MINUTES
City of Cocoa
Regular Meeting of The City Council

January 24, 2023

A Regular City Council Meeting was held on Tuesday, January 24, 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 6:05 p.m.

Deputy Mayor Hearn provided the invocation and V-Cops 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, Asst. to the CM/PIO; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Mitch Lawyer, Technical Services Supervisor; Bryant Smith, Public Works Director; and Lisa Richardson, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of January 24, 2023. (23-57)

2. **Minutes:** n/a

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Agenda as presented for the Regular meeting of January 24, 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

None.

IV. Delegations:

Steve Murphy, Cocoa resident, spoke in detail about the traffic issues on SR 524. He mentioned the recent approval of the Allegra affordable housing complex in the area as well. He further noted that there was a report done by FDOT in 2021 and numbers are different because they were taken during the height of Covid. He advised that new development requires new traffic studies to be completed and he pointed out issues with the way they are done. Lastly, he stated that the SR 524 expansion is not slated until 2041-2045. There is also a public safety issue.

Mayor Blake assured him they were addressing the traffic issues and Councilmember Dyal has been attending meetings as it is his district.

Kristin Lortie, Cocoa resident, spoke about the importance of the City Manager's evaluation which has not taken place as he is in his second year of service. She felt it was imperative for Council to fulfill that portion of his contract and she pointed out that the prior City Manager was evaluated. She wrote to Council and said for the record that this contract clearly states that an evaluation is required on an annual basis. A comment was put on record in October and she has reached out again and has received no comment. In closing, Ms. Lortie advised that she was following up with a complaint to the Ethics Commission, Florida Association of City Managers, Space Coast League of Cities, etc.

Mayor Blake noted that for the record, he has worked with five city managers, Mr. Seawell, Mr. Holt, Dr. Fettrow, Mr. Titkanich, and Mr. Whitten, and has provided verbal evaluations multiple times. He voiced his support for the city manager.

John Verdi, Melbourne resident, is the founder of the non-profit "Hey, Blue!". He explained what the non-profit does and he thanked Chief Collier and Councilmember Goins for participating in an event that they had. He spoke about the event in detail and reiterated his appreciation to them for their support.

Councilmember Goins thanked Mr. Verdi as well and spoke about his appreciation for Officer Collins and the Chief of Police for bringing them into the policing world.

Linda Gombert, Cocoa resident, spoke about the State of the City meeting and while she believes it is a good idea, she cannot imagine why Town Halls would be taken away. Town Halls give citizens an opportunity to interact with councilmembers in a more relaxed way then trying to speak at a council meeting. This would take away another way to not hear the citizens and what they have to say.

Mayor Blake stated that he walks all four districts thoroughly and Councilmember Koss was just in his district. He attends multiple meetings, various school functions, and many other events. Other councilmembers also do community events, walks, etc.

Councilmember Koss advised that in District 4 there are people who come to town halls that do not attend council meetings. She feels that they need that venue for citizen participation. She further pointed out that the agenda item had been amended to state that it was not in lieu of town halls.

Mayor Blake stated that it was not stated that you could not have a town hall meeting, if you would like to have one you can request a town hall meeting.

Deputy Mayor Hearn appreciates Ms. Gombert's concern but advised he has had a town hall and only had four people show up; however, he is in favor of them.

Councilmember Goins spoke on the assumption that councilmembers do not want to be in front of citizens. That is not true because they want to be in front of citizens. He felt that this item did not say that town halls would be disbanded or done away with. It is Council's job to have a dialogue and that is why it is on an agenda. He is for town halls; however, he may not label his as a town hall, it may be called something different.

Mayor Blake reiterated that no one said you cannot have a town hall meeting.

Roshaun Weaver, Cocoa resident, questioned the playground equipment at the Moore Center on Blake Avenue and stated that it was not being used. She is opening a daycare and asked if the useable equipment could be donated or if they could purchase it.

Councilmember Goins explained that Mr. Weaver contacted him last week about the playground and the conversation had started when Ms. McLaughlin wanted the equipment removed. He would like the same conversation to happen as it did with the repurposing of the tarp to the carwash.

City Manager Whitten shared that there was a process and explained how it would work. If it was Council's direction they could certainly do it. Additionally, Mr. Smith noted that there were going to demo it and take it to the recycling center. They would have to evaluate it to see its' worth but could bring back an agenda item.

Mr. and Mrs. Weaver thanked Council.

Mayor Blake read a statement in support of Chief Collier, City Staff, and the City Manager:

"As Mayor of the great City of Cocoa, I will continue to lead this community based on our values of respect, integrity, accountability, excellence and professionalism. I have been a trusted pillar of this community through my many years of service to the great citizens of Cocoa and my 20 plus year career to our young residents of Cocoa as a teacher. The residents of Cocoa have entrusted me to lead this community for over 20 years because they know me and know my passion for Cocoa and no one will tarnish that passion and the success we have had over those years. In 2021, we were tasked by the members of this community and the employees of the Police Department to hire our next Police Chief that would bring accountability to our community and to the department. Chief Collier has done that and continues to do that every day with the hardworking officers of the Cocoa Police Department. I will not let a small group of mostly non-residents deter us from our mission of putting our community first and demonstrating excellence. Chief Collier and the great men and women of the Cocoa Police Department have fought through a year of adversity and continue to provide exceptional public service to our great residents. Our Cocoa Police Officers continue to ensure a safe community for all of our residents which resulted in a decrease in crime in 2021. Even though the nation has seen a trend of rising crime rates over the last year, the current statistics show that we will continue to see a decline in 2022 crime rates. I am disappointed to see a few of our own employees fighting so hard against a leadership that is determined to bring positive results to our community instead of embracing change for positive results. I will not let false information and threats deter us from providing

exceptional public services to our residents. It is what they deserve and what they elected this Council to provide. We support the leadership of Chief Evander Collier of the Cocoa Police Department and will continue to stand behind him and the Cocoa Police Department as we work with our residents to build a better Cocoa."

Deputy Mayor Hearn announced that Chief Collier has his support and asked if anyone on the dias felt any different and if they did, then now was the time to state it.

V. Consent Agenda:

(A) General Consent Items:

1. Approve Participation in a Cooperative Purchase Agreement with Ring Power, Palm Bay, Florida, to Provide Annual Maintenance and Technical Analysis Services for Twenty-Two (22) Generators Operated by the Dyal Water Treatment Plant Utilizing the Sourcewell Contract RFP #092222, effective December 6, 2022 through November 22, 2026, not to exceed $90,000 each year upon the Adoption of the FY24-FY27 Budgets; The Contact May be Extended by One Additional Year; To Authorize the City Manager to Execute the Service Agreement(s), Amendments, and Purchase Orders for each Fiscal Year; Approve a Contingency Resolution of $20,000 for FY23 and Authorize the City Manager to approve Change Orders for emergency repairs should they be needed. (23-21). (Utilities Director)

2. Announcement of Mayor Blake to Attend the Florida Black Caucus Annual Conference from March 2, 2023 - March 3, 2023. (23-59). (Administrative Services Director)

3. Approve the Evaluation Committee's Ranking for the following Continuing Services Agreements: Architectural, General Civil Engineering, and Traffic Engineering Services According to RFQ Q-23-01-COC. Authorize the City Manager to Negotiate the Multi-Year Contract Terms and Conditions. (23-60). (Public Works Director)

(B) Multi-Year Contracts:

None.

* **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:

1 Conduct a Public Hearing to review the real property inventory list and approve a Resolution identifying certain real property within the City to which the City holds fee simple title that is appropriate for permanent affordable housing. (23-55). (Community Services Director)

Ms. Neuterman explained this was to review the real property list to which the City holds a title that is appropriate for affordable housing. She explained what the Florida Statutes state in regards to this item and noted that after the approval the property may be placed for sale, sold, or used for affordable housing. Additionally, all forty-two (42) properties listed are vacant and there are twenty (20) platted for the Michael C. Blake subdivision and must be developed for the purposes of permanent workforce housing. Staff is asking for the list to be approved so that they can move forward with the sale and disposal of properties.

Councilmember Goins was concerned with the other twenty-two (22) being locked into one particular non-profit or developer. In response, City Manager Whitten advised that staff has the same concern and reminded Council that they approved a starter project with Community Housing Initiatives. They will do four to five homes and then staff would go back to the drawing board to determine how to proceed with the others.

City Manager Whitten wants Council to see the terms and conditions that customers will bid on, as well as parcels they will bid on so he prefers to bring those back to Council. He mentioned the possibility of a reverter as well.

Councilmember Goins agreed as they do not want people sitting on these properties. He reiterated his concern with the product not looking the same or one group having all of the properties.

Councilmember Koss confirmed that the list being approved tonight was for the purposes of affordable housing. Staff responded in the affirmative.

Ms. Neuterman pointed out that there were two parcels that were not buildable and they would be offered for purchase to the property owners of the adjacent lots.

Deputy Mayor Hearn opened the hearing to the public[1].

Marla Purvis, Rockledge resident, asked if the individuals could seek this type of housing or it they would have to go through one of the suggested programs and if it would be mandatory or if they could just apply.

In response, City Manager Whitten advised that there would be income guidelines and if there was a property that a person desired they would not necessarily say they had to be in the program.

There being no further response, the public portion of the hearing was closed.

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve Resolution No. 2023-009.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Consider the reappointments of Crystal McQueen and Amy Robinson to the Diamond Square CRA through January 30, 2027. (23-40). (Administrative Services Director)

Ms. Neuterman pointed out a scrivener's error on the agenda item noting that Ms. Robinson will be fulfilling Seat #1 and her term will be another one-year term and will expire January 30, 2024 and Ms. McQueen will be fulfilling Seat #3 and her term will be a three-year term through January 30, 2026.

She noted that the Diamond Square has an interlocal agreement with Brevard County.

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Reappointments of Crystal McQueen and Amy Robinson to the Diamond Square CRA.**

AYES: Blake, Hearn, Dyal, Goins, Koss

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1 Mayor Blake stepped out of the meeting.

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consideration of the 2023 City Council meeting date additions and cancellations. (23-46). (Administrative Services Director)

City Manager Whitten advised that this item is presented yearly for Council's review so that the calendar can be updated with additions and cancellations and so that citizens can be made aware of meetings with appropriate notice. It was his thought to have a State of the City with individual district read outs and was simply a suggestion of himself and staff. He requested that if they decided to do town halls that they give staff enough time to prep for those.

The State of the City could be rotated if they wished to have one and he reiterated that this was a suggestion, as are all of the other meetings and cancellations in the item.

Councilmember Koss pointed out that the third Tuesday of October has always been the traditional date of the District 4 Town Hall. A State of the City has been in January or at the beginning of the year. She had no idea that they were taken off of the calendar last year. She has neighbors and others who only attend town halls. She would like to continue with her meeting.

City Manager Whitten advised that the date had been chosen due to it being the beginning of a new fiscal year and end of a fiscal year. Additionally, it has been a mixed bag with town halls. Staff is not resistant to them, as they have been trying new things. He provided the example of the Annual Economic Development Update which is tomorrow night instead of the traditional breakfast.

Councilmember Koss does not mind a State of the City but not at the expense of a town hall meeting. She further asked about the second bulleted point regarding the Mayor's travel and why the meeting would be cancelled if there is a Deputy Mayor.

Mayor Blake advised that with four people things can end up in a tie, but was fine with having a special meeting on another date. She agreed that a tie was a possibility and was proud that he was participating in the conferences listed.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, that if any member on the dias has a conflict or another important meeting or event that they must attend and miss a council meeting, that there is an option to plan a special council meeting to replace it.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Kristin Lortie, Cocoa resident, supports Mr. Whitten's suggestion of dates for town halls; however, she does not hear a date for the State of the City. She believed it would be good to have in the beginning of the year. She read a statement from an email that she sent to City Council and further noted that Councilmember Koss was the only one who had a town hall last year. Lastly, she stated that the February workshops were not being defined as to what they are.

Deputy Mayor Hearn pointed out that he and Councilmember Goins had community meetings in 2022 and Ms. Lortie had attended one of his meetings.

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve the item, and to find a meeting date in October for a State of the City and to keep October 17th as the District 4 Town Hall meeting.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

None.

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. FY 2023 Budget Adjustment Report. (23-23). (Finance Director)

2. Data showing the relation between the estimated and actual income and expenses to date. (23-24). (Finance Director)

3. Approved change orders to construction contracts that the City Council has authorized the City Manager, by resolution, to approve in excess of the City Manager's spending authority. (23-25). (Finance Director)

4. Council request to review the cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2022 to 12/31/2022. (23-36)

5. FY22 Surplus Revenue from Auction Sales Report. (23-50). (Finance Director)

6. City Council Bi-Weekly Report (January 1-18, 2023). (23-61). (City Manager)

7. Report to Council of the Local Preference Award Listing for FY22. (23-62). (Finance Director)

X. Reports:

Ms. Senger announced that there will be UpStart Cocoa business informational sessions on January 30th. One will be held in the morning and one will be held at night. The application process will be open soon and will be open through March 15, 2023.

Mr. Smith explained in detail how both traffic studies and concurrency works. He noted that Cirrus did submit a report but Allegra has not. A traffic study is included when a project is approved. He further stated that as we all know, SR 524 is nearing capacity. The difficulty that Cocoa has is that it would be widening the whole roadway. He assured everyone that they are strategizing and working out how they can fix the issues.

Mr. Smith further pointed out a few grants that they were notified about and they are hoping more funding becomes available so that more projects can be completed through DEP.

City Manager Whitten mentioned a partnership with Representative Sirois and the Brevard Health Alliance and converting the old Joe Lee Smith Center into a health center for the Diamond Square residents. They are both committed to this and he believed it would be a good thing for the Diamond Square community. He asked for a consensus from Council to allow him to submit an appropriation request to Rep. Sirois for support for the partnership and conversion.

* **CONSENSUS AMONG COUNCIL FOR THE CITY MANAGER TO SUBMIT AN APPROPRIATION REQUEST THROUGH REP. SIROIS FOR SUPPORT FOR THE PARTNERSHIP BETWEEN REP. SIROIS, BREVARD HEALTH ALLIANCE AND THE CITY OF COCOA FOR THE CONVERSION OF THE OLD JOE LEE SMITH CENTER TO A HEALTH CENTER FOR THE DIAMOND SQUARE COMMUNITY.**

Councilmember Goins asked Chief Lamm to elaborate on a statement made earlier in the day by Commissioner Tobia that was incorrect information. He further explained that the City had been sent a letter on December 6th and staff did not return an answer to him as quickly as he would like, but Chief Lamm would explain.

Chief Lamm advised that he had prepared a statement for Commission Tobia. He explained that he had questions in regards to the information received by the City of Cocoa which was regarding the termination of the MOU for Intergovernmental Radio Communication Program. He was worried that there was nothing solidifying that this committee would be somewhere else and in order to protect Cocoa and to ensure that Cocoa still has a say so, he would not reply until it was in writing. On December 6, 2022 a letter was received and at the bottom it stated that a new committee would be solidified. Therefore, due to the holidays and with the months of December and January being so busy, there is an item in regards to this on the February 14, 2023 agenda. He is aware that it is prudent and understands what the County is doing but he reiterated that he wanted that information solidified.

Councilmember Goins spoke in regards to the Diamond Square CRA and asked for a consensus to request an increase of time to the Diamond Square CRA board.

Ms. Neuterman pointed out that the Interlocal Agreement expires in 2032.

* **CONSENSUS FOR THE CITY MANAGER TO WORK ON COMMUNICATION WITH BREVARD COUNTY TO INCREASE THE TIME FOR THE DIAMOND SQUARE CRA BY NINE YEARS.**

Councilmember Goins provided photos of events he has attended such as the Martin Luther King, Jr. Day March and the Hey-Blue! Event. He commended Chief Collier once again for everything that he does and stated that sometimes being uncomfortable can bring success.

In closing, he announced an STD/HIV testing event on February 20th at the Joe Lee Smith Center and hoped to get the Fire Department involved as well.

Councilmember Koss provided a presentation on District 4. She spoke about the Indian River Lagoon and the ½ cent sales tax and what those monies were intended for or have been used for. She pointed out that 2/3 of the dollars go towards septic to sewer and stormwater projects and believed it was a good time to think about the 750 septics in the Cocoa WWTP service area, including the J & K septic to sewer.

She shared that at the last meeting she voted in support of the new housing project but felt that because state funding for the project is not involved, the City would be the entity responsible for continually monitoring and enforcing the rental rate

restrictions each year for the life of the project and this could post potential unordinary labor and enforcement challenges for the City.

City Manager Whitten advised that the housing project is project specific and they would have to go through site plan review and a developer's agreement; however, that does not complete a project as it is the first step in a multi-step project.

Councilmember Koss further spoke about the Planning & Zoning Board appointments and she pointed out the statistics.

They had agreed they wanted a demographical and diverse board. There were five men and five women who applied. The end result of who was appointed was not equal in demographics or diverse. She felt that the decision was fast and she felt it was stolen and that they did not get the result that even the Mayor asked for. She noted they can see the result and they could correct this because neither she or Deputy Mayor Hearn got a nominee.

Mayor Blake advised that Mr. Parks is fixing to move into District 4 and Mr. Chabot and Mr. Simpson are also in District 4. Discussion was held on where these members reside.

Councilmember Koss stated that they had a process and did not follow it.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, to rescind what they did at the previous meeting and go by the process they agreed to so that each councilmember has an appointee, for discussion.**

Councilmember Goins stated that the only issue he had was regarding Chris Bankhead as his application was walked on but he found out that he owned property in Cocoa. Once he clarified with the City Clerk where the property was his argument was null and void.

He noted that if someone would have stood up and said something at the meeting they could have but here they are two weeks later asking to do something that could have been done that night. He does not want to complain about it now as the decision was made. They all have to be prepared when the Mayor or anyone else makes a motion and he is speaking for himself as well. Councilmember Goins agreed that the majority of the members are in District 1 but once that the decision is made they need to be prepared to make arguments and to be strategic.

Councilmember Goins asked if the Board application could be updated to list the address if they state they own property in Cocoa. The City Clerk agreed that could be done.

Mayor Blake called the question.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED (5-0)

AFTER A QUESTION WAS POSED ABOUT THE MOTION AND AT THE REQUEST OF MAYOR BLAKE, CITY CLERK SHEALY RESTATED THE MOTION AND MAYOR BLAKE CALLED THE QUESTION AGAIN.

THE VOTE ON THE MOTION WAS:

AYES: Koss, Hearn
NAYES: Blake, Dyal, Goins

THE MOTION FAILED (2-3)

Councilmember Koss shared the City's core values and believed that Council should follow them. Additionally, she mentioned the City Manager's evaluations and noted that she had suggested using the same form that the City Manager's Association uses but is open to anything. She does feel that needs to be addressed or the contract needs to be amended.

Lastly, she stated that the Zen Room in Cocoa Village is closing and she thanked Cathy Johnson for providing solace to the community.

Councilmember Dyal attended the Martin Luther King, Jr. Day march for the third time and it was a great event. He enjoyed all of the speeches and was glad that he was able to attend.

He mentioned that there are a lot of things to work out in the City and it will be done at the upcoming workshops. Staff is doing a great job and if there is anything he requests or needs done it happens immediately or the next day. He has no complaints.

Deputy Mayor Hearn informed the public about the upcoming Literacy Night at Cocoa High School. It is this Friday night and starts at 5:30 p.m. It is a family event.

Deputy Mayor Hearn spoke about 800 N. Fiske Boulevard and that there are about ten or eleven people that were given their condos. They are either disabled or are veterans and are now being mandated to come up with around $7,000 each to fix the roof. They will probably raise money in the community or hire an attorney for those owners. He asked if anyone was willing to help to reach out to him.

He further mentioned that over the past couple of years crime has diminished in the area but has slowly been coming back. Today, he saw a Cocoa police officer patrolling the area. He stated they are being responsive to complaints and are working with the property manager to handle the complaints as well.

Deputy Mayor Hearn noted the crime rate that has decreased since the Chief has been in office. The statistics are there but there will always be crime. He commended the Chief and everyone who works at the police department. Additionally, there were no murders in 2022.

Lastly, he pointed out that there was a comment out there that the City does not care about crime. He advised that he likes to start with the kids and do early prevention. The Council, as a whole, rewarded money to the Boys and Girls Club and he encouraged all to come out and get involved.

Mayor Blake thanked all of the employees.

He spoke about an event at Mt. Moriah where the keynote speakers were Clarence Whipple, Jr. and Malissa Moore. They acknowledged her accomplishments.

In closing, he advised that if things do not go your way, firm up and convey your thoughts and change your way of thinking. If you do not do that, then every two weeks this is going to happen, but if you do your due diligence things will prevail.

He believes in the citizens, the City, the City Manager, and the staff.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to Adjourn the Regular meeting of January 24, 2023.**

AYES: **Blake, Hearn, Dyal, Goins, Koss**

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:12 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

CITY OF COCOA CORPORATE SEAL FLORIDA

From:	Kristin Lortie
To:	Carie Shealy; Carie Shealy
Cc:	Stockton Whitten; City Council
Subject:	Fwd: Delegations ecomment submitted for 1/24/23 council meeting - Cocoa City Council Not Completing City Manager Annual Evaluations
Date:	Tuesday, January 24, 2023 2:56:39 PM
Attachments:	image.png

Re-sending this email with the image corrected. Please use this email and disregard the prior email.

---------- Forwarded message ---------
From: **Kristin Lortie** <kristin.lortie@gmail.com>
Date: Tue, Jan 24, 2023 at 2:51 PM
Subject: Delegations ecomment submitted for 1/24/23 council meeting - Cocoa City Council Not Completing City Manager Annual Evaluations
To: Carie Shealy <cshealy@cocoafl.org>, <meetings@cocoafl.org>
Cc: Stockton Whitten <swhitten@cocoafl.org>, City Council <citycouncil@cocoafl.org>

Mayor Blake, City Council Members and City Manager Whitten,

I am writing to provide this delegation comment prior to tonight's meeting, and **request that my comment be included with the meeting minutes for the January 24, 2023 city council meeting.**

On July 19, 2022, in response to a records request for prior city manager evaluations from 2014 - 2022, I received an email from Assistant City Clerk Monica Arsenault that *"there is not a current evaluation for Mr. Whitten."* Records **were** available for the prior city manager evaluations from 2014 - 2020, and upon receipt of my payment to the city for $17.13, I received a 97-page attachment that included the evaluations of the **prior** city manager. The documentation demonstrated that **prior to the current tenure**, the City of Cocoa **did** conduct city manager evaluations.

On October 25th, 2022, I submitted the following written statement to council members and Mr. Whitten:

*"**I SUPPORT council members in requiring annual performance evaluations for City Manager Whitten**, and that began his tenure in October 2020, be completed on an annual basis as per his contract agreement with the City of Cocoa. Mr. Whitten has not had his first evaluation with the city despite currently beginning his 3rd year of service.*

Council members' ongoing public silence on this matter reflects negligence in your duties in your administration of the city charter. If any of you have publicly called for Mr. Whitten's evaluation during a council meeting as a meeting agenda item, please do inform me of same."

I received no response to this emailed public comment sent to all city council members and City Manager Whitten on October 25, 2022. As of this date none of you have publicly called for Mr. Whitten's performance evaluation.

For your reference, below is the language from Mr. Whitten's contract regarding his annual performance evaluation and your requirements in administering his contract:

11. Evaluation.

LANGUAGE FROM COCOA CITY MANAGER STOCKTON WHITTEN'S 2020 EMPLOYMENT CONTRACT WITH THE CITY OF COCOA

(a) The City Council shall review and evaluate Executive's performance during each anniversary of the tern of this Agreement. Said review and evaluation shall be in accordance with specific criteria developed jointly by Employer and Executive.

AS OF 2023 THERE HAS BEEN NO PERFORMANCE EVALUATION CONDUCTED!

(b) Annually the City Council and Executive shall define such goals and performance objectives that they deem necessary for the proper operation of the City and in the attainment of City Council policy objectives, and shall further establish relative priority among those various goals and objectives that shall be reduced to writing. They shall generally be within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

As per my comment emailed to you all on Sunday January 22, 2023 (below), and to which I again received no response, ***I will be following this written comment with an ethics complaint to the International Association of City Managers, the Florida League of Cities, and the Space Coast League of Cities, to inform the greater professional community that the City of Cocoa City Manager and all Cocoa Council Members are derelict in fulfilling this basic yet essential duty of city administration***.

I exhort City Manager Whitten and all city council members to initiate constructive action during tonight's meeting to fulfill this imperative of Mr. Whitten's contract with the City of Cocoa.

Acknowledgment of this delegations ecomment is requested from the city clerk.

Respectfully,
Kristin Lortie, ***Cocoa resident that believes in accountable, inclusive leadership in the City of Cocoa***

---------- Forwarded message ---------
From: **Kristin Lortie** <kristin.lortie@gmail.com>
Date: Sun, Jan 22, 2023 at 12:13 PM
Subject: Request for Status - City Manager Evaluation
To: Stockton Whitten <swhitten@cocoafl.org>, City Council <citycouncil@cocoafl.org>
Cc: Carie Shealy <cshealy@cocoafl.org>

Mr. Whitten, Mayor Blake, and City Council Members,

I am writing to request a status on Mr. Whitten's 2021 and 2022 evaluation and evaluation processes. I placed a comment on file with you months ago, and have seen no action since then regarding my concern.

Mr. Whitten began his tenure in October, 2020, and has yet to have a performance evaluation as of January 22, 2023. Mr. Whitten's contract states he will have an annual review, and which did occur during the tenure of Mr. Whitten's predecessor. Why is this process absent during Mr. Whitten's tenure as City Manager of Cocoa?

The current agenda for the 1/24/23 meeting does not have anything included on this topic.

The citizens of Cocoa have the right to expect that city leadership will conduct this important process on an annual basis, and especially for the position of highest authority in the city.

As a result of the ongoing negligence in duty of city council members and the city manager in fulfilling your contractual duties, I will be forwarding this complaint to the International City Manager

Association, the Florida League of Cities, and to the Space Coast League of Cities.

If there are any updates on this item I request to be notified promptly.

Regards,
Kristin Lortie, Cocoa resident that believes in accountable, inclusive leadership in the City of Cocoa

From: Kristin Lortie
To: Carie Shealy; Carie Shealy
Cc: Stockton Whitten; City Council
Subject: eComment for Item VII.2 - 1/24/23 Consideration of the 2023 City Council meeting date additions and cancellations
Date: Tuesday, January 24, 2023 5:14:03 PM

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Mayor Blake, City Council Members, and City Manager Whitten,

I am submitting this ecomment with a request for it to be added to the above-noted agenda item for tonight's 1/24/23 city council meeting.

I object to the "state of the city" meeting being held in lieu of the city town halls, and in October.

The abolition of the town halls, and where residents previously had the opportunity to interact with our city officials away from the Roberts Rules of Order formality of city meetings, demonstrates a further erosion of city leadership and opportunity for citizen participation under the current Cocoa administration.

It is worth noting that the month of October for the single city event places the proposed single "state of the city" event in lieu of the District 4 town hall, further shorting the residents of Cocoa's District 4 having their own town hall event, and which Councilwoman Koss was the only council member to host a town hall in 2022.

Further, the (2) February workshops are not defined, and there is no Community Conversation event being held to hear from and interact with the residents of Cocoa in an informal manner. For those interested in participating in a Community Conversation, I recommend the City of Titusville who will be hosting a Community Conversation on Saturday, February 4th at 9 a.m. that is open to anyone regardless of city. Unfortunately resident requests in 2022 for Cocoa to host a community conversation prior to the 2022 budget meetings were ignored by the City of Cocoa.

I request that the quarterly town halls be reinstated, that the city host one or more Community Conversation events to hear from residents, and that the city workshop content be clearly identified as a part of the agenda item.

Council members, please vote **NO** on the proposed agenda as presented in the agenda item, and require an inclusive 2023 agenda that includes the residents of Cocoa in quarterly town halls, city workshops, and community conversation events in 2023. Bring back participation for Cocoa residents in 2023!

I request confirmation that this comment has been received by the city clerk.

Regards,

Kristin Lortie, ***Cocoa resident that supports inclusive city governance in the City of Cocoa***