

**COUNCIL MINUTES  
APRIL 16, 2008**

Pursuant to Public Notice, Mayor Brimer convened a regular meeting of the City Council on Wednesday, April 16, 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, Councilman Dominick Montanaro, City Attorney James Beadle, City Manager Michael P. Crotty, and City Clerk Barbara Montanaro.

Mayor Brimer led a moment of silence followed by the Pledge of Allegiance.

**PRESENTATION OF PLAQUE TO SATELLITE BEACH POLICE DEPARTMENT'S DISPATCHING TEAM IN RECOGNITION OF NATIONAL TELECOMMUNICATION WEEK BY STEVE O'CONNOR, BREVARD COUNTY E911 MANAGER (APPROXIMATELY 7:30 P.M.)**

Steve O'Connor, Brevard County E911 Manager, presented a plaque to Police Department Communications Supervisor Beverly Ryan and Police Chief Lionel Cote, recognizing the week of April 13-19, 2008, as Public Safety Telecommunicators Week. He stated that the Brevard County Board of County Commissioners adopted this Proclamation on April 1 to commend Telecommunicators for their dedication to duty, professionalism, and commitment to saving lives and property, and the prevention of crime.

Mayor Brimer expressed the appreciation of the Council to Mr. O'Connor for the Proclamation and to Ms. Ryan and Chief Cote for their service to the community.

**CITIZEN COMMENTS**

There were no citizen comments.

**COUNCIL COMMENTS**

**Councilwoman Kirby** reported that she had attended the Planning and Zoning Advisory Board / Community Redevelopment Agency Advisory Committee meeting to review sign codes. She commended Laura Canady, Community Development Director, for keeping the review moving forward. Councilwoman Kirby also attend the Samsons Island Park Committee meeting where they made preparations for the upcoming Samsons Island open house on May 10. She attended the banquet to recognize victims' rights and the victims' advocates.

**Councilman D'Amato** reported that he had attended the Board of Adjustment meeting. He asked if there are any plans for clearing/improvements to the lot across from Norwood Avenue.

**Councilman Montanaro** reported that he attended the Beautification Board meeting.

**Vice-Mayor Ferrante** stated that the past two months had been difficult for him and his family. He expressed appreciation for the outpouring of support: cards, donations, and calls. He thanked Council, staff and fellow citizens for the tribute to his wife.

**Mayor Brimer** stated that he had attended a meeting of the Brevard Community on Aging and they are making some headway with Communities for a Lifetime.

### **CITY ATTORNEY REPORT**

City Attorney James Beadle did not have a report.

### **CITY MANAGER REPORT**

City Manager Michael Crotty reported as follows:

1. Saturday, April 19 is the annual Trash Bash, beginning at 8:00 a.m. at Pelican Beach Park. He urged Council and staff to participate and show support for the volunteers who will be cleaning the beach.
2. He asked if any Council member would be able to attend the LEAD Brevard Summit on Friday, April 25. Councilwoman Kirby will represent the City at this event.
3. The City Council will receive a report on the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan at 6:00 p.m. May 7.
4. He referred Council to a brief report on underground utilities that was included in the Agenda packet.
5. As a follow-up to the March 20 meeting with Assistant Secretary of the Air Force Anderson, the City Manager met with Air Force Colonel Patrick Smith from San Antonio and Mr. Swain for an update on Pelican Coast. A letter of intent has been signed to transfer Pelican Coast Properties to Hunt Pentacle in late summer or early fall. The Air Force has provided written acknowledgement of this letter. At Pelican Coast, 156 units have been built and it is not likely that any more residential units will be built there. They plan to demolish the remaining old houses.

Hunt Pentacle will take over the north and central housing on the Base and those areas will be privatized.

Col. Smith is available to provide an update at Council's convenience. The Air Force is going to take a more active part in the project and would like to resolve all issues during the transition.

In response to this report, Council discussed the following:

- Council would be willing to discuss alternate uses for the remaining 100 acres of the PUD.
- Council would be willing to consider a settlement of the tax issues with payment of a fee based upon the assessed value and millage.
- Council asked to receive a bullet list of possible topics to be discussed with Col. Smith and a map showing exact areas of discussion.

The City Manager and City Attorney will meet with Col. Smith and determine whether a closed meeting between Council and City Attorney is necessary prior to Council meeting with Col. Smith.

6. The City Manager distributed a copy of an article that will appear in the Beachcaster about a minor traffic violation that turned into a multi-jurisdictional (Satellite Beach, Brevard County Sheriff's Department, Indianalantic, and Indian Harbour Beach) chase involving a helicopter and K-9 unit. The subject of this chase was a man recently released from prison who was driving a stolen car and carrying a large knuckle-handled knife. With the cuts in operational costs that will be caused by Amendment 1, these types of technological and specialty services will be greatly diminished. Also, the state has proposed having 1,800 fewer prison guards which means more prisoners will be out on early release. Citizens will bear the brunt of tax reform.
7. City Manager Crotty presented a request from the City of Melbourne for Council to adopt a resolution supporting the proposed action confirming and accepting the decision of the United States Air Force to award the tanker contract to Northrop Grumman Corporation and EADS North America. Melbourne City Manager assured him that this is not an issue that will divide Brevard municipalities.

Council asked that this be discussed at the next Space Coast League of Cities meeting because there is some concern that, although this contract will provide additional jobs in Melbourne, it will also take jobs from Boeing contractors and move them overseas. Council will receive more information at the next Council meeting and make a decision about the resolution at that time.

Vice-Mayor Ferrante asked if the City will be represented at the meeting with Brevard County regarding life guards at the beach and the rip current signs. (Yes, staff will be present. We do not encourage swimming at the beaches in Satellite Beach because of the rocks.)

## **STATUS REPORT ON CITY SIGN CODE REVIEW AND GATEWAY SIGNS**

### **GATEWAY SIGNS:**

Community Development Director Laura Canady presented conceptual renderings of the city entrance signs in the design phase, together with minutes of meetings where

the Beatification Board, the Council, and the CRA Advisory Committee had reviewed the proposed signs. The following signs were proposed:

- North entry sign on South Patrick Drive located between the Montecito wall and the drainage canal 14/11" H x 20'4" W (Mediterranean style).
- North entry sign on A1A located where the first duplex of the old military housing stands 18'2" H x 51'5" W (Mediterranean style).
- South entry signs at A1A and South Patrick Drive were based upon proposals from Art Kraft Sign Company including murals showing features (heron, sunrise) similar to those on the current signs (Florida Vernacular). The Fire Department has requested that the entry sign located on their property include a reader board.

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

- Pat Utecht, 235 Hedgecock Court, asked if the City is going to conform to its LDRs regarding the size of signs, noting that the signs for the north entry are many times larger than code allows. Does the City have to apply for a variance? Regarding the sign placed on Montecito property, he questioned who bears liability, who pays insurance and taxes, who pays utility bill for sign lighting, and who pays for maintenance of the sign. He talked about Florida Department of Transportation regulations for signs located along their right-of-way. Mr. Utecht noted the LDRs do not provide any distinction between government signs and business signs. He recommended adding a sign showing entrance to the City along DeSoto Parkway. He concluded by stating that, from a legal standpoint, you might face a class action lawsuit against the city for restricting business signs but not city signs.
- Bill Higginson, 1175 Highway A1A, spoke in favor of the City signs conforming to the City Code. He did not recommend adding reader boards to the entry signs. He questioned the need to add "Florida" to the sign; leave "Florida" off and make "Satellite Beach" larger.

In response to questions, Building Official John Stone stated that the height of the sign is measured from the crown of the road. The base is included in the total height measurement, but is excluded from the measurement of the copy area.

City Manager Crotty stated that the sign code review committee will look at gateway signs and the City Attorney will review their recommendations.

Vice-Mayor Ferrante stated that the Florida Vernacular signs are more in keeping with the beach character of Satellite Beach.

Mayor Brimer stated that it is inappropriate to bring up an adversarial threat of a class action suit when the committees and Council are working diligently to address all the sign issues.

SIGN CODE REVIEW:

Community Development Director Canady gave an overview of her March 28, 2008, memorandum, stating that the Planning and Zoning Advisory Board and the CRA Advisory Committee have held six meetings to review the sign code. Below are their recommendations for revisions to the current code.

Freestanding sign type – monument

Address numbers required – six inches clearly visible from street

Setbacks – front, 10 feet; adjacent property (side), 25 feet

Size for single tenant properties – height, 8 feet (measured from crown of road); width, 11 feet; depth, 2 feet; copy area not to exceed 60% of overall dimensions (allowed on both sides); architectural detailing, minimum 40%.

Exception – one foot may be added to overall height to accommodate required 6-inch address numbers

The committees have three more meetings scheduled to continue review of number and size of signs allowed on larger and/or multi-tenant properties, exceptions to freestanding sign requirements, definitions, zoning districts, and miscellaneous clean-up items.

**DISCUSS/TAKE ACTION ON EXPENDITURE OF \$2,200 FROM THE ADVANCED LIFE SUPPORT TRUST FUND TO PURCHASE A STAIR-PRO MODEL 6252 LIFT CHAIR**

Fire Chief Dan Rocque requested authorization to purchase a Stryker Stair Pro-Model 6252 and related accessories in the total amount of \$2,200, exclusive of shipping costs, with funds from the ALS Trust Fund. The current unencumbered balance of that fund is \$17,735.

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

**ACTION:** Councilman Montanaro MOVED, SECOND Councilman D'Amato, to authorize the purchase of one Stryker Stair Pro-Model 6252 and accessories in the amount of \$2,200 with funds coming from the ALS Trust Fund. VOTE: ALL AYES. MOTION CARRIED.

**ORDINANCE NO. 990, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE SATELLITE BEACH CITY CODE OF ORDINANCES BY CREATING A NEW SECTION 54-32, PROHIBITING ALTERATION, DESTRUCTION, DAMAGE, MODIFICATION OR CHANGE OF STREETS, SIDEWALKS, DRIVEWAYS, CURBS, DRAINAGE INLETS, AND OTHER FACILITIES OR INFRASTRUCTURE LOCATED IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING EXCEPTIONS; PROVIDING AN EFFECTIVE DATE (FIRST READING)**

The City Manager reported that Council Members have received a number of comments about the property at the corner of Jamaica Boulevard and Lynn Avenue where the driveway, sidewalk, and street curb have been painted. Ordinance No. 990 prohibits painting/staining or modification to public facilities or infrastructure located in the public rights-of-way except for the driveway. A homeowner may paint/stain the driveway from the garage to the street; provided, however, the portion of the driveway which connects the sidewalk must be of a non-skid surface.

**ACTION:** Councilman Montanaro MOVED, SECOND Councilman D'Amato, to read Ordinance No. 990 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 990 by title only, there being sufficient copies of all ordinances available for the public.

Council discussed the following:

- Using the Beachcaster to let the public know about this ordinance,
- Not issuing a permit for painting driveways but requiring the owner to provide proof to the Building Official that the product is non-skid, and
- Devising a way to remove the color that is already in place.

City Attorney Beadle stated that the ordinance gives the Building Official the authority to review the paint/stain product specifications to see if they meet industry standards for a non-skid surface.

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

- Bill Higginson, 1175 Highway A1A, encouraged Council to approve this ordinance.

Public Works Director Allen Potter stated that he had talked with the homeowner and the product is an epoxy, which will be extremely difficult to remove. Mr. Potter will try several products on a small portion of the curb to see if the pigment and epoxy can be removed without damaging the concrete. It was suggested that sandblasting may be the best solution.

**ACTION:** Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to approve Ordinance No. 990 on first reading. VOTE: ALL AYES. MOTION CARRIED.

## **APPOINTMENTS TO BOARDS**

City Clerk Montanaro presented a report dated April 9, 2008, listing the Board applicants and vacancies.

