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# ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, July 15, 2020 ♦ 6:00 p.m.

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## 1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on Wednesday, July 15, 2020, 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
	Michael Cadore	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
	Jennifer M. LeVasseur	City Clerk & Public Relations Officer

<b>STAFF PRESENT:</b>	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 Councilman Forester, the invocation was given by Councilman Ferguson.

## 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

- Minutes of Regular Meeting on June 17, 2020

***Councilman Daski moved to approve the minutes of the regular meeting on June 17, 2020; seconded by Councilwoman Martin. The motion carried unanimously (7).***

#### 5. PRESENTATIONS

##### A. Mayor Price

##### 1. Special Recognition

##### a. 30 Years of Service

- Raymond Possinger, Fleet Maintenance Supervisor, Public Works Department
- Brian S. Hartling, Lieutenant/EMT, Department of Public Safety, Fire and Emergency Services Division

Mayor Price recognized Raymond Possinger, Fleet Maintenance Supervisor, Public Works Department, and Brian S. Hartling, Lieutenant/EMT, Department of Public Safety, Fire and Emergency Services, each for 30 years of service. Mayor Price presented Mr. Possinger with a certificate of commendation, gift card and longtime service pin. Lieutenant Hartling was unable to attend the meeting; Staff will mail the recognition materials to him.

#### 6. FINANCIAL / BUDGET REPORT

- Month of June 2020

***Councilman Ferguson moved to be in receipt of the Financial/Budget Report for the month of June 2020; seconded by Councilman Hartselle. The motion passed by unanimous vote (7).***

#### 7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

- None

#### 8. REPORTS FROM BOARDS AND COMMITTEES

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

- Council Finance and Budget Committee, Minutes of Meeting on June 10, 2020
- Council Finance and Budget Committee, Minutes of Meeting on June 17, 2020

- Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on June 24, 2020
- Planning Commission, Minutes of Meeting on July 7, 2020
- Code Enforcement Board, Minutes of Meeting on June 11, 2020
- Fire Employees' Retirement Board, Minutes of Meeting on May 22, 2020
- General Employees' Retirement Board, Minutes of Meeting on May 22, 2020
- Police Employees' Retirement Board, Minutes of Meeting on May 22, 2020

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

- A. Council Finance and Budget Committee, Minutes of Meeting on June 10, 2020

1. Recommendation: Salary Increase of 1 Percent for Non-Union City Employees

...recommend to the full Council...a minimum of 1% salary increase for employees...

City Manager Fettrow explained that, due to the COVID-19 financial uncertainty and the expected revenue loss, a recommendation of a 1 percent salary increase from the Council Finance and Budget Committee has been forwarded to the full Council for consideration.

***Councilman Daski moved to approve a salary increase of 1 percent for non-union City employees effective October 1, 2020, with the understanding that negotiation with the unions will be required; seconded by Councilwoman Martin. The motion passed unanimously (7).***

2. Recommendation: Approval of Tentative Millage Rate

...recommend to the full Council a tentative millage rate of 6.05 mills...

City Manager Fettrow noted that the proposed Fiscal Year 2021 budget was formulated using a millage rate of 6.05. A document was provided to Councilmembers illustrating the preliminary and updated Millage Rate Analysis. A millage rate of 6.05 would result in a tax increase of 3.17 percent. City Manager Fettrow noted that an increase in reserve funds will be utilized at this millage rate due to the uncertainty resulting from the COVID-19 pandemic to fund salary increases and any potential revenue shortfalls that may arise.

***Councilman Ferguson moved to approve a tentative millage rate of 6.05 mills and to report said rate to the Brevard County Property***

**Appraiser and the State of Florida; seconded by Councilman Cadore. The motion passed without objection (7).**

- a. Resolution: Advising the Brevard County Property Appraiser of the Rolled Back Millage Rate and the Proposed Millage Rate for the Taxable Year 2020, and the Time and Place of the First Public Hearing on the Proposed FY 2020-2021 Budget

**Councilman Ferguson offered a Resolution entitled "A RESOLUTION OF THE ROCKLEDGE CITY COUNCIL ADVISING THE BREVARD COUNTY PROPERTY APPRAISER OF THE ROLLED BACK MILLAGE RATE OF THE CITY OF ROCKLEDGE FOR THE TAXABLE YEAR 2020, THE PROPOSED MILLAGE RATE OF SAID CITY FOR THE TAXABLE YEAR 2020, AND THE TIME AND PLACE OF THE FIRST PUBLIC HEARING ON THE PROPOSED 2020-2021 FISCAL YEAR BUDGET FOR SAID CITY" and moved to read the Resolution in its entirety; seconded by Councilwoman Martin. The motion passed by unanimous vote (7).**

City Attorney Miniclier read aloud the entire Resolution.

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

3. Recommendation: Revisions to Stormwater Rate Structure

...increase the stormwater ERU Fee by .25¢ for Fiscal Year 2021 and an additional .25¢ in Fiscal Year 2022...

City Manager Fettrow reported that the City has not reviewed its stormwater rates since 2017, at which time a .25¢ per month ERU increase was implemented for Fiscal Years 2018 and 2019, with no increase in Fiscal Year 2020. The City is the third lowest rate in the County, and a proposed increase is appropriate, as it would generate an additional \$55,000 in Fiscal Years 2021 and 2022. The Council Finance and Budget Committee previously moved to increase the Stormwater ERU fee by .25¢ per month for Fiscal Year 2021 and an additional .25¢ per month in Fiscal Year 2022.

**Councilman Daski moved to accept the recommendation to increase the stormwater rate by .25¢ per month in Fiscal Year 2021 and an additional .25¢ per month in Fiscal Year 2022; seconded by Councilwoman Martin. The motion passed without objection (7).**

4. Recommendation: Creation of the Building Department Enterprise Fund

...authorize the City to create the "Building Department Enterprise Fund..."

City Manager Fettrow explained that legislation was recently passed that required isolation of the Building Department revenue and expenses. As a result, the Council Finance and Budget Committee authorized the City to create a new enterprise fund to comply with this legislative change, which would take effect on October 1, 2020. Councilmembers discussed the fragility of the fund during the first couple of years due to a lack of established reserve funds.

***Councilwoman Martin moved to accept the recommendation and authorize the City to create the "Building Department Enterprise Fund;" seconded by Councilman Ferguson. The motion passed unanimously (7).***

- B. Council Finance and Budget Committee, Minutes of Meeting on June 17, 2020

1. Recommendation: Approval of the Fiscal Year 2020-2021 Proposed Budget as Presented at the June 17, 2020 Council Finance and Budget Committee Meeting

...recommend to the full Council the Fiscal Year 2021 proposed budget as presented...

City Manager Fettrow explained that the proposed Fiscal Year 2020-2021 budget was formulated utilizing the following parameters:

- A millage rate of 6.05.
- A 1 percent raise for employees.
- A 10 percent increase in healthcare costs.
- \$500,000.00 in reserve funds to balance the budget, which has been authorized in previous years, along with an additional \$141,745. Furthermore, if we receive a federal grant to complete \$1.5 million to harden Fire Stations 35 and 37, an added \$397,135 will need to be utilized out of reserves.

The Council Finance and Budget Committee previously moved to recommend a tentative millage rate of 6.05 and a minimum of 1 percent salary increase for employees.

***Councilwoman Martin moved to approve the Fiscal Year 2020-2021 proposed budget as presented at the June 17, 2020 Council Finance and Budget Committee Meeting; seconded by Councilman Forester. The motion passed without objection (7).***

2. Recommendation: Stormwater ERU Fee Increase, Fiscal Years 2021-2022

...recommend to the full Council the draft Resolution for consideration...

City Manager Fettrow explained that the Council Finance and Budget Committee moved to increase the Stormwater ERU fee by .25¢ per month for Fiscal Year 2021 and an additional .25¢ per month in Fiscal Year 2022. A draft Resolution was presented to the Committee for consideration and recommendation to the full Council.

- a. Resolution: Changing the Equivalent Residential Unit (ERU) Rate to \$5.25 per Month for Stormwater Utility Fee Calculations, Commencing October 1, 2020; then Increasing to \$5.50 Per Month, Commencing October 1, 2021

***Councilman Ferguson offered a Resolution entitled "RESOLUTION OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, CHANGING THE EQUIVALENT RESIDENTIAL UNIT (ERU) RATE TO \$5.25 PER MONTH FOR STORMWATER UTILITY FEE CALCULATIONS, COMMENCING OCTOBER 1, 2020; THEN INCREASING TO \$5.50 PER MONTH, COMMENCING OCTOBER 1, 2021" and moved to read the Resolution by title only; seconded by Councilwoman Martin. The motion passed by unanimous vote (7).***

City Attorney Miniclier read aloud the title of the Resolution.

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

- C. Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on June 24, 2020

1. Recommendation: Approval, Preliminary Fiscal Year 2020-2021 Community Redevelopment Agency Budget

...approve the Fiscal Year 2020-2021 Community Redevelopment Agency Budget and to forward the recommendation to City Council...

***Councilman Daski moved to approve the recommendation; seconded by Councilwoman Martin. The motion passed without objection (7).***

D. Planning Commission, Minutes of Meeting on July 7, 2020

1. Recommendation: Amending the Rockledge Land Development Regulations to Include Brewpub, Micro-brewery, Micro-winery or Micro-distillery Establishments

...recommend approval of the LDR 80.08.1 for Brewpub, Micro-brewery, Micro-winery and Micro-distilleries and forward [the recommendation] to City Council...

The proposed changes to the Land Development Regulations would include regulatory language for Brewpub, Micro-brewery, Micro-winery and Micro-distillery establishments, for which the current Land Development Regulations are silent.

***Councilman Forester moved to approve the recommendation and to authorize the City Attorney to draft the requisite Ordinance; seconded by Councilwoman Martin. The motion passed unanimously (7).***

2. Recommendation: Amending the Rockledge Land Development Regulations to Include Dog Friendly Dining

...recommend approval for the LDR 80.26 for dog friendly dining with no more than 90 percent of the outdoor space at restaurants to be allowed and forward [the recommendation] to City Council...

The proposed changes to the Land Development Regulations would include regulatory language for the inclusion of dog friendly dining at eating establishments.

Councilman Forester requested that item Section 80.26(e)(1)i. be amended to state the following: "All dogs shall wear a current license or rabies tag **and/or** the patron shall have a current license certificate or rabies certificate immediately upon request.

***Councilman Forester moved to approve the recommendation with the proposed amendment to item 80.26(e)(1)i. and to authorize the City Attorney to draft the requisite Ordinance; seconded by Councilwoman Martin. The motion passed without objection (7).***

E. Code Enforcement Board, Minutes of Meeting on June 11, 2020 (no recommendation)

F. Fire Employees' Retirement Board, Minutes of Meeting on May 22, 2020

1. Recommendation: Approval of Ordinance to Allow Cross Credit for Vesting Purposes Only Between the Rockledge Retirement Plans

...approve the Cross-Credit Ordinance as presented and to forward same to City staff for consideration at a future City Council meeting...

***See item 8.H.1.a. for Ordinance***

G. General Employees' Retirement Board, Minutes of Meeting on May 22, 2020

1. Recommendation: Approval of Ordinance to Allow Cross Credit for Vesting Purposes Only Between the Rockledge Retirement Plans

...approve the Cross-Credit Ordinance as presented and to forward same to City staff for consideration at a future City Council meeting...

***See item 8.H.1.a. for Ordinance***

H. Police Employees' Retirement Board, Minutes of Meeting on May 22, 2020

1. Recommendation: Approval of Ordinance to Allow Cross Credit for Vesting Purposes Only Between the Rockledge Retirement Plans

...approve the Cross-Credit Ordinance as presented and to forward same to City staff for consideration at a future City Council meeting...

***Councilman Ferguson moved to allow cross credit for vesting purposes among all three retirement plans; seconded by Councilwoman Martin. The motion carried unanimously (7).***

- a. Ordinance: First Reading, Amending Section 1.1(A)(36) of the City of Rockledge Fire Employees Retirement Plan; Amending Section 1.1(A)(32) of the City of Rockledge General Employees Retirement Plan; Amending Section 1.1(A)(34) of the City of Rockledge Police Employees Retirement Plan

***Councilman Forester offered an Ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING SECTION 1.1(A)(36) OF THE CITY OF ROCKLEDGE FIRE EMPLOYEES RETIREMENT PLAN; AMENDING SECTION 1.1(A)(32) OF THE CITY OF ROCKLEDGE GENERAL EMPLOYEES RETIREMENT PLAN; AMENDING SECTION 1.1(A)(34) OF THE CITY OF***



ROCKLEDGE POLICE EMPLOYEES RETIREMENT PLAN; PROVIDING FOR THE RECOGNITION OF CROSS-CREDIT FROM OTHER CITY PLANS, WHICH CROSS-CREDIT SHALL COUNT FOR VESTING PURPOSES ONLY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE" **and moved for the first reading of the Ordinance by title only; seconded by Councilwoman Martin. The motion carried unanimously (7).**

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

**Councilwoman Martin moved to authorize publication and a public hearing to be held on August 19, 2020; seconded by Councilman Hartselle. The motion carried by unanimous vote (7).**

I. Reappointments and Appointments

1. Reappointments

- o None

2. Appointments

a. Community Redevelopment Agency Board of Commissioners

The Community Redevelopment Agency Board of Commissioners currently has one vacancy. Applications have been received from Adam Copenhaver, John Pistoia, Desiree Babbs, Chelsea Anderson, Susan Schleith and Frederick "Rick" Sanders.

Mayor Price opened the floor for nominations.

**Councilman Daski nominated Frederick "Rick" Sanders; seconded by Councilman Cadore. The motion carried unanimously (7).**

There were no additional nominations received.

**Councilwoman Martin moved to close the nomination period; seconded by Councilman Hartselle. The motion passed without objection (7).**

**Councilman Daski moved to appoint Frederick "Rick" Sanders to the Community Redevelopment Agency Board of Commissioners; seconded by Councilman Forester. The motion passed without objection (7).**

b. Code Enforcement Board

The Code Enforcement Board currently has three vacancies for the businessperson, engineer and subcontractor seats. One application has been received from Mark O'Donnell for the vacant engineer seat.

***Councilwoman Martin moved to appoint Mark O'Donnell to the Code Enforcement Board; seconded by Councilman Ferguson. The motion passed without objection (7).***

9. UNFINISHED BUSINESS

- o None

10. CONSENT BUSINESS

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

- A. Approval: Memorandum of Understanding, Brevard County School Board and City of Rockledge, School Resource Officers (Public Safety Department)
- B. Approval: Interlocal Agreement, City of Cocoa and City of Rockledge, Crossing Guard Services for 2020-2021 School Year (Public Safety Department)

***The motion was seconded by Councilwoman Martin and passed by unanimous vote (7).***

11. NEW BUSINESS

- A. Action Item: Extension of Tenant Lease Agreement with the Central Brevard Art Association and Consideration for Rent Forgiveness, Community Resource Center (City Manager)

City Manager Fettrow explained that the lease agreement with Central Brevard Art Association at the Community Resource Center expires on August 30, 2020. The Central Brevard Art Association expressed their desire to renew their lease. In addition, the Association requested that the City consider forgiving their rent obligations for a period of time due to financial constraints relating to COVID-19.

***Councilman Daski made a motion to approve the lease agreement extension with Central Brevard Art Association for a period of three (3) years and to authorize the City Manager to negotiate rent discounts; seconded by Councilman Cadore. The motion carried without objection (7).***

- B. Action Item: Approval of Final Plat, Brookview Subdivision

**Removed from Agenda**

## 12. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

- None

## 13. REPORTS

### A. City Manager Report

- City Manager Fettrow polled the Council for a volunteer to attend the Rockledge High School graduation ceremony as a City representative. It was determined that Councilman Ferguson would serve as the City's representative.
- In response to COVID-19, City Manager Fettrow explained that, in an ongoing effort to protect the public health and safety due to COVID-19, the Council was requested to consider cancelling City events through November 2020. Councilmembers agreed to cancel events through November 2020 with an option to host a virtual event as an alternative. Winter 2020 and Spring 2021 events will be evaluated at a future meeting.
- City Manager Fettrow noted that discussions have taken place regarding the vacant property north of City Hall and requested that Council authorize her to negotiate figures for purchase of the property.

***Councilman Hartselle moved to authorize the City Manager to negotiate; seconded by Councilman Cadore. The motion passed unanimously (7).***

- City Manager Fettrow announced that a portion of the proposed Bio-Solids Study budget request survived the Governor's veto and was signed by Governor DeSantis for a total of \$150,000.00. The City will evaluate how these funds will most effectively be spent.
- City Manager Fettrow explained that the City passed an Ordinance in 2000 requiring replacement utility poles to be concrete, which equates to a \$100,000 - \$120,000 cost to the City each year for pole replacements. The Council Finance and Budget Committee learned of the hardening efforts and wind sustainability guidelines that must be met by Florida Power and Light, along with the different materials that utility poles are comprised of. Attorney Miniplier noted that the City's 2005 Franchise Agreement with Florida Power and Light is silent to the requirement of concrete poles as replacement pole material. City Manager Fettrow inquired as to how Council wished to proceed on this issue.

***Councilman Forester moved to authorize the City Manager to accept Florida Power and Light pole recommendations without requiring***

***the concrete pole Ordinance to be applied; seconded by Councilman Ferguson. The motion carried unanimously (7).***

- City Manager Fettrow announced that the City's wellness dollars will be funding a City Employee Appreciation Lunch/Dinner and invited Councilmembers to help distribute meals.

B. City Attorney Litigation Report

- Month of July 2020

***Councilman Daski moved to be in receipt of the City Attorney Litigation Report dated July 1, 2020; seconded by Councilwoman Martin. The motion passed unanimously (7).***

- Attorney Miniclier provided a brief summary of the Litigation Report.
- Attorney Miniclier explained that the eVerify statute will go into effect on January 1, 2021, which will apply to all government agencies as well as all private businesses.
- Attorney Miniclier noted that there is pending litigation throughout the State regarding mask/face covering mandates. The first judicial ruling occurred this week, determining that mask wearing serves a valid purpose and is not unconstitutional.

C. Reports from the Dais

- Councilman Ferguson:
  - Expressed gratitude to City employees and the City Manager for their hard work.
  - Recently attended the teleconference Space Coast League of Cities Executive Board Meeting and announced that monthly meetings are cancelled until further notice.
- Councilman Hartselle commended Mayor Price on the mask/face covering Order and his guidance to citizens.
- Councilman Cadore:
  - Announced that this was his 10th City Council meeting as Councilman and expressed his gratitude to fellow Councilmembers.
  - Noted his pleasure in recognizing 30-year employment anniversaries.
  - Congratulated Frederick "Rick" Sanders for his appointment to the Community Redevelopment Agency Board of Commissioners.
  - Commended the Department of Public Safety for their continued dedication to community service during the COVID-19 pandemic.

- Welcomed Rockledge resident and City of Titusville City Planner Navael Fontus in the audience.
- Councilman Daski shared congratulatory wishes to the graduating seniors walking this weekend in graduation ceremonies.
- Councilwoman Martin:
  - Echoed congratulatory remarks to Frederick "Rick" Sanders on his board appointment.
  - Announced that Golfview Elementary Principal Hudson has relocated to Hillsborough County and requested a welcome letter be sent to the incoming Golfview Elementary School principal.
  - Commended the Council Finance and Budget Committee and Staff for their remarkable budget work.
  - Requested that the financial assistance information from Florida Power and Light be shared via the City's electronic media channels to encourage community participation.
  - Recognized Rockledge resident and City of Titusville City Planner Navael Fontus in attendance.
  - Noted her interest in working together if the mask/face covering Order needs to be reevaluated in the future.
  - Reminded Council of the planned protest at Asia Nails Spa on Fiske Boulevard this weekend.
- Councilman Forester shared that many citizens desired a stronger direction from City leadership beyond the encouragement of masks/face coverings, but he is hopeful that citizens will do the right thing and follow recommendations for social distancing, face coverings, avoiding large groups, etc.
- Mayor Price explained that he received some negative feedback from the community for "strongly encouraging" face masks/coverings instead of implementing a mandate; however, he desired to mandate face masks/coverings in grocery stores and drugstores. Mayor Price encouraged Councilmembers to discuss face mask/covering enforcement methods with Public Safety Director LaSata in the event that the current Order needs to be revised in the future.

**14. ADJOURN**

There being no further business to come before the Council, Chairman Price declared the meeting to be adjourned at 7:26 p.m.

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**Council Chairman**

**ATTEST:**

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**City Clerk**