
ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, September 23, 2009 - 6:30 p.m.

1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on September 23, 2009, at 6:30 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

PRESENT:	Larry L. Schultz	Mayor
	Dr. Joe Lee Smith	Councilmember, Seat #1
	Richard K. Blake	Councilmember, Seat #2
	Colleen M. Stuart	Councilmember, Seat #3
	Frank T. Forester	Councilmember, Seat #4
	E. Georgia Phillips	Councilmember, Seat #5
	Thomas J. Price, Jr.	Councilmember, Seat #6
	Joseph E. Miniclier	City Attorney
	James P. McKnight	City Manager
	Betsi Beatty Moist	City Clerk

STAFF PRESENT:	David A. Henderson	Assistant City Manager
	Carl L. Jones	Building Official
	Don R. Griffin	Planning Director
	Richard E. Allen	Fire Chief
	C. Kenneth Poole	Public Works Director
	Alan M. LaDuke	Wastewater Treatment & Water Reclamation Director

With a quorum present, the meeting was called to order by Chairman E. Georgia Phillips.

2. INVOCATION

The invocation was given by Councilman Blake.

3. SALUTE TO THE FLAG

A salute was given to the flag and the pledge of allegiance was repeated in unison.

4. APPROVAL OF MINUTES – Regular Meeting on September 9, 2009

Mayor Schultz made a motion to approve the minutes of the regular meeting on September 9, 2009; seconded by Councilman Blake. The motion carried unanimously (7).

5. PRESENTATIONS – None Scheduled

6. FINANCIAL / BUDGET REPORT – Month of August 2009

Councilwoman Stuart moved to be in receipt of the Financial/Budget Report for the month of August 2009; seconded by Councilman Smith. The motion passed by unanimous vote (7).

7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

A. Public Hearing: Fiscal Year 2010 General Administrative Budget and Taxable Year 2009 Millage Rate

The General Administrative Budget was amended at the September 9, 2009 meeting as a result of the decrease in the proposed 5.70 millage rate, which also affected the Community Redevelopment Agency Fund Budget.

Chairman Phillips then opened the matter to the public for comment. There being no public comment, Chairman Phillips declared the public hearing to be closed.

Councilman Forester reiterated his concerns for possible adverse effects of a reduced millage rate on future budgets.

B. Resolution: Public Hearing, Adopting Finalized Millage Rate for 2009

Mayor Schultz offered Resolution No. 2009-662 entitled "RESOLUTION ADOPTING THE FINALIZED MILLAGE RATE FOR AD VALOREM TAXATION BY THE CITY OF ROCKLEDGE, FLORIDA, FOR THE YEAR 2009; STATING THE PERCENT BY WHICH THE MILLAGE RATE TO BE LEVIED EXCEEDS THE ROLLED BACK MILLAGE RATE COMPUTED PURSUANT TO SUBSECTION (1) OF SECTION 200.065, FLORIDA STATUTES, (2008); AND LEVYING AN AD VALOREM TAX UPON ALL TAXABLE PROPERTIES IN THE CITY OF ROCKLEDGE FOR THE YEAR 2009 AT THE RATE OF \$5.35 FOR EVERY \$1,000.00 OF ASSESSED PROPERTY VALUATION" **and moved to read the resolution in its entirety and open the matter for public hearing; seconded by Councilman Blake. The motion passed by unanimous vote (7).**

City Attorney Miniclier read aloud the entire resolution, after which, Chairman Phillips declared the matter open to the public for comment. There being no public comment, Chairman Phillips declared the public hearing to be closed.

Mayor Schultz moved for adoption of the resolution; seconded by Councilman Smith. Voting FOR the motion: Mayor Schultz and Councilmembers Smith, Blake, Stuart, Phillips, and Price. Voting AGAINST the motion: Councilman Forester. The motion carried by a vote of 6 to 1.

C. Ordinance:: Second Reading & Public Hearing, Ordinance No. 1525-2009
Fiscal Year 2010 General Administrative Budget

Mayor Schultz offered Ordinance No. 1525-2009 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUES AND EXPENSES IN THE GENERAL ADMINISTRATIVE OPERATIONS OF SAID CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF THE CITY OF ROCKLEDGE FOR SAID FISCAL YEAR AND ADOPTING THE GENERAL ADMINISTRATIVE BUDGET OF SAID CITY FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN TRANSFERS OF APPROPRIATIONS IN SAID BUDGET; 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 made a motion for the second reading of the ordinance by title only and opened for public hearing; seconded by Councilman Blake. The motion carried by unanimous vote (7).**

City Attorney Miniclier read aloud the title of the ordinance for the second reading. Chairman Phillips declared the matter open to the public for discussion. There being no public comment, Chairman Phillips declared the public hearing to be closed.

Councilman Forester moved for the adoption of the ordinance; seconded by Councilman Blake. Voting for the motion: Mayor Schultz and Councilmembers Smith, Blake, Stuart, Forester, Phillips and Price. The motion carried by unanimous vote (7).

- D. Ordinance: Second Reading & Public Hearing, Ordinance No. 1526-2009
 Fiscal Year 2010 Sewer System Budget

Mayor Schultz offered Ordinance No. 1526-2009 entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENSES FOR OPERATION OF THE ROCKLEDGE SEWER SYSTEM DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF THE ROCKLEDGE SEWER SYSTEM FOR SAID FISCAL YEAR AND ADOPTING THE BUDGET FOR THE OPERATION OF THE ROCKLEDGE SEWER SYSTEM FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN TRANSFERS OF APPROPRIATIONS IN SAID BUDGET; PROVIDING 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 made a motion for the second reading of the ordinance by title only and opened for public hearing; seconded by Councilman Blake. The motion carried by unanimous vote (7).**

City Attorney Miniclier read aloud the title of the ordinance for the second reading. Chairman Phillips declared the matter open to the public for discussion.

- Richard Glenn, 1012 West Street, addressed concerns for both revenue and expense projections, specifically related to reclaimed water.

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

Councilman Blake moved for the adoption of the ordinance; seconded by Mayor Schultz. Voting FOR the motion: Mayor Schultz and Councilmembers Blake, Stuart, Forester, and Phillips. Voting AGAINST the motion: Councilmen Smith and Price. The motion carried by a vote of 5 to 2.

- E. Ordinance: Second Reading & Public Hearing, Ordinance. No. 1527-2009
 Fiscal Year 2010 Stormwater Management Fund Budget

Mayor Schultz offered Ordinance No. 1527-2009 entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA,

DETERMINING THE ANTICIPATED REVENUE AND EXPENSES FOR OPERATION OF THE ROCKLEDGE STORMWATER MANAGEMENT FUND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF OPERATION, ADMINISTRATION AND MAINTENANCE OF THE STORMWATER DRAINAGE FACILITIES OF THE CITY OF ROCKLEDGE AND TO CARRY OUT ALL OTHER PURPOSES OF THE UTILITY FOR SAID FISCAL YEAR AND ADOPTING THE BUDGET FOR THE OPERATION OF THE ROCKLEDGE STORMWATER DRAINAGE FACILITIES FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN TRANSFERS OF APPROPRIATIONS IN SAID BUDGET; PROVIDING 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 made a motion for the second reading of the ordinance by title only and opened for public hearing; seconded by Councilman Blake. The motion carried by unanimous vote (7).**

City Attorney Miniclier read aloud the title of the ordinance for the second reading. Chairman Phillips declared the matter open to the public for discussion. There being no public comment, Chairman Phillips declared the public hearing to be closed.

Councilman Blake moved for the adoption of the ordinance; seconded by Mayor Schultz. Voting for the motion: Mayor Schultz and Councilmembers Smith, Blake, Stuart, Forester, Phillips and Price. The motion carried by unanimous vote (7).

- F. Ordinance: Second Reading & Public Hearing, Ordinance No. 1528-2009
Fiscal Year 2010 Sanitation Services Budget

Mayor Schultz offered Ordinance No. 1528-2009 entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENSES FOR OPERATION OF THE ROCKLEDGE SANITATION SERVICES DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF THE ROCKLEDGE SANITATION SERVICES FOR SAID FISCAL YEAR AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN TRANSFERS OF APPROPRIATIONS IN SAID BUDGET; PROVIDING 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 made a motion for the second reading of the ordinance by title only and opened for public hearing; seconded by Councilman Blake. The motion carried by unanimous vote (7).**

City Attorney Miniclier read aloud the title of the ordinance for the second reading. Chairman Phillips declared the matter open to the public for discussion.

The following individuals expressed objection to fee increases recently adopted and support for reducing the number of weekly garbage pickups to one:

- Richard Glenn, 1012 West Street
- Roy Laughlin, 11 Floridelphia Avenue

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

Councilman Blake moved for the adoption of the ordinance; seconded by Mayor Schultz. Voting FOR the motion: Mayor Schultz and Councilmembers Blake, Stuart, Forester, and Phillips. Voting AGAINST the motion: Councilmen Smith and Price. The motion carried by unanimous vote (7).

- G. Ordinance: Second Reading & Public Hearing, Ordinance No. 1529-2009
Fiscal Year 2010 Community Redevelopment Agency
Management Fund Budget

Mayor Schultz offered Ordinance No. 1529-2009 entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENSES FOR OPERATION OF THE ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY MANAGEMENT FUND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF OPERATION, ADMINISTRATION AND MAINTENANCE OF THE ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY AND TO CARRY OUT ALL OTHER PURPOSES OF THE COMMUNITY REDEVELOPMENT AGENCY FOR SAID FISCAL YEAR AND ADOPTING THE BUDGET FOR THE OPERATION OF THE ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN TRANSFERS OF APPROPRIATIONS IN SAID BUDGET; PROVIDING 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 made a motion for the second reading of the ordinance by title only and opened for public hearing; seconded by Councilman Blake. The motion carried by unanimous vote (7).**

City Attorney Miniclier read aloud the title of the ordinance for the second reading. Chairman Phillips declared the matter open to the public for discussion. There being no public comment, Chairman Phillips declared the public hearing to be closed.

Mayor Schultz moved for the adoption of the ordinance; seconded by Councilman Blake. Voting for the motion: Mayor Schultz and Councilmembers Smith, Blake, Stuart, Forester, Phillips and Price. The motion carried by unanimous vote (7).

- H. Ordinance: Second Reading & Public Hearing, Ordinance No. 1530-2009
Amending Land Development Regulations to insure Compliance
with Florida Law regarding Community Residential Home and
Care Units

Councilwoman Stuart offered Ordinance No. 1530-2009 entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY,

FLORIDA, AMENDING THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS TO INSURE COMPLIANCE WITH FLORIDA LAW REGARDING COMMUNITY RESIDENTIAL HOME AND CARE UNITS; 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 made a motion for the second reading of the ordinance by title only and opened for public hearing; seconded by Mayor Schultz. The motion carried by unanimous vote (7).**

City Attorney Miniclier read aloud the title of the ordinance for the second reading. Chairman Phillips declared the matter open to the public for discussion. There being no public comment, Chairman Phillips declared the public hearing to be closed.

Mayor Schultz moved for the adoption of the ordinance; seconded by Councilman Blake. Voting for the motion: Mayor Schultz and Councilmembers Smith, Blake, Stuart, Forester, Phillips and Price. The motion carried by unanimous vote (7).

- I. Ordinance: Second Reading & Public Hearing, Ordinance No. 1531-2009 Amending Sec. 80.01 of the Land Development Regulations relating to Churches, Temples, Synagogues, and Other Places of Worship

Councilwoman Stuart offered Ordinance No. 1531-2009 entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING SECTION 80.01, CHURCHES, TEMPLES, SYNAGOGUES AND OTHER PLACES OF WORSHIP, OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS TO DESIGNATE ZONING DISTRICTS WHERE PLACES OF WORSHIP ARE A PERMITTED USE; ADDING SUBSECTION “J” TO SECTION 80.01 OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS REGARDING CONSTRUCTION OF PLACES OF WORSHIP WITHIN 200 FEET OF EXISTING ESTABLISHMENTS SERVING ALCOHOLIC BEVERAGES; 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 made a motion for the second reading of the ordinance by title only and opened for public hearing; seconded by Councilman Blake. The motion carried by unanimous vote (7).**

City Attorney Miniclier read aloud the title of the ordinance for the second reading. Chairman Phillips declared the matter open to the public for discussion. There being no public comment, Chairman Phillips declared the public hearing to be closed.

Councilman Blake moved for the adoption of the ordinance; seconded by Mayor Schultz. Voting for the motion: Mayor Schultz and Councilmembers Smith, Blake, Stuart, Forester, Phillips and Price. The motion carried by unanimous vote (7).

- J. Ordinance: Second Reading & Public Hearing, Ordinance No. 1532-2009
Amending Land Development Regulations relating to Fences and Hedges

Councilwoman Stuart offered Ordinance No. 1532-2009 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING SECTION 81.30, "HEDGES AND FENCES", OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS BY REPLACING SAME IN ITS ENTIRETY; 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 made a motion for the second reading of the ordinance by title only and opened for public hearing; seconded by Councilman Blake. The motion carried by unanimous vote (7).**

City Attorney Miniclier read aloud the title of the ordinance for the second reading. Chairman Phillips declared the matter open to the public for discussion. There being no public comment, Chairman Phillips declared the public hearing to be closed.

Councilman Blake moved for the adoption of the ordinance; seconded by Councilwoman Stuart. Voting for the motion: Mayor Schultz and Councilmembers Smith, Blake, Stuart, Forester, Phillips and Price. The motion carried by unanimous vote (7).

- K. Ordinance: First Reading, Adding Section 59.80 to the Land Development Regulations, Registration of Mortgaged Real Property

Mayor Schultz offered an ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS BY ADDING SECTION 59.80, PROVIDING FOR MORTGAGEE REGISTRATION OF REAL PROPERTY MORTGAGES IN DEFAULT; REQUIRING MAINTENANCE OF REAL PROPERTY BY MORTGAGEES; SECURITY REQUIREMENTS AND OTHER RELATED MATTERS; 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 made a motion for the first reading of the ordinance by title only; seconded by Councilman Blake. The motion carried unanimously (7).**

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

Councilman Blake made a motion to authorize publication and a public hearing to be held on October 7, 2009; seconded by Mayor Schultz. The motion carried by unanimous vote (7).

8. REPORTS FROM BOARDS AND COMMITTEES

- A. Business Development Committee, Minutes of Meeting on August 25, 2009

Councilwoman Stuart moved to be in receipt of the minutes of the following meetings:

- Business Development Committee on August 25, 2009
- Education Advisory Committee on August 31, 2009
- Planning Commission on September 1, 2009
- The Rockledge Environmental Enhancement (TREE) Board on September 10, 2009

and to consider independently any recommendations contained therein; seconded by Councilman Blake. The motion passed unanimously (7).

B. Education Advisory Committee, Minutes of Meeting on August 31, 2009

See item 8-A.

C. Planning Commission, Minutes of Meeting on September 1, 2009

See item 8-A.

1. Recommendation: Revision to §62.180, Land Development Regulations, to include Light Industrial in the RMU Zoning Classification

...to approve the revisions, as amended, to the Land Development Regulations Section 62.180 with the definitions and renumbering for the RMU District to include light industrial...

Mayor Schultz moved to accept the recommendation and authorize Staff preparation of the ordinance; seconded by Councilman Blake. The motion passed without objection (7).

D. The Rockledge Environmental Enhancement (TREE) Board, Minutes of Meeting on September 10, 2009

See item 8-A.

1. Recommendation: Tree Planting in Memory of TREE Member Kenneth Moore

...to approve the planting of a memorial tree in honor of former member Kenneth Moore, with the location to be determined by the family from options of Robert Anderson Stormwater Park, Memorial Walk at Levitt Park, Taylor Park, or Wynona & Ernie Morris Stormwater Park.

Councilwoman Stuart moved to accept the recommendation; seconded by Councilman Smith. The motion passed without objection (7).

E. Appointments/Reappointments

1. Fire Employees Retirement Board, Appoint New Member

Mayor Schultz made a motion to appoint applicant Kenneth Zeszutko to fill the vacant position on the Fire Employees Retirement Board; seconded by Councilman Forester. The motion passed unanimously (7).

2. General Employees Retirement Board, Appoint New Member

Councilman Blake made a motion to appoint applicant Barbara Crisler to fill the vacant position on the General Employees Retirement Board; seconded by Mayor Schultz. The motion carried unanimously (7).

3. Police Employees Retirement Board, Appoint New Member

Councilman Blake made a motion to appoint applicant James J. Brennan to fill the vacant position on the Police Employees Retirement Board. The motion was duly seconded and carried unanimously (7).

4. Citizens Recreation Advisory Board Reappointments

Councilman Blake moved to reappoint Bob Billker, Michael Cadore and Michelle Doyle to a successive two-year term on the Citizens Recreation Advisory Board; seconded by Mayor Schultz. The motion passed without objection (7).

• Not an Agenda Item – Arrest of Volunteer Board Member

City Clerk Moist revealed that a resident who serves on three of the City's boards/committees was arrested today by Titusville Police on multiple criminal charges. Guidance is needed relating to continued membership.

Taking into consideration that one is considered innocent until proven guilty, City Attorney Miniclier suggested that Staff attempt to contact this individual with an opportunity to resign from the boards on which he serves.

Mayor Schultz made a motion to authorize Staff to contact the individual with an opportunity to resign from board/committee memberships and to report any change in status to the Council for possible further action. The motion was seconded by Councilman Blake and passed unanimously (7).

9. UNFINISHED BUSINESS – None

10. CONSENT BUSINESS – None

11. NEW BUSINESS

A. Request: Consideration to Vacate 10-foot Preservation Easement, Lots 38, 39 & 40, Silverado Subdivision

City Manager McKnight introduced this request, noting that since the ditch to the rear of these lots has recently been piped, the easement established for protection from erosion of the ditch is no longer necessary. The easement is a part of the plat of Silverado Subdivision.

Mayor Schultz made a motion to approve the request and authorize Staff to process vacation of the easement; seconded by Councilman Blake. The motion passed unanimously (7).

B. Discussion: Brevard County Transportation Impact Fees

Following City Manager McKnight's overview and brief history for this item, **Councilwoman Stuart moved to support County Option 2 in connection with Transportation Impact Fees; seconded by Councilman Blake. The motion carried with a unanimous vote (7).**

C. Discussion: Florida 10th Amendment Resolution (Councilwoman Phillips)

Councilwoman Phillips introduced this item on behalf of the Space Coast League of Cities. Following brief discussion, it was the consensus of the Council that no action be taken.

D. Discussion: Florida Federal Space Policy Resolution (Space Coast League of Cities)

Councilwoman Phillips introduced this item on behalf of the Space Coast League of Cities relating to the Florida Federal Space Policy Agenda and requesting endorsement of the Agenda in the form of a resolution.

Mayor Schultz moved to authorize Staff preparation of a resolution endorsing the Agenda, as requested; seconded by Councilman Blake.

Mayor Schultz referred to the fact that he is employed by NASA and questioned the potential conflict by participating in voting on this item. City Attorney Miniclier advised that it would be best to declare a conflict and abstain from voting; this would require the withdrawal of the motion on the floor.

Mayor Schultz withdrew his motion and declared a conflict in voting on this matter; Councilman Blake withdrew his second to the motion.

Councilman Forester moved to authorize Staff preparation of a resolution endorsing the Agenda, as requested; seconded by Councilman Blake. The motion passed by a vote of 6 with one abstention (Mayor Schultz).

Mayor Schultz's completed Form 8B Memorandum of Voting Conflict is attached hereto and by reference made a part of these minutes.

12. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Hal England, 802 Gardener Road, addressed the noise that takes place at the car wash located directly behind his home, emphasizing loud car stereos on the site. The noise emanating from this establishment continues to agitate nearby residents and the vegetative noise buffering has all but died off from neglect, and is therefore ineffective. He asked that further action be taken now to eliminate the noise utilizing the new equipment purchased by the City to measure noise.

City Manager McKnight stated that 12 members of the Rockledge Police Department have been trained by Building Official Jones to use the City's Sound Level Meter. The Police Department is hesitant at this point because the noise is emanating from private property; City Attorney Miniclier's opinion is that if the noise can be heard within the statutorily established parameters on public property, then enforcement can take place on private property. City Attorney Miniclier is providing a written report to the Police Department on enforceability.

13. REPORTS

A. City Manager Reports

Special Recognition for R. D. Nix, Jr.

Even though he retired in 1998, former Fire Chief R. D. (Rick) Nix, Jr. has, for the past 12 years, willingly continued to drive the City's 1924 American LaFrance fire engine, affectionately known as "Grandma", for special events such as parades. He has been actively training eight volunteers (some of which are City employees) to drive Grandma in order that the tradition may continue. It is felt that Chief Nix is deserving of special recognition from the City Council, beyond the norm. Brief discussion produced an overall consensus that a plaque with appropriate language be presented at a future meeting of the Council.

Councilman Smith moved to authorize Staff acquisition of an appropriate engraved plaque for presentation to Chief Nix and to schedule its presentation by the City Council. The motion was seconded by Councilman Forester and passed without objection (7).

B. City Attorney Litigation Report

Councilwoman Stuart moved to be in receipt of the City Attorney's Litigation Report dated September 16, 2009; seconded by Councilman Blake. The motion passed unanimously (7).

City Attorney Miniclier reported that he and City Manager McKnight had attended a federal mediation hearing relating to Atlantic Housing Partners v. City of Rockledge and as a result, there is a need to schedule an executive session of the Council. Following discussion, it was determined that the best opportunity would be at 5:30 p.m. on Wednesday, October 7, 2009, just prior to the regular City Council meeting.

- Councilman Forester asked about scheduling a Finance & Budget Committee meeting to make possible adjustments to budgets as a result of changes to the millage rate made at the previous meeting.

City Manager McKnight stated that the best time to discuss budget adjustments would be in or around January of 2010.

- Councilman Price noted that the exterior painting of the old church on Barton Avenue has been completed and the contractor has done an admirable job. There is still work to be done on the interior, but the Councilmembers should take a few minutes to drive by and take a look.

Councilman Price reported a problem with the custom made windows at the Municipal Building (old City Hall). The windows are painted on the outside, unfortunately with an oil-based paint, and the paint is peeling off due to exposure to the sun, etc. The contractor that is painting the church has submitted a proposal in the amount of \$7500 to remove the remains of the old paint and repaint the outside of the windows with proper paint before the windows are a total loss. He has been advised that funds exist in this year's budget to accommodate this project; this was confirmed by City Manager McKnight.

Mayor Schultz moved to authorize expenditure of \$7500± as a change order to the existing contract with Dave Goodman Painting to repaint the outside windows at the Municipal Building. The motion was seconded by Councilman Blake and passed unanimously (7).

- Councilman Blake announced that he has been invited to attend a Neighborhood Watch meeting in his area, and he is planning to attend.
- Mayor Schultz announced that he will be out of town on October 7th and will not be in attendance at either the executive session or the regular meeting on that date.

Mayor Schultz declared the end of relaxed dress for the summer months, and that regular dress will resume with the next meeting.

14. ADJOURN

There being no further business to come before the Council, Chairman Phillips declared the meeting to be adjourned at 7:56 p.m.

Council Chairman

ATTEST: _____
City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SCHULTZ LARRY LEONARD	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COUNCIL
MAILING ADDRESS 1820 Laurel Oak Drive South	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Rockledge	COUNTY BREVARD
DATE ON WHICH VOTE OCCURRED Sept 23, 2009	NAME OF POLITICAL SUBDIVISION: CITY OF Rockledge
MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, LARRY L. SCHULTZ, hereby disclose that on Sept 23, 20 09.

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ON A MOTION TO AUTHORIZE THE STAFF TO PREPARE A RESOLUTION supporting a Florida FEDERAL Space Policy. I am an employee of NASA John F. Kennedy Space Center which would benefit from the resolution.

9/23/09

Date Filed

Larry L. Schultz
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.