

**COUNCIL MINUTES
JUNE 17, 2009**

Mayor Brimer convened a regular meeting of the City Council at 7:00 p.m. on Wednesday, June 17, 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.

Mayor Brimer led a moment of silence and the Pledge of Allegiance.

PRESENTATION BY THE ABIGAIL WRIGHT CHAMBERLIN CHAPTER, DAUGHTERS OF THE AMERICAN REVOLUTION, TO SCOTTY CULP RECOGNIZING HER SUPPORT OF THE AMERICAN FLAG

Judith Creamer and Susan Neugebauer, Regent and Flag Chairwoman, respectively, of the Abigail Wright Chamberline Chapter, Daughters of the American Revolution, presented a Proclamation to Scotty Culp, recognizing her support of the American Flag, specifically the Twenty-one Day Salute to the Flag that Scotty coordinates each year. Jean Roach and Barbara Keller also participated in the presentation.

Scotty Culp explained how Twenty-one Day Salute started in 1987 to celebrate the tri-centennial anniversary of the Constitution. The salute was to take place each June/July for five years. Twenty-two years later the celebration continues and the number of flags has increased to 53. Scotty displayed her "Bible" with the names of all the volunteers who help each morning and evening and expressed her appreciation to them. She thanked members of the DAR for the Proclamation.

Mayor Brimer commended Scotty for her efforts and thanked the DAR for recognizing Scotty's patriotism.

PRESENTATION ON COMMUNITIES FOR A LIFETIME PROGRAM BY KERRY STOMS, RECREATION DIRECTOR

Recreation Director Kerry Stoms stated that for the past year the Communities for a Lifetime program has operated under the heading of "Passport to Healthy Living" and has included presentations on nutrition, exercise, security, etc. At each session, participants received a stamp on their "passport." At the conclusion of this year's programs, participants became "ambassadors" to the community and were given a bag of information to help them inform friends and neighbors about programs and safe living habits. Ms. Stoms presented each Council Member with an "Ambassador's bag" and thanked Publix for providing the bags.

She reported that the CFAL program will include a health fair next February. Students in the seventh grade civics program under the leadership of Larry Finch at DeLaura Middle School will help to man booths.

PRESENTATION BY REPRESENTATIVES OF ELIGERE STRATEGIES, LLC, REGARDING RECENTLY COMPLETED LEGISLATIVE SESSIONS AND ISSUES OF

LOCAL CONCERN

Mitch Needelman and Matt DuPree of Eligere Strategies presented a report from the 2009 Florida Legislative Session as follows:

TABOR (Taxpayer Bill of Rights): The proposed amendment to Section 1 of the State Constitution to limit state and local government revenues and require voter approval of new taxes and fees died in Committee. However, it is expected to reappear closer to time to put it on the ballot so the opponents do not have as much time to institute a law suit against it.

Red Light Camera Enforcement: The use of cameras for traffic enforcement did not pass this year. The proposed bill had comprehensive grandfather provisions for existing camera enforcement equipment and programs. As presented, the fine for a violation would have been \$150 with \$45 going to the State, \$25 going to trauma care centers, and \$80 being retained by the municipality.

Exempt Small Cities from Certain Comprehensive Plan Mandates: Eligere has secured Senator Altman and Representative Poppell to draft language to allow certain cities to opt out of certain mandated Comp Plan amendments because there has been no significant change in the city.

Legal advertising: The bills that would have authorized government entities to publish or advertise public notices on websites and amend various current advertisement requirements died in committee.

Transparency in spending: This bill establishes transparency requirements for state budgeting and spending and requires the Joint Legislative Auditing Committee to develop recommendations for local governments, school districts, etc. Eligere is working on language to exempt smaller cities.

Council discussed specific aspects of legislation with Eligere as follows:

- Mayor Brimer reported that the Space Coast League of Cities (SCLC) will discuss the impact to local government if the TABOR amendment is adopted. It is anticipated that SCLC will launch a letter-writing campaign requesting legislators not to put this amendment on the ballot. After discussion, Council asked that someone from Eligere be present at the July 13 SCLC meeting during the discussion on opposition to TABOR.
- One way to combat the erosion of home rule would be to collect signatures to put a Constitutional Amendment supporting/protecting home rule on the ballot.
- It is imperative to have a well thought-out, structured plan that addresses the facts succinctly.

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

Council thanked Mr. Needelman and Mr. DuPree for their presentation.

UPDATE ON IRRIGATION REGULATIONS BY ANN BENEDETTI OF ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Ann Benedetti, Intergovernmental Coordinator for St. Johns River Water Management District (SJRWMD), distributed a packet of information about watering restrictions and water conservation. She stated that more than ½ the water used is used outside. The SJRWMD has promoted water conservation with restrictions on watering during the heat of the day for the past sixteen years. In 2006, irrigation was limited to twice a week. In 2009, irrigation was further restricted to once a week during Eastern Standard Time and twice a week during Daylight Savings Time: Wednesday and Saturday for odd numbered residents and Thursday and Sunday for even numbered homes, no more than one hour per cycle.

Ms. Benedetti stated the SJRWMD is requesting local governments partner with SJRWMD by adopting and enforcing the model irrigation ordinance. Acknowledging that everyone's financial resources are limited, she asked that the City use whatever means available to enforce the irrigation regulations.

City Manager Michael Crotty stated that the City has notified residents of the regulations by placing an article in the Beachcaster and on the City web site. The Police volunteers have worked with Code Enforcement by providing a list of houses they observe watering on the wrong day or at the wrong time.

He further stated that Satellite Beach is an environmentally sensitive community. The City has experienced 90% compliance through education in the past.

Council discussed the following:

- They support the concept of water conservation; however, they do not have resources to enforce regulations if an ordinance is adopted.
- They support and encourage education regarding conservation.
- Watering on a specific day presents challenges for those who share a well with their neighbor; they cannot both water at the same time.
- Wednesday/Saturday and Thursday/Sunday are arbitrary and do not accommodate watering as NEEDED. People will water on those days whether grass needs it or not because they cannot be assured that there will be rain before the next watering day.
- The barrier island is not part of the watershed that replenishes the aquifer.

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

- Scott Rhodes, 435Glenwood Avenue, spoke in favor of irrigation restrictions, citing examples in Atlanta, Georgia, and South Florida, where very strict irrigation regulations are enforced. He further stated that the District should ban deep well drilling in the near

future.

- Bill Higginson, 1175 Highway A1A, confirmed that the City does not have enough staff to monitor and enforce irrigation regulations. He spoke in support of education so that citizens will voluntarily conserve water.

Mayor Brimer and Council Members thanked Ms. Benedetti for her presentation. They requested staff to include more articles in the Beachcaster noting that the City supports the new restrictions and directing citizens to the City's website for links to the SJRWMD site for help in conservation.

Mayor Brimer recessed the meeting from 8:35 p.m. to 8:45 p.m.

ORDINANCE NO. 1017, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SATELLITE BEACH TO PERMIT A CONDITIONAL USE FOR A CONGREGATE LIVING FACILITY FOR PROPERTY LOCATED AT 500/510, 520/522 AND 530/532 LEE AVENUE AND 505/515, 517/525 AND 527/535 JACKSON AVENUE; DESCRIBED AS EAU GALLIE SHORES, LOTS 14-21, 24 AND 25, BLOCK 20; ZONED RM-1; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATE (FIRST READING)

Ordinance No. 1017 amends the Conditional Use granted by Ordinance No. 1005 (adopted November 19, 2008) by increasing the number of residents permitted in the Adult Congregate Living Facilities at 500/510, 520/522, 530/532 Lee Avenue and 505/515, 55117/525, and 527//535 Jackson Avenue from six to eight. All other provisions of Ordinance No. 1005 remain the same.

At a public hearing on June 15, 2009, the Planning and Zoning Advisory Board recommended approval of increasing the capacity from six to eight in the four-bedroom/four bathroom units.

Building Official John Stone stated that the owners have found that there is a greater need for double occupancy to accommodate husband/wife residents.

Applicants Kalie and Cheryl Stocksdale asked for flexibility to have two occupants per room so that couples, sisters, or friends can reduce costs by sharing a room. They reported that there has been a lot of interest in the double occupancy rooms from the community.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to read Ordinance No. 1017 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1017 by title only on first reading and asked for public comment. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to approve Ordinance No. 1017 on first reading. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON RECOMMENDATION OF APPROVAL OF PZ #2-09 SITE PLAN FOR PELICAN COAST SOUTH LEASING OFFICE, LOCATED AT THE SOUTHEAST CORNER OF SR NO. 513 (SOUTH PATRICK DRIVE) AND SHRIKE DRIVE INTERSECTION

Building Official John Stone reported that the Planning and Zoning Advisory Board at their June 15, 2009, meeting recommended approval of PZ#2-09 site plan for Pelican Coast South Leasing Office at the intersection of Shrike Drive and South Patrick Drive. This facility will serve as a Leasing Office and Reception Center for the 156 military housing units as part of the contractual requirements of Pelican Coast South and the Planned Unit Development.

The Beautification Board reviewed and recommended approval of the landscape plans at their June 10, 2009 meeting.

Council discussed the following with the applicants:

- The site plan has been reviewed by staff and the Planning and Zoning Board and meets all Code requirements.
- The intended hours of operation are during the day Monday through Friday except there may be extended hours during a Permanent Change of Station by military personnel.
- There will be two people employed to provide customer service for the 156 housing units there.

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

- Ayn Samuelson, President of South Patrick Residents Association, expressed the concern of the residents of Coral Reef about what they will see at the Leasing Office – bright lights at night, a bare wall, a wall with vegetation, etc. They would like the developer to be considerate of them.

The City Manager stated the Community Development Director has been meeting with the developer to finalize landscape Plans. He referred to a Petition presented at the Planning and Zoning meeting and acknowledged that residents of Coral Reef have been frustrated by the removal of the oleanders that shielded their homes from South Patrick Drive. The improvements to South Patrick Drive are a Florida Department of Transportation project and Satellite Beach does not have any say what FDOT does along the Brevard County section of improvements.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to approve PZ #2-09 site plan for Pelican Coast South Leasing Office as presented. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1015, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, EXTENDING THE FRANCHISE WITH HARRIS SANITATION INC. FOR SOLID WASTE COLLECTION AND STREET SWEEPING; AMENDING SECTION 50-84, TERM; ADDING SECTION 50-87(D), FORCE MAJEURE; ADDING SECTION 50-38, GARDEN TRASH COLLECTION REQUIREMENTS; AMENDING SECTION 50-142(a) AND (b) ADJUSTMENTS TO RATES; PROVIDING AN EFFECTIVE DATE (SECOND READING) (8:00 P.M. TIME CERTAIN)

Ordinance No. 1015 was approved on first reading on June 3 with minor modifications. Those modifications have been included for second reading. This ordinance will extend the Waste Management franchise agreement for an additional five years, subject to certain conditions.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to read Ordinance No. 1015 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1015 by title only on second reading.

Council questioned which day the small piles of yard debris are supposed to be picked up, noting that there are numerous piles remaining on the streets tonight. (This is Wednesday and they should have been cleared today; WM will check on this.)

1. Council discussed the last "whereas" clause on page 1 and agreed that both the rear load pick up and the interactive web-based customer reporting website should be working within ninety days of the effective date of this agreement.
2. Council discussed Section 50-38 Yard trash collection requirements and replaced the words "the day established for yard (garden) trash collection" with "Monday of each week."

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

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to adopt Ordinance No. 1015 with the two changes listed above. VOTE: ALL AYES. MOTION CARRIED.

George Geletko of Waste Management stated that Brevard County has decided to close the landfill on Friday, July 3, and have it open on Saturday, July 4. This will create major problems for WM pick up. Mr. Geletko asked if the City Manager or Mayor could intercede on WM behalf with Brevard County to get the schedule changed. Mr. Geletko agreed to prepare a draft letter outlining the issues for the City Manager to review.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Fleis, to authorize the Mayor to send a letter drafted by Mr. Geletko to Brevard County on behalf of Waste Management. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1014, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE FY 2008/2009 BUDGET ORDINANCE NO. 1002; SAID ORDINANCE WAS PREVIOUSLY AMENDED BY ORDINANCE NO. 1012; PROVIDING AN EFFECTIVE DATE (FIRST READING)

Ordinance No. 1014 amends the 2008/2009 Budget as of March 31, 2009, including computer services for Building and Zoning, ball field light replacement, and tuition/membership.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to read Ordinance No. 1014 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1014 by title only on first reading and asked for public comments. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to approve Ordinance No. 1014 on first reading. VOTE: ALL AYES. MOTION CARRIED.

RESOLUTION NO. 883, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR RESURFACING A PORTION OF JACKSON AVENUE

At a previous meeting, Council approved the use of the City's portion of the Federal Stimulus Transportation funds for Jackson Avenue improvements. Resolution No. 883 will authorize the execution of an agreement with the Florida Department of Transportation for resurfacing a portion of Jackson Avenue using Federal Stimulus Transportation funds.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to read Resolution No. 883 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 883 by title and asked for public comments. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to approve Resolution No. 883. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON REQUEST OF POLICE CHIEF TO APPROVE EXPENDITURES FROM THE LAW ENFORCEMENT TRUST FUND IN THE AMOUNT OF \$4,795.00 FOR VIDEO SURVEILLANCE SYSTEM

City Manager Crotty stated that Police Chief Cote has requested an expenditure of \$4,795.00 from the Law enforcement Trust Fund to purchase a covert video surveillance system. The Chief has certified that this is an eligible expense from the Law Enforcement Trust Fund in accordance with Florida Statutes Section 932.7055(5)(a).

In response to a question from Council, Commander Hodge stated that this is a sole source

purchase because a number of functions have to have Internet access unique to Satellite Beach equipment.

ACTION: Vice-Mayor Kirby MOVED, SECOND Councilman Chase, to approve an expenditure of \$4,795.00 from the Law enforcement Trust Fund to purchase a covert video surveillance system. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON CONTINUATION OF AGREEMENT WITH BREVARD COUNTY REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The City received notice that the existing agreement with Brevard County pertaining to the Community Development Block Grant Program (CDBG) will continue for FY 2010, 2011, and 2012 unless the Council expresses a desire to terminate the agreement. The City reviewed the termination clause in 2006 and took no action, thereby allowing the agreement to continue.

The demographics of the City make it nearly impossible for the city to qualify for a competitive CDBG application. The City's population for the purpose of calculating qualifying for CDBG funds enhance the County's application. The funds are used for drainage and paving, sidewalks, community centers, housing rehabilitation, economic development, etc.

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

ACTION: Council took no action, thereby ensuring the continuation of the existing agreement.

DESIGNATE CITY VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE

It is necessary for the City to designate a voting and alternate delegate for the Florida League of Cities annual Conference.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to designate Mayor Brimer as the voting delegate to FLC Conference and to designate Vice-Mayor Kirby as alternate.

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

VOTE: ALL AYES. MOTION CARRIED.

City Manager Crotty stated that he has not registered for the FLC Conference because of the economic situation and he has an ICMA conference in September, which is important to his continuing education.

Council noted that the City has applied for two awards and stands a good chance of winning one of them. It is important that the City Manager be present as he has been a part of building the twenty-year history leading to the award.

By consensus, Council authorized the City Manager to attend both the FLC Conference in August and the ICMA continuing education in September.

CITIZEN COMMENTS

No citizens had signed up to address Council.

COUNCIL COMMENTS

Vice-Mayor Kirby reported that she attended the LEAD Brevard meeting and gathered some information about a program the School District has put into place "The Whole Child." She passed this information to Commander Don Hughes for possible incorporation into the CFAL program.

Vice-Mayor Kirby participated in the Splash Zone Activity Day at the Fire Department where children learned fire safety and were able to try out the fire hoses.

Mayor Brimer distributed a letter dated June 17, asking the Florida League of Cities to enter a resolution in support of the Governor's initiative recognizing September 22, 2009, as *Fall Prevention and Awareness day* in the State of Florida. Mayor Brimer asked Council to authorize him to execute and send the letter to the Florida League of Cities. The Space Coast League of Cities will consider this request at their July 13 meeting; unfortunately, that meeting is after the July 8 deadline to submit requests for resolution.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to authorize Mayor Brimer to sign and send the above-mentioned letter requesting a resolution by the FLC. VOTE: ALL AYES. MOTION CARRIED.

CITY ATTORNEY REPORT

City Attorney Beadle reported that he attended the mediation hearing with Mr. Redfearn regarding completion of the roof at 605 Poinsetta Drive. They did not reach agreement and will proceed to trial.

CITY MANAGER REPORT

City Manager Crotty reported as follows:

- The Charter Review Committee is holding a meeting June 18 to receive public input on their recommended changes to the Charter. There is a sign on the corner of DeSoto and A1A advising the public of the meeting and there is information on the web about the meeting, together with draft copies of the work of the Committee.
- Vice-Mayor Kirby and Councilman Montanaro have signed the forms nomination Mayor Brimer for the E Harris Drew Award.

- The City has received a notice from the Property Appraiser that, due to delayed hearings in the Clerk of the Court's office, the City may not receive the tax roll certifications until July 30, well past the July 1 TRIM date.

APPOINTMENTS TO BOARDS

City Clerk Barbara Montanaro reported that Mr. Maxwell Albanese had attended only one meeting of the Recreation Board since he was appointed in October 2007. The City Clerk contacted Mr. Albanese in October 2008 regarding his attendance and he indicated that he wanted to stay on the Recreation Board and be considered for appointment to the Code Enforcement Board. His lack of attendance has caused problems with establishing a quorum for Recreation Board meetings.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Fleis, to remove Maxwell Albanese from the Recreation Board due to the number of meetings missed. VOTE: ALL AYES. MOTION CARRIED.

DETERMINE AGENDA ITEMS FOR NEXT REGULAR MEETING

City Manager Crotty presented a list of items for the July 15, 2009, Council meeting.

Councilman Fleis noted that he will be out of the state for both the July 1 and July 15 meetings. Council decided not to hold the July 15 meeting unless pressing business arose.

Council scheduled a special meeting for July 22, 2009, to receive and review the recommendations from the Charter Review Committee.

ADOPTION OF MINUTES: JUNE 3, 2009, REGULAR MEETING

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to approve the June 3, 2009, minutes as presented. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer adjourned the meeting at 9:45 p.m.

Barbara Montanaro, CMC
City Clerk