
ROCKLEDGE CITY COUNCIL REGULAR MEETING MINUTES

WEDNESDAY, MARCH 16, 2022 ♦ 6:00 P.M.

1. CALL TO ORDER / ROLL CALL

The Rockledge City Council met in regular session on March 16, 2022, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

PRESENT:	Thomas J. Price	Mayor
	Dr. R. Shaun Ferguson	Councilmember, Seat #2
	Sammie Brown Martin	Councilmember, Seat #3
	Frank T. Forester	Councilmember, Seat #4
	Duane A. Daski	Councilmember, Seat #5
	Ted J. Hartselle	Councilmember, Seat #6
	Joseph E. Miniclier	City Attorney
	Dr. Brenda Fettrow	City Manager
	Jennifer M. LeVasseur	City Clerk & Public Relations Officer
ABSENT:	Michael Cadore	Councilmember, Seat #1
STAFF PRESENT:	Matthew Trine	Assistant City Manager & Finance Director
	John Cooper	Planning Director
	Joseph P. LaSata	Public Safety Director/Chief of Police
	James Elmore	Wastewater Treatment & Water Reclamation Director
	Donna Seyferth	Deputy Chief of Police
	Tricia Olsson	Deputy City Clerk

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

2. INVOCATION

- 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

- Regular Meeting on February 16, 2022

Councilman Daski moved to approve the minutes of the regular meeting on February 16, 2022; seconded by Councilwoman Martin. The motion carried unanimously (6).

5. PRESENTATIONS

A. Mayor Price

1. Mayoral Proclamation

a. Government Finance Professionals Week

Mayor Price read aloud a Proclamation recognizing March 14-18, 2022 as Government Finance Professionals Week. The Proclamation was presented to government finance professionals and accepted by Assistant City Manager & Finance Director Trine.

B. Noelle Nickerson, Rockledge High School

1. Second Annual Raider Pride Golf Classic

Noelle Nickerson and Mel Mitchell III, Rockledge Raider Alumni Association, announced the Second Annual Raider Pride Golf Classic on June 4, 2022 and shared with Council the initiatives and projects that have been completed and are projected to be completed with monies collected through various fundraisers, including the golf tournament.

C. Carr, Riggs & Ingram, CPAs and Advisors

1. Auditors' Report on the Financial Status of the City

Christine Noll-Rhan, Partner, Carr, Riggs & Ingram, CPAs and Advisors, Melbourne, presented the results of the audit and provided a report on the positive financial status of the City.

Councilman Daski moved to be in receipt of the audit; seconded by Councilwoman Martin. The motion passed without objection (6).

6. FINANCIAL / BUDGET REPORT

- February 2022

Councilman Ferguson moved to be in receipt of the Financial/Budget Report for the month of February 2022; seconded by Councilwoman Martin. The motion passed by unanimous vote (6).

7. PUBLIC HEARINGS / ORDINANCES / RESOLUTIONS

- A. Ordinance: Second Reading and Public Hearing, Ordinance No. 1851-2022, Amending the Rockledge Comprehensive

Plan by Deleting and Replacing Chapter 9 – Capital
Improvements Element

Councilman Daski offered Ordinance No. 1851-2022 entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING THE PROVISIONS OF THE ROCKLEDGE COMPREHENSIVE PLAN, CHAPTER 9 – CAPITAL IMPROVEMENTS ELEMENT BY DELETING SAME AND REPLACING IT WITH A REVISED CHAPTER 9 – CAPITAL IMPROVEMENTS ELEMENT IN THE ROCKLEDGE COMPREHENSIVE PLAN; DECLARING THAT INVALIDITY OF ANY PORTIONS 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 (6).

City Attorney Miniclier read aloud the title of the Ordinance for the second reading. Chairman Price declared the matter open to the public for discussion.

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

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

- B. Ordinance: First Reading, Amending the Rockledge Land Development Regulations, Part II – Administrative, by Deleting and Replacing Sections 21.00 through 26.00

Councilman Ferguson offered an Ordinance entitled "AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING "PART II ADMINISTRATIVE" OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS, SECTIONS 21.00 THROUGH 26.00 BY DELETING SAME IN ITS ENTIRETY AND REPLACING IT WITH A NEW "PART II ADMINISTRATIVE" SECTIONS 21.00 THROUGH 26.00 TO UPDATE NUMEROUS ITEMS THEREIN; 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 Hartselle. 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 April 6, 2022; seconded by Councilwoman Martin. The motion carried by unanimous vote (6).

8. REPORTS FROM BOARDS AND COMMITTEES

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

- Police Employees' Retirement Board, Minutes of Special Meeting on January 28, 2022
- Police Employees' Retirement Board, Minutes of Meeting on February 4, 2022
- Council Finance and Budget Committee, Minutes of Meeting on February 16, 2022
- Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on February 23, 2022
- Student Advisory Committee, Minutes of Meeting on March 1, 2022
- Planning Commission, Minutes of Meeting on March 1, 2022

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

- A. Police Employees' Retirement Board, Minutes of Special Meeting on January 28, 2022 (no recommendation)
- B. Police Employees' Retirement Board, Minutes of Meeting on February 4, 2022 (no recommendation)
- C. Council Finance and Budget Committee, Minutes of Meeting on February 16, 2022

1. Recommendation: Approval of Proposed Budget Meeting Calendar for Fiscal Year 2022-2023

...recommend approval of the Fiscal Year 2022-2023 Budget Calendar to City Council...

Councilman Daski moved to approve the recommendation as presented; seconded by Councilwoman Martin. The motion carried without objection (6).

- D. Community Redevelopment Agency Board of Commissioners, Minutes of Meeting on February 23, 2022 (no recommendation)
- E. Student Advisory Committee, Minutes of Meeting on March 1, 2022 (no recommendation)

F. Planning Commission, Minutes of Meeting on March 1, 2022

1. Recommendation: Denial of Rezoning of 1029 Florida Avenue (ZDA-22-01) from C-2 (General Commercial) to RMU (Redevelopment Mixed Use)

...recommend denial of the rezoning of 1029 Florida Avenue (ZDA-22-01) from C-2 to RMU and to forward the recommendation to City Council...

Councilwoman Martin moved to accept the recommendation and to open the matter for public hearing; seconded by Councilman Ferguson. The motion passed by unanimous vote (6).

a. Public Hearing

Chairman Price declared the matter open for public hearing.

Praveen Idiculla (Applicant Agent), 1059 Jacaranda Circle, presented an overview of the application and the subject property. Mr. Idiculla provided information disputing the reasons for denial by the Planning Commission.

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

Planning Director Cooper clarified that the Zoning Map and Future Land Use Map (FLUM) are separate and distinct, and existing uses are permitted to continue existing as a nonconforming use regardless of the changes; however, property owners would have to comply with future land use requirements if the use was changed. He further explained that this application was received by the Planning Division and evaluated by staff. It was determined that the requested rezoning would create identifiable spot zoning, which is prohibited and not compatible with the Comprehensive Plan. Further, the applicant expressed the desire to have two uses on the property, with one being residential. Planning Director Cooper reiterated that the application as presented is not compatible with the area. Mayor Price countered that the Redevelopment Mixed Use (RMU) zoning classification encourages creativity, which has been a goal of the Agency.

Council raised concerns about limited parking options and ingress/egress. Planning Director Cooper clarified that the presence of the existing building prohibits the applicant from establishing a multi-family use.

Councilman Ferguson moved to deny the zoning district amendment (ZDA-22-01) from C-2 to RMU; seconded by

Councilwoman Martin. The motion carried with a vote of five (5) in favor (Councilmembers Ferguson, Martin, Forester, Daski and Hartselle) and one (1) in opposition (Mayor Price).

2. Recommendation: Approval of Preliminary Development Plan and Rezoning of Parcel ID 25-36-05-00-252 (ZDA-22-02) from R-2 (Single-Family Dwelling) to PUD (Planned Unit Development)

...recommend approval of the preliminary development plan and rezoning (ZDA-22-02) from R-2 to PUD and to forward the recommendation to City Council...

Councilman Daski moved to accept the recommendation and to open the matter for public hearing; seconded by Councilwoman Martin. The motion passed by unanimous vote (6).

Planning Director Cooper provided an overview of the application and explained that the applicant desires to rezone the subject property to PUD, and a development plan has been submitted for single-family residences. He reiterated that the applicant, by right, has the ability to develop up to 190 single family residences without rezoning the property to Planned Unit Development (PUD). The conceptual layout was provided to Council for review. Planning Director Cooper clarified that the plan takes into consideration the required radius for the eagle's nest that's present on the property, and environmental studies, traffic studies as well as utility needs would be addressed during the development approval process. Further, the State legislature enacted a law requiring government entities to adopt a Property Rights Element in their Comprehensive Plans, which further preserves the rights of the property owner to develop privately owned land.

a. Public Hearing

Chairman Price declared the matter open for public hearing.

David Bassford (Applicant Representative), MBV Engineering, 1250 W. Eau Gallie Boulevard, Melbourne, offered to respond to any questions after the public hearing.

Anna-May Smith, 1881 Barrington Circle, relayed drainage and erosion concerns in the surrounding areas. She requested that a moratorium be placed on development in this area until drainage issues are addressed and a remediation plan is established.

Bill DeBusk, 2674 Tuscarora Court, West Melbourne, spoke on behalf of the Turtle Coast Sierra Club Group and encouraged the City to maintain as many trees as possible due to their various benefits to

the environment and residents. Further, he requested that fill dirt not be placed in the eagle protection zone and that the protection zone be permanent, even if the nest appears to be abandoned in the future. Mr. DeBusk also suggested that the City adopt a tree preservation Ordinance, which would include preservation of tree canopy areas.

Kathleen Davies, 1300 St. Andrews Drive, echoed concerns from previous speakers and shared her sadness in seeing the City so rapidly developed. She encouraged the City to implement restrictions so that wooded areas are preserved as much as possible.

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

Mayor Price reiterated that the Property Rights Element preserves the rights of the property owners, and the City could not implement a moratorium on building. He explained that the City has strict drainage codes, and much work has been done over the years to improve and maintain drainage conditions.

Councilman Hartselle noted that the Florida Department of Environmental Protection offers the Florida Forever conservation program and encouraged staff to research this option for preservation of green spaces.

Councilman Forester explained that much of the City's zoning classification has been in existence for over 40 – 50 years, and the City cannot prohibit property owners from developing their land within the legal boundaries to do so; however, staff can work with developers to create a development plan within the constraints of City code that is in the best interest of the property owner as well as to the city.

Councilwoman Martin reported that Marlin Manor and Virginia Park have had drainage issues for years and expressed concerns about existing drainage problems and traffic/travel dangers on Pluckebaum Road. Planning Director Cooper confirmed that the concerns raised would all be thoroughly addressed during the site plan approval process.

Councilwoman Martin moved to approve the preliminary development plan and zoning district amendment (ZDA-22-02) from R-2 to PUD and to authorize the City Attorney to draft the requisite Ordinance; seconded by Councilman Daski. The motion carried without objection (6).

3. Recommendation: Land Development Regulation Update, Section 62.122(c)(15) – Uses, Special Exception, Mini-Warehouses

...approve the proposed changes to the Land Development Regulations and to forward the recommendation to City Council...

Councilman Daski moved to approve the recommendation and to authorize the City Attorney to draft the requisite Ordinance; seconded by Councilwoman Martin. The motion passed by unanimous vote (6).

G. Reappointments and Appointments

- o None

At 7:36 p.m., Chairman Price called for a brief recess. The meeting reconvened at 7:44 p.m.

9. UNFINISHED BUSINESS

- o None

10. CONSENT BUSINESS

Councilman Daski moved for approval of these consent business items:

- A. Approval: Ratification of Council Action on February 16, 2022; Federal Emergency Management Agency (FEMA), Fire Station Hardening Grant Agreement (City Manager)
- B. Approval: Replacement of Air Conditioning System at Community Resource Center, Merritt Island Air & Heat, Inc. (Public Works Department)
- C. Approval: Renewal of Continuing Services Agreements, Construction Utilities Services (Public Works and Wastewater Treatment Departments)
- D. Approval: Construction Administration Services Proposal for Flow Equalization Basin/Bio-Solids Project, Tetra Tech (Wastewater Treatment Department)
- E. Approval: Authorization to Award Quote and Enter into Agreement for Pest Control Services, Sunstate Pest Management Company (Public Works Department)
- F. Approval: Award of Quote for Pines Industrial Force Main Installation, CK Contractors & Development (Wastewater Treatment Department)

- G. Approval: Award of Quote for Northeast Force Main Reroute, CK Contractors & Development (Wastewater Treatment Department)

The motion was seconded by Councilman Ferguson and passed by unanimous vote (6).

11. ITEMS REMOVED FROM CONSENT BUSINESS

- None

12. NEW BUSINESS

- A. Action Item: City Manager Annual Performance Evaluation

Mayor Price thanked Councilmembers for completing the City Manager performance evaluations and noted that Dr. Fettrow received an overall job performance of 4.97 out of a possible 5.0, which equates to a rating of "Superior."

Councilman Daski moved to accept the City Manager Annual Performance Evaluation; seconded by Councilwoman Martin. The motion passed unanimously (6).

- B. Action Item: Award of Proposal for City-Wide Janitorial Services (City Manager)

City Manager Fettrow reported that proposals were solicited for janitorial services. Nine proposals were received, and an internal committee evaluated each proposal and rated them independently through a scoring system. Through that evaluation, Ichiban Cleaning achieved the highest score.

Councilman Ferguson moved to award the janitorial services proposal to Ichiban Cleaning and to authorize the City Manager to execute a final contract; seconded by Councilman Hartselle. A call for discussion was made.

Councilwoman Martin inquired about contract terms; City Manager Fettrow confirmed that the term would be a 3-year contract with up to two one-year renewals, and the City Attorney would draft the contract.

The motion carried without objection (6).

- C. Action Item: Waiver of Procurement Policy/Procedure and Authorization to Proceed with Owner Direct Purchasing for the Equalization Basin/Bio-Solids Project (Wastewater Treatment Department)

City Manager Fettrow explained that staff has engaged in discussions regarding potential cost savings by implementing Owner Direct

Purchasing (ODP), which would require a waiver of the procurement policy/procedure by Council. The project contractor, L7 Construction, Inc., as well as the Project Engineer concur that the City would see significant savings through ODP. City Manager Fettrow requested that Council waive the policy/procedure and authorize her to execute change orders up to \$5.5 million and to utilize contingency funds of up to \$250,000.00 due to price escalation and equipment charges.

Councilman Daski moved to waive the City's procurement policy/procedure for Owner Direct Purchase post contract award and authorize the City Manager to execute change orders up to \$5.5 million and to utilize contingency funds of up to \$250,000.00 for subsequent change orders; seconded by Councilwoman Martin. The motion carried by unanimous vote (6).

13. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

- Quentin Middleton, 9115 W. Highland Pines Boulevard, Palm Beach Gardens, representative for CK Contractors & Development, requested clarification on the awarded projects. City Manager Fettrow explained that staff will provide further information.

14. REPORTS

A. City Manager Report

- City Manager Fettrow:
 - Reported that the Fiske Boulevard memorial designation for Dr. Martin Luther King, Jr. was passed by the Legislature. She provided an update on the outcomes of several other bills that were of note to municipalities.
 - Thanked Councilmembers for her positive performance evaluation.

B. City Attorney Litigation Report

- Month of March 2022

Councilman Ferguson moved to be in receipt of the City Attorney Litigation Report dated March 7, 2022; seconded by Councilwoman Martin. The motion passed unanimously (6).

City Attorney Miniclier provided an update on cases listed on the report.

C. Reports from the Dais

- Councilwoman Martin:
 - Has been participating in the Mayor's Fitness Challenge and recording her activity minutes.

- Attended Wednesday – Friendsday and the Rockledge Little League Opening Day Ceremony.
- Commended Public Safety Director LaSata for his prompt response to a resident concern.
- Announced that she will be hosting a Good Friday/Easter “Music on the Lawn” event on April 15th from 5:00 p.m. – 7:00 p.m. in the Civic Hub.
- Councilman Ferguson:
 - Offered congratulatory remarks to Dr. Fettrow for her excellent evaluation and to the Finance team for the successful audit.
 - Attended the Space Coast League of Cities dinner meeting on March 14th.
 - Reminded Council of the next Space Coast League of Cities dinner meeting on April 11th in Cape Canaveral.
 - Announced that Faith Temple Christian Center will be hosting an Easter service on April 17th at 11:00 a.m. in the Civic Hub.
- Councilman Hartselle attended the Space Coast League of Cities dinner meeting on March 14th as well as Food Truck Friday on February 25th.
- Councilman Forester gave a presentation to students from St. Mary’s Catholic School as well as to a local cub scout troop.

15. ADJOURN

There being no further business to come before the Council, Chairman Price declared the meeting to be adjourned at 8:00 p.m.

Council Chairman

ATTEST: _____

City Clerk