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# ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

WEDNESDAY, NOVEMBER 1, 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, November 1, 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
	Joseph E. Miniclier	City Attorney
	Dr. Brenda Fettrow	City Manager
	Jennifer M. LeVasseur	City Clerk & Public Relations Officer
<b>ABSENT:</b>	Ted J. Hartselle	Councilmember, Seat #6
<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
	Donna Seyferth	Deputy Chief of Police

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 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 October 18, 2023

***Councilwoman Martin moved for acceptance of the minutes of the regular meeting on October 18, 2023; seconded by Councilman Cadore. The motion carried unanimously (6).***

#### 5. PRESENTATIONS

- None

#### 6. FINANCIAL / BUDGET REPORT

- None

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

##### A. Public Hearing

& Resolution: Adopting an Inventory List Identifying City Property Deemed Appropriate for Use as Potential Affordable Housing

Mayor Price noted that this item is a result of a State mandate. City Manager Fettrow explained that Florida Statutes now require that the City adopt this list to be compliant with the law. She reported that a revised list was provided at each seat, and said list will be posted on the website once adopted.

At 6:02 p.m., Chairman Price opened the public hearing.

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

***Councilman Daski offered a Resolution entitled "A RESOLUTION OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, ADOPTING AN INVENTORY LIST IDENTIFYING CITY PROPERTY DEEMED APPROPRIATE FOR USE AS POTENTIAL AFFORDABLE HOUSING PURSUANT TO AND AS MANDATED BY SECTION 166.0451, FLORIDA STATUTES; AND ESTABLISHING AN EFFECTIVE DATE" and moved to read the Resolution by title only; seconded by Councilwoman Martin. The motion passed by unanimous vote (6).***

City Attorney Miniclier read aloud the title of the Resolution.

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

- ##### B. Ordinance: First Reading, Amending Fiscal Year 2022-2023 General Fund Budget

***Councilwoman Martin offered an Ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE NO. 1857-2022 OF SAID CITY TO REVISE AND AMEND***

IN CERTAIN RESPECTS THE GENERAL FUND BUDGET OF THE CITY OF ROCKLEDGE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN LIGHT OF CHANGED CIRCUMSTANCES SINCE THE TIME OF THE ADOPTION OF 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 first reading of the Ordinance by title only; seconded by Councilman Cadore. The motion carried unanimously (6).**

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 November 15, 2023; seconded by Councilman Cadore. The motion carried by unanimous vote (6).**

- C. Ordinance: First Reading, Amending Fiscal Year 2022-2023 American Rescue Plan Act Fund Budget

**Councilman Ferguson offered an Ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE NO. 1859-2022 OF SAID CITY TO REVISE AND AMEND IN CERTAIN RESPECTS THE AMERICAN RESCUE PLAN ACT FUND BUDGET OF THE CITY OF ROCKLEDGE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN LIGHT OF CHANGED CIRCUMSTANCES SINCE THE TIME OF THE ADOPTION OF 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 first reading of the Ordinance by title only; seconded by Councilwoman Martin. The motion carried unanimously (6).**

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

**Councilman Ferguson moved to authorize publication and a public hearing to be held on November 15, 2023; seconded by Councilwoman Martin. The motion carried by unanimous vote (6).**

- D. Ordinance: First Reading, Amending Fiscal Year 2022-2023 Wastewater System Fund Budget

**Councilman Daski offered an Ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE NO. 1860-2022 OF SAID CITY TO REVISE AND AMEND IN CERTAIN RESPECTS THE WASTEWATER SYSTEM FUND BUDGET OF THE CITY OF ROCKLEDGE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN LIGHT**

OF CHANGED CIRCUMSTANCES SINCE THE TIME OF THE ADOPTION OF 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 first reading of the Ordinance by title only; seconded by Councilwoman Martin. The motion carried unanimously (6).**

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

**Councilman Daski moved to authorize publication and a public hearing to be held on November 15, 2023; seconded by Councilwoman Martin. The motion carried by unanimous vote (6).**

- E. Ordinance: First Reading, Amending Fiscal Year 2022-2023 Building Department Fund Budget

**Councilman Ferguson offered an Ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE NO. 1864-2022 OF SAID CITY TO REVISE AND AMEND IN CERTAIN RESPECTS THE BUILDING DEPARTMENT FUND BUDGET OF THE CITY OF ROCKLEDGE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN LIGHT OF CHANGED CIRCUMSTANCES SINCE THE TIME OF THE ADOPTION OF 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 first reading of the Ordinance by title only; seconded by Councilwoman Martin. The motion carried unanimously (6).**

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

**Councilman Ferguson moved to authorize publication and a public hearing to be held on November 15, 2023; seconded by Councilwoman Martin. The motion carried by unanimous vote (6).**

## **8. REPORTS FROM BOARDS AND COMMITTEES**

- None

## **9. UNFINISHED BUSINESS**

- None

## 10. CONSENT BUSINESS

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

- A. Approval: Extension of Debris Removal and Tree Trimming Contracts (Public Works Department)
- B. Approval: Declaration of Surplus Property and Authorization to Sell or Scrap Said Property, Police Vehicles (Public Safety Department)
- C. Approval: Declaration of Surplus Property and Authorization to Sell or Scrap Said Property, Fire Engine (Public Safety Department)

***The motion was seconded by Councilwoman Martin and passed without objection (6).***

## 11. ITEMS REMOVED FROM CONSENT BUSINESS

- o None

## 12. NEW BUSINESS

- o None

## 13. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

- o Sheryl Arrich, 115 Valencia Road, explained that a large shared tree on her property's boundary was recently cut down by the neighboring property owner despite Ms. Arrich's objections. She explained that Florida Statutes prohibit the removal of the shared tree. Ms. Arrich reported that the City was aware of the situation and allowed the tree to be removed illegally. She voiced concerns about the fate of her home without the protection of the tree. Ms. Arrich stated that an application was submitted to the Building Department and approved after the fact. Planning Director Cooper explained that the City does not require a permit to remove the tree; however, the City does require an application to verify that four trees will remain and/or will be planted on the property.

Ms. Arrich asserted that the individual who provided a letter to the City explaining that the tree was sick was not a certified arborist. Planning Director Cooper clarified that the City has not received a letter from a certified arborist with contrary information, nor has the City received a survey indicating that the tree is on Ms. Arrich's property.

Ms. Arrich reiterated that the individual who submitted the application to the City was not the property owner. She explained that she spoke with Code Enforcement Officer McDonald and felt that Code Enforcement Officer McDonald provided her with misleading information over the phone.

Mayor Price explained that this is a civil matter and advised Ms. Arrich that she may wish to consult with City Manager Fettrow and Planning Director Cooper for further information.

- Richard Glenn, 1049 Rockledge Drive, explained that the City's application for tree removal implies that a permit is being issued. He disputed the assertions that the provided survey showed the tree as being on the applicant's property. He encouraged the City to tighten up their tree removal application process and possibly improve the City's tree Ordinance to offer greater protections for certain types of trees and remedy these types of issues in the future.
- Doug Williams, 107 Valencia Road, agreed that this issue is predominantly a civil matter. He explained that this process was handled by the applicant in a less than honest matter. Mr. Williams questioned how the application was approved on a Tuesday when the cutting occurred the Monday prior. He questioned what penalties could be imposed for beginning work prior to the application being filed.

Planning Director Cooper explained that because permits are not required for removal of trees, there are no penalties.

- Ms. Arrich reiterated that her question to Code Enforcement Officer McDonald did not center around a permit, but rather, she expressed concerns that the tree that she partially owned was removed without her permission.

The City Council discussed the situation at hand and agreed that staff should review the tree removal application process.

## **14. REPORTS**

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

- City Manager Fettrow:
  - Reminded Councilmembers that City Hall will serve as a voting precinct on November 7<sup>th</sup>.
  - Announced that City offices will be closed on Friday, November 10<sup>th</sup> for Veterans Day and noted that City Hall will be tented for termites over the holiday weekend.
  - Reminded Councilmembers of the upcoming Space Coast League of Cities meeting on Monday, November 13<sup>th</sup> in Titusville.

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

- None

### C. Reports from the Dais

- Councilwoman Martin:
  - Attended the Brevard NAACP Freedom Fund Banquet in Mims with Councilman Cadore.
  - Attended the Michael C. Blake subdivision groundbreaking in Cocoa with Councilman Cadore.
  - Announced that the Cocoa High School vs. Rockledge High School football game will be held on Friday, November 3<sup>rd</sup> at McLarty Stadium.
- Councilman Ferguson:
  - Reminded Councilmembers that a new treasurer will be appointed at the next Space Coast League of Cities meeting.
  - Recognized former Rockledge High School teacher Skip Arrich in the audience.
- Councilman Cadore:
  - Thanked citizens in the audience for attending the meeting and expressing their concerns.
  - Explained that he will be the keynote speaker at the 33<sup>rd</sup> Brevard County Post-Acute and Long-Term Care Symposium on November 15<sup>th</sup>.
  - Announced that Eastern Florida State College will be hosting its Bridge to Success event on December 1<sup>st</sup>.
  - Asked everybody to keep Councilman Hartselle in their thoughts and prayers.

### 15. ADJOURN

There being no further business to come before the Council, Chairman Price declared the meeting to be adjourned at 6:52 p.m.

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**Council Chairman**

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