
ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, April 18, 2018 ♦ 6:00 p.m.

1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on Wednesday, April 18, 2018, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

PRESENT:

Thomas J. Price	Mayor
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

ABSENT:

Dr. Joe Lee Smith	Councilmember, Seat #1 (Excused)
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STAFF PRESENT:

Matthew Trine	Finance Director
Alexandra Bernard	Planning Director
Stephen H. Wilson	Community Advocate
Joseph P. LaSata	Public Safety Director/Chief of Police
C. Kenneth Poole	Public Works Director
James Elmore	Wastewater Treatment & Water Reclamation Director
Kevin Shropshire	Wastewater Treatment & Water Reclamation Pretreatment Coordinator

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

2. INVOCATION

- In the absence of Councilman Smith, the invocation was given by Councilman Ferguson.

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 April 4, 2018

Councilman Daski moved to approve the minutes of the regular meeting on April 4, 2018; seconded by Councilwoman Martin. The motion carried unanimously (6).

5. PRESENTATIONS

A. Johnette Gindling, CEO, Space Coast Health Foundation, and Erik Costin, Vice President and Operations Manager, W & J Construction

- Status of New Facility on U.S. Highway 1

Johnette Gindling, CEO of the Space Coast Health Foundation, and Eric Costin, Vice President and Operations Manager, W & J Construction, provided a status report with regard to the progress being made on the Foundation's new facility on U.S. Highway 1, which housed the former Space Bowl, and responded to questions from Council. Completion is slated for June of this year.

B. Dr. George L. Fayson, Sr.

- Presentation of the "2018 Richard E. Stone Community Betterment Award" to Councilwoman Sammie Brown Martin

Dr. George Fayson presented Councilwoman Sammie Brown Martin with the "2018 Richard E. Stone Community Betterment Award" for her efforts on behalf of the citizens of Rockledge and the surrounding area. The Mayor and members of Council expressed congratulations.

C. Mayor Price

- Arbor Day Art Contest Winners

Mayor Price and Pam Shoemaker, Chairman of The Rockledge Environmental Enhancement (T.R.E.E.) Board, recognized the winners of the Arbor Day Art Contest sponsored by the T.R.E.E. Board. The contest was divided into three categories, and the T.R.E.E. Board selected first, second, and third place winners in each category. All winners received gift certificates in various denominations from ClayZ Arts. Chairman Shoemaker assisted in presenting the Awards, and art teachers from the various schools were also present.

- **Category:** Kindergarten through 3rd Grade
 - 1st Place: Khloe Horton, Trinity Lutheran
 - 2nd Place: Allison Johnson, Trinity Lutheran
 - 3rd Place: Isabella Williamson, Trinity Lutheran
- **Category:** 4th through 6th Grades
 - 1st Place: Marynella Hanak, St. Mary School
 - 2nd Place: Avery Meyrose, Trinity Lutheran
 - 3rd Place: Alexis Shelton, Trinity Lutheran

- **Category:** 7th through 12th Grades
 - 1st Place: Reagan Holmes, Trinity Lutheran
 - 2nd Place: Rusti Gyle Sage, Trinity Lutheran
 - 3rd Place: Karime Meija, Rockledge High School

6. FINANCIAL / BUDGET REPORT

- Month of March 2018

Councilman Ferguson moved to be in receipt of the Financial/Budget Report for the month of March 2018; seconded by Councilman Hartselle. The motion passed by unanimous vote (6).

7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

- A. Ordinance: Second Reading and Public Hearing, Ordinance No. 1731-2018, Deleting and Replacing Section 57.79 of the Rockledge Land Development Regulations, Relating to Requirements and Standards for Direct and Indirect Discharge into the Wastewater and Collection Treatment System of the City of Rockledge

Councilman Daski offered Ordinance No. 1731-2018 entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DELETING SECTION 57.79 OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS AND REPLACING IT WITH A NEW SECTION 57.79 “REQUIREMENTS AND STANDARDS FOR DIRECT AND INDIRECT DISCHARGE INTO THE WASTEWATER AND COLLECTION TREATMENT SYSTEM OF THE CITY OF ROCKLEDGE”; 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 (6).

City Attorney Miniclier stated that, just prior to the Council meeting, he had been made aware of two minor scrivener errors. Wastewater Pretreatment Coordinator Kevin Shropshire approached the dais and noted that on Page 80 of 81 of the Ordinance, paragraph b.1.B.3 should not reference “Chapter 30;” rather, it should read “Section (d)(2).” Also on page 80 of 81, paragraph b.1.B.4 should not reference “Chapter 30;” rather, it should read “Section (d)(9).”

Councilman Ferguson withdrew his second. Councilman Daski withdrew his motion.

Councilman Daski offered Ordinance No. 1731-2018 entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DELETING SECTION 57.79 OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS AND REPLACING IT WITH A NEW SECTION 57.79 “REQUIREMENTS AND STANDARDS FOR DIRECT AND INDIRECT DISCHARGE INTO THE WASTEWATER AND COLLECTION TREATMENT SYSTEM OF THE CITY OF ROCKLEDGE”;

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 and further moved to incorporate the correction of the scrivener errors on Page 80 of 81 of the Ordinance; seconded by Councilman Ferguson. The motion carried by unanimous vote (6).*

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 Forester moved for the adoption of the Ordinance; seconded by Councilman Hartselle. Voting for the motion: Mayor Price and Councilmembers Ferguson, Martin, Forester, Daski and Hartselle. The motion carried by unanimous vote (6).

- B. Resolution: Amending the Fees for Registration of Vacant Properties in Mortgage Foreclosure

Councilman Ferguson offered a Resolution entitled “A RESOLUTION OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, ESTABLISHING PROPERTY REGISTRATION FEES FOR PROPERTIES IN MORTGAGE FORECLOSURE PURSUANT TO SECTION 59.85 (D) OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS AT \$200.00” and moved to waive the reading and adopt the Resolution; seconded by Councilman Daski. Voting for the motion: Mayor Price and Councilmembers Ferguson, Martin, Forester, Daski, and Hartselle. The motion passed by unanimous vote (6).

- C. Resolution: Supporting Proposal No. 11 of the Constitution Revision Commission Relating to Open Primary Elections

Councilman Daski offered a Resolution entitled “A RESOLUTION OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, SUPPORTING CONSTITUTION REVISION COMMISSION PROPOSAL 11 (P 11) TO ALLOW ALL ELECTORS, REGARDLESS OF PARTY AFFILIATION, TO VOTE IN PARTISAN PRIMARY ELECTIONS” and moved to read the Resolution by title only; seconded by Councilman Forester. The motion passed by unanimous vote (6).

City Attorney Miniclier read aloud the title of the Resolution.

Councilman Ferguson moved for adoption of the Resolution; seconded by Councilman Forester. The motion carried by a vote of 5 to 1. Voting for the motion: Mayor Price and Councilmembers Ferguson, Martin, Forester and Daski. Voting against the motion: Councilman Hartselle.

- D. Resolution: Supporting Brevard County Board of County Commissioners Resolution No. 18-023, Allowing Municipalities to Regulate

Efforts to Alleviate Harm Caused by Auxiliary Containers,
Wrappings and Plastic Bags

Councilman Daski offered a Resolution entitled “A RESOLUTION OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, SUPPORTING THE ABILITY OF A MUNICIPALITY, THROUGH ITS HOME RULE POWERS, TO ENACT ORDINANCES SPECIFICALLY RELATING TO THE REGULATION OF AUXILIARY CONTAINERS, WRAPPINGS, OR DISPOSABLE PLASTIC BAGS” and moved to waive the reading and adopt the Resolution; seconded by Councilman Forester. Voting for the motion: Mayor Price and Councilmembers Ferguson, Martin, Forester, Daski, and Hartselle. The motion passed by unanimous vote (6).

8. REPORTS FROM BOARDS AND COMMITTEES

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

- The Rockledge Environmental Enhancement (T.R.E.E.) Board, Minutes of Meeting on March 8, 2018
- Business Development Committee, Minutes of Meeting on March 27, 2018
- Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on March 28, 2018
- Planning Commission, Minutes of Meeting on April 3, 2018
- Council Administrative, Personnel and Community Relations Committee, Minutes of Meeting on April 11, 2018

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

- A. The Rockledge Environmental Enhancement (T.R.E.E.) Board, Minutes of Meeting on March 8, 2018 (no recommendation)
- B. Business Development Committee, Minutes of Meeting on March 27, 2018 (no recommendation)
- C. Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on March 28, 2018 (no recommendation)
- D. Planning Commission, Minutes of Meeting on April 3, 2018 (no recommendation)
- E. Council Administrative, Personnel and Community Relations Committee, Minutes of Meeting on April 11, 2018

1. Recommendation: Waiver of Section 2. (6.) B. of the City of Rockledge Personnel Policies and Procedures Manual

....recommend to City Council the waiver of Section 2. (6.) B. of the City of Rockledge Personnel Policies and Procedures Manual and to immediately approve for Jay Seyferth and Steven Tagye to report directly to the Public Safety Director....

City Manager Fettrow explained that an extensive search has been performed for the Deputy Chief of Police for the Public Safety Department and that a selection has been made. However, this individual's husband is a School Resource Officer, and her son-in-law is a part-time Police Officer. In order to ensure clear lines of reporting, the City Manager respectfully requested waiver of Section 2. (6.) B. of the City of Rockledge Personnel Policies and Procedures Manual and for immediate approval to allow Donna Seyferth's husband and son-in-law to report directly to the Public Safety Director.

Councilman Forester moved to approve the recommendation; seconded by Councilman Daski. The motion passed without objection (6).

F. Reappointments and Appointments

1. Reappointments

a) Community Redevelopment Agency Board of Commissioners

City Clerk Nicholas indicated that the terms of Community Redevelopment Agency Board members Perry Cameron, Dan Henn, Lynn Roll and Carol Laymance are expiring. All commissioners are interested in being reappointed.

Councilman Daski moved to reappoint Perry Cameron, Dan Henn, Lynn Roll and Carol Laymance to serve successive four-year terms on the Community Redevelopment Agency Board of Commissioners; seconded by Councilman Ferguson. The motion passed without objection (6).

2. Appointments

a) Planning Commission

City Clerk Nicholas reported that there are currently three vacancies on the Planning Commission. One application has been received from Elisabeth Logan. The term of service is for three years.

Councilman Ferguson moved to appoint Elisabeth Logan to the Planning Commission by acclamation; seconded by Councilman Forester. The motion passed by unanimous vote (6).

9. UNFINISHED BUSINESS

- None

10. CONSENT BUSINESS

Councilman Daski moved for approval of these consent business items:

- A. Approval: Amendment to Fiscal Year 2019 Budget Calendar (City Manager)
- B. Approval: Declaration of Surplus Property, Public Works Vehicles #15 and #81, and Approval to Recycle (Scrap) Said Vehicles (Public Works Department)

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

11. NEW BUSINESS

- A. Action Item: Discussion Concerning Support for City of Satellite Beach Resolution No. 1000, Supporting a Statewide Managed Coastal Retreat Policy and Funding for Critically Eroded Areas (City Manager)

City Manager Fettrow indicated that the City of Satellite Beach has requested that the City of Rockledge support its Resolution No. 1000, which pertains to supporting for a statewide managed coastal retreat policy; necessary funding for critically eroded areas; maintenance of healthy dune systems; and long-term protection of sea turtles and other coastal dependent wildlife. If Council deems it appropriate to support this Resolution, then a Resolution will be drafted for consideration at a future Council meeting. Even though the Resolution does not pertain to Rockledge specifically, it does pertain to the neighboring coastal communities.

Councilman Forester moved to support Satellite Beach Resolution No. 1000 and to have a similar Resolution brought back to Council at a subsequent meeting for consideration; seconded by Councilman Daski. The motion passed without objection (6).

12. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

Don Griffin, 6535 Pleasant Avenue, Cocoa, informed Council that a project consisting of the construction of 22 duplex homes in the area known as Shepard Park would be coming before the Planning Commission on May 1, 2018, and then before Council for a public hearing on May 16.

13. REPORTS

- A. City Manager Reports

- City Manager Fettrow:
 - Reported that the headwall repair is not eligible for Florida Inland Navigation District (FIND) grant funding. Because the headwall is critical, Council direction is being sought with regard to proceeding with the repairs, which could hopefully be completed prior to hurricane season. The cost of the project would be between \$225,000.00 and \$250,000.00. Approximately \$145,000.00 in funding could come from the Stormwater Operating Fund, and \$105,000.00 could be taken from Stormwater Reserves. A request for funding has been submitted to FEMA. If the request is approved, it could be at least 12 to 16 months before reimbursement occurs.

Councilman Forester moved to direct the City Manager and the Public Works Director to proceed with the repair of the headwall as quickly as possible prior to hurricane season; seconded by Councilwoman Martin. The motion passed by unanimous vote (6).

- Stated that beginning Monday, April 23, 2018, new Deputy Chiefs of the Public Safety Department's Fire and Police Divisions will be starting in their new roles. Jim Wilson of Plant City will serve as the Deputy Fire Chief, and Donna Seyferth will serve as the Deputy Chief of Police.

- Reported that grant funding from the Indian River Lagoon half-cent sales tax for the Breeze Swept septic-to-sewer conversion project had been received in the amount of \$880,530.00 and will be deposited into the Wastewater Treatment Fund.
- Informed Council that the Law Enforcement Torch Run is tomorrow, April 19, and begins at 11:30 a.m. at Publix north.
- Reminded Council of the Cocoa YMCA Prayer Breakfast on Friday morning, April 20, 7:30 a.m., at the Cocoa Civic Center.

B. City Attorney Litigation Report

- Month of April 2018

Councilman Daski moved to be in receipt of the City Attorney Litigation Report dated April 2, 2018; seconded by Councilman Ferguson. The motion passed unanimously (6).

- City Attorney Miniclier:
 - Reported that there has been an offer of judgment on the forfeiture case, and it is likely that an Executive Session of Council will be needed. The offer must be accepted or rejected within 30 days; if there is no action, then the offer is deemed to be rejected, which could result in ramifications concerning attorneys' fees and other matters.
 - Provided a brief history on the Shepard Park property dating back to 1951. At that time, a number of building permits had been approved by Council, but the plat was never filed. Per Florida Statutes, if a plat is not filed, then property is not transferred; therefore, the City does not own any of the streets. The City Surveyor will be providing a City-wide map of all the roads/streets that are maintained by the City, and a maintenance map will be filed with the Clerk of Court pursuant to Chapter 95, Florida Statutes. Once the map is filed, it can be published, and after a certain period of time, the roads/streets will belong to the City because of the longtime maintenance that has been provided.

C. Reports from the Dais

- City Attorney Miniclier remarked on the importance of Arbor Day and how it seems to be overlooked these days.
- Councilman Hartselle apologized for missing the last meeting and stated that he is feeling better.
- Councilwoman Martin inquired about the status of open positions in the Building Division; City Manager Fettrow responded that measures are being taken in an attempt to accelerate filling these vacancies.

- Councilman Ferguson:
 - Congratulated Councilwoman Martin on her award.
 - Provided a brief history on the National Day of Prayer and informed Council that there will be a prayer gathering on Thursday, May 3, 2018, at 1:30 p.m. in the Council Chamber at Rockledge City Hall hosted by Dove Bible Club.
 - Informed Council that the 2018 Legislative Session review packet is available from the City Manager and outlined a few statistics from the report.
- Councilman Daski:
 - Congratulated Councilwoman Martin on her award.
 - Stated that the 2018 9/11 Remembrance Ceremony will be held on Monday, September 10, 2018, at 6:30 p.m. at Fire Station No. 3.
- Mayor Price:
 - Congratulated Councilwoman Martin on her award.
 - Requested discussion concerning the City Manager's employment contract, specifically with regard to the provision pertaining to requiring residency within the City limits, which is set forth in the City Charter. Discussion ensued. There was consensus among Council members that, as long as the provisions of the Charter remain intact, it would be acceptable to make an exception and waive the residency requirement and modify that portion of the City Manager's employment contract. If approved, the City Attorney will modify the applicable portion of the City Manager's employment contract and draft a Resolution to memorialize the action taken by Council for consideration at a subsequent meeting.

Councilman Forester moved to waive the provision of the City Charter that requires the City Manager to live within the City limits of Rockledge for the duration of the City Manager's employment with the City; seconded by Councilman Martin. The motion passed by a vote of 5 to 1. Voting for the motion: Mayor Price and Councilmembers Ferguson, Martin, Forester and Hartselle. Voting against the motion: Councilman Daski.

At this time, Matthew Saunders, 1080 Basque Drive, and 1009 Coronado Drive, addressed Council to request members' support for a proclamation designating the month of April as Parental Alienation Awareness Month. Mayor Price advised Mr. Saunders to discuss the matter with the City Clerk.

14. ADJOURN

There being no further business to come before the Council, Chairman Price declared the meeting to be adjourned at 7:22 p.m.

Council Chairman

ATTEST: _____
City Clerk