
ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

WEDNESDAY, OCTOBER 16, 2019 ♦ 6:00 P.M.

1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on Wednesday, October 16, 2019, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

PRESENT:	Thomas J. Price	Mayor
	Dr. Joe Lee Smith	Councilmember, Seat #1
	Dr. R. Shaun Ferguson	Councilmember, Seat #2
	Sammie Brown Martin	Councilmember, Seat #3
	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	Deputy City Clerk

ABSENT:	Frank T. Forester	Councilmember, Seat #4 (excused)
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STAFF PRESENT:	Matthew Trine	Assistant City Manager & Finance Director
	Alexandra Bernard	Planning Director
	Joseph P. LaSata	Public Safety Director/Chief of Police
	C. Kenneth Poole	Public Works Director
	James Elmore	Wastewater Treatment & Water Reclamation Director

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

2. INVOCATION

- At the invitation of Councilwoman Martin, the invocation was given by Bishop Anthony Pelt, Church of God, Florida – Cocoa.

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 October 2, 2019

Councilman Ferguson moved to approve the minutes of the regular meeting on October 2, 2019; seconded by Councilwoman Martin. The motion carried unanimously (6).

5. PRESENTATIONS

A. Mayor Price

1. Special Recognitions – 30 Years of Service

- a. Angela Sheridan, Crossing Guard, Rockledge Public Safety Department

Mayor Price recognized Angela Sheridan, Crossing Guard for the Public Safety Department, for 30 years of service and presented her with a Certificate of Commendation, Letter of Congratulations, gift card and 30-year pin. Council members expressed gratitude and well wishes to Ms. Sheridan.

- b. Lieutenant Thomas Snider, Rockledge Public Safety Department

Mayor Price indicated that Lieutenant Snyder was unable to attend the meeting; his Certificate of Commendation, Letter of Congratulations, gift card, and 30-year pin will be provided to him.

6. FINANCIAL / BUDGET REPORT

- Month of September 2019

Councilman Daski moved to be in receipt of the Financial/Budget Report for the month of September 2019; seconded by Councilman Smith. The motion passed by unanimous vote (6).

7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

- None

8. REPORTS FROM BOARDS AND COMMITTEES

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

- o Business Development Committee, Minutes of Meeting on September 24, 2019
- o Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on September 25, 2019
- o Planning Commission, Minutes of Meeting on October 1, 2019

and to consider independently any recommendations contained therein; seconded by Councilwoman Martin. The motion passed unanimously (6).

- A. Business Development Committee, Minutes of Meeting on September 24, 2019 (no recommendation)
- B. Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on September 25, 2019 (no recommendation)
- C. Planning Commission, Minutes of Meeting on October 1, 2019

1. Recommendation: Approval, Annexation ANX-19-004, Mainstream Engineering and Robert Scaringe Properties

Planning Director Bernard reported that the Planning Commission has reviewed the proposed annexation for Mainstream Engineering and has recommended approval to City Council.

Chairman Price declared the matter open to the public for discussion. There being no discussion, Chairman Price declared the public comment period to be closed.

Councilman Daski moved to approve Voluntary Annexation ANX-19-004 and authorize the City Manager and City Attorney to prepare the required Ordinance; seconded by Councilwoman Martin. The motion passed without objection (6).

2. Recommendation: Approval, Annexation ANX-19-005, John F. Tucker/Tucker Family, Tucker Headquarters

Planning Director Bernard reported that the Planning Commission has reviewed the proposed annexation for John F. Tucker/Tucker Family for Tucker Headquarters and has recommended approval to City Council. City Attorney Miniclier clarified that, at this time, this proposal only brings the property into the City limits. It does not presently address zoning or land use.

Chairman Price declared the matter open to the public for discussion.

- o Ron Schule, 1245 Tuckaway Drive, Tuckaway Lakes' HOA president, expressed concerns regarding the drainage easement and pump that was developed in order to prevent flooding issues. He explained that the drainage has been mediocre at best and the

residents are concerned that the problem will intensify if the property in question is developed.

- Larry Whipple, 3470 Brahman Drive, reiterated the easement and drainage concerns that were expressed by Mr. Schule and remarked that the development that has taken place behind the Knights of Columbus has made the drainage issues worse. Mr. Whipple wants to confirm that any development that takes place subsequent to this annexation will not put the easement and pump in jeopardy and suggested that the annexation be conditional to ensure that any future development must take the easement into consideration so as to not jeopardize the residents of the surrounding homes.
- Bob Doerr, 5265 Pine Street, Cocoa, is a representative for the Knights of Columbus and C. Spillman, Inc. He echoed the comments and recommendations presented by Mr. Schule and Mr. Whipple.

Chairman Price explained that the City is well aware of the easement and pump system, and that he, the City Manager and staff have personally visited the site to view what is currently in place. Chairman Price stated that the City has no intention of modifying the easement.

City Attorney Miniclier reiterated that the actions City Council may take in relation to the annexation do not affect any existing easements or contracts and will not damage any property rights afforded to current and future property owners. The process for development is expansive, and a drainage study would be required. Surrounding property owners will have the opportunity to be heard throughout any future processes, as required by statute.

Chairman Price indicated that a drainage study is currently in process in that area.

- Larry Whipple, 3470 Brahman Drive, wished to confirm that future developers will be made aware of the easement.

Attorney Miniclier confirmed that the existing drainage cannot be altered without the consent of the property owners and appropriate legal processes. Surrounding property owners will be noticed in advance of any development that takes place.

- Ron Schule, 1245 Tuckaway Drive, expressed concerns that the property will be sold off in sections, which will ultimately compromise the pump and easement.

There being no further remarks from the public, Chairman Price declared the public comment period to be closed.

Attorney Miniclier repeated that the current annexation process bears no weight on the easement. Property owners have statutory rights, and the easement will remain unaffected absent future legal agreements.

City Planner Bernard remarked that the City of Rockledge currently has not received any plans for this property.

Councilman Daski clarified that the annexation does not dictate whether the land is developed in the future. The property could be developed whether it remains unincorporated or is annexed into the City.

Councilman Daski moved to approve Voluntary Annexation ANX-19-005 and authorize the City Manager and City Attorney to prepare the required Ordinance; seconded by Councilman Ferguson. The motion passed without objection (6).

3. Recommendation: Approval, Annexation ANX-19-006, John F. Tucker/Tucker Family, Tucker 5-T Ranch

Planning Director Bernard reported that the Planning Commission has reviewed the proposed annexation for John F. Tucker/Tucker Family for Tucker 5-T Ranch and has recommended approval to City Council.

Chairman Price declared the matter open to the public for discussion. There being no discussion, Chairman Price declared the public comment period to be closed.

Councilman Hartselle moved to approve Voluntary Annexation ANX-19-006 and authorize the City Manager and City Attorney to prepare the required ordinance; seconded by Councilwoman Martin. The motion passed without objection (6).

4. Recommendation: Approval, Preliminary Plat, Huntington Cove

Planning Director Bernard presented the Preliminary Plat for Huntington Cove and noted that there are 46 single-family residential units being proposed. Rezoning occurred in October 2018.

Councilman Hartselle inquired as to whether there are any utility easements that will be a factor, to which Planning Director confirmed the presence of a drainage easement that has been identified by staff.

Councilman Ferguson moved to approve the Preliminary Plat for Huntington Cove; seconded by Councilwoman Martin. The motion passed without objection (6).

D. Reappointments and Appointments

1. Reappointments

- o None

2. Appointments

a. Board of Adjustment

Currently, there are four vacancies (two regular members and two alternate members) on the Board of Adjustment. One application has been received from Terry Black for a regular member position. Terms of service are for three years.

Councilman Daski moved to appoint Terry Black by acclamation to the Board of Adjustment; seconded by Councilwoman Martin. The motion passed without objection (6).

b. Business Development Committee

Currently, there are two vacancies on the Business Development Committee. One application has been received from Terry Black. Terms of service are for two years.

Councilwoman Martin moved to appoint Terry Black by acclamation to the Business Development Committee; seconded by Councilman Hartselle. The motion passed unanimously (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 and Authorization to Dispose of (Recycle/Scrap) Said Property, Two Legally Impounded Vehicles (Public Safety Department)
- B. Approval: Authorization to Extend an Interlocal Agreement with Brevard County for E-911 Dispatching Services (Public Safety Department)
- C. Approval: Rehabilitation of Lift Station #3 Bulkhead Wall (Wastewater Treatment Department)

The motion was seconded by Councilwoman Martin and passed by unanimous vote (6).

11. NEW BUSINESS

- A. Action Item: Establishing a Sanitation Impact Fee Fund (City Manager / Assistant City Manager)

City Manager Fettrow explained that, during the budget process, the Finance and Budget Committee, and ultimately City Council, determined it was necessary to implement a new impact fee for sanitation services on all new construction, not only to improve the stability of the Fund, but also to ensure that any new construction will pay for itself. While the new sanitation impact fee was going through the adoption process, the Legislature approved legislation pertaining to the adoption, accounting for, and disbursement of impact fees. Specifically, Sec. 163.31801(3)(d), Florida Statutes, sets forth that the entity must account for impact-fee revenues and expenditures in a separate accounting fund. In an effort to comply with the statute, staff is recommending the establishment of a new "Sanitation Impact Fee Enterprise Fund," which will be included in the City's Fiscal Year 2020 Budget.

Councilman Ferguson moved to approve the establishment of the new "Sanitation Impact Fee Enterprise Fund;" seconded by Councilwoman Martin. The motion passed by unanimous vote (6).

12. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

- o None

13. REPORTS

- A. City Manager Report

- o City Manager Fettrow:
 - Extended an invitation to City Council and the audience to the annual Hot Rockin' Nights Car Show, which will be held Saturday, October 19, 2019 from 5:00 p.m. to 8:00 p.m. on Barton Boulevard and the Civic Hub.
 - Reminded City Council that she and Councilman Ferguson will be in Tallahassee next week to meet with legislators.
 - Affirmed that City Council is invited to ride on the fire engines and hand out candy on Halloween.
 - Reminded City Council that the Food Truck Round-Up and kickoff of annual canned food drive will be held on November 7 in the Planet Fitness parking lot.

- B. City Attorney Litigation Report

- o Month of October 2019

Councilman Daski moved to be in receipt of the City Attorney Litigation Report dated October 1, 2019; seconded by Councilwoman Martin. The motion passed unanimously (6).

C. Reports from the Dias

- Attorney Miniclier:
 - Reported that a settlement offer was sent to the opposing party in the Watson Paving civil case, and shortly thereafter, a motion to withdraw was submitted to the court by the current attorney. Attorney Miniclier intends to move forward in resolving this case.
- Councilman Hartselle:
 - Expressed gratitude to City Manager Fettrow for inviting him to the Kennedy Middle School tie event.
 - Attended a shoe donation with Kiwanis at Emma Jewel Charter Academy and provided 88 pairs of shoes to students.
- Councilwoman Martin:
 - Acknowledged Ms. Margie Miles, a longtime Rockledge resident, as being present in the audience.
 - Announced that Brevard Ebony News hosted a stellar Awards Gala on October 12 at the Holiday Inn on Tucker Lane, at which she presented a Lifetime Achievement Award to Councilman Smith.
 - Remarked that she attended the Space Coast League of Cities monthly meeting, hosted by the City of Melbourne. Councilwoman Martin noted that overall attendance was down; further, she would like to see the keynote speaker present earlier in the evening, as some attendees departed prior to the speaker's presentation.
- Councilman Ferguson:
 - Congratulated Councilman Smith on his Lifetime Achievement Award and commended his 36 years of service.
 - Noted that he represented the City of Rockledge at the Community Leaders Council meeting at Rockledge High earlier this month and expressed his enjoyment in connecting with school principals and other community leaders.
 - Attended the tie event at Kennedy Middle School with Councilman Hartselle at the tie event.
 - Attended the monthly Space Coast League of Cities meeting and praised the evening's speaker.

- Reiterated that he will be in Tallahassee next week with City Manager Fettrow.
- Acknowledged Ms. Margie Miles (his cousin) in the audience.
- Councilman Daski expressed his appreciation for the great attendance at the Kennedy Middle School tie event.
- Mayor Price recently attended a butterfly garden dedication and has requested that City Manager Fettrow and the Cocoa-Rockledge Garden Club develop a butterfly garden concept for the Civic Hub.

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.

Council Chairman

ATTEST: _____
Deputy City Clerk