

ROCKLEDGE CITY COUNCIL REGULAR MEETING NOTICE AND AGENDA

Wednesday, May 1, 2019 - 6:00 p.m.

Chairman Thomas J. Price Presiding

Council Chamber, Rockledge City Hall, 1600 Huntington Lane, Rockledge, FL 32955

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EVERY PERSON ADDRESSING THE CITY COUNCIL MUST COMPLETE A SPEAKER'S CARD

The cards are located near the door of the Council Chamber.
Completed cards are to be given to the City Clerk before the meeting convenes
or prior to the introduction of a particular agenda item.

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1. CALL TO ORDER / ROLL CALL

2. INVOCATION

- Councilman Smith

3. SALUTE TO THE FLAG & PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

- Minutes of Regular Meeting on April 17, 2019

Documents:

[2019 04-17 CITY COUNCIL MINUTES.PDF](#)

5. PRESENTATIONS

A. Mayor Price

1. Mayoral Proclamation

a. Child Abuse Prevention Month

2. Arbor Day Art Contest Award Recipients

B. Carr, Riggs & Ingram, CPAs And Advisors

1. Auditors' Report On The Financial Status Of The City

6. FINANCIAL / BUDGET REPORT

- None

7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

- None

8. REPORTS FROM BOARDS AND COMMITTEES

A. Code Enforcement Board, Minutes Of Meeting On April 11, 2019

Documents:

[2019 04-11 CODE ENFORCEMENT BOARD MINUTES.PDF](#)

B. The Rockledge Environmental Enhancement (TREE) Board, Minutes Of Meeting On April 11, 2019

Documents:

[2019 04-11 TREE BOARD MINUTES.PDF](#)

C. Board Of Adjustment, Minutes Of Meeting On April 16, 2019

Documents:

[2019 04-16 BOARD OF ADJUSTMENT MINUTES.PDF](#)

9. UNFINISHED BUSINESS

A. Action Item:

Interlocal Agreement between Brevard County Board of County Commissioners, the City of Rockledge, and the Rockledge Community Redevelopment Agency (City Manager)

Documents:

[9 A INTERLOCAL AGREEMENT BETWEEN CRA AND BREVARD COUNTY.PDF](#)

10. CONSENT BUSINESS

- None

11. NEW BUSINESS

- None

12. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

13. REPORTS

A. City Manager Reports

B. City Attorney Litigation Report

- None

C. Reports From The Dais

14. ADJOURN

**ANY PERSON WHO DESIRES TO APPEAL ANY DECISION MADE
BY THE ROCKLEDGE CITY COUNCIL WILL NEED TO ENSURE
THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE,
WHICH RECORD INCLUDES TESTIMONY AND EVIDENCE
UPON WHICH THE APPEAL IS TO BE BASED.**

ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

WEDNESDAY, APRIL 17, 2019 ♦ 6:00 P.M.

1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on Wednesday, April 17, 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
	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
STAFF PRESENT:	Matthew Trine	Assistant City Manager & Finance Director
	Alexandra Bernard	Planning Director
	Joseph P. LaSata	Public Safety Director/Chief of Police
	Michael Jarusiewicz	Assistant 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 Mayor Price, the invocation was given by Councilman Ferguson.

Not an Agenda Item

At this time, Mayor Price recognized Nancy Potchka and several of her students from St. Mary School in Rockledge and thanked them for attending the meeting.

3. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF MINUTES

- Regular Meeting on April 3, 2019

Councilman Daski moved to approve the minutes of the regular meeting on April 3, 2019; seconded by Councilwoman Martin. The motion carried unanimously (7).

5. PRESENTATIONS

- None

6. FINANCIAL / BUDGET REPORT

- Month of March 2019

Councilman Ferguson moved to be in receipt of the Financial/Budget Report for the month of March 2019; seconded by Councilman Smith. The motion passed by unanimous vote (7).

7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

- A. Ordinance: Second Reading and Public Hearing, Ordinance No. 1746-2019, ZDA-19-01, Rezoning Fiske Boulevard Church of Christ

Councilman Daski offered Ordinance No. 1746-2019 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 second reading of the Ordinance by title only and to open the matter for public hearing; seconded by Councilman Ferguson. The motion carried by unanimous vote (7).**

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

Councilman Ferguson moved for the adoption of the Ordinance; seconded by Councilman Smith. Voting for the motion: Mayor Price and Councilmembers Smith, Ferguson, Martin, Forester, Daski and Hartselle. The motion carried by unanimous vote (7).

8. REPORTS FROM BOARDS AND COMMITTEES

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

- o Citizens Recreation Advisory Board, Minutes of Meeting on March 21, 2019
- o Business Development Committee, Minutes of Meeting on March 26, 2019
- o Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on March 27, 2019
- o Planning Commission, Minutes of Meeting on April 2, 2019

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

- A. Citizens Recreation Advisory Board, Minutes of Meeting on March 21, 2019 (no recommendation)
- B. Business Development Committee, Minutes of Meeting on March 26, 2019 (no recommendation)
- C. Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on March 27, 2019 (no recommendation)
- D. Planning Commission, Minutes of Meeting on April 2, 2019
 - 1. Recommendation: Site Plan Approval, Yourlife Rockledge Memory Care Assisted Living Facility, Barnes Boulevard

....recommend to Council approval of the site plan for Yourlife Rockledge Memory Care Assisted Living Facility....

Planning Director Bernard explained that the site plan before Council was for a 100-unit, secured assisted living and memory care facility. The property is on Barnes Boulevard across from Palm Cottages.

Councilman Ferguson moved to approve the recommendation; seconded by Councilman Daski. The motion passed unanimously (7).

E. Reappointments and Appointments

1. Reappointments

a. Community Redevelopment Agency Board of Commissioners

Councilman Daski moved to reappoint Edward Inman to the Community Redevelopment Agency Board of Commissioners; seconded by Councilwoman Martin. The motion passed by unanimous vote (7).

2. Appointments

a. Business Development Committee

Currently there is one vacancy on the Business Development Committee. One application has been received from Sean Farrell.

Councilman Forester moved to appoint Sean Farrell by acclamation to the Business Development Committee; seconded by Councilman Hartselle. The motion passed without objection (7).

b. Citizens Recreation Advisory Board

There is currently one vacancy on the Citizens Recreation Advisory Board. One application has been received from Megan Fullen.

Councilwoman Martin moved to appoint Megan Fullen by acclamation to the Citizens Recreation Advisory Board; seconded by Councilman Forester. The motion passed without objection (7).

9. UNFINISHED BUSINESS

- o None

10. CONSENT BUSINESS

Councilman Daski moved for approval of this consent business item:

- A. Approval: Declaration of Surplus Property, Legally Impounded Vehicle
(Department of Public Safety)

The motion was seconded by Councilman Forester and passed without objection (7).

11. NEW BUSINESS

- A. Action Item: Scope and Fee Proposal, Professional Engineering Services,

Stormwater Flooding Assessments, Jacobs Engineering
(Public Works Department)

City Manager Fettrow explained that, from time to time, flooding of certain streets occurs in the vicinities of Martin Road and Fiske Boulevard, and Huntington Lane in Barton Park Manor. Staff is therefore respectfully requesting that stormwater flooding assessments be conducted in these two areas. Jacobs Engineering has submitted a scope and fee proposal in the amount of \$33,760.00 for an evaluation of both areas, which will include an analysis of the existing system and recommendations for improvements.

Councilman Forester moved to approve the scope and fee proposal from Jacobs Engineering for stormwater flooding assessments; seconded by Councilman Hartselle. The motion passed by unanimous vote (7).

12. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

- o None

13. REPORTS

A. City Manager Report

- o City Manager Fettrow:
 - Reported that Community Credit Union has requested a letter of support for a grant application that will authorize them to provide emergency loans, financial education, and other training. If awarded, the grant, which will result in a collaboration with the Space Coast Health Foundation, does not require any commitment, financial or otherwise, from the City.

Councilman Daski moved to submit a letter of support for Community Credit Union's grant request; seconded by Councilman Forester. The motion passed unanimously (7).

- Reminded Council that:
 - The Law Enforcement Torch Run for Special Olympics is on April 18 at 11:30 a.m. starting at Publix north.
 - The Volunteer Breakfast is on April 20, 9 a.m., at Rockledge Regional Medical Center.
 - A tree will be planted to honor the memory of Te-Kisha Ferguson on April 26, 4 p.m., at City Hall.

- Suggested that Council members provide items for a time capsule, which will be buried on the Civic Hub property just prior to its completion, and opened in 50 years.

B. City Attorney Litigation Report

- Month of April 2019

Councilman Ferguson moved to be in receipt of the City Attorney Litigation Report dated April 1, 2019; seconded by Councilwoman Martin. The motion passed by unanimous vote (7).

City Attorney Miniclier informed Council that he had submitted a counter claim to UPS and that a response has not yet been received.

C. Reports from the Dias

- Councilwoman Martin reported that she attended the Space Coast League of Cities meeting in Cocoa Beach and that she had received the Trailblazer Award from Florida A & M University's National Alumni Association (FAMU NAA) for being the first black woman to serve on Rockledge City Council.
- Councilmen Smith, Ferguson, and Daski congratulated Councilwoman Martin.
- Councilman Forester noted that he was impressed with the resumes of the newest board members and thanked the seventh-grade students for attending the meeting.
- Mayor Price congratulated Councilwoman Martin, thanked the seventh-graders for participating in the meeting, and reported that summer attire for Council meetings will begin on May 1.

14. **ADJOURN**

There being no further business to come before the Council, Chairman Price declared the meeting to be adjourned at 6:27 p.m.

Council Chairman

ATTEST: _____

City Clerk

ROCKLEDGE CODE ENFORCEMENT BOARD
MEETING MINUTES

April 11, 2019 - 4:30 p.m.

1. CALL TO ORDER

The Rockledge Code Enforcement Board met on April 11, 2019, at 4:30 p.m. in the City Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

MEMBERS PRESENT: Paul Grossman
Kevin Jarvis, Vice Chairman
Karen Kuta, Chairman
Martha Rich
David Wilkison

MEMBERS ABSENT: Michael Lapinski, excused

STAFF PRESENT: Dr. Brenda Fettrow, City Manager
Joseph Miniclier, City Attorney
Maddie McDonald, Code Enforcement Officer
Deanna Pomichter, Recording Secretary

With a quorum present, the meeting was called to order by Chairman Kuta.

2. APPROVAL OF MINUTES

- Meeting of March 14, 2019

Motion by Kevin Jarvis to approve the Minutes and Attendance Record of the meeting on March 14, 2019. Seconded by David Wilkison. All in favor. Motion carries.

3. UNFINISHED BUSINESS

- A. 17-027 – Curtis Trimble – 880 Spirea Drive – Large boat on the property that does not have current registration and is stored on the grass (complied), the exterior of the house with cracked or missing stucco, roof and rear porch in need of repair (Tabled September 13, 2018).

Motion by Kevin Jarvis to remove from the table 17-027. Seconded by David Wilkison. All in favor. Motion carries.

Code Enforcement Officer McDonald stated that this property has come into compliance.

City Attorney Miniclier asked the Board members if they had any Ex-Parte communications and/or investigations regarding the agenda items. No members of the Board had any communications or site visits regarding any of the cases coming in front of the Board.

- B. 18-007 – Kevin Nazario – 1227 Sleepy Hollow Lane – Unprotected/unsanitary pool as screen enclosure is missing screen (complied), the fence that surrounds the rear yard is dilapidated as there are missing panels (permit) and slats, and there is debris within the enclosure(complied) (Tabled September 13, 2018).

Motion by David Wilkison to remove from the table 18-007. Seconded by Kevin Jarvis. All in favor. Motion carries.

Code Enforcement Officer McDonald explained that a permit was issued for the fence and is now expired. The fence remains dilapidated and in non-compliance. During further research, it was discovered that the property is under foreclosure; a Final Judgment was recorded and will go to auction May 22, 2019. The City is requesting 10 days to bring the property in compliance or a fine of \$150.00 per-day will be imposed retroactive to the date the order is signed.

Motion by Kevin Jarvis that there exists a dilapidated fence at 1227 Sleepy Hollow Lane, which is a violation of the Rockledge Code of Ordinances when the Notice of Violation was sent. Seconded by Paul Grossman. All in favor. Motion carries.

Motion by Kevin Jarvis that the property at 1227 Sleepy Hollow Lane is in violation of Section 81.30(D) of the Rockledge Code of Ordinances by having a dilapidated fence on the property. Seconded by Paul Grossman. All in favor. Motion carries.

Motion by Kevin Jarvis that the property owner must be in compliance with Section 81.30(D) of the Rockledge Code of Ordinances by having the fence removed and/or replaced within 10 days or a fine of \$150.00 per day will be imposed retroactive to the date the order was signed. Seconded by Paul Grossman. All in favor. Motion carries.

- C. ECE18-0518 – Russell Sage, Jr. – 1718 Palmer Lane – Inoperable vehicle: white car with flat tires, and a dark-in-color van with flat rear tire. (Tabled March 14, 2019)

Motion by David Wilkison to remove from the table ECE18-0518. Seconded by Kevin Jarvis. All in favor. Motion carries.

Code Enforcement Officer McDonald stated that the deadline for the Finding of Fact Conclusion of Law and Order has passed and both inoperable vehicles remain. In addition, there has been no further development in the foreclosure action. As of the date of this meeting the fine is \$5,600.00 and is still accruing. The City is requesting to file the Order of Administrative Fine/Lien.

Motion by Kevin Jarvis to approve to file the order for ECE18-0518. Seconded by Paul Grossman. All in favor. Motion Carries.

- D. ECE18-0511 – Michele Gibson – 1218 Sugar Creek Lane – Occupied residence with boarded windows. (Tabled March 14, 2019)

Motion by Kevin Jarvis to remove from the table ECE18-0511. Seconded by Martha Rich. All in favor. Motion carries.

Code Enforcement Officer McDonald stated that the deadline for the Finding of Fact Conclusion of Law and Order has passed and during a routine inspection in the area on March 27, 2019, noted that the boards had been removed and the property is now in compliance. At that time the fine stopped accruing at \$6,300.00. The City is requesting to file the Order of Administrative Fine/Lien.

Motion by Kevin Jarvis approved to file the order for ECE18-0511. Seconded by Paul Grossman. All in favor. Motion Carries.

- E. ECE18-0782 – Anthony J. Signore, Amy T. Signore – 1344 Heritage Acres Blvd. – Pool enclosure is missing screen; therefore pool is not secured. The pool water is unsanitary.

Code Enforcement Officer McDonald stated that she sent the violation notices and the hearing notices per Florida Statutes, Chapter 162, and the owners have signed for the certified mail. There has been no contact or any action to bring the property into compliance. Because of that she had a brief meeting with the City Attorney and City Manager to discuss this issue. The City Manager approved to have the City's Public Works Department secure the pool by installing temporary orange fencing around the enclosure due to the public safety issues. The cost the City has incurred for this action is \$351.95. The property remains in non-compliance and the City is requesting to file the order.

Discussion followed with regard to filing a separate order for the City's cost.

Motion by Kevin Jarvis approved to file the order for ECE18-0782. Seconded by Paul Grossman. All in favor. Motion Carries.

- F. ECE18-0844 – Loyal Holdings, LLC – 1131 Wentworth Circle – Inoperable vehicle – red car on jacks for more than seven (7) days.

Code Enforcement Officer McDonald stated that the deadline for the Finding of Fact Conclusion of Law and Order has passed and, as of the date of this meeting, vehicle remains on jacks and the fine is \$4,200.00 and is still accruing. The City is requesting to file the Order for an Administrative Fine/Lien.

Motion by Kevin Jarvis approved to file the order for ECE18-0844. Seconded by Paul Grossman. All in favor. Motion Carries.

4. NEW BUSINESS – None
5. ADJOURN

There being no further business, the meeting was adjourned at 4:56 p.m.

Submitted by:

Deanna Pomichter
Recording Secretary

Approved by:

Karen Kuta
Chairman

THE ROCKLEDGE ENVIRONMENTAL ENHANCEMENT (TREE) BOARD

MEETING MINUTES

Tuesday, April 11, 2019 ♦ 6:00 p.m.

1. CALL TO ORDER

The Rockledge Environmental Enhancement Board met on April 11, 2019, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

MEMBERS PRESENT: Pam Shoemaker, Chairwoman
Crystal Pope, Vice Chairwoman
Adam Copenhaver
Carole McCormick
Darby Miller
Janet Monaco
Frederick Sanders
David Straughn
Amy Tidd
Martha Rich

MEMBERS ABSENT: None

STAFF PRESENT: Alix Bernard, Planning Director
Trina Gilliam, City Planner
Deanna DeMougin, Recording Secretary

With a quorum present, the meeting was called into order at 6:00 p.m. by Chairwoman Shoemaker.

2. APPROVAL OF MINUTES

Motion by Crystal Pope to approve the minutes and attendance record of March 14, 2019; motion seconded by Darby Miller. The motion passed unanimously.

3. REPORTS-

A. Trash Bash (April 6, 2019)

Trina Gilliam explained how successful this year's event was. Over 80 volunteers collected over 130 bags or 2,600 lbs of trash. Participants included the Rockledge Fire Department, Boy Scouts, and Starbucks. Participants will receive letters of appreciation. Discussion was held about ordering banners to help advertise the event.

4. OLD BUSINESS-

A. Arbor Day Tree Planting (April 26, 2019)

A pink showy Tabebuia tree will be planted in honor of Te-Kisha Ferguson at City Hall on April 26, 2019, at 4:00 p.m. City Planner Trina Gilliam noted that a large

crowd is expected because Mrs. Ferguson is well known within the community. Chairwoman Shoemaker suggested that a tent, chairs and water may be needed.

5. **NEW BUSINESS–**

A. Arbor Day Art Contest Judging

The TREE Board meeting proceeded to judge the entries for the Arbor Day Art Contest in three categories: kindergarten through third grade, fourth through sixth grade, and seventh through 12th grade. The winners are as follows:

Kindergarten – 3rd: 1st Place- Zamyah Hamilton, 2nd- Lila Chappelle and 3rd Place- Adeline Posey Skawinski, all of Trinity Lutheran School.

4th-6th: 1st Place- Lily Sbano, 2nd- Khloe Horton, 3rd- Allison Juliana Johnson, all of Trinity Lutheran School.

7th-12th: 1st Place- Kaitlyn Hubbard, 2nd- Patricia Glitto, 3rd- Aiden Persse, all of St. Mary Catholic School.

B. Election of Chairman

Crystal Pope nominated Pam Shoemaker for Chairman. Pam Shoemaker nominated Crystal Pope for Chairman.

By acclamation, Pam Shoemaker was re-elected as Chairwoman.

C. Election of Vice Chairman

Janet Monaco nominated Crystal Pope for Vice Chairman.

No other nominations were heard. By acclamation, Crystal Pope was re-elected as Vice Chairman.

6. **COMMUNICATIONS-** None

7. **ADJOURN**

There being no further business to come before the Board, Chairwoman Shoemaker adjourned the meeting at 6:34 p.m. The next meeting will be on May 9, 2019.

Submitted by:

Deanna DeMougin, Recording Secretary

APPROVED BY

Pam Shoemaker, Chairwoman



ROCKLEDGE BOARD OF ADJUSTMENT MEETING MINUTES

Tuesday, April 16, 2019 - 6:00 p.m.

1. CALL TO ORDER

The Rockledge Board of Adjustment met on April 16, 2019, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

MEMBERS PRESENT: Kenrick Bisnath
William Ellis, Vice Chairman
Robert LaMarr, Chairman
Carol Laymance
Tanya Molony

MEMBERS ABSENT: NONE

STAFF PRESENT: Dr. Brenda Fettrow, City Manager
Joseph Miniclier, City Attorney
Alix Bernard, Planning Director
Deanna Pomichter, Recording Secretary

With a quorum present, the meeting was called to order by Chairman LaMarr.

2. APPROVAL OF MINUTES

Meeting of January 15, 2019

Motion by William Ellis to approve the Minutes with corrections and Attendance Record of the January 15, 2019, meeting. Second by Carol Laymance. The motion carried unanimously.

3. PUBLIC HEARINGS

A. Variance VA-19-02 – 958 Casa Dolce Casa Circle

City Attorney Miniclier asked the Board members if they had any Ex-Parte communications and/or investigations regarding the agenda items. No members of the Board had any communications or site visits on any of the cases coming in front of the Board today.

Planning Director Bernard stated the property is located in the C2 – General Commercial District, which allows single family dwellings set forth in the LDR Section 80.20.

The property abuts the subdivision concrete block wall and open area along Fiske Boulevard indicated as Tract D on the property survey.

The applicant submitted a building permit application for a new home indicating a 5-foot building setback from the west property line. Therefore, the applicant is requesting a variance of 2.5 feet from the required 7.5 feet, which will reduce the side setback to 5 feet.

Public hearing was open at 6:02 p.m.

Board member William Ellis asked for clarification from the property owner as to why the variance is needed.

Corey Lancaster at 1093 Egret Lake Way, Viera, FL 32940, property owner, stated that the plans and the survey were submitted to the Building Department when it was discovered that there was a discrepancy on the survey with the setbacks on the west side of the property.

Public hearing was closed at 6:10 p.m.

Discussion followed.

Motion by William Ellis to approve the Variance at 958 Casa Dolce Casa Circle and that it does meet the requirements of Section 23.20(C)(1)(a-f) of the Rockledge Land Development Regulations. Seconded by Carol Laymance. The motion carried unanimously.

4. UNFINISHED BUSINESS

None

5. NEW BUSINESS

None

6. ADJOURN

There being no further business to come before the Board, the meeting adjourned at 6:20 p.m.

Submitted by:

Deanna Pomichter-Murray
Recording Secretary

Approved by:

Robert LaMarr
Chairman

AGENDA ITEM SUMMARY

Meeting Date:	MAY 1, 2019
Agenda Category:	UNFINISHED BUSINESS
Agenda Item Number:	9 A
Subject:	RECOMMENDATION TO COUNCIL TO APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF ROCKLEDGE, THE ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY, AND BREVARD COUNTY

Attachments:	Draft Interlocal Agreement
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Staff Contact:	City Manager Fettrow
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Background:	<p>For the past several years, there has been much attention placed on community redevelopment agencies around the state, as well as at the local level. In April 2017, a workshop was held between the Board of County Commissioners and the Mayors/Councilmen of the municipalities. As a result of that joint meeting, it was agreed that each municipality would work with the County to execute an Interlocal Agreement between each respective municipality, its community redevelopment agency, and the County. At its meeting on August 23, 2017, the Redevelopment Agency Board of Commissioners unanimously voted to recommend Council approval of the draft Interlocal Agreement, and Council approved the Agreement on September 6, 2017. Since that time, several meetings between the City Manager, County Manager, City Attorney, and County Attorney have transpired and have resulted in slight modifications to the language. The proposed amendments have been reviewed carefully by the City Manager; Assistant City Manager, from an audit/accounting perspective; and City Attorney, and all parties involved recommend approval of said changes.</p>
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Reference:	April 13, 2017, County Commission Workshop; Chapter 163, Part III, Florida Statutes
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Suggested Action:	Accept the recommendation from the City Manager, Assistant City Manager, and City Attorney to approve the Interlocal Agreement between the City of Rockledge, the Rockledge Community Redevelopment Agency, and Brevard County and to forward said Agreement to the County for placement on a subsequent agenda of the Brevard County Commission
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**INTERLOCAL AGREEMENT
BETWEEN CITY OF ROCKLEDGE,
CITY OF ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY, AND
BREVARD COUNTY**

THIS INTERLOCAL AGREEMENT is entered into by and between the following Parties: CITY OF ROCKLEDGE, a Florida Municipal Corporation, 1600 Huntington Lane, Rockledge, Florida, 32955 (HEREINAFTER "the CITY"), the CITY OF ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY, a Florida Dependent Special District, 1600 Huntington Lane, Rockledge, Florida, 32955, (HEREINAFTER "the AGENCY"), and BREVARD COUNTY, a Political Subdivision of the State of Florida, in its own name and on behalf of each County Taxing Authority, as defined in Section 2b., below, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940 (HEREINAFTER "the COUNTY").

WITNESSETH:

WHEREAS, the CITY created the AGENCY pursuant to CITY Resolution No. 2002-481 and Ordinance No. 1355-2004 and approved its Community Redevelopment Plan pursuant to Resolution No. 2002-489.1 after the COUNTY delegated its authority under Chapter 163, Part III, Florida Statutes, as set forth in COUNTY Resolution 01-419; and

WHEREAS, the CITY created a tax-increment redevelopment trust fund (AGENCY tax increment fund) pursuant to Section 163.387, Florida Statutes, and CITY Ordinance No. 1277-2002 as a part of the noted CITY and COUNTY enabling authority; and

WHEREAS, the CITY and COUNTY have continuously paid their respective full AGENCY tax increment fund payments required by Section 163.387(1), Florida Statutes, and CITY Ordinance No. 1277-2002 to the AGENCY since the first fiscal year of the AGENCY's operation; and

WHEREAS, the COUNTY is facing certain budget issues relating to road maintenance, construction and reconstruction because of COUNTY charter restrictions on ad valorem tax revenues; and

WHEREAS, the CITY and COUNTY have had a reasonable relationship throughout the years; and

WHEREAS, the CITY and the AGENCY have proven to be outstanding partners to the COUNTY, with the CITY having contributed \$1,844,596.07 in transportation impact fees to the COUNTY widening project for Barnes Boulevard, a COUNTY roadway; allocating funding in the amount of \$250,000.00 from the AGENCY toward beautification elements for this COUNTY project; and constructing a privacy wall not to exceed \$31,000.00 for this COUNTY project; and

WHEREAS, the AGENCY further partnered with the COUNTY on the conversion of a blighted car wash into a COUNTY bus pull-off and shelter in the amount of \$248,051.49, for which CITY expends roughly \$8,100.00 annually to maintain for COUNTY; and

WHEREAS, the AGENCY further partnered with the COUNTY by significantly improving the drainage conditions on Cedar Street, resulting in increased accessibility to COUNTY'S Emergency Operations Center; and

WHEREAS, the AGENCY further partnered with the COUNTY by enticing a private-sector development project in the amount of approximately \$2.5 million from which COUNTY benefits greatly due to the creation of 125 jobs and additional property tax revenue; and

WHEREAS, since its inception in 2004, the AGENCY'S Facade Improvement Grant Program has provided nearly \$650,000.00 for exterior enhancements to retail and commercial businesses within its Redevelopment District boundaries and has witnessed a resurgence in this area as well as a sizeable return on investment when considering the amount of capital invested by the private sector, the creation of private-sector jobs, and the increases in property tax values.

NOW THEREFORE, the Parties mutually agree as follows:

1. **RECITATIONS.** The foregoing recitations are true and correct and by this reference incorporated.

2. **DEFINITIONS.** The terms below shall have the indicated meanings:

a. "Increment" or "Tax Increment" shall have the same meaning as "increment" as set forth in Section 163.387(1)(a), Florida Statutes.

b. "County Taxing Authority" means Brevard County, through its Board of County Commissioners and any COUNTY established Municipal Services Taxing Unit (MSTU) or

dependent special district on behalf of which the COUNTY levies taxes or approves a budget to the extent such MSTU or dependent special district is required to contribute a tax increment to the AGENCY tax increment funding established by the CITY for the AGENCY in accordance with the requirements of Section 163.387, Florida Statutes.

3. **AUTHORITY.** This agreement is being entered into under the authority vested in the Parties by Section 163.387(3)(b), Florida Statutes, and, pursuant to that authority, supersedes any provision or requirement set forth in Section 163.387 to the extent of any conflict with this agreement and that statutory provision.

4. **AGENCY TERMINATION DATE.** The Parties agree the Agency termination date will be September 30, 2026. The Parties agree that the CITY and COUNTY shall take such actions as may be required to terminate the AGENCY on the AGENCY Termination Date, which actions shall include the amendment or repeal of any CITY or COUNTY resolutions or ordinances (1) delegating authority to the CITY to create an AGENCY and (2) creating the AGENCY and the AGENCY tax increment fund.

5. **CITY PAYMENT INTO AGENCY TAX INCREMENT FUND.** Nothing in this Agreement shall be deemed to prevent the CITY from continuing to contribute into the AGENCY tax increment fund through September 30, 2026.

6. **INDEBTEDNESS.** The CITY and AGENCY agree not to incur any new indebtedness of any kind which extends past the AGENCY termination date. No provision of this Agreement shall be construed or interpreted as limiting or prohibiting the ~~CRA-AGENCY~~ from incurring indebtedness of any kind allowed by law. However, the Parties agree to the maturity date for any existing or future indebtedness incurred by the ~~CRA-AGENCY~~, for which COUNTY ~~THE tax increment~~ payments have been pledged as a source of revenue, shall not extend beyond the ~~CRA-AGENCY~~ Termination Date. The CITY agrees to assume, and to be fully liable for any indebtedness owed by the AGENCY after the AGENCY termination date, as provided in section 189.076(2), Florida Statutes.

7. **ANNUAL AUDIT; REPORT; AND MEETING.** Each year, the ~~CRA-AGENCY~~ shall prepare and submit to the ~~County-COUNTY~~ a report in the form set forth in Exhibit A, attached ~~hereto and incorporated by this reference~~. The ~~CRA-AGENCY~~ and CITY shall also submit the annual ~~CRA-AGENCY~~ audit report required by section 163.387(8), Florida Statutes. ~~The CITY and CRA agree to allow the COUNTY to engage at their own expense and contractually require an independent auditor, mutually agreed upon by the CRA and COUNTY, to examine CRA expenditures.~~ The City Manager of the CITY or Chairperson of the ~~CRA-AGENCY~~ governing body

shall annually meet with the County Commissioner in whose District the CRA AGENCY is located to discuss the annual, audit, and examination reports. The CITY and COUNTY agree that, ~~in accordance with its authority under section 125.01(x), Florida Statutes,~~ at any time during the term of this agreement, the COUNTY shall have the right to ~~require the CRA to~~ retain an independent auditor, at the COUNTY's expense, to conduct any other audit of the AGENCY ~~paid for by the COUNTY's expenditures, allowed by law.~~

8. **COUNTY AND CITY TAX INCREMENT PAYMENTS.** The COUNTY and the CITY agree to continue their respective annual contributions to the Agency tax increment fund as required by section 163.387, Florida Statutes, in every fiscal year through the Agency termination date. The Parties agree the COUNTY shall not be required to pay any tax increment payments after the Agency termination date.

9. **PROJECT IDENTIFICATION.** The Parties agree that the Community Redevelopment Plan shall identify the AGENCY redevelopment projects to be funded by tax increment funding and the funds proposed to be allocated to each such project. A list of the currently approved AGENCY projects, as set forth in the current Redevelopment Plan, is attached as Exhibit "B," and incorporated by this reference. Nothing in this section shall prevent the AGENCY, in its discretion, from reallocating Plan-approved funding to other projects identified in the approved AGENCY Plan, provided that any new projects not specified in the plan do not exceed the total planned expenditures outlined in the Plan. Any changes to the AGENCY plan subsequent to the execution of this Agreement shall require the approval of the Brevard County Board of County Commissioners.

10. **LIMITATION ON AGENCY ADMINISTRATIVE SERVICE EXPENSES.** No provision of this Agreement shall be construed or interpreted as limiting or prohibiting the CITY from annually providing administrative services to the AGENCY which are necessary and incidental to the implementation of the AGENCY Community Redevelopment Plan adopted by the CITY and the AGENCY. Additionally, each fiscal year, the AGENCY shall be permitted to reimburse the CITY for such annual administrative services. However, the reimbursement, payable from COUNTY tax increment payments, shall not exceed five percent (5%) of the total COUNTY tax increment payments for each fiscal year in which reimbursement is made.

11. **EFFECT OF AGREEMENT.** This Agreement, including the exhibits, and any written amendments executed by the Parties to this agreement constitute the entire agreement between the Parties. This Agreement may be amended only by written Agreement approved and executed with the same formalities as this Agreement by all Parties. This agreement supersedes all prior agreements to the extent that they are in conflict with this agreement.

Nothing in this Agreement shall be interpreted as modifying the authority of the Board of County Commissioners as outlined in Section 3(b) of Resolution ~~97-16101-419~~.

12. **ATTORNEY FEES.** In the event any litigation arises out of this Agreement or under this Agreement, each party shall bear its own attorney fees and costs.

13. **NOTICES.** All notices, requests, demands and other communications which are required or may be given under this Agreement shall be in writing and, in the case of notice to the CITY Manager or COUNTY Manager, by email. Notice shall be deemed to have been duly given if emailed and by personal delivery or deposit of same in first-class mail, postage prepaid by certified mail:

CITY: City Manager Dr. Brenda Fettrow
City of Rockledge
1600 Huntington Lane
Rockledge, FL 32955
bfettrow@cityofrockledge.org

AGENCY: Chairman, c/o City Manager
City of Rockledge
1600 Huntington Lane
Rockledge, FL 32955

COUNTY: County Manager Frank Abbate
2725 Judge Fran Jamieson Way
Bldg. C
Viera, FL 32940

or to such other addresses such by notice in writing to any other parties.

14. **GOVERNING LAW.** The validity, construction and enforcement of, and the remedies under this agreement, shall be governed in accordance with the laws of the State of Florida, and venue of any proceeding shall be Brevard County, Florida.

15. **SAVINGS CLAUSE.** The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

16. **EFFECTIVE DATE.** This Agreement shall take effect on the date that it is executed by both Parties and recorded in the Official Records of Brevard County, Florida. Upon execution of this Agreement by both Parties, the COUNTY shall promptly record this Agreement in the Official Records of Brevard County, Florida, and return a recorded copy of this Agreement to the CITY's City Manager at the address listed in the Notice Section of this Agreement.

IN WITNESS WHEREOF, the Parties have caused this agreement to be executed and delivered by their duly authorized representatives.

ATTEST:

CITY OF ROCKLEDGE

By: _____

, Mayor

(as approved by the City Council on _____ 2019)

**CITY OF ROCKLEDGE COMMUNITY
REDEVELOPMENT AGENCY**

By: _____

, Chair

(as approved by the Board on _____ 2019)

ATTEST

BREVARD COUNTY

Scott Ellis, Clerk

By: _____

Kristine Isnardi, Chair

(as approved by the Board on _____ 2019)

Community Redevelopment Agency Annual Report Template

- I. INTRODUCTION, MISSION AND OVERVIEW:
- II. BOARD MEMBERS AND STAFF:
- III. BOUNDARY LINES:
- IV. HISTORY
 - a. Creation Date:
 - b. Plan Amendment Dates:
 - c. Applicable Resolution(s) and Ordinances:
- V. PROJECTS OVERVIEW
- VI. Financial Reports
 - a. Balance Sheet
 - b. Statement of Revenues, Expenditures & Changes in Fund Balances
 - c. Summary of Projects, Grants and Debt
- VII. Performance Information
 - a. Total projects started, completed and estimate cost for each project
 - b. Number of jobs create and sector of the economy from which these jobs were created within the CRA

Community Redevelopment Agency Annual Report Template

- c. Number of jobs retained within the CRA
- d. Assessed property values when CRA was enacted vs. current assessed property values
- e. Total amount expended for affordable housing

VIII. Additional Annual Reporting Requirements

- a. Provide the Board of County Commissioners the CRA's proposed budget for the upcoming fiscal year, 60 days prior to the beginning of the fiscal year
 - b. Provide the Board of County Commissioners any budget amendments to its operating budget within 10 days after the adoption by the CRA
-

Exhibit B
**CRA Approved Projects as Outlined in the Rockledge
Community Redevelopment Plan Update of 2012**

- ◆ **Redevelopment of Barton Boulevard Corridor**
 - Village Green Shopping Center
 - Barton Commons Shopping Center*
 - Establishment of Commercial or Neighborhood Hub in proximity to City Hall*
 - Improvement of Areas Adjacent to City Hall*

Rockledge Community Redevelopment Plan Update (2012), Page 10

- ◆ **Barnes Boulevard**
 - Completion of Barnes Boulevard Widening Project with Streetscape Amenities*

Rockledge Community Redevelopment Plan Update (2012), Page 15

- ◆ **Neighborhood Improvements**
 - Completion of Cocoa-Rockledge Drainage Enhancements and Neighborhood Improvements*
 - Barton Park and Huntington Lakes Enhancements and Amenities*
 - Carboni Park Drainage Enhancements and Neighborhood Improvements/New Road from Carboni Park to Murrell Road

Rockledge Community Redevelopment Plan Update (2012), Page 32

- ◆ **Redevelopment of Florida Avenue Corridor**
 - Carnival Mall Site
 - Relocation of School Board Facility
 - Property Acquisition/Land Assembly
 - Relocation of School Board Facility

Rockledge Community Redevelopment Plan Update (2012), Page 35

- ◆ **U.S. Highway 1/Barton Boulevard**
 - Relocation of the Public Works Complex to a less visible site; in the short-term, landscape screening should be considered

Rockledge Community Redevelopment Plan Update (2012), Page 35

- ◆ **Miscellany**
 - Preparation of a Citywide Beautification Master Plan
 - Implementation of Gateway Signage, especially at Barnes/Fiske area*
 - Implementation of a Uniform Directional Signage System (Wayfaring)
 - Continuing Administration of the Façade Improvement Grant Program

Rockledge Community Redevelopment Plan Update (2012), Page 47

**Projects in progress or identified as priority*