MINUTES
City of Cocoa
Regular Meeting of The City Council

November 28, 2023

A Regular City Council Meeting was held on Tuesday, November 28, 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 6:00 p.m.

Pastor Dean Williamson provided the invocation and Kendall Moore led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The Interim City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Matthew Barringer	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Monica Arsenault	Interim City Clerk

OTHER STAFF MEMBERS PRESENT:

Katie Ennis, Deputy Utilities Director; Charlene Neuterman, Community Services Director; Tammy Gemmati, Administrative Services Director; Evander Collier, Police Chief; Lora Howell, Deputy Finance Director; Jonathan Lamm, Fire Chief; Robert Beach, Chief Technology Officer; Dennis Bunt, Code Enforcement Manager; and Lisa Richardson, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of November 28, 2023. (23-748).

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the agenda for the Regular meeting of November 28, 2023 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Florida Department of Agriculture & Consumer Services Presentation. (23-747). (Lenora Spence, Community Outreach Coordinator)

IV. Delegations:

Pastor Dean Williamson, 750 Brevard Ave., Cocoa, shared that their church has been in the Village for a long time, however last weekend they experienced a hinderance in getting to their morning service as there was a marathon going on. The congregation is hoping staff can come up with a plan to avoid these issues in the future.

Additionally, Chief Collier shared that he met with Pastor Williamson and they shared ideas to come up with a better plan to route the runners so that it does not disrupt their church services in the future, but if any other issues come up he encouraged Pastor Williamson to reach out to him directly.

Monica Leach, 1106 Myrtle Ln., Cocoa, shared that she is having issues in her neighborhood with speeders and crime. She would like Council and staff to address these issues.

Additionally, she would like to ask how to participate in a ride along with both the Police and Fire Departments.

Deputy Mayor Hearn stated that he would look further into the issues Ms. Leach is experiencing in her neighborhood as she lives in his district.

Monica Pasqualle, 2301 Meridian Ave., Cocoa, wished to speak about platted land on her property. She is experiencing issues with the new setbacks that were recently passed. She applied for a permit and the process has been complicated

because there is not much wiggle room to come into compliance and she wished to bring it to Council's attention in hopes of getting it resolved.

Councilmember Koss shared her concerns regarding the fee schedule. She pointed out that she does not feel that $600 is a fair fee for a variance request when they had no choice on where to put their shed.

City Manager Whitten added that an existing shed was torn down and she replaced it without a permit. In response, Councilmember Koss shared that Ms. Pasqualle was initially told that she didn't need a permit because she was only replacing a shed.

City Manager Whitten explained that was not the staff history he was provided but he would look further into the issue.

In response to a question posed by Councilmember Goins, Councilmember Koss clarified that what she would like Council to consider is the ability to make situations such as this more reasonable for residents. She does not think $600 is fair when the shed did not even cost that much and they are only asking for wiggle room of less than two feet.

Councilmember Barringer shared that he has previously served on a Board of Adjustment and so he understands fee schedules, however, he would be open to looking at and comparing other local communities' fee schedules.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the Fiscal Year 2023 Adopted Budget, BAF#23-133-A&T, to "Shore Up" departmental accounts with negative balances or project budgets, through the use of various budgeted lines or fund balance. (23-681). (Finance Director)

2. Approve a Budget Resolution Amending the FY24 Budget, BAF#24-025-T for the use of Stormwater Contingency funds for the following:
1) $24,907 for a Task Order Modification to Mead & Hunt for additional Engineer of Record (EOR) support services for the construction of the Fiske Blvd. and Broadmoor Acres Drainage Improvements Project. Authorize the City Manager to sign the Task Order Change Order and issue the Change Order.

2) $27,826 for the cost of the Floating Wetlands Bond. (23.705). (Interim Public Works Director)

3. Approve a Resolution Amending the FY2023 Budget, BAF# 23-134-IFT-1 to return funds to Cocoa CRA as a result of unspent budget for Cocoa Village CRA policing contract with Cocoa PD. (23-731). (Finance Director)

(B) Multi-Year Contracts:

4. To Approve Task Order 2024-05 with Carollo Engineers, Inc. for Engineering Services During Construction for the Jerry Sellers Water Reclamation Facility Internal Recycle Pump, Influent Pump Station, and Transfer Pump Station Replacement and Rehabilitation Project; To Approve as a Multi-Year Contract from FY2024 through FY2025. (23-648). (Utilities Director)

5. Approve Participation in a Multi-Year Piggy-Back Agreement with Fausnight Stripe & Line, Inc. for Roadway Markings, Striping and Brick Texture Surfacing utilizing Seminole County Contract No. IFB-604562-23/LNF, Effective 11/28/2023 through 08/28/2026, with two (2) each one-year renewal option. Authorize the City Manager to sign the related agreements and renewals and issue the purchase order(s). (23-714). (Interim Public Works Director)

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake, to approve the Consent agenda.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Two matters related to the Mountain Cove Homes at Lakes at Cocoa Grove Development - (1) Consider Petition filed by Mountain Cove Homes at Lakes at Cocoa Grove, LLC. to create a community development district pursuant to Chapter 190, Florida Statutes, and approve on First Reading Ordinance No. 27-2023 Creating the Lakes at Cocoa Grove Community Development District. (Community Services Director); and (2) Postpone consideration and approval of the First Amendment to Settlement Implementation Agreement to the City Council Meeting to be held on December 12, 2023 at 6:00 p.m. for purposes of preserving

public notice of the adoption of the proposed agreement. (23-744). (Community Services Director)

City Attorney Garganese shared that this is the First Reading of the Ordinance and read the title into the record as follows:

Ordinance No. 27-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, ESTABLISHING THE LAKES AT COCOA GROVE COMMUNITY DEVELOPMENT DISTRICT, AT APPROXIMATELY 246.43 ACRES, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn, to approve Ordinance No. 27-2023 on First Reading and to postpone consideration and approval of the First Amendment to Settlement Implementation Agreement to the City Council Meeting to be held on December 12, 2023 at 6pm, for discussion.**

Councilmember Koss asked City Attorney Garganese to expound on what the pros and cons are to this Ordinance.

There being no further questions from Council, Mayor Blake opened the hearing to the public.

Kendall Moore, 895 Barton Blvd., Rockledge, shared that he has worked diligently with both the City Manager and the City Attorney on this project. They are requesting amendments to the agreement which is why they are asking Council to consider postponing that portion of the item to a date certain which would be December 12, 2023.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Approval of the amended street closure for the HCVMS Holiday Bicycle Parade and a new street closure request for Family Promise. The Family Promise Street Closure is outside the Central Business District. (23-701). (Communications & ED Director)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve the requested 2024 street closures associated with the proposed Special Events. (23-703). (Communications & ED Director)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Annual Appointment of the Deputy Mayor. (23-702). (Administrative Services Director)

Councilmember Koss wished to re-nominate Mr. Hearn as Deputy Mayor.

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins, to reappoint Lavander Hearn as Deputy Mayor.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve the time change for the upcoming Cocoa/Rockledge Holiday Parade on December 9, 2023. (23-711). (Communications & ED Director)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Consider the reappointment of Wesley Park as a member of the Planning & Zoning Board through November, 2026. (23-736). (Administrative Services Director)

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn, to approve the reappointment of Wesley Park to the Planning and Zoning Board through November, 2026.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Approve the current Code Enforcement Lien for the property located at 1221 Cypress Ln., be reduced to $3,756.37 as recommended by the Code Enforcement Board. (23-751). (Police Chief)

Deputy Mayor Hearn wished to announce that at one time he was a tenant at the property and while he no longer has any ties to the property, he wished to recuse himself out of caution[1].

Mr. Bunt provided a history of the property and the code violations. The Code Enforcement Board, at its regular meeting November 16, 2023, recommended that the lien be reduced to $3,756.37.

Councilmember Barringer asked for clarification regarding the process of which the homeowner is notified of the violations. In response, Mr. Bunt explained that the property is posted and certified mail is sent to the mailing address that the homeowner has listed on Brevard County Property Appraiser's website.

Councilmember Barringer asked Mr. Bunt to further clarify the timeline of the violations.

Mr. David Silva, the homeowner, bought the property knowing that there were violations on it. There was no running lien at the time so he met with Code Enforcement right away to bring the property into compliance. He shared that while he initially felt that he had come into compliance, every time Code came out to do an inspection there were additional items added to the list.

[1] Voting Conflict Form 8B was submitted

Mr. Silva added that he feels he is being punished for violations that he did not create. He explained that he has been present for the entire process and is trying his best to bring the property into compliance.

* **MOTION by Councilmember Goins; Seconded by Councilmember Koss, to approve the Code Board's recommendation to reduce the lien to $3,756.37.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Authorize the City Manager to negotiate the sale of City of Cocoa asset 9518 T32, a 2015 Sutphen SPH-100 Tower Ladder Truck, through Sourcewell Contract 120921-BLE; Authorize a Budget Amendment to receive revenue from the sale of SPH-100; Approve a Resolution Amending the FY24 Budget, BAF#24-026-A, and Authorize a Change Order to PO# 80739 2024 / 2025 Sutphen Heavy Duty Monarch Pumper Rescue Truck and convert this truck to a 2024 / 2025 Sutphen SL75 Aerial Heavy-Duty Pumper Rescue Truck. (23-657). (Interim Public Works Director)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Notice to Council on the grant application to the Florida Department of Environmental Protection for the purpose of developing a Vulnerability Assessment for the City of Cocoa. (23-704). (Community Services Director)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. 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. (23-733). (Finance Director)

2. Data showing the relation between the estimated and actual income and expenses to date. (23-734). (Finance Director)

3. FY 2024 October Budget Adjustment Report. (23-742). (Finance Director)

X. Reports:

City Manager Whitten wished to make a point of clarification regarding the newest fee schedule changes. He noted that he would send Council the most recent fee schedule, however for a single-family home it is only $250 plus any related costs for advertising or any additional items.

Ms. Senger shared a sixty second video on what makes the City of Cocoa special and mentioned that it was submitted in a contest and the video is also available on the City's social media pages.

She reminded everyone of the upcoming Centennial event at the Moore Center and invited everyone to attend on Saturday, December 2nd. Additionally, the Boat Parade will be on Friday, December 8th at Riverfront Park, and the Holiday Event with the annual Tree Lighting will be held on Saturday, December 9th after the Holiday Parade in Cocoa Village.

Chief Lamm provided an update on the two high school student recruits that have been working at the Fire Department. He shared that both of them are doing an outstanding job and will graduate EMT school on December 7th and will start the Firefighter's Academy in January.

Councilmember Barringer thanked staff for their professionalism and their hard work.

Additionally, he wished to highlight several of Cocoa's walking trails, especially the Cocoa Conservation Trail. He has also been touring some of the City's parks with his family, specifically Travis Park, to try and meet people out in the community.

Councilmember Goins shared photos from recent events he attended. He added that unfortunately he will be out of town for the Centennial event this weekend.

Lastly, he congratulated Deputy Mayor Hearn on his re-election as Deputy Mayor.

Deputy Mayor Hearn shared photos from recent events he attended as well. He thanked Ms. Morgan and her staff for all of their hard work and being responsive to the community.

Lastly, he thanked Council for reappointing him as Deputy Mayor.

Councilmember Koss shared some key takeaways from the Florida League of Cities Conference she attended.

She provided a District 4 update along with updates from the Space Coast TPO.

Additionally, she shared updated information about the Save Our Lagoon program.

Lastly, she shared a photo from a Vision Zero event she attended to recognize those who have been hurt or killed in traffic crashes.

Mayor Blake shared photos from the National League of Cities Conference he attended and announced that he was elected to serve on their National Board of Directors.

He further thanked staff and Council for their dedication and hard work and their love of Team Cocoa.

XI. Adjournment:

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to adjourn the Regular meeting of November 28, 2023.**

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:01 p.m.

Michael C. Blake, Mayor

ATTEST:

City of Cocoa CORPORATE SEAL

Monica Arsenault, Interim City Clerk