

COUNCIL MINUTES JANUARY 20, 2009

Mayor Brimer convened a regular meeting of the City Council at 7:05 p.m. on Tuesday, January 20, 2009, in the Council Chamber. The following were present: Mayor Mark Brimer, Vice-Mayor Martha Kirby, Councilman Michael Chase, Councilman Jeffrey Fleis, Councilman Dominick Montanaro, City Manager Michael Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro.

Councilman Montanaro led a moment of silence and the Pledge of Allegiance.

CITIZEN COMMENTS

There were no citizen comments.

COUNCIL COMMENTS

Councilman Chase stated that he had received a copy of an e-mail about the use of golf carts on the interior streets of Satellite Beach and he had read in the newspaper that this may occur in other towns. He suggested that the author of the e-mail be given an opportunity to explore the possibility and define limitations. He expressed appreciation to the citizen proposing the idea.

City Manager Michael Crotty stated on first review, there are challenges to having golf carts on the streets with cars. However, he will follow up with Mr. Lawler to explore his suggestion.

Councilman Montanaro reported that he attended the Relay for Life breakfast and commended the active part that Satellite High School students have played in the Relay in past years. This year's Relay will begin at 1:00 p.m. March 27 and end the morning of the 28th. He congratulated Mayor Brimer in being sworn in as President of the Space Coast League of Cities.

Vice-Mayor Kirby stated that she has a team participating in the Relay for Life. She attended the Relay breakfast meeting for team captains. She was sworn in as a member of the Board of Directors of Space Coast League of Cities. She reported that she attended the Library Board meeting and they are facing budget cuts. She attended the services for former Mayor Bob Bolin and commented on the large turnout.

Mayor Brimer thanked Vice-Mayor Kirby for her efforts in coordinating services for Bob Bolin.

CITY ATTORNEY REPORT

City Attorney James Beadle did not have a report.

CITY MANAGER REPORT

City Manager Crotty reported that the U. S. Post Office will hold a public meeting on January 28 at noon at the David R. Schechter Community Center to provide information and to receive public input regarding the potential relocation to the former Kash n Karry building. The Post Office is considering a ten-year lease of approximately 8,000 square feet in this building.

Beach renourishment of the Mid-reach, including Satellite Beach is beginning. The County will use the Gemini property and Grant Avenue for staging areas. The project should take three to four weeks to complete.

DISCUSS/TAKE ACTION ON ENFORCEMENT ACTIONS REGARDING UNFINISHED ROOF ON RESIDENTIAL STRUCTURE ON POINSETTA DRIVE

City Attorney Beadle stated that Council has questioned at several meetings why the roof replacement at 605 Poinsetta Drive has not been completed. The owner had a permit to make alterations to the house and replace the roof. Work on the roof stopped before completion, leaving a portion of the roof with only the dry-in materials and no tile. The City started Code Enforcement proceedings in an attempt to get the stacks of loose tiles removed from the roof or secured to the roof. The owner produced numerous letters and filings stating that the City was harassing him. He alleged that his wife was dying and he needed to be with her; therefore he could not complete the roof. His recent letter indicates that he and his wife are now divorced.

So much time has lapsed that the original permit has expired. Staff notified the owner of the lapse and the owner agreed the permit is now void. Staff requested the owner to complete the repairs. The owner indicated on two occasions that he would pull a new permit to complete the roof. This has not happened.

The owner sent an application for a variance to the roof code. Staff returned the check and application because a variance cannot be granted for this section of the code.

His most recent correspondence states he does not plan to do anything. He is too old to complete the work himself and he does not have the money to pay a contractor to complete the work.

Attorney Beadle will look into the availability of a grant of some type of funding to pay for completing the roof. He suggested that Rob Perry, who has a good

rapport with the owner, contact the owner to see if he would be willing to have the roof work completed in this manner.

If this does not work, the City could file a law suit for a mandatory injunction, directing him to complete the roof within a certain timeframe.

Council discussed the following:

- Code Enforcement has escalated into a safety concern. The owner has been confrontational and harassing staff.
- There is also a safety issue for neighbors because the loose tiles can become missiles in a strong wind, causing damage to neighboring property or individuals.
- If money is a factor, he could put shingles for considerably less cost than a tile barrel roof.
- The roof has been in disrepair since the 2004 hurricanes.
- Does staff have documentation of all actions? Yes, staff has copies of all correspondence to and from the owner.

Mayor Brimer asked for public comments. The following individuals addressed Council:

- Laura Canady, Jackson Avenue, recommended that the public safety issues be addressed and remedied as soon as possible – definitely before the beginning of hurricane season.
- Bill Higginson, 1175 Highway A1A, stated that four years of dealing with one individual is a waste of tax payer money. He recommended doing whatever it takes to get the roof completed quickly and not allow this person to continue to waste staff time.

ACTION: By consensus, Council authorized the City Attorney and staff to explore all options available to require completion of the roof at 605 Poinsetta Drive, including filing a lawsuit against the property owner to achieve Code compliance. Council also suggested that the City Attorney contact other attorneys to see how similar situations have been handled.

STAFF REPORT ON CHARTER REVIEW

As a follow up to the discussion at the December 3, 2008, Council meeting about a potential Charter Review Committee, department heads reviewed the Charter and prepared reports. These reports have not been edited, approved, or

disapproved by the City Manager. They give some idea of potential changes/revisions from those who work closely with the Charter.

If it is Council's intent that the Charter be reviewed and amended in 2009, time is of the essence. It will take time to establish a committee; then the committee will need time to thoroughly review the Charter and make recommendations to Council.

Council and staff discussed the following:

- Ad hoc committees have worked well for the City in the past.
- Charter amendments have to be clear and concise – one issue/change per referendum question expressed in 75 words or less. The City Attorney would provide guidance on the wording.
- Members of the committee should be familiar with the City and have knowledge of how it operates. A list of past council members and board members would be a good place to start looking for Review Committee members.
- The committee would probably meet once a week for approximately ninety days and then provide a report to Council.

Mayor Brimer asked for public comments. There were no comments.

Council members will bring the name on one appointee and one additional name to consider to the next Council meeting. Staff will provide each Council member with a copy of the City Charter, the Charter for the proposed Charter Review ad hoc Committee, a current and two past Board Rosters, and a list of former mayors and Council members.

FINAL REPORT AND UPDATE ON SIDEWALK ENFORCEMENT ISSUES

The City has devoted over one-half million dollars to sidewalk improvements. In June 2008 Council adopted Ordinance No. 995, defining a sidewalk to include a portion of the sidewalk within the driveway. After that, there were articles in three of the last four editions of the Beachcaster informing the public of the change in enforcement. City Manager Crotty presented a sample warning ticket attached to the Beachcaster articles which could be placed on a vehicle illegally parked across the sidewalk.

Mayor Brimer asked for public comments. The following individual addressed Council:

- Bill Higginson, 1175 Highway A1A, stated that the City has spent a lot of money

adding sidewalks and the Communities for a Lifetime program desires to make it easier for seniors and kids on bikes or skates to get out and walk. A vehicle parked across the sidewalk forces people into the street. This is a challenge for someone with a walker. Give a warning and then enforce the Code.

Council discussed different methods of issuing warnings and dealing with blatant violators. Council confirmed their support of placing a warning ticket together with a copy of the Beachcaster articles on vehicles parked across the sidewalk. If the situation continues to exist, then the officers should give a ticket.

REPORT ON SCHEDULE OF CAPITAL PROJECTS FOR 2009

The City Manager outlined a report detailing the planned capital projects for 2009, including estimated cost, funding sources, and City financial commitment. (Copy attached)

City Manager Crotty reported that during budget hearings one resident questioned why the City continues with capital improvements during these financially challenging times. Again, at a recent meeting, another citizen recommended stopping a capital project. This is a legitimate suggestion for taxpayers to make.

In these difficult times, the City is ready to begin many capital improvement projects that have been in the planning and development stages for several fiscal years. Most of these projects are funded through joint partnerships, grants, and dedicated funds which can only be used for those purposes.

Council discussed the wisdom of using grants and joint partnerships, thus leveraging City funds. Often the City pays only twenty-five to fifty cents on the dollar.

In response to questions from Council, David King, City Engineer, gave an overview of the north drainage project which is being funded through grants and a joint partnership agreement with Brevard County and the Brevard County School Board. The undersized, dilapidated line will be replaced with 36 inch dual barrel sop pipe across the school board properties starting at the east side of Scorpion Court and running to the Grand Canal on the west side of South Patrick Drive. The one outfall will be split into two.

Mayor Brimer asked for public comments. There were no comments

APPOINTMENTS TO BOARDS

City Clerk Barbara Montanaro presented a list of board vacancies, reappointments, and applications for Council to consider.

Mayor Brimer asked for public comments prior to the vote on each appointment.

