

**COUNCIL MINUTES
FEBRUARY 20, 2008**

Pursuant to Public Notice, Mayor Brimer convened a regular meeting of the City Council on Wednesday, February 20, 2008, at 7:00 p.m., in the Council Chamber. Those present were Mayor Mark Brimer, Vice-Mayor Joseph Ferrante, Councilwoman Martha Kirby, Councilman Sal D'Amato, City Attorney James Beadle, City Manager Michael P. Crotty, and City Clerk Barbara Montanaro. Councilman Dominick Montanaro was out of town.

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

PRESENTATIONS:

PROCLAMATION DESIGNATING THE MONTH OF MARCH AS IRISH AMERICAN HERITAGE MONTH

Mayor Brimer presented a Proclamation recognizing the accomplishments and contributions of individuals of Irish descent to the history of America and designating the month of March as Irish American Heritage Month.

Mr. Patrick Keane, member of the Ancient Order of Hibernians, accepted the Proclamation on behalf of the local chapter and Ed Kelly, Chapter President. Mr. Keane thanked the Satellite Beach Police Department for their participation in the St. Patrick's Day Parade for the past five or six years. He also expressed his appreciation to the Police Department for the motorcade that helped celebrate the groundbreaking for a home for Purple Heart recipient Staff Sergeant Russ Marek, who was severely wounded in Iraq.

PRESENTATION OF AWARDS BY THE POLICE DEPARTMENT

Mayor Brimer and Police Chief Lionel Cote presented Telecommunications Officer of the Year award to Larry Melknonian, who has been a Satellite Beach Dispatcher off and on since 1984.

Mayor Brimer and Police Chief Cote presented the Hartmann Flagg Award to Patrol Cpl. Paul Sousa, commending him for dedicated efforts to remove from the roadways those individuals who are driving under the influence. This is the sixth year in a row that Cpl. Sousa has received this award, having made almost four hundred DUI arrests during that time.

Chief Cote stated Cpl. Sousa has done a superior job as patrol supervisor and has been involved in a number of outstanding efforts this year. Mayor Brimer presented Cpl. Sousa a plaque naming him Officer of the Year.

Chief Cote then presented a surprise award to Administrative Assistant Linda Harlow for twenty years of dedicated service to the City, stating that she has influenced the development of the Police Department by her integrity, honesty, and tenacity in handling difficult tasks. Ms. Harlow is respected by law enforcement agencies throughout Brevard County and is known as the “go to” person to get things done.

UPDATE ON BEACH ISSUES BY ERNIE BROWN, DIRECTOR BREVARD COUNTY DEPARTMENT OF NATURAL RESOURCES

City Manager Michael Crotty introduced Mike McGarry, Brevard County Natural Resources Management Office, to provide an update on beach renourishment. Mr. McGarry provided the following information:

- ◆ The Mid-Reach was not included in the full beach renourishment due to environmental concerns regarding the rocks. These rock formations are denser in the north end of the Mid-Reach (Satellite Beach) and only truck-haul fill was allowed in this area.
- ◆ Another truck-haul maintenance project is underway and the Mid-Reach will receive approximately 98,000 cubic yards of sand. The project will begin to the south and work north and should reach Satellite Beach by early March.
- ◆ The Mid-Reach is now considered a design-engineered beach and is eligible for federal help through FEMA in case of hurricane damage or other emergencies.
- ◆ Congress has authorized an expedited study for further renourishment in the Mid-Reach, with the Army Corps of Engineers taking the lead on the project and Brevard County taking the lead on permitting. This is a very expensive project costing approximately \$26 Million (one/half for mitigation and one/half for sand). The study should be complete in 2008. They will seek appropriations in two fiscal years, 09/10 and 10/11. Then in the summer of 2010, they will begin stockpiling sand at Canaveral Harbor and begin mitigation and placing sand on the beach in November 2010.

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

Mayor Brimer and Council expressed deep appreciation to Mr. McGarry for his ongoing efforts on behalf of the City. Mayor Brimer asked Mr. McGarry to provide the names of individuals who have been supportive and helpful in procuring sand for the Mid-Reach so that Council can send letters of appreciation.

DISCUSS/TAKE ACTION ON EXTENSION OF TIME FOR CARAVAN CONSTRUCTION AT OCEANSIDE COMMUNITY CHURCH, 305 CASSIA BOULEVARD

Building Official John Stone stated that the Alabama Campers on Mission, the group of volunteers who have been helping with the renovation of the Oceanside Community Church, have requested an extension of time to complete their work. Nine of the fifteen campers would like to stay an additional thirty days. There is no problem with continuation of the water and sewer hookups. The project has been well received in the community. It has also provided an emergency training forum for setting up emergency camps in the event there should be a disaster in the future.

Council concurred that the volunteers should stay to help complete the renovation.

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

- Dr. Rowland, Pastor of Oceanside Community Church, 305 Cassia Boulevard, expressed appreciation to John Stone and the Council for making it possible for the Campers on Mission to park their RVs at the church site. He introduced Bob White and Jay Carroll, who manage these projects.
- Robert White thanked Council for allowing them to set up at the Church. They have traveled all over the United States and Canada; parking is sometimes an issue. Mr. White expressed appreciation to staff, especially Building Official John Stone, for working with the Church and the volunteers to make this project possible.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to extend the time for the Campers on Missions to remain at the Church until April 20, 2008. VOTE: ALL AYES. MOTION CARRIED.

CITIZEN COMMENTS

No one had signed up to speak under citizen comments.

COUNCIL COMMENTS

Vice-Mayor Ferrante spoke against allowing the "Eyes Wide Open" event to take place in the Civic Center breezeway on March 15, stating that there is great potential for this event to create strained relationships with Patrick Air Force Base, CivMil, and the military families in the community. The Eyes Wide Open group has rented the breezeway to display the military boots of Floridians and Iraqis killed in Iraq. Vice-Mayor Ferrante expressed concern that the event could have a negative backlash and bring unfavorable state and national publicity to Satellite Beach. The event is too large for the breezeway and should have been scheduled someplace other than Satellite Beach.

Mayor Brimer announced that Little league Opening Day will be Saturday, March 8, at DeSoto Field. This will mark the merger of the Indian Harbour Beach and Satellite Beach Leagues.

CITY ATTORNEY REPORT

In response to the concerns raised by Vice-Mayor Ferrante, City Attorney Beadle stated that the City has not regulated events in the breezeway and cannot arbitrarily deny use of the space based on content. The courts evaluate how local government can regulate use of their property; these regulations must be based on forum, not speech or content.

Recreation Director Kerry Stoms stated individuals who reserve facilities are responsible for the building and surrounding grounds. The Police Department is aware that the display will be in the breezeway and will have officers available to handle any problems that may arise.

City Manager Crotty stated that the group has advertised the event as being held at Satellite Beach City Hall. This is erroneous; we do not allow City Hall to be used for outside activities. The advertisement does leave the impression that the City is associated with the event.

Council authorized the Mayor to write a letter to General Helms, explaining that the City does not sponsor or endorse this program. Also, signs are to be posted on the day of the event, stating that it is not affiliated with the City and the City does not sponsor or endorse it.

CITY MANAGER REPORT

City Manager Crotty stated that there will be a report in March on the experimental beach renourishment project in the south central Mid-Reach.

DISCUSS/TAKE ACTION ON AUDIT REPORT FOR FY 2006/2007 – HOYMAN, DOBSON AND COMPANY AND CITY MANAGER RESPONSE LETTER (8:00 P.M. TIME CERTAIN)

City Manager Crotty stated that the audit had been presented to Council Members and a copy had been placed at the Satellite Beach Library.

Deborah Bradley Goode of Hoyman, Dobson & Company presented an overview of the audit report for FY 2006/2007. Ms. Goode highlighted various Statements and Notes in the Financial Statements. The test for compliance with Florida laws and regulations and internal control revealed no items of significance in these areas.

Mayor Brimer opened the meeting for public comments. The following individual addressed Council:

- David R. Schechter, 635 Seville Court, congratulated staff on another good audit. He commented on the contradiction between the amounts that the State Finance Officer said a municipality should have in reserve funds and recent legislation that punishes cities for having too much money in reserve.

City Manager Crotty stated that there was a low fund balance in 2004. At that time, Council established a policy that 15% of additional revenue would be used to build the fund balance.

Finance Director Brenda Raver introduced her staff: Jackie Gloger, Staff Assistant; Ngan Pham, Payroll; Kay Nowak, Accounts Payable and Fixed Assets; Christine Fain, Assistant Finance Director.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to accept the Audit Report and the City Manager's response and forward it to the appropriate state agencies. VOTE: ALL AYES. MOTION CARRIED.

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

Ordinance No. 983 was approved on first reading on February 6. This ordinance amends the membership of the Comprehensive Planning Advisory Board by reducing the maximum membership from twelve to ten and establishes two alternate member positions.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to read Ordinance No. 983 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 983 by title only on second reading, there being sufficient copies of all ordinances and resolutions available to the public. Mayor Brimer asked for public comments; there were no comments.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilman D'Amato, to adopt Ordinance No. 983 on second reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 984, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE SATELLITE BEACH CITY CODE OF ORDINANCES SECTION 26-29 (CONDITIONS DECLARED TO BE NUISANCE); AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

Ordinance No. 984 expands the list of items or conditions that are nuisances under the City Code. It was developed by staff working with the City Attorney and recommended for approval based on recent experience with maintenance of properties, especially those that have ceased construction before completing the projects.

Other sections include enforcement procedures, including a fifteen-day notice and then the City can abate the nuisance and bill the property owner. A recent example was the

former dance club where Public Works employees cleaned up rubble and debris on overtime and the property owner has been billed \$2,200. If the bill is not paid within thirty days of receipt, then the City can place a lien on the property for the amount of the bill.

ACTION: Councilwoman Kirby MOVED, SECOND Vice-Mayor Ferrante, to read Ordinance No. 984 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 984 by title and asked for public comments. There were no comments.

ACTION: Councilman D'Amato MOVED, SECOND Councilwoman Kirby, to approve Ordinance No. 984 on first reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 985, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SATELLITE BEACH CITY CODE OF ORDINANCES SECTION 58-96(a) (SALE; DELINQUENCY; PENALTY FOR DOING BUSINESS WITHOUT LOCAL BUSINESS TAX RECEIPT) TO PROVIDE DIFFERENT SALE COMMENCEMENT DATE; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

Ordinance No. 985 amends Section 58-96(1) to change the date to begin the sale of local business tax receipts (formerly known as occupational licenses) from August 1 to July 1 to comply with changes the State Legislature made to Section 205.053(1), Florida Statutes.

ACTION: Councilwoman Kirby MOVED, SECOND Councilman D'Amato, to read Ordinance No. 985 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 985 by title only on first reading and asked for public comments. There were no comments.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilman D'Amato, to approve Ordinance No. 985 on first reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 986, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SATELLITE BEACH CITY CODE OF ORDINANCES BY CREATING SECTION 38-8 PROHIBITING SEED HARVESTING; RENUMBERING EXISTING SECTION 38-8; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

Ordinance No. 986 was prepared based on ongoing issues regarding the harvesting of seeds from City dunes, beaches and medians. It prohibits harvesting seeds from public areas except for areas traditionally referred to as "tree lawns" (area between the

sidewalk and curb) when the seeds are harvested or removed by the owners or tenants of the property.

ACTION: Councilman D'Amato MOVED, SECOND Vice-Mayor Ferrante, to read Ordinance No. 986 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 986 by title only and asked for public comments. There were no comments.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to approve Ordinance No. 986 on first reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 987, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SATELLITE BEACH CITY CODE OF ORDINANCES ARTICLE III BOARDS, COMMITTEES, AND COMMISSIONS, DIVISION 1 GENERALLY, BY CREATING SECTION 2-77 QUALIFICATIONS OF PERSONS TO BE APPOINTED TO ANY MUNICIPAL BOARD, AUTHORITY OR COMMITTEE; SECTION 2-78 VACANCIES, APPOINTMENT OF MEMBERS; SECTION 2-79 BOARD MEMBERS, SUSPENSION, REMOVAL; SECTION 2-80 BOARD MEMBER ATTENDANCE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

The City Clerk requested that Ordinance No. 987 be removed from consideration at this meeting to allow time for more extensive review of the ordinance and other provisions in the existing City Code.

RESOLUTION NO. 856, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, URGING BRIGHT HOUSE NETWORKS CABLE COMPANY TO MOVE THE GOVERNMENT CHANNELS FROM 199 TO 99 AND FROM 198 TO 9 AND TO MAKE ACCESS TO THOSE CHANNELS FREE OF CHARGE TO BREVARD COUNTY RESIDENTS; AND PROVIDING FOR AN EFFECTIVE DATE

Resolution No. 856 urges Bright House Networks to move Space Coast Government Television and the Brevard County Public School Channels back to basic cable, eliminating the need for those with only basic cable to lease a cable box at a cost of \$1.00 per month. The Space Coast League of Cities Board of Directors unanimously recommended this resolution.

ACTION: Councilwoman Kirby MOVED, SECOND Vice-Mayor Ferrante, to read Resolution No. 856 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 856 by title and asked for public comments. The following individual addressed Council:

- David R. Schechter, 635 Seville Court, recommended that the government channels be provided at no additional cost to the residents.

ACTION: Councilwoman Kirby MOVED, SECOND Vice-Mayor Ferrante, to adopt Resolution No. 856. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARDS

The City Clerk presented a report dated February 13, 2008, listing the Board applicants and vacancies. Mayor Brimer asked for public comments prior to each appointment. There were no comments.

ACTION: Councilwoman Kirby MOVED, SECOND Vice-Mayor Ferrante, to appoint Conrad Lawlor to a two-year term on the Community Redevelopment Agency Advisory Committee, term ending February 20, 2010. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilman D'Amato, to appoint Tom Willett to an alternate position on the Board of Adjustment, said term ending February 20, 2011. VOTE: ALL AYES. MOTION CARRIED.

AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING

Council did not add any items to the City Manager's list of items for the next meeting.

ADOPTION OF MINUTES: **FEBRUARY 6, 2008, SPECIAL MEETING**
 FEBRUARY 6, 2008, REGULAR MEETING
 FEBRUARY 13, 2008, WORKSHOP MEETING

Councilwoman Kirby asked that the minutes of the February 6, 2008, regular meeting be amended to show that Councilman D'Amato would attend the Governor's Hurricane Conference, with Councilwoman Kirby as the backup if he could not attend.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilman D'Amato, to approve the minutes as amended. VOTE: ALL AYES. MOTION CARRIED.

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

Barbara Montanaro, CMC
City Clerk