

**COUNCIL MINUTES
AUGUST 6, 2008**

Pursuant to Public Notice, Mayor Brimer convened a regular meeting of the City Council on Wednesday, August 6, 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 Crotty, and City Clerk Barbara Montanaro.

Vice-Mayor Ferrante led a moment of silence followed by the Pledge of Allegiance.

CITIZEN COMMENTS

The following individuals addressed Council:

- Bill Higginson, 1175 Highway A1A, stated that many citizens leave their garage doors open, which makes their homes vulnerable to theft. He asked Council Members to set an example for others and keep their garage doors closed.
- Don McLendon, 695 Fountain Boulevard, spoke to Council on inconsistent issues with property taxes, stating that his taxes went up due to a "location adjustment." The taxes on many homes across the Grand Canal from him on Lansing Island went down for the same reason. He asked Council to investigate why this would happen and what impact it has on the revenue to the City.

Council discussed the inconsistencies and asked the City Manager to review Mr. McLendon's data and contact the Property Appraiser to get an explanation.

Council concurred to rearrange the order of hearing Agenda items to accommodate those present.

RESOLUTION NO. 868, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, TO ENTER INTO AN INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING AND SCHOOL CONCURRENCY; AND PROVIDING AN EFFECTIVE DATE

Resolution No. 868 authorizes the City to enter into an Interlocal Agreement for Public School Facility Planning and Concurrency with Brevard County Board of County Commissioners, School Board of Brevard County, and Brevard County municipalities.

City Manager Intern Yvonne Kimball stated that the Comprehensive Planning Advisory Board (CPAB) has been working diligently on school concurrency issues and the School Board of Brevard County has revised the interlocal agreement to address concerns raised by the Department of Community Affairs (DCA). Passage of this resolution will authorize the City to participate in the interlocal agreement.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to read Resolution No. 868 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 868 by title only there being sufficient copies available to the public. He asked for public comments.

- Bill Higginson, 1175 Highway A1A, Chair of CPAB, stated that the process to get to this point has taken an inordinate amount of volunteer time and effort and untold expenses for staff and consultants, in addition to the cost for advertising and conducting the public hearings mandated by the DCA. The most frustrating aspect is that the City has to approve this agreement for services over which the City has no control in order to move forward with other Comprehensive Plan Amendments that are held hostage by DCA.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to adopt Resolution No. 868. VOTE: ALL AYES. MOTION CARRIED.

PUBLIC HEARING – ORDINANCE NO. 989, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN, BY PROVIDING FOR A NEW “PUBLIC SCHOOL FACILITIES ELEMENT” AND ASSOCIATED TEXT AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT NECESSARY TO MEET STATE OF FLORIDA MANDATED PUBLIC SCHOOL CONCURRENCY REQUIREMENTS; AUTHORIZING TRANSMITTAL OF THESE AMENDMENTS TO THE EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL, FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, AND OTHER APPLICABLE AGENCIES FOR REVIEW AND COMMENT AS REQUIRED BY FLORIDA STATUTES; REQUESTING THAT THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS WAIVE THE OBJECTIONS, RECOMMENDATIONS AND COMMENT (ORC) REPORT; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE (SECOND READING)

Ordinance No. 989 was approved on first reading March 31, 2008, and transmitted to DCA. After review, DCA issued its Objections, Recommendations, and Corrections report (ORC). Consultant Jim LaRue presented a response sheet to address DCA's ORC report. The Brevard County School Board has provided a new Data and Analysis base that will be incorporated into the Amendment by reference.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to read Ordinance No. 989 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 989 by title only and opened the Public Hearing on Ordinance No. 989. The following individual addressed Council:

- John Fergus, 135 Maple Drive, Vice-Chairman of CPAB, stated for the record that he had serious objections to the State's demanding that the City adopt these Comp Plan Amendments. It forces the City to incorporate in the Comp Plan things over which they have little or no control. This is wrong. It delays productive work on other

Comprehensive Plan Amendments, specifically mixed use, which is supported by DCA as a model Plan Amendment.

Consultant Jim LaRue reported that Brevard County has had their public hearing and the City will reference the data and analysis which was amended in response to DCA's ORC report. The package for Satellite Beach will not be transmitted to DCA until all the corrected documents are assembled.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to adopt Ordinance No. 989 on second reading. VOTE: ALL AYES. MOTION CARRIED.

Council expressed appreciation to the Comprehensive Planning Advisory Board and to LaRue Planning and Management Services for their tireless efforts in bringing this to completion.

PUBLIC HEARING – ORDINANCE NO. 998, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE POTABLE WATER SUB-ELEMENT OF THE INFRASTRUCTURE ELEMENT; AND THE COASTAL MANAGEMENT/ CONSERVATION, INTERGOVERNMENTAL COORDINATION, AND CAPITAL IMPROVEMENTS ELEMENTS OF THE COMPREHENSIVE PLAN; TO COORDINATE THE CITY'S COMPREHENSIVE PLAN WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT'S WATER SUPPLY PLAN, AND TO INCLUDE A 10-YEAR WATER SUPPLY FACILITIES WORK PLAN INTO THE COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES 163.3177(6)(C); PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE (FIRST READING)

City Manager Intern Yvonne Kimball reported that the CPAB held a public hearing on this ordinance on July 28 and recommended approval with revisions. She referred Council to a memorandum from Consultant Jim LaRue which addresses the CPAB comments. If Council approves this ordinance, it will be submitted to DCA for review. The City can expect to receive the ORC report from DCA in October.

Sandy Ramseth, LaRue Planning and Management, stated that the CPAB reviewed the back-up document and recommended some changes. She presented copies of the changes. The consultants have coordinated with the staff at the City of Melbourne, the City's water supplier, and the transmittal document will reflect the latest data and analysis and maps that Melbourne can provide.

Council discussed the following:

- Will this constrain approval of development such as the Ramada property? This Comprehensive Plan Amendment should not have any additional impact on water consistency and concurrency.

- What are the costs associated with this unfunded mandate? The short-term costs are staff time and the consulting services of LaRue Planning. The long-term costs have not been projected.
- Is Melbourne looking at additional water sources, such as desalination? No.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to read Ordinance No. 998 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 998 by title only on first reading and opened the Public Hearing. The following individuals addressed Council:

- John Fergus, 135 Maple Drive, voiced the same objections to this State mandate as to the previous one. He stated that Melbourne will probably not consider desalination as a water source. They use reverse osmosis of brackish water. They also have two wells and are working on a third one. Mr. Klaproth, Director of Melbourne Water, has indicated that Melbourne should be able to handle the existing service area with the supplies that are in place.
- Don McLendon, 695 Fountain Boulevard, stated that the County is injecting treated sewage below the aquifer and he believes there are some serious issues with this process. It may have an impact on drinking water.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to approve Ordinance No. 998 on first reading. VOTE: ALL AYES. MOTION CARRIED.

RESOLUTION NO. 867, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT OF THE SATELLITE BEACH COMPREHENSIVE PLAN; STATING THE INTENT OF THE CITY COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND APPROVING IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES

Resolution No. 867 adopts the Evaluation and Appraisal Report of the City's Comprehensive Plan and states the Council's intent to amend the Comp Plan based on recommendations in the report.

Ben Smith, LaRue Planning, distributed a list of changes made since the last CPAB meeting.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to read Resolution No. 867 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 867 by title and opened the Public Hearing. The following individuals addressed Council:

- John Fergus, 135 Maple Drive, raised an on page 4 of 11 regarding impact fees. The City has not imposed any impact fees. He urged Council to remove reference to those impact fees and require DCA to show the Statute or 9J5 rule that says the CPAB's recommended language does not fulfill the requirements. The CPAB did not support the language that is currently in that section.
- Bill Higginson, 1175 Highway A1A, CPAB Chairman, stated that the Board had discussed this for a long time to find appropriate words. The recommendation from CPAB is to include language that the City will consider working with other regional agencies regarding impact fees. No one objects to GAP housing; but CPAB does not want to box the City into DCA's terminology.

Council discussed wording for this section and the need to keep the City eligible for housing funding. There has to be some provision for affordable housing even though the City is built out. The City may want to consider an interlocal agreement to participate with other municipalities or agencies in a regional plan.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to adopt Resolution No. 867 with the revised language in Housing Element Objective 1.4 of the EAR as follows: The City may enter into a multi-municipality agreement to consider a funding source for redevelopment and new construction that would be allocated to affordable housing regionally. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON REQUEST FROM WASTE MANAGEMENT REGARDING FUEL COSTS

City Manager Michael Crotty reported that Section 50-142(a) of the City Code provides for Waste Management to receive a Cost of Living Adjustment each August based upon changes in the CPI for the preceding twelve months. The CPI rate increase which automatically took effect August 1 by contract is 4.2%. This year, Waste Management has requested an additional adjustment to rates based on Section 50-142(b) for unusual or extraordinary changes in the cost of doing business – fuel.

George Geletko, Florida Government Affairs Director for Waste Management, stated that fuel costs have stayed fairly flat in past years and the CPI adjustment covered any increases that occurred. Since fuel is 15.35% of Waste Management's total operating cost, the volatile costs over the past three years have created an unusual change in the cost of doing business.

In order to avoid a double charge for fuel, Mr. Geletko recommended that the automatic CPI adjustment be reduced by 15.35% to remove fuel costs from the automatic adjustment and to calculate separate fuel costs annually. This year's adjustments would be 3.93% for extraordinary fuel adjustment and 3.56% CPI adjustment for a total increase of 7.49%.

Council discussed the following:

- Council has not approved a 7.49% increase for anything. This increase would amount to 77 cents per month per household.
- The City has gone to the green cart system. Does the reduction in personnel and insurance costs offset the cost of fuel?
- Council wanted assurance that if fuel costs go down then the additional revenue collected for fuel would not be put in a pool and used for other operating costs.
- This contract expires July 31, 2009, and any change made at this time would be a one-time adjustment based on extraordinary circumstances. Any future changes would be considered during bid and negotiation of a new contract.

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

- Pam Stamm, 310 Harwood Avenue, commented in the reduction of labor costs. She also questioned whether they are investing in an alternative energy source – hybrid vehicles, etc.
- Don McLendon, 695 Fountain Boulevard, expressed concern about the removal of fuel and food from the CPI by Federal Government. People are experiencing severe inflation; the interest rates went up 2% and commodities suffered a hit with oil going down.

In response to questions, Mr. Geletko stated that the green cart system has enabled their rates to remain competitive. In California, the whole fleet of trucks are fueled by extracting gas from the landfills.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to determine that the rapid rise in fuel costs meets the intent of unusual or extraordinary costs in Section 50-142(b) and to authorize continuation of the Waste Management Franchise Agreement for the coming year with a one-time increase of 3.93% for extraordinary fuel adjustment and 3.56% CPI adjustment for a total increase of 7.49%.
VOTE: ALL AYES. MOTION CARRIED.

**DISCUSS/TAKE ACTION ON RECOMMENDATION FOR APPROVAL OF
PZ #6-08 SITE PLAN FOR MARKETING TALENT NETWORK, INC., 1355 SOUTH
PATRICK DRIVE**

Building Official John Stone stated that MTN Advertising has submitted a site plan to add a second story to the existing building at 1355 South Patrick Drive. There are existing nonconformities of setbacks, signage, impervious surface ratio, and landscaping. Substantial efforts have been made to either eliminate or reduce these nonconformities. This plan has been reviewed by staff and the appropriate boards. Staff and the Planning and Zoning Advisory Board (PZAB) the Beautification Board, and the Community Redevelopment Agency Advisory Committee recommend approval of PZ #6-08 site plan for an addition to 1355 South Patrick Drive.

The impervious surface has been reduced from 83% to 68%, which meets Code requirements of 70% or less. They will have a wall sign and the pole sign will be removed by the deadline for pole signs. Both the first and second stories will be commercial. Council concurred that the changes proposed are very attractive and will enhance the appearance of the area.

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

- Don McLendon, 695 Fountain Boulevard, recommended that Council approve anything that will improve the looks of any building in the City.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to approve PZ #6-08 site plan for an addition to 1355 South Patrick Drive. VOTE: ALL AYES. MOTION CARRIED.

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

DISCUSS/TAKE ACTION ON INTERLOCAL AGREEMENT WITH MONTECITO REGARDING IMPROVEMENTS TO HIGHTOWER BEACH PARK

The original agreement with Montecito for improvements to Hightower Beach Park assigned responsibility to Montecito. Staff has recommended that the City take the leadership role in the completion of this project. It is in the City's best interest for the City Engineer to provide engineering, bidding and inspection services.

Council discussed the following:

The City Engineer feels that the timing is good to get the best costs.

FDOT has not approved the realignment of Shearwater Parkway, so the entrance to Hightower will remain the same. There is a pedestrian crosswalk.

Montecito has spent about \$97,000 and the City has spent about \$10,000. The costs will be prorated 25% to the Community Redevelopment District, 25% to a grant, and 50% to Montecito.

The remaining Montecito funds of approximately \$300,000 are in a trust fund.

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

- Don McLendon, 695 Fountain Boulevard, asked if there would be future costs to the City other than ongoing maintenance. (None known at this time.)

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to approve the First Amendment to the Interlocal Agreement with Montecito Community Development District. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON AGREEMENT WITH QUENTIN L. HAMPTON, ASSOCIATES, TO SERVE AS PROJECT MANAGER FOR IMPROVEMENTS TO HIGHTOWER BEACH PARK

Work Order No. 2008-3 authorizes City Engineer Quentin L. Hampton Associates (QLH) to provide professional services related to the Hightower Park improvements.

Permitting is in final stages now. The State has not approved the lighting so that will be pulled from the plan. However, staff and Council expressed concern that eliminating the lighting will cause security issues. Although the park will not be officially open at night, the public will continue to use the park after dark, and lighting would help with security.

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

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to approve Work Order No. 2008-3 and the payment of \$29,180 to QLH for their professional services. VOTE: ALL AYES. MOTION CARRIED.

COUNCIL RECONVENED AS THE CITY COUNCIL FOR THE FOLLOWING AGENDA ITEMS:

DISCUSS/TAKE ACTION ON FLORIDA LEAGUE OF CITIES 2008/2009 LEGISLATIVE POLICY COMMITTEES

City Manager Crotty stated that the Florida League of Cities (FLC) is restructuring its legislative policy development process to involve more cities in the process. Five legislative committees will be developed and FLC recommends that each City be represented on one or more committees.

Councilwoman Kirby recommended that the City submit an application to each committee in order to receive all the printed materials.

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

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to nominate the following individuals to the committees:

- Finance and Taxation – Finance Director Brenda Raver
- Intergovernmental Relations – Mayor Mark Brimer
- Energy & Environmental Quality – Councilwoman Martha Kirby
- Growth Management & Transportation – Community Development Director Laura Canady
- Urban Administration – City Clerk Barbara Montanaro.

VOTE: ALL AYES. MOTION CARRIED.

RESOLUTION NO. 869, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO MUNICIPAL HOME RULE; MAKING FINDINGS; REQUESTING ACTION BY THE FLORIDA LEGISLATURE TO ADOPT LEGISLATION PRESERVING THE CONSTITUTIONAL RIGHT TO MUNICIPAL HOME

RULE BY LIMITING THE ABILITY OF A COUNTY TO AMEND ITS CHARTER IN A WAY THAT CO-OPTS MUNICIPAL HOME RULE WITHOUT THE APPROVAL OF AN AFFECTED MUNICIPALITY'S ELECTORS; PROVIDING FOR DISTRIBUTION TO OFFICERS AND MEMBERS OF THE FLORIDA LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE

Resolution No. 869 urges the Florida Legislature to adopt general legislation which limits the ability of counties to amend their charter to transfer or restrict governmental, corporate or proprietary power of a municipality, unless the electors of the municipality, at a separately called election, have approved the proposal which was previously approved by the elector of the county charter. The intent of the resolution is to protect the ever-eroding Home Rule rights of local government in the State of Florida.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to read Resolution No. 869 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 869 by title and asked for public comments. The following individuals addressed Council:

- Bill Higginson, 1175 Highway A1A, urged complete support of this resolution and recommended that information about the erosion of Home Rule be placed in the Beachcaster so that residents could contact their legislators.
- David R. Schechter, 635 Seville Court, voiced his agreement with the idea of the resolution. He recommended that staff see if it conflicts with the County Charter.

Council discussed the following:

- This resolution was drafted by Paul Gougelman, Attorney for the Space Coast League of Cities, who researched all the issues.
- There is a big push to consolidate smaller cities with less than 25,000 residents. This resolution says that we do not want to allow that to happen.
- The legislature is using a back door approach to eroding Home Rule by giving counties more power.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to adopt Resolution No. 869 and send it to the Florida League of Cities. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 999, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE SATELLITE BEACH PERSONNEL POLICY SECTION 11.06 (LEAVE WITHOUT PAY); PROVIDING AN EFFECTIVE DATE (FIRST READING)

Ordinance No. 999 corrects a glitch in the Satellite Beach Personnel Policy Section 11.06 pertaining to leave without pay. This section currently prohibits the accrual of

seniority or other benefits during the term of that portion of Family and Medical Leave covered by paid accrued vacation and/or sick leave. Ordinance No. 999 corrects that glitch; employees are entitled to accumulate leave when on vacation and/or sick leave, whether it is under FMLA or not.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to read Ordinance No. 999 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 999 by title only and asked for public comments. The following individual addressed Council:

- Don McLendon, 695 Fountain Boulevard, cautioned the city not to lock itself into a corner; major cities are mandating leave without pay due to declining revenue and services.

ACTION: Councilman Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to approve Ordinance No. 999 on first reading. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON RECOMMENDATION FOR REDUCTION OF CODE ENFORCEMENT BOARD LIEN FOR REGENCY CENTER, 1227 SOUTH PATRICK DRIVE

On July 22, the Code Enforcement Board recommended a reduction in the lien on the Regency Center, LLC, from \$34,674.56 to \$1,250 if paid within 30 days of approval by City Council.

Council discussed the nature of the code enforcement action where businesses did not get proper licenses. In response to questions about what happens if this occurs again, Building Official John Stone stated that an entity can receive a reduction in fine only once; if this happens again, they will have to pay the full fine. He will make them aware of that fact. Council asked staff to follow up with a letter showing Council action on this and advising that there cannot be a future reduction in fine for similar violations.

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

- Pam Stamm, 310 Norwood Avenue, stated that she used to work for a business in the Regency Center. There are many parking and other issues that have not been addressed by the property manager. The businesses are very unorganized.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to accept the recommendation of the Code Enforcement Board and reduce the lien to \$1,250 and to send a letter from the City regarding proper licensing and business tax payments. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARDS

The City Clerk presented a report dated July 30, 2008, listing the Board applicants and vacancies. Mayor Brimer asked for public comments prior to each appointment. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to move Judith Kraemer from alternate position to regular position on the Beautification Board, said term ending January 17, 2009. VOTE: ALL AYES. MOTION CARRIED.

Councilman Montanaro stated that Deborah Anders had left the Beautification Board under unfortunate circumstances. He had called her to apologize on behalf of the City for statements made by a Beautification Board member. He also asked if she would be willing to serve on another board, noting that her experience fit well with the duties of the Planning and Zoning Advisory Board.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to move Dale Howlett from an alternate member to a regular member of the Planning and Zoning Advisory Board, term ending May 1, 2010. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to appoint Deborah Anders, as an alternate member of the Planning and Zoning Advisory Board, said term ending August 6, 2011. VOTE: ALL AYES. MOTION CARRIED.

AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING AND DISCUSSION ON DATE FOR FUTURE SPECIAL MEETINGS

Council did not add any items to the City Manager's list of agenda items. There will be a budget meeting tomorrow, August 7, at 6:00 p.m.

ADOPTION OF MINUTES: **JULY 16, 2008, REGULAR MEETING**
 JULY 23, 2008, SPECIAL MEETING
 JULY 30, 2008, SPECIAL MEETING

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

COUNCIL COMMENTS

Councilwoman Kirby stated that she attended a function at Patrick Air Force Base honoring Col. Bontrager. She also attended the joint meeting of the CRA AC and PZAB to discuss the sign code and the Retirement Board for Police and Firemen meeting where they discussed the COLA issue that will come before Council in the future.

At the Tourism Development Commission (TDC) Beach Improvement Committee meeting, she lobbied to have them select Local Option 6 Plan 72, which provides better storm protection – renourishment of the dune and an additional ten feet. This plan also includes mitigation for the rock habitat. They will apply for artificial surf reef to be

constructed about 100 feet off shore on the contingency that November study shows that the cost/benefit is advantageous for the Mid-Reach area. This would be funded through the State.

Councilwoman Kirby commended Commander Hughes on his presentation regarding the water rescue and haz/mat grant request to TDC. The TDC is sending the grant request to the County Attorney to ensure that it meets state requirements for TDC funds. If so, then it will be presented to TDC for further approval. The emphasis will be on haz/mat.

Councilman Montanaro reported that he attended the Code Enforcement Board meeting and the numerous Council/budget meetings.

Mayor Brimer reminded everyone to attend the budget preparation meeting at 6:00 tomorrow, August 7.

CITY ATTORNEY REPORT

City Attorney Beadle did not have a report.

CITY MANAGER REPORT

The City Manager asked Council to pay particular attention to the budget message in the packet and come prepared to make comments/changes to enhance the message. The result of that discussion is what will be included in the Beachcaster regarding this year's budget issues.

Councilwoman Kirby stated that Mike McGarry, Brevard County Department of Natural Resources, would be available to provide an update on beach renourishment after the Shore and Beach Preservation Conference in September.

Mayor Brimer adjourned the meeting at 9:25 p.m.

Barbara Montanaro, CMC
City Clerk