Minutes (Amended)
City of Cocoa
Regular Meeting of The City Council

November 9, 2021

A Regular City Council Meeting was held on Tuesday, November 9, 2021, 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.

Rabbi Sanford Olshansky provided the invocation and all of the Veterans in attendance came forward and 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
	Kristin Eick	Assistant City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Katie Ennis, Acting Utilities Director; Charlene Neuterman, Interim Community Services Director; Evander Collier, Chief of Police; Jonathan Lamm, Fire Chief; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Samantha Senger, Assistant to the City Manager/PIO; Mitch Lawyer, Acting Chief Technology Officer; and Ben Wenrich, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of November 9, 2021. (21-728)

2. **Minutes:** (a) Regular meeting of September 28, 2021 (21-731)

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the Agenda for the Regular meeting of November 9, 2021 with the following amendments: Add Item V.10(b) under Consent Multi-Year and to Add Item VII.2 under Council Business (regarding changing of the time of the Special meeting of November 30, 2021).**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UANANIMOUSLY (5-0)

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve the Minutes of the Regular meeting of September 28, 2021 with the following amendments: pg. 17 it says $562. It should be $562,000, and on Pg. 21, paragraph 7, "Councilmember Koss asked if they don't come to an agreement with the 501c3 would an analysis be done on what it costs to disseminate the contents of the museum. Those costs would be in addition to being left with an empty building in a neighborhood that is already spiraling downward".**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UANANIMOUSLY (5-0)

III. Awards and Presentations:

None.

IV. Delegations:

Rabbi Sanford Olshanski, 3810 Murrell Road, Suite 129, Rockledge, is with the Sister City and was in attendance to invite Council and other City officials to the Hannukah Program at Riverfront Park on Tuesday, November 30, 2021. The event is from 6:30-8 pm. He noted that Mayor Blake is scheduled to speak as well as their President Randy Alonso. He provided a brief overview of what the ceremony will include and also provided a brief overview of Beit Shemesh, Israel.

Mayor Blake shared that he had the opportunity to go to Beit Shemesh years ago and had a wonderful time. He thanked Rabbi Olshanski.

Bob Krieger, 100 Riverside Drive, Apt. #804, Cocoa, advised that he and his wife had moved here about four years ago, right before the hurricane hit. He was pleased when they first put in the docks around the waterfront and then he found out how the docks would be managed. He was told there would be a dock master and a dock master station. His condo faces the waterfront and he sees nothing but boats coming and going for multiple nights at a time. He pays good money to keep his boat there and asked if this was how Cocoa was going to operate. He further voiced concerns about the health of the Indian River Lagoon and asked where all of the boats' waste were going. There is never a pump out boat out there. He further voiced concerns about the derelict boats and feels that if there is another hurricane they will hit the seawall.

Mayor Blake asked Ms. Neuterman and Chief Collier to get with Mr. Krieger in order to address this issue. Mayor Blake assured him they are being proactive about the situation.

V. Consent Agenda:

(A) General Consent Items:

1. Approval Resolution Amending the FY2022 Budget, #BAF 22-015-A, Accepting the Bureau of Justice Assistance FY2021 Bulletproof Vest Partnership Grant in the amount of $12,705 and Transfer the Match Budget to the new account number. (21-700). (Chief of Police)

2. Approve FY-2022 Vehicle and Equipment Purchases through Alan Jay Fleet Sale utilizing Sourcewell Contract #120716-NAF, 060920-NAF via Standard Piggyback Form authorized on November 10, 2020, through January 17, 2022. (21-714). (Public Works Director)

3. Approve Change Order No.1 to P.O. 78017 with CST Industries, Inc. in the Amount of $12,311, as the Original Purchase Order Exceeds the City Manager's Signing Authority. (21-716). (Utilities Director)

4. Approve a change order to Tech Systems, Inc. related to the roof replacement at the new Police Department Substation in Provost Park. Approve A Resolution Amending the FY22 Budget, BAF #22-021-T. (21-729). (Public Works Director)

5. Approve Change Order #1 for P.O. 78584 in the Amount of $70,000 as the Original Purchase Order Exceeds the City Manager's Signing Authority (21-730). (Utilities Director)

(B) Multi-Year Contracts:

6. Approve a Resolution waiving the competitive bidding process by reason of sole source vendor for a four (4) year multi-year contract between the City of Cocoa and Tyler Technologies, Inc. providing a services agreement supporting the Socrata software subscription amendment. Approve Budget Adjustment form 22-011-T and authorize the City Manager to approve and sign the amendment between The City of Cocoa and Tyler Technologies. (21-696). (Chief of Police)

7. Amending Original Agenda Item #21-523 to Include Approval as a Multi-Year Contract with Ace Flow Control, Longwood, Florida for a Total of Three (3) Years with Four (4) One-Year Renewals; Approval of Amendment #1 to the Service Level Agreement with Ace Flow Control Dated 9-14-21 with an Annual Cost not to Exceed the Bid Amount of $983,640 Per Year and Approval for the City Manager to Execute Any Renewals under the Original Contract Not to Exceed a Total of Seven (7) Years. (21-706). (Public Works Director)

8. To Approve Task Order 2022-23 with Carollo Engineers, Inc. for Engineering Services During Construction (SDC) for the Lift Station Replacement, Project No. WS21LS, in the amount of $54,360; To Approve as a Multi-Year Contract from FY2022 through FY2023. Approve a Resolution Amending the FY22 Budget, BAF#22-019-A. (21-708). (Utilities Director)

9. Approve a multi-year agreement (36 Months) with Microsoft through CDW-G, Inc. for Microsoft Software, Licenses and Maintenance under the terms and conditions of the Florida NVP Software 43230000-NASPO-16-ACS-SVAR (ADSPO16-130652) government cooperative agreement, authorize the City Manager to finalize the terms of and sign the agreements, and authorize the City Manager to approve potential future additional licenses to be added to the Enterprise Agreement through the annual True-Up program up to $25,000 per year. (21-709). (Chief Technology Officer)

10. Approve Bid No. ITB B-21-31-COC, Soda Ash, to Genesis Alkali, Inc., 1735 Market Street, Philadelphia PA for the Purchase of Soda Ash; To Approve as a Multi-Year Contract from FY2021 Through FY2023 with Two (2) Additional One (1) Year Extensions; To Authorize the City Manager to Execute the Contract and Future Renewals, Purchase Orders, Change Orders up to the Total annual Budgeted Amount for Chemicals between the Various Chemical Providers, and Amendments to the Contract; Pending Approval of the FY22 Budget. (21-618). (Utilities Director)

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UANANIMOUSLY (5-0)

VI. Public Hearings:

1. Consideration of First Reading (Ordinance 14-2021) of The City of Cocoa, Brevard County, Florida; relating to backyard chickens; amending Chapter 5 - Animals and Fowl of the city code to allow the keeping of chickens and chicken coops within certain residential zoning districts subject to certain enumerated conditions; creating definitions; establishing a permitting process; providing for the repeal of prior inconsistent ordinances and resolutions, severability, incorporation into the code, and an effective date. (21-702). (Interim Community Services Director)

Ordinance No. 14-2021 was read into the record, by title only, as follows:

ORDINANCE NO. 14-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; RELATING TO BACKYARD CHICKENS; AMENDING CHAPTER 5 – ANIMALS AND FOWL OF THE CITY CODE TO ALLOW THE KEEPING OF CHICKENS AND CHICKEN COOPS WITHIN CERTAIN RESIDENTIAL ZONING DISTRICTS SUBJECT TO CERTAIN ENUMERATED CONDITIONS; CREATING DEFINITIONS; ESTABLISHING A PERMITTING PROCESS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, INCORPORATION INTO THE CODE, AND AN EFFECTIVE DATE.

Ms. Neuterman provided a background of this item and noted that at the October Planning and Zoning Board meeting the ordinance was approved. She pointed out that only four hens would be allowed, roosters will not be allowed, and a permit would have to be obtained by Community Services. Residents must also provide proof of a care course and upon approval of the second reading of the ordinance staff will put out information on this.

Deputy Mayor Goins asked if the size of the coops was stated. In response, Ms. Neuterman advised that the size is limited and it cannot exceed a maximum of 150 square feet.

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve Ordinance No. 14-2021 on First Reading.**

Mayor Blake closed this portion of the hearing to Council and opened it to the public.

Anita Gibson, 451 Stone Street, asked if this approval would lead to more types of animals being allowed. In response, Mayor Blake stated that they would have to follow procedures.

Ms. Marilyn Smith, 1056 Park Drive, Cocoa, asked why roosters were excluded. Staff responded that it was due to the noise.

Jennifer Thompson, 93 Delannoy Avenue, Cocoa, advised that she had been an Orange County Commissioner for several years and they had the same ordinance. She spoke about issues that they encountered and offered her help in the event they need any advice on this.

Deputy Mayor Goins knows that there are a lot of people who will disrespect this ordinance and asked the Chief who would handle this.

Chief Collier advised that it would be based on complaints and Code Enforcement would be handling those. Deputy Mayor Goins reiterated that he believed it would be an issue but knows that Code can handle it.

Mayor Blake closed the hearing to the public.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UANANIMOUSLY (5-0)

VII. Council Business:

1. Annual Appointment of the Deputy Mayor. (21-717). (Administrative Services Director)

* **MOTION by Councilmember Dyal to nominate Councilmember Hearn as Deputy Mayor.**

THE MOTION WAS SECONDED BY COUNCILMEMBER KOSS.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UANANIMOUSLY (5-0)

2. Change of Special City Council Meeting of November 30, 2021 meeting time.

Mayor Blake requested that this meeting begin earlier so that all of Council can attend the Sister City Event that night.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to start the Special City Council Meeting of November 30, 2021 at 4:30 p.m.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UANANIMOUSLY (5-0)

VIII. City Business:

1. Approval of Ordinance No. 12-2021/first reading: Amending Chapter 2, Administration, Article VIII, Firefighters' Retirement Plan of the Code by amending: Section 2-271, Definitions, adding definition of death in the line of duty; Section 2-324, Disability, amending the benefit for a service incurred disability; Section 2-325, Preretirement Death, amending to create a new pre-retirement death benefit for members killed in the line-of-duty. (21-614). (Administrative Services Director)

Ordinance No. 12-2021 was read into the record, by title only as follows:

ORDINANCE NO. 12-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VIII, FIREFIGHTERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF COCOA BY AMENDING SECTION 2-271, DEFINITIONS; AMENDING SECTION 2-324, DISABILITY; AMENDING SECTION 2-325, PRERETIREMENT DEATH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Ms. Gemmati mentioned that this was brought forward as a result of union negotiations. She explained the reasonings in detail as to why the ordinance was being updated.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to approve Ordinance No. 12-2021 on First Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UANANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Calls for service provided by the Cocoa Fire Rescue Department for the month of October 2021. (21-733). (Fire Chief)

X. Reports:

City Manager Whitten announced that each year we budget a donation in City Council's budget for Magnolia Blossoms Thanksgiving dinner. This year it is Christmas Dinner so it will be held in December.

He announced that Katie Ennis was sitting in for Mr. Walsh tonight and Mr. Mitch Lawyer was sitting in for Mr. Beach.

Ms. Senger thanked Mike Erdman for stepping up for the Food Drive. They collected 1,400 pounds of food this week that went to the Sharing Center on Saturday. She noted that they held a competition amongst themselves between the Nissan and Toyota dealerships. It was a great way to start the food drive.

Chief Lamm provided an update on Covid-19 and noted that there have been 8,892 positive cases in Brevard County and 914 deaths and 60.67% of Brevard County is fully vaccinated. He pointed out that although they are seeing less positive cases, the numbers will go up during the holidays. He asked that everyone still continue to follow the CDC guidelines.

He further mentioned that the site in Merritt Island is still open for multiple types of testing and will be open through December.

Lastly, Chief Lamm announced that Brevard County Chief Shollmeyer has submitted his intent to retire on March 1st. He stated that it has been a pleasure to work with him and he thanked him for his assistance to the City of Cocoa and for all that he has done.

City Manager Whitten thanked Chief Collier and some of the officers at the Police Department who have made donations to Endeavor Elementary for eyeglasses for some of the children. He mentioned that he had donated as well and challenged

others who were listening to do the same. Additionally, he mentioned that the United Way Campaign had begun, as well as the Food Drive and he thanked staff for that. He hoped these good things would be noticed.

Councilmember Dyal thanked former Deputy Mayor Goins for doing a great job the last two years and he congratulated Deputy Mayor Hearn.

He spoke of his attendance at two events on October 30th at the City's Fall Festival. Those events were the costume contests for animals and for children. The festival was a huge success. He wished everyone a happy holiday and thanked staff and all of those who came to the meeting.

City Manager Whitten added that sign-ups for the Toy Drive have begun and people can sign up in the City Clerk's office and there was also a Turkey Drive that has started at Fire Station #1 as well. There is a digital sign up for the Turkey Drive this week through next week.

Councilmember Goins congratulated Deputy Mayor Hearn and stated it was a blessing to be under two Mayor's who helped him navigate the waters.

He announced that Emma Jewel's 8th grade girls track team won the county championship and it was only their second year being involved so that was great. He thanked the coaches and staff at the Academy as well as the athletes for doing their best.

Councilmember Goins spoke of his attendance at the Florida League of Cities Legislative Conference last week and that it was good to hear what other cities were going through.

He spoke about the renovations on parks and that they had voted tonight on the building at Provost Park. He would like a meeting to be held so that they could get an update on Provost Park and where those renovations stand.

Councilmember Goins announced that Holiday in the Park would be on Saturday, December 4th from 11 a.m. until 1 p.m.at Provost Park. Mayor Blake will be Santa and there will be a lot of activities for the kids.

Lastly, he mentioned that this weekend Cocoa Youth Football League had several teams that won and they will be going to the Superbowl. The Rockledge league also has teams going to the Superbowl as well. He noted that there are a lot of

good things happening and these athletics bring attention to our City. He shared that Cocoa High School was the Cocoa/Rockledge game.

Councilmember Koss provided a shout out to Cocoa Rotary who held a Keep Brevard Beautiful litter pick up at Provost Park. She agreed with Councilmember Goins and welcomed more information on the plans for the parks. She would also like to see a conclusion of the parks plan.

She apologized for not being at the food collection event and Ms. Senger advised that there would be another event on Monday, November 22nd at the Cocoa Walmart.

Councilmember Koss spoke of her attendance at the Blue & Gold Gala hosted by Emma Jewel Charter Academy. It was a great event and there are a lot of people to be proud of for what they are doing with the students and the school.

She pointed out that Cocoa was mentioned on the Central Florida Road Show on PBS. They spoke about the Playhouse as well as Richard Stone. She learned a fact about him that he was the inventor of the directional traffic signal, however, he did not get the credit for it. She felt that it brought positive attention to Cocoa.

Councilmember Koss felt that it was an honor to be an elected official and she spoke of her participation in the FLC Legislative Conference. She sits on one of their five committees and they set legislative priorities to speak about during the session in Tallahassee. She sits on the Utilities and Natural Resources Committee and they develop one priority from each committee. Their priority is in regards to tree protection and to close the loopholes, a lot of which were created in last years legislation. She further mentioned a session on Carbon Neutrality and mentioned the relation of the consent item that was approved on tonight's agenda and hoped this is just the beginning of that transition.

She mentioned that in the paper this morning there was an article about crowding concerns and she felt that the strategic planning that we were about to go into will make it better and more low impact development could be incorporated. It would also include equity shifting through resilience infrastructure grants. The City needs to be on top of this and a grant program was mentioned at the FLC conference. Grant writing assistance will be provided and she hoped that the City would be proactive in going after these funds.

Councilmember Koss reflected on the last Council meeting and the dissolving and restructuring of the Sustainability Advisory Board. She mentioned that everyone received a letter from Jennifer Riggs today.

Mayor Blake pointed out that he was left out of emails twice.

She stated that she tried to step back and while it can seem personal, it is usually a reflection of what is happening in the bigger picture. Cocoa is experiencing big growth and sustainability is all about its future and what we want the experience and living in Cocoa to be about. It is not personal and we are at a crossroads and she feels the Sustainability Advisory Board is important and how we proceed going forward. She wished that she had accepted the first offer made, however, she was caught up in the moment and did not, which was a mistake, but would like to be thoughtful on how they form this committee. She felt that going back on this item was important because participating on this board was pathway in our government and something people felt passionate about and who were interested in their city.

In order to be nominated for the board someone would have had to know them and she did not know any of them prior. She hates to take away that pathway, as she may never had been selected if it was not a volunteer board, even with her background. She mentioned possible options for the board and stated that since she voted against this she could not bring it back. ~~She pointed out that one option was to have a nomination from each council member and two from the City Manager.~~[1] She pointed out that the proposal to have a nomination from each Councilmember and two from the non-elected City Manager under-minds a representative government. Advisory councils exist to give citizens a voice and make recommendations to Council to direct staff. Under this proposal, the non-elected city manager will choose who directs himself. She felt that this would set a precedent that does not exist in advisory boards now or in any advisory boards in the county. She hoped this would be reconsidered.

Councilman Goins clarified what she was asking Council to do, and she advised that she was asking that it be brought back as an agenda item at the next meeting or it be discussed when it is brought forward. She was not sure why it was not on this meeting but evidently it was too soon.

Lastly, she stated that she is proud to live on the Space Coast and her husband would be going on a zero-g flight next week where he would be testing his prototype for harvesting greens in space.

[1] Minutes amended by Councilmember Koss at the December 14, 2021 City Council Meeting

Deputy Mayor Hearn showed photos of the football players of Cocoa Youth Football. He gave a shout out to all of the players who worked hard all season. He believed this was a highlight for the city of Cocoa.

He further gave kudos to all of the head coaches who have been out every day coaching and thanked them for doing a great job as well as the administrators of the Cocoa Youth Football League.

Deputy Mayor Hearn spoke about his and Councilmember Koss's attendance at the FRA Conference where he saw a lot of innovation that CRA's are doing in their communities. He showed photos of office spaces and stated they were called "Collaboratory's". These are spaces that small businesses can meet and office space is provided for Zoom meetings, office meetings, etc. They are intended to help small businesses thrive.

He further mentioned his attendance at the Space Coast League of Cities Dinner last night and spoke about the presentation from the Economic Development Commission. There is a lot of development coming to Brevard County.

Lastly, he advised that there was an area on School Street that is unincorporated; however, there are still a lot of pedestrians that travel the road. There is no lighting or markings on the roadways. He knows a young person that was killed on that street and asked if these safety concerns could be relayed to the County.

He introduced his father who is an Army veteran and who was in attendance and thanked Council for appointing him as Deputy Mayor. He will represent the Council in great fashion.

Mayor Blake thanked Deputy Mayor Hearn. He spoke of his and the City Manager's attendance at the St. Francis Reflections Tree Lighting Ceremony at Rosa L. Jones traffic circle. It was a great and moving event.

He further mentioned his attendance at the homegoing celebration for Kendall Moore's father.

Mayor Blake spoke about the Space Coast League of Cities Dinner and the following bills moving through. They are SB 280 relating to business damages and eminent domain; HB 515 relating to water and the rates in which we charge; HB

531, under Randy Fine declaring local officials as partisan. He just wanted to ensure that collaboration was kept for when they go to Tallahassee.

He wished all a Happy Thanksgiving and reminded everyone to keep it local, buy local and stay local.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to adjourn the Regular meeting of November 9, 2021.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UANANIMOUSLY (5-0)

The meeting adjourned at 7:15 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk