

---

# ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

WEDNESDAY, APRIL 3, 2019 ♦ 6:00 P.M.

---

## 1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on Wednesday, April 3, 2019, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

<b>PRESENT:</b>	Thomas J. Price	Mayor
	Dr. Joe Lee Smith	Councilmember, Seat #1
	Dr. R. Shaun Ferguson	Councilmember, Seat #2
	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
	Lisa C. Nicholas	Public Relations Officer & City Clerk

<b>ABSENT:</b>	Sammie Brown Martin	Councilmember, Seat #3 (excused)
----------------	---------------------	-------------------------------------

<b>STAFF PRESENT:</b>	Matthew Trine	Assistant City Manager & Finance Director
	Alexandra Bernard	Planning Director
	Joseph P. LaSata	Public Safety Director/Chief of Police
	Donna Seyferth	Deputy Chief of Police
	C. Kenneth Poole	Public Works Director
	James Elmore	Wastewater Treatment & Water Reclamation Director
	Ashley Golding	Community Advocate

With a quorum present, the meeting was called to order by Chairman Thomas J. Price.

## 2. INVOCATION

- The invocation was given by Councilman Hartselle.

### 3. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE

- A salute was given to the flag and the Pledge of Allegiance was repeated in unison.

### 4. APPROVAL OF MINUTES

- Regular Meeting on March 20, 2019

***Councilman Daski moved to approve the minutes of the regular meeting on March 20, 2019; seconded by Councilman Hartselle. The motion carried unanimously (6).***

### 5. PRESENTATIONS

#### A. Mayor Price

##### 1. Awards for First Quarter 2019

###### a) Employee of the Quarter

- Jim Trainor, Wastewater Inspector, Wastewater Treatment and Water Reclamation Department

Mayor Price recognized Jim Trainor, Wastewater Inspector, Wastewater Treatment and Water Reclamation Department, as the recipient of the Employee of the Quarter Award for the first quarter of 2019. Mr. Trainor was presented with a gift certificate and a framed Certificate of Commendation, and the Mayor and Council members extended congratulations.

###### b) Beautification Awards

- Residential: Cynthia Johnston, 1143 Bolle Circle

Mayor Price recognized Cynthia Johnston, whose home at 1143 Bolle Circle, was selected by The Rockledge Environmental Enhancement Board to receive the Excellence in Residential Beautification Award for the first quarter of 2019 and presented her with a certificate of award.

- Commercial: Burger King, 423 Barton Boulevard

Burger King, 423 Barton Boulevard, was selected by The Rockledge Environmental Enhancement Board to receive the Excellence in Commercial Beautification Award for the first quarter of 2019. Accepting the certificate of award from Mayor Price were Keyla Trinidad, District Manager, and Sierra Hensley, General Manager.

- c) Business of the Quarter
  - o Indian River Furniture, 3200 U.S. Highway 1

Indian River Furniture, 3200 U.S. Highway 1, was selected by the Rockledge Business Development Committee to receive the Business of the Quarter Award for the first quarter of 2019. Representatives from Indian River Furniture were unable to attend.

## B. City Investments and Activities

1. Terry Tolbert, Vice President of Investments, Allen & Company

Allen & Company's Vice President of Investments, Terry Tolbert, distributed a booklet illustrating the City's investments that are managed by Allen & Company and provided a synopsis of the materials.

2. Gregory Phelps, AAMS, Financial Advisor, Edward Jones

Gregory Phelps, AAMS, Financial Advisor for Edward Jones, offered a summation of investment activities that Edward Jones manages for the City. A document outlining the investment activities was provided to members of Council for their reference.

## 6. FINANCIAL / BUDGET REPORT

- o None

## 7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

- A. **Ordinance:** First Reading, ZDA-19-01, Rezoning Fiske Boulevard Church of Christ

**Councilman Daski offered an Ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING CLASSIFICATION FROM THE R2 (SINGLE FAMILY DWELLING) DISTRICT TO THE C2 (GENERAL COMMERCIAL) DISTRICT IN PLANNING DISTRICT 4 OF APPROXIMATELY 1.13 ACRES LOCATED AT 805 SOUTH FISKE BOULEVARD, IN THE CITY OF ROCKLEDGE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE; INCLUDING A REVERSION PROVISION FROM THE C2 (GENERAL COMMERCIAL) DISTRICT BACK TO THE R2 (SINGLE FAMILY DWELLING) DISTRICT SHOULD THE USE OF THE PROPERTY CEASE TO BE UTILIZED AS A HOUSE OF WORSHIP; AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF ROCKLEDGE TO REFLECT THE CHANGE OF ZONING AFFECTED BY THIS ORDINANCE; DIRECTING THE CITY MANAGER 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 EXHIBIT "A" OF 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 Councilman Ferguson. The motion carried unanimously (6).**

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 April 17, 2019; seconded by Councilman Smith. The motion carried by unanimous vote (6).**

## **8. REPORTS FROM BOARDS AND COMMITTEES**

**Councilman Ferguson moved to be in receipt of the minutes of the following meetings:**

- A.** Code Enforcement Board, Minutes of Meeting on March 14, 2019
- B.** The Rockledge Environmental Enhancement (T.R.E.E.) Board, Minutes of Meeting on March 14, 2019

**The motion was seconded by Councilman Forester and passed without objection (6).**

## **9. UNFINISHED BUSINESS**

- o None

## **10. CONSENT BUSINESS**

**Councilman Daski moved for approval of these consent business items:**

- A.** Approval: Declaration of Surplus Property, Miscellaneous Items, and Approval to Sell/Scrap Said Property (Wastewater Treatment Department)
- B.** Approval: Use of Forfeiture Funds for Confidential Informants (Public Safety Department)
- C.** Approval: Fire Station No. 36 Concrete Site Work (Public Works Department)
- D.** Approval: Air Release Valve Relocation, Three Meadows Subdivision (Wastewater Treatment Department)

**The motion was seconded by Councilman Ferguson and passed by unanimous vote (6).**

## 11. NEW BUSINESS

- A.** Action Item: Grade Crossing Maintenance, Eyster Boulevard and U.S. 1  
(Public Works Department)

City Manager Fettrow explained that Florida East Coast Railway (FEC) has informed the City that it will be performing grade crossing maintenance at U.S. 1 and Eyster Boulevard beginning on May 21, 2019. Per the terms of the March 1994 agreement, the City is responsible for the cost of the work, which is \$140,074.33. Because this item was just brought to the City's attention, it was not budgeted in this fiscal year. In order to be able to budget for such crossing maintenance in the future, staff intends to discuss the insufficient notice with representatives of FEC.

***Councilman Ferguson moved to approve the expenditure of \$140,074.33 for FEC grade crossing maintenance at U.S. 1 and Eyster Boulevard; seconded by Councilman Smith. The motion passed unanimously (6).***

## 12. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

- o None

## 13. REPORTS

- A.** City Manager Report

- o City Manager Fettrow reported the following:
  - The trip to Tallahassee for the Florida League of Cities' Legislative Action Days was productive, and several positive meetings were held.
  - Rockledge resident Amy Tidd has requested that the City explore the use of mid-block pedestrian crossings, particularly just south of the intersection of Fiske Boulevard and Levitt Parkway. Staff will be conducting further research and will report back to Council with additional information.
  - The City budgeted \$150,000.00 for the Biosorption Activated Media (BAM) project, which will help to remove hazardous elements such as nitrogen and phosphorous from the Indian River Lagoon. Grant funding in the amount of \$66,000.00 from the St. Johns River Water Management District has been awarded and will be applied to the cost of the project.

- B.** City Attorney Litigation Report

- o None

### C. Reports from the Dias

- o City Attorney Miniclier:

- Requested authorization to continue negotiations with UPS regarding the outstanding claim for damages to a parcel, as the offer that was presented to the City was unsatisfactory.

***Councilman Forester moved to authorize the City Attorney to continue negotiations with UPS for the outstanding claim; seconded by Councilman Hartselle. The motion passed by unanimous vote (6).***

- Reported that a lawsuit has been filed in Federal District Court concerning ADA compliance and website accessibility, even though good-faith efforts have been and continue to be made by the City to improve accessibility. The Florida League of Cities will be handling the case. City Attorney Miniclier also noted that the Americans with Disabilities Act is a federal law, which has not yet caught up with technology, and these lawsuits are becoming commonplace throughout the entire state as moneymaking ventures. Discussion ensued with regard to enlisting support from the City's Congressman and U.S. Senators.

***Councilman Forester moved to direct the City Manager to send a letter to the City's federal elected officials in order to make them aware of this issue and to help the City obtain relief from this and future lawsuits; seconded by Councilman Daski. The motion passed unanimously (6).***

Staff was also authorized to canvas other municipalities and to draft a resolution, if appropriate, for all Brevard County cities to adopt should they choose to do so.

- o Councilman Hartselle commented on the success of the Kiwanis Golf Tournament, the proceeds of which benefit a number of children's charities.
- o Councilman Smith expressed congratulations to the Community Redevelopment Agency Board of Commissioners and staff for its 2018 annual report.
- o Councilman Ferguson noted that he attended the following:
  - Andersen Elementary 50th anniversary celebration.
  - YMCA Prayer Breakfast.
  - KFC / Pizza Hut ribbon cutting.
  - Doctors' Day at Rockledge Regional Medical Center.

- Legislative Action Days in Tallahassee, which was a productive and educational experience. Several meetings were held with state representatives and senators.
- Councilman Forester reported that he:
  - Enjoyed the KFC and Pizza Hut ribbon cutting, the Doctors' Day celebration, and the 50<sup>th</sup> anniversary festivities at Andersen Elementary.
  - Felt that this year's trip to Tallahassee for Legislative Action Days was more productive than last year's.

#### **14.ADJOURN**

There being no further business to come before the Council, Chairman Price declared the meeting to be adjourned at 6:52 p.m.