MINUTES
City of Cocoa
Regular Meeting of The City Council

August 12, 2020

A Regular City Council Meeting was held on Wednesday, August 12, 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 Williams called the meeting to order at 6:00 p.m.

Deputy Mayor Goins provided the invocation and Councilmember Boisvert led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Jake Williams, Jr.	Mayor
	James Goins	Deputy Mayor
	Don Boisvert	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Matt Fuhrer	Interim City Manager
	Carie Shealy	City Clerk
ABSENT:	Brenda Warner	Councilmember (arrived at 7:23 p.m.)

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Michael Cantaloupe, Chief of Police; Samuel Byrd, Deputy Fire Chief; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Nancy Bunt, Community Services Director; LeShawn Hinton, Helpdesk Support Tech; Samantha Senger, Assistant to the City Manager/PR Specialist; Tony Jones, Fleet Manager; Angela Essing, Economic Development Manager; and Dodie Selig, Planning Manager.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of August 12, 2020 (20-510)

* **MOTION by Councilmember Boisvert to approve the Agenda for the Regular meeting of August 12, 2020.**

Councilmember Koss requested that Consent Item VI.1 be moved to City Business IX.5.

* **Councilmember Boisvert amended his motion.**

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to Approve the Agenda as Amended for the Regular meeting of August 12, 2020.**

AYES: Williams, Goins, Boisvert, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. **Minutes:** (a) Regular Meeting of June 24, 2020 (20-441)

(b) Regular Meeting of July 8, 2020 (20-442)

(c) City Manager Candidate Meetings of July 14 & 15, 2020 (20-443)

(d) Special Meeting of July 15, 2020. (20-444)

(e) Special Meeting of June 30, 2020 (20-501)

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to approve the Minutes as noted above as written.**

AYES: Williams, Goins, Boisvert, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

III. Awards and Presentations:

1. Presentation by Bart Gaetjens with FPL. (20-490). (Mayor Williams)

Mr. Gaetjens shared a video from FPL and spoke in detail about updates that FPL has done to make their systems more storm resilient. He spoke about myths after storms and the usefulness of the FPL app.

He spoke in furtherance about underground power lines and advised that although he did not have exact numbers, about sixty percent of new service was being put underground.

IV. Delegations:

Alton Edmond, 630 Brevard Avenue, Cocoa, expressed his concerns from Councilmember Warner at the last meeting. He takes issue with someone questioning Mayor Williams residing outside of Cocoa. He was his attorney and they have won from every front in regards to Mr. Sinclair's lawsuits. If anyone has questions they can reach out to him personally at his office at Brevard Avenue.

Alex Greenwood, 640 Florida Avenue, Cocoa, provided a follow up from the Commercial Property Group's meeting. He asked that Council make a consensus for an RFP to be done for a parking garage. Mayor Williams mentioned that this was more appropriate for the Cocoa CRA and assured him that staff was working on identifying additional parking.

Rev. JB Dennis, 3710 Catalina Drive, Cocoa, stated that the black community was fed up with the police in the community and that there were no police in the white communities and black communities were being over policed. He voiced reasons as to why a police chief should be hired from outside and not promoted within. He further noted that there were no crimes or cold cases being solved.

Janet Shae, 3133 Cauthen Creek Drive, Melbourne, FL, believed funds should be reallocated in the community. She is a felony division probation officer and felt that the City needs good cops but should get rid of the bad ones. Police need to know all of the residents, have diversity training, there needed to be hiring of black officers and this should be reflected in the community.

Naomi Mitchell, 318 Tangerine Avenue, Merritt Island, advised that she was in attendance at the last meeting and had received a $3,500 water bill. She has tried to go through the proper channels to get it reduced. She noted she was not the only person experiencing a high bill. She asked that an audit be done of the utility system.

Deputy Mayor Goins asked if she had a copy of the letter and if anyone from the City has come to check her meter. In response she stated that someone did come and they said nothing was wrong and she then received a letter saying water was lost.

Kernishia Wilfork, 259 Lemon Street, Cocoa, spoke in support of Lavander Hearn. Her mother resides on Geogia Avenue and she has known him for 1 ½ years. He is a great resident and he has served as a mentor to her nineteen year old son.

Octavius Mallory, 1050 N. Fiske Blvd., Cocoa, spoke of his support of Mr. Hearn and advised that he resides in District 2. He has seen him grow and do things for the betterment of himself.

Lavander Hearn, announced that he was running for the District 2 seat and his address was protected under state law for a reason. He takes what Mr. Sinclair did very serious and asked how his information was released. In response, Interim City Manager Fuhrer advised that he had additional information that he would like to share and would set up an appointment to meet with him. Mr. Hearn stated he was a mentor and will explain to anyone where he lives.

Victoria Mitchner, Rockledge, spoke in regards to many things that happened within the last month. She advised that the address that was released and posted by Mr. Sinclair has been shared over seventy times. She advised judges were protected and that some of Council sits on the dias and promotes foolishness. She urged Council to launch an investigation into the matter.

Larry Sinclair, 1052 Mitchell Avenue, submitted an E-comment that was read into the record.[1]

Susan O'Neil, 3032 Winchester Drive, Cocoa, thanked Council for paying attention to the flooding in the Coventry neighborhood and looked forward to an update from staff.

V. Reports:

Mr. Smith provided a quick summary on the Coventry issue. There was a report about flooding and they responded quickly. Public works coordinated with several other entities to inspect some of the issues. He explained how the drainage worked in the area and he mentioned that they have spoken with the HOA. They received a request from the HOA to perform some of the maintenance; however, the neighborhood is all private except for some of the roadways. At this time he did not recommend the City to perform that maintenance and explained the legalities in regards to that. They will help troubleshoot and provide advice and help in any way that they could.

Ms. O'Neil stated that pumping had stopped and that concerned her.

[1] EXHIBIT A: E-Comment from Larry Sinclair

Mr. Smith understood her concerns and assured her the City would do what they could.

Mayor Williams was aware that there was an HOA involved but these are residents and taxpayers. This is an issue involving three or four homes and he believed that in an emergency situation we could help to try to mitigate costs for now but moving forward let them know it was the HOA's responsibility. He was in support of helping now and asked for a consensus from Council.

Councilmember Koss has lived in a house that flooded. She wanted them to know that the City has their back and were here to protect the citizens. She supported helping them at this time.

Deputy Mayor Goins asked Mr. Smith if they have evaluated all what needs to be done. In response, Mr. Smith noted that they have done what they can. There are low points that will hold water even with a normal rain, but they could reconstruct that area if needed. Deputy Mayor Goins supported helping at this time.

Councilmember Boisvert has been in the area and they have had problems for years and supported the consensus. He hoped the City could do something.

Interim City Manager Fuhrer mentioned that this subdivision has had issues for years. He has visited the area and as of late this afternoon, Mr. Smith was on site to observe the conditions. He asked Council to be aware that if they request maintenance activities in a private subdivision it could be problematic.

CONSENSUS for Public Works to fix the issues that they could at this time.

Ms. Bowman advised that Customer Service was aware of the social media complaints and they are researching information. She further spoke in regards to Ms. Mitchell and pointed out that while we bill for water, we also bill for sewer consumption and her address was in Brevard County. The letter that was sent explains that the County takes care of the sewer. The City took care of the water issue so she needs to go to the County for sewer. Staff checked with the County and as of late today there has not been a credit applied for sewer. They are discussing having Neptune come and do a presentation at Council on how the meters work. She understands that it can be frustrating for customers to receive high bills, however, there is a lot of leniency on the City's behalf and requested that customers be patient.

Chief Cantaloupe mentioned that the Police Department would be at Walmart on Clearlake Road this Saturday, August 15th for a School Supply Drive and invited all to come.

Deputy Chief Byrd provided an update on Covid. There are currently 6,248 cases in Brevard County with 160 deaths. There are 34 active cases in Cocoa. He pointed out that this was a 32% reduction since this time last week.

Councilmember Koss asked if this included the county jail. She mentioned the paper reports a daily increase and if the Cocoa numbers include the jail that would be Brevard County. She further asked about Westminster Asbury. Deputy Chief Byrd did not have any information for that location.

Mr. Walsh assured Council that he would follow up with the Finance Director regarding a technical presentation on how meters work. He believed that education was key and if people understood how they work it would explain a lot and issues usually end up in favor of the customer.

Ms. Senger asked for a consensus on how to move forward with the opening of the new Joe Lee Smith Center. They have convened a committee to work on the grand opening and it was the consensus among them to move forward with the opening in six weeks. The other option was to hold off for another month and come back to council at that time.

Mayor Williams was ready to move forward but wanted to ensure social distancing, masks, gloves, etc. A plan would have to be done since it will be both indoors and outdoors.

Councilmember Koss felt that if it was put off until the fall it would be cooler and could be outside. She would feel more comfortable if they had an outdoor option. Councilmember Boisvert was also for October.

Deputy Mayor Goins pointed out that it was open for early voting and felt it was a good time to move forward. Ms. Senger agreed it was open but that it was limited to how many can come into the facility. He asked if outside it would not be an issue.

Ms. Senger stated that there would be portions of the opening both in and outdoors. Deputy Mayor Goins does not want to limit anyone and thought maybe they could do something outside soon and inside later on.

Ms. Senger confirmed that they wanted an outdoor ribbon cutting event.

CONSENSUS among Council to do an event outdoors and in early October.

Interim City Manager Fuhrer announced that Brevard Parks and Rec are trying to begin their holiday parade preparation. He was aware it was early but it was his recommendation to advise them to continue in their planning efforts to create a socially distanced event.

Councilmember Koss advised that she had received an emergency call from the Cocoa High School Chorus who had an event scheduled at Field Manner and because of hurricane warnings they had to close up Field Manner. The City was able to accommodate them at the Porcher House and it was a nice honor for them. They were charged a fee of $266.25 and she asked Council to waive the fee as they have brought a lot of fame to the City.

* **MOTION by Councilmember Koss; Seconded by Mayor Williams, to waive the fee and to reimburse the chorus.**

AYES: Williams, Goins, Boisvert, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

She further mentioned that in her discussions with staff, there is no one on staff who is empowered to go waive fees. Field Manner was able to waive the fees without going to the board. It concerned her that the City Manager was not able to make a small diversion from the policy. All of the clean up was done and she would like a consensus that the Interim City Manager or his backup be able to make a decision like that.

Interim City Manager Fuhrer noted that the facility rental fee schedule could be looked into and if needed they could modify it at the same time.

Lastly, Councilmember Koss showed a photo of a tree in Alexandria, Virginia and spoke about its history and explained how the City has worked with the tree and curb, how it provides shade, and absorbs stormwater. The tree provides essential services.

Deputy Mayor Goins spoke in reference to comments made and felt that poverty and drugs go hand in hand. He spoke about policing and that we need visibility[2].

He believed that we need to make sure the community was taken care of and that kids have parks to enjoy. He believes that Cocoa has one of the best police departments when it comes to community involvement and that we need to weed out prostitution, drugs, etc.

Mayor Williams thanked all that were a part of the prayer walk. It was a good event. He acknowledged the Cocoa Police Department, Rockledge Police Department, BCSO, local pastors, etc.

He further thanked Mr. Smith for addressing the flooding issues and for how they responded.

Mayor Williams advised that since being elected in 2018 a lot has happened and a lot has not been talked about. He was elected to do a job and has tried to do it since day one. This was met with a lot of resistance, both internal and external, and it has been a nightmare. Every event has been criticized but they forged forward. A lot of things were happening behind the scenes that should not have happened. Mobile Vending, lien amnesty, all of those were slow rolled and the list goes on. They are elected and work for the City of Cocoa. The City Manager gets direction from Council and as a City they move forward and the City Manager moves to get things done. There was direction given but nothing happened and this should never happen. The City has a leadership team and Council should be a part of that leadership team. He knows that some staff feel uncomfortable with Council being around. We work together for the betterment of the community and he does not understand and does not like what is happening here.

Mayor Williams mentioned Mr. Sinclair and the letter that he has submitted. There comes a time when enough is enough. There are citizens being harassed, being told to leave, recorded, mothers with kids being recorded, with no avenue and nowhere to turn. There are individuals being threatened with lawsuits and this gentleman went to her place of business. He is not the police and should not be doing what he is doing. Enough is enough. These are serious issues that need addressed and we need to take action.

Mr. Sinclair sent an email and allegations are being made. Everyone saw the letter and there were allegations that he allegedly said stuff to an employee. This is not

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2 Councilmember Warner arrived at the meeting at 7:23 p.m.

the first time this has happened and there has been foolishness since day one. There have been times where councilmembers have said this is not what I signed up for. His last straw was getting that last email. They get up early to be at events and they have tried to do their job. He does not know what is going on behind the scenes but feels that there is corruption and that we need to file a complaint with the FBI, with previous council, current council, staff, board members, and prior board members. If we want to be transparent he feels that they need to file an investigation with the FBI because citizens deserve better.

* **MOTION by Mayor Williams; Seconded by Councilmember Warner, to file a complaint with the FBI to have the city investigated. The motion was opened for discussion.**

Councilmember Koss was apprehensive to go that route. Council has an opportunity to hire a new City Manager and that should be his job.

Deputy Mayor Goins asked if they went this route what the next steps would be. In response, City Attorney Garganese mentioned that the extent that they are asking an outside law enforcement agency to come in and investigate. It would have to be defined as to what was being investigated. Mayor Williams noted text messages, phone calls, emails, etc.

Mayor Williams believed there are too many mistakes that should not be happening. We have developers trying to come in and information is going all over the place. He is frustrated and knows residents are frustrated. There are poor blacks and poor whites being displaced out of homes and feels it needs investigated and he knows who they are.

Councilmember Koss reiterated that she believed that this should be handled by the new city manager.

Deputy Mayor Goins asked if the Mayor was going to include who should be investigated in his motion. In response, Mayor Williams stated there was an email, and there is a paper trail.

THE VOTE ON THE MOTION WAS:

AYES: **Williams, Goins, Boisvert, Warner**
NAYS: **Koss**

THE MOTION CARRIED (4-1)

VI. Consent Agenda:

~~1. Approve Task Order 2020-14 with Carollo Engineering, Inc. (Carollo) for Sellers WRF Biosolids Master Plan, Project No. WS19BS; To Approve a Resolution Amending the FY2020 Budget, BAF#20-090-T. (20-433). (Utilities Director)~~

- ~~Moved to City Business IX.5.~~

2. Approve a Resolution Amending the FY 2020 Budget (BAF # 20-088), pertaining to payroll adjustments, and other miscellaneous transaction through the use of Water/Sewer Fund, Stormwater Fund, and General Fund Contingency/Reserves and other available accounts (20-439). (Finance Director)

3. Staff is requesting Council approval for the Interim City Manager and City Attorney to execute the First Amendment to the Restated Interlocal Agreement for Creation of the Transportation Planning Organization. (20-453). (Public Works Director)

4. Approve Change Order #1 to P.O. 75230 with Flowers Chemical Laboratories, Inc. to Pay Invoices through the End of FY2020. (20-461). (Utilities Director)

5. Approve a Resolution Amending the FY20 Budget, Budget Adjustment Form #20-096-A for Community Development Block Grant Coronavirus (CDBG-CV) funds in the amount of $103,352. (20-499). (Community Services Director)

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve the Consent Agenda.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Public Hearings:

1. City Council consideration and public comment on the allocation of the 2020 Edward Byrne Memorial Justice Assistance Grant in the amount of $16,617. (20-452). (Chief of Police)

Chief Cantaloupe advised that cameras would be purchased with this grant and that they would be placed in key areas of the City.

Mayor Williams opened the hearing to the public.

Alton Edmund asked where the key places would be at and why. In response, Chief Cantaloupe advised they would be in parks and this would give more ability to ensure safety.

There being no further comments, Mayor Williams closed the hearing to the public.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Boisvert, to approve the allocation of the 2020 Edward Byrne Memorial Justice Assistance Grant in the amount of $16,617.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. APPROVAL OF A TREE REMOVAL for an oak tree in the right of-way adjacent to 3009 Dunhill Dr. with a replacement tree to be planted. (20-491). (Community Services Director)

Ms. Selig advised that the next three items were in regards to tree removals. The tress are causing damage to sidewalks, curbs, gutters, and driveways. The Planning & Zoning Board recommended denial of all three with the suggestion that rubber sidewalk be installed instead of concrete.

Mr. Smith addressed the rubber sidewalks and although they have been used in many places they do not replace maintenance. They have found that the maintenance period was about two years which could make it burdensome on staff and the cost is quite high. They do not mind doing what they can to save trees, however, root pruning can be an issue and he explained that in detail.

Mayor Williams opened the hearing to the public.

Ms. Gemmati read an e-comment from Jeri Blanco[3].

Alec Greenwood, 640 Brevard Avenue, noted that these trees were heritage for Cocoa and photos and other input were provided to board members who wanted to save the trees. If the rubber was not good enough, then he urged staff to find another avenue in order to save the trees. We need to save what we have.

There being no further comments, the Mayor reopened the hearing to Council

Councilmember Koss is not familiar with this tree and per the photos the tree looks healthy. Her concern is that they have received a grant and have reached the Tree

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3 EXHIBIT B: E-Comment from J. Blanco

City USA status and an inventory should be done in order to understand what our canopy and shading is before we remove trees like this.

Mr. Smith explained that if a tree in our right-of-way damages the sidewalk it is our responsibility to replace it.

Councilmember Warner mentioned that from the photos it looked like some work had been done and agreed with Councilmember Koss that you cannot see the roots and not a lot of damage. She asked staff if they had heard from the resident and if they wanted this removed.

She further noted that Mr. Smith spoke about cutting the root and since we live in a hurricane zone what would happen down the road and if they could become top heavy. Mr. Smith agreed that they could and she asked if a professional would come out at that time to access the tree. The trees are beautiful but she knows that College Green has had some issues.

Councilmember Koss wished they had more opportunity to educate citizens as there is such value to these trees.

Mayor Williams would like an opportunity to go out and look for himself.

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to postpone this item until the next meeting of August 26, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. APPROVAL OF A TREE REMOVAL for an oak tree in the right of-way adjacent to 2009 Ivy Dr. with a replacement tree to be planted. (20-492). (Community Services Director)

Ms. Selig pointed out that the owners contacted Public Works and asked them to remove the tree.

Councilmember Koss noted that this was a very healthy tree and explained the Planning & Zoning's Board's vote against cutting the tree.

Mayor Williams opened the hearing to the public.

Aleck Greenwood, 640 Brevard Avenue, Cocoa, believed that more information needed to be gathered before making a decision on this item.

There being no further comments, the Mayor closed the hearing to the public.

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to postpone this item until the next meeting of August 26, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. APPROVAL OF A TREE REMOVAL for an oak tree in the right of-way adjacent to 2226 Dartmouth Dr. with a replacement tree to be planted. (20-493). (Community Services)

Ms. Selig noted the owners of this property also contacted Public Works and cited damage to the sidewalk.

Mayor Williams opened the hearing to the public.

Geneveve Cicerrelli, 2226 Dartmouth Drive, just moved here from Wyoming and she works at Rockledge Gardens. This is about a $10,000 tree and she would like to keep the tree, as now she knows the importance of them.

David Cicerelli, 2226 Dartmouth Drive, believed the City did excellent work in repairing sidewalks and felt that when considering tree removal costs, it may be more cost effective to repair sidewalks to make sure they are not a hazard instead of removing trees that people love.

Mayor Williams added that trees suck up water and lower the water table so in the rainy season that helps prevent flooding.

Mr. Cicerelli pointed out that their request was not to remove tree but to fix the sidewalk.

Deputy Mayor Goins commended the three residents for trusting the City's process and asked if right-of-ways were monitored with new construction.

In response, Ms. Selig explained that a contractor was required to provide a landscape buffer but the application does not address the right-of-way.

Mayor Williams provided a background on the tree board.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to save the tree on Dartmouth Drive.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Pass on First Reading: Ordinance 10-2020, amending Appendix A. Zoning, Article XIII of the City Code, to authorize the operation of mobile vending units and providing locations and regulations for the use. (20-494). (Community Services Director)

Attorney Garganese read Ordinance No. 10-2020 into the record by title only as follows. He advised it was the first reading of the ordinance.

ORDINANCE NO. 10-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE XIII, OF THE CITY CODE TO AUTHORIZE THE OPERATION OF MOBILE VENDORS IN THE CITY; PROVIDING STANDARDS FOR OPERATING MOBILE VENDING UNITS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig presented the item and a detailed background on the ordinance. She advised that a site plan would be required and explained what that would entail. She further explained the zoning districts in which mobile vendors would be allowed.

Mayor Williams added that this was for more than just food vendors and licenses would be required.

Councilmember Koss asked if a truck at the fishing pier would be prohibited and if an amendment could be done in the future to allow that. Ms. Selig pointed out that it was in the ordinance to bring it back in one year to review.

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

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve Ordinance No. 10-2020 on First reading.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Pass on First Reading: Ordinance No. 09-2020, amending Chapter 3, Section 3-22.5, of the City Code, regarding temporary signs. (20-495). (Community Services Director)

Attorney Garganese read Ordinance No. 09-2020 into the record, by title only, as follows and pointed out the changes that are being made to the ordinance, specifically with political signs.

ORDINANCE NO. 09-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 3-22.5 OF THE CITY CODE REGARDING TEMPORARY ON-PREMISE SIGNS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig pointed out a recommendation from the Planning & Zoning Board which was a change from three to five days after an event that signs needed to be picked up.

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

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve Ordinance No. 09-2020 on First reading.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

7. Pass on First Reading: Ordinance No. 12-2020, amending Appendix A. Zoning, Article XIII, Section 22, Landscaping Requirements, of the city code; amending land clearing and tree protection and replacement standards; and creating an arbor mitigation fund. (20-496). (Community Services Director)

Attorney Garganese read Ordinance No. 12-2020 into the record, by title only, as follows.

ORDINANCE NO. 12-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE XIII, SECTION 22, LANDSCAPING REQUIREMENTS, OF THE CITY CODE; AMENDING LAND CLEARING AND TREE PROTECTION AND REPLACEMENT STANDARDS; CREATING AN ARBOR MITIGATION FUND; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES

AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Essing noted this has been a team effort. She provided a presentation on this item[4].

Ms. Essing provided a project summary and discussed in detail, the State Law Preemption and the Arbor Mitigation Fund. This ordinance clearly defines residential property.

City Attorney Garganese further added that under the State Law Preemption it prohibits local governments from requiring notices, applications, approvals, permits, fees, or mitigation for the pruning, trimming, or removal of trees on residential property if a property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property. He pointed out that in Cocoa permits are currently not required for tree removal and land clearing for already-developed, single-family, or duplex lots.

Ms. Essing spoke about the proposed changes in regards to the overall landscape code. The landscape code was written very well to save the trees in Cocoa.

She noted that the proposed changes were to save the trees, replace the trees, and pay into the Arbor Mitigation Fund.

In closing, she mentioned that staff's recommendation was to approve Ordinance No. 12-2020 amending land clearing and tree protection, replacement standards and creating an arbor mitigation fund.

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

* **MOTION by Councilmember Warner; Seconded by Councilmember Koss, to approve Ordinance No. 12-2020 on First reading.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

8. Pass on First Reading: Ordinance No. 11-2020, amending Appendix A, Zoning, Article XI, Section 17 of the City Code relating to the Planned Unit Development district regulations. (20-497). (Community Services Director)

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[4] EXHIBIT C: Presentation on Zoning Text Amendment/Arbor Mitigation Fund

Attorney Garganese read Ordinance No. 11-2020 into the record by title only as follows.

ORDINANCE NO. 11-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE XI, SECTION 17 OF THE CITY CODE RELATING TO THE PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig provided a background noting that the Code currently has a mixed use and a commercial use and that this was updating that portion of the Code.

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

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to approve Ordinance No. 11-2020 on First reading.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. Council Business:

1. Consider the Appointment of current Code Board Alternates Kimberly Curtis or Vinnie Richardson as a Regular Member of the Code Enforcement Board. (Administrative Services Director). (20-445)

Councilmember Koss was upset that Mr. Hannon resigned from the board and asked that staff be more cautious when cancelling meetings as members change their plans to be able to attend meetings.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Warner, to approve Kimberly Curtis as a Regular member to the Code Enforcement Board.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consider the Appointment of Ms. Jennifer Roberts as a member to the Sustainability Advisory Committee. (20-451). (Administrative Services Director)

* **MOTION by Councilmember Koss; Seconded by Councilmember Warner, to approve Ms. Jennifer Roberts as a member to the Sustainability Advisory Committee.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Consider Kathy Hamilton-Brown as the Mayor's appointment to the Police Community Relations Advisory Committee. (20-481). (Administrative Services Director)

* **MOTION by Councilmember Warner; Seconded by Councilmember Koss, to approve Kathy Hamilton-Brown as the Mayor's appointment to the Police Community Relations Advisory Committee.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve a Resolution supporting Medicaid Expansion in the State of Florida. (20-484). (Mayor Williams)

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve a Resolution supporting Medicaid Expansion in the State of Florida.**

Jo Shim, thanked Council for the opportunity to speak and for support of the resolution. She explained those individuals and groups that she supported and mentioned that as a member of the Sustainability Advisory Committee, healthcare is a key component of the plan.

Over 800,000 uninsured Floridians would gain access to healthcare if Medicaid expansion was passed.

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. City Business:

1. Approve a Resolution amending the FY20 budget, Budget Adjustment Form #20-089-T and approve a consulting proposal with Info-Tech Research Group, Inc. (Info-Tech) to define Enterprise Resource Planning (ERP) Solution Requirements, assist staff in the development and manage a Request for Proposals (RFP) process, assist while RFP is in the field, propose and develop response evaluation,

prepare demonstration scripts, and develop demo evaluation and scorecards utilizing the terms of the Commonwealth of Virginia's Information Technology Services Contract VA-180315-ITRG. (20-436). (Chief Technology Officer)

Interim City Manager Fuhrer presented the item and advised that this was a follow up to the workshop that was held in regards to the state of the City's current software.

Approval of this item would take them through the selection of the software.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve Agreement #107-2020 Coronavirus Relief Funds (CRF) between Florida Housing Finance Corporation (Florida Housing) and the City of Cocoa to expend $58,219 in CRF for FY 2019/2020 in an effort to address the financial needs of Cocoa Citizens having been negatively impacted by the COVID-19 pandemic and are underemployed or unemployed; and authorize the Mayor to sign all subsequent certifications, agreements and related documents. Approve a Resolution Amending the FY20 Budget, Budget Adjustment Form #20-095-A, accepting the Revenue, in the amount of $58,219. (20-475). (Community Services Director)

Ms. Bunt presented the item and explained that what staff was proposing was to be able to provide Cocoa residents with utility, rent, and mortgage assistance who were impacted negatively by Covid-19. She noted that applications were ready and would be handled internally by staff. They will also work with Customer Service staff to help with the processing.

In addition, the City will not require third party identification like the County. She reiterated that working with Customer Service staff should speed up the process.

Interim City Manager Fuhrer advised that the City has received two Brevard County CARES Act funding checks so far. They were to help two customers.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Consider adoption of Emergency Ordinance No. 13-2020 requiring Face Coverings in places open to the public. (20-514). (City Attorney)

Attorney Garganese read Ordinance No. 13-2020 into the record, by title only as follows.

He explained what the ordinance entailed. He noted that it was an emergency ordinance and that a second reading and public hearing were not required. This was requested at the last meeting.

This is a Home Rule Ordinance adopted under the police department and will be effective at 12:01 am on Saturday, August 15, 2020.

Ms. Gemmati read E-Comments into the record[5] from Judy McCluney; Linda Gombart; Bill Morris; and Elliott Zimmerman.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve the Emergency Ordinance No. 13-2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

4. Authorize one-year extension of contract between the City of Cocoa and Genuine Parts Company (dba NAPA Auto) until July 21, 2021 and authorize a Change Order to Blanket Purchase Order 75714 of $100,000 to complete FY-2020. (20-447). (Public Works Director)

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Warner, to approve.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Approve Task Order 2020-14 with Carollo Engineering, Inc. (Carollo) for Sellers WRF Biosolids Master Plan, Project No. WS19BS; To Approve a Resolution Amending the FY2020 Budget, BAF#20-090-T. (20-433). (Utilities Director)

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5 EXHIBIT D: E-Comments from J. McCluney; L. Gombart; B. Morris; and E. Zimmerman

Councilmember Koss asked if the City was considering regional solutions. In response, Mr. Walsh responded in the affirmative and advised that noted in the agenda item was the proposed regional planning.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

X. Informational Agenda:

None.

XI. Adjournment:

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to adjourn the Regular meeting of August 12, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting ended at 9:24 p.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie E. Shealy, MMC, City Clerk

CITY OF CORPORATE SEAL FLORIDA

Samantha Senger

From: noreply@granicusideas.com
Sent: Tuesday, August 11, 2020 11:32 PM
To: Samantha Senger
Subject: New eComment for City Council

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

New eComment for City Council

Guest User submitted a new eComment.

Meeting: City Council

Item: In accordance with the City Council's rules and procedures, residents or tax-payers of the City (upon any subject of general or public interest), City employees (regarding his/her employment), and water and sewer customers (on matters related to the City's water and/or sewer system), may address the City Council under Delegations on items not on the printed agenda by filling out a speaker card. Speaker cards are located outside the Council meeting room and should be provided to the City Clerk. Please observe the time limit of five (5) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by Council.

eComment: The City Council was put on notice August 10, 2020 with Jake Williams violation of Charter separation of powers specifically prohibiting Mayor or any member of council from directing any city employee in performance of their job. In addition to his June 17, 2020 direction of Staffer he went so far as to present documents he claimed to be evidence of BACRAP and Larry Sinclair of fraud. In addition the City was noticed again that Williams is violating charter and should forfeit his seat for failing to live in City of Cocoa while serving. Video and photographic evidence was obtained by hiring of licensed Florida private investigator as well as Ron Parsons posting he lives on Tangerine St and so does Jake and affirms Williams is at that home daily. In addition the constant emails to council by both Jake Williams and LaVander Hearn's campaign manager Vickey Mitchner asking council to address candidate Hearn's campaign and election fraud and Williams, Koss and Hoins emails to Hearn is a violation of law and campaigning on city property and via city meetings. If Council refuses to comply with charter and does not remove Williams immediately then I have no choice but to immediately seek an injunction pending hearing. The city has been provided documentation Hearn does not qualify to run. The County Fire & Rescue records support the fact Hearn has lied about his residence. City has duty to disqualify him in the D2 race. Lawrence Sinclair 1052 Mitchell St Cocoa 3214174214

View and Analyze eComments

Samantha Senger

From: noreply@granicusideas.com
Sent: Wednesday, August 12, 2020 11:18 AM
To: Samantha Senger
Subject: New eComment for City Council

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

New eComment for City Council

Guest User submitted a new eComment.

Meeting: City Council

Item: VII.2 20-491 APPROVAL OF A TREE REMOVAL for an oak tree in the right of-way adjacent to 3009 Dunhill Dr. with a replacement tree to be planted. (Community Services Director)

eComment: Dear Mayor and City Council members, Good evening, this is in reference to the three request submitted for tree removal to the Planning and Zoning Board at the last P&Z meeting held on August 5th 2020. A motion was made and seconded at that meeting to deny all three request after reviewing only the first two. Some comments made were that the trees did not create the damage to the sidewalk and or driveway that the damage was possibly from heavy vehicles parking on the sidewalk or driveway. As the sole vote against this motion I felt it was made without giving each request the full attention they deserved. As a member of the P&Z Board I take my responsibility to serve seriously and without a hidden agenda as it was suggested in the meeting. Residents have been given a process in which they can submit a request to have a tree removed and as a board we have the duty to review all request and the information provided thoroughly. I have the no doubt that tonight the council will take the time to review each request thoroughly and will treat each request independently of one another. Respectfully, Jeri Blanco Cocoa, FL 32922

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EXHIBIT D: E-Comments from J. McCluney; L. Gombart; B. Morris; and E. Zimmerman

Samantha Senger

From: Lorraine Koss
Sent: Tuesday, August 11, 2020 9:12 PM
To: Samantha Senger
Subject: Fwd: to be read at Council meeting for the record

Did you receive this, too? It should be read at Council Meeting. I don't think he could figure out our system.

Begin forwarded message:

From: Elliott Zimmerman <ezcpa@cfl.rr.com>
Date: August 11, 2020 at 9:30:59 AM EDT
To: Lorraine Koss <lkoss@cocoafl.org>
Subject: FW: to be read at Council meeting for the record

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

You have a rare opportunity, tonight. You can take an action that will (will, not may) save lives. Please support the proposal to require face coverings in public spaces in Cocoa. Public health officials unanimously agree that face coverings, when used by all, will save lives. You can help Cocoa Village become a destination again sooner rather than later.

Think about the old slogan "The life you save may be your own."

Elliott Zimmerman
3212 Westchester Drive
Cocoa, Florida 32926

Samantha Senger

From: noreply@granicusideas.com
Sent: Monday, August 10, 2020 9:20 PM
To: Samantha Senger
Subject: New eComment for City Council

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

New eComment for City Council

Guest User submitted a new eComment.

Meeting: City Council

Item: IX.3 20-514 Consider adoption of Emergency Ordinance No. 13-2020 requiring Face Coverings in places open to the public. (City Attorney)

eComment: From Bill Morris 1908 Manor Drive Cocoa- I am in favor of mandatory mask wearing and urge you to vote yes. As of June 5, there were 107 cases in Cocoa. As of August 10, there are 676 cases, over a 6 fold increase in just 56 days. Deaths in Brevard County have gone from 15 to 152 during the same time period, a 10 fold increase in 56 days. We know there are 10 times more people infected with COVID than the above figures indicate. County ICU beds vary from 66% to 97% capacity. Things will worsen when schools open. If we do nothing COVID will infect half of Cocoa by the end of October. We know how to decrease these exponential rates. Please have the guts and the will to enact this proactive measure. It will save lives, reduce local hospital burden, and will have no impact on our economy. .

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Samantha Senger

From: noreply@granicusideas.com
Sent: Tuesday, August 11, 2020 1:01 AM
To: Samantha Senger
Subject: New eComment for City Council

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

New eComment for City Council

Linda Gombert submitted a new eComment.

Meeting: City Council

Item: IX.3 20-514 Consider adoption of Emergency Ordinance No. 13-2020 requiring Face Coverings in places open to the public. (City Attorney)

eComment: I don't feel safe in my city because so many people refuse to do one simple thing that is universally recommended by health experts, disease researchers and anyone with a basic understanding of biology: wear a face covering in public. I'm not alone in my fear. The refrain "if you're scared, just stay home" doesn't take into account the fact that most of us don't have that option unless we're ok with living in the woods and scraping leftovers out of dumpsters. Some local citizens are now doing their shopping in Orlando because there's a mask ordinance there and they feel safer. Some have even been able to "temporarily" relocate to areas with mask ordinances and don't plan on coming back until it's safe. As long as we act like this pandemic is a hoax, why on earth should they come back? This means less money going to local businesses and fewer tax dollars in our coffers. We shouldn't ignore this. This isn't about "personal freedoms," it's about public health! Cities around the country -- even in Florida (even in TEXAS!) -- understand that public health is a cornerstone of a functioning society. Resolutions "strongly urging" people to wear masks in public have gotten us nowhere. Rather, it's gotten us THOUSANDS of new cases of covid-19 a day in this state! Can we at least get our Cocoa city leaders on board with protecting the citizens who elected them in this city? Thank you for your time and attention, -- Linda Gombert 2323 Elon Drive Cocoa, FL 32926 321-446-9338

View and Analyze eComments

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Samantha Senger

From: noreply@granicusideas.com
Sent: Tuesday, August 11, 2020 3:26 PM
To: Samantha Senger
Subject: New eComment for City Council

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

New eComment for City Council

Guest User submitted a new eComment.

Meeting: City Council

Item: IX.3 20-514 Consider adoption of Emergency Ordinance No. 13-2020 requiring Face Coverings in places open to the public. (City Attorney)

eComment: Please read my comment into the record.. This is for IX.3 Confidence in Cocoa When I see someone wearing a mask, I think "thanks." Sometimes I tell them "thank you for wearing a mask. You are protecting both" I've had repairmen from two different companies come to my house. Both wore masks. I felt thankful and relieved, and gave a plus rating to their businesses. I've had repairmen from two different companies come to my house. Both wore masks. I felt thankful and relieved, and gave a plus rating to their businesses. Here in Cocoa during this pandemic we need confidence. We need to feel safe, and we need to see our leaders taking real action to keep us safe. The most obvious, least expensive measure our city and you, our leadership, can take to boost our confidence is to promote and ensure mask wearing here. This will pay us all dividends in feeling safe and confident. I have read the emergency ordinance, and it seems thorough and fair. Don't delay further. Please support it. of us. Respectfully, Judy McCluney 1908 Manor Dr. Cocoa 32922

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Zoning Text Amendment

Arbor Mitigation Fund

August 12, 2020

EXHIBIT C: Presentation on Zoning Text Amendment/Arbor Mitigation Fund

Project Summary

- State Law Preemption
- Arbor Mitigation Fund



State Law Preemption

State Law Preemption

- In 2019, the Florida legislature enacted Section 163.045, Florida Statutes
- prohibits local governments from requiring notices, applications, approvals, permits, fees or mitigation for the pruning, trimming, or removal of trees on *residential* property if a property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property
- In Cocoa permits are currently not required for tree removal and land clearing for already-developed, single-family or duplex lots

COCOA FLORIDA

State Law Preemption

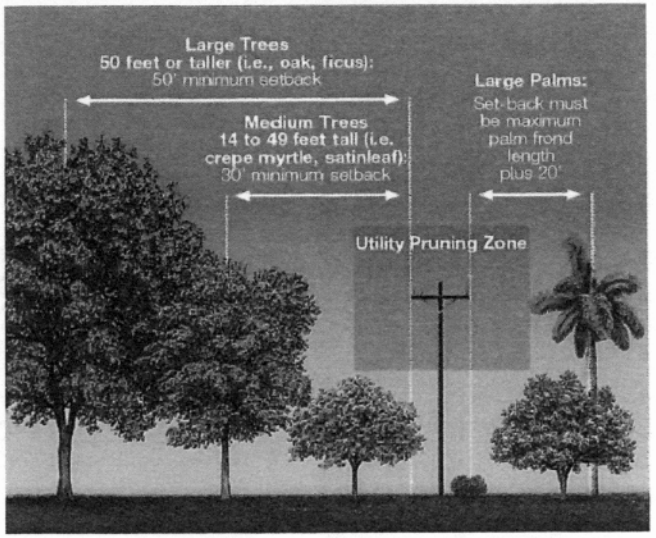
State Law Preemption

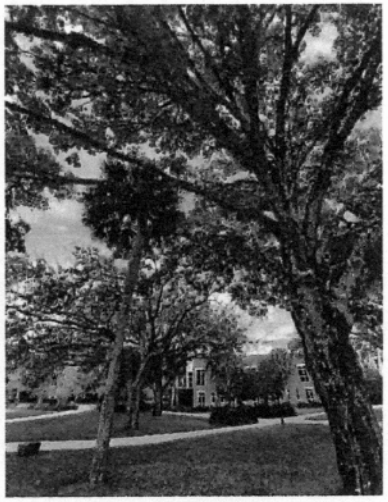
- proposed ordinance is intended only to define "residential property" for purposes of s. 163.045, F.S.
- "residential property" is proposed to be defined as *property with a fully-constructed single-family home or duplex used for residential purposes*
  - does not include multi-family residential property, common areas owned by a homeowners' or condominium association, vacant land zoned or designated residential or mixed-use

COCOA FLORIDA

Proposed Changes

1. Save the trees
2. Replace the trees
3. Pay into the Arbor Mitigation Fund



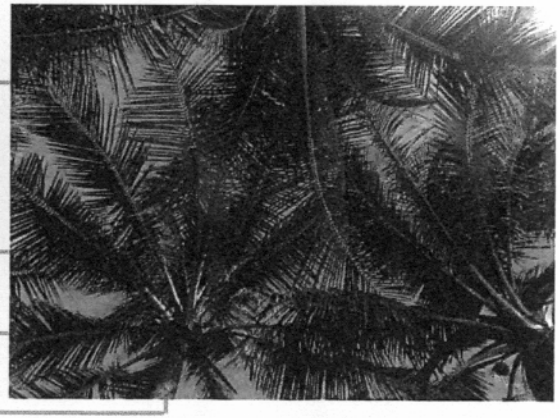


COCOA FLORIDA

Proposed Changes

1. *Tree Replacement Standards:* newly planted trees, in sum, are equivalent to the d.b.h. of the tree(s) removed
2. *Size and Number of Replacement Trees:* Replacement trees shall have a minimum d.b.h., depending upon the diameter of the tree removed

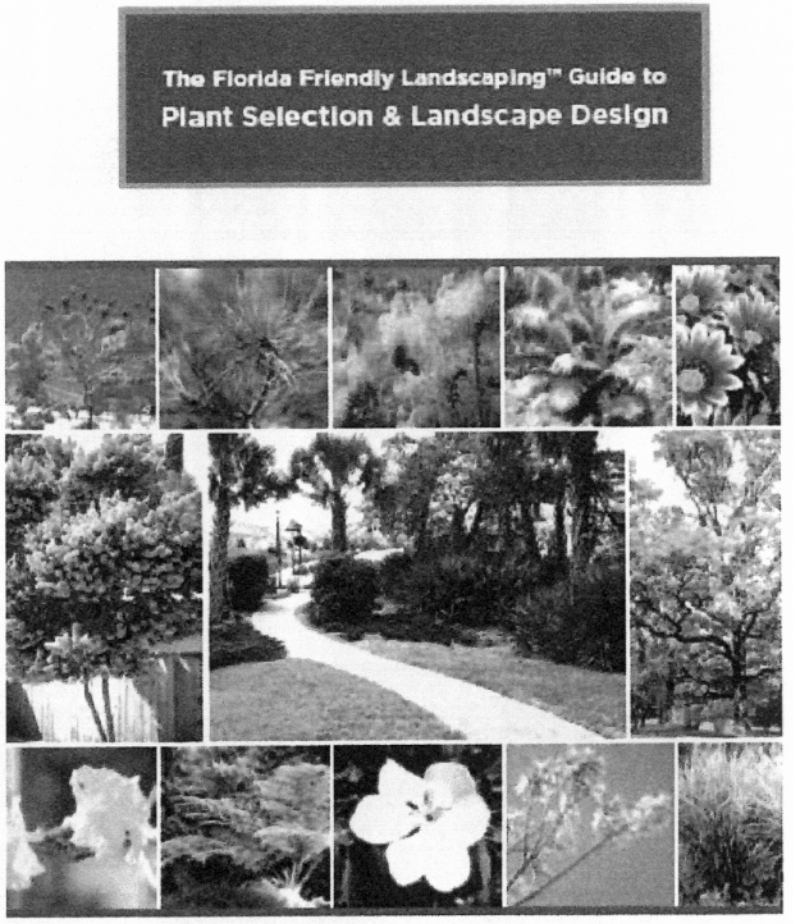
Diameter of existing Tree (Inches)	Minimum caliper (Inches) of each replacement tree
4—11	3
12—17	3
18—23	4
24—29	4
>30	6



Proposed Changes

1. *Right Tree, Right Place:* same species as removed or trees listed on the UF/IFAS Florida-Friendly Plant Selection and Design List.
2. *Tree Replacement Credits for Preserved Trees:* 100% of the d.b.h of the tree preserved that is greater than 42" will be credited to reduce the number of replacement inches required





Proposed Changes

Arbor Mitigation Fund

- Established to provide an option to make a fee payment to the City in lieu of providing the required replacement trees on site
- City of Cocoa general fund, but reserved exclusively for
  - design, acquisition, installation and maintenance of trees
  - the funding of studies related to the City's tree canopy
  - the operation and maintenance of a public tree nursery

Relationship and consistency with Comprehensive Plan Policies and Objectives

Objective 12.1.6: Hydrology, Vegetation, and Wildlife. Protect and conserve soils and native vegetation communities, and maintain the natural functions of the City's ecological zones in a manner consistent with the Goals, Objectives and Policies of the Future Land Use Element.



Recommendations

Staff recommends that City Council **approve** Ordinance No. 12-2020, amending land clearing and tree protection, replacement standards and creating an arbor mitigation fund.

