

COUNCIL MINUTES NOVEMBER 19, 2008

Mayor Brimer convened a regular meeting of the City Council at 7:00 p.m. on Wednesday, November 19, 2008, in the Council Chamber. The following were present: Mayor Mark Brimer, Vice-Mayor Joseph Ferrante, Councilman Sal D'Amato, Councilwoman Martha Kirby, City Manager Michael Crotty, City Attorney James Beadle, and City Clerk Barbara Montanaro, CMC. Councilman Dominick Montanaro was not able to attend.

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

CITIZEN COMMENTS

- Don McLendon, 695 Fountain Boulevard, spoke about the fluctuating cost of fuel, the Waste Management fuel surcharge, demolition of homes in Pelican Coast, the decision not to build any more houses in Pelican Coast and the impact that will have on tax revenue.

COUNCIL COMMENTS

Councilwoman Kirby stated that she attended the following meetings:

- November 10 – Space Coast League of Cities meeting
- November 14 – Tourist Development Council meeting on beach renourishment
- November 17 – Brevard County Commission meeting regarding a special tax district in the South Reach Area for long range beach renourishment, including Archie Carr Park and received a report from Hubb Sea World regarding stranding of turtles, etc.
- Joined with others to complete preparation of one hundred twenty-pound boxes to send to troops in Iraq.

Mayor Brimer told Council that they will be receiving a letter from the American Cancer Association regarding the Relay for Life Brainstorming breakfast at MeMaw's on January 8 from 8:00 to 9:00 a.m.

CITY ATTORNEY REPORT

City Attorney Beadle did not have a report.

ORDINANCE NO. 1004, 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 525 AND 527 SHERIDAN AVENUE; DESCRIBED AS EAU GALLIE SHORES, LOTS 7 AND 8, BLOCK 16; ZONED RM-1; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATE (SECOND READING)

Ordinance No. 1004 was approved on first reading on November 5, 2008. This ordinance amends Ordinance No. 943 which granted a Conditional Use for a congregate living facility

at 525 and 527 Sheridan Avenue by increasing the number of residents from nine to eleven and incorporating all other provisions of Ordinance No. 943.

ACTION: Councilman D'Amato MOVED, SECOND Vice-Mayor Ferrante, to read Ordinance No. 1004 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1004 by title only on second reading, there being sufficient copies of all ordinances and resolutions available to the public. He asked for public comments. There were no comments.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilman D'Amato, to adopt Ordinance No. 1004. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1005, 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 AN ASSISTED 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 (SECOND READING)

Ordinance No. 1005 was approved on first reading on November 5, 2008, contingent upon revisions to the phasing of landscaping.

Building Official John Stone stated that Ordinance No. 1005 has been amended to require landscaping to be completed for each building as that building becomes an assisted living facility, and to require all landscaping to be completed no later than twenty-four months after the first certificate of occupancy is issued. He recommended that Paragraph 4 regarding any breach in the fire-rated tenant separation wall be deleted because the requirement is in conflict with State/AHCA/ALF requirements. Separation requirements will be regulated by the 2004 Florida Building Code with current supplements.

Any change in the State license would require this Conditional Use Permit to come back to the City for review.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to read Ordinance No. 1005 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1005 by title and asked for public comments. There were no comments.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to adopt Ordinance No. 1005 as amended in Section 3 A, B, and C, (landscaping) and Section 4 (separation wall). VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1006, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE 2007/2008 BUDGET ORDINANCE NO. 976, SAID ORDINANCE WAS PREVIOUSLY AMENDED BY ORDINANCE NO. 991; PROVIDING AN EFFECTIVE DATE (SECOND READING)

Ordinance No. 1006 was approved on first reading on November 5 and provides for amendments to the FY 07/08 Budget.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to read Ordinance No. 1006 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Mayor Brimer read Ordinance No. 1006 by title and asked for public comments.

- Don McLendon, 695 Fountain Boulevard, talked about current economic conditions and spoke in opposition to renovation of Hightower Beach Park.

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilman D'Amato, to adopt Ordinance No. 1006 on second reading. VOTE: ALL AYES. MOTION CARRIED.

ORDINANCE NO. 1000, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, ESTABLISHING THE SATELLITE BEACH HAZARDOUS MATERIALS INCIDENTS COST RECOVERY ORDINANCE; PROVIDING FOR A TITLE; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR HAZARDOUS MATERIALS INCIDENTS; LIABILITY FOR COSTS; PROVIDING FOR COLLECTION AND DISBURSEMENT OF FUNDS FOR COST RECOVERY; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE; EFFECTIVE DATE AND CODIFICATION (SECOND READING)

This ordinance was tabled until December 3, 2008.

PUBLIC HEARING: ORDINANCE NO. 1003, AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN AS MANDATED BY FLORIDA STATUTES SECTION 163.3177(3)(b)1; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE (SECOND READING)

Mayor Brimer opened the public hearing on Ordinance No. 1003. The City Clerk announced that there were sign-up sheets on the table for anyone who wished to receive comments from the Department of Community Affairs (DCA) on Ordinance No. 1003 and Ordinance No. 998.

Ordinance No. 1003 was approved on first reading on October 15, 2008, and amends the

Capital Improvement Element of the Comprehensive Plan. The improvements included in this amendment were approved by Resolution No. 870 for a FRDAP Grant.

ACTION: Councilwoman Kirby MOVED, SECOND Vice-Mayor Ferrante, to read Ordinance No. 1003 by title only on second reading. VOTE: ALL AYES. MOTION CARRIED.

Subsequent to transmitting Ordinance No. 1003 to DCA, Community Development Director Laura Canady received notice that the City can proceed directly with adoption of this ordinance in 2008 so that it does not count as one of the two amendments allowed in 2009.

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

ACTION: Vice-Mayor Ferrante MOVED, SECOND Councilwoman Kirby, to adopt Ordinance No. 1003 on second reading. VOTE: ALL AYES. MOTION CARRIED.

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 (SECOND READING)

Mayor Brimer opened the public hearing on Ordinance No. 998.

Ordinance No. 998 was approved on first reading on August 6, 2008, and transmitted to DCA. DCA sent back a report containing Objections, Recommendations, and Comments. Consultant LaRue and Associates have prepared responses to the Objections to be included with Ordinance No. 998 for submittal to DCA.

Community Development Director Laura Canady stated that the City does not have any capital improvement project requirements or funding responsibilities under the 10-Year Water Supply Facilities Work Plan because the City is dependent upon the City of Melbourne to implement the supply plan.

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

Mayor Brimer read Ordinance No. 998 by title and asked for public comments. There were no comments.

ACTION: Councilwoman Kirby MOVED, SECOND Vice-Mayor Ferrante, to adopt Ordinance No. 998 on second reading. VOTE: ALL AYES. MOTION CARRIED.

ADOPTION OF MINUTES: NOVEMBER 5, 2008, REGULAR MEETING

ACTION: Councilwoman Kirby MOVED, SECOND Vice-Mayor Ferrante, to adopt the minutes as presented. VOTE: ALL AYES. MOTION CARRIED.

CITY MANAGER REPORT

City Manager Crotty reported the following:

- At the November 17, 2008, meeting the Brevard County Board of County Commissioners approved funding for sand for the Mid-Reach and Satellite Beach should begin receiving sand between February and April 2009. Shell Street and the Gemini property will be staging areas; this will provide additional sand for those areas.
- On December 10, 2008, bids will be opened for the beach stormwater outfall projects at Norwood Avenue, Grant Avenue, and DeSoto Parkway.
- On December 2, at 11:00 a.m., there will be a groundbreaking ceremony at Hightower Beach Park.
- The City has received a letter from Pastor Larry Booth, Our Father's House, stating that they are interested in selling the land behind their building (between Grabowski at Surfside and Hedgecock Fields). The City has used this land for recreation activities. The Public Works Director will identify maintenance costs and the Recreation Director will list uses of the field for Council to consider.
- HP Communities, LLC (Hunt Development Group and Pinnacle) assumed operation and management of Pelican Coast on November 4. On November 14, Daniel Chavira of HP Communities met with staff and discussed initial plans/efforts scheduled during their "Initial Development Period" (DP) over the next 14 months. They will demolish all the Legacy/Capehart units in Pelican Coast and the area will be sodded to provide green space. They also discussed realignment of Shearwater Parkway, the connector of Shrike Drive with South Patrick Drive, the unresolved payment of taxes, and other items on the punch list.
- At the December 3 Council meeting, Council will consider a proposal to establish a Charter Review Committee and issues regarding Waste Management.
- There was a misprint in the newspaper about "light duty" in the Police Department Agreement with the Fraternal Order of Police. This will come back to Council.

COMMENTS FROM VICE-MAYOR JOSEPH FERRANTE AND COUNCILMAN SAL D'AMATO AND PRESENTATION IN RECOGNITION OF SIX YEARS AS A MEMBER OF CITY COUNCIL

Councilman D'Amato stated that it had been an honor and privilege to serve the citizens for the past six years. He congratulated the two new Council members and wished them success.

Vice-Mayor Ferrante congratulated Mike Chase and Jeff Fleis on their recent election to Council. He expressed appreciation for the support that his wife Barbara had provided during his time on Council, stating that she always advised to "do what is best for the citizens of Satellite Beach." He complimented the department heads for outstanding service to the City and commended City Manager Mike Crotty for twenty-four years of superior leadership. He thanked the City Attorney, City Clerk and fellow Council members for their friendship and for six years of working well together. He noted in particular the legacy of Communities for a Lifetime that Mayor Brimer will leave to benefit the residents. He concluded with "Thank you and God bless each of you and God bless Satellite Beach."

Mayor Brimer thanked Vice-Mayor Ferrante and Councilman D'Amato for their dedication and professional, ethical leadership.

Mayor Brimer recessed the meeting from 7:50 p.m. to 8:00 p.m.

TRANSITION (8:00 P.M. – TIME CERTAIN)

MICHAEL E. CHASE AND JEFFREY E. FLEIS SWORN IN AS COUNCIL MEMBERS BY MAYOR MARK A. BRIMER

Mayor Brimer administered the oath of office to Michael E. Chase and Jeffrey E. Fleis. City Clerk Barbara Montanaro asked them to affirm and sign their respective oaths.

COMMENTS FROM NEWLY ELECTED COUNCIL MEMBERS

Councilman Chase expressed deep appreciation to the citizens for entrusting him to represent the community, stating that he is looking forward to working with other Council members for the next three years, or maybe longer. For any problem there is a common solution to be discovered; a problem only becomes a concern when it is not recognized and understood. He extended heartfelt thanks to the dozen people who supported his campaign efforts.

Councilman Fleis thanked those who supported his campaign. He stated that it is a humbling experience to have been elected and pledged his intent to do everything necessary to keep Satellite Beach a wonderful place to live.

DISCUSS/TAKE ACTION ON FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

This request for grant authorization is to purchase a video surveillance system for the Police Department through the FY 2009 Florida Justice Assistance Grant (JAG) Program (FDLE/USDOJ). There is no City match.

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

ACTION: Councilwoman Kirby MOVED, SECOND Councilman Chase, to authorize Plain English to submit, on behalf of the City, a grant application in the amount of \$1,000 to purchase a video surveillance system for the Police Department, with a total project cost of \$1,000 and no City Match. VOTE: ALL AYES. MOTION CARRIED.

APPOINTMENTS TO BOARD

The City Clerk presented the Board Appointment Report dated November 12, 2008, listing board vacancies and applicants.

Mayor Brimer asked for public comments before each board appointment; there were no comments.

ACTION: Councilwoman Kirby MOVED, SECOND Councilman Fleis, to appoint Sal D'Amato to a regular position on the Community Redevelopment Agency Advisory Committee, said term ending January 1, 2010. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Councilwoman Kirby MOVED, SECOND Councilman Chase, to move Debra Andrews from an alternate position to a regular position on the Planning and Zoning Advisory Board, said term ending November 1, 2011. VOTE: ALL AYES. MOTION CARRIED.

ACTION: Councilwoman Kirby MOVED, SECOND Councilman Chase, to appoint Pamela Stamm to an alternate position on the Planning and Zoning Advisory Board, said term ending November 19, 2011. VOTE: ALL AYES. MOTION CARRIED.

Councilwoman Kirby recommended putting up posters at recreation facilities, announcing the vacancies on the Recreation Board and putting an article in the Beachcaster asking for volunteers for Recreation and other boards.

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

By consensus, Council cancelled the December 17, 2008, meeting.

Mayor Brimer announced the holiday luncheon at Pelican Beach Park on Monday, December 22. If the weather is inclement, an announcement will be made that morning to meet at the David R. Schechter Community Center.

Councilwoman Kirby reminded Council members to attend the Space Coast League of Cities holiday party hosted by Patrick Air Force Base at The Tides on Monday, December 8. The Satellite High School twenty-piece band will provide entertainment.

AGENDA ITEMS FOR NEXT REGULAR COUNCIL MEETING

The City Manager presented a list of items for the next agenda.

Mayor Brimer adjourned the meeting at 8:18 p.m.

Barbara Montanaro, CMC
City Clerk