MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

February 13, 2018

A Regular City Council meeting was held on Tuesday, February 13, 2018, in City Council Chambers, located in Cocoa City Hall, 65 Stone Street, Cocoa, Florida, as publicly noticed.

I. OPENING MATTERS:

Mayor Parrish called the meeting to order at 6:07 p.m.

Councilman Whipple provided the invocation and Councilman Boisvert led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Henry U. Parrish III	Mayor
	Jeri Blanco	Deputy Mayor
	Don Boisvert	Councilman
	Brenda Warner	Councilwoman
	Clarence Whipple, Jr.	Councilman
	Anthony Garganese	City Attorney
	John Titkanich, Jr.	City Manager
	Matt Fuhrer	Assistant City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Gina Maxwell, HR Manager/Acting Administrative Services Director; Jack Walsh, Utilities Director; Karen Hamilton, Community Services Director; Gene Prince, Fire Chief; Michael Cantaloupe, Chief of Police; Teri Butler, Finance Director; Ed Wegerif, Public Works Director; Jonathan Lamm, Deputy Fire Chief; Chris Collier, WFO Manager; Samia Singleton, CRA Program Specialist; and Jason McCuen, Helpdesk Support Tech.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of February 13, 2018 (18-37)
2. Minutes: (a)Regular Meeting of January 9, 2018 (18-38)
   (b)Regular Meeting of January 23, 2018 (18-39)

* **MOTION by Councilman Boisvert; Seconded by Deputy Mayor Blanco to approve the Agenda for the Regular meeting of February 13, 2018 as presented and the Minutes for the Regular meeting of January 9, 2018 and the Regular meeting of January 23, 2018 as written.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. AWARDS AND PRESENTATIONS:

1. Awarding of the US 1 Corridor Community Redevelopment Agency Business Recognition Award. (18-33). (Community Services Director)

Ms. Singleton, CRA Program Manager, spoke about the award being presented on behalf of the US 1 CRA. She introduced the following board members which were in attendance: Larry Koss, Laura Houston, Richard Louden, and Jim McCarthy.

She presented Mitchell's Family Diner with the US 1 Corridor Community Redevelopment Agency Business Recognition Award and noted they were the fourth recipient of this award.

Jason Mitchell and family were in attendance to accept the award.

Mr. Louden, Board Chairman mentioned that businesses along US 1 are making a difference with beautification efforts. This business has truly made a difference and the food is great.

~~2. Presentation on BACRAP. (18-43). (Larry Sinclair)~~

IV. DELEGATIONS:

Aleck Greenwood, 640 Brevard Avenue, Cocoa, shared updates in regards to the tree ordinance and chain link fence ordinance. He further spoke about gravel driveways and noted the code was vague when it referenced them. Cocoa's code was very similar to Melbourne's. He felt an opinion from the attorney would be a good idea in regards to this issue.

Mike McElrath, 1700 Cedar Street, Rockledge, is with the American Red Cross. He mentioned that he helped install smoke alarms in Broadmoor Acres on February 3, 2018. He thanked the fire fighters for coming out and helping. He presented Chief Prince and Deputy Chief Lamm with a certificate of thanks. He asked them both to convey their thanks to the firefighters who helped.

Chief Prince advised that they were honored to partner with the American Red Cross. Last year they installed smoke alarms in Sunrise Village and now they have done Broadmoor Acres. They are working through the community to make people safe.

V. CONSENT AGENDA:

1. Approve Task Order 2018-88 with CH2M Hill Engineers for Disinfection By-Product Formation Management - Bench and Pilot Treatability Testing - Phase 1. (18-21). (Utilities Director)

2. Approve Participation in a Cooperative Purchase Agreement with All Terrain Tractor for Restoration Services Utilizing Orlando Utilities Commission Contract No. 4218-2 OQ, Effective January 1, 2017 through December 31, 2019. (18-34). (Utilities Director)

3. Award Bid #B-18-09-COC, Water & Wastewater Treatment Chemicals, to Air Products of Allentown, PA for the purchase of liquid oxygen. (18-36). (Utilities Director)

* **MOTION by Councilman Boisvert; Seconded by Deputy Mayor Blanco, to approve the Consent agenda.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. PUBLIC HEARINGS:

None.

VII. COUNCIL BUSINESS:

1. Approve the Appointment of Mr. Lawrence Koss as a Regular member of the Planning & Zoning Board through November, 2020, and Ms. Marilyn Green as the 1st Alternate member to the Planning & Zoning Board. (18-11). (Administrative Services Director)

* **MOTION by Councilwoman Warner; Seconded by Councilman Boisvert, to approve the item.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve a Code Enforcement Lien Reduction request in the amount $12,150.00 for the property located at 2009 N Cocoa Blvd. (18-30). (Chief of Police)

Chief Cantaloupe presented the item and noted that the Code Enforcement Board held a public hearing on March 17, 2016, at which time the Board found the owner, Senturk Marketing, Inc., in violation of the following: Section 6-900(b) (1) a-d Accumulation of Trash & Litter; Section 6-1001(d) Weeds/Overgrowth; and Section 6-1003(f) Exterior Walls.

He advised that the Code Enforcement Board provided the owner sufficient time to correct the said violations and consistent with the Code Enforcement Board's Order, a fine ran at $250 per day from April 17, 2016 until compliance was achieved and documented on August 8, 2017. The current lien amount is $121,500 and the current owner, Senturk Marketing, Inc. is requesting that the lien be reduced to zero.

Staff recommended that the lien be reduced to $12,150 based on certain factors and at the Code Enforcement Board's regular meeting on January 18, 2018, they recommended the lien be reduced to $5,000.

Vinnie Senturk, 17719 E. Lake Jem Road, Mount Dora, FL, spoke in regards to 2009 N. Cocoa Blvd. He purchased the station about 1 ½ years ago and has been trying to renovate and build a gas station. When the first violation was cited, he hired a company to come in and clean. He stated that he took care of the violation and then called Code to let them know it was cleaned up and he was informed by them that there was a hole in the ground with underground

tanks that have to be dug up. At that point, he felt he was not in violation other than the litter. The contractor was paid more than what the contract was and he vacated the premise and did not pay the subcontractor. In addition, he has to deal with the violation.

Councilman Whipple questioned what the code reduction violations were based on. In response, Chief Cantaloupe noted they were based on all of the facts that the gentleman just spoke about. These were the same issues brought forth to the Code Board. Councilman Whipple asked if funds had to be paid immediately. Chief Cantaloupe advised they had to be paid within 30 days or it would revert to the original amount.

Mr. Senturk stated the only violation was the litter. All of the debris was on the floor instead of in the container. He cleaned it up instead of having a contractor. FDEP told him to stop the work because it was contaminated and FDEP has to decide what type of work needed to be done after studies have been done.

City Manager Titkanich recalled that the previous owner of the property did not want to upgrade and closed his business. He felt that in fairness to the Council FDEP documentation should be brought forth for consideration. There were three violations that ran over a year. Both the City and US 1 CRA have invested a lot of money on US 1 improvements. He is not being disrespectful but the property was in disrepair and in violation of the code. He recommended that Council table the item and information be brought back.

Mr. Senterk agreed and mentioned that the 2009 compliance was under the state program.

City Manager Titkanich mentioned that in all fairness the program is funded and scores are given for properties. He explained the program and mentioned there is usually significant funding for those properties that score high.

Mayor Parrish advised that the City Manager is the former president for the Brownfields Association. In response, City Manager Titkanich stated that Council needed to see the records.

* **MOTION by Councilwoman Warner; Seconded by Councilman Boisvert, to table this item until the next meeting and have staff bring forth information pertaining to FDEP's findings.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve a Code Enforcement Lien Reduction request in the amount $750.00 for the property located at Tax #2425112 located on Donley Street. (18-31). (Chief of Police)

Chief Cantaloupe presented this item to Council and advised that on April 18, 2016, the Code Enforcement Board held a public hearing and found owner Belinda S. Balleras Trustee in violation of the following: Appt. A, Art. XII, Prohibited accessory structures.

The Code Enforcement Board provided the owner sufficient time to correct the said violations. Therefore, consistent with the Code Enforcement Board's Order a fine ran at $25 per day from July 17, 2017 until compliance was achieved and documented on September 19, 2017. The lien is $1,600 and the current owner, Belinda S. Balleras Trustee is requesting that the lien be reduced to the amount of zero.

He advised that based on certain factors, staff recommends that the lien be reduced to $750. The Code Board, at their regular meeting on January 18, 2018, recommended that the lien be reduced to $100.

Chief Cantaloupe pointed out that the $100 does not cover administrative costs, but the $750 would.

Rolando Balleras, Fern Park, Florida, provided background information on the property. They were told the shed was the violation. They tried to get in touch with the owner, Barbara Bailey, of whose property the shed was on. They were able to get in touch with the Code Enforcement officer and explained it was not their property. There was a misunderstanding as to who owned the property and whose property the shed was on and the lien should be put on the property of the neighbor.

Councilman Whipple felt they could do half of the recommended amount. Councilwoman Warner understood the $100 fee by the Code Board but reiterated that there are also administrative costs.

Chief Cantaloupe reminded Council that this case went to two Code Board meetings, and there is time working up the cases, the agenda, etc. There is time invested in the case.

* **MOTION by Councilwoman Blanco; Seconded by Councilman Whipple, to reduce the lien to half of the amount recommended by staff. The new amount will be $375.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approval of a Resolution dedicating and naming the new Fire Station #3 in honor of David Salisbury. (18-46). (City Manager)

City Manager Titkanich explained that this item was for the naming of the new Fire Station #3 on SR 524. He provided information on the naming of buildings from the City of Cocoa Code and pointed out that Fire Station #3 is on time for completion. At this time, staff was seeking direction for the naming of the new station and that the name for this building was based on a recommendation from the Fire Chief. Staff was recommending it be named after David Salisbury. Fire Station #2 would be named after the first volunteer Fire Chief for the City of Cocoa.

City Manager Titkanich provided a detailed history of Mr. David Salisbury, including his service to the City of Cocoa.

* **MOTION by Councilman Boisvert; Seconded by Councilwoman Warner, to approve the item.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

Chief Prince mentioned that they have contacted Mr. Salisbury's family to inform them that this request was coming before Council.

VIII. CITY BUSINESS:

1. Approval for the City to apply for the Victims of Crime Act (VOCA) Grant in the amount of $122,363, and to commit $30,591 towards the match requirement in the application to provide victim advocate services to crime victims. The total amount equals $152,954. (18-35). (Chief of Police)

* **MOTION by Councilwoman Warner; Seconded by Deputy Mayor Blanco, to approve the item.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Ordinance No. 01-2018/ 1st Reading: Relating to Disorderly Conduct; Amending the City Code to Add a New Section 14-2 Entitled "Disorderly Conduct". (18-41). (Chief of Police)

Attorney Garganese read Ordinance No. 01-2018 into the record, by title only as follows and noted this was the first reading. This ordinance lists seventeen acts that would be considered disorderly conduct. He and the Chief of Police have been working on this and it is modeled after other communities.

ORDINANCE NO. 01-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; RELATING TO DISORDERLY CONDUCT; AMENDING THE CITY CODE TO ADD A NEW SECTION 14-2 ENTITLED "DISORDERLY CONDUCT;" PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

* **MOTION by Councilman Boisvert; Seconded by Councilwoman Warner, to approve Ordinance No. 01-2018 on first reading.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

MULTI-YEAR CONTRACTS:

None.

IX. INFORMATIONAL AGENDA:

None.

X. REPORTS:

Aerial Glass, 1080 N. Fiske Boulevard, requested a recommendation letter from Mayor Parrish so that she can participate in an internship in Washington DC. Mayor Parrish agreed to do a letter.

Mr. Wegerif announced that Lee Wenner Park is now open but there is still a lot of work to be done.

Chief Prince reminded everyone that the Fire Station #1 Open House, is Saturday, February 24, 2018 at 10 a.m. He invited all to come and tour the new facility.

Ms. Maxwell announced that the next blood drive would be on Thursday, February 15th from 10-3 p.m. outside of City Hall.

Assistant City Manager Fuhrer advised that staff had done a great job on Lee Wenner Park and there were a few others items happening with that. They are doing the design and engineering of the shore line restoration, which is independent of any other waterfront planning going on. Additionally, with the park being reopened, the playground equipment is being removed. The restrooms were rehabbed but remain closed. They can be opened if the pavilion is rented or a special event happens.

Furthermore, on Saturday morning, he, along with Larry Lallo will be going to Fort Pierce to present the City's FIND application. It was approved and the engineering assessment that occurred at the waterfront came in and they would be seeking about $425,000 from FIND. They are able to give a five minute presentation and should receive the news right away. He went on to explain the area in which they would be restoring and the costs associated with restoring it to the way it was.

Mayor Parrish asked about the two boats left. In response, Assistant City Manager Fuhrer advised that the one known as the "Rocket" was tagged this last week. The owner resides in Rockledge.

City Manager Titkanich advised that the final comments are ready for the Center for Public Safety Management. They have looked at dates in March so that they

could set a workshop up. So far, available dates are as follows: March 6, 7, 8, 14, 26, 28, or 29th. The workshop will be at Fire Station #1 in the new Community Room. All Council was in favor of March 7th. They were working on scheduling a consultant to come to the meeting and a final copy of the study will be provided to Council in advance.

He further noted that the Constitution Revision Commission has wrapped up all of their meetings and there were two issues that were of particular importance to local government. He discussed those and announced that on Monday, February 19th from 1-7 pm at Eastern Florida State College the Florida CRC would be coming to the community. He will be in attendance and it is at the Maxwell King Center.

City Manager Titkanich assured Council that he is keeping up with legislative issues. He thanked the City's lobbyist and FLC for their Monday calls and legislative alerts. Senate Bill 432 will be heard before the first of four committees. There is a good chance it will be heard next week. This is in regards to CRA's and he encouraged members of the public to reach out to committees and ask them to keep and preserve CRA's.

Next, he spoke about a memo received from Alcalde and Fay regarding Tax Reform. He spoke about the Opportunities Zones Program and what it entailed. They are looking to see if there is an opportunity for the City/Diamond Square CRA to participate in this program. Staff will be following up on this and will possibly bring it back to Council.

City Manager Titkanich spoke about his attendance at the Sustainability Committee Summit on Thursday, February 8th. He mentioned that board applications for the City's Sustainability Advisory Committee are being accepted and can be turned into the City Clerk's office.

In closing, he noted he was leaving tomorrow for Tampa where he will attend the FCCMA 2018 Winter Institute.

Lastly, he advised that the tree trimming bill had been heard earlier in the day and he spoke of the liabilities and what local governments would have to do in regards to the bill.

Councilman Whipple congratulated Delores McLaughlin for the great job on the Health and Wellness Fair. He also thanked City staff who helped and mentioned it was at the Moore Center.

He stated that the City of Cocoa was truly open for business and he has attended several ribbon cutting events. He enjoys watching them and is always glad to have them in the City of Cocoa. He spoke of Dale Sorenson's ribbon cutting event on Harrison St. and pointed out that Ryan's Pizza provided the food.

Next, Councilman Whipple spoke about a dissatisfaction that he has about things not getting done in the City. He has spoken with both the City Manager and Assistant City Manager about this issue and is tired of talking about it. There is a vacant lot that is being utilized for trash and scrapping and is creating a health hazard. He is aware that Code has cited the property and that there have been things done in order to address the issue.

He has a constituent who calls on a regular basis regarding the stench. There are buzzards there having lunch on the property and it needs to be cleaned. The pile is getting larger and the stench more unbearable. He asked what if it was next to your home and your children went out and played. It needs to be fixed. He is not trying to step on toes but trying to represent those who he represents. He wants this taken care of and he had heard of and is worried about lawsuits. The issue is on South Wilson Street and it is an elderly lady who calls. He would not want it for his parents, relatives, or anyone else to have to put up with it.

He reiterated that he is tired of talking and this needs fixed.

Councilman Whipple asked for an update on the Consent Decrees by the next Council meeting. He is getting questions that he does not know how to answer and wants this by the next meeting. He would like for all Council to be educated. There are things mandated by a federal judge that are not being done.

Attorney Garganese clarified that he means the Voting Rights Consent Decree and the Heart of Cocoa Consent Decree. He agreed that he would provide an update and a briefing and agreed it might be a good time to refresh everyone's memory.

Councilman Whipple thanked him and noted there were members of Council who were not aware of the decrees.

Councilwoman Warner mentioned that the American Kennel Club puts out a newsletter and this month there was an article included regarding K9 Officer Copper. Photos were taken and included with the article, along with what he does for the City.

Lastly, she advised that most know that for the last few months she had been helping with the Cocoa Community First Thrift Store. As of February 28 it would be closing and they were having a big sale. She assured everyone they would make sure that the homeless people and other organizations who depend on them are taken care of before they close.

Chief Cantaloupe is considering reopening if some of the issues are worked out. They are paying a large amount of rent. Email Chief@cocoapolice.com if you like the store and wish for it to stay.

Councilman Boisvert spoke of neighborhood watch meetings that he attended and Coffee with a Cop at the Flying J this past Friday morning. Council and the City Manager participated and it was a great time.

Deputy Mayor Blanco noted it was a busy month. She mentioned her attendance at the Clearlake Isles ribbon cutting ceremony on February 6, 2018, her attendance at the first EDC meeting on February 7th and her first TPO meeting on February 8th.

She pointed out that the project happening on Tucker to Aurora Street in Cocoa will be completed on June 6, 2018.

She further spoke about her trip to Tallahassee and mentioned they met with a few representatives and SCLC delegations. There are several bills of great concern, for example, the local self-government bill, the CRA bill and Economic Development. These bills are very critical and vital and it is important to get information on these. She stressed to citizens the importance of having their voices heard by their representatives.

Mayor Parrish echoed Councilman Whipple's concerns about S. Wilson Street. He felt it was an embarrassment to Cocoa.

He announced that next Tuesday is the Mayor's Town Hall Meeting at the Civic Center at 6 p.m. It will be for citizen input only.

Mayor Parrish advised that he turned 55 the other day and it makes you reassess things. The truth of the matter is that last year he has been recruited very heavily to run for District 51, House of Representatives. He has a major army behind this effort. He plans to run for the seat and believes he has come a long way with the City. His heart is heavy and he knows this is the right thing to do. He believes that he can go and help and his support is heavy. He wants to move this district like no one ever has. He has filed his intent and in a few weeks he will be submitting a letter to the City Clerk that he plans to resign August 28th at 7 p.m. He has lived and breathed this for a long time and wants to make sure he leaves in a better condition in which he came.

Deputy Mayor Blanco added the Mayor Fitness Challenge event on March 3rd at Cocoa High School Stadium. It is just a walk but all are welcome.

City Manager Titkanich mentioned that this Saturday they were holding a Mardi Gras Parade as a fundraiser for the Cocoa Village Playhouse. The Wasdin's are working with the playhouse on this event. The City's antique fire truck will be in the parade. Anyone wishing to ride should be on the truck by 5:30 at the staging area on Delannoy Ave. Those members who stated they might attend are: Mayor Parrish, Deputy Mayor Blanco, and Councilman Whipple.

Capt. Ed Lanni stated that was big announcement and believed Mayor Parrish would go all of the way. He questioned the fleet parking lot at City Hall and asked why those City vehicles could not be housed at the Fleet compound. This way it would open up parking for staff. City Manager Titkanich mentioned that all of the departments have vehicles that stay parked there but assured him they could look into the possibility.

Mayor Parrish recognized Rashad Wilson in the audience.

In closing, he spoke of his appreciation for everyone and stated he has six months to push hard and get things done.

XI. ADJOURNMENT.

* **MOTION by Councilman Boisvert; Seconded by Councilwoman Warner, to adjourn the Regular meeting of February 13, 2018.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:26 p.m.

Henry U. Parrish III, Mayor

ATTEST:

SEAL

Carie Shealy, MMC, City Clerk