MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

SEPTEMBER 13, 2016

A Regular meeting of the Cocoa City Council was held on Tuesday, September 13, 2016, in City Council Chambers, located in Cocoa City Hall, 65 Stone Street, in Cocoa, Florida, as publicly noticed.

I. OPENING MATTERS:

Mayor Parrish called the meeting to order at 6:06 p.m.

Chief Prince provided the invocation and Mayor Parrish led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll:

PRESENT:	Henry U. Parrish III	Mayor
	Don Boisvert	Deputy Mayor
	Michael C. Blake	Councilman
	Brenda Warner	Councilwoman
	Anthony Garganese	City Attorney
	John Titkanich	City Manager
	Matt Fuhrer	Assistant City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Steve Belden, Community Services Director; Gene Prince, Fire Chief; Michael Cantaloupe, Chief of Police; Teri Butler, Finance Director; Ed Wegerif, Public Works Director; Jonathan Lamm, Deputy Fire Chief; Rusty Sengel, Fire Fighter; Brian Ackerman, Fire Fighter; Ed Mohesky, Fire Fighter; Jason McCuen, Helpdesk Support Tech; and Tre Folston, Helpdesk Support Tech.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of September 13, 2016 (16-363)

2. Minutes: (a) Budget/CIP Workshop of August 4, 2016 (16-364)
(b) Fire Station #2 Community Meeting of August 9, 2016 (16-365)
(c) District 2 Town Hall Meeting of August 16, 2016 (16-397)

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilwoman Warner; to approve the agenda for the Regular meeting of September 13, 2016, and the Minutes for the Budget/CIP Workshop of August 4, 2016, Fire Station #2 Community Meeting of August 9, 2016, and the District 2 Town Hall Meeting of August 16, 2016.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

III. AWARDS AND PRESENTATIONS:

1. Presentation of a Key to the City to Rachad Wilson, Brevard Public Schools 2016 Principal of the Year. (16-373). (Councilman Blake)

Mr. Rachad Wilson was presented a key to the city for being selected as principal of the year. Mayor Parrish pointed out how proud he and Council were of him and when something like this happens in a city it was always a good thing. They appreciate him partnering with the City and for doing all that he does.

Councilwoman Warner concurred and stated they were very proud of him and appreciated him.

Mayor Parrish wanted his students and teachers to know that the City has Mr. Wilson's back and that this was the best place to live and it was continuing to grow. He knows Mr. Wilson's heart is in Cocoa.

Councilman Blake noted that he was extremely proud of the staff and students in Cocoa. He asked that all of his staff and students stand. He acknowledged Mr. Wilson's great work and advised it was paid off. He believed what he had done speaks volumes.

City Manager Titkanich thanked him on behalf of staff, and concurred that it was a pleasure to work with him. He was a dedicated professional, and what he has done has impacted many lives and they were honored to have the ability to work with him and his staff.

Mr. Wilson thanked God for making this all possible, and he also thanked his family, and then his second family, which were staff and students. Although he gets the credit, his Endeavor family is just as worthy. They work with challenges and every day they come back with a smile and do what they need to do. He thanked them and the City for the support. He looked forward to working with us in the future.

Mayor Parrish presented him with a Key to the City and expressed his appreciation.

IV. DELEGATIONS:

Michael Clenaghan. He did not speak under Delegations. Not present in Chambers when called.

Dawn Butterfield, 2711 Clearlake Road, C10, owner of West Cocoa Pharmacy, spoke in regards to the Crime Summit. She addressed the fact that there was a major drug problem in Cocoa. She believed there should be more resources for a drug unit in Cocoa and suggested tripling the budget in order to provide for for more resources. She felt that combatting drugs in the community was important because that was the cause of many of Cocoa's problems. She reiterated that they should increase the budget in order to effectively address the problem.

Bruce Morgan, 501 Sunset Blvd., Melbourne Beach, announced he was representing Architects and Engineers for 9/11 Truth (ae911truth.org). He requested that a resolution be passed in regards to the World Trade Center and the use of explosives. He noted there were ab out 2,500 architects and engineers asking for the reinvestigation of the twin towers. He provided packets of information, including a DVD to members of council.

Artyro Atice, 401 Delannoy Avenue, Cocoa, and owner of Pub Americana spoke in regards to Item VII.10. He asked that Council forgive the code lien on the property. He mentioned that other restaurants use the dumpster and when there are events they cannot control who uses them. He advised many of these incidents were out of their control.

Rev. Johnnie B. Dennis, 3710 Catalina Drive, Cocoa, was there to speak on behalf of a citizen group regarding Fire Station #2. Staff advised that was not on the agenda tonight. Mr. Dennis excused himself and did not speak.

Allen Chapman, 600 Florida Avenue, #104, Cocoa, and Executive Director of HCVA invited Mayor Parrish and Council to the Fall Car Show, on Saturday, September 17, 2016 from 2-5 p.m. They were expecting 150-200 cars. Merchants will be having their sidewalk sale. He pointed out that pre-registrations were at a record pace.

City Manager Titkanich announced that the car shows were always great.

Dave Netterstrom, 72 Country Club Road, Cocoa Beach, a water customer and former Mayor of Cocoa Beach, announced he was a candidate in the upcoming election for Clerk of Court. He noted it was a non-partisan position, and he pledged to remain neutral and do the job he would be hired to do. As Mayor of Cocoa Beach he loved working with Cocoa. He looked forward to working together in the future.

V. CONSENT AGENDA:

1. To approve an expenditure of $55,651 for Armed Security Guard Services utilizing Florida State Contract #DMS92121500-14-01, Security Officer Services, from Contract Services account number 001-1510-536.34-00, pending approval of the FY2017 budget. (16-343). (Finance Director)

2. Approve a one year policy renewal for the General Insurance Program with Florida League of Cities, Inc., for the period October 1, 2016 through September 30, 2017 with an estimated premium of $723,707, pending approval of the FY2017 budget. (16-370). (Administrative Services Director)

3. To Award Bid #B-16-19-COC, Water & Wastewater Treatment Chemicals, to Allied Universal Corp., Miami, Florida; Cheney Lime & Cement Co., Jacksonville, Florida; Harcros Chemicals, Inc., Tampa, Florida; Kemira Water Solutions, Inc., Lawrence, Kansas; Tanner Industries, Inc., Southhampton, Pennsylvania; and Airgas, Lawrenceville, Georgia, for the Purchase of Various Chemicals for the Dyal Water Treatment Plant and the Sellers Water Reclamation Facility; To Approve the Second and Final Amendment to Purchase Agreement with Tropichem Enterprises, Palm Beach Gardens, Florida; To Approve the First Amendment to Purchase Agreement with Brenntag Mid-South, Inc., Orlando, Florida, and Tronox Alkali Wyoming Corporation, Philadelphia, Pennsylvania; Subject to FY2017 budget approval. (16-385). (Utilities Director)

4. Approve a Resolution Amending the FY16 Budget; To Approve Change Order #1 to P.O. 67349 with Manpower, Inc. for Temporary Labor at the Dyal WTP. (16-389). (Utilities Director)

5. Approve a Resolution to Amend FY16 Budget to Transfer Funds for an Emergency Generator Rental from Ring Power Corporation, Orlando, Florida, for the Dyal Water Treatment Plant. (16-392). (Utilities Director)

* **MOTION by Councilman Blake; Seconded by Deputy Mayor Boisvert,t o approve the Consent agenda.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

VI. PUBLIC HEARINGS:

None.

VII. COUNCIL BUSINESS:

1. Consider the reappointment of Mr. Elliott Zimmerman to the Board of Trustees for the Firefighters' Retirement Plan through October 1, 2018. (16-359). (Administrative Services Director)

* **MOTION by Councilman Blake; Seconded by Deputy Mayor Boisvert, to reappoint Mr. Elliott Zimmerman to the Board of Trustees for the Firefighters' Retirement Plan through October 1, 2018.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Consider the reappointment of Mr. Milton Norris Park to the Board of Trustees for the Fire Pension through October 1, 2018. (16-360). (Administrative Services Director)

* **MOTION by Councilwoman Warner; Seconded by Councilman Blake, to reappoint of Mr. Milton Norris Park to the Board of Trustees for the Fire Pension through October 1, 2018.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

3. Consider the reappointment of Mr. Paul Kamus as a member of the Police Pension Board through October 1, 2018. (16-361). (Administrative Services Director)

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilman Blake, to reappoint of Mr. Paul Kamus as a member of the Police Pension Board through October 1, 2018.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

4. Consider the reappointment of Mr. Michael Kirn as a member of the Police Pension Board through October 1, 2018. (16-362). (Administrative Services Director)

* **MOTION by Councilman Blake; Seconded by Councilwoman Warner, to reappoint of Mr. Michael Kirn as a member of the Police Pension Board through October 1, 2018.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

5. Consider the Reappointment of Mrs. Missie McCarthy to the Board of Trustees for the General Employees' Retirement Plan through October 1, 2019. (16-377). (Administrative Services Director)

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilwoman Warner, to reappoint of Mrs. Missie McCarthy to the Board of Trustees for the General Employees' Retirement Plan through October 1, 2019.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

6. Ratify the appointment of Mr. John A. Casey to the Board of Trustees for the Police Officers' Retirement Plan as the 5th member through September 30, 2018. (16-384). (Administrative Services Director)

* **MOTION by Councilman Blake; Seconded by Councilwoman Warner, to approve the ratification of Mr. John A. Casey to the Board of Trustees for the Police Officers' Retirement Plan as the 5th member through September 30, 2018.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

7. Consider the Code Enforcement Lien reduction for the property located at 1104 Azalea Lane, CE 13-211, owner Sai Property Investments, Inc. (16-380). (Community Services Director)

The Code Enforcment Board held a public hearing on January 17, 2013. At that time, the Board found the owners Natashe and Timothy Caldwell in violation of the following: Section 6-900(b)(4)a-c-Nuisances (Fence).

The Board provided the owner sufficient time to correct the said violation. Therefore, consistent with the Code Enforcement Board's order, a lien was recorded against the property effective February 1, 2013. The lien ran at $25 per day from February 1, 2013, until compliance was achieved on September 23, 2104. The lien is $14,975 and the current owner, Sai Property Investment, Inc. is requesting that the lien be forgiven.

Based on all of the factors, staff recommends that the lien be reduced to $700 for administrative coverage. The Code Enforcement Board, at its regular meeting on July 7, 2015, recommended that the lien be reduced to $700.

* **MOTION by Councilwoman Warner; Seconded by Councilman Blake, to approve staff's recommendation and reduce the lien to $700.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

8. Consider the Code Enforcement Lien reduction for the property located at 105 Polaris Street, CE 15-638, owner Greenflower 3 Land Trust. (16-381). (Community Services Director)

The Code Enforcement Board held a public hearing on November 17, 2015. At that time, the Board found the owner, Greenflower 3 Land Trust, in violation of

the following: Section 6-900(b)(1)- Accumulation of Trash & Debris; Section 6-1001(g)- Accessory Structure (fence); Section 6-1003(b)- Protective Treatment; and Section 6-1003(g)- Roofs and Drainage.

The Code Enforcement Board provided the owner sufficient time to correct said violations. Therefore, consistent with the Code Enforcement Board's order a lien was recorded against the property effective November 17, 2015. The lien ran at $100 per day from November 17, 2015 until compliance was achieved on June 27, 2016. The lien is $22,300 and the owner, Greenflower 3 Land Trust, is requesting that the lien be reduced to the cost incurred by the City of Cocoa.

Based on the facts presented, staff recommends that the lien be reduced to $1,500. At the Code Enforcement Board's regular meeting held on August 12, 2016, it was recommended that the lien be reduced to $1,500.

* **MOTION by Councilman Blake; Seconded by Councilwoman Warner, to approve staff's recommendation and reduce the lien to $1,500.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

9. Consider the Code Enforcement Lien reduction for the property located at Tax ID 2425262-Vacant Lot on St. John Street, CE 15-641, owner Jeffery & Linda Dellenberger. (16-382). (Community Services Director)

The Code Enforcement Board held a public hearing on August 20, 2015. At that time, the Board found the owner in violation of the following. Appendix A, Article XIII, Section 30(b)(1)-Temporary Storage Units.

The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was recorded against the property effective September 11, 2015. The lien ran at $50 per day from September 11, 2015 until compliance was achieved on October 15, 2015. The lien is $1,700 and the owners, Jeffrey and Linda Dellenberger are requesting that the lien be forgiven.

The owners state that they were unaware of the lien and were not served due process. Staff contended that the owners were properly notified according to the mailing address on the Brevard County Property Appraiser website and the certified mail green card was signed by the tenant. Based on this and other factors, staff recommended that the lien not be reduced.

The Code Enforcement Board, at its regular meeting on August 12, 2016, recommended that the lien not be reduced.

Mr. Belden announced that the property owner was in attendance and wished to speak.

Mr. Dellenberger, 190 St. Croix Avenue, Cocoa Beach, Florida, explained that he has been a resident for many years. He and his wife own several properties. He noticed on April 14th that there was a lien on his property. He inquired about it and found out that the lien had been placed in August and although the notice was mailed to 590 King Street, that was not his mailing address. All other mail goes to St. Croix Avenue. He went to Code and now they are here in front of Council. He was not looking for a reduction, but lien forgiveness. One of his properties is being sold in two weeks and the sale had been held up due to this issue. He reiterated that he had personally never been informed of this.

Mr. Belden advised that proper notice had been given according to state statute and the address on the Property Appraiser website is 590 W. King Street, Cocoa, Florida, plus it was signed for. Due process was given to the owner. Additionally, staff does not follow up to see if the address was correct, as it was the residents duty to ensure their mailing address was correct with the Property Appraiser.

City Manager Titkanich asked Mr. Belden to indicate the property address that it was mailed to. Mr. Belden noted it was 590 W. King Street, Cocoa, Florida. City Manager Titkanich confirmed that was as listed by the Property Appraiser. Mr. Belden responded in the affirmative.

Mr. Dellenger understood, but as a courtesy staff should follow up with the citizens. 190 St. Croix Avenue was the address that they have. He felt that he should have personally been notified.

City Manager Titkanich agreed but advised that the city staff was required to follow Florida statute. Additionally, it costs about $700 to process these code liens and the burden that it would be to tax payers to locate a proper mailing address would not be fair. It was almost unreasonable to do something other than what is required.

Mr. Dellenberger understood but stated the notice was thrown away and he does not know whose signature was on the certified mail.

Councilwoman Warner advised that all of his addresses on the Property Appraiser's website state his correct address except for this one. She understood why staff sent the mail to the address listed on the Property Appraiser, but does not know why they were all correct except this one. Additionally, if Mr. Dellenberger did not search the Property Appraiser's website he would not see that they did not have the correct address. She felt that you cannot trust the Property Appraiser's information.

Mr. Belden noted that if there was some indication that there was a different address they would send the notice to both addresses. Councilwoman Warner stated if the address had been searched it would have been found because he owns multiple properties.

City Attorney Garganese clarified that the violation occurred on a certain property and that property is listed at 590 W. King Street, Cocoa, Florida as the address of the owner where the violation occurred. He further clarified that Mr. Dellenberger owned that property as well. The notice was sent to the property and it is being leased and perhaps the notice was received by the tenant. Staff was obligated to send the notice to 590 W. King Street, Cocoa, Florida and he owns that property. There are other addresses as well, and he does own many other properties which list his correct residential address. Staff did what they should have done but they did not send the notice to his residential address. He further mentioned that he had spoken with Mr. Dellenberger regarding this issue.

Councilwoman Warner had no doubt that staff did what they should have done, it was just that he owns many properties and was not a "frequent flyer" with Code issues.

* **MOTION by Councilwoman Warner; Seconded by Councilman Blake, to forgive the lien.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

Council requested that Mr. Dellenberger make this correct with the Property Appaisers office.

In response, Mr. Dellenberger thought that the correct address went with all of his properties when he bought them.

10. Consider the Code Enforcement Lien reduction for the property located at 409 Delannoy Avenue, CE 15-723, owner Park & Stephan Properties, Inc. (16-383). (Community Services Director)

The Code Enforcement Board held a public hearing on September 17, 2015, at which time the Board found the owner in violation of the following. Section 6-900(b)(4)-Maintenance of a Structure of Grounds; Section 6-1001(a)-Sanitation; and Section 6-1006-Rubbish & Garbage.

The Code Enforcement Board provided the owner sufficient time to correct said violations. Therefore, consistent with the Code Enforcement Board's Order a lien was recorded against the property effective October 14, 2015. The lien ran at $50 per day from October 14, 2015, until compliance was achieved on October 30, 2015. The lien is $800 and the owner, Park & Stephan Properties, Inc., is requesting that the lien be forgiven.

Based on factors noted in the item, staff recommends that the lien not be reduced. The Code Enforcement Board at its regular meeting on August 12, 2016, recommended that the lien not be reduced.

Mr. Belden noted there were a few cards in regards to this item.

Michael Clenaghan, 100 Harrison Street, Cocoa, was speaking on behalf of Thai Thai in Cocoa Village. City Manager Titkanich clarified that he was speaking in regards to the item, and Council confirmed that he was.

Artyro Atice, 401 Delannoy Avenue, Cocoa, also spoke alongside Mr. Clenaghan.

He advised that the dumpster was always overflowing after events and they have kept it clean and everyone has done the best that they could. He further advised that those having the events and utilizing the dumpsters do not help, but workers always do. Eventually, people get tired of helping others. He noted that when Code came by and told them it was dirty and did not look nice, they cleaned it. He did not feel it was fair for the blame to all be placed on one property when others use it. They were asking that the lien be reduced as many of the items in the dumpster were not even restaurant items.

Mr. Clenaghan assured them they would keep things clean if the lien was reduced. He further pointed out that the dumpster was not at that location anymore.

Deputy Mayor Boisvert suggested they put a padlock on the dumpster so that no one else can dump. Mr. Atice agreed and felt that they should be provided nice enclosed dumpsters.

Councilwoman Warner asked where the dumpster had been moved to. In response, they said it disappeared. Mr. Clenaghan pointed out that they worked something out with Bank of America to use their dumpster.

Councilman Blake advised that other business owners had come forward on record complaining of rodents, stench, and dirtiness. Councilman Blake felt they should be held responsible.

Mr. Atice mentioned that they were not ignoring their responsibility, but he cannot always check to see who is using the dumpster.

City Manager Titkanich added that the City does have requirements and the burden was on the property owner to provide suitable locations to dump the trash and secure it.

He further noted that others have made complaints about the trash. In fairness, it was not the tax payers responsibility to provide trash and enclosures. There are requirements in the Code.

Councilwoman Warner asked Mr. Belden if the dumpster there was enclosed in any shape or form. Mr. Belden stated no, and that for new dumpsters it was a requirement and the owner was in the process of putting up a new facility. Nothing prevents the owners from enclosing them on their own.

Furthermore, Mr. Belden added that part of the violation included grease. The grease trap behind the dumpster was disgusting and that came from the restaurants and he reiterated that was part of the violation as well.

Councilwoman Warner advised that the lien was against the property and not the businesses. Property owners were responsible to pay the lien, not the tenants.

Troy Stephan, 411 Magnolia Avenue, Merritt Island, advised that he was the property owner but in part of the lease it was the tenants responsibility to pay for garbage and clean up. They were initially contacted by the person in charge of Code Enforcement. He added that he went and shoveled grease and also called the grease container people. He pulled the dumpster so that tenants were not charged for a lien when they should not be, as soon as he was notified about the lien. They were in compliance as soon as the dumpster was removed.

Councilwoman Warner asked if there had been any violations since. Mr. Belden stated no.

* **MOTION by Councilwoman Warner to forgive the lien of $800. The motion failed for lack of a second.**

* **MOTION by Councilman Blake; Seconded by Deputy Mayor Boisvert, to follow the recommendation of the Code Enforcement Board.**

AYES: Parrish, Boisvert, Blake
NOS: Warner

THE MOTION CARRIED (3-1)

11. Take whatever action the City Council deems legally necessary to fill the Seat (District) 4 vacancy on the City Council pursuant to Article III, Section 10 (a) of the City Charter. (16-402). (City Manager)

City Manager Titkanich spoke in regards to this item, noting that Council had been provided two options in which they could choose in order to fulfil the vacancy of former Councilman Tyler Furbish. He explained that there was a very tight time frame, which included this meeting and the next meeting.

He advised that the options provided where that they could make nominations from the dias this evening of members deemed to be qualified, or they could take a more structured approach and file a Public Notice for those interested, allow an application period, and hold a possible special meeting in order to discuss the applicants, and to give them a time to speak.

If Council was unable to make a decision, it would have to go to a special election because it is too late to get into the general election. There is a

likelihood that Council would be operating with four members and then potentially three due to the upcoming vacancy of Councilman Blake.

Additionally, if a special election was done, they would have to be provided the time to qualify and campaign.

City Manager Titkanich reiterated their options and noted it was up to Council as to how they wished to fill the vacancy for District 4.

Councilwoman Warner recommended Option 2 for a couple of reasons. One was to allow the City Clerk time to qualify the person and use a system similar to board appointments, such as a board application and resume, and two, she would like to hold a special meeting before the next Council meeting to review the applications and possibly give candidates three minutes to speak. She felt that a decision can be made without going to a special election.

Councilman Blake concurred, advising it would also save the City money. He felt they should meet all qualifications and supported Option 2.

Mayor Parrish further agreed.

Deputy Mayor Boisvert agreed with everyone and that the Special Meeting should be held before the next Council meeting. He asked if they appoint them at 5 pm, could they swear them in at 6 pm. In response, City Manager Titkanich stated that was correct and they could possible structure the agenda so that it was the last item. He mentioned that stepping up to the dias as a new person was hard.

Deputy Mayor Boisvert requested that there be a Special Meeting on September 27th at 5 p.m. to discuss the candidates, choose the new councilmember, and then new councilmember will be sworn in at the end of the regular council meeting that evening.
City Manager Titkanich clarified that they would do interviews at the special meeting and the official selection would be done at the regular meeting.

City Attorney Garganese advised that the last item on the agenda could be the consideration and appointment of the vacancy. The meeting at 5 p.m. would be a Special Meeting where applications can be considered and interviews could be conducted as necessary.

Deputy Mayor Boisvert re-clarified that they would wait until the regular Council meeting to make the appointment. City Attorney Garganese responded in the affirmative and recommended that it be at the end of the meeting, as the person might not be adequately prepared to take on the duties of Council.

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilman Blake, to go with Option 2, and to hold a Special meeting on September 27, 2016 at 5 p.m. in order to discuss/interview applicants, and make the appointment for the District 4 seat at the end of the Regular City Council meeting on September 27, 2016.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

Mayor Parrish asked Mr. Zack Lewis if he would like to speak since he turned in a card, or wait until September 27th. Mr. Lewis stated he would wait.

City Attorney Garganese advised there would be an application and some qualification paperwork, along with a background screening. The City Clerk would perform basic qualification duties and Public Motice would be done. He would work with the City Clerk to get it all worked out.

VIII. CITY BUSINESS:

1. Ordinance No. 15-2016: Modifying the cost certification and lien recordation procedures related to the abatement of unsafe or dangerous buildings and abatement of nuisances under the City's Property Maintenance Code; and providing for related minor typographical and grammar changes regarding the affected city code sections. (16-366). (Community Services Director)

City Attorney Garganese read Ordinance No. 15-2016 into the record, by title only as follows, and advised that this was the first reading of the Ordinance.

ORDINANCE NO. 15-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; MODIFYING THE COST CERTIFICATION AND LIEN RECORDATION PROCEDURES RELATED TO THE ABATEMENT OF UNSAFE OR DANGEROUS BUILDINGS AND ABATEMENT OF PUBLIC NUISANCES UNDER THE CITY'S PROPERTY

MAINTENANCE CODE; PROVIDING FOR RELATED MINOR TYPOGRAPHICAL AND GRAMMAR CHANGES REGARDING THE AFFECTED CITY CODE SECTIONS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

He noted that this ordinance addresses two sections of the Code and provides more specificity for the lien process.

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilwoman Warner, to approve Ordinance No. 15-2016 on first reading.**

AYES: Boisvert, Blake, Warner[1]

THE MOTION CARRIED UNANIMOUSLY (3-0)

2. Approve a resolution to adjust the FY2016 budget to increase the Capital Machinery and Equipment account by $11,635 to reflect two Confiscated Vehicles being added to Fleet. (16-371). (Chief of Police)

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

AYES: Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (3-0)

3. Ordinance No. 16-2016: Amending Chapter 12, Local Business Taxes, to prohibit real property owners within the jurisdictional limits of the City from allowing other persons to operate, upon the owner's real property, a business, occupation or profession without obtaining a Local Business Tax Receipt from the City when a Local Business Tax Receipt is required by law. (16-388). (Community Services Director)

Anthony read Ordinance No. 16-2016 into the record by title only as follows. He advised that this was the first reading of the Ordinance[2].

[1] Mayor Parrish exited the meeting at 7:27 p.m.
[2] Mayor Parrish returned to the meeting at 7:29 p.m.

ORDINANCE NO. 16-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 12, LOCAL BUSINESS TAXES, TO PROHIBIT REAL PROPERTY OWNERS WITHIN THE JURISDICTIONAL LIMITS OF THE CITY FROM ALLOWING OTHER PERSONS TO OPERATE, UPON THE OWNER'S REAL PROPERTY, A BUSINESS, OCCUPATION OR PROFESSION WITHOUT OBTAINING A LOCAL BUSINESS TAX RECEIPT FROM THE CITY WHEN A LOCAL BUSINESS TAX RECEIPT IS REQUIRED BY LAW; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, INCORPORATION INTO THE CODE, AND AN EFFECTIVE DATE.

This ordinance was regarding any business that operated within the City. Any business is required to have a business tax receipt and there have been some issues where landlords were not getting them. This ordinance is prohibiting the owner to knowingly who willingly operate without a tax receipt.

It was mentioned that the owner would be notified if the City found out that they were not operating correctly, and citations would be imposed. There would be a code enforcement penalty of $250 for each business that was operating without a business tax receipt. This ordinance caps the fines to $1,000 per property in any business tax year.

Deputy Mayor Boisvert asked if the fine was $250 per day. City Attorney Garganese provided an example and advised it was for each business not acquiring a business tax receipt and it was not to exceed $1,000 per year.

* **MOTION by Councilman Blake; Seconded by Councilwoman Warner, to approve Ordinance No. 16-2016 on first reading.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

4. Approve a Resolution Amending the FY 2016 Budget to Add Utilities Contingency Funds to Cover Remaining Unencumbered Expenses in Water Field Operations (421-4025-536.46-00). (16-393). (Utilities Director)

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

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

5. Approve an Interlocal Agreement (ILA) and Short Form Lease Agreement between Brevard County and the City of Cocoa for the Lease of existing Fire Station #2. (16-395). (City Manager)

City Manager Titkanich advised that during the last couple of years the City had worked to improve and enhance its fire protection services. Workshops were held last year and one of the items discussed was a response times study that was completed. One of the things that Council directed and expressed was the importance of was working with the County and ambulance services especially out of station #2. Most calls were medical and most were south of S.R. 520.

The relocation of the stations was based on the shift of the City and growth, along with the five year history based on calls for service.

Additionally, the need was to realign the stations most effectively to optimize the response times in order to benefit all of the citizens within the City.

He advised that he, along with the Fire Chief, County Manager, and the Brevard County Fire Chief worked together and what was before them was an interlocal agreement between Brevard County and the City. One of their rescue units would be relocated to the City. The agreement also provides for minor repairs that need to be done. That is currently budgeted and the estimated cost was about $25,000.

City Manager Titkanich explained that from the strategic plan stand point, being able to optimize services and to be more efficient and effective is in line with public safety.

He mentioned that staff's recommendation was to approve the interlocal and short form lease agreements.

Councilman Blake asked about the attitude of the union and if they had collaborated with the union members.

City Manager Titkanich mentioned that Chief Prince had been in contact with the bargaining unit and that he (the City Manager) had met with Mr. Sengel. They

have had conversations. The outcome was that the union was in support of the interlocal agreement.

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

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

MULTI-YEAR CONTRACTS:

None.

IX. INFORMATIONAL AGENDA:

1. Review of the Employee Health Center usage report provided by CareATC. (16-355). (Administrative Services Director).

2. Cocoa Police Department District Event statistics for the month of July, 2016. (16-394). (Chief of Police)

3. New local business tax receipts. (16-396). (Community Services Director)

X. REPORTS:

Mr. Belden noted that the Job Fair would held on October 20th at the Civic Center from 11 a.m. to 2 p.m. He advised Council he would remind them as the event gets closer.

Chief Prince thanked everyone for their support for the 911 Memorial Stair Climb event. He pointed out that the idea was that of fire fighter Allen Clark. He and fellow fire fighter Alex Candelario get all of the credit, as they were the one's who did the fundraising, sponsors, etc. They estimated that about 400-500 people showed up and there were 300 actual participants. About 250 burgers were cooked. They would bring back stats at a later meeting.

Mayor Parrish thought it was an awesome event and looked forward to them in the future. He felt that there was more emphasis on 9/11 now. Chief Prince agreed and believed it was because more people pull together for it and it was a big mark on the nation's history.

Mr. Wegerif provided an update on Fiske Blvd., noting it was under construction and pavement was being recycled. The day after they started it rained so they have had to repeat a few tasks, but by the time it is done there will be new pavement, etc.

Mayor Parrish mentioned he was still receiving comments about Peachtree Street. He thanked Public Works for taking on these projects. In response, Mr. Wegerif advised it was his employees who deserve the credit.

Mr. Wegerif further advised there was not an update on the bridge at this time.

City Manager Titkanich followed up on Chief Prince's comments and agreed that the stair climb was a phenomenal event. He gave kudos to Allen Clark and other volunteers for putting it on.

He reminded Council and the public that the second and final public hearing for the budget and millage rate was on Wednesday, September 14, 2016 here in Council Chambers.

He noted that he and the Assistant City Manager had a preliminary meeting with Mark Farrell, who is the consultant for the water/meter billing audit. Mr. Farrell would be coming before Council to provide a presentation on the audit.

City Manager Titkanich advised that at the next Council meeting he would be at the ICMA conference, and he received notice of his appointment on a Florida League of Cities policy committee. He thanked Council for their support.

Councilman Blake thanked Allen Clark and staff for the 9/11 Stair Climb event. He looked at it as a celebratory event due to those who lost their lives and are now in heaven looking down.

He enjoyed seeing other fire departments and the other municipalities that participated. There were people as far south as Martin County who attended. There were also families who attended and all were working for a common cause. He mentioned people asked if it would be at the same venue for future events.

Councilman Blake congratulated Ms. Angela Jordan who received a new Habitat for Humanity Home on Saturday and spoke of his attendance at Pastor Errol Beckford's Celebration Plaza event on Saturday, September 10th.

He mentioned that at the SCLC meeting on September 12th, the Florida Solar United Neighborhood Alliance sponsored by the League of Women Voters submitted a resolution. He asked that Cocoa also submit a resolution to show their support.

Councilman Blake further mentioned that at the meeting they spoke about submitting priorities and issues for the legislation. He recognized Councilwoman Warner for her appointment on an advocacy committee.

Lastly, he noted that "Protect our Lagoon" was doing yard signs and he asked the City Clerk for a board vacancy list.

He looked forward to the next Special meeting for the selection of the new District 4 Council member.

In closing, he reminded all to buy local and keep it local.

Councilwoman Warner agreed that the stair climb was awesome and that Councilman Blake did a great job as the D.J. She was shocked at the women with babies and fire fighters in all of their gear walking the bleachers. She believed that it would be doubled next year. She thanked everyone who participated and thanked Cocoa High for the use of the facility.

Deputy Mayor Boisvert pointed out that even after all of the rain there were no puddles on U.S. 1. In response, Mr. Wegerif advised that there were a lot of pipes installed so drainage was good.

Deputy Mayor Boisvert thanked all who showed up at the stair climb and stated that he really liked the shirts.

Lastly, he spoke about the 90th birthday party for a friend at Lost Lakes, where the Mayor presented his friend with a Key to the City. He advised there were about 170 people there. They all appreciated the thoughtfulness from the City.

City Manager Titkanich announced that right before the meeting he had celebrated his son's 4th birthday.

Mayor Parrish mentioned that there was truth to what Ms. Butterfield said earlier when she spoke under delegations. He felt that citizens do not feel there was

enough being done on the drug enforcement side and maybe things need to be re-evaluated.

He believed that the perception was we were doing a good job and some thought we were not.

Chief Cantaloupe advised that they had a zero based budget and built in what they needed. He noted their drug unit was a two man unit with a supervisor. It has been this way as far back as he can remember. Additionally, they have investigations and criminal investigations who all work together. They also partner with BCSO, ATF, FBI, the Department of Homeland Security, and others. They want to do quality investigations and feel the budget was an adequate budget.

Mayor Parrish pointed out that the police department knows who dealing with drugs. Chief Cantaloupe agreed, mentioning that if you do the crime, you are going to jail.

Mayor Parrish gave Ms. Butterfield kudos for coming forward and that after the election they would clean up the town.

In closing, he thanked all for coming to the Community Summit and for the citizens involvement. It took two years to do the second one and he felt this one was better. He appreciated the City Manager moderating at the last minute and he looked forward to another one down the road.

Councilman Blake advised that this Saturday, September 17th was the Alzheimers Run and you could contact Judy Diamond for more information.

XI. ADJOURNMENT.

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilwoman Warner, to adjourn the Regular meeting of September 13, 2016.**

AYES: Parrish, Boisvert, Blake, Warner

THE MOTION CARRIED UNANIMOUSLY (4-0)

The meeting adjourned at 8:08 p.m.

Henry U. Farrish III, Mayor

ATTEST:



Carie Shealy, City Clerk