

**COUNCIL MINUTES
OCTOBER 21, 2009**

Mayor Brimer convened a regular meeting of the City Council at 7:00 p.m. on Wednesday, October 21, 2009, in the Council Chamber. The following were present: Mayor Mark Brimer, Vice-Mayor Martha Kirby, Councilman Dominick Montanaro, Councilman Michael Chase, Councilman Jeffrey Fleis, City Manager Michael Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro.

Councilman Montanaro led a moment of silence and the Pledge of Allegiance.

LEGISLATIVE UPDATE BY STATE REPRESENTATIVE RITCH WORKMAN, DISTRICT 30

Representative Ritch Workman presented a PowerPoint showing 2009/2010 Budget Appropriations and the challenges of balancing the budget. His presentation showed percentages of all funds used for health care (39%), education/pre-K/K-12 (20%), transportation/economic development (14%), universities/private colleges (9%), criminal/civil justice (8%), natural resources (3%), education FCO (3%), general government operations (3%), and general government administration (1%). Other slides showed a history appropriations and general revenue/trust funds for the past twenty years.

Council discussed the following issues with Representative Workman:

- The devastating effects that Amendment #4 will have on small municipalities if it is passed. St. Pete Beach is a prime example of a city that has been almost bankrupt by election costs and lawsuits brought about by similar legislation. Amendment #4's ballot box zoning will have dire financial impact on local government, similar to California, Colorado, and St. Pete Beach in Florida.
- An estimated cut of 10.5% in Medicaid is an option on the table; there is another option to defund Medicaid. These options are among many that are being considered to balance the budget.
- TABOR and the 1.35% cap is especially hard on local governments when most of their revenue comes from ad valorem taxes, opposed to those which have utilities, commercial areas, and a large oceanfront development. The residents of Satellite Beach have in the past and still support conservation of oceanfront and a bedroom community lifestyle. Council requested that TABOR and the 1.35% cap be amended to provide relief for communities similar to Satellite Beach rely heavily on ad valorem taxes for revenue. (The City Clerk will forward to Representative Workman a copy of Councilman Montanaro's letter to Senator Haridopolos.)
- New legislation that prohibits cities from advocating for or against ballot issues makes it difficult for cities to inform their constituents. There are issues put on the ballot that sound good but are not good in the long run. This needs to be readdressed to allow local government to dialog with their citizens.
- Council requested that the Legislature not restrict appropriate user fees/local option fees as a possible source of revenue. However, many residents prefer ad valorem taxes because they are deductible. The decision as to revenue sources should be made at the local level to meet the desires of residents.

- Representative Workman stated that he is working on a bill to allow legal ads to be placed on the Internet or website to reduce the cost of newspaper advertising. Newspapers are no longer the best way to notify the public because very few people read the legal ads. Also, the cost of advertising has skyrocketed, costing cities huge sums of money for ads that no one reads.
- Regarding prescription drug problems, the House passed a bill to link all prescriptions together so there is a trail of drug abuse. This may help catch pill pushers; however, HIPAA and privacy rules make this challenging.

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

- Pat Gibbons, 469 Coach Road, asked if there are two or three things that are driving the State budget up. [Representative Workman: The final phases of Class Size Amendment are a huge expense; there is a big difference between having an average of 25 students per teacher in a school district and having only 25 students per teacher in each classroom. Health, education, and criminal justice are the largest parts of the budget.]
- Frank Montelione, 550 Coconut Street, commented on the use of stimulus funds to plug the holes in this budget and asked where the State will find money for the next budget. [Representative Workman: The Legislature is anticipating an increase in revenue this year; but it will not be enough to make up the difference. Florida has to move from being a tourist state relying on rental cars, hotels, trade shows, and public attractions, and build more jobs.]
- Gabe Feindt, 470 Caribbean Drive, asked how many illegal aliens are on Medicaid. [Representative Workman: There are no illegal aliens on Medicaid; however, they do use hospital emergency rooms and drive up the costs there.]

Council thanked Representative Workman for taking the time to discuss all these important issues.

CITIZEN COMMENTS

No citizens signed up to speak under Citizen Comments.

CITY COUNCIL COMMENTS

Councilman Montanaro reported that he attended the party celebrating Kerry Stoms' 35 years with the City and expressed his appreciation to Kerry for the outstanding job that she does for the City. He also reported that he attended the Political Forum hosted by the Satellite Beach Woman's Club and facilitated by the League of Women Voters.

Councilman Chase commented that the Political Forum was excellent with a good turnout to hear the candidates' views. He asked about Waste Management's (WM) progress in meeting the requirements in the new franchise agreement.

City Manager Crotty stated that the WM trucks have been fitted with rear tippers. Staff has a meeting with WM on October 26 to view the interactive website. When all facets are in place, the City will advertise pick up days and what items can be placed where for pick up. The intent is to have residents put everything into the green carts as much as possible; alternative pick up will be provided for sizes/quantities that cannot fit in the carts.

Vice-Mayor Kirby reported that she attended the Space Coast League of Cities Board meeting where they discussed the TABOR legislation. She also attended the celebration honoring Recreation Director Kerry Stoms. She directed attention to the Crosswinds website, showing Deputy Police Chief Jeff Pearson as the lead in this civil citation in lieu of criminal charges for first-time, non-violent young offenders. This will save time and money for law enforcement.

She announced that Founders Day will be November 7 and several local restaurants will participate with food tents at the David R. Schechter Community Center. On October 24, Brevard County is having a "Take Back the Night" event to provide education and support victims of domestic violence.

Mayor Brimer stated that he is speaking to government and history classes at DeLaura as part of the Civics in the Classroom Program. Satellite Beach is one of ten communities in the State to initiate this program.

CITY ATTORNEY REPORT

City Attorney Beadle did not have a report.

CITY MANAGER REPORT

Underground Utilities: Community Development Director Laura Canady presented a summary of the September CRA Advisory Committee meeting regarding underground utilities.

At that meeting, David King, City Engineer, presented the costs, challenges and scope of work required to relocate overhead electrical and other utility lines to underground. A summary of Mr. King's presentation follows:

- The FPL binding cost estimate for Phase 1 (1 mile starting at north boundary and going to Jackson Avenue) is \$568,859.
- If the City is the contractor instead of FPL, they can coordinate installation of the planned streetscape projects (sidewalks, landscaping, lighting, and other enhancements) to the west side of A1A along with the under-grounding, saving time and money.
- The estimated cost of electrical service conversions for businesses along the route is \$80,000.
- The estimated cost of other service providers (AT&T, Brighthouse, L3C) is \$470,000.
- The project length is approximately 3 miles, which qualifies the city for the tariff and related savings of approximately 25%.
- The deadline for signing the agreement has been extended until October 2010. However, the binding estimate is good only through February 2010.

After discussion, the CRA AC recommended moving forward with under-grounding utility lines along A1A in two phases of 1.5 miles to minimize disruptions and speed the process and recommended that the City act as the project manager for cost reduction, efficiency, and control.

Council discussed the following:

- Instead of purchasing easements for transformers from properties along A1A, etc., trade the benefits of underground utilities and hook up for the easements. Property owners will receive

the benefit of improved safety and aesthetics from moving utilities underground. In exchange they should be willing to give the city any necessary easements.

- The estimate of \$568,958 per mile is the base cost for FPL; there will be additional costs which may take the cost per mile close to \$2,000,000.

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

Bill Higginson, 1175 Highway A1A, asked how they will get utilities across/under A1A to the condos/businesses on the east side of the highway.

The City is hosting a meeting on November 9 with thirteen representatives from beach communities and Representative Workman to consider applying for stimulus money to move utilities underground along the A1A corridor.

Pets on Athletic Fields: Recreation Director Kerry Stoms reported that, in response to a question raised at the last Council meeting, she contacted Brevard County to see what regulations are in place at other facilities regarding pets on athletic fields. Brevard County does not allow dogs on the beach or other recreational facilities because of health concerns.

Council discussed the following:

- With the frequent watering of athletic fields, there may be little health risk with having pets on the fields.
- Are animals on the fields any more harmful than the fertilizers used on the fields?
- Are there any reports or studies that show for a fact whether disease is transmitted by pets being on playing fields?
- Is there a product that can be applied to the fields to minimize the effect of pets on the fields?

Council requested that the Recreation Board review the health impact of animals on playing fields and make a recommendation to Council at a future meeting.

Sadowski Housing Coalition and Proposed Resolution: City Manager Crotty stated that Councilman Fleis serves on the Florida League of Cities Intergovernmental Relations Policy Committee and members of the Committee requested that cities draft resolutions supporting funding for Florida's Affordable Housing Programs and repeal the cap on housing trust funds.

Community Development Director Canady presented the talking points and sample resolution provided by the Sadowski Housing Coalition. The City is not part of the State Housing Initiative Program; however, there have been instances where a few residents received some benefits from the program.

After discussion, Council determined that the provisions in the requested resolution do not apply to Satellite Beach and no action was taken.

75 Sheila Drive: Staff received an e-mail showing the contents of the home at 75 Sheila Drive being spread across the front yard. Arrangements have been made for Public Works to move the items close to the street so that Waste Management can pick them up.

Update on Improvements at Satellite Arms: The code violations and conditions at Satellite Arms

presented a real danger to the health and safety of the community. The City took the following action to secure the property:

- Contracted to trim and cut the landscape, install plywood over broken window openings, re-key all door locks to a single key,
- Provided a 30-yard dumpster for debris removal,
- Treated pool to eliminate breeding mosquito larvae with tablets provided by Brevard County Mosquito Control, and
- The murky water that prevents visibility to the bottom of the pool was not addressed because there is a Florida Building Code approved barrier in place and the pool is secure from entry. Also there is not economical method to maintain water clarity or to cover the pool.

The total cost this action was \$2,463.99; this will be billed to the property owners' representative. If this is not paid within thirty days, the City will file a lien on the property.

Update on Post Office: Contractors are in the process of partitioning the Post Office from the remainder of the building. Representatives from the Post Office have indicated they anticipate being in the building by the end of this year. The owner of the building is not doing a complete façade change at this time. He may apply for a façade grant at a future time and make more improvements to the exterior of the building.

ORDINANCE NO. 1023, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE SATELLITE BEACH CODE OF ORDINANCES CHAPTER 2, DIVISION 4 RECREATION BOARD, SECTION 2-132, REGARDING NUMBER OF MEMBERS; PROVIDING AN EFFECTIVE DATE (FIRST READING)

Ordinance No. 1023 would reduce the number of regular members on the Recreation Board from eleven to seven and retain the number of alternate members at two. It also deletes the provision regarding removal of board members, as this is covered under Florida Statutes.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Chase, to read Ordinance No. 1023 by title only on first reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1023 by title and asked for public comments. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Councilman Fleis, to approve Ordinance No. 1023 on first reading. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARDS

City Clerk Barbara Montanaro presented a report listing board vacancies, applicants, and reappointments.

Mayor Brimer asked for public comments prior to each appointment. There were no comments.

ACTION: Councilman Montanaro MOVED, SECOND Vice-Mayor Kirby, to reappoint Bill Mayer as a regular member of the Beautification Board, said term ending November 1, 2011. VOTE: ALL AYES. MOTION CARRIED.

