MINUTES
City of Cocoa
Regular Meeting of The City Council

February 14, 2023

A Regular City Council Meeting was held on Tuesday, February 14, 2023, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Blake called the meeting to order at 6:02 p.m.

Members of Metropolitan Missionary Baptist Church provided the invocation and Mr. Livingston led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Samantha Senger, Director of Communication & Economic Development; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Rob Beach, Chief Technology Officer; Bryant Smith, Public Works Director; Brian Dolan, Fire Inspector; and Lisa Richardson, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of February 14, 2023. (23-82)

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to Amend the agenda for the Regular meeting of February 14, 2023, with the following amendment, to add Council Business Item VII.5 regarding Pinecrest and Evergreen Cemeteries.**

Chief Lamm introduced Brian Dolan as the new Fire Inspector. Chief Lamm provided his background and noted he was also a fire fighter/paramedic. Mr. Dolan thanked Council and looked forward to working with the City.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. **Minutes:** (a) Regular Meeting of September 27, 2022 (23-83)
(b) Regular Meeting of October 25, 2022 (23-84)

* **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to approve the Minutes for the Regular meeting of September 27, 2022 and the Regular meeting of October 25, 2022 as written.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Proclamation: Proclaiming the Month of February, 2023 as "Black History Month". (23-87). (Mayor Blake)

Mayor Blake read the Proclamation into the record.

2. Proclamation: Proclaiming "Stone Funeral Home 100 Years of Service to the City of Cocoa". (23-103). (Councilmember Goins)

Councilmember Goins read the Proclamation into the record. Members of the Stone Family were in attendance to accept the proclamation. Jan Stone thanked the City for their support and noted how grateful they are to serve the City of Cocoa.

IV. Delegations:

Sara Ann Conkling, Cocoa resident, mentioned the upcoming budget season and requested that an emphasis be placed on the elderly and their needs in Cocoa.

She asked for more funding in the home rehabilitation fund and stated that only three to four homes can be done per year due to the waiting list. She was also interested in extending the Route 6 bus service and there are no city parks in District 4. Lastly, she would like a farmer's market where people who shop could double their food stamps and for the fire assessment fee to be lowered. She has a modest home and has a lot of fees.

Councilmember Goins requested that Ms. Conkling reach out to Representative Sirois as well.

J.B. Dennis, National Action Network, spoke about Resolution No. 2018-097 regarding the establishment of the Police Community Relations Advisory Board. A survey was done and most were not aware that this board exists. He asked that this board be advertised like all other City meetings.

Aleck Greenwood, Cocoa resident, talked about the history of Council and that in the mid-1990's he served on Council and the majority of this Council are long term residents of the City. At one time there were four women mayors, and a council group that consisted of three women and two men, and during those times he never witnessed an issue of racism or feminism or lack of it. He shared that what he has seen in the last two years is shocking and hoped that people would think about this. He has seen the bashing of staff members; two apologies have been given and one is still pending. The Mayor has been accused of how he treats women, the attorney does not move fast enough, and now the Fire Chief, Police Chief and City Manager. He asked why this is happening and feels these things need to be addressed.

John Raffaelli, Cocoa resident, advised he was in attendance to praise the powers that be. He just finished a shift at Matthews Hope and Family Promise. He is thankful to live in a City where they are working together to have resources here. He further praised the Police Chief for the new policies and changes that have been put into effect. He encouraged him that if the criticism is not constructive to ignore it.

Theresa Clifton, Brevard Humane Society, invited all to Mardi Gras Paws in the Park on Saturday, February 18th form 10 am until 3 pm. Additionally, they have grant money for the spaying and neutering of cats and dogs. She was happy to see positive things tonight and provided Council with information on the possibility of a dog park in the community. She appreciates the City's support and noted that

it was a great accomplishment for the Stone Funeral Home and their one hundred years of service in Cocoa.

Jackie Isom, Cocoa resident, stated that two years ago she was in a scavenger hunt for Black History Month and there was an area that should have been marked with a plaque for the Richard A. Stone historical district. She pointed out that the address is 121-304 Stone Street, near St. Paul and Mt. Moriah and asked if a plaque could be placed there so that everyone knows where it is located. There are many people in the area who are not aware that it exists.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the FY2023 Budget, BAF 23-040-T, transferring a portion of the SLFRF funds allocated to an IT Server Upgrade (AR4SRV) to another Server Upgrade (AR23SH) and Fiber Ring Improvements (AR4NG), and also transferring allocated funds into the correct SLFRF Capital Account - Infrastructure and IT Hardware. Included in the Budget Amendment, is a Budget Transfer within the General Fund, from a Capital Hardware Account (IT23SH), to a Repairs and Maintenance Operating Account. (23-66). (Chief Information Officer)

2. Approve Amendment #3 of Purchase Agreements to RFQ-17-16-COC, Continuing Service Agreements with DRMP, Inc. and Mead & Hunt, Inc. for Engineering Services for Design, Permitting, and Services During Construction of Utility Conveyance System Upgrades & Expansion. (23-67). (Utilities Director)

3. Approve Danella Construction Corporation of Florida, Inc. and Morse Communications, Inc. as the selected vendors for award of Invitation to Bid ITB# B-23-05-COC, Fiber Optic/Multi-Pair Network Cable, Equipment, Materials, Supplies, Installation, and Maintenance. Authorize the City Manager to execute purchasing contracts with Danella Construction Corporation of Florida, Inc. and Morse Communications, Inc. in response to ITB# B23-05-COC. (23-88). (Chief Technology Officer)

4. Approve a Resolution Waiving the Competitive Bidding Process for the Purpose of Making an Exemption to Competitive Purchase through Barney's Pumps, Lakeland, Florida for two (2) HOMA Submersible Pumps for Lift Stations 17 and

19; Approve Change Order #1 to Purchase Order #80427 with Barney's Pumps. (23-96). (Utilities Director)

5. Approval of the Requested Pay Plan changes for Fiscal Year 2023 and Approve a Resolution Amending the Fiscal Year 2023 Budget, BAF#23-039-A, allocating funds to new Divisions within the Growth and Economic Development Department, from the City Managers Department. (23-101). (Administrative Services Director)

6. Announcement of Mayor Blake, Councilman Goins and Councilwoman Koss to Attend the Legislative Action Days from April 3, 2023 - April 5, 2023. (23-102). (Administrative Services Director)

(B) Multi-Year Contracts:

7. Approve Participation in a Multi-Year Cooperative Purchase Agreement with VacVision Environmental LLC (A Vortex Company) for Manhole Rehabilitation Services Utilizing the HGAC (Houston-Galveston Area Council) National Cooperative Purchasing Contract No. TP07-18 Effective July 1, 2018 through June 29, 2021, Renewed Through June 30, 2023; To Approve a Resolution Amending the FY2023 Budget, BAF No. 23-038-IFT; To Authorize the City Manager to Execute Any Annual Renewal Amendments Under the Original Contract. (23-37). (Utilities Director)

8. Approve a Multi-Year Piggyback Agreement with Insituform Technologies, LLC for Cured in Place Pipe (CIPP) Rehabilitation Services and Sanitary Sewer Mid-Term Cleaning & CCTV Inspections of Main Line Sewers Utilizing the Clay County Utility Authority Bid No. 18/19-A7 effective June 18, 2022 through June 18, 2024; To Authorize the City Manager to Execute Any Annual Renewal Amendments Under the Original Contract. (23-38). (Utilities Director)

9. Approve a Multi-Year Piggyback agreement with PFM Financial Advisors, LLC, Orlando, FL based on Contract No. 22-38BK with the City of Sarasota, FL. Authorize the City Manager to Execute Any Annual Renewal or Amendments. (23-80). (Finance Director)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Consent agenda.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

VII. Council Business:

1. Approve the current Code Enforcement Lien Reduction for the property located at 24-36-32-27-*-3 & 24-36-32-27-*-5, the Code Enforcement Board recommended that the lien be reduced to $1,000.00, staff recommended it be reduced to cost $3,592.85. The Code Board reduced the amount to $1,000.00 with no discussion. Staff recommendation is $3,592.85. (23-69). (Chief of Police)

* **MOTION by Mayor Blake; Seconded by Councilmember Koss, to approve staff's recommendation to reduce the lien to $3,592.85.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve the current Code Enforcement Lien for the property located at 327 Belmont, be reduced to $960.55 as recommended by the Code Enforcement Board. (23-70). (Chief of Police)

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve the Code Enforcement Board's recommendation to reduce the lien to $960.55.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Consider the reappointment of Aldon Bookhardt to the Police Advisory Board through November, 2026. (23-90). (Administrative Services Director)

* **MOTION by Councilmember Koss; Seconded by Mayor Blake, to approve the reappointment of Aldon Bookhardt to the Police Advisory Board through November, 2026.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Consider the appointment of Barbie Thrower to the Police Advisory Board through November, 2026. (23-93). (Administrative Services Director)

Barbie Thrower spoke in regards to her application and shared that she has spent most of her time in the City, as she runs Space Coast Recovery. They also have a transition home on Peachtree Street. She further explained they are in the

process of getting their property on Lake Drive and a lot next door annexed into the City. She has a passion for the City and their agency saves lives in the City and she would love to serve on the board.

Councilmember Goins explained that Ms. Thrower was his appointee. He provided a brief history of the District 1 seat on the Board and he feels that she is an easy selection because of what she does. He believes that she would bring a different perspective to the Board and appreciates her willingness to serve.

* **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to approve the appointment of Barbie Thrower to the Police Advisory Board through November, 2026, for discussion.**

Councilmember Koss asked for clarification on the residency requirements and in response, Attorney Garganese pointed out that the resolution establishing this board allows Council to appoint a CEO of a corporation as long as they have substantial operation in the City. He further advised that this would not apply to any other board, as it is a special requirement for the Police Advisory Board. It is a diverse board, as Councilmember Goins noted.

Councilmember Goins added that before this item was placed on the agenda, the City Clerk and City Attorney made sure that all of the qualifications were met.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. City Council direction is needed regarding tax deed sales for the Pinecrest and Evergreen Cemeteries. (City Manager)

City Attorney Garganese provided a background on the Pinecrest and Evergreen cemeteries and advised that in the last couple of days it has become known that there was a tax deed sale on a few of the properties. The basis for the sale is several years of outstanding stormwater and fire assessment fees. This presents an issue and the City Manager felt that this rose to a level of policy decision so that several options could be considered and he reviewed those options in detail. He further noted that this was not the first time that the City has taken steps to acquire a cemetery and he provided brief histories of the Hilltop and Cocoa Cemeteries.

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn, to go with Option #2, to Bid at Sale to Acquire Property, for discussion.**

Discussion was held on eminent domain and bid amounts. City Attorney Garganese pointed out that bid sales are now done electronically and some do not know the whole context of the properties they are bidding on.

Gina Fadely, Cocoa resident, stated that in summary this is all stormwater assessments and the costs of the assessments are what brought this to the tax deed sale. All the City needs to do to stop the sale is to complete a correction form. She is concerned about those bidding out of state and requested that the correction form be mailed to them.

Further discussion was held on eminent domain and options that were available.

City Manager Whitten reiterated Ms. Fadely's concerns and in order to take it out of the sale would be Option #1 and then the City Attorney could explore eminent domain. He recommended Option #1 and then explore Eminent Domain.

* **MOTION AMENDED bv Mayor Blake; Seconded by Deputy Mayor Hearn, to go with Option #1 and then allow the City Attorney to explore Eminent Domain.**

City Manager Whitten advised that the City could put a bid out of around $10,000 on each and see if anyone reacts.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Approve to terminate the Memorandum of Understanding (MOU) for the Intergovernmental Radio Communication Program 800 MHz Advisory Committee entered into on April 10th, 2018. (23-68). (Fire Chief)

Chief Lamm explained the item and noted that the new committee will be codified in the User Group Agreement; however, they need to dissolve the current committee.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the item.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

None.

X. Reports:

Gregg Stoll, TAC/CAC representative, provided an update on FDOT projects, including the SR 524 widening project and Clearlake Road widening project. She further mentioned the Clearlake Road Safety Project, from SR 520 to Michigan Avenue. Additionally, he has been reviewing the plans for SCAT bus stops and has been working with Abigail Morgan in Public Works to ensure that the City has appropriate pans and areas for benches and shelters and provided locations for a few of them.

Mr. Walsh announced that in March they would be changing the disinfection in the water from March 3-23, 2023, like they did last year and notifications are going out in bills, on the City's website and on social media. This will be done for about two weeks and he provided an explanation as to why it is done.

Attorney Garganese stated that in 2018 the City was sued by Lawrence Sinclair and the City prevailed in that lawsuit. It was dismissed and the Court awarded a judgement to the City in excess of $130,000 for reimbursement of fees and costs.

Councilmember Dyal advised that Mardi Gras was coming up and anyone wishing to ride on the truck needed to fill out a waiver.

Councilmember Koss spoke about doing a "point in time" inventory for the homeless and gave a shout out to Erica Jackson, with Open Door Concierge. This was different than she has done before. Erica grew up in Cocoa and they went to places where for one reason or another others would not be able to go. It was eye opening and she was profoundly struck at the image of a father preparing his ten-year old daughter for school. This is profoundly sad but she is glad they are doing things out there to help with those situations.

She mentioned her attendance at Captain Ed's Celebration of Life and noted it was a nice ceremony. Everyone has a story about him and she shared her story. He taught her perspective, not to take herself so seriously and that there will always be another challenge on another day.

Lastly, she heard that Shirley Lanni's son had passed away so she sent her thoughts and prayers to her.

Councilmember Goins shared photos of the AEDU and thought it was innovative and a lot of businesses were represented in the community. He spoke about the Seniors at Lunch Program at the Joe Lee Smith Center and they are at risk of losing the program due to lack of numbers. It is from 10 a.m. until 2 p.m., Monday through Friday at the Joe Lee Smith Center.

He pointed out that Cocoa High School hosted a literacy night and he, along with Mayor Blake, Deputy Mayor Hearn, and Councilmember Koss attended and read to the children.

He commended the Chief for being transparent in the community and that the Chief's Watch events were good and good conversation was being held.

Lastly, Councilmember Goins mentioned C.J. Gardner-Johnson who was a part of the Superbowl and this is the third year that someone from Cocoa High School has been in the Superbowl. He asked for a Key to the City to be done in recognition of him. He played at Cocoa High School, the University of Florida, was drafted by the Saints and how plays for the Eagles.

* **CONSENSUS AMONG COUNCIL FOR A KEY TO THE CITY TO BE GIVEN TO C.J. GARDNER-JOHNSON.**

Deputy Mayor Hearn announced that there would be a cemetery cleanup in honor of Black History Month at the Hilltop Cemetery on Saturday, February 18th from 9 a.m. until 2 p.m. He pointed out that the times may change.

Mayor Blake believes that once a month a site/area should be designated for cleanup.

Mayor Blake shared photos of the Valedictorian and Salutatorian for the Class of 2023 at Cocoa High as it is the first time in history that both are African Americans at the school.

He showed photos of Halle Kearns and Clay Walker at the concert in Riverfront Park, and photos of Emma Jewel Charter Academy where they acknowledged students for academic excellence. They had a grand opening of Spinners Laundry Mat and he attended a Grandparents Day celebration at Trinity Lutheran Church in Cocoa. Lastly, he shared that there is a scam going around that says it is a notice from the tax collector. He asked all to be cautious if they receive this.

In closing, Mayor Blake announced that there are some legislative bills out there that he will give more information on at the next meeting. He wants Council to be aware as well since they will be going to Tallahassee for Legislative Action Days. He asked that citizens be aware as well and to call their representatives.

The Benediction was given by Pastor Steve Brock, with Metropolitan Missionary Baptist Church.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to adjourn the Regular meeting of February 14, 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:51 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

CITY OF LAKE CITY CORPORATE SEAL FLORIDA