

**COUNCIL MINUTES
SEPTEMBER 3, 2008**

Mayor Brimer convened a regular meeting of the City Council at 7:00 p.m. on Wednesday, September 3, 2008, in the Council Chamber. 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.

Councilwoman Kirby led a moment of silence and the Pledge of Allegiance to the flag.

PRESENTAION RECOGNIZING THE WEEK OF SEPTEMBER 17-23, 2008, AS CONSTITUTION WEEK

Mayor Brimer read a proclamation setting aside the week of September 17-23, 2008, as Constitution week and presented it to Susan Hunt, Regent of the Rufus Fairbanks Order of Daughters of the American Revolution.

Mrs. Hunt thanked Mayor Brimer and the Council for the Proclamation and invited those present to join the Daughters of American Revolution.

PUBLIC HEARING FY 2008/2009 BUDGET:

PUBLIC HEARING ON PROPOSED 2008/2009 BUDGET

Mayor Brimer opened the PUBLIC HEARING on the proposed 2008-2009 Budget.

City Manager Crotty distributed a packet of information containing a budget summary of all funds, General Fund revenue and expenditures, an explanation and illustration of Florida's property tax laws, an explanation of Save Our Homes 1992 referendum, and examples of the impact of Amendment 1 and Save Our Homes on the ad valorem tax.

There have been six meetings prior to this public hearing dedicated to the discussion of the 2008/2009 Budget. Of the four millage options, Council never considered Option 1, the highest millage rate of 7.8328.

Option 2 – millage rate of 7.4883 mills, was considered and rejected as causing too great an impact on higher valued and more recently purchased properties.

Option 3 – millage rate of 6.8370 mills, was considered but ultimately rejected as it would not have retained the same level of services as exist currently and would have required significant reductions in personnel and training.

Option 4 – 7.1207 mills, was determined by taking the "rolled back" rate (6.8370 mills, the rate that would generate the same amount of revenue for the coming fiscal year as the present year) and adding the State's approved inflation factor of 4.15%. With this 7.1207 millage rate, one position (Administrative Assistant) in Public Works will be

eliminated, the Police Officer position that was eliminated in the current budget will be reinstated, and the City will continue to maintain existing services.

Amendment 1 gives an extra \$25,000 exemption to homes that are homesteaded and provides for portability of homestead protection. Under Amendment 1, sixty to seventy percent of homes in Satellite Beach have been homesteaded for a long time and will receive a tax reduction. However, property that has been purchased recently and that has a higher value will have a tax increase. Amendment 1 causes a shift in the taxes which widens the gap between long-time homeowners and new homeowners.

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

- Mariam Cronin stated that she has been a resident since 2001 and decided to downsize in 2003. She stated that she does not agree with the explanation that this budget just maintains existing services; she characterized it as a tax and spend budget. She stated that the gap between what residents of Satellite Beach pay as compared with Brevard County is growing. She spoke in opposition to infrastructure grants that cause the City to spend money this year and do not provide for maintenance in the future. She recommended that funds not be spent on improvements to Hightower Beach Park. There are paved over parking lots to the north and the south; do not pave over Hightower. She recommended that Mercedes give a grant to maintain the beaches instead of paving Hightower.

She recognized the State's requirement to have two-in and two-out; she noted the difference in what she is paying for that service and what others are paying of the same service. She commented that the \$1,000 in taxes on her property to fund the State mandate of two-in and two-out for the Fire Department was expensive fire insurance and recommended that Fire Department funding be removed from ad valorem taxes and funded below the line.

- Al Carlson, 575 Jackson Avenue, asked how his property value has risen 14% when the Save Our Homes limits the increase to 3% or the CPI, whichever is lower. Where does the assessed value come from?

The Department of Revenue certified an increase of 3% in assessed value of homesteaded property. Mr. Carlson's property is part commercial and part residential. Commercial property remained stable and in some cases increased in value. The City does not get additional money when property assessments go up.

There being no further comments from the public, Mayor Brimer asked the City Manager to address the questions raised.

Regarding the fire below the line, difference between City taxes and County taxes increased in 2006 because the County moved the fire service below the line as a non

ad valorem assessment. This reduced the cost from \$1,200 to \$212 per year for the upper income properties. Homes with an assessment of \$70,000 had an increase from \$80 to \$90 to \$212.

The improvements to Hightower Beach Park have been under development for a number of years and are funded by a partnership:

- \$200,000 from the Redevelopment District (40% from Brevard County)
- \$200,000 from Land and Water Conservation grant
- \$400,000 from Mercedes Homes.

ORDINANCE NO. 1001, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, DECREASING THE MILLAGE RATE 4.91% UNDER THE AGGREGATE ROLLED-BACK RATE; ESTABLISHING THE FY 2008/2009 OPERATING MILLAGE RATE; PROVIDING EFFECTIVE DATE (FIRST READING)

Ordinance No. 1001 decreases the millage rate 4.91% under the aggregate "rolled back" rate and establishes the millage rate for the FY 2008/2009 Budget at 7.1207 mills.

The Save Our Homes initiative creates a disproportionate share of tax load being placed on newer residents and high valued properties. The City Manager gave an example of two homes on Seville Court. In 2005 the taxes on the two homes were less than \$200 different. One home sold in 2006 and the taxes on that house rose from \$4,020 to \$12,179; the other remained at \$3,802. The City does not get additional money from that increase in taxes; the millage is rolled back to generate the same revenue as the previous year. In order to correct the tax disparities, the voters would have to approve a Constitutional amendment to eliminate the Save Our Homes initiative.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to read Ordinance No. 1001 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1001 by title only on first reading, there being sufficient copies of all ordinances available to the public. Mayor Brimer asked for public comments. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Councilman D'Amato, to approve Ordinance No. 1001 on first reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1002, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, ADOPTING FY 2008/2009 BUDGET; PROVIDING EFFECTIVE DATE (FIRST READING)

Ordinance No. 1002 would establish the budget for FY 2008/2009.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to read Ordinance No. 1002 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1002 by title only and asked for public comments. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to approve Ordinance No. 1002 on first reading. VOTE: ALL AYES. MOTION CARRIED.

City Manager Crotty expressed appreciation to Finance Director Brenda Raver for her assistance in the preparation of the budget.

Council thanked the City Manager and staff for their efforts in preparing the budget.

CITIZEN COMMENTS

- Gabe Feindt, 470 Caribbean Drive, commented on the amount of debris on the side of the road and in front of houses. He recommended that the City call for a special pickup before the anticipated high winds.

City Manager Crotty stated that Waste Management did a reverse 911 call, telling citizens that they will have six clam shells in the City and will have the debris removed on Friday.

Public Works Director Allen Potter stated that his crew rolled out as soon as the storm subsided and removed debris from the roads, drainage culverts, and parks. The City Manager commended the Public Works crew for their actions during and after the storm.

- David R. Schechter, 635 Seville Court, announced that today is the beginning of the City Manager's 24th year as Satellite Beach City Manager. He thanked Mr. Crotty for his professional leadership and commitment to the citizens.

Council expressed appreciation to Mr. Crotty for his dedication to the City and his outstanding leadership.

COUNCIL COMMENTS

Councilwoman Kirby stated that she attended the Police Officers and Firefighters Pension Board meeting and the General Employees Pension Board meeting. There will be items coming to Council in the future from the Pension Boards.

Mayor Brimer stated that he worked with the Police Department, Fire Department and Recreation Department during Tropical Storm Fay and commended all departments for their hard work.

CITY ATTORNEY REPORT

City Attorney Beadle did not have a report.

CITY MANAGER REPORT

City Manager Crotty reported that health care is a major cost and staff went out for proposals through the open market and the Florida League of Cities was able to reduce the costs by 4%. However, the insurance representative took that proposal to Health First and they were able to reduce the costs by 4%, saving approximately \$3,000 per month. This savings will make up the shortfall in State revenue sharing. There are approximately thirteen employees interested in an opt-out program for health care because they have access to insurance from another source. Staff will continue to explore the possibility of this option.

RESOLUTION NO. 870, A RESOLUTION OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 832; ESTABLISHING THE 5-YEAR CAPITAL IMPROVEMENTS SCHEDULE; AND PROVIDING AN EFFECTIVE DATE

Resolution No. 870 establishes the Five-Year Capital Improvements Schedule as prepared by the Comprehensive Planning Advisory Board to be included in the adopted Satellite Beach Comprehensive Plan and incorporates the improvements to Gemini Park.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Ferrante, to read Resolution No. 870 by title only. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Resolution No. 870 by title and asked for public comments. There were no comments.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to adopt Resolution No. 870. VOTE: ALL AYES. MOTION CARRIED.

DISCUSS/TAKE ACTION ON FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM GRANT AUTHORIZATION FOR GEMINI PARK, 1285 HIGHWAY A1A

Plain English Writing Services presented a request to submit a grant to Florida Recreation Development Assistance Program (FRDAP) FDEP for improvements to Gemini Park in the amount of \$50,000.00 with no matching funds from the City. This was discussed at a Public Hearing at 6:30 p.m., September 3, 2008.

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

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to authorize Plain English to submit, on behalf of the City, a FRDAP grant application in the amount of \$50,000 for recreational improvements to Gemini Park, with a total project cost of \$50,000 and no City match. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARDS

The City Clerk presented a memorandum dated August 27, 2008, listing board vacancies and applicants. There was no action taken on board appointments.

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

Council established a special meeting date for Monday, September 29, 2008, at 5:00 p.m. to implement year-end fund balance reserves for projects in the Community Redevelopment Fund.

Public Works Director Allen Potter presented a proposal from Maxwell Contracting, Inc., to repair the storm drain box north of Jackson Avenue on South Patrick Drive that was damaged by Tropical Storm Fay. The estimate for material and labor is \$9,500.

With the forecast of additional tropical storms or hurricanes, Council determined that this breach in the storm drain needed to be repaired immediately.

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

- Jeff Fleis, 971 Loggerhead Island Drive, asked where the dirt from the sinkhole went. Did it proceed down the drain into the canal behind Jackson? Will dredging the canal be part of the repair?

The immediate need is to repair the sinkhole and storm sewer box. Council discussed the possibility of finding the need for additional repairs when storm drain is opened. They also discussed applying for FEMA assistance in clearing the dirt from the canal.

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to authorize the expenditure of up to \$20,000 for the emergency repair of the storm drain box and to authorize staff to pursue FEMA assistance with cleaning the canal. VOTE: ALL AYES. MOTION CARRIED.

Public Works Director Potter gave an overview of his Memorandum dated September 2, 2008, listing City streets damaged by Tropical Storm Fay as follows:

- DeSoto Parkway – 200 block east and westbound lanes
- Carissa Drive – all of the 100 block
- Temple Street – from Greenway Avenue to Elm Avenue
- Kale Street – from Maple Drive to Carissa Drive

- Jackson Avenue – from Pineapple Street to South Patrick Drive
- Jamaica Boulevard – from the Library exit to Trinidad Drive
- Various small areas around the City.

In the post assessment of Fay, signage was an issue. More barricades were needed. Council discussed the citizens' needs for sandbags and the challenge in finding them on short notice.

Council discussed the issue of inadequate sanitary sewer service during the storm. Sanitary sewers bubbled over onto the streets and yards. Mr. Potter discussed this with Wayne Pace of Brevard County, who assured him that the areas were cleaned, sprayed with water and an emulsifier and lime was put down for control of odor and bacteria.

City Manager Crotty stated that he had talked with Mr. Martins of Brevard County. The older lines in the beach communities have infiltration from ground water and the system becomes surcharged. The pump stations at Grant Avenue and the Library must be rebuilt. The Brevard County Board of County Commissioners will hear a request for a rate increase of 6% this year and 6% next year to address these two issues.

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

ACTION: Councilman Montanaro MOVED, SECOND Councilwoman Kirby, to authorize drafting a letter to the Brevard County Commissioners encouraging funding for necessary repairs to sanitary sewers in Satellite Beach. VOTE: ALL AYES. MOTION CARRIED.

Mr. Potter reported that they have purchased 1000 sandbags. Residents can pick up bags at Public Works between 7:30 a.m. and 3:00 p.m. They will be given directions to the location of the sand and given literature on the most effective use of sandbags.

ADOPTION OF MINUTES: **AUGUST 6, 2008, REGULAR MEETING**
 AUGUST 7, 2008, WORKSHOP MEETING
 AUGUST 20, 2008, SPECIAL MEETING
 AUGUST 20, 2008, REGULAR MEETING
 AUGUST 21, 2008, SPECIAL MEETING
 AUGUST 21, 2008, REGULAR MEETING

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

Mayor Brimer adjourned the meeting at 8:25 p.m.

Barbara Montanaro, CMC
City Clerk