
ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

WEDNESDAY, OCTOBER 19, 2022 ♦ 6:00 P.M.

1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on Wednesday, October 19, 2022, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

PRESENT:	Dr. R. Shaun Ferguson	Councilmember, Seat #2
	Sammie Brown Martin	Councilmember, Seat #3
	Frank T. Forester	Councilmember, Seat #4
	Duane A. Daski	Councilmember, Seat #5
	Ted J. Hartselle	Councilmember, Seat #6
	Joseph E. Miniclier	City Attorney
	Dr. Brenda Fettrow	City Manager
	Jennifer M. LeVasseur	City Clerk & Public Relations Officer
ABSENT:	Thomas J. Price	Mayor
	Dr. Michael A. Cadore	Councilmember, Seat #1
STAFF PRESENT:	Matthew Trine	Assistant City Manager & Finance Director
	Joseph P. LaSata	Public Safety Director/Chief of Police
	John Cooper	Planning Director
	Victor "VJ" Karycki	Public Works Director
	James Elmore	Wastewater Treatment & Water Reclamation Director
	James H. Wilson	Deputy Fire Chief

With a quorum present, the meeting was called to order by Vice Chairman Frank T. Forester.

2. INVOCATION

- At the invitation of Councilman Ferguson, the invocation was given by Pastor Kirk Dreiser, Rockledge United Methodist Church.

3. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE

- A salute was given to the flag, and the Pledge of Allegiance, led by students from St. Mary Catholic School, was repeated in unison.

4. APPROVAL OF MINUTES

- Regular Meeting on October 5, 2022

Councilwoman Martin moved to approve the minutes of the regular meeting on October 5, 2022; seconded by Councilman Hartselle. The motion carried unanimously (5).

5. PRESENTATIONS

A. Deputy Mayor Forester

1. Mayoral Proclamations

a. National Hispanic Heritage Month

Deputy Mayor Forester read aloud a Proclamation recognizing September 15 – October 15, 2022 as National Hispanic Heritage Month. The Proclamation was presented to the citizens of Rockledge and received by Dr. Nelly Cardinale, Executive Director of United Third Bridge, Inc. later in the meeting.

b. National Disability Employment Awareness Month

Deputy Mayor Forester read aloud a Proclamation recognizing the month of October 2022 as National Disability Employment Awareness Month. The Proclamation was presented to the citizens of Rockledge and received by Amar Patel and Keri Goff, representatives from Brevard Achievement Center.

B. Debbie Joyce, Rockledge High School Track & Field Improvement Project Booster Club

1. Track & Field Improvement Project Progress Update

Debbie Joyce, a representative from the Rockledge High School Track & Field Improvement Project Booster Club, provided Council with an update on the facility refurbishment. Council recognized and commended the Booster Club members for their efforts.

6. FINANCIAL / BUDGET REPORT

- September 2022

Councilwoman Martin moved to be in receipt of the Financial/Budget Report for the month of September 2022; seconded by Councilman Ferguson. The motion passed by unanimous vote (5).

7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

- A. Ordinance: First Reading, Comprehensive Plan Amendment to Future Land Use Map, LDR – Low Density Residential in Planning District 4, Approximately 660.67 +/- Acres West of Tucker Lane and South of Providence Road (CPA-22-01)

Councilman Daski offered an Ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING THE PROVISIONS OF THE ROCKLEDGE COMPREHENSIVE PLAN TO REVISE THE FUTURE LAND USE MAP (FLUM) TO ADD 660.67+/- ACRES LYING ON THE WEST SIDE OF TUCKER LANE AND SOUTH OF PROVIDENCE ROAD AS CITY OF ROCKLEDGE LDR - LOW DENSITY RESIDENTIAL; DECLARING THAT INVALIDITY OF ANY PORTIONS HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES," and moved for the first reading of the Ordinance by title only; seconded by Councilwoman Martin. The motion carried unanimously (5).

City Attorney Miniclier read aloud the title of the Ordinance for the first reading.

Councilman Daski moved to authorize publication and a public hearing to be held on November 2, 2022; seconded by Councilwoman Martin. The motion carried by unanimous vote (5).

- B. Ordinance: First Reading, Establishing the Zoning Designation of Approximately 660.67+/- Acres of Property as PUD – Planned Unit Development District, West of Tucker Lane and South of Providence Road (ZDA-22-05)

Councilman Ferguson offered an Ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, ESTABLISHING THE ZONING CLASSIFICATION AS CITY OF ROCKLEDGE PUD - PLANNED UNIT DEVELOPMENT DISTRICT IN PLANNING DISTRICT 4 OF APPROXIMATELY 660.67+/- ACRES, LOCATED IN THE NORTHWEST CORNER OF THE CITY LIMITS, WEST OF TUCKER LANE AND SOUTH OF PROVIDENCE ROAD IN THE CITY OF ROCKLEDGE, AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF ROCKLEDGE TO REFLECT THE CHANGE OF ZONING EFFECTED BY THIS ORDINANCE; DIRECTING THE CITY MANAGER OR DESIGNEE TO FORTHWITH CAUSE THE APPROPRIATE DESIGNATION TO BE MADE ON THE FACE OF THE OFFICIAL CITY ZONING MAP INDICATING THE NEW ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN THIS ORDINANCE; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES," and moved for the first reading of the Ordinance by title only; seconded by Councilwoman Martin. The motion carried unanimously (5).

City Attorney Miniclier read aloud the title of the Ordinance for the first reading.

Councilwoman Martin moved to authorize publication and a public hearing to be held on November 2, 2022; seconded by Councilman Ferguson. The motion carried by unanimous vote (5).

8. REPORTS FROM BOARDS AND COMMITTEES

Councilman Daski moved to be in receipt of the minutes of the following meeting:

- Planning Commission, Minutes of Meeting on October 4, 2022

and to consider independently any recommendation(s) contained therein; seconded by Councilwoman Martin. The motion passed unanimously (5).

A. Planning Commission, Minutes of Meeting on October 4, 2022

1. Recommendation: Voluntary Annexation (ANX-22-02) – Northwest Corner of Pluckebaum Road and Clearlake Road

...recommend approval of the Voluntary Annexation (ANX-22-02) and to forward the recommendation to City Council...

Councilman Daski moved to be in receipt of the recommendation and to open the matter for public hearing; seconded by Councilwoman Martin. The motion passed by unanimous vote (5).

- a. Public Hearing

Vice Chairman Forester declared the matter open for public hearing. Sally Torkos, 20 S. Fernwood Drive, requested clarification on the annexation process. Councilman Forester provided information on annexation procedures.

There being no further comment, Vice Chairman Forester declared the public hearing to be closed.

Councilwoman Martin moved to approve Voluntary Annexation ANX-22-02 and to authorize the City Attorney to draft the requisite Ordinance; seconded by Councilman Hartselle. The motion carried without objection (5).

2. Recommendation: Comprehensive Plan Amendment (CPA-22-02) – Northwest Corner of Pluckebaum Road and Clearlake Road

...recommend approval of the Comprehensive Plan Amendment (CPA-22-02) and to forward the recommendation to City Council...

Councilwoman Martin moved to be in receipt of the recommendation and to open the matter for public hearing; seconded by Councilman Ferguson. The motion passed by unanimous vote (5).

a. Public Hearing

Vice Chairman Forester declared the matter open for public hearing.

There being no public comment, Vice Chairman Forester declared the public hearing to be closed.

Councilwoman Martin moved to approve CPA-22-02 and to authorize transmittal of the proposed Comprehensive Plan Amendment to the Florida Department of Economic Opportunity; seconded by Councilman Ferguson. The motion passed unanimously (5).

3. Recommendation: Zoning District Amendment (ZDA-22-06) – Preliminary Development Plan and Tentative PUD – Planned Unit Development District Zoning Designation, Beyel/Ongoing Investments, Inc.

...recommend approval of the Preliminary Development Plan and Zoning Designation (ZDA-22-06) of PUD – Planned Unit Development District and to forward the recommendation to City Council...

Councilman Ferguson moved to be in receipt of the recommendation and to open the matter for public hearing; seconded by Councilman Hartselle. The motion passed by unanimous vote (5).

a. Public Hearing

Vice Chairman Forester declared the matter open for public hearing.

There being no public comment, Vice Chairman Forester declared the public hearing to be closed.

Councilman Ferguson moved to approve the Preliminary Development Plan and Zoning Designation (ZDA-22-06) of PUD and authorize the City Attorney to draft the requisite Ordinance; seconded by Councilwoman Martin. The motion passed without objection (5).

4. Recommendation: Zoning District Amendment (ZDA-22-07), M2 to ROC – Lake Betsi, City of Rockledge

...recommend approval of the Zoning District Amendment (ZDA-22-07) from M2 to ROC and to forward the recommendation to City Council...

Councilman Forester clarified that the parks being considered for rezoning during the meeting were originally zoned incorrectly when the parks were developed, and the proposed Zoning District Amendments are more of a housekeeping issue so that all of the parks are correctly zoned as recreational areas.

Councilman Daski moved to be in receipt of the recommendation and to open the matter for public hearing; seconded by Councilwoman Martin. The motion passed by unanimous vote (5).

a. Public Hearing

Vice Chairman Forester declared the matter open for public hearing.

Richard Swart, 1140 Serengeti Way, requested information on the City's future plans for Lake Betsi. City Manager Fettrow reported that the City plans to install additional landscaping and will continue to beautify the area.

There being no further public comment, Vice Chairman Forester declared the public hearing to be closed.

Councilman Daski moved to approve ZDA-22-07 from M2 to ROC and authorize the City Attorney to draft the requisite Ordinance; seconded by Councilwoman Martin. The motion passed without objection (5).

5. Recommendation: Zoning District Amendment (ZDA-22-08), R2 to ROC – Taylor Park, City of Rockledge

...recommend approval of the Zoning District Amendment (ZDA-22-08) from R2 to ROC and to forward the recommendation to City Council...

Councilman Ferguson moved to be in receipt of the recommendation and to open the matter for public hearing; seconded by Councilman Hartselle. The motion passed by unanimous vote (5).

a. Public Hearing

Vice Chairman Forester declared the matter open for public hearing.

Salvatore Fiorentino, 15 S. Fernwood Drive, requested further clarification on the proposed rezoning. City Manager Fettrow clarified the previous and proposed zoning categories and provided an overview of the City's tree sponsorship program. Mr. Fiorentino complemented the park's functionality and beauty and requested that the City continue adding trees and recreational features.

Katie Giering, 59 Park Street, noted that the park appears run down. City Manager Fettrow reported that the City has an interlocal agreement with Brevard County, the County performs the maintenance of the City parks, and the City will work with the County to improve the park's condition.

Cyril A. Morrow, 42 Orange Avenue, expressed concern over the lack of clarification and explanation to residents from the City concerning public hearing processes and encouraged Council to

focus efforts on improving Barton Boulevard. Mr. Morrow encouraged the City to recruit more restaurants to the City.

Sally Torkos, 20 S. Fernwood Drive, thanked Council for clarifying the proposed rezoning. Councilman Forester confirmed that the rezoning of the park is to ensure the zoning matches the park's current use. City Clerk & Public Relations Officer LeVasseur offered a brief overview of the public hearing advertisement process and confirmed that agenda packets can be requested and e-mailed.

Roy Laughlin, 17 S. Palmway Avenue, referenced a Deed of Trust and noted that when the park was deeded to the City, there were to be no additional structures erected aside from a band stand and mausoleum. Mr. Laughlin cited in the Deed that the City would forfeit the right to the land by violating the Deed of Trust. He asserted that the deed prohibits some of the elements of the Recreation, Open Space and Conservation District, and the proposal may violate the deed of gift. Mr. Laughlin noted that the park is essential to the neighborhood.

Devin Vasco, 67 Rockledge Avenue, inquired about the proposed rezoning's effect on property taxes. Councilman Forester confirmed that the rezoning would have no effect. Ms. Vasco also offered to volunteer her time to help with vegetative cleanup and planting.

There being no further public comment, Vice Chairman Forester declared the public hearing to be closed.

City Attorney Miniclier explained that the purpose of the proposed rezoning is to preserve the current use of the park. He explained the intention of the ROC – Recreation, Open Space and Conservation District.

Mr. Laughlin noted that the City owns the property and only the City would be able to sell the property. He referenced a past proposed sale of a parcel in Rockledge that did not occur because of the public's input. Mr. Laughlin reiterated his assertion that the deed protects the property.

Councilman Forester confirmed that the Council's intention is to ensure that the property's zoning designation is consistent with the current use as a recreational area.

Councilman Hartselle noted that as public servants, the City Council represents the residents of the City and strives to act in the best interests of the citizens.

Councilwoman Martin voiced concerns over the covenants defined in the deed and the effects that said covenants may have over future decisions regarding Taylor Park.

Councilman Daski moved to approve ZDA-22-08 from R2 to ROC and authorize the City Attorney to draft the requisite Ordinance; seconded by Councilman Ferguson. The motion passed without objection (5).

6. Recommendation: Zoning District Amendment (ZDA-22-09), M2 to ROC – The McKnight Family Sports Complex, City of Rockledge

...recommend approval of the Zoning District Amendment (ZDA-22-09) from M2 to ROC and to forward the recommendation to City Council...

Councilman Ferguson moved to be in receipt of the recommendation and to open the matter for public hearing; seconded by Councilwoman Martin. The motion passed by unanimous vote (5).

- a. Public Hearing

Vice Chairman Forester declared the matter open for public hearing.

There being no public comment, Vice Chairman Forester declared the public hearing to be closed.

Councilman Ferguson moved to approve ZDA-22-09 from M2 to ROC and authorize the City Attorney to draft the requisite Ordinance; seconded by Councilwoman Martin. The motion passed without objection (5).

7. Recommendation: Zoning District Amendment (ZDA-22-11), IP to ROC – Dick Blake Park, City of Rockledge

...recommend approval of the Zoning District Amendment (ZDA-22-11) from IP to ROC and to forward the recommendation to City Council...

Councilwoman Martin moved to be in receipt of the recommendation and to open the matter for public hearing; seconded by Councilman Ferguson. The motion passed by unanimous vote (5).

- a. Public Hearing

Vice Chairman Forester declared the matter open for public hearing.

There being no public comment, Vice Chairman Forester declared the public hearing to be closed.

Councilwoman Martin moved to approve ZDA-22-11 from IP to ROC and authorize the City Attorney to draft the requisite Ordinance; seconded by Councilman Ferguson. The motion passed without objection (5).

8. Recommendation: Zoning District Amendment (ZDA-22-12), C1 to ROC – Larry L. Schultz Park, City of Rockledge

...recommend approval of the Zoning District Amendment (ZDA-22-12) from C1 to ROC and to forward the recommendation to City Council...

Councilman Ferguson moved to be in receipt of the recommendation and to open the matter for public hearing; seconded by Councilwoman Martin. The motion passed by unanimous vote (5).

- a. Public Hearing

Vice Chairman Forester declared the matter open for public hearing.

There being no public comment, Vice Chairman Forester declared the public hearing to be closed.

Councilman Ferguson moved to approve ZDA-22-12 from C1 to ROC and authorize the City Attorney to draft the requisite Ordinance; seconded by Councilwoman Martin. The motion passed without objection (5).

- B. Reappointments and Appointments

- o None

9. UNFINISHED BUSINESS

- o None

10. CONSENT BUSINESS

Councilman Daski moved for approval of these consent business items:

- A. Approval: Interlocal Agreement and Quit Claim Deed, Harvest Landing P.U.D. Tract RD-2, Brevard County (City Manager)
- B. Approval: Landscape and Fence Replacement for Wastewater Treatment Plant, W&J Construction (Wastewater Treatment Department)
- C. Approval: Purchase of 2022 Ford Super Duty F-550 with Utility Body and Tommy Gate (Wastewater Treatment Department)

The motion was seconded by Councilman Ferguson and passed by unanimous vote (5).

11. ITEMS REMOVED FROM CONSENT BUSINESS

- o None

12. NEW BUSINESS

- o None

13. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

- Gail Stewart-Iles, 1 Sweet Street, expressed her desire to see the Space Coast Area Transit system add a stop at Rockledge Square on US Highway 1 and requested the City's assistance in achieving this goal. City Manager Fettrow confirmed that she will help facilitate a conversation with the Space Coast Area Transit Director.
- Dr. Nelly Cardinale, Executive Director of United Third Bridge, Inc., 319 E. Central Boulevard, Cape Canaveral, was present to receive the National Hispanic Heritage Month Proclamation. She provided information on the Puerto Rican Day Parade and Cultural Festival on Saturday, October 22nd in Palm Bay.

14. REPORTS

A. City Manager Report

- City Manager Fettrow:
 - Thanked St. Mary Catholic School teacher Nancy Potchka for attending the meeting with her students.
 - Announced that the Rocktober 5K event on October 16th was a success and explained that the net proceeds will go towards the Rockledge High School Track & Field refurbishment. She also thanked City Clerk & Public Relations Officer LeVasseur for her leadership in coordinating the race.
 - Updated Council on the selection process for a lobbyist and noted that the Committee will convene on October 24th to finalize a recommendation to bring forth to Council on November 2nd.
 - Reminded Council of Food Truck Friday on October 21st from 4:30 p.m. – 7:30 p.m. in the Civic Hub.

B. City Attorney Litigation Report

- October 2022

Councilman Daski moved to be in receipt of the City Attorney Litigation Report dated October 6, 2022; seconded by Councilwoman Martin. The motion passed without objection (5).

City Attorney Miniclier gave an update on the cases in the Litigation Report.

C. Reports from the Dais

- Councilmembers thanked residents and St. Mary Catholic School students for attending the meeting.

- Councilwoman Martin:
 - Attended the Space Coast League of Cities board and regular meeting on October 10th.
 - Attended the Emma Jewel Charter Academy awards banquet on October 15th and presented a Hometown Hero award to Dr. Joe Lee Smith
 - Announced that the Central Brevard NAACP will be hosting the Freedom Fund Banquet on November 5th at the Space Coast Convention Center.
- Councilman Hartselle:
 - Completed ethics training earlier in the day.
 - Recommended that the students in the audience become involved in their community.
- Councilman Daski Participated in the Rocktober 5K race and thanked Public Safety Director LaSata for his fitness training over the years, as well as staff for coordinating the race.
- Councilman Forester invited a student from St. Mary Catholic School to ask a question. A student asked a clarifying question about the rezoning of Taylor Park. Council shared information about the public hearing process.

15.ADJOURN

There being no further business to come before the Council, Vice Chairman Forester declared the meeting to be adjourned at 7:50 p.m.

Council Chairman

ATTEST: _____
City Clerk