

**COUNCIL MINUTES
APRIL 1, 2009**

Mayor Brimer convened a regular meeting of the City Council at 7:00 p.m. on Wednesday, April 1, 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.

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

PRESENTATIONS

DONATION BY SATELLITE BEACH WOMAN'S CLUB TO FUND CODE BLUE CALL BOX AT HIGHTOWER BEACH PARK

Dee Anderson presented a donation from the Satellite Beach Woman's Club to the City of Satellite Beach in the amount of \$2,000.00 to purchase a Code Blue Call Box to be installed at the new Hightower Beach Park. An individual can press one button to trip an alarm to the Police Department or another button to obtain information.

Mayor Brimer expressed appreciation on behalf of the Council and the residents of Satellite Beach to the SBWC for this donation and the years and years of contributions that the Club has made to the City.

PROCLAMATION RECOGNIZING SATELLITE BEACH WOMAN'S CLUB CONTRIBUTIONS TO COMMUNITY AND FEDERATION DAY

Mayor Brimer presented a Proclamation to Linda O'Toole, First Vice President of the SBWC, to recognize the ongoing contributions to the community by the SBWC and in celebration of Federation Day.

Ms. O'Toole thanked Mayor Brimer, stating that it is a pleasure to accept the Proclamation.

CITIZEN COMMENTS

Coach Andrew Disney became Head Coach of the Satellite High School Football Team in January 2009. He stated that he has 80 boys who are practicing five days a week and the team has a new attitude. He hopes to dispel the myth that beach boys are not competitive on the football field. He asked the community to become involved in school sports activities and support the team. Opening game is September 11 and there will be a special ceremony recognizing the Police Department, Fire Department, and Patrick Air Force Base – today's heroes.

Mayor Brimer thanked Coach Disney for the opportunity to participate in the September 11 ceremonies.

Pursuant to Section 286-0105, FSS, if an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual may need to insure that a verbatim transcript of the proceedings is made. In accordance with the Americans with Disabilities Act and Section 286.26, FSS. Persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's office.

COUNCIL COMMENTS

Councilman Chase reported that he had received comments about the park on Ellwood and Temple and the inconsiderate dog owners who use the park. He asked for help in cleaning up the park, perhaps providing a bag station.

Councilman Montanaro reported that he presented the City issues to Representatives Workman, Poppell and Tobia and Senator Haridopolos in Tallahassee March 17-19. Some listened; some did not. He attended the Employees' luncheon on the 25th, honoring the Employees of the Year. He congratulated Mayor Brimer and the members of the Relay for Life teams for a successful Relay event. He stated that the Meet the Coaches night at Long Doggers was a nice event and well attended.

Jeff Fleis stated that he attended the Employees' luncheon and congratulated the Employees of the Year. He also attended the Satellite High event at Long Doggers.

Vice-Mayor Kirby attended a meeting with Crosswinds regarding the Juvenile Assessment Center and the Samsons Island Open House. She met with Legislators in Tallahassee March 24 and 25 and thanked City Manager Crotty for the comprehensive package of legislative issues he put together as talking points with the Legislators. She requested that this be put on the agenda for discussion at the next Council meeting. She also attended the Community Redevelopment Agency Advisory Committee meeting where they presented the Business of the Quarter Award. She attended the dinner sponsored by Brevard County Board of County Commissioners to honor Scotty Culp as Woman of Worth. She noted that Mayor Brimer was Honorary Chair of the Beaches of South Brevard Relay for Life which raised approximately \$70,000 for cancer research. She attended the City Council special meeting on March 30.

Mayor Brimer recognized the City for the excellent job for Relay for Life; it was the biggest turnout and raised the largest amount of money ever in spite of closing early for pending storms.

CITY ATTORNEY REPORT

City Attorney Beadle did not have a report.

CITY MANAGER REPORT

City Manager Crotty announced that Jackie Gloger (Finance), Tania Miner (Building and Zoning), and Shaun Warburton (Police Dispatch) were named full-time employees of the year. Bill Pallowick (Crossing Guard) was named part-time employee of the year.

Mr. Crotty asked to be excused from the May 6, 2009, Council meeting. Councilman Chase stated that he will be out of town that day also.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to excuse the City Manager from the May 6, 2009, Council meeting and to cancel the meeting if there are no pressing issues to be considered that date. VOTE: ALL AYES. MOTION CARRIED.

The City Manager stated that Commissioner Bolin has invited Council Members to attend the groundbreaking ceremony for the Pineda Extension on Tuesday, April 7, at 9:00 a.m. and interested Council Members should RSVP to the City Clerk.

Members attending the Florida League of Cities need to respond by July 1 if they plan to attend the recognition ceremony for our participation in the Back to Basics Civics in the Classroom. City Council adopted a resolution supporting the initiative and City Clerk Barbara Montanaro has prepared a handbook which has been used in presentation to a public group. Community Developer Director Laura Canady is working on the education component of it.

Mayor Brimer stated that he received a last minute request for an agenda item to adopt Resolution No. 881 to show support for Satellite High School. This came directly from the school and something similar to this will be presented to Space Coast League of Cities.

PARTNERSHIPS WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT/INDIAN RIVER LAGOON NATIONAL ESTUARY PROGRAM

Agenda Item 15B was moved forward by Council. Community Development Director Laura Canady has been working with Grant Writer John Fergus on this partnership with St. Johns River Water Management District (SJRWM).

John Fergus, grant writer, stated that this is a grant but not a City grant; however, the City would benefit from it. The National Estuary Program is the grantor; the Indian River Lagoon Estuary would be the grantee; and the City would be the beneficiary. The grant funds will be used to develop a science-based assessment of the impacts and timing of sea level rise. The results would be used to help determine strategies and policies to be incorporated into the Comprehensive Plan and to provide public education. The cost to the City would be in staff time to support six to twelve Comprehensive Planning Advisory Board (CPAB) meetings and several educational sessions.

Community Development Director Canady stated that this program could provide information to assist CPAB meet the requirements in the Comp Plan to participate in these types of educational opportunities.

Bob Day, SJRWMD, spoke of the long relationship with the City on various projects and he welcomes the opportunity to work with the City to prepare for the next century.

The SJRWMD match is up to one-half staff person for contract and grant administration. The collection of technical information will be done by professors at Florida Institute of

Technology with City support secondary to their work. The grant will provide up to \$5,000.00 for City staff time.

Resolution No. 880 supports the City's being a partner in a startup grant project under the EPA's Climate Ready Estuaries Program.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to read Resolution No. 880 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 880 by title and asked for public comment. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to adopt Resolution No. 880. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to authorize the Mayor to sign the cover letter transmitting the resolution to the Indian River Lagoon National Estuary Program.

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

VOTE: ALL AYES. MOTION CARRIED.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Fleis, to authorize city staff and the Comprehensive Planning Advisory Board to participate in the project.

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

VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1008, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE CITY OF SATELLITE BEACH LAND DEVELOPMENT REGULATIONS SECTION 30-558.1 REGARDING DEMOLITION OF STRUCTURES; PROVIDING AN EFFECTIVE DATE (SECOND READING)

Ordinance No. 1008 was approved on first reading on March 18. It amends the Land Development Regulations regarding demolition of structures by allowing certain appurtenances to remain after the main structure is demolished.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to read Ordinance No. 1008 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1008 by title only on second reading, there being sufficient copies of all ordinances available to the public. Mayor Brimer asked for public comments. There were no comments.

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ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to adopt Ordinance No. 1008 on second reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1010, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE SATELLITE BEACH PERSONNEL POLICY SECTION 12.01 (JOB CLASSIFICATION LEVELS); PROVIDING AN EFFECTIVE DATE (SECOND READING)

Ordinance No. 1010 was approved on first reading on March 18. It amends the City's Personnel Policy to include the 2% Cost of Living Adjustment as provided in the FY 08/09 Budget. The COLA becomes effective with the pay period starting closest to April 1.

ACTION: Vice-Mayor Kirby MOVED, SECOND Councilman Chase, to read Ordinance No. 1010 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1010 by title only on second reading and ask for public comments. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to adopt Ordinance No. 1010 on second reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1011, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE POLICE OFFICERS AND FIREFIGHTERS OF THE CITY OF SATELLITE BEACH BY AMENDING SECTION 46-66 "DEFERRED RETIREMENT OPTION PLAN (DROP)" OF THE CITY CODE TO ALLOW DROP PARTICIPANTS TO CHANGE THEIR INVESTMENT ELECTION TWICE EACH PLAN YEAR; PROVIDING FOR FULL FORCE AND EFFECTIVENESS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

The Police Officers' and Firefighters' Retirement Plan Board of Trustees voted to recommend amending the Retirement Plan to allow DROP participants to change their investment option for DROP monies twice a plan year, with the effective dates of April 1 and October 1. The DROP participant must make the election thirty days prior to April 1 and October 1. This provides flexibility for DROP employees to modify their investment options twice a year.

Board Attorney Stephen Cypen prepared Ordinance No. 1011 to incorporate the recommendations of the Police Officers' and Firefighters' Retirement Plan Board of Trustees.

ACTION: Vice-Mayor Kirby MOVED, SECOND Councilman Chase, to read Ordinance No. 1011 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1011 by title only on first reading and asked for public

comments. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to approve Ordinance No. 1011 on first reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 967, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, ADOPTING ARTICLE IV, INCLUSIVE OF SECTIONS 34-75 THROUGH 34-83 OF CHAPTER 34 (MOTOR VEHICLE AND TRAFFIC) OF THE SATELLITE BEACH CITY CODE, PROVIDING INTENT; PROVIDING FOR AUTOMATED ENFORCEMENT OF CERTAIN TRAFFIC VIOLATIONS; REQUIRING ADHERENCE TO RED LIGHT TRAFFIC CONTROL SIGNALS; REQUIRING A MOTOR VEHICLE OWNER TO PAY A CIVIL FEE FOR A MOTOR VEHICLE THAT RUNS A RED LIGHT; ALLOWING TRAFFIC ENFORCEMENT PHOTOGRAPHIC SYSTEMS TO RECORD VIOLATIONS OF RED LIGHT TRAFFIC CONTROL SIGNALS; PROVIDING FOR ISSUANCE OF CIVIL NOTICES OF CODE VIOLATION FOR SUCH VIOLATIONS; PROVIDING FOR A METHOD FOR THE MOTOR VEHICLE OWNER TO APPEAL A NOTICE OF CODE VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Manager Michael Crotty introduced Ordinance No. 967 as follows:

- In 2008, the City Council authorized a sole source agreement to implement the red light camera enforcement system based on the same agreement the vendor had with Gulf Breeze, including indemnification provisions to protect the City from liability if a court were to determine that red light camera enforcement is illegal.
- The vendor did not provide information in a timely manner and finally reneged on its initial guarantee to provide indemnification/liability protection.
- The City advertised and received proposals which were reviewed by a committee. Negotiations with the top-rated vendor broke down as a result of the vendor's reluctance to provide indemnification similar to the Gulf Breeze ordinance.
- Based on the number of cities that have entered into agreements, the City may have established the bar too high for liability/indemnification.
- Florida League of Cities Senior Legislative Advocate Scott Dudley is working with Legislators to allow red light camera enforcement and is encouraging legislation that would "grandfather" local ordinances that existed on the effective date of any State legislation regarding red light camera enforcement.

Based on conversations during the FLC Legislative Action Days, Mayor Brimer reported it did not appear that the red light camera enforcement legislation is receiving much support from Legislators in Tallahassee this year.

ACTION: Vice-Mayor Kirby MOVED, SECOND Councilman Chase, to read Ordinance No. 967 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 967 by title and asked for public comments. There were no comments.

ACTION: Councilman Chase MOVED, SECOND Vice-Mayor Kirby, to approve Ordinance No. 967 on first reading. VOTE: ALL AYES. MOTION CARRIED.

PUBLIC HEARING:

City Clerk Montanaro invited members of the public to sign the Courtesy Information Sheet if they wished to receive notification from the Department of Community affairs regarding Comprehensive Plan Amendment Ordinance No. 979. (No one signed the sheet.)

ORDINANCE NO. 979, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN PART II (ORDINANCE NO. 716) BY AMENDING THE FUTURE LAND USE ELEMENT AS FOLLOWS: POLICY 1.1.4 TO ADD C COMMERCIAL; POLICY 1.1.12 TO PROHIBIT INCREASING NUMBER OF UNITS ON PARCELS EAST OF STATE ROAD A1A AND SOUTH OF DESOTO PARKWAY; POLICY 1.1.13 TO CREATE A TOWN CENTER MIXED-USE (CM) OVERLAY TO PROVIDE PROPERTY OWNERS IN THE CITY'S COMMERCIAL LAND USE DISTRICT, BETWEEN STATE ROAD A1A AND SOUTH PATRICK DRIVE NORTH OF PARK AVENUE ONLY, AS A CONDITIONAL USE, THE ABILITY TO INCLUDE RESIDENTIAL LIVING UNITS ABOVE COMMERCIAL UNITS; POLICY 1.1.14 PROHIBITING NET LOSS OF LAND DESIGNATED FOR COMMERCIAL USE; TO AMEND THE FUTURE LAND USE MAP LEGEND TO REFLECT THE TEXTUAL DESIGNATIONS CONTAINED HEREIN; AMENDING COASTAL MANAGEMENT/ CONSERVATION POLICY 1.12.2 REGARDING CHANGES FROM NON-RESIDENTIAL TO RESIDENTIAL DISTRICTS; AND PROVIDING AN EFFECTIVE DATE (SECOND READING)

Mayor Brimer opened the Public Hearing on Ordinance No. 979, Amendment to the Comprehensive Plan.

Work began on Ordinance No. 979 in 2006 and it was approved by Council on first reading March 5, 2008. This ordinance has been reviewed on numerous occasions and has gained preliminary approval by the Department of Community Affairs (DCA).

The Market Study conducted in 2005 indicated that the City needs all the existing commercial area to provide products and services to the residents. Ordinance No. 979 prohibits the net loss of commercial land. It also allows mixed use in the core Commercial District and may spur redevelopment.

Ordinance No. 979 provides for a Town Center Mixed-Use District and prohibits the development of multi-family structures east of SR A1A and South of DeSoto Parkway

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(sending area). The ordinance allows the transfer of sixty-nine units from this sending area to the Town Center (receiving area). With the approval of a conditional use permit, property owners in the Commercial District between SR A1A and South Patrick Drive north of Park Avenue can include up to five residential units per acre above commercial units. Residential space shall not exceed 50% of the total space. There is a cap on the receiving area of 200 mixed-use units.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase to read Ordinance No. 979 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 979 by title only on second reading and asked for public comments. The following individuals addressed Council:

- Bill Higginson, Chairman of CPAB, stated that this ordinance has been reviewed for over two years by CPAB and two other City Boards. The Community Development Director has done a superb job working with DCA to reach a compromise suitable to them. He recommended adoption of Ordinance No. 979.
- David R. Schechter, Chairman of the Community Redevelopment Agency Advisory Committee, expressed appreciation to the Community Development Director and members of the CPAB, PZAB, and CRA AC for their diligence and recommended approval of the ordinance.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to adopt Ordinance No. 979 on second reading and to transmit it to the Department of Community Affairs. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON REQUEST TO INCLUDE INFORMATION ON FAIR DISTRICTING IN THE BEACHCASTER

City Manager Crotty stated this item has been placed on the Agenda as a follow up to a March 4, 2009, request by Mr. Conrad Lawlor to use the *Beachcaster* to solicit signatures for a Constitutional Amendment supported by Fair Districts Florida. Historically, the City has declined to use the *Beachcaster* as a political forum.

In response to questions from Council, City Attorney Jim Beadle stated that if the City Council uses public resources to advertise/promote issues, the City would be required to provide equal time/response to other groups which have positions that differ from the intent of Fair Districts Florida. The City has had a longstanding prohibition on spending staff time and/or City resources on political issues. If Council opens the *Beachcaster* to political debate, it cannot choose who is allowed to speak in that forum, it must provide equal space to all other views.

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

- Mr. Conrad Lawlor requested Council to include an article in the *Beachcaster* asking residents to sign petitions to place on the ballot a Constitutional amendment prohibiting gerrymandering (drawing legislative and congressional districts in ways that favor or disfavor a political party or incumbent or denying or abridging the equal opportunity of racial or language minorities). The Fair Districts Florida is a nonpartisan grassroots coalition supporting constitutionally mandated fairness standards to stop Florida politicians from unfairly drawing their own electoral districts.

Mr. Lawlor distributed information about gerrymandering and a notice of a meeting in Melbourne where Fair District issues will be discussed.

- David R. Schechter, 635 Seville Court, recognized Council's quandary with the *Beachcaster* policies. However, he stated that he has signed this non-partisan petition. He confirmed the dangers of allowing politicians to weave districts to meet personal interests and stated it is important to have fair criteria to determine district lines.

Council concurred that this is an important issue that needs publicity and support. However, the *Beachcaster* is not the forum to solicit signatures. Council did not reverse the longstanding policy of prohibiting spending staff time and/or resources on political issues.

DISCUSS/TAKE ACTION ON PROPOSAL FROM FLORIDA SOLAR ENERGY CENTER ENERGY ASSESSMENT OF FIVE (5) FACILITIES

Councilman Montanaro stated that he and John Fergus met with four people at the Florida Solar Energy Center (FSEC), each of whom discussed a specific facet of energy conservation. They proposed conducting an initial energy assessment in five City buildings, including a review of utility bills and a summary report for each building with preliminary recommendations. The cost of this preliminary analysis is \$6,168.00.

John Fergus, grant writer, stated that the first assessment will point to areas where further study is needed. This analysis will provide baseline information that may be used for future green grants or stimulus money.

Council discussed the following:

- The Civic Center needs repairs, renovation, or to be rebuilt.
- The City may be able to use this information to piggy-back with larger municipalities for stimulus money.
- The reason to have all five buildings analyzed is to determine which buildings would provide the greatest return if converted to green.
- There are startup companies that may be willing to absorb some of the initial cost of new technology.
- Controlling utility costs is one of the best ways to cut budgets; changing thermostats to programmable thermostats can provide a big savings.

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

ACTION: Councilman Montanaro MOVED, SECOND Councilman Fleis, to authorize the initial energy assessment by the Florida Solar Energy Center and to approve payment of the cost of \$6,168.00. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON GRANT AUTHORIZATION

City Manager Crotty stated that the COPS Hiring Recovery Program (CHRP) through the US Department of Justice will provide funding to law enforcement agencies to hire/re-hire career law enforcement officers in order to create and preserve jobs and increase community policing and crime prevention. This is a four-year program where the grant pays all costs for the first three years and the City pays the costs for the fourth year.

Council discussed the following:

- The current ratio is one police officer per 500 residents.
- If the population grew to 14,000 in the next four years, the three proposed officers would keep the City on track for one officer per 500 residents.
- Regarding vehicles, the present schedule would provide adequate vehicles for 26 people; however, there may be an impact on the number of take-home vehicles.
- Council expressed concern about growing government and recommended that the additional officers be used to reduce the overtime budget.
- Council discussed ways to fund the officers in the fourth year.

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

- Gabe Feindt, 470 Caribbean Drive, stated that the City has experienced an increase in criminal activities, especially vehicle break ins. He encouraged Council to support the program.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to authorize Plain English to submit, on behalf of the City, a CHRP grant application in the estimated amount of \$871,494 to hire three police officers for four years, with the grant paying entry-level salaries and benefits of \$628,326 for the first three years and the City paying fourth-year costs of \$243,168 (or \$60,792 for each of 4 years). VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON PURCHASE OF LAPTOP FOR DOG PARK WITH FUNDING FROM RECREATION TRUST FUND

City Manager Crotty reported that the Recreation Director has requested a “pass down laptop” or approval of an expenditure up to \$600.00 from the Recreation Trust Fund to purchase a new laptop for staff at the Dog Park.

Recreation Director Kerry Stoms stated that the Dog Park computer does not have to have

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elaborate applications and Adam Schultz has found a laptop for \$599 which will support the needs at the Dog Park.

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

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to authorize the purchase of a new laptop for the Dog Park if a suitable used computer is not located. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON ATTENDANCE OF INTERESTED COUNCIL MEMBERS AT THE FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE, ORLANDO, AUGUST 13-15, 2009, AND FLORIDA SHORE AND BEACH PRESERVATION ASSOCIATION MEETING, AMELIA ISLAND, SEPTEMBER 16-18, 2009

Information about the Florida League of Cities Annual Conference and the Florida Shore and Beach Preservation Association Meeting was included in the Agenda packet.

Mayor Brimer asked for public comments on Council's attendance at these two meetings. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to authorize interested staff and Council Members to attend the Florida League of Cities Annual Conference and the Florida Shore and Beach Preservation Association Meeting. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer and Vice-Mayor Kirby stated that they will attend the FLC Conference but not the Shore and Beach Preservation meeting.

Councilman Montanaro stated that he plans to attend both; but he will not attend the Saturday night events at FLC in order to save the cost of an extra night in the hotel.

DISCUSS/TAKE ACTION ON ATTENDANCE OF CITY ATTORNEY AT THE ANNUAL LOCAL GOVERNMENT LAW IN FLORIDA SEMINAR, ORLANDO, MAY 7-9, 2009

The Council annually approves the attendance and associated per diem costs for the City Attorney to attend the Local Government Law in Florida Seminar in Orlando.

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

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to approve the City Attorney's attendance and per diem costs at the Local Government Law in Florida Seminar. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARDS

There were no board appointments. The City Clerk will set up interviews for board

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applicants at 6:45 p.m. on April 15.

DETERMINE AGENDA ITEMS FOR NEXT REGULAR MEETING

In addition to the items listed by the City Manager, Council asked for a report on Legislative Action Day at the next Council meeting and requested that Mike McGarry or Ernie Brown, Brevard County Environmental Protection Agency, give Council an update on sand renourishment at a future meeting.

City Manager Crotty listed additional Council meetings as follows:

- April 22, 6:00 p.m. Workshop on City Board issues and status report on Pelican Coast (Hunt Pinnacle)
- May 6, 6:00 p.m. Council Update on City's Emergency Management Plan [NOTE: This may be changed if the May 6 Council meeting is canceled.]
- May 12, 6:00 p.m. meeting with representatives of Hunt Pinnacle regarding military housing development (Pelican Coast) [NOTE: Two Council Members will not be able to attend on the May 12; staff will reschedule for May 19 or 20.]

**ADOPTION OF MINUTES: MARCH 18, 2009, WORKSHOP MEETING
 MARCH 18, 2009, REGULAR MEETING**

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

DISCUSS/TAKE ACTION ON REQUEST FOR WORLD SKIN CANCER FOUNDATION TO INSTALL SIGNS WARNING OF THE HARMFUL EFFECTS OF THE SUN'S UV RAYS

City Manager Crotty stated that the City has received a request to post signs at the beach accesses to warn the public of the dangers of UV sun damage. These public service warning signs are available through the local non-profit World Skin Cancer Foundation.

Council asked staff to follow up to see who would pay for the signs and then refer the signs to the CRA AC for review and recommendation.

RESOLUTION NO. 881, A RESOLUTION OF THE CITY OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, URGING THE FLORIDA STATE LEGISLATURE TO ADEQUATELY FUND BREVARD PUBLIC SCHOOLS BY SUPPORTING GOVERNOR CRIST'S POSITION IN HIS BUDGET PROPOSAL

City Manager Crotty stated Satellite High School Principal Mark Elliott forwarded a draft resolution to the City with the request that Council provide support for the local schools by adopting this resolution.

Pursuant to Section 286-0105, FSS, if an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual may need to insure that a verbatim transcript of the proceedings is made. In accordance with the Americans with Disabilities Act and Section 286.26, FSS. Persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's office.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to read Resolution No. 881 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 881 by title and asked for public comment. The following individual addressed Council:

- David R. Schechter, 635 Seville Court, stated that he is a strong supporter of the local schools; however, Section 1 of the resolution is vague to the point that he cannot tell what the resolution supports. The City needs to support the schools.

Council recommended the following changes to Resolution No. 881:

- Delete the words “by supporting Governor Crist’s position in his budget proposal” from the title;
- Delete the words “in his budget proposal” in the sixth WHEREAS clause; and
- Delete the words “support Governor Charlie Crist’s position on public education through his budget proposal and” from Section 1.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to adopt Resolution No. 881 as amended. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON PARTNERSHIP WITH AQUATIC PLANTS, INC., IN NOAA COASTAL AND MARINE HABITAT RESTORATION PROJECT GRANTS

Councilman Montanaro stated that he had received notice from Gil Sharell that Aquatic Plants of Florida is applying for a portion of the \$170 million NOAA grant with several partners (non-profit, for-profit, government, institutions, and other agencies). He asked that the City provide a letter of support to be included in the grant application. If plants are available through the grant, the City would use them at Samsons Island interior pond, the Sports and Recreation Park at the three retention ponds, and the Ellwood Park.

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

ACTION: Councilman Montanaro MOVED, SECOND Councilman Fleis, to authorize the Mayor to sign the letter outlining the City’s interest in the grant and supporting Aquatic Plant in the NOAA Coastal & Marine Habitat Restoration Project grant. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1013, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO ATTRACTIVE NUISANCE CONDITIONS; CREATING A NEW ARTICLE V, TO CHAPTER 26, SATELLITE BEACH CITY CODE, TO RECOGNIZE AN ATTRACTIVE NUISANCE CONDITION AS A PUBLIC NUISANCE; PROHIBITING CONDITIONS OF ATTRACTIVE NUISANCE; DEFINING ATTRACTIVE NUISANCE AS AN ARTIFICIAL CONDITION; PROVIDING

Pursuant to Section 286-0105, FSS, if an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a verbatim transcript of the proceedings may be required and the individual may need to insure that a verbatim transcript of the proceedings is made. In accordance with the Americans with Disabilities Act and Section 286.26, FSS, Persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk’s office.

FOR THE ABATEMENT OF ATTRACTIVE NUISANCE CONDITIONS; PROVIDING SUPER-PRIORITY SPECIAL ASSESSMENT FOR REIMBURSEMENT TO CITY OF EXPENSE OF ABATEMENT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Manager Crotty commented on the ongoing struggle with abandoned and/or foreclosed properties in the City. The current Code requirements do not give sufficient clout to deal with these issues. City Attorney Beadle has worked with Attorney Paul Gougelman (Attorney for Melbourne, Indialantic, and Space Coast League of Cities) to prepare an ordinance that will allow the City to recapture costs associated with abatement of attractive nuisances.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to read Ordinance No. 1013 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1013 by title and asked for public comments. The following individual addressed Council:

- Bill Higginson, 1175 Highway A1A, asked who would enforce these regulations? [The staff in the Building Department. This remedy is in addition to other code enforcement remedies in the Code.] Mr. Higginson stated the Police Department Volunteer COPs call in code violations such as abandoned cars as the patrol they City. [City Manager Crotty stated that this ordinance will not impact current code enforcement procedures; this is in addition to those and will be used on attractive nuisances that pose life safety issues.

City Attorney Beadle stated that this ordinance is to abate a nuisance – life safety issues – not general maintenance. The City will give notice to the owner of the property and the mortgage holder so that they have the opportunity to fix the property. There is a hearing procedure and all parties must have due process. The ultimate issue is whether this method will work with an existing mortgage.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to approve Ordinance No. 1013 on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer adjourned the meeting at 9:50 p.m.

Barbara Montanaro, CMC
City Clerk