

**COUNCIL MINUTES
FEBRUARY 6, 2008**

Pursuant to Public Notice, Mayor Brimer convened a regular meeting of the City Council on Wednesday, February 6, 2008, at 7:26 p.m., in the Council Chamber. Those present were Mayor Mark Brimer, Vice-Mayor Joseph Ferrante, Councilwoman Martha Kirby, Councilman Dominick Montanaro, City Attorney James Beadle, City Manager Michael P. Crotty, and City Clerk Barbara Montanaro. Councilman Sal D'Amato was out of town.

Vice-Mayor Ferrante led a moment of silence followed by the Pledge of Allegiance.

CITIZEN COMMENTS

No citizens had signed up to make comments.

COUNCIL COMMENTS

Vice-Mayor Ferrante reported that the Friends of the Library held their book sale and, although they do not have their final numbers yet, they feel it is the biggest sale they have ever had.

Mayor Brimer stated that Amendment 1 regarding tax reform did pass and the City Manager is reviewing budget adjustments.

CITY ATTORNEY REPORT

City Attorney James Beadle did not have a report.

CITY MANAGER REPORT

Regarding tax reform, City Manager Crotty reported that the latest proposal from the Taxation and Budget Reform Commission is to cap municipal spending at the rate of inflation plus a percentage of population. There is also a contingent in South Florida supporting a tax rate of 1.35% of taxable value.

There may be a report to Council and an application for review regarding Sand Rx within the next two weeks. At the March 19 Council meeting, there will be a report from Brevard County regarding renourishment of the Mid-Reach.

ORDINANCE NO. 983, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SATELLITE BEACH CITY CODE SECTION 2-92 (COMPREHENSIVE PLANNING ADVISORY BOARD ORGANIZATION; MEMBERS); AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

Ordinance No. 983 reduces the maximum number of members on the Comprehensive Planning Advisory Board (CPAB) from twelve to ten and establishes two alternate positions. It is recommended that the last sentence of Section 2-92 regarding removal of board members be deleted as it is inconsistent with law.

On January 28, 2008, CPAB reviewed and recommended approval of Ordinance No. 983. There are currently twelve members of CPAB; the number will be reduced through attrition.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to read Ordinance No. 983 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 983 by title only on first reading, there being sufficient copies of all ordinances and resolutions available to the public. Mayor Brimer asked for public comments. The following individual addressed Council:

- Bill Higginson, Chair of CPAB, stated that it is important to have alternate members so that they can be familiar with proceedings and ready to step into a regular position whenever a vacancy occurs. It is easier to have a quorum with fewer members and alternates than it is with a larger board.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilman Montanaro, to approve Ordinance No. 983 on first reading. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON CODE ENFORCEMENT BOARD RECOMMENDATION ON REDUCTION OF LIEN ON PROPERTY LOCATED AT 789 SHELL STREET

On January 22, 2008, the Code Enforcement Board considered the request of Michelle McCloud, owner of 789 Shell Street, for a reduction of the fine and lien on her property. A fine for violation of the swimming pool maintenance code had accrued from June 27, 2006, until the pool was brought into compliance on December 15, 2007. The Code Enforcement Board ordered that the fine be reduced from \$54,912.87 to \$1,792.97, based on administrative fees and a reasonable cost of pool maintenance for that period. Because a lien has been filed, the City Council must approve any reduction.

Michelle McCloud stated that they put a fence around the pool. They did not have power at the site to run pool equipment; so they dumped chemicals into the pool periodically. She was not aware that there was a fine. As soon as a power pole was installed, she brought the pool into compliance.

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

- Bill Higginson, 1175 Highway A1A, questioned how the fine got so large without the property owner knowing.

The Building Official said that several notices about the fine and a notice of the lien had been mailed to the property owner.

City Manager Crotty pointed out that several of the large fines that had been reduced recently were on properties that had been devastated by the hurricanes and it was challenging for the owners to recover.

Councilwoman Kirby MOVED, SECOND Vice-Mayor Ferrante, to reduce the fine to \$1,792.97 and release the lien if the fine is paid within thirty days as ordered by the Code Enforcement Board. VOTE: ALL AYES. MOTION CARRIED.

Councilman Montanaro requested that the time of all staff members, the City attorney and Board attorney be included in the administrative fees considered when someone applies for a reduction of fine.

RESOLUTION NO. 855, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, ADOPTING A SOCIAL SECURITY NUMBER COLLECTION AND DISSEMINATION POLICY; CERTIFYING COMPLIANCE TO THE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE

Social Security numbers can be used as a tool to perpetuate fraud; therefore, Section 119.071(5), Florida Statutes, was enacted to establish policies for collecting and disseminating Social Security numbers. Resolution No. 855 adopts the Social Security Number Collection and Dissemination Policy for the City and provides for certifying compliance to the Governor and Florida Legislature no later than January 31 each year.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to read Resolution No. 855 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 855 by title and asked for public comments. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to adopt Resolution No. 855. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON PURSUING MEASURES TO BECOME A “GREEN LOCAL GOVERNMENT”

The Florida League of Cities (FLC) is encouraging all member cities to become a “Green Local Government.” City Manager Crotty presented an overview of the packet of information and resolution proposed by the FLC. The application fee to become a Green Local Government under the Florida Green Building Coalition is \$1,500.

The City already uses many of the concepts of Green Local Government in its everyday activities. Once the City commits to a program, they move forward to fully implement it. This program would require additional expenditures of resources and staff time.

Council delayed action on the Green Local Government initiative until there is a better understanding of the impact of tax reform for future years.

**DISCUSS/TAKE ACTION ON ATTENDANCE OF COUNCIL MEMBERS AT THE
FLORIDA LEAGUE OF CITIES LEGISLATIVE ACTION DAY MARCH 26, 2008**

Council discussed the benefits of meeting with the legislators during the FLC Legislative Action Day. Councilman Montanaro indicated that he will be there on behalf of the Florida Swimming Pool Association and there will be no cost to the City for his attendance. Councilwoman Kirby stated that she is riding up with the Mayor of Palm Shores and will stay only one night to reduce the cost to the City.

Council considered the value of having representation at the Governors Hurricane Conference, Florida Shores and Beaches Conference, and the Florida League of Cities Annual Conference, realizing that the budget limits the number of people who can attend each one. The tentative schedule would have Councilman D'Amato attend the Governors Hurricane Conference (with Councilwoman Kirby as the backup), Councilman Montanaro attend the Shores and Beaches Conference, and as many Council members as possible attend the FLC Annual Conference.

Mayor Brimer stated that he has been asked to make a presentation regarding Communities for a Lifetime and the Florida Council on Aging in August. This and the FLC Annual Conference would be his two travel priorities this year.

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

- Gabe Feindt, 470 Caribbean Drive, asked if the money is budgeted per individual or as a line item for Council. (Line item for Council.) He recommended that the money be allocated so that the important educational/networking events can be covered.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to authorize interested Council members to attend the Legislative Action Day in March and the Governors Hurricane Conference in May. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARDS

Council requested the City Clerk to set interviews for new board applicants at 6:45 on February 20.

AGENDA ITEMS FOR THE NEXT REGULAR COUNCIL MEETING

Council established the following two dates for meetings:

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February 13 – 6:00 p.m. – workshop with the Recreation Board and the Community Redevelopment Agency Advisory Committee to discuss the future of the Gemini property.

March 6 – 6:00 p.m. – workshop for financial planning

Councilman Montanaro stated that he will not be present for the February 20 meeting.

ADOPTION OF MINUTES: JANUARY 16, 2008

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

Mayor Brimer adjourned the meeting at 8:20 p.m.

Barbara Montanaro, CMC
City Clerk