

COUNCIL MINUTES JUNE 4, 2008

Pursuant to Public Notice, Mayor Brimer convened a regular meeting of the City Council on Wednesday, June 4, 2008, at 7:00 p.m. in the Council Chamber. Those present were Mayor Mark Brimer, Vice-Mayor Joseph Ferrante, Councilman Sal D'Amato, Councilwoman Martha Kirby, Councilman Dominick Montanaro, City Attorney James Beadle, City Manager Michael Crotty, and City Clerk Barbara Montanaro.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE LED BY COUNCILMAN MONTANARO

Councilman Montanaro led a moment of silence followed by the Pledge of Allegiance.

CITIZEN COMMENTS

No citizens had signed up for citizen comments.

COUNCIL COMMENTS

Councilman Montanaro stated that he attended the Samsons Island Open House on May 10 and helped make several hundred sandwiches. It was a good event with good attendance. He also attended the Code Enforcement Board meeting on May 27.

Councilman Montanaro also attended the May 29 Northrop Grumman celebration supporting the United States Air Force selection of Northrop Grumman to build the new KC-45 aerial refueling tanker. At the May 7 Council meeting, he did not support adopting a resolution supporting the award of the contract. However, information that he received at this meeting and from other sources in the community has caused him to change his mind. Northrop Grumman will create about 1600 jobs in Florida and 48000 in the United States. No technology will leave the United States; new technology will be brought into the country.

Councilwoman Kirby stated that she attended the Samsons Island Open House and the Committee has had positive feedback about the event and the article in the Beachcaster about the Island. She attended several Community Redevelopment Agency Advisory Committee (CRA AC) meetings regarding sign regulations, the General Employees Pension Board meeting and the Police and Fire Pension Board meeting.

Councilwoman Kirby also attended the Legislative Breakfast at Kennedy Space Center with Chief Cote and Commander Pearson, where they discussed the 25-Year Plan. She attended the Memorial Day events with Sheriff Parker and the Palm Bay Memorial Day event.

Vice-Mayor Ferrante noted that Mayor Brimer had received a rousing applause at Satellite High School graduation program and thanked him for representing the City.

Mayor Brimer thanked the City Manager for the Police Department support provided at graduation. Mayor Brimer stated that he received a call from the President of the Space Coast League of Cities asking for support of the award of the contract to Northrop Grumman and asked that it be included as an agenda item at the end of the meeting.

Councilman Montanaro stated that Paul Meyer 2nd Vice President for Air Mobility Division and Tom Vice, Senior Vice President for the Eastern Division of Northrop Grumman, are residents of Satellite Beach and recommended supporting this endeavor.

Council agreed to consider this agenda item at the end of the meeting.

CITY ATTORNEY REPORT

City Attorney James Beadle did not have a report.

CITY MANAGER REPORT

City Manager Michael Crotty presented a rough draft of two potential signs to be placed at Pelican Beach Park, one recognizing the contributions of the Satellite Beach Woman's Club (SBWC) and the other recognizing the Satellite Beach Lions Club and the Disabled American Veterans Chapter 129 (DAV). The Lions Club and DAV signs could be placed near the entrance from the parking lot and the SBWC sign could go closer to the two-acre preservation parcel.

Council discussed the following options:

- Put a bold heading to capture attention because the public may not read the whole sign if it is too wordy.
- Incorporate the emblem of the service organization into the sign.
- Stay away from the pulpit type sign and use something consistent with the signs that are already in the Park.
- Name a pavilion after each organization and have a roll-a-dex showing their contributions instead of putting up signs.
- All the signs could be placed together in the grassy area past the children's play area.

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

- Dee Anderson, 180 DeSoto Parkway, stated that the SBWC has worked hard for many years to acquire and improve Pelican Beach Park. A sign should at least recognize the purchase of the two-acre conservation parcel. She requested that the sign be placed where people will see it.

- Bill Higginson, 1175 Highway A1A, stated that the SBWC deserves unique recognition and recommended that the sign be similar to existing signs.

A storyboard of organizations instrumental in the development of the Park could be a way to recognize the various contributions.

Council requested Recreation Director Stoms to meet with Kitty Wade and Dee Anderson of the SBWC and Jeff Pearson of the Lions Club to work out the details of type, content, and location of recognition signs.

Council also discussed that many beach accesses have specific names that are surfing oriented. This is part of the City's history and should be captured on the signs at those locations. Laura Canady, Community Development Director will include this in the redevelopment improvements at those accesses.

ORDINANCE NO. 991, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE FY 2007/2008 BUDGET ORDINANCE NO. 976; PROVIDING AN EFFECTIVE DATE (SECOND READING)

Ordinance No. 991 was approved on first reading on May 7, 2008. This ordinance amends the FY 07/08 budget.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to read Ordinance No. 991 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 991 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. 991 on second reading. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON GRANT AUTHORIZATION REGARDING FEMA GRANT FOR COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM

FEMA released notification of a Commercial Equipment Direct Assistance Grant Program only six days before this meeting. It was requested and approved that consideration of the application be postponed until the June 18 meeting.

COUNCIL CONVENED AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE FOLLOWING AGENDA ITEMS:

DISCUSS/TAKE ACTION ON USE OF A1A/DESOTO PARKWAY PROPERTY (1612 HIGHWAY A1A, FORMER PEGLEGS PROPERTY)

Community Development Director Laura Canady introduced committee members Jeff Fleis (Chair), Janice Oberwetter, and Gabe Feindt. Ms. Canady stated that this

property was purchased to eliminate the potential development of an undesirable use, as development of higher intensity commercial uses would not be compatible with the surrounding neighborhood.

The memo dated June 3, 2008, provided the following list of potential excluded uses which were derived from public input, the Ad Hoc Committee Final Report (March 2008), the Land Development Regulations, the Satellite Beach Market Study (2005), and the Comprehensive Plan:

- ◆ All residential uses
- ◆ Gas stations
- ◆ Auto, marine repair, engine, air conditioning, repair stations, lawn mower repair and maintenance
- ◆ Food and beverage drive thru (pick up windows?)
- ◆ Sanitary landfills, incinerators
- ◆ Refuse dumps and solid waste transfer stations
- ◆ Towers, monopoles
- ◆ New or used boat or new or used auto sales
- ◆ Car rental agencies or car rental storage yards
- ◆ Warehouse storage and self-storage facilities
- ◆ Parking/storage for RVs or autos
- ◆ Contractor storage yards of any kind
- ◆ Wholesale/retail distribution center with warehousing.

More undesired uses may be identified throughout the process.

Council discussed the following:

- It is almost impossible to compile an all-inclusive list of undesirable uses.
- The cost of the land and construction of a building, together with limited parking, would automatically preclude certain businesses from a lot this size. However, when planning for this parcel, it is also necessary to consider the possibility that a developer could aggregate this parcel and several others in the block for a project that would support an undesirable business.
- The extensive list of excluded uses could reduce the value of this property by 50%.
- While Council wants to put the groundwork in place now, it may not be advantageous to sell the property in today's market.
- The real estate commission for commercial property is ten percent. It may be advantageous to have staff offer the property for sale either as an outright sale or through a request for proposals. Council felt that an outright sale would be the better choice at this time.
- Some of the uses that would be desirable are banks, health care, or offices.

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

- Gabe Feindt, 470 Caribbean Drive, and member of the Ad Hoc Committee, recommended that the property be offered for sale now, rather than continuing to pay interest.

ACTION: By consensus, Council recommended the following action at this time:

- The Community Redevelopment Agency Advisory Committee review the action plan identified in the June 3, 2008, memo.
- Obtain a two-prong appraisal: (1) the current value of the land without the exclusions, (2) the current value of the land with the exclusions.

An appraisal is valid for a limited time. Also, if the property is sold below market value, two appraisals are required by law.

**DISCUSS/TAKE ACTION ON FAÇADE GRANT APPLICATION FOR THE
BUCCANEER CONDO ASSOCIATION, 1175 HIGHWAY A1A**

Community Redevelopment Coordinator Cheryl Gitlin presented a request from the Buccaneer Condominium Association for a matching façade grant in the amount of \$15,000 for exterior painting of the front and sides of the building. The estimated cost of the project is \$80,446. The color will be selected from the approved pallet of colors and submitted for approval by the Community Development Director. The CRA AC reviewed this request on May 12 and recommended approval.

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

- Brian Bevins, 1175 A1A, stated that, although the board has considered a gray similar to what is on the building now, they have not selected the colors yet and do not want to be stuck with repainting in the gray that is there now.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to approve a matching grant in the amount of \$15,000 for exterior painting at the Buccaneer, 1175 Highway A1A. VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON FAÇADE GRANT APPLICATION FOR FLORENTINE
JEWELERS, 1270 HIGHWAY A1A**

Community Redevelopment Coordinator Cheryl Gitlin presented a request from the Florentine Jewelers in the amount of \$15,000 for a façade grant to stucco and paint the exterior of the building, add new tile mansard, rebuild front entry featuring store front display windows, top coat and stripe parking lot. The estimated cost of this is \$31,750. On May 28, the CRA AC reviewed and recommended approval of this request and the following additional enhancements: potted plants with drip irrigation, decorative relief

tiles, recessed lighting, and a monument sign with architectural embellishment for an additional cost of approximately \$8,874.

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

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to approve the matching façade grant in the amount of \$15,000, based on the additional enhancements and sign. VOTE: ALL AYES. MOTION CARRIED.

COUNCIL L RECONVENED FOR THE FOLLOWING AGENDA ITEMS:

REPORT OF POLICE DEPARTMENT ON ISSUES RELATING TO PARKING ON SIDEWALKS

In response to a letter from a resident, the Police Department has reviewed the issue of vehicles parking across the sidewalk. In the past, the Police have responded to complaints regarding this issue; however there has been minimal enforcement. A windshield survey indicates that the practice of parking on the sidewalk is more widespread than anticipated. A number of factors contribute to cars being parked on the sidewalk: increased number of vehicles at a home, many garages are used for storage, and previous Land Development Regulations required only an eight foot side setback. More aggressive enforcement of the Code would result in more vehicles parked on the streets.

The City has spent almost \$500,000 to install sidewalks in accordance with the award winning Sidewalk/Pedway Plan to make the community safer for students walking to school. Also, the City is actively involved with the Communities for a Lifetime program to enable residents to remain in their homes for a longer period of time. When vehicles are parked on the sidewalk, pedestrians are forced to walk across the grass and out into the street to get by; this is challenging for someone with a walker or wheelchair.

More cars parking on the street may make it difficult for garbage trucks and fire trucks to travel through the streets.

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

- Kitty Wade, 320 Lynn Avenue, stated that Brevard County has an ordinance about vehicles impeding the flow of pedestrian traffic on the pedestrian right-of-way.

ACTION: By consensus, Council requested staff to implement a following program:

- Place an article in the next two issues of the Beachcaster notifying the residents of the prohibition and informing them of the future enforcement.
- After public notification, use warning tickets to inform residents of the higher level of enforcement.
- Following these notification periods, begin issuing citations for parking violations.

The City Manager will follow up with a letter to the citizen who wrote regarding this issue.

RESOLUTION NO. 864, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, ACCEPTING MONTECITO SUBDIVISION PHASE 2B; AND PROVIDING AN EFFECTIVE DATE

Building Official John Stone stated that Resolution No. 864 accepts Montecito Subdivision Phase 2B and provides for the \$1,048,220 performance bond to revert/convert to a maintenance bond in the amount of ten percent of the cost of improvements. The maintenance bond has a rating of "A." He recommended approval of the resolution.

ACTION: Councilwoman Kirby MOVED, SECOND Councilman D'Amato, to read Resolution NO. 864 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 864 by title and asked for public comments. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to adopt Resolution No. 864. VOTE: ALL AYES. MOTION CARRIED.

Councilman Montanaro stated that it was his understanding that the roads in the Montecito Community Development District were to be open to the public. While bike riding, he found that all the gates were closed.

City Manager Crotty said Montecito can be gated but they must provide access. He will follow up on this issue.

ORDINANCE NO. 992, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, IMPOSING MORATORIUM ON AGGREGATION OF LOTS IN AREA SOUTH OF DESOTO PARKWAY AND EAST OF HIGHWAY A1A; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Clerk Barbara Montanaro reported that Council adopted Ordinance No. 964 in June 2007, imposing a moratorium on aggregation of lots or tax parcels south of DeSoto Parkway and east of Highway A1A in order to provide time for the City's review of any proposed textual amendments to the Comprehensive Plan regarding mixed use and to consider the Department of Community Affairs' (DCA) response. The provisions in Ordinance No. 964 sunset in June 2008.

These Comp Plan amendments regarding mixed use and aggregation of land are addressed in Ordinance No. 979 which is currently in DCA's office for review. This review process before DCA has been delayed by the state until the School Concurrency Element of the Comp Plan has been approved.

It is recommended that the moratorium be extended until final action is taken on the Comp Plan Amendments (Ordinance No. 979). Ordinance No. 992 has been prepared to extend this moratorium.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to read Ordinance No. 992 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 992 by title and asked for public comments. The following individual addressed Council:

- Bill Higginson, 1175 Highway A1A, Chair of CPAB, encouraged Council to extend the moratorium until the amendments currently before the DCA have been finalized.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to approve Ordinance No. 992 on first reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 993, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE CITY OF SATELLITE BEACH LAND DEVELOPMENT REGULATIONS SECTION 30-107 DEFINITION OF BREEZEWAY AND SECTION 30-615(b)(1) REGARDING PARKING RECREATIONAL VEHICLES IN RESIDENTIAL AREAS; PROVIDING AN EFFECTIVE DATE (FIRST READING)

Ordinance No. 993 incorporates two recommendations made by the Planning and Zoning Advisory (PZAB) at their May 19, 2008 meeting. The first recommendation is to amend the definition of breezeway to include all property east of Highway A1A, not just the direct oceanfront parcels. This will help that all properties east of A1A are governed by the breezeway regulations.

The second amendment redefines the time allowed to park a boat or RV in front of a residence and makes it easier for the Code Enforcement Officer to monitor compliance with the Code.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to read Ordinance No. 993 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 993 by title.

Councilman Montanaro, liaison to the Code Enforcement Board, stated that the Code Enforcement Officer has to devote more of his time to office work because of the administrative position that has not been filled. Therefore, he has less time on the road to see violations. Councilman Montanaro stated that the number of boats and RVs parked in front of homes is growing and asked if the Police Volunteers can help monitor Code violations.

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

The City Clerk reported several clerical amendments that she had made to the minutes since they were sent out with the Agenda Packet.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to approve the above minutes as amended by the City Clerk. VOTE: ALL AYES. MOTION CARRIED.

AGENDA ITEM ADDED EARLIER IN MEETING:

RESOLUTION NO. 863, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, SUPPORTING THE PROPOSED FLORIDA SENATE ACTION TO THE UNITED STATES HOUSE OF REPRESENTATIVES CONFIRMING AND ACCEPTING THE DECISION OF THE UNITED STATES AIR FORCE TO AWARD THE TANKER CONTRACT TO NORTHROP GRUMMAN CORPORATION AND EADS NORTH AMERICA; DIRECTING COPIES OF THIS RESOLUTION BE SENT TO U. S. CONGRESS MEMBERS TOM FEENEY AND DAVE WELDON, FLORIDA STATE SENATORS BILL POSEY AND MIKE HARIDOPOLOS, ALL MAYORS IN BREVARD COUNTY, AND THE SPACE COAST LEAGUE OF CITIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION

This resolution came before Council at two previous meetings and no action was taken because of concerns raised by a newspaper article stating that Northrop Grumman would take jobs and technology out of the United States. Also, some felt that the award of this contract was not a city matter and they did not want to offend members of the Air Force or Boeing employees who are residents of Satellite Beach.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to read Resolution No. 863 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 863 by title.

Vice-Mayor Ferrante stated that he would not support the resolution because this contract is not a City issue. The contract was awarded through a bid review process conducted by the United States Air Force (USAF); this is Air Force business. This is not a matter for the City to be supporting or not supporting. He noted that many Boeing employees who live in the City and County will lose jobs because of this contract.

Councilwoman Kirby stated that she could not support the third "whereas" clause:

WHEREAS, efforts to overturn the decision of the United States Air Force, after an extensive evaluation process that was transparent and fair, are irresponsible and a true threat to our national security; and

Other than that clause, she could support the resolution. She further commented that, with the changes in the Space Program, it is necessary to keep this type contract in Brevard County to provide jobs for those who may be laid off at the Space Center. The

City of Melbourne through the Space Coast League of Cities (SCLC) has asked us to support this contact. This is an opportunity to show support of the SCLC.

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

- Bill Higginson, 1175 Highway A1A, that the corporations have attorneys and engineers to resolve the contract issues; it is not the business of Satellite Beach. The City does not know all the facts on either side as to numbers of jobs, etc.
- Gabe Feindt, 470 Caribbean Drive, stated that there is nothing to be gained in participating in this dispute. He asked if the City would lose face with the SCLC if they did not support the resolution.

Councilman Montanaro said that the contract was awarded based upon evaluation of five standards; Northrop Grumman won four of the five and tied with Boeing on the fifth. This project will bring new technology into the United States from France and Spain; no technology will be leaving the country. He recommended that the third "whereas" be amended to read as follows:

WHEREAS, the extensive evaluation process was transparent and fair;
and

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to adopt Resolution No. 863 as amended above. VOTE: FOUR AYES, ONE NAY (Vice-Mayor Ferrante). MOTION CARRIED FOUR TO ONE.

Mayor Brimer adjourned the meeting at 9:18 p.m.

Barbara Montanaro, CMC
City Clerk