

COUNCIL MINUTES
AUGUST 21, 2008
(continued from AUGUST 20, 2008)

Mayor Brimer reconvened a regular meeting of the City Council at 7:00 p.m. on Thursday, August 21, 2008, stating that this meeting was a continuation of the August 20, 2008, Council meeting. The following were present: Mayor Mark Brimer, Vice-Mayor Joseph Ferrante, Councilman Sal D'Amato, Councilwoman Martha Kirby, Councilman Dominick Montanaro, City Manager Michael Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro, CMC.

PRESENTATION RECOGNIZING YVONNE KIMBALL'S CONTRIBUTIONS TO THE CITY

This agenda item was continued to a future date.

CITIZEN COMMENTS

No citizens had signed up to comment.

COUNCIL COMMENTS

Vice-Mayor Ferrante stated that the flooding and winds associated with Tropical Storm Fay reinforce the need to continue to work toward having utilities underground and place traffic signals on mast arms.

Councilwoman Kirby stated that she attended the August 7 Budget Workshop and the Space Coast League of Cities Energy Coalition presentation on solar power August 11. She also attended Space Coast League of Cities dinner meeting and the presentation by As We Grow supporting regional planning where the language remains "we shall" and imposes mandates. On August 12, she attended the Samsons Island Park Committee meeting where plans for ADA facilities at Samsons Island continue to be a priority.

At the Florida League of Cities Conference August 14-16, she attended the Fiscal Stewardship Council meeting, and various other informative discussions on tax reform and State Constitutional Amendments. In the Grant room, she gathered information for the Fire Department on FEMA and state emergency management entities, together with information for other city departments. She talked with the Life Trail exhibitor and a representative from the Florida Recreational Development Assistance Program (FRDAP) about a fitness trail for mature adults at the Sports Park. This Life Trail would support the Communities for a Lifetime initiative and the Fall Prevention program. The total cost is about \$42,000 and might qualify for a no-match FRDAP grant.

Councilman D'Amato reported that he attended the Space Coast League of Cities meeting.

Councilman Montanaro stated that he attended the Florida League of Cities Annual Conference, starting with a meeting of the Urban Planning Committee. He also attended sessions dealing with living with Amendment 1. Discussions with Mike Sitting, Director of the Florida League of Cities, pointed out that as dreaded as Amendment V was, the 1.35% initiative will be devastating to municipalities that do not have utilities and other sources of revenue and depend on ad valorem taxes. Even if the City lost its one-half sales tax revenue share, that would be a loss of only \$500,000. The City would lose millions under the 1.35% initiative.

Mayor Brimer stated that he attended the Florida Council on Aging meeting as a Board Member where they received recognition from the Department of Elder Affairs. He also attended the Florida League of Cities Conference. He reminded everyone that Palm Shores and Satellite Beach are co-hosting the Space Coast League of Cities meeting on September 8 at the Crowne Plaza Oceanfront.

CITY ATTORNEY REPORT

City Attorney James Beadle did not have a report.

CITY MANAGER REPORT

City Manager Michael Crotty stated that the Community Partners recognition signs are in place at Pelican Beach Park, recognizing the significant contributions in the development of Pelican Beach Park by the Satellite Beach Woman's Club, the Lions Club, and the Disabled American Veterans. He asked that Council bring their calendars to the next meeting so they can establish a date for a formal ceremony to unveil the signs and recognize the contributions made by these three outstanding community organizations.

City Manager Crotty reported that the revised projection for revenues is not good and the City's budget must be reduced by approximately \$49,000. There will be a complete report at the budget hearing.

Fire Chief Daniel Rocque presented an overview of Tropical Storm Fay, stating that they began tracking the storm on Saturday, August 16, with full Emergency Operation Center activation on Monday, August 18. The City sustained winds up to 65 mph with rainfall of approximately twenty inches. This was a greater than 100-year storm event, but less than a 500-year event. The City experienced some street flooding, sewage overflow into roadways and backup into some homes, and damage to some public buildings and homes.

He expressed appreciation to City Manager Crotty, Mayor Brimer, and Councilman Montanaro for their support and decisiveness during the storm. Because of standing water in the streets, a curfew was imposed from 8:00 p.m. Wednesday until 6:30 a.m. Thursday. This helped prevent further property damage.

Chief Rocque and Council also expressed appreciation to Ed Dunham, volunteer meteorologist. He commended the communications operators at the Police Department for their skill in handling the numerous calls which came in and the Public Works employees who did an outstanding job of protecting and repairing City facilities.

PRESENTATION BY CITY ATTORNEY ON UNRESOLVED ISSUES REGARDING AGREEMENT WITH ATS CAMERA ENFORCEMENT (INDEMNIFICATION LANGUAGE)

City Attorney Beadle reported that he had tried to negotiate an indemnification clause in the contract with ATS for red light camera enforcement. The City wanted to include indemnification language similar to the Gulf Breeze contract. After several contacts with ATS, it is apparent that they are not willing to work with the City to include the Gulf Breeze language and have actually removed some of the indemnification language that was in the proposed contract.

In response to a question about the program's success in other areas, Chief Cote stated that it has been very successful and other cities are coming on line. Indemnification seems to be the only drawback.

Council discussed the following:

- Will the Legislature reconsider legislation incorporating the use of cameras to patrol red light intersections?
- If the State authorizes this camera enforcement, it is likely that the State will take a portion of the revenue generated and the company owning the equipment will take a portion of the revenue.
- Would another company be willing to provide the indemnification that the City needs?
- This system could free up officers to do things other than monitor signal lights.
- The City of Melbourne has some test sights and may be able to provide additional information on the indemnification clause in the contract and productivity of the system.

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

By consensus, Council tabled this item until the City Attorney can obtain additional information from Melbourne and other jurisdictions that have programs in place.

**DISCUSS/TAKE ACTION ON AGREEMENT WITH ELIGERE STRATEGIES, LLC,
REGARDING GOVERNMENTAL RELATIONS AND PUBLIC AFFAIRS SERVICES**

As a follow up from the August 7 budget review meeting, the City Manager presented a proposal from Eligere Strategies to provide government relations and public affairs services to the City under the following conditions:

- Monthly payment of \$1,250 and total payment not to exceed \$15,000 per year.
- Either party may terminate the Professional Service Agreement with 30 days notice.
- Any other expenses must be pre-approved by the City.

City Attorney Beadle stated that municipal relationships with lobbyist had been included in one of the sessions at his last Municipal Attorney meeting. Any City that retains a lobbyist should get the following information/documents prior to entering into a contract:

- List of everyone they represent.
- Resume of lobbyists and principals to see who they have been involved with in the past.
- State registration.

With the \$49,000 decrease in revenue projections, this contract may have to be placed on hold.

By consensus, Council asked the City Manager to obtain the information recommended by the City Attorney. Council will consider this at a future meeting.

APPOINTMENTS TO BOARDS

The City Clerk presented a report dated August 13, 2008, listing the Board applicants and vacancies. Mayor Brimer asked for public comments prior to each appointment. There were no comments.

ACTION: As liaison to the Beautification Board, Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to reappoint Scotty Culp to a two-year term on the Beautification Board, said term ending September 1, 2010. VOTE: ALL AYES. MOTION CARRIED.

ACTION: As liaison to the Library Board, Vice-Mayor Ferrante MOVED, SECOND Councilman Montanaro, to reappoint Lore Scurrah to a two-year term on the Library Board, said term to end September 1, 2010. VOTE: ALL AYES. MOTION CARRIED.

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

In addition to the items listed by the City Manager, Council asked that staff present a report on the status of placing utility lines underground.

**ADOPTION OF MINUTES: AUGUST 6, 2008, REGULAR MEETING
 AUGUST 7, 2008, WORKSHOP MEETING**

The minutes will be presented and reviewed at the next Council meeting.

Mayor Brimer adjourned the meeting at 8:05.

Barbara Montanaro, CMC
City Clerk