

COUNCIL MINUTES MARCH 3, 2010

Pursuant to Public Notice, Mayor Ferrante convened the regular meeting of the City Council on Wednesday, March 3, 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.

Councilman Chase led a moment of silence and Pledge of Allegiance.

RECOGNITION OF RECREATION DEPARTMENT VOLUNTEERS

Recreation Director Kerry Stoms introduced Bill Maier, Coordinator/Instructor for the community Senior Net Computer program. Mr. Maier approached the Recreation Department in 2007, asking to establish computer educational classes for adults and seniors. The beginning session had one instructor, five classes, and twenty-two students. Since that time, there have been fifty-three classes and 293 students. During the current term, there are seventeen classes and ninety-seven students.

Mayor Ferrante spoke of the volunteer network in Satellite Beach, the desire to keep Satellite Beach a "Community for a Lifetime," and noted that the number of volunteer hours in this program equate to \$30,000 in savings. He presented a certificate of appreciation and a City pin to the following individuals, commending them for the time, skill, and desire to help others learn:

- Bill Maier, Coordinator/Instructor
- Johnna Bohana, Instructor
- Svala Henriksen, Coach
- Jerry Okonski, Instructor
- Cecelia Okonski, Coach
- Beth Patterson, Instructor
- David Pryor, Coach/Instructor
- Angela Richards, Coach
- Albert Rollins, Instructor
- Jim Shipton, Instructor/Tech Support

Mr. Maier thanked Mayor Ferrante and Ms. Stoms for the recognition. He also expressed appreciation to Louise Stevenson and Adam Schultz for making the program possible.

CITIZEN RECOGNITION: INTRODUCTION OF GUESTS

Joe LaTorre, 315 Carissa Drive, stated that he teaches in the city; and Councilman Rhodes had invited him to attend.

CITIZEN COMMENTS

No citizens had signed up to speak.

CITY COUNCIL COMMENTS

Councilman Chase stated that he attended the Comprehensive Planning Advisory Board (CPAB) meeting under the leadership of the new Chair David Daleiden. The Board received an update on Government in the Sunshine, Public Records Law, Financial Disclosure requirements, voting requirements, and electronic meeting options (none available to municipal government, reserved for State agencies) from City Clerk Barbara Montanaro. City planning Consultant Jim LaRue spoke on the potential impact of Amendment 4 on future Comprehensive Plan amendments, which may require voter referendum. He introduced mobility fee maintenance tool which complements the gas tax to pay for improvements and promote compact mixed use development. The Board members are interviewing department heads in order to respond to Council's request for suggestions to address budget issues. The Sea Level Rise Sub-committee met after the regular Board meeting.

Councilman Chase also attended the Board of Adjustment meeting where one case involved the request for four variances required to rebuild a house on a small, oceanfront lot on Shell Street. He commended Chair Leslie Castaldi for her skill in handling the ninety-minute meeting involving the applicant, neighbors and an attorney.

The Code Enforcement Board has not met since he has been liaison.

Councilman Chase asked for guidance on responses to e-mail, including those that are sent to one person and the remainder of Council is copied. Mayor Ferrante suggested that correspondence dealing with day-to-day operations be answered by advising the sender that the information has been forwarded to the City Manager for response.

Councilman Chase stated that he is looking forward to the meeting with residents at the Pelican Beach Clubhouse at 5:30 p.m., on Thursday, March 11.

Councilman Rhodes commented on the eleven openings on boards and asked that an article be placed in the *Beachcaster* to encourage residents to participate in the boards.

He stated that he received an e-mail concerning beach renourishment and inviting him to post his comments on a local blog. He met with the citizen to discuss issues instead of posting on the blog.

Mayor Ferrante suggested using City Hall if meetings occur during the day. City Manager Crotty confirmed that he is available if a Council member wants him to participate in a meeting with a resident.

Vice-Mayor Fleis reported that he attended the Community Redevelopment Advisory

Committee (CRA AC) meeting. The Recreation Board did not meet.

CITY ATTORNEY REPORT

City Attorney James Beadle updated Council on pending litigation.

CITY MANAGER REPORT

City Manager Michael Crotty reported as follows:

- He will coordinate the South Beach Coalition meeting on March 4 where they will review the Transportation Planning Organization (TPO) Agenda for the March meeting. He suggested that a member of Council be appointed to serve as alternate member of the TPO to serve when Councilman Higginson was not available to attend.
- Members of Council are invited to attend the Employee luncheon on Thursday, March 24, at Pelican Beach Clubhouse.
- The Post Office opened in its new location on February 21. Staff has requested that the clumps of palms blocking visibility in the parking lot be trimmed. The school crossing guards are going to direct students to walk down the sidewalk on Jackson, instead of cutting through the Post Office parking lot.
- The traffic in front of the David R. Schechter Community Center has increased and drivers are exceeding the 5 mph speed limit. The City has received a number of complaints from pedestrians leaving and entering the Community Center. Public Works will install speed bumps and appropriate signage to encourage drivers to use one of the other entrances to the Post Office.
- Lifeguards will return to the beach on weekends and spring break. There will probably be two at Pelican Beach and one at either Hightower or Conova. These lifeguards are funded by Brevard County.
- The Mayor, Members of Council, the City Manager, and others received e-mail from resident Gregg Billman regarding city governance and the budget. The City Manager responded and made staff available to provide information on services provided.

Mayor Ferrante suggested that the next Beachcaster publish information about services and usage of facilities.

ORDINANCE NO. 1028, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-416 (C-COMMERCIAL DISTRICT) OF THE CITY CODE; DELETING SECTION 30-416(c)(13); CREATING A CONDITIONAL USE FOR MIXED USE IN THE COMMERCIAL ZONING DISTRICT NORTH OF PARK AVENUE, WEST OF HIGHWAY A1A, AND EAST OF SOUTH PATRICK DRIVE; AND PROVIDING AN EFFECTIVE

DATE (SECOND READING)

City Attorney Beadle read Ordinance No. 1028 by title only on second reading.

Ordinance No. 1028 will implement amendments made to the Comprehensive Plan (Ordinance No. 979, adopted April 1, 2009) by amending the Conditional Uses to include mixed use within the portion of the Commercial Zoning District north of Park Avenue, west of Highway A1A, and east of South Patrick Drive (Town Center), provided that the square footage of residential does not exceed the commercial square footage and limited to 200 residential-above-commercial units. This ordinance was approved on first reading on February 17, 2010.

As a follow up to questions raised on first reading, Community Development Director Laura Canady contacted planning consultant Jim LaRue regarding two floors of residential above commercial. It was his opinion that DCA would not object as long as the City did not try to add additional units. Ms. Canady confirmed that Ordinance No. 1028 needs to be adopted to ensure that the LDRs are consistent with the Comprehensive Plan. If the City receives a request for two floors of residential over commercial, that would be the time to consider amending the Comprehensive Plan and LDRs.

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

Dominick Montanaro, 465 Glenwood Avenue, encouraged Council to adopt Ordinance No. 1028 and recommended that staff and the CRA AC look at the possibility of adding two floors of residential over the commercial. This might help some of the smaller businesses stay in business by off-setting some of their costs.

ACTION: Councilman Chase MOVED, SECOND Vice-Mayor Fleis, to adopt Ordinance No. 1028 on second reading. VOTE: ALL AYES. MOTION CARRIED.

DISCUSSION ON ORDINANCE NO. 1027, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CREATING A NEW LIGHT COMMERCIAL ZONING DISTRICT; PROVIDING ALLOWABLE AND CONDITIONAL USES AND REGULATIONS FOR DISTRICT; AND PROVIDING AN EFFECTIVE DATE

Community Development Director Laura Canady presented an overview of her February 25, 2010, memorandum regarding recommendations from the February 24, 2010, Planning and Zoning Advisory Board (PZAB) meeting as follows:

- PZAB recommended approval of Ordinance No. 1027 creating a Light Commercial (LC) Zoning District with the two changes: (1) add a Pharmacy Drive-thru as a Permitted Use; (2) add Specialty Centers (museums, art centers, senior centers, etc.) as Conditional Uses depending upon the extent of impact of traffic and hours of operation on the surrounding neighborhood.
- PZAB did not recommend rezoning the former Peg Legs and Corinthian Apartment

property at this time due to the current economic climate and decline in property values. Rezoning would further devalue the property and impair the prospects of sale of this valuable commercial property.

- Ms. Canady presented a summary of appraisals of the property.

Council discussed preparing a request for proposal to solicit a project specific to this property, using regulations in Ordinance No. 1027 as a guideline.

Mayor Ferrante asked for public comments; the following individual addressed Council”

Dominick Montanaro, 465 Glenwood Avenue, recommended that Council look at the long-term ramifications on the tax base of rezoning this property. This is not a time to devalue any property.

DISCUSS/TAKE ACTION ON AUDIT REPORT FOR FY 2008/2009 – HOYMAN DOBSON AND COMPANY AND CITY MANAGER RESPONSE (8:30 P.M. TIME CERTAIN)

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

Chas Hoyman of Hoyman, Dobson & Company presented an overview of the Audit Report for FY 2008/2009. Mr. Hoyman 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 Ferrante opened the meeting for public comments. There were no comments.

City Manager Crotty stated the fund balance was low in 2004. At that time, Council established a policy to increase the fund balance, which has resulted in the healthy fund balance in this report.

ACTION: Vice-Mayor Fleis MOVED, SECOND Councilman Chase, to accept the Financial Statements for the year ending September 30, 2009, as prepared by City Auditors Hoyman Dobson, and the City Manager’s Response to Independent Auditor’s Management Letter and to forward the Audit Report to the appropriate state agencies as required by law. VOTE: ALL AYES. MOTION CARRIED.

The Council expressed appreciation to Mr. Hoyman, City Manager Michael Crotty, and Finance Director Brenda Raver and her team for their hard work and professional handling of the City finances.

ORDINANCE NO. 1029, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 30-415(b) BY DELETING MULTI-FAMILY DWELLINGS AS PERMITTED USE, PROHIBITING INCREASE IN THE

NUMBER OF DWELLING UNITS, AND ESTABLISHING MAXIMUM NUMBER OF RESIDENTIAL UNITS IN THE RM-3 ZONING DISTRICT SOUTH OF DESOTO PARKWAY AND EAST OF HIGHWAY A1A; AMENDING SECTION 30-415(d) AND (e) BY PROHIBITING COMBINATION OF LOTS IN ANY MANNER TO ALLOW CONSTRUCTION OF MULTI-FAMILY AND TOWNHOUSE DWELLINGS IN THE RM-3 ZONING DISTRICT SOUTH OF DESOTO PARKWAY AND EAST OF HIGHWAY A1A; PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Attorney Beadle read Ordinance No. 1029 by title only on first reading.

Ordinance No. 1029 implements the Comprehensive Plan Future Land Use Policy 1.1.12, adopted April 1, 2009.

At the February 15, 2010, meeting, the Planning and Zoning Advisory Board (PZAB) recommended approval of Ordinance No. 1029. This ordinance will amend the Land Development Regulations (LDRs) south of DeSoto Parkway and east of Highway A1A by (1) prohibiting combination/aggregation to create buildable multi-family lots; (2) prohibits multi-family dwellings, permitting only one, two, and three-family dwellings; and (3) establishes 40 as the maximum number of residential units that can be constructed.

In response from Council:

- Volunteer John Fergus stated that he had used the Brevard County GIS data to establish the number of units existing and to determine that there are four units remaining that can be built: two at Sun on the Beach, one south of DeSoto and one other vacant parcel.
- Community Development Director Laura Canady stated that a triplex would be allowed if the lot met LDR criteria. This change started in 2006 when residents in that area indicated that they wanted to maintain the typically single-family neighborhood.

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

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to approve Ordinance No. 1029 on first reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1030, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CREATING A NEW SECTION 30-620, SATELLITE BEACH CODE, IMPLEMENTING COMPREHENSIVE PLAN REGARDING “NO NET LOSS” OF COMMERCIAL PROPERTY IN SATELLITE BEACH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Attorney Beadle read Ordinance No. 1030 by title only on second reading.

Ordinance No. 1030 implements Comprehensive Plan Future Land Use Policy 1.1.14, adopted April 1, 2009, by creating a new Land Development Regulation regarding “No Net

Loss” of Commercial property. The Planning and Zoning Advisory Board voted unanimously to recommend approval of Ordinance No. 1030.

Council discussed the difficulty in following the wording of the ordinance and asked about using the language from the Comprehensive Plan or including the total acres of Commercial property in the City on April 1, 2009.

City Attorney Beadle responded that if the Council wants to include the acreage they can; it would provide an absolute benchmark.

Council expressed some concern that adopting this ordinance as it may impede revitalization of the corridor and asked about Commercial east of Highway A1A.

Staff will provide historical information of public sentiment during the time when the LDR Review Committee looked at Commercial east of Highway A1A. However, the economic times have changed and Council can review decisions made at that time.

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

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to approve Ordinance No. 1030 on first reading. VOTE: FOUR AYES, ONE NAY (Vice-Mayor Fleis). MOTION CARRIED.

DISCUSS/TAKE ACTION ON APPOINTMENT OF SOUTH BEACHES TRANSPORTATION PLANNING ORGANIZATION (TPO) ALTERNATE MEMBER AND APPOINTMENT OF SOUTH BEACHES TPO CITIZEN ADVISORY COMMITTEE (CAC) MEMBER

City Manager Crotty stated that the voting member and alternate of the TPO have to be elected officials. Councilman Higginson is the voting delegate. City Manager Crotty asked if anyone on Council is available for the alternate position; they meet on the second Thursday of each month at 9:00 a.m.

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

- Dominick Montanaro, 465 Glenwood Avenue, stated that the TPO is one of the most influential groups in Brevard County. Satellite Beach has been waiting for eight years for this position to rotate back to us; it is important that a member of our City Council represent the City in this position.

Vice-Mayor Fleis stated that he would be available.

ACTION: Councilman Chase MOVED, SECOND Councilman Rhodes, to appoint Vice-Mayor Fleis as alternate delegate to the Brevard County TPO. VOTE: ALL AYES. MOTION CARRIED.

City Clerk