionalism and excellence on report writing, which they now use as a textbook example of how to file reports.

### **A. DISCUSS/TAKE ACTION ON PROPOSED PILOT PROJECT FOR BEACH RENOURISHMENT – GREENBEACH TECHNOLOGIES**

City Manager Crotty reported that at the last Council meeting Tony and Linda Loizzo discussed the possibility of the City looking into the proposed PILOT project and requested that this item be placed on the agenda for further discussion.

Mr. Loizzo stated that he has no vested interest/financial ties in the company, is just doing this as a citizen, but does live on the beach. He highlighted the most important points to include: there is no cost to the City, this is an environmentally approved method, and a State Senator is willing to send a bill forward that will assist in the process. He recommended Council direct City Manager to send in a request to participate in the PILOT project.

Mrs. Loizzo stated that one of the reasons for doing this project is that our beaches are the most critically eroded beaches. The State, County, and City have spent a lot of money bringing in truckloads of sand to preserve our beaches; this is a product that can protect the environment at a nominal cost and at no cost to the City. If it works, this would be very productive for our City beaches.

Mr. Loizzo introduced Oscar Plotkin representative of GreenBeach Technologies to provide more detailed information.

Mr. Plotkin presented the following:

- GreenBeach has a plant protein compound that is biodegradable, is non-toxic, non-hazardous to the marine environment and is known for restoring the beach and dune system.
- Tests have been performed at the Loizzo's in Satellite Beach, Oman, France, New Jersey, and Germany, with remarkable results in all of those places.
- Senator Gwen Margolis stated she would like to have \$300K appropriated for this project to be tested on a critically eroded coastal line and has asked that the City request to take the lead to become the test case and to become the leader in ending coastal erosion in the State of Florida.

The Mayor asked for Council comments.

Council provided the following comments/questions:

- Questioned whether there is empirical data that proves 100% that this compound protein works. *[Mr. Plotkin indicated there is empirical data that works.]*
- Were the tests done by GreenBeach taken during the time of year where normal tide action builds up the sand on the beaches?
- He is in support of any technology that improves/protects our environment.
- The City has worked over 14 years to get beach renourishment in the Mid-Reach Area that has had proven results and questioned whether this PILOT project would impede on the beach renourishment process.
- Past experience with the Environmental Protection Agency (EPA) and the Army Corps of Engineers, the permitting process is extensive and would not be done quickly. *[Mr. Plotkin stated that project that was done at the Loizzo's beach did not require a permit due to being done at the high tide water mark. If the project would be done on the Satellite Beach area beaches, they would submit a permit to EPA and perhaps the Army Corps of Engineers.]*
- Questioned what impacts this project would have on the sea turtles. *[Mr. Plotkin stated the Loizzo's experienced sea turtles nesting in large amounts on their vegetation since protein was installed.]*
- Recommended the company carry a bond to cover the city in the event the company goes broke.
- Product seems almost too good to be true; but if it did work, it could help buffer plant growth.
- There was a question about the packet provided by Public Works Director Potter. *[Mr. Potter stated these were the recommendations that were provided back in 2008 but came to a stop. Our recommendation was to make sure that the permitting was done by the company, the project sponsor would be bonded and coordination would take place with DEP.]*
- *Does this product affect our local worm rock? [Mr. Plotkin stated tests have been done with the inland silverside fish and mirrored shrimp, which were able to live within the compound for the prescribed time.]*

Mayor Ferrante asked for background information on the GreenBeach Technologies.

Mr. Plotkin stated that in 2007 he invested a great deal of money into the some of the proprietary patents and trade secrets of the inventor of this compound; since then the compound had been greatly improved. He has spent the last four years doing toxicology studies of other beaches around the world. This product is bringing back beaches and fertilizing the far shore behind the beach and creating fresh water lens beneath the beach so that the flora and fauna can flourish.

City Manager Crotty stated as Public Works Director Potter reported in his recommendation to Council, the City is not staffed to deal with the beach issues and relies heavily on Brevard County through their natural resources. Brevard County Coordinator Mike McGarry is here and can provide input and answer any questions that Council many have.

Mr. McGarry provided a brief update to include the following:

- A similar project was discussed a few years ago.
- With the help of the Army Corps of Engineers, and Brevard County, the City is working on a beach renourishment project in the Mid-Reach Area. The same sand will be used from Canaveral Shores that is a very suitable sand source that matches our beaches.
- The general re-evaluation report by the Army Corps of Engineers was approved by headquarters to go out for final public comment in 30 days. The Assistant Secretary of the Army can, at his discretion approves the feasibility report and move the project forward. With the final design still needing to be completed, the projected timeline would be November 2014.
- With the current projected timeline, there may be an opportunity for a test of this product. The only potential issue would be if the State required monitoring the project without touching the beach for two-three years, and how would that impact the Mid-Reach Area project if they were ready to move the sand on the beach.
- The wildlife agencies have provided past comments on coastal permits that were submitted by Sand RX. Some of the concerns were dealing with the turtles. The wildlife agencies cannot speculate that this will not hurt the turtles and would likely ask for monitoring of content. Water content in sand is a major concern with turtles and nesting.
- He requested test results with the salinity and widening of the beach from the Oman study.
- He recommended performing a high quality test to avoid any speculation with measurements of the beach involved and also include a controlled beach next door.
- He stated that Brevard County is willing to assist the City in this process.

Two RFIs from the U.S. Department of the Interior are included in the packet which provides information on the sand compaction levels and the effects on habitat that live on the beach.

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

- Vic Brungart, 140 Park Avenue, stated he is an oceanography student at Harvard University under Professor George Buckley who specializes in sea turtles. Dr. Buckley could provide better data on sea turtles to shed light on the subject. He stated that his son-in-law is an attorney for the EPA and could provide some assistance in the permitting process. He believes that protein works and is sure that we could approve it. He also stated that he works for Ambac who provides municipal bonds and does not see a problem with getting a bond for this project.
- Don McLendon, 695 Fountain Boulevard, stated that this concept was exciting and this was a great presentation. Over 46 years ago, sandbag outflows were visible. Those sandbag outflows disappeared for decades and returned with the 2004 hurricanes. Satellite Beach has a unique worm rock which provides habitat for fish and he would hate to see sand bury the habitat that the worm rock supports. He had reservations on the unintended consequences and stated that the public is skeptical on genetically engineered products, but he thought that this was a good idea and was in support of this project.
- Rodney Smith, 265 South Robert Way, stated that we have been dealing with beach erosion the same way for his entire life. He stated that the beach erosion problem is not going away. He recommended the City obtain more information.
- Alan Dillon, 670 Kenwood Court, stated he was excited about the information, but questioned whether the City should take this task on. We have miles of oceanfront at the Space Center that is

not being used, restricted to the public and the Department of Interior has a wildlife refuge that could provide a better controlled area for this type of testing.

- Ron Jurgutis, 620 Ocean Street, stated the project sounds interesting, but had concern with the fact that the City has been waiting for years for the sand to come, fighting with the worm rock. If this could work out in concert with the beach renourishment project, then he was in agreement with it.
- Linda Loizzo stated that she is fearful that beach erosion could cause her house to go into the ocean. She would not want to jeopardize the beach renourishment project. She asked if both projects could be done in conjunction of one another. This could show that it is environmentally friendly.
- Tony Loizzo emphasized that the research indicates that it is a safe product. Even if it does not work, we are no worse off than where we are today, and there is no cost to the City. The problem with moving it up to Cape Canaveral is that the City will lose the opportunity to have this done for free. He stated that opportunities like this do not come knocking on the City's door every day.

Council had the following questions/comments:

- Who will take responsibility for the cost of monitoring of the sea turtle nests? *[Mr. Plotkin stated that part of the appropriation from the State of Florida would be to retain a University to monitor everything GreenBeach does. The purpose of our product is to return the beach to its natural state. We do not increase the volume of water beyond what it was in 1950.]*
- What will happen if the program has invasive results? *[Mr. Plotkin stated that they have not encountered this problem. Part of what sustains the bluffs and the dunes is the flora or fauna.]*
- Will the City's 14 years of hard work on beach renourishment and worm rock be put in jeopardy with this project? *[Mr. McGarry stated that he believes it could work in parallel. We don't know how far out the State would require monitoring of the beach after the project is complete to establish success/failure and you would still have to work the beach renourishment into the equation. If there is an emergency that would require immediate response to the dune structure this would make the project null and void.]*
- This project could potentially be successful which would reduce/eliminate the need for future beach renourishment; however, too many uncertainties at this time include State approval of the project, sea turtle nesting, and future beach renourishment.
- Once the beach renourishment has been completed, there is a three year maintenance guarantee. After which, the beach could be probed in 2017 with this protein compound. The City should not be involved with the permitting process.

City Manager inquired whether the City would be the applicant for DEP. *[Senator Margolis provided the bullet points that would enable her to get the money appropriated and to begin the permitting process.]*

The Council requested that the City Manager Crotty work in conjunction with Mr. McGarry to obtain more scientific data on as many of the projects that have been done around the world, allow enough time to review the material and bring it back before Council at a future meeting.

#### **B. DISCUSS/TAKE ACTION ON GRANT AUTHORIZATION FOR TMDL WATER QUALITY RESTORATION GRANTS FOR CASSIA PHASE III**

City Manager Crotty stated that this item was tabled at the December 7 meeting to allow the opportunity for Councilwoman Denan to meet with staff for further questions/discussion and go over the Stormwater Quality Master Plan. As a result of further discussion, there were some questions that came up and they are as follows:

- Is there a St. John's River Water Management permit for this project? *[Yes.]*
- Does the City currently have the funds to support the local required match? *[\$761,065 would be funded through the Section 319 grant, with City matching funds of \$388,143. There is currently*

*\$375K in Stormwater Reserve Funds for capital projects and we anticipate Brevard County supplying \$185K toward this project to complete the work. There are funds to cover this project.]*

- Council asked if this project is time sensitive. *[Staff has worked with DEP and they have indicated that they were receptive to the extension. Once the City begins the bidding process DEP will be willing to grant the extension.]*

Mr. Potter will provide information/review on the Stormwater Quality Master Plan at a future Council workshop, possibly in February.

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

**ACTION:** Councilman Higginson MOVED, SECOND Vice-Mayor Rhodes, to authorize Plain English to submit, on behalf of the City, a TMDL Water Quality Restoration Grant application in the amount of \$1,522,130 to provide matching funds for the Phase III Cassia Drainage Basin Treatment Project, with a total project cost of \$1,522,130; Section 319 grant funds of \$761,065; TMDL grant funds of \$372,922; and City match of \$388,143 to come from the stormwater utility fund. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON PROPOSAL ON RE-ESTABLISHING THE CITY NEWSLETTER (BEACHCASTER)**

City Manager stated that this is a citizen driven initiative; Carol Robitschek has taken the lead and has provided a proposal for re-establishing the City newsletter. This was not included in the budget for the funding of FY 11/12.

Council had the following comments:

- Look at options to get City information out to the citizens at a reduced cost and avenues to provide the information at certain locations and on the City's website.
- Great example of citizen input, doing something in a different way that can be done efficiently.
- Grant writers have offered to provide their services for the newsletter at no cost to the City.
- Cautioned on the types of ads accepted and questioned whether that would imply City's acceptance of services by those ads. Recommended only accepting ads from Satellite Beach businesses and/or residents.
- Patrick Air Force Base publishes an outside newspaper with paid ads. A disclaimer is included that states they do not indorse what is printed.
- Questioned the liability if citizens distributing the newsletter. *[City Attorney Beadle will have to look into this, but stated anyone can sue anybody for anything. Whether or not the City can set up a protection or not is to be determined. The City will need to look into insurance coverage as well.]*

Carol Robitschek, 560 Teakwood Avenue, stated she wanted to get input from Council. She explained the diversity of the City's population and a lot of citizens have shown interested on this subject and recommended that Council approve a citizens' initiative for further discussion.

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

- Don McLendon, 695 Fountain Boulevard, he recommended having an insert in the community section of a local newspaper and stated that he liked the concept of having the ads help to pay for the publication. The disclaimer should cover any issues and he suggested that citizens receive a discount if they want to place an ad in the newsletter.
- Dania Billman, 690 Jackson Court, recommended letting the citizens group come up with all ideas and let the process take place to see where it leads.

Mayor Ferrante cautioned that the City is liable, and needs to do our due diligence. He also questioned where the money is going to come from.

Councilwoman Denan stated that at the last meeting there was discussion about duplication of the Recreation Brochure to each student and seeing if there was a way of eliminating the duplication per household. This could be a potential for cost savings that could be used for the newsletter publication.

City Manager Crotty stated that some schools give the Recreation Brochure to the oldest child, whereas other schools distribute according to the number of students. He further stated that the amount of information provided on the Recreation Department programs can be reduced.

**ACTION:** Councilman Billman MOVED, SECOND Vice-Mayor Rhodes, to approve a citizen's panel to revive the *Beachcaster* to be led by Carol Robitschek who will report back to Council with a workable plan by January 18<sup>th</sup> and to publish the *Beachcaster* no later than the end of the first quarter calendar year 2012.

Council had further discussion on the following:

- Do you want to include Carol Robitschek's name in the motion?
- Council would have to appoint someone to be responsible for the panel.

Councilman Billman stated he did not want to amend his motion.

VOTE: ALL AYES. MOTION CARRIED.

### **DISCUSS/TAKE ACTION ON PROPOSAL FOR CITIZENS' ADVISORY PANEL FOR EFFICIENT GOVERNMENT**

City Manager Crotty reported that at the direction from Council, the proposal was placed on the City's website, input was requested by citizens and received, and all information was either included in your packet or forward via email, along with a revised proposal submitted by Mr. French which has also been placed on the City website.

Councilman Billman stated he was thankful for the amount of coordination and information provided by all. He also thanked Chief Pearson for his letter, and Mr. French's diligence in trying to integrate the comments into the revised proposal. He recommended going over the revised proposal and making sure that certain sensitivities have been mitigated appropriately.

Council had the following comments:

- Have a panel that is Council appointed and established with citizens that provide the most input possible.
- Efficiency panel versus having a professional provide the study and timeline for completion.
- A consultant/professional can be used as a guide for the Efficiency panel.
- HIPAA and other exemptions to consider when reviewing documentation.
- Need to look at all of our options (experienced citizens willing to do the work versus professionals) that would have minimal cost to the citizens.
- A consultant can be strong armed by the panel as was the case with the CPAB meeting.
- Should not discount an efficiency expert to guide the panel.
- Need to make sure that members chosen do not have preconceived notions.
- Did Plain English write the Blue Ribbon Financial/Budget Committee report? [No.]
- Council should come up with what needs to be done, assign the panel who will write the charter.
- Past Councils have requested the City Manager to provide a draft of the charter for various committees to submit to Council for further discussion.
- It was suggested to have the City Manager formulate the proposal for this panel.

City Attorney Beadle stated there are some issues about Sunshine and public records laws. The writers of the proposal have indicated that they want this to be a fact finding panel; this creates inconsistencies. They talk about making recommendations, making merits and demerits on the potential product that they are going to be presenting that still need to be addressed. He stated that there needs to be a better understanding of why this document is driven by public records. Distinction between having meetings subject to the Sunshine Law and having public records open to disclosure do not follow the same path. A fact finding panel must follow the public records laws. The committee must be very clear on fact finding, Sunshine Law, and public records.

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

- Gardner Russell, 645 Cinnamon Court, stated he has many years of experience with consulting. He specializes in finding answers to issues that others cannot resolve. He stated that he would work toward the recommendations of the Council to assist with an efficiency report.
- Vic Brungart, 140 Park Avenue, stated that everyone has preconceived notions. He stated that the time for slow walking is over.
- Don McLendon, 695 Fountain Boulevard, stated he has watched inefficient discussion that has ended with nothing resolved. We are the citizens of the City and know what we would like the City to be. He stated that this is the most well thought out proposal that he has seen in quite some time.
- Alan Dillon, 670 Kenwood Court, stated that the Chair needs to call the question; we have had too much discussion without any decisions being made. We need an efficiency study.
- Marge Green, 499 Sheridan Avenue, stated that we do not know whether this efficiency panel will work or not. She recommended moving forward with the efficiency panel and request that they provide information by mid February. If the panel cannot achieve what is requested, then the City can call on a professional to do the work.
- Dania Billman, 690 Jackson Court, stated that this proposal is a framework, which can be adjusted according to the legal requirements and recommendations of Council. The bidding process for the efficiency study would take some time and having results back by June is unrealistic. You need to work within the Sunshine Law and structure the panel accordingly.
- Lorraine Gott, 325 Trinidad Drive, stated she wanted to clarify the question about Plain English writing the Blue Ribbon Final Report. She explained that she wrote all the reports in the capacity as Chair of that Committee. She emphasized the need to clarify the intent of the document. Any charter given should first be approved by Council. The panel needs clear guidance and this document does not give clear direction as currently written.
- Ron Ecker, 235 Maple Drive, asked if a member of the efficiency panel had to be a citizen of the City. *[City Manager Crotty stated that it depends on how Council structures this panel. There have been committees that did not require you to be a resident of the City but they had to meet certain requirements to serve.]* Mr. Ecker stated that they should be required to be a registered voting citizen of the City.
- Lloyd French, 240 Colonial Court, stated that the authors came up with ideas with no specific department. The efficiency panel does not need to get into privileged information, but rather to look at established procedures. In order to determine whether it is necessary to have an efficiency study or not, you need to have a baseline of what the existing services/processes are or lack thereof. Efficiency studies look at finding shortcuts and getting the job done more quickly, which equates to cost savings.

- Andrew Groome, 400 Roosevelt Avenue, stated that the citizens want to make an educated vote for the FY 12/13 Budget. Citizens need to have an insight to be able to endorse or detract the decisions made on the Budgets that are being passed. If we understand what needs to be done, you will have an informed voter who will be willing to endorse the decisions being made by Council and staff. He recommended rewriting the proposal and making it what Council needs it to be.

Council had the following comments:

- Recommended using this proposal with modifications as Council and the City Attorney deem necessary.
- Council agreed that a seven member panel would provide good input, and it was suggested to have Council bring back names of citizens they would recommend to serve on the panel at the January 18 meeting.

**ACTION:** Councilman Billman MOVED, SECOND Councilwoman Denan to approve the Citizens' Advisory Panel pending final edits of the proposal by the City Attorney, City Manager, and City Council. VOTE: ALL AYES. MOTION CARRIED.

#### **DISCUSS/TAKE ACTION ON COMPLIANCE AUDIT OF CITY FINANCES**

City Manager Crotty reported that at the direction of Council at the December 7 meeting the City was to receive any input/suggestions from citizens. Dania Billman's suggestion was the only one received.

Council discussed the following:

- Recommended an examination to ensure City's finances and decision made in the past are evaluated to provide a stepping stone for where we are today and promote confidence to citizens for future decisions made by Council.
- Inquired about the professional cost and timeline of an examination, how the examination will be paid for and if a budget adjustment is necessary.
- Referenced a Brevard County auditor who could provide information.
- Potential \$30K savings if Council approves an Efficiency Panel, which could eliminate the need for the allotted budget for the Efficiency Study.
- Indicated the need for a CRA examination and questioned whether CRA funds could be used to pay for examination and/or the City could ask the Attorney General's Office to do a compliance audit of the CRA.
- Forensic examination versus compliance, forensic cost a lot of money which is looking for who ran away with the money. No one has run off with the money.
- Should the examination be of the CRA or the City's practices in general, and how much time/effort would be involved.

City Manager Crotty stated that if Council provides the direction where this examination should go, then we can take the necessary action to bring back options and proposals to Council. There have been a number of citizens over the past months that have alluded to fraud and illegal activities. The City encourages and strongly suggests that Council investigate those items.

Mayor Ferrante stated that Council will hold a workshop on the CRA. We need to establish if we want to have an examination and then provide direction.

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

- Ron Jurgutis, 620 Ocean Street, stated that there are differences between a compliance audit, financial audit, forensic audit, and an examination. He recommended having a professional come in to explain the process for each and give cost estimates. An examination would be the first step to take. Biggest thing that the examination would lead to is whether other statutes are being followed. He stated that this would be a tune up for the City.

- Vic Brungart, 140 Park Avenue, stated one of the things he would like to see is a testing of transactions and checking accounting controls. As far as the audit standpoint, he recommended doing 90% compliance with 10% forensic. There may be local firms that could do this type of audit, keep local money in the local area.
- Don McLendon, 695 Fountain Boulevard, stated that citizens are coming forward to express their concerns/ideas to build the city we all love and live in. He recommended a forensic audit, decide the scope, and the scope will decide the cost.
- Dania Billman, 690 Jackson Court, stated that an examination is where the professional looks at the statutes and highlights those areas that are not being followed or are of concern. She recommended going forward with an examination, then based off of the results of the examination, Council can decide particular areas to be addressed by an audit which will help keep the cost down. She recommended the City contact the companies directly.
- Alan Dillon, 670 Kenwood Court, expressed the need to have an audit. This would aid in helping the new Councilmembers and the citizens know what is going on with the taxpayer's money. An audit would also provide protection for the City Council and the city manager. He recommended getting someone out of this county to do the audit. He wanted reassurance that the best decisions are being made on behalf of the citizens and that the millage would not be raised.
- Lorraine Gott, 325 Trinidad Drive, stated she wanted to correct the statement that has been made. The grant writers have not been warned about anything by anyone. She commented on the impact of extra work for the efficiency study and audit will have on staff's ability to get day-to-day work done.
- Lloyd French, 240 Colonial Court, stated there appears to be a lot of questions whether or not we have done things right, then we need to re-establish a baseline and start forward. There is a bubble of work that will be required of staff, but this will help to level the playing field and will calm the citizens that are generally concerned about whether or not we are doing things right.

**ACTION:** Councilwoman Denan MOVED, SECOND Councilman Billman to direct city staff as appropriate to pursue information regarding a forensic audit or other applicable examination or audit including scope of services. VOTE: ALL AYES. MOTION CARRIED.

*Mayor Ferrante recessed the meeting at 8:55 p.m. for a ten minute break.*

**DISCUSS/TAKE ACTION ON CITY ATTORNEY CONTRACT TO INCLUDE REQUIREMENT FOR LEGAL COMPLIANCE FOR COUNCIL AGENDA ITEMS**

City Manager stated that Councilwoman Denan had requested this item to be added to the agenda.

Councilwoman Denan stated that per the City Attorney's contract, unless asked a question he typically does not provide input. Other municipalities have a sign off sheet for legal compliance for the city attorney to review and make any comments prior to signing off. This is a standard procedure.

City Attorney Beadle stated he is familiar with this concept and stated a lot of municipalities are similar to our City and then there are some that have a legal compliance check. He asked for direction from Council and how far they want him to go with the detailed review.

Councilwoman Denan stated that if the ordinances transferring CRA funds had been reviewed from a legal compliance standpoint the City may have not been put in this situation. This process can assist us along the way and protect the City.

Mayor Ferrante asked if City Attorney Beadle reviews the ordinances and resolutions. *[Mr. Beadle stated that he scans them. The city clerk would ask questions on the wording or subject matter which he would review and address.]*

Councilman Billman stated that he had concerns about City Attorney Beadle stating that he only renders a legal opinion when asked. This can put the City in a difficult situation.

Councilwoman Denan referred to the City Attorney's contract that states "He shall provide legal advice to Council during the meetings when practical. Otherwise, he shall research the problems after the meetings and report back his findings to the City Manager as soon as possible..." and she further stated that makes her as a Councilmember uncomfortable.

Councilman Billman stated he would request that City Attorney Beadle work as the City's protection always watching out for any issues that may arise and bring them to the City's attention.

Vice-Mayor Rhodes asked if all municipalities have the city attorney sit at the council meetings. *[Mr. Beadle stated as a general practice the city attorney attends the council meetings.]*

Council agreed that the City Attorney should review the ordinances and resolutions and provide comments, the City Attorney will interject at a meeting on any discussion that may lead to legal issues or are of concern, and Council would like to end issues of substance with City Attorney comments.

City Manager Crotty stated that at the request of Councilwoman Denan, an example of an agenda control/budget worksheet was provided for Council to review.

Council expressed the need to have this worksheet to provide a summary background, with comments from City Attorney, City Manager, and staff.

City Manager Crotty will incorporate those requested conditions and provide the form at the next meeting.

#### **DISCUSS/TAKE ACTION ON COUNCIL POLICIES AND PROCEDURES**

City Manager stated that this item was requested by Councilwoman Denan.

Councilwoman Denan wanted to make sure that this information was available in the packet to give Council and citizens the opportunity to read and understand the Council Policies and Procedures. She re-emphasized the need to have a secured deadline to get the agenda items and for the addendums to be out in a timely manner to allow sufficient time to review. She requested that the form be updated in Microsoft Word and provided online for Council.

City Manager explained that the Mayor and city manager have the authority to add items to the agenda of importance (i.e., follow up comments on the Efficiency Panel). The biggest concern over the last several months has been putting so many items on the agenda that there is not adequate time and information for thorough review and discussion

#### **DISCUSS/TAKE ACTION ON INSTITUTE FOR ELECTED MUNICIPAL OFFICIALS TRAINING (JANUARY 20-22, 2012; GAINESVILLE)**

Mayor Ferrante explained that this is an outstanding training opportunity for newly elected officials and asked if any of the new members were interested in attending.

Councilwoman Denan stated that she would prefer to attend the Palm Beach session which would be much closer.

Councilman Billman asked if the Florida League of Cities provides an equivalent online training program or is there an opportunity to purchase a CD or DVD.

They requested that the Deputy City Clerk inquire whether there was any online training or material (CD/DVD) that could be purchased and report back to Council with the information.

**DISCUSS/TAKE ACTION ON SCHEDULING FUTURE AGENDA ITEMS AND MEETING SCHEDULE**

City Manager Crotty stated that in his report there are 10 items to be scheduled at future Council meetings. He indicated that the Community Redevelopment Agency (CRA) is of critical importance and should be scheduled as soon as possible.

Council discussed the following:

- Council requested a workshop meeting for January 9, 2012, at 6:00 p.m., to discuss the CRA. The Mayor recommended that the CRA Advisory Committee members be invited to attend the meeting.
- Schedule a meeting with the Board/Committee Chairs at the February 1, 2012, Council meeting.
- The 10 items provided by the City Manager can be used as a check list.

**BUDGET ISSUES**

There was no discussion

**BOARD APPOINTMENTS/BOARD INTERVIEWS**

Due to the large number of applicants, Council will hold a workshop meeting on January 18, 2012, at 5:00 p.m.

**AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING**

Follow up items for the January 18 meeting will include: GreenBeach, report on the plan for *Beachcaster*, review of revisions from the Citizens' Advisory Panel for Efficient Government, and update on audit and services.

**ADOPTION OF MINUTES:           DECEMBER 7, 2011, REGULAR MEETING**

**ACTION:** Councilman Higginson MOVED, SECOND Vice-Mayor Rhodes to approve the minutes as presented. VOTE: ALL AYES. MOTION CARRIED.

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

Leonor Olexa, CMC  
Deputy City Clerk