MINUTES
City of Cocoa
Regular Meeting of The City Council

December 8, 2020

A Regular City Council Meeting was held on Tuesday, December 8, 2020, 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 6:13 p.m.

Ms. Sharon Spikes provided the invocation and Councilmember Dyal 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
	James Goins	Deputy Mayor
	Rip Dyal	Councilmember
	Lavander Hearn	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Matthew Fuhrer, Assistant City Manager; Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Mike Cantaloupe, Chief of Police; Jonathan Lamm, Fire Chief; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Nancy Bunt, Community Services Director; LeShawn Hinton, Helpdesk Support Tech; Rob Beach, Information Technology Officer; and Samantha Senger, Assistant to the City Manager/PR Specialist.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of December 8, 2020 (20-824)

2. **Minutes:** (a) District 4 Town Hall Meeting of October 20, 2020 (21-5)
(b) Regular Meeting of October 27, 2020 (20-825)
(c) Regular Meeting of November 10, 2020 (20-826)

* **MOTION by Councilmember Koss to amend the agenda and move Consent Item VI.10 to Council Business VIII.7; Seconded by Mayor Blake, with the request that Reports be moved to the end of the agenda, before Informational.**

Ms. Bunt also notated that on Item VI.6 (20-813), there were errors in the attachment that has been updated and distributed to all Council members.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve all three sets as written with one amendment to the District 4 Town Hall Minutes. It should state that Jennifer Kenny was introduced as a candidate for District 3, but it states 2.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Presentation of Certificate of Recognition to Snyder's Hives and Honey for the Continued Support of Removing Bees from Utility Meter Boxes. (20-740). (Finance Director)

Mayor Blake and the Finance/Customer Service Division thanked Snyder's Hives and Honey and presented them with Certificates of Recognition.

IV. Delegations:

Bernice Cox, 701 Aurora Street, Cocoa, informed Council of a situation regarding speed limit signs on Washington St. She spoke further about other areas that need signs installed. Additionally, there is a home in her neighborhood undergoing renovations and she found out that Housing for the Homeless has purchased the home. They have purchased ten homes from Titusville to Cocoa, with most of

them being apartments or other types of units. The one on Aurora is residential. Lastly, she thanked Code Enforcement for help on getting this information and also thanked JoAnna in Public Works for her help.

Sharon Spikes, 1040 Peachtree Street, Cocoa, was speaking on behalf of Dorothy Hall, who sends her thanks to Mayor Blake and Dennis Bunt, the Code Manager. She had concerns and everything worked out in her favor and she was compliant with the City Code.

Mayor Blake thanked her and for having a pristine yard on Peachtree Street.

Rev. Johnnie B. Dennis, 3710 Catalina Drive, Cocoa, would like to see Sgt. Stephenson promoted to lieutenant. He mentioned Mayor Blake and noted that the National Action Network was filing a petition to recall the Mayor who does not know the law or anything about the law.

Paul Kamus, 116 Olive St., Cocoa, would like to see a sign or something else placed at the olive tree in Taylor Park. He placed a sign in front of the tree during the marathon this past weekend hoping that someone would be inspired by what he wrote. He also placed a painting there.

~~V. Reports:~~

- **Reports was moved to the end of the meeting.**

VI. Consent Agenda:

1. Approval to participate in and authorize the City Manager to execute a Release and Indemnity Agreement between the City of Cocoa and Titan Florida LLC. to fill the City's concrete mixer truck with ready-mix materials. (20-725). (Public Works Director)

2. Approve Task Order 2021-16 with Carollo Engineers, Inc., Orlando, Florida, for the SCADA Design at the Jerry Sellers Water Reclamation Facility, Project No. WS21SS. (20-791). (Utilities Director)

3. Approve a Resolution Amending the FY21 Budget, BAF#21-031-A, Accepting the Revenue from Brevard County Community Development Block Grant (CDBG), for the Dr. Joe Lee Smith Center Project. (20-805). (Finance Director)

4. Approve an Interlocal Agreement (ILA) between the City of Cocoa and the City of Cocoa Beach to Identify and Share Common Costs Associated with the Cocoa Utilities Project and the Cocoa Beach Stormwater Improvements Project; To Coordinate and Cooperate the Design, Permitting, Bidding, and Installation under a Unified Joint Project. (20-808). (Utilities Director)

5. Approve Change Order #1 to Task Order 2020-06-1, for the Calculation of Impact Fees, and Reports and Presentations, to complete the Water/Sewer Rate Study, utilizing the Professional Services Agreement with Stantec Consulting Inc. (20-809). (Finance Director)

6. Approve a Resolution Amending the Off-Site Advertising/Billboard Signs, Existing Structures Inventory. (20-813). (Community Services Director)

7. Approval of Resolution No. 2020-243, Adopting "Laredo Drive" as a Street Name for the Cocoa Grand Apartment project. (20-814). (Community Services Director)

8. Approve a Resolution Amending the FY21 Budget, BAF#21-034-A, Inclusive of FY20, Unencumbered Budgeted Projects, through the use of Fund Balance Reserves. (20-819). (Finance Director)

9. Accept the Notice of Termination of Agreement from Broadmoor Acres Community Restoration and Preservation, Inc. (BACRAP) on the Code Enforcement Lien Reduction Agreement between the City of Cocoa and BACRAP executed December 15, 2017 for the four (4) remaining lots. (20-828). (Community Services Director)

~~10. Adopt Resolution 2020-252 establishing a $100 Application Fee for non-residential applications seeking a stormwater assessment credit; Advising the City Council regarding the administrative City of Cocoa Stormwater Utility Assessment Adjustment and Mitigation Credits Policy adopted by the City Manager pursuant to Ordinance 1-2019 and Resolution 2019-071. (20- 606). (Public Works Director)~~

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Public Hearings:

1. Pass on 2nd Reading: Ordinance 17-2020, a Comprehensive Plan Text Amendment consistent with Florida Statute Chapter 163 for a City initiated request to change the Future Land Use Element related to allowable uses in the Commercial Future Land Use designation and establishing residential densities in the Commercial and Neighborhood Commercial Future Land Use designations. (20-812). (Community Services Director)

Attorney Garganese read Ordinance No. 17-2020 into the record, by title only as follows. He advised that this was the second and final reading of the ordinance. This is also the adoption hearing proposing an amendment to the Comprehensive Plan. He added that the State of Florida did propose a few comments and a few changes were made.

ORDINANCE NO. 17-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING THE FUTURE LAND USE ELEMENT RELATED TO ALLOWABLE USES IN THE COMMERCIAL FUTURE LAND USE DESIGNATION; ESTABLISHING MAXIMUM ALLOWABLE RESIDENTIAL DENSITIES FOR THE COMMERCIAL FUTURE LAND USE DESIGNATION AND NEIGHBORHOOD COMMERCIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

Ms. Bunt provided a background on this ordinance and further explained the changes that were made in regards to the State's comments.

Mayor Blake opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve Ordinance No. 17-2020 on Second and Final reading.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. Council Business:

1. Consider applicants and interest to fill four vacancies for regular members of the Planning and Zoning Board through November 2023 among the reappointment of Michael Dobrin, Sherry Ervin, or Al Washington, or the Appointment of Alternate Aleck Greenwood, Kaitlyn Aliano, Susan Mock, Michelle Pacheco, or Sharri Scott, or a combination of current and new members. (20-768). (Administrative Services Director)

   Mayor Blake applauded Mr. Koss for serving on the board and thanked him for his service.

   Councilmember Koss felt that there were many great applicants and that two of the applicants were from the Citizens Academy. She pointed out that Susan Mock has sixteen years of zoning experience. She believes that term limits should be considered at some point.

   Councilmember Dyal added that there is a position open on the Board of Adjustment.

   Attorney Garganese explained the alternate position in response to a question posed by Councilmember Hearn.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve all of the reappointments and to appoint Ms. Susan Mock to take former member Lawrence Koss' seat.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. City Council Liaison Appointments and Appointment of the Space Coast League of Cities & Florida League of Cities Voting Delegates and Alternates for 2021. (20-816). (Administrative Services Director)

   City Council Liaison Appointments for Calendar Year 2021 are as follows:

• Affordable Housing Committee	Blake
• Board of Adjustment	Dyal
• Code Enforcement Board	Dyal
• Diamond Square RDA	Goins
• Housing Authority	Blake
• Planning & Zoning Board	Hearn
• Police Advisory Board	Goins
• Sustainability Advisory Committee	Koss

• Utilities Advisory Board	Koss
• Space Coast TPO	Koss-Primary Goins-Alternate
• Space Coast League of Cities	Blake-Primary Goins-Alternate
• Florida League of Cities	Blake-Primary Koss-Alternate

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve the Liaison appointments for calendar year 2021.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve the current Code Enforcement Lien for the property located at 1202 Princeton Rd., be reduced to $2,500.00 as recommended by the Code Enforcement Board. (20-818). (Chief of Police)

Chief Cantaloupe noted that this item was heard at the November 19, 2020 Code Enforcement Board meeting and at that time it was recommended by the Board that the lien be reduced to $2,500. All violations have been corrected at this time.

* **MOTION by Councilmember Koss; Seconded by Councilmember Dyal, to approve the current Code Enforcement Lien for the property located at 1202 Princeton Rd. be reduced to $2,500.00 as recommended by the Code Enforcement Board.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Consider whether to allow City of Cocoa Emergency Ordinance No. 13-2020 Requiring Face Coverings to remain in effect or terminate the Ordinance. (20-821). (Assistant City Manager)

Assistant City Manager Fuhrer presented the item and explained that this emergency ordinance was adopted on August 12, 2020. He provided a brief background of the governor's orders as well and pointed out that this ordinance is brought back every thirty days for Council's consideration. The last action taken on this was on November 10, 2020.

Attorney Garganese explained in furtherance that this emergency ordinance is brought back every thirty days and if Council wished to maintain the ordinance then no action was required. Action is only required if they wish to repeal and terminate the ordinance. He reiterated that if no action was taken it will stay in effect.

Mayor Blake asked about face shields and if the ordinance could be expanded to include face shield or mask.

Attorney Garganese pointed out that there is a definition of face coverings that does not include a shield. Council action would be in the form of an emergency ordinance and it would be permissible to make this minor definitional change to emergency Ordinance No. 13-2020 because emergency ordinances do not require advertising prior to adoption and the change is simple. A new ordinance[1] would be prepared after the meeting to memorialize the Council action for the Mayor's signature.

Mayor Blake would like to amend the ordinance to include the term "or face shield".

Attorney Garganese advised that Council would have to make a motion to amend the ordinance to include the term "or face shield".

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to amend emergency Ordinance No. 13-2020 to include "or face shield".**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Consider Mayor Blake's request to reappoint Ms. Chenita Joiner as a member of the Cocoa Housing Authority through December, 2024. (20-827). (Administrative Services Director)

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Hearn, to approve the reappointment of Ms. Chenita Joiner as a member of the Cocoa Housing Authority through December, 2024.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

---

1 EXHIBIT A: Ordinance No. 21-2020 Amending EMERGENCY Ordinance No. 13-2020

6. Approval of the Special Event Street Closure on January 2, 2021 for the Run for Responders 5k at Riverfront Park. (21-2). (Assistant to the City Manager/Public Information Officer)

Ms. Senger explained where the closure would take place and assured Council that a COVID safety plan was also submitted.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Hearn, to approve the Special Event Street Closure on January 2, 2021 for the Run for Responders 5k at Riverfront Park.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

7. Adopt Resolution 2020-252 establishing a $100 Application Fee for non-residential applications seeking a stormwater assessment credit; Advising the City Council regarding the administrative City of Cocoa Stormwater Utility Assessment Adjustment and Mitigation Credits Policy adopted by the City Manager pursuant to Ordinance 1-2019 and Resolution 2019-071. (20-606). (Public Works Director)

Mr. Smith pointed out that the resolution in the agenda had a few minor changes to make it consistent with the policy. This will make it possible for Public Works to collect a fee in regards to loss of funds that they sometimes have.

Councilmember Koss mentioned that she was eager for this policy because many of her neighbors have been asking about it. She feels that it is a little complicated and was not sure that it will provide the incentive it was created to do.

Mr. Smith advised that the majority of the policy was created to give some sort of incentive to homeowners who want to make these changes. It is not going to offset the whole costs. It is basically rewarding the resident for making modifications. This is something that people will have to do and as changes are noticed in the lagoon it may encourage people to do more.

Deputy Mayor Goins does not want to charge the $100 fee. If people are doing their due diligence to aid in stormwater than they should not have to pay.

For clarification purposes, it was noted that this fee only applies to non-single family properties. Deputy Mayor Goins apologized for the misunderstanding.

Councilmember Koss asked if an analysis could be brought back a year from now to Council. Staff agreed to do so.

* **MOTION by Councilmember Koss; Seconded by Councilmember Dyal, to the item.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. City Business:

1. Approval of the lease agreement with The Lamar Companies for the lease of the outdoor billboards along US1 in Rockledge on City of Cocoa owned property. (20-803). (Assistant to the City Manager/Public Information Officer)

* **MOTION by Councilmember Hearn; Seconded by Deputy Mayor Goins, to approve the item.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve Task Order 2021-01 with Danus Utilities, Inc. for the S.R.528 Force Main Relocation Work, Project No. WS21FM, in the amount of $233,100; To Approve a Resolution Authorizing the City Manager to Approve Project Contingency and Execute Change Orders in an Amount Not to Exceed $23,310 (10% of the Contract Amount), for a Total Project Cost of $256,410; To Approve a Resolution Amending the FY2021 Budget BAF# 21-036-T. (20-817). (Utilities Director)

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. First Reading: Ordinance No. 20-2020: City Code related to reimbursement of travel related expenses; directing that the Finance Director update the Financial Operations Manual (FOM), and recognizing that future travel and per diem reimbursement policies will be established by resolution of the City Council rather than by ordinance. (21-3). (Finance Director)

Attorney Garganese read Ordinance No. 20-2020 into the record, by title only as follows:

ORDINANCE NO. 20-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; REPEALING SECTION 2-76 OF THE CITY CODE RELATED TO REIMBURSEMENT OF TRAVEL EXPENSES; RECOGNIZING THAT THE CITY COUNCIL MAY ESTABLISH FUTURE TRAVEL POLICIES BY RESOLUTION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Attorney Garganese explained that the current travel policy is codified in the City Code and this will repeal the codified version. After approval of the ordinance Council will proceed with approval of a resolution, which will take the place of the ordinance for future changes to travel. The plan is to present this ordinance for second reading and the resolution at a January meeting.

Ms. Bowman added that to change the existing ordinance it requires two hearings and then they can change the policy via resolution in the future. Most cities and other governmental agencies have travel policies so the City is adopting a new internal policy and requesting it be updated by resolution in the future.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve Ordinance No. 20-2020 on First reading.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

3. Approve the Police Department to enter into a Multi-Year Contract with Axon Enterprises by means of a Sole Source Resolution, to purchase Tasers under project number PD15TS, using account number 001-2100-521.44-00; and to authorize the City Manager to execute and sign the contract. (20-770). (Chief of Police)

* **MOTION by Councilmember Koss; Seconded by Councilmember Hearn, to approve the item.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approval of the FIRST of two one (1) year period extensions of the original multi-year agreement with JHS Consultants for nonexclusive legislative and executive representation for the City of Cocoa renewing the agreement for October 1, 2020

to September 30, 2021 and authorize the City Manager to sign the agreement and any future renewal terms. (20-775). (Administrative Services Director)

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Approve a Multi-Year Agreement with Online Solutions, LLC ("CitizenServe") for a Subscription to Access and Use CitizenServe Software Services for an Online Building and Permitting Solution in the Amount of $96,600; Approve a Resolution Authorizing the City Manager to Approve Change Orders and Other Related Purchases in an Amount Not To Exceed $9,600 for a Total Project Cost of $106,200. Authorize the City Manager to Approve the Additional Two One-Year Renewals. (20-822). (Assistant City Manager)

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

REPORTS:

Mr. Smith advised that the Arbor Day Foundation has approved the City's Tree City USA application for 2020.

Councilmember Koss asked if the inventory was completed and explained the grant that the City had received. In response, Mr. Smith noted that the year one inventory has been done and they were working with the GIS team to work on maps that show the City's canopy.

City Manager Whitten congratulated Chief Cantaloupe on his last meeting and that the Chief has made it easy for him to transition to the City. He wished him well in retirement.

Mayor Blake thanked Chief Cantaloupe for his professionalism and leadership and asked all to stand for a round of applause.

City Manager Whitten further added that the brochure and advertisement is not out and asked that Council provide their choice for the citizens committee as soon as

possible. Each Council would choose one person and the City Manager would have two.

Councilmember Koss asked for a timeline and in response, City Manager Whitten stated they would more than likely initially meet the first week of February.

Mayor Blake called Mr. Jerry Sansom, the City's legislative representative, to the podium. Mr. Sansom thanked Council for approving his renewal and mentioned he was unsure of how things would work in Tallahassee this year. They are still working out how the legislative session would be handled. He looked forward to working with Council in Tallahassee and he stated that it was a pleasure working for the City. In closing, he congratulated the new members for stepping up and further thanked those re-elected or on Council.

Councilmember Koss spoke about her attendance at the Florida League of Cities Annual Conference and pointed out that she serves on the Infrastructure and Natural Resources Committee. She spoke about some of the issues discussed at the meeting and one of the issues was sustainability. There have been times where Cocoa has been labeled as too poor to take on some of the measures to become sustainable but having sustainability and resiliency will make Cocoa more attractive. She is proud to serve on that committee.

Councilmember Koss asked about the status of the AV system and if video or Zoom was a possibility.

Mr. Beach noted that an extensive renovation was done and we do have capability to Zoom. He stressed that a test run would need to be done in order to ensure it would work correctly.

Lastly, Councilmember Koss announced that the Brevard Nursing Academy would start a training session in March, in District 4 for all nursing categories. They would draw people from this area to serve people in this area. They are looking for a facility on Dixon.

She thanked Chief Cantaloupe for his service through all of his years.

Councilmember Dyal asked about the Police Advisory Board and when they should submit their names.

He mentioned his attendance at the event at Riverfront Park on Friday night and it was nice to see people enjoying themselves.

He thanked Chief Cantaloupe for his service and for getting him involved as the V-Cop coordinator.

Lastly, Councilmember Dyal spoke about the Space Coast Marathon and that there were about 5,000 in attendance.

Councilmember Hearn announced that Cocoa High School Football ended their season and he asked if they could get the coach and team in at a meeting to show recognition. He felt it was important to continue to highlight those programs.

Mayor Blake thanked Councilmember Hearn for his professionalism on the news. He thought he did a great job.

Deputy Mayor Goins voiced his concerns with Provost Park and feels strongly that something needs to be done. We have been reactionary to issues but nothing has been done. He is worried something is going to happen and it is frustrating.

Mayor Blake stated that one of the quickest ways to fix the problem was to get our parks back and maintain them ourselves.

City Manager Whitten advised that this issue was on the list of Council priorities and would be discussed at the new workshop on January 19, 2021.

Deputy Mayor Goins spoke of his appreciation for Chief Cantaloupe and for listening, being present during events and at various other times. He would be missed.

Mayor Blake mentioned the flashing lights at Endeavor either on Pineda or Fiske and asked if they had been addressed. He requested that they be fixed if they have not already.

Mayor Blake mentioned the incident in the City that took place on November 18th and again on November 20th. He advised that Cocoa was taken hostage by two individuals that do not reside in the City of Cocoa and who did not file the appropriate paperwork. He voiced his frustration of the event and that it resulted in the cost of overtime, the closure of City Hall, and the merchants that lost business due to the event. He commended the Chief of Police and officers as they diverted what could that have been a very critical situation. He further thanked all of public safety, including the Fire department.

He asked the City Attorney if there was something that could be done to prevent this from happening again. He wants to be proactive not reactive. He asked Council to please consider this.

Mayor Blake thanked all local volunteers, boards, V-Cops, sweat equity, and staff. There is a brand new attitude and Council will be trying something new in 2021 which is working with you. Cocoa is the place to be.

Councilmember Hearn agreed that state roads and streets cannot be impeded. He supports the right to protest but the family did not support the protest nor do they support any future events like that.

Councilmember Dyal announced the new V-Cop coordinator John Sauder.

Mayor Blake asked the City Attorney if he was on board. He knows that he has to collaborate with the City Manager. He thanked Chief Cantaloupe again.

In closing, Mayor Blake reminded all to buy local, spend local, and keep it local.

X. Informational Agenda:

1. Data showing the relation between the estimated and actual income and expenses to date. (20-789). (Finance Director)

2. 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. (20-790). (Finance Director)

3. FY 2021 Budget Adjustment Report. (20-792). (Finance Director)

4. Fire Incident Summary Report for October 2020. (20-793). (Fire Chief)

5. Cocoa Police Department District Event Statistics for Council Information. (20-815). (Chief of Police)

XI. Adjournment:

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to adjourn the Regular meeting of December 8, 2020.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:54 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie E. Shealy, MMC, City Clerk

SEAL

FLORIDA

ORDINANCE NO. 21-2020

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA AMENDING EMERGENCY ORDINANCE NO. 13-2020 TO MODIFY THE DEFINITION OF FACE COVERING; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; NON-CODIFICATION; APPLICABILITY; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, this is an emergency ordinance of the City Council of the City of Cocoa, Florida enacted pursuant to Section 166.041(3)(b), Florida Statutes and Section 2-54 of the City Code, and has been approved by at least 2/3 vote of the City Council; and

WHEREAS, the City Council previously adopted emergency Ordinance 13-2020 requiring face coverings in certain places open to the public due to the public health emergency declared related to the coronavirus ("COVID-19), and said Ordinance remains in full force and effect; and

WHEREAS, the City Council of Cocoa desires to modify the definition of face covering to include a face shield; and

WHEREAS, the City Council adopts by reference the findings made under Ordinance No. 13-2020 as if specifically set forth herein, and further finds that an emergency continues to exist and the immediate enactment of this Emergency Ordinance is necessary pursuant to Section 166.041(3)(b), Florida Statutes; and

WHEREAS, the City Council also finds that this Emergency Ordinance is necessary for the preservation of the public health, safety and welfare of the citizens and visitors of Cocoa.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby adopted by the City Council as material legislative findings of the City of Cocoa and are further fully incorporated herein by this reference as part of this Ordinance.

Section 2. Definitions. The following words used in Ordinance No. 13-2020 are hereby modified to have the meaning ascribed below (underlined type includes additions):

"Face Covering" shall mean a face shield or uniform piece of material, such as cotton, linen, polyester, that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands, whether store bought or homemade, consistent with CDC guidelines. See https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html.

Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Non-Codification of Ordinance. Because of the temporary emergency nature of this Ordinance, this Ordinance shall not be codified in the City Code.

Section 5. Severability; Conflicts; Applicability.

(a) If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

(b) Any provision within this Ordinance that conflicts with any State or Federal law or constitutional provision, or conflicts with or are superseded by a current or subsequently issued Executive Order of the Governor, the President of United States, or Brevard County shall be deemed inapplicable and deemed to be severed from this Ordinance, with the remainder of this Ordinance remaining intact and in full force and effect.

(c) This Ordinance has no application outside of the municipal boundaries of the City of Cocoa.

(d) Nothing contained herein shall require or allow a person to wear a Face Covering so as to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.

Section 6. Report to City Council in Conjunction with Ordinance No. 13-2020; Sunset Ordinance. Ordinance No. 13-2020, as amended by this Ordinance, shall remain in full force and effect. The City Council will periodically review this Ordinance in

conjunction with Ordinance No. 13-2020 approximately every thirty (30) days following the effective date of this Ordinance to determine whether this Ordinance should be terminated depending on the status of the COVID-19 emergency. The City Manager shall schedule the review on a regular or special meeting agenda. During this periodic review process, the City Council reserves the right to terminate this Ordinance by majority vote at any time, without notice.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption and shall remain in effect until repealed by the City Council.

ADOPTED by the City Council of the City of Cocoa, Florida, in accordance with Section 166.041(3)(b), Florida Statutes by an affirmative vote of 2/3 of the City Council, in a regular meeting assembled on the 8th day of December, 2020.

Michael C. Blake

Michael C. Blake, Mayor

ATTEST:

Carie Shealy

Carie Shealy, City Clerk