

**COUNCIL MINUTES
JANUARY 20, 2010**

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, January 20, 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, City Manager Michael P. Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro. Councilman William Higginson was not able to attend.

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

Mayor Ferrante welcomed Scout Troop 309 and their leader Dave Kneessy.

**EXCHANGE OF INFORMATION WITH THE CITY'S VOLUNTEER BOARDS'/
COMMITTEES' CHAIRPERSONS (7:00 PM – 8:00 PM)**

The purpose of this agenda item was to provide each board representative an opportunity to give an update/status report on the board's activities and to discuss how communications and relations between boards/committees and the City Council can be enhanced.

The following Board representatives introduced themselves and reported as follows:

Leslie Castaldi, Board of Adjustment: The BOA does not have projects; they hear variance requests and conduct administrative reviews of the Building Official's interpretation of the Code. She asked about the proper way to get information back to Council when the Board has concerns. (Talk to Council Liaison, staff person supporting the Board, or the City Manager.)

Richard Ralph, Code Enforcement Board: The CEB is a quasi-judicial board that reviews code violation cases. He stated that the Board receives excellent support from the City Attorney, Code Enforcement Officer, staff, and Council Liaison.

David R. Schechter, Community Redevelopment Agency Advisory Committee: The CRA AC reviews Façade Grant Applications. Their largest project is planning for undergrounding utilities; this has been identified as the citizen's first priority for the Redevelopment District. They are also working on improvements to beach accesses; three were completed last year in coordination with the stormwater outfall projects.

Judith Kraemer, Beautification Board: The Beautification Board's big project is the plant sale the first week of May. They are looking for a project to use some of the money raised in the plant sales. They are especially interested in cleaning up and planting along the sidewalk in front of the school. Phil Kline from Public Works provides excellent information on Public Works landscaping projects.

Carol Late, Library Board: The Library Board does not have much power; Brevard County makes the decisions. Two-thirds of the budget has been cut and the Library has had to reduce hours and staff. The Library has statistics about how much usage the computers get and how many books and tapes are checked out each month.

Recreation Director Kerry Stoms, representing the Samsons Island Park Committee: They are finishing the ADA compliance plan started several years ago. They are planning more activities on the Island to encourage people to use the Island. They have established an "Adopt a Park Program." Since the ADA plan is almost complete, they are looking at goals and objectives for future years.

Lorraine Gott, Planning and Zoning Advisory Board: PZAB deals with issues brought by staff. They are currently reviewing the Land Development Regulations (LDRs) to eliminate the need for variances for free standing signs. They are also working on amendments to the LDRs implement the Comprehensive Plan amendments.

Marty Hindsley, Recreation Board: Mr. Hindsley expressed appreciation to the grant writers, who have had tremendous success in finding revenue to fund recreation projects. The Rec Board brought in individuals who use the facilities several years ago to determine recreational needs. They plan to do that again in the near future. He encouraged Council to visit the facilities and see all the activities that are available to the residents.

John Fergus, Comprehensive Planning Advisory Board: The CPAB members are the scouts and guides who are looking ahead five to fifteen years for opportunities or problems. They have just completed the ten-year Evaluation and Analysis Report. They are now looking at sea level rise issues; it has risen one inch every ten years for the last century – almost one foot in the past 100 years. He encouraged everyone to attend the presentation by representatives from the Environmental Protection Agency on this topic at the Library on Tuesday.

Harry Pawlak, General Employee Retirement Plan Board of Trustees and Police Officers and Firefighters Retirement Plan Board of Trustees: The function of both Retirement Plan Boards of Trustees is to keep the City's Plans in compliance with state and federal law. They maintain the actuarial and forecast funding for the Retirement Boards and give advanced warning when the funds are not earning enough to fund the Plan. In good years, the City does not have to make additional contributions; in bad years the Budget has to make up the difference to keep the Plan in compliance. These Boards have good support from the City Manager, Department Heads and the Council Liaison.

Mayor Ferrante stated that Council would like for Boards to help brainstorm ways to address FY 10/11 Budget issues. Based on estimates from the Property Appraiser, property assessments will be about ten percent lower than last year, creating a \$600,000 decrease in revenue from the same tax millage as last year. Decreases in revenue, together with costs of funding the pension plans, present real challenges for budget preparation. He asked each board chair to consider an agenda item, "How can the City run more efficiently at the present millage rate?"

Council discussed receiving ideas from all these Boards and then forming an ad hoc committee similar to the Charter Review Committee to work through budget issues for the coming year. Some obvious solutions to choose from are raise taxes, cut services, or develop the commercial district to its full potential. There may be many others that have not been considered and it would be the task of an ad hoc to explore the possibilities.

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

- Dominick Montanaro, 465 Glenwood Avenue, suggested that the letter that the City Manager sends to Board Chairs be e-mailed to the members so that they can come to the meeting prepared to discuss budget options.

Mayor Ferrante recessed the meeting at 7:58 p.m. and reconvened it at 8:05 p.m.

CITIZEN RECOGNITION:

INTRODUCTION OF GUESTS No one.

CITIZEN COMMENTS No one had signed up for citizen comments.

CITY COUNCIL COMMENTS

Councilman Rhodes – no comment.

Vice-Mayor Fleis reported that he has been appointed to the Florida League of Cities Florida Municipal Pension Trust Fund Board of Directors, stating this is a good way for the City to remain connected to this Board. He thanked City Manager Michael Crotty and Dominick Montanaro for their letters in support of his appointment.

Councilman Chase stated that the invitation Terry Locke of RBC Bank sent to Council Members was not solicitation. It was to entertain financial needs and establish a financial network for local businesses and to attract new businesses. He requested that there be an agenda item at a future meeting where Mr. Locke can present this concept.

Councilman Chase, who is hosting the first Home Town meeting on March 11, said he would prefer not to call it a Home Town meeting because that term is used a lot. He wants this to be a dialogue/discussion where citizens are comfortable expressing themselves freely. He presented his format for the meeting:

- Who Is Mike? He will introduce himself and his role.
- Your Opportunity in City Decisions – how it works?
- Goal-Setting for Satellite Beach – what we're thinking.

Staff will find out what facility is available that evening. The Pelican Beach Clubhouse was suggested as a good location. Council liked the title "Let's Talk One on One!"

Mayor Ferrante reported attending the Space Coast League of Cities Board meeting, the Samsons Island and Library Board meetings, the January 13 goals meeting, and teaching a class on civics to a seventh grade class at DeLaura. He expressed appreciation to the Police Department for the excellent tour of their facility.

CITY ATTORNEY REPORT City Attorney James Beadle did not have a report.

CITY MANAGER REPORT

City Manager Michael Crotty announced two meetings:

January 26, a day-long event about sea level rise, with tours during the day, a reception in the City Hall breezeway at 5:00 p.m., and a presentation by Department of Environmental Protection representatives at 7:00 p.m. at the Satellite Beach Library; and

January 27 at 6:00 p.m., a special Council meeting to award the bid for the Cassia Drainage Basin Phase I and II project and receive reports from the City Engineer on undergrounding utilities and the federal Total Maximum Daily Load (TMDL) regulations, including the potential financial impact these regulations will have on municipalities.

The City Manager reported that Council approved a paving project funded by the stimulus money and City money. Because the project went extremely well, approximately \$100,000 of those allocated funds is left over. The project included the eastbound lane of the 200 block of DeSoto Parkway and a portion of the semi-circle on Carissa Street east of Rosada Street.

Public Works Director Allen Potter stated that they selected the worst of the worst to include in the stimulus package. The areas the City Manager referred to are almost as bad and need to be repaired.

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

ACTION: Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to authorize paving the remaining portion of the semi-circle on Carissa Street east of Rosada Street and the eastbound lane of the 200 block of DeSoto Parkway. VOTE: ALL AYES. MOTION CARRIED.

PRESENTATION BY ELIGERE STRATEGIES (8:00 PM)

Mitch Needelman and Matt DuPree of Eligere Strategies presented a plan to try to diminish the impact of the "Taxpayers Bill of Rights" (TABOR) on the City. Although the bill has not been filed by either the House or the Senate, preparations to confront the issue need to begin now. Eligere proposed a three-phase approach: Persistence, Education, and Compromise. They recommended the following:

- Publicity regarding the bill should not use the name tax payers bill of rights (TABOR). The name is deceiving and makes it sound like everyone should love this bill. An alternate name could be Tallahassee's Community Elimination Act.
- The City partner with the Space Coast League of Cities and other regional city leagues.
- Calculate how last year's bill would have affected the City and how similar bills have impacted other communities across the nation.
- Meet with local delegation to discuss the realistic impact of such a bill. Eligere will brief Council members and arrange appointments.
- Publish Letters to the Editor and Guest Editorials written by citizens and businesses.
- Stay alert to changes in the bill and be ready to offer compromise language that will protect the City.

Eligere Strategies is also working on proposals to allow smaller municipalities to opt-out of the Comprehensive Plan Evaluation and Analysis Reports (EAR) that are so expensive and provide little benefit to areas that are close to build out. The City has no control over water supply or school locations; Melbourne supplies water and the Brevard County School Board controls the school system. However, the City had to include both in the EAR amendments, adding to the cost of the process.

Eligere hopes to introduce legislation this year to eliminate the requirement for expensive ads in local newspapers. They are proposing that public notice be through posting properties, e-mail, or Internet.

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

- Dominick Montanaro, 465 Glenwood Avenue, stated that he talked with Senator Haridopolos and several Representatives and is beginning to see some receptiveness. The Florida League of Cities and Eligere Strategies are working together on behalf of cities and it is a good partnership. Mr. Montanaro said that he will be in Tallahassee representing the Florida Swimming Pool Association the week of March 22-25; he volunteered to speak on behalf of the City as well.
- John Fergus, 135 Maple Street, agreed that citizens and businesses be included in talks with the legislature. Satellite Beach has intelligent, articulate individuals who can help lobby the Legislature. Mobilize and coach a dozen of those residents to talk with Legislators every time they are in Brevard.

Council expressed appreciation to Mr. Needelman and Mr. DuPree for the presentation.

DISCUSS/TAKE ACTION ON FORMER MAYOR UTECHT'S RECOGNITION

Last year, former Mayor David R. Schechter approached the City Council for the purpose of having the City honor former Mayor Pat Utecht's contributions to the City. Council agreed with former Mayor Schechter's suggestion, and requested that the cost to undertake this recognition be funded privately due to the City's financial condition.

Friends and family have donated \$2,095 for the recognition. In addition, the proposed wording for a plaque to be located at DeSoto Park has been prepared and reviewed by the Utecht family. The proposed inscription is as follows:

With Deep Gratitude to
Patrick J. Utecht
For DeSoto Park

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Among the first to foresee the benefit of DeSoto Park to our community, Pat tenaciously overcame opposition and led the residents and City Council of Satellite Beach to purchase this land and make his dream a reality. With the support of his beloved wife, Patty, and their seven children, Pat devoted many years to making Satellite Beach an ideal hometown. A leader not only in recreation opportunities for our children, Pat also guided our City in protecting our beaches, increasing beach access for the public, and enacting laws that prohibit dense land development in Satellite Beach.

~ ~ ~ ~ ~

Patrick J. Utecht
Devoted Family Man
Visionary
Undaunted Community Leader
Satellite Beach City Councilman 1973-1977 & 1985-1988
Satellite Beach Mayor 1977-1982
THANK YOU, PAT!

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

ACTION: Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to approve the inscription for the plaque to be placed on a boulder at DeSoto Park and to proceed with the dedication ceremony, with funding for the plaque and ceremony to be through private donations. VOTE: ALL AYES. MOTION CARRIED.

FOLLOW-UP FROM JANUARY 13 GOAL SETTING MEETING

City Manager Crotty presented a summary sheet of Council's goals/objectives/priorities for 2010 and beyond. He asked Council to prioritize these by giving each item a ranking from zero to three points, with three points being the most desirable. He requested that the rating sheets be returned by January 27 so that a final statement can be approved at the first meeting in February. If Council has any items to add, please submit them by noon on Friday, January 22.

ORDINANCE NO. 1026, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-507, CITY CODE, REGARDING NONCONFORMING SIGNS BY CREATING NEW SUBSECTION (e) PERMITTING EXISTING NONCONFORMING SIGNS TO BE RETROFITTED; PROVIDING GUIDELINES FOR AMENDMENT OF THE FAÇADE GRANT PROGRAM;

PROVIDING SUNSET DATE; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Attorney Beadle read Ordinance No. 1026 by title on first reading.

Building Official John Stone stated that Ordinance No. 1026 allows existing non-conforming pole signs to be replaced in the same footprint, it provides exemptions to setbacks, but the sign must meet all other code requirements. The intent is to facilitate the replacement of nonconforming signs with conforming monument signs without going through the variance process for setbacks.

Council expressed concern about changing the rules in the middle of the process; some businesses have already replaced their signs in a location that meets code or have gotten a variance to the setback requirements.

City Attorney Beadle stated that variances are supposed to be given for occasional events; but the sign setback issue has been ongoing. The large number of signs that need a variance has made this a policy issue, not something that should be sent to the Board of Adjustment for each individual case.

In response to questions about the number of signs, Community Development Director Laura Canady reported that there were 102 non-conforming signs. Fifty-four percent have been replaced by façade grants, owner initiative, or attrition. There are 47 non-conforming signs remaining.

Council again confirmed that they are not willing to extend the December 31, 2010, deadline; they want all non-conforming signs down by that date. This accommodation to setbacks, together with façade grants and any other funding the Community Redevelopment Agency may provide, make it relatively easy for businesses to comply. If the façade grant is amended to include a grant of \$5,000, without requiring matching funds from the business, to retrofit a sign, then the business pays nothing.

Building Official Stone stated the purpose is to give businesses three options:

1. The 50/50 match for a new monument sign;
2. A \$5,000, no match, grant to replace a non-conforming sign with a wall sign; or
3. A \$5,000, no match, grant to retrofit a non-conforming sign within its current footprint without going through the variance process.

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

- Lorraine Gott, Chair of PZAB, asked that the word “pole” be replaced with “freestanding” when referring to the non-conforming signs. She stated that the Board of Adjustment, by law, can grant a variance if the problem is unique to the property. When the BOA keeps having the same problem on a number of properties, it is not unique and needs to be addressed in the Code. If setbacks can be met, then they should be. Otherwise, this paragraph helps those who cannot meet them.

- John Fergus, 135 Maple Drive, stated that a large portion of a sign cost is the foundation. If people who are trying to retrofit an existing sign have to move it, the \$5,000 grant does not cover much of the cost. If this no match grant is to be an incentive to businesses to bring the pole signs down to monument signs, then they need to stay on the same foundation.
- Dominick Montanaro, 465 Glenwood Avenue, asked if there are existing pole signs that can be retrofitted on the same pedestal. (Yes, setbacks used to be five feet.) The purpose of this is to get businesses to voluntarily comply so they and the City do not have to go through the Code Enforcement process. Many of the commercial lots just don't accommodate a ten-foot setback.

In response to a question, City Attorney Beadle stated, if a business wants to apply for the 50/50 matching grant and a variance after this is passed, they could apply but it is unlikely the BOA could favorably consider such an application.

David R. Schechter, Chair of CRA AC stated that the language in the ordinance is not what came out of the meetings.

Building Official Stone confirmed that the language did change while wordsmithing.

City Attorney Beadle confirmed that, just as a variance runs with the land, this ordinance provides for the retrofitted sign provisions to run with the land.

ACTION: No action was taken at this meeting; Council will hold first reading again on February 3, 2010.

APPOINTMENTS TO BOARDS

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

Mayor Ferrante asked for public comments prior to the vote on each appointment. There were no comments.

ACTION: Councilman Chase MOVED, Councilman Rhodes, to appoint Rodney Smith to a two-year term as a regular member of the Community Redevelopment Agency Advisory Committee, said term ending January 1, 2012. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to appoint Sharon Reynolds-Mixon to a two-year term as an alternate member of the Library Board, said term ending January 20, 2012. VOTE: ALL AYES. MOTION CARRIED.

AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING

City Manager Crotty presented a list of items for the next meeting.

Mayor Ferrante asked that the City Manager send a letter to Board Chairs asking for them to submit suggestions for budget preparation.

**ADOPTION OF MINUTES: DECEMBER 30, 2009, SPECIAL MEETING
 JANUARY 6, 2010, REGULAR MEETING**

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

Mayor Ferrante adjourned the meeting at 9:49 p.m.

Barbara Montanaro, CMC
City Clerk