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## ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, December 20, 2017 – 6:00 p.m.

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### 1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on Wednesday, December 20, 2017, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

PRESENT:	Thomas J. Price	Mayor
	Dr. Joe Lee Smith	Councilmember, Seat #1
	Dr. R. Shaun Ferguson	Councilmember, Seat #2
	Sammie Brown Martin	Councilmember, Seat #3
	Frank T. Forester	Councilmember, Seat #4
	Duane A. Daski	Councilmember, Seat #5
	Ted J. Hartselle	Councilmember, Seat #6
	Joseph E. Miniclier	City Attorney
	Dr. Brenda Fettrow	City Manager
	Lisa C. Nicholas	Public Relations Officer & City Clerk

STAFF PRESENT:	Dennis Clements	Building Official
	Stephen H. Wilson	Community Advocate
	Matthew Trine	Finance Director
	Timothy Matson	Fire Chief
	Alexandra Bernard	Planning Director
	Joseph P. LaSata	Public Safety Director/Chief of Police
	C. Kenneth Poole	Public Works Director
	Brian Smith	Wastewater Treatment & Water Reclamation Assistant Director

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

### 2. INVOCATION

- At the invitation of Councilman Ferguson, the invocation was given by Pastor Randy “Cole” Sims.

### 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 December 6, 2017

*Councilman Ferguson moved to approve the minutes of the regular meeting on Wednesday, December 6, 2017; seconded by Councilman Daski. The motion carried unanimously (7).*

5. PRESENTATIONS

A. Mayor Price

1. 2017 Holiday Decoration Awards

a) Residential – Contemporary Category

Mayor Price recognized Byron and Rebecca Whiteman, whose home at 879 Evergreen Place was selected by The Rockledge Environmental Enhancement (T.R.E.E.) Board to receive the award for holiday home decorations in the Contemporary Category. Mr. and Mrs. Whiteman accepted the Certificate of Award and a 2017 Rockledge limited edition town ornament from Mayor Price and T.R.E.E. Board Chair Pamela Shoemaker.

b) Residential – Traditional Category

Mayor Price recognized John and Jean Hoag, whose home at 938 Kings Post Road was selected by The Rockledge Environmental Enhancement (T.R.E.E.) Board to receive the award for holiday home decorations in the Traditional Category. John and Jean Hoag accepted the Certificate of Award and a 2017 Rockledge limited edition town ornament from Mayor Price and T.R.E.E. Board Chair Pamela Shoemaker.

c) Commercial

Mayor Price recognized Mr. John Rensing, whose facility, Renco Electronics at 595 International Place, was selected by The Rockledge Environmental Enhancement (T.R.E.E.) Board to receive the award for holiday business decorations. Mr. Rensing accepted the Certificate of Award and a 2017 Rockledge limited edition town ornament from Mayor Price and T.R.E.E. Board Chair Pamela Shoemaker.

2. Special Recognition

a) 45 Years of Service to Brevard Public Schools, Principal Richard C. Myers, John F. Kennedy Middle School

Mayor Price invited Kennedy Middle School Principal Richard C. Myers to the podium and congratulated him on 45 years of dutiful service to Brevard Public Schools, more than the last 20 of which have been spent as principal at Kennedy Middle School. Mayor Price presented Mr. Myers with a Certificate of Commendation and a City pin and noted that he will retire on January 5, 2018. Council expressed congratulations and gratitude for Mr. Myers' long-time service.

b) Successful Completion of Institute for Elected Municipal Officials (IEMO), Councilman Shaun Ferguson

Mayor Price invited Councilman Ferguson to the podium and congratulated him for the successful completion of the Florida League of Cities Institute for Elected Municipal Officials (IEMO) and presented him

with a Certificate of Completion. Members of Council expressed congratulations.

3. Proclamation

- a) Commemorating the 100<sup>th</sup> Anniversary of the Old St. Mary's Church, 56 Barton Avenue

Mayor Price read aloud a Proclamation commemorating the 100<sup>th</sup> Anniversary of the Old St. Mary's Church at 56 Barton Avenue and noted the historical significance of the structure, which is owned by the City and now serves as a venue for weddings, anniversary parties and a variety of other gatherings.

6. FINANCIAL / BUDGET REPORT

- Month of November 2017

*Councilman Smith moved to be in receipt of the Financial/Budget Report for the month of November 2017; seconded by Councilman Hartselle. The motion passed by unanimous vote (7).*

7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

- A. Ordinance: Second Reading and Public Hearing, Ordinance No. 1726-2017  
Creating a New Chapter 22 of the Rockledge Code of Ordinances  
to Establish Locational Requirements Regarding Cannabis  
Dispensing Facilities in the City of Rockledge

*Councilman Daski offered Ordinance No. 1726-2017 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, CREATING A NEW CHAPTER 22 OF THE ROCKLEDGE CODE OF ORDINANCES TO ESTABLISH LOCATIONAL REQUIREMENTS AND OTHER MATTERS CONCERNING CANNABIS DISPENSING FACILITIES; 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 Forester. 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 Forester. Voting for the motion: Mayor Price and Councilmembers Smith, Ferguson, Martin, Forester, Daski and Hartselle. The motion carried by unanimous vote (7).*

- B. Ordinance: Second Reading and Public Hearing, Ordinance No. 1727-2017  
Creating a New Section 89.50 "Cannabis Dispensing Facilities" in  
the Rockledge Land Development Regulations

***Councilman Ferguson offered Ordinance No. 1727-2017 entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, CREATING A NEW SECTION 89.50 “CANNABIS DISPENSING FACILITIES” IN THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS TO ESTABLISH REASONABLE AND UNIFIED REGULATIONS FOR SUCH ESTABLISHMENTS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE DO NOT AUTHORIZE ANY OTHER TYPES OF CANNABIS DISPENSING FACILITIES, BUSINESS OF OTHER CANNABIS FACILITIES EXCEPT AS AUTHORIZED EXPLICITLY BY CHAPTER 22 OF THE ROCKLEDGE CODE OF ORDINANCES AND THIS ORDINANCE; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES”, and moved for the second reading of the ordinance by title only and to open the matter for public hearing; seconded by Councilman Forester. The motion carried by unanimous vote (7).***

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

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

C. Ordinance: First Reading, Amending the Parking, Stopping and Standing Ordinance

***Councilman Daski offered an ordinance entitled “AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE III OF THE ROCKLEDGE CODE OF ORDINANCES BY ADDING AND CLARIFYING DEFINITIONS; ADDING THE ROCKLEDGE CODE ENFORCEMENT OFFICER AS A PERSON OF AUTHORITY TO ISSUE CITATIONS; INCREASING FINES FOR PARKING VIOLATIONS TO \$40.00; CLARIFYING PROCEDURES FOR PROCESSING AND PAYING FINES RELATING TO PARKING, STOPPING AND STANDING VIOLATIONS; 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 Forester. The motion carried unanimously (7).***

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 January 17, 2018; seconded by Councilman Forester. The motion carried by unanimous vote (7).***

D. Resolution: Providing for the Expedited Reconstruction of Fire Station No. 2

*Councilman Daski offered a Resolution entitled “A RESOLUTION OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, DECLARING THAT THERE IS A PUBLIC SAFETY EMERGENCY DUE TO THE DESTRUCTION OF FIRE STATION “2” BY HURRICANE IRMA; DUE TO THE EMERGENCY ALL STEPS NECESSARY TO REPLACE THE LOST PUBLIC SAFETY COVERAGE MUST BE EXPEDITIOUSLY INSTITUTED; DIRECTING STAFF TO TAKE IMMEDIATE MEASURES TO FACILITATE THE REPLACEMENT OF THE LOST FIRE STATION” and moved to waive the reading and adopt the resolution; seconded by Councilman Forester. Voting for the motion: Mayor Price and Councilmembers Smith, Ferguson, Martin, Forester, Daski, and Hartselle. The motion passed by unanimous vote (7).*

8. REPORTS FROM BOARDS AND COMMITTEES

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

- Business Development Committee, Record of Site Visit, November 28, 2017
- Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on November 29, 2017
- Council Administrative, Personnel and Community Relations Committee, Minutes of Meeting on December 6, 2017
- The Rockledge Environmental Enhancement (T.R.E.E.) Board, Minutes of Meeting on December 7, 2017

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

A. Business Development Committee, Record of Site Visit, November 28, 2017

B. Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on November 29, 2017

1. Recommendation: Approval of Community Redevelopment Agency Chairman and Vice Chairman for Calendar Year 2018

....recommend to Council approval of the selection of Chairman and Vice Chairman for the Community Redevelopment Agency Board of Commissioners for Calendar Year 2018....

Section 163.356(3)(c), Florida Statutes, sets forth that the governing body of a community redevelopment agency must approve the redevelopment agency’s recommendation for a chair and vice chair for the Agency Board. At the Agency’s meeting on November 29, 2017, Commissioner Steve Lum was selected to be the Chairman; Ed Inman was selected to be the Vice Chairman.

*Councilman Forester moved to approve the recommendation of the Community Redevelopment Agency Board of Commissioners and to approve Steve Lum as Chairman and Ed Inman as Vice Chairman for the Calendar Year 2018; seconded by Councilman Hartselle. The motion passed without objection (7).*

C. Council Administrative, Personnel and Community Relations Committee, Minutes of Meeting on December 6, 2017

D. The Rockledge Environmental Enhancement (T.R.E.E.) Board, Minutes of Meeting on December 7, 2017

E. Reappointments and Appointments

1. Reappointments

- None

2. Appointments

- John Mulkey, Fire Employees Retirement Board, Legal Resident Member Position

City Clerk Nicholas explained that, currently, one of the legal resident member positions on the Fire Employees Retirement Board is vacant and has been vacant for some time. This position is filled by appointment of City Council. One application has been received from Mr. John Mulkey.

***Councilman Daski moved to appoint John Mulkey by acclamation to the Fire Employees Retirement Board; seconded by Councilman Ferguson. The motion passed without objection (7).***

9. UNFINISHED BUSINESS

A. Action Item: Review of Draft Contract, W & J Construction, Fire Station No. 2 (Department of Public Safety/City Manager)

City Manager Fettrow indicated that, at its meeting on December 6, 2017, City Council unanimously authorized staff to piggyback on the existing Continuing Construction Manager At-Risk (CM at Risk) Services Agreement that is in place with Brevard County and W & J Construction and to negotiate contract terms specific to the reconstruction of Fire Station No. 2 to be brought back before Council at a subsequent meeting. Said contract is before Council for review and discussion.

***Councilman Ferguson moved to approve the construction contract with W & J Construction for the expedited reconstruction of Fire Station No. 2; seconded by Councilman Daski. The motion passed by unanimous vote (7).***

10. CONSENT BUSINESS

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

- A. Approval: Declaration of Surplus Property and Subsequent Sale of Said Property, Legally Impounded Vehicles (Department of Public Safety)
- B. Approval: Purchase of Four-Wheel Drive Vehicles (Wastewater Treatment Department)
- C. Approval: Renewal of Agreement for Calibration and Maintenance of Wastewater Treatment Facility's Instrumentation Devices, Paralee Company, Inc. (Wastewater Treatment Department)

- D. Approval: Agreement with Parrish Medical Center for Occupational Health Services (City Manager)
- E. Approval: Declaration of Surplus Property and Subsequent Donation of Said Property, Abandoned Bicycles (Department of Public Safety)
- F. Approval: Declaration of Surplus Property and Subsequent Sale of Said Property, Xbox One Gaming Console (Department of Public Safety)

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

11. NEW BUSINESS

- None scheduled

At this time, Mayor Price displayed a plaque that was received from Eastern Florida State College for the City's donation of a 1997 Southern Coach Pumper in March 2017 to the College's Fire Training Center.

12. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS

- None

13. REPORTS

A. City Manager Reports

- City Manager Fettrow:
  - Requested input from Council with regard to next year's holiday parade. At an upcoming debriefing, the County will be seeking feedback as to whether the parade should continue to be held in the evening or be rescheduled to take place during the day. There was consensus that Council would prefer the parade be held during the day; the information will be shared with the County.
  - Reported that the Florida League of Cities Legislative Action Days will take place on January 30 and 31, 2018, in Tallahassee; a motion is required to authorize travel.

*Councilman Hartselle moved to authorize travel to the Florida League of Cities Legislative Action Days in Tallahassee for the City Manager and those Council members interested in attending; seconded by Councilman Forester. The motion passed without objection (7).*

- Expressed appreciation for the positive comments received during her evaluation meetings and noted that a shell document will come before Council in January, and, if approved, the Mayor will distribute to each Council member for completion. Scores will then be tabulated and brought back to Council to finalize the evaluation process.

B. City Attorney Litigation Report

- Month of December 2017

*Councilman Daski moved to be in receipt of the City Attorney Litigation Report dated December 1, 2017; seconded by Councilman Forester. The motion passed unanimously (7).*

City Attorney Miniclier indicated that a Joint Participation Agreement (JPA) had been in place between the City and Brevard County prior to the start of the Barnes Boulevard widening project. The JPA has since expired, and there is some ambiguity with regard to the parties responsible for the continued maintenance of the widened portion of the roadway when construction is completed. A section of Barnes Boulevard, from east of Murrell Road to U.S. Highway 1, was not part of the widening project, and this portion should remain under the jurisdiction of the County. It is probable that an amendment to the original JPA will be coming before Council in order to clarify the maintenance responsibilities of the City and of the County.

C. Reports from the Dais

- Councilman Hartselle reported that he received a Presidential Fellowship Award from Kiwanis.
- Councilwoman Martin noted that she was assigned to read *100 Years of Rockledge*, which she did and reported on some of the book's highlights.
- Councilman Smith congratulated everyone that received an award or recognition at this evening's meeting, including the Old St. Mary's Church.
- Councilman Ferguson stated that he had a wonderful time at the Cocoa-Rockledge Holiday Parade and reported that a training session, Law Enforcement 101, was being held at Faith Temple this evening at 7:00 p.m.
- Councilman Daski reported that he was invited to and attended the Institute for Elected Municipal Officials (IEMO) IV on December 7 and 8.
- Councilman Forester expressed appreciation to the City Manager and Staff and also conveyed his gratitude to Mr. Myers.

14. ADJOURN

There being no further business to come before the Council, Chairman Price declared the meeting to be adjourned at 7:04 p.m.

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Council Chairman

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