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# ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

WEDNESDAY, SEPTEMBER 20, 2023 ♦ 6:00 P.M.

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## 1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on Wednesday, September 20, 2023, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

<b>PRESENT:</b>	Thomas J. Price	Mayor
	Dr. Michael A. 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
	John Cooper	Planning Director
	Joseph P. LaSata	Public Safety Director/Chief of Police
	Victor "VJ" Karycki	Public Works Director
	James Elmore	Wastewater Treatment & Water Reclamation Director
	Tricia T. Olsson	Deputy City Clerk
	James H. Wilson	Deputy Fire Chief
	Donna Seyferth	Deputy Chief of Police
	Christopher Crawford	Police Captain
	Jennifer Wagner	Assistant Finance 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 Cadore.

### 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 September 6, 2023

***Councilwoman Martin moved to approve the minutes of the regular meeting on September 6, 2023; seconded by Councilman Hartselle. The motion carried unanimously (7).***

### 5. PRESENTATIONS

#### A. Mayor Price

##### 1. Employee Recognition

##### a. Employee of the Third Quarter 2023

- Jessica Robinson, PST Supervisor, Department of Public Safety – Police Division

Mayor Price recognized Jessica Robinson, PST Supervisor, Department of Public Safety – Police Division as recipient of the Employee of the Quarter Award for the third quarter of 2023. Ms. Robinson was presented with a gift certificate and a Certificate of Commendation.

### 6. FINANCIAL / BUDGET REPORT

- August 2023

***Councilman Daski moved to be in receipt of the Financial/Budget Report for the month of August 2023; seconded by Councilwoman Martin. The motion passed by unanimous vote (7).***

### 7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

Councilman Forester explained to those in attendance that while the evening's budget processes may be quick, the budget process takes several months, and the budget has been fully vetted.

#### A. Public Hearing: Fiscal Year 2024 General Fund Budget and Taxable Year 2023 Millage Rate

Chairman Price opened the matter of the Fiscal Year 2024 General Fund Budget and Taxable Year 2023 Millage Rate to the public for comment.

There being no public comment, Chairman Price declared the public hearing to be closed.

B. Public Hearing: Resolution Adopting Finalized Millage Rate for Ad Valorem Taxation for 2023

**Councilman Ferguson offered a Resolution entitled** "A RESOLUTION ADOPTING THE FINALIZED MILLAGE RATE FOR AD VALOREM TAXATION BY THE CITY OF ROCKLEDGE, FLORIDA, FOR THE YEAR 2023; STATING THE PERCENT BY WHICH THE MILLAGE RATE TO BE LEVIED EXCEEDS THE ROLLED BACK MILLAGE RATE COMPUTED PURSUANT TO SECTION (1) OF SECTION 200.065, FLORIDA STATUTES; AND LEVYING AN AD VALOREM TAX UPON ALL TAXABLE PROPERTIES IN THE CITY OF ROCKLEDGE FOR THE YEAR 2023 AT THE RATE OF \$5.55 FOR EVERY \$1,000.00 OF ASSESSED PROPERTY VALUATION" **and moved to read the Resolution in its entirety and to open the matter for public hearing; seconded by Councilwoman Martin. The motion passed by unanimous vote (7).**

City Attorney Miniclier read aloud the entire Resolution. Chairman Price then declared the matter to be open to the public for comment.

There being no public comment, Chairman Price declared the public hearing to be closed.

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

C. Ordinance: Second Reading and Public Hearing, Ordinance No. 1884-2023, Fiscal Year 2024 General Fund Budget

**Councilman Daski offered Ordinance No. 1884-2023 entitled** "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUES AND EXPENDITURES IN THE GENERAL FUND OF SAID CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENDITURES OF THE CITY OF ROCKLEDGE FOR SAID FISCAL YEAR AND ADOPTING THE GENERAL FUND BUDGET OF SAID CITY FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN REAPPROPRIATIONS IN SAID BUDGET; 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 Councilwoman Martin. 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 Daski moved for the adoption of the Ordinance; seconded by Councilwoman Martin. Voting for the motion: Mayor Price and Councilmembers Cadore, Ferguson, Martin, Forester, Daski and Hartselle. The motion carried by unanimous vote (7).***

- D. Ordinance: Second Reading and Public Hearing, Ordinance No. 1885-2023, Fiscal Year 2024 Community Redevelopment Agency Fund Budget

***Councilwoman Martin offered Ordinance No. 1885-2023 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENDITURES FOR OPERATION OF THE ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY FUND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENDITURES OF OPERATION AND ADMINISTRATION OF THE ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY AND TO CARRY OUT ALL OTHER PURPOSES OF THE COMMUNITY REDEVELOPMENT AGENCY FOR SAID FISCAL YEAR AND ADOPTING THE BUDGET FOR THE OPERATION OF THE ROCKLEDGE COMMUNITY REDEVELOPMENT AGENCY FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN REAPPROPRIATIONS IN SAID BUDGET; 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.

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

- E. Ordinance: Second Reading and Public Hearing, Ordinance No. 1886-2023, Fiscal Year 2024 American Rescue Plan Act Fund Budget

**Councilman Ferguson offered Ordinance No. 1886-2023 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENDITURES FOR OPERATION OF THE ROCKLEDGE AMERICAN RESCUE PLAN ACT FUND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENDITURES OF THE ROCKLEDGE AMERICAN RESCUE PLAN ACT FUND FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN REAPPROPRIATIONS IN SAID BUDGET; 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 Councilwoman Martin. 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 Councilwoman Martin. Voting for the motion: Mayor Price and Councilmembers Cadore, Ferguson, Martin, Forester, Daski and Hartselle. The motion carried by unanimous vote (7).**

- F. Ordinance: Second Reading and Public Hearing, Ordinance No. 1887-2023, Fiscal Year 2024 Wastewater System Fund Budget

**Councilman Daski offered Ordinance No. 1887-2023 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENSES FOR OPERATION OF THE ROCKLEDGE WASTEWATER SYSTEM FUND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF THE ROCKLEDGE WASTEWATER SYSTEM FOR SAID FISCAL YEAR AND ADOPTING THE BUDGET FOR THE OPERATION OF THE ROCKLEDGE WASTEWATER SYSTEM FUND FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN REAPPROPRIATIONS IN SAID BUDGET; 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 Councilwoman Martin. 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 Daski moved for the adoption of the Ordinance; 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).**

- G. Ordinance: Second Reading and Public Hearing, Ordinance No. 1888-2023, Fiscal Year 2024 Sanitation Impact Fee Fund Budget

**Councilman Ferguson offered Ordinance No. 1888-2023 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENSES FOR OPERATION OF THE ROCKLEDGE SANITATION IMPACT FEE FUND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF THE ROCKLEDGE SANITATION IMPACT FEE FUND FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN REAPPROPRIATIONS IN SAID BUDGET; 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 Councilwoman Martin. 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 Councilwoman Martin. Voting for the motion: Mayor**

**Price and Councilmembers Cadore, Ferguson, Martin, Forester, Daski and Hartselle. The motion carried by unanimous vote (7).**

- H. Ordinance: Second Reading and Public Hearing, Ordinance No. 1889-2023, Fiscal Year 2024 Sanitation Services Fund Budget

**Councilwoman Martin offered Ordinance No. 1889-2023 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENSES FOR OPERATION OF THE ROCKLEDGE SANITATION SERVICES FUND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF THE ROCKLEDGE SANITATION SERVICES FUND FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN REAPPROPRIATIONS IN SAID BUDGET; 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 Cadore. 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.

**Councilwoman Martin moved for the adoption of the Ordinance; 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).**

- I. Ordinance: Second Reading and Public Hearing, Ordinance No. 1890-2023, Fiscal Year 2024 Stormwater Utility Fund Budget

**Councilman Ferguson offered Ordinance No. 1890-2023 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENSES FOR OPERATION OF THE ROCKLEDGE STORMWATER UTILITY FUND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF OPERATION, ADMINISTRATION, AND MAINTENANCE OF THE STORMWATER UTILITY FUND OF THE CITY OF ROCKLEDGE AND TO CARRY OUT ALL OTHER PURPOSES OF THE UTILITY FOR SAID FISCAL YEAR AND ADOPTING THE BUDGET FOR THE**



OPERATION OF THE ROCKLEDGE STORMWATER UTILITY FUND FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN REAPPROPRIATIONS IN SAID BUDGET; 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 Cadore. 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 Councilwoman Martin. Voting for the motion: Mayor Price and Councilmembers Cadore, Ferguson, Martin, Forester, Daski and Hartselle. The motion carried by unanimous vote (7).**

- J. Ordinance: Second Reading and Public Hearing, Ordinance No. 1891-2023, Fiscal Year 2024 Building Department Fund Budget

**Councilman Daski offered Ordinance No. 1891-2023 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE ANTICIPATED REVENUE AND EXPENSES FOR OPERATION OF THE ROCKLEDGE BUILDING DEPARTMENT FUND DURING THE FISCAL YEAR COMMENCING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; APPROPRIATING FUNDS FOR PAYMENT OF THE ANTICIPATED EXPENSES OF THE ROCKLEDGE BUILDING DEPARTMENT FUND FOR SAID FISCAL YEAR; AUTHORIZING THE ROCKLEDGE CITY MANAGER TO MAKE CERTAIN REAPPROPRIATIONS IN SAID BUDGET; 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 Councilwoman Martin. 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.



Helen Yarborough, 134 Orange Avenue, spoke on behalf of the Cocoa Rockledge Garden Club. She requested that lighting be installed in the Club's parking lot. City Manager Fettrow confirmed that a meeting has been scheduled to discuss the matter.

There being no further public comment, Chairman Price declared the public hearing to be closed.

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

- K. Ordinance: Second Reading and Public Hearing, Ordinance No. 1892-2023, Determining the Salary for City Council Members and Mayor

***Councilman Ferguson offered Ordinance No. 1892-2023 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DETERMINING THE SALARY FOR THE CITY COUNCIL MEMBERS AND THE MAYOR PURSUANT TO ROCKLEDGE CITY CHARTER, SECTION 2.04; ESTABLISHING EFFECTIVE DATE FOR NEW COUNCIL SALARIES; 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 Councilwoman Martin. 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 Councilwoman Martin. Voting for the motion: Mayor Price and Councilmembers Cadore, Ferguson, Martin, Forester, Daski and Hartselle. The motion carried by unanimous vote (7).***

- L. Ordinance: Second Reading and Public Hearing, Ordinance No. 1893-2023, Adopting the Annual Review of the Capital Improvements Element of the Rockledge Comprehensive Plan

***Councilwoman Martin offered Ordinance No. 1893-2023 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, ADOPTING THE ANNUAL REVIEW OF THE CAPITAL***

IMPROVEMENTS ELEMENT OF THE ROCKLEDGE COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3177(3)(b), FLORIDA STATUTES; 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 Cadore. 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 Councilwoman Martin. Voting for the motion: Mayor Price and Councilmembers Cadore, Ferguson, Martin, Forester, Daski and Hartselle. The motion carried by unanimous vote (7).**

- M. Resolution: Establishing the Regular Meeting Schedule for City Council for Calendar Year 2024

**Councilman Ferguson offered a Resolution entitled "A RESOLUTION OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, ESTABLISHING THE SCHEDULE FOR REGULAR MEETINGS OF THE ROCKLEDGE CITY COUNCIL FOR THE CALENDAR YEAR 2024" and moved to waive the reading and adopt the Resolution; seconded by Councilwoman Martin. Voting for the motion: Mayor Price and Councilmembers Cadore, Ferguson, Martin, Forester, Daski, and Hartselle. The motion carried by unanimous vote (7).**

## 8. REPORTS FROM BOARDS AND COMMITTEES

**Councilman Daski moved to be in receipt of the minutes of the following meeting:**

- Planning Commission, Minutes of Meeting on September 5, 2023

**and to consider independently any recommendations contained therein; seconded by Councilwoman Martin. The motion passed without objection (7).**

- A. Planning Commission, Minutes of Meeting on September 5, 2023

1. Recommendation: Approval of Voluntary Annexation (ANX-23-01 through ANX-23-09)

...accept the property and annex and forward it to the City Council for approval...

***Councilwoman Martin moved to open the item for public hearing after a staff presentation; seconded by Councilman Cadore. The motion carried with no objections (7).***

a. Staff Presentation

Planning Director Cooper provided an overview of Voluntary Annexation applications ANX-23-01 through ANX-23-09, comprised of nine (9) parcels encompassing approximately 22+/- acres located north of Barnes Boulevard and east of Murrell Road. He defined an enclave and explained that Florida Statute directs municipalities to eliminate enclaves through an annexation process, whenever possible.

Planning Director Cooper reported that the City is obligated to annex this property per Florida Statute now that an application for Voluntary Annexation has been submitted. He noted that Brevard County's existing zoning designation is Industrial.

Dan Sorrow (Applicant Agent), 1934 Commerce Lane, Jupiter, explained that his firm, Coteleur & Hearing, has been working with the existing property owners for some time to encourage annexation into the City of Rockledge. He provided a brief history of the property and noted that City staff would effectively review and vet any development applications throughout the process. He asserted that the site will ultimately be developed.

b. Public Hearing

At 6:36 p.m., Chairman Price declared the matter open for public hearing.

Travis Elmore, 383 Brookcrest Circle, noted that the applications were presented to the Planning Commission as severable proposals, but they were ultimately conjoined. He expressed concerns about the use of the property and how it would affect neighboring properties, including Chelsea Park. Mr. Elmore felt that some of the discussion from the developer and the City has been disingenuous, and he advised that the City Council should further analyze the project before annexing the properties. He recommended that the application be tabled until further investigation is conducted.

Michael Steinbacher, 560 Glenbrook Circle, explained that the subject properties are directly behind his property, and an impact study should be completed prior to approving the annexation to determine how the annexation would affect the neighboring community.

William E. Simmons, 239 Forecast Lane, has owned 13 businesses in Brevard County, two of which are real estate related. He explained that, as a realtor and owner of one of the subject properties, it is their duty to determine the highest and best use of a property. He noted that this area is not the main source of traffic problems in the area. He explained that this proposal would bring income into the community, and businesspeople would be the subject market. He requested that the City Council approve the annexation.

Robin Underwood, 556 Glenbrook Circle, reported that there are gopher turtles and other animals on the property that must be considered. Additionally, she has personally experienced traffic issues in the area.

Norma Chamberlain, 897 Covington Court, explained that children have nowhere to play because of excessive development. She has witnessed the negative effects of development over the years.

There being no further public comment, the public hearing was closed.

Planning Director Cooper explained that while the City has been in conversation with the applicants for several months, the conversation did not have anything to do with the development of the land. He explained that feasibility studies are conducted during the development process. Further, he iterated that by approving the annexation and applying a future land use designation and zoning designation, the applicants are only entitled to then apply for development. At that time, a thorough feasibility study is conducted prior to the development application being presented to any City boards or City Council for approval. He noted that a development application has not been submitted for consideration, as the property is not within the municipal boundaries. Planning Director Cooper provided a summary of the application and approval process. At the request of an audience member, he further defined what an annexation, future land use designation, and zoning designation is.

Councilman Forester discussed the application for annexation and the Council's duty to comply with Florida Statute to eliminate enclaves. Planning Director Cooper reiterated that a municipality is prohibited from creating enclaves and has a duty to eliminate enclaves.

Councilman Ferguson requested clarification concerning the input that residents would have if the properties were not annexed into the municipal boundaries. Planning Director Cooper confirmed that

Rockledge residents and the City would have very little to no input or oversight.

Councilwoman Martin inquired about legal liability for not adhering to Florida Statutes. She also asked whether a Voluntary Annexation application has ever been denied by the City Council. City Attorney Miniclier explained the methodology of the State requirement for elimination of enclaves. He confirmed Planning Director Cooper's definition of an enclave and the City's duty to eliminate the existing enclave based on the applications that have been received. He reiterated that the applications before the City Council do not include development.

***Councilman Forester moved to approve the proposed Voluntary Annexation; seconded by Councilman Cadore. The motion passed without objection (7).***

2. Recommendation: Approval of Comprehensive Plan Amendments (CPA-23-01 through CPA-23-09)

...recommend to City Council approval of the amendment to the Comprehensive Plan (CPA-23-01 through CPA-23-09) applying a future land use designation of MUPD7 to the subject properties...

***Councilman Daski moved to be in receipt of the recommendation and to open the matter for public hearing; seconded by Councilwoman Martin. The motion passed unanimously (7).***

- a. Staff Presentation

Planning Director Cooper provided an overview of applications for Comprehensive Plan Amendments CPA-23-01 through CPA-23-09, comprised of nine (9) parcels encompassing approximately 22+/- acres located north of Barnes Boulevard and east of Murrell Road. He explained that the applicants have requested a future land use designation of MUPD7 – Mixed Use Planning District 7 and provided a summary of the designation per the Comprehensive Plan, as well as the process to designate a future land use for a property.

Dan Sorrow (Applicant Agent), 1934 Commerce Lane, Jupiter, explained the process that the applicants have gone through over the last several months and noted that the proposed future land use designation is appropriate, as it is a transition from commercial to low-density residential.

b. Public Hearing

At 7:17 p.m., Chairman Price declared the matter open for public hearing.

Travis Elmore, 383 Brookcrest Circle, explained that, at the Planning Commission meeting, City Attorney Miniclier advised that all three applications would be affected if the zoning designation decision was tabled. He requested clarification concerning whether the same scenario would present itself in the current meeting. He questioned the ruling and overall decision process and echoed his earlier suggestion that the item be tabled.

There being no further public comment, Chairman Price closed the public hearing.

Councilman Hartselle asked City Attorney Miniclier if there was a legal liability if the items were tabled. City Attorney Miniclier explained that the Planning Commission followed proper procedures.

***Councilman Daski moved to approve CPA-23-01 through CPA-23-09 and to authorize transmittal of the proposed Comprehensive Plan Amendments to the Florida Department of Economic Opportunity; seconded by Councilman Cadore. The motion carried by unanimous vote (7).***

At 7:26 p.m., Chairman Price called for a recess. The meeting reconvened at 7:35 p.m.

3. Recommendation: Approval of R-3 Zoning Designation (ZDA-23-01 through ZDA-23-10)

...accept the zoning as R-3...

***Councilman Hartselle moved to be in receipt of the recommendation and to open the matter for public opinion for approval of R3 zoning designation for ZDA-23-01 through 23-10; seconded by Councilwoman Martin. The motion carried unanimously (7).***

a. Staff Presentation

Planning Director Cooper introduced Zoning Designation applications ZDA-23-01 through ZDA-23-10, comprised of ten (10) parcels located north of Barnes Boulevard and east of Murrell Road. He reported that the applicants have requested a designation of R3 – Multi-Family Dwelling (High-Density) District. He explained that the R3 zoning designation is appropriate per the application and reiterated that approving a zoning designation does not approve

the development of said property. Planning Director Cooper noted that the density cap for this designation is 14 dwelling units per acre. He summarized the multi-step development approval process that would take place once the property receives a zoning designation and the City receives a development application for consideration. Planning Director Cooper briefly explained the Property Rights Element, which is required by Florida Statute, as well as his task as Planning Director from the beginning of the process through development and building.

Councilman Forester recalled prior development applications that have come before Council for approval and the requirements that the City has put in place for those developments. He explained that citizen input is critical during the development process to ensure that existing residents are considered. Councilman Forester asked whether the applicants would withdraw their application if initially denied, and if so, what effects would it have on the City. Planning Director Cooper explained that the applicants can withdraw their application, and per the recently enacted Live Local Act, the applicants or another developer could potentially develop the property as affordable housing, by right, with a Brevard County density and height restriction in place, and the City would have little to no input at all. Planning Director Cooper summarized the opportunities that applicants have under the Live Local Act. He expressed his desire for the City to have control over the development of the subject properties rather than Brevard County. Councilwoman Martin asked whether there are alternate zoning designations that could be considered. Planning Director Cooper explained that there is not enough space in this area to construct single-family homes. He noted that the applicants have requested an R3 zoning designation, and it is compatible.

Dan Sorrow (Applicant Agent), 1934 Commerce Lane, Jupiter, confirmed that the R3 zoning designation is compatible with the approved future land use designation. Mr. Sorrow summarized the various zoning designations and land uses surrounding the property. He noted several areas in Rockledge where a similar transition from Commercial to R2 to R3 is present, which sets a precedent. Mr. Sorrow reported that an R3 designation makes the most fiscal and economic sense. He noted that if the zoning designation application is denied, the application may be withdrawn. However, another developer may move forward and submit an application under the Live Local Act, which comes with a much higher density.



b. Public Hearing

At 7:58 p.m., Chairman Price declared the matter open for public hearing.

Travis Elmore, 383 Brookcrest Circle, expressed concerns regarding safety, security, traffic, and crime. He asserted that high-density development can sometimes increase crime. Mr. Elmore inquired as to how the City will be equipped to provide services to all of the new residents that will reside in Rockledge with the ongoing development in the city. He noted that limits need to be put on the proposed development, and the City Council must consider its current residents. He asked that the City Council consider a lower density zoning designation.

Mayor Price explained that the City does not openly advertise to developers for the purposes of building apartments and storage facilities. He noted that there is still an established need for apartments in the southeast region.

Glenn Teed, 398 Brookcrest Circle, spoke on behalf of Chelsea Park residents. Mr. Teed echoed concerns about safety, traffic, home equity, and declining home values. He referred to Meadow Pointe Condos and explained that property values on Walnut Grove Way, near Meadow Pointe Condos, declined over 33 percent. He shared concerns that a similar situation would develop in Chelsea Park.

Kevin Dardano, 436 Windsail Circle, echoed concerns that the proposal would adversely affect Chelsea Park residents. He explained that traffic, noise, and other issues will certainly develop. He expressed his desire for an R2A zoning designation.

Brian Richardson, 436 Wentthrop Circle, noted that the area has changed over the years and reiterated concerns about safety. He noted that emergency helicopters are currently able to land on the proposed property. Mr. Richardson asserted that the zoning designation should be Commercial based on the current economic development climate. He shared some research that he conducted concerning Stellar Properties.

FSS §119.071(4)(d)2.a. noted that she does not feel that R3 zoning is appropriate for the area. She voiced concerns about traffic issues, increased public service calls, flooding issues, a strain on City services, and overcrowding of schools.

Michelle Foushi, 480 Wynfield Circle, explained that the hometown feel of Rockledge is disappearing. Ms. Foushi asked Council to take the residents into consideration, as other projects in the area have

already brought in more people. She explained that R3 is excessive, and high density is not the answer.

Vincent Difranzo, 1236 Winding Meadows Road, noted that Rockledge has a small-town feel, and the City's offerings are taken for granted. Mr. Difranzo expressed concerns that we may be losing touch with the small-town community that Rockledge once was. He shared his confidence that the City Council will continue with the mission of the City's pioneers.

Eric Wildenradt, 351 Castlewood Lane, echoed sentiments regarding the small-town feel of Rockledge. He asked for the City Council to consider the health and wellbeing of the city and quality of life of its residents. He asked that the City Council preserve the small-town feel.

Steve Torp, 352 Castlewood Lane, feels that an R3 zoning designation is too dense for the area and does not meet the character of the neighborhood. He asked that Council consider R2A, which would address height, density, traffic, water management, and infrastructure concerns. Alternatively, if R3 is approved, he asked that Council cap the density to 8 dwelling units per acre.

Donald T. Flammio, FSS §119.071(4)(d)2.a., noted discrepancies between the number of property owners and subject properties, as well as other information that was provided at the Planning Commission meeting versus the City Council meeting.

Michele J. Steinbacher, 560 Glenbrook Circle, reported that she originally chose to reside in Rockledge because it was a smaller community. She noted that quality of life will decline. She asked if Council would consider permitting two stories or commercial development versus a taller building.

Josiah Gattle, 1060 Matador Drive, explained that an R2 designation would allow for a collaboration between the City, abutting property owners, and the developer. He noted that a cap of 8 dwelling units per acre and a limit of 25 feet in height would be a better fit and more appropriate designation. He noted concerns about approving a taller building so close to the abutting property owners. He expressed his support of the annexation, but he noted that an additional zoning option should be considered.

Daniel Solano, 406 Wentthrop Circle, echoed concerns that Rockledge is losing its hometown feel. He asked for Council to consider traffic and noise concerns for nearby residents, as well as a lower density option.

Michael Steinbacher, 560 Glenbrook Circle, reported that he has previously seen a similar scenario play out in another state, and as a result, crime rates increased and property values decreased.

Eric Reyier, 442 Windsail Circle, opposed the proposal due to the proximity of the development to Chelsea Park. He noted that existing traffic issues will be exacerbated by this development. Mr. Reyier reiterated that this type of development is not appropriate and will cause issues as mentioned earlier in the meeting. He echoed the request for a lower density designation and explained that Rockledge is growing too quickly.

Denise Adams, 317 Barrymore Drive, explained that, per her recollection, the Planning Commission initially tabled the application to allow for more time to contemplate the application. Consequently, City Attorney Miniclier advised at the Planning Commission meeting that tabling the zoning applications would affect all of the other applications.

Chris McCoy, 371 Brookcrest Circle, asked that Councilmembers remember that the application is a serious matter for residents, and the developer's promises should not sway the City Council.

Damon Stambolian, 224 Jefferson Avenue, Cape Canaveral, stated that this type of decision should be voted on by the public rather than the City Council.

There being no further public comment, the public hearing was closed.

Planning Director Cooper reiterated that the property owners have the right to ask the City for authorization to do something with their property. He explained that Florida Statutes and the City's Land Development Regulations and Comprehensive Plan dictate the City's actions. Planning Director Cooper explained that part of his role is to evaluate development over a period of 5, 10, and 20 years, which takes into consideration City services and infrastructure, among other things. He reiterated that staff thoroughly evaluates development applications that will address the concerns raised by residents. Planning Director Cooper echoed remarks that the applications are to be considered for compatibility with the City's Comprehensive Plan, and staff has determined that the applications are compatible.

Councilman Daski asked Planning Director Cooper to review the Live Local Act as mentioned previously in the meeting. Planning Director Cooper summarized the Act and the potential ramifications for these properties.

Councilman Hartselle asked if Rockledge would have the opportunity to receive air taxis at the subject property. Planning Director Cooper noted that the property is not suitable for that type of activity, and Council must consider the application as it has been presented.

Councilman Cadore asked for clarification concerning the alternative of R2A. Planning Director Cooper reiterated that the applicants have not asked for R2A, and the property owner has the right to develop property to its highest and best use.

Councilwoman Martin asked Planning Director Cooper to explain the differences between R3 and R2A. Planning Director Cooper summarized the differences. He reiterated that the subject properties will be developed, and it would be in the City's best interest to have control.

***Councilman Forester moved to approve the Zoning Designation; seconded by Councilman Ferguson. A call for discussion was made.***

Councilwoman Martin explained that the City Council is the guardian of its residents and has control over their quality of life. She noted that the zoning designation is not in the best interest of the residents, and as a result, she could not support the proposal.

***The motion carried with six (6) in favor and one (1) in opposition (Martin).***

- B. Reappointments and Appointments
  - o None

## **9. UNFINISHED BUSINESS**

- o None

## **10. CONSENT BUSINESS**

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

- A. Approval: Extension of Tenant Lease Agreement with Central Brevard Art Association, Community Resource Center (City Manager)
- B. Approval: Purchase of Five (5) Police Vehicles (Public Safety Department)
- C. Approval: ESRI Small Municipal and County Government Enterprise License Agreement Renewal (Finance/GIS Division)
- D. Approval: Purchase of Additional Garbage Carts, Recycle Carts, and Lids (Public Works Department)

***The motion was seconded by Councilwoman Martin and passed without objection (7).***

## **11. ITEMS REMOVED FROM CONSENT BUSINESS**

- None

## **12. NEW BUSINESS**

- None

## **13. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

- None

## **14. REPORTS**

### **A. City Manager Report**

- City Manager Fettrow:
  - Reported that Chief Jim Wilson and his wife, Amy, have donated Public Safety Department challenge coins to Councilmembers in honor of the 100<sup>th</sup> birthday of the City's "Grandma" fire engine in 2024.
  - Announced that the City is working with the Rockledge Rotary to install a Peace Pole at Larry Schultz Park. If installed, ten trees would be planted in Africa. Council was in support of the project.

### **B. City Attorney Litigation Report**

- September 2023  
***Councilman Ferguson moved to be in receipt of the City Attorney Litigation Report dated September 5, 2023; seconded by Councilwoman Martin. The motion passed unanimously (7).***

### **C. Reports from the Dais**

- Councilmembers offered comments concerning the decision process that took place earlier in the meeting and thanked those in the audience for attending the meeting, voicing their concerns, and providing their input during the public hearing processes.
- Councilmembers offered complimentary remarks to Councilman Daski and staff on the 9/11 Remembrance Ceremony.
- Councilman Daski noted that the 9/11 Remembrance Ceremony was successful and commented that the event demonstrated that Rockledge is still a tight-knit community.
- Councilman Ferguson:
  - Expressed concerns about the recently enacted Live Local Act and the potential effect that it could have in Rockledge.

- Is currently serving as Chair on the Space Coast League of Cities Nominating Committee and requested that any Councilmembers interested in serving as League Treasurer will need to let him know as soon as possible, as a selection will be made in November.
- Councilman Hartselle:
  - Requested that staff identify green spaces in the area that could be purchased by the City. Mayor Price noted that the City has acquired green space over the years, and generally, grants must be secured to facilitate the purchase, which requires a formal plan to be submitted.
  - Attended the Florida League of Cities Legislative Policy Committee meeting and noted that PFAS continues to be mentioned and will likely need to be addressed by the City in the future.
- Councilman Cadore recognized Suicide Prevention Month as well as Cancer Awareness Month and shared that Eastern Florida State College will be hosting a symposium.
- Councilman Forester announced that the City's "Grandma" fire engine will be turning 100 next year.

**15.ADJOURN**

There being no further business to come before the Council, Chairman Price declared the meeting to be adjourned at 9:26 p.m.

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**Council Chairman**

**ATTEST:** \_\_\_\_\_  
**City Clerk**