MINUTES
(Amended)

City of Cocoa
Regular Meeting of The City Council

August 10, 2021

A Regular City Council Meeting was held on Tuesday, August 10, 2021, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Blake called the meeting to order at 6:00 p.m.

A moment of silence was held for Driver Engineer Scott Allender with Melbourne Fire Rescue Department who recently passed due to Covid-19.

Capt. Nate Hooks provided the invocation and Paul Kamus led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	James Goins	Deputy Mayor
	Rip Dyal	Councilmember
	Lavander Hearn	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Evander Collier, Chief of Police; Jonathan Lamm, Fire Chief; Abigail Morgan, Acting Public Works Director/Asst. City Engineer/Stormwater Manager; Lora Howell, Deputy Finance Director; Charlene Neuterman, Interim Community Services Director; and Ben Wenrich, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of August 10, 2021. (21-530)

2. **Minutes:** (a) Mayor's Town Hall Meeting on June 15, 2021. (21-531)
(b) Budget Workshop held on July 8, 2021. (21-532)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Hearn, to approve the Agenda as presented for the Regular meeting of August 10, 2021 as presented.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Dyal, to approve the Minutes for the Mayor's Town Hall Meeting on June 15, 2021 and the Budget Workshop on July 8, 2021, as written.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

None.

IV. Delegations:

Paul Kamus, 116 Olive Street, Cocoa, showed a photo of an intersection at Olive Street and was asking if they could delegate someone on staff to look at this area. He explained the safety hazards that he is witnessing and asked if a study could be done to help this situation.

Nate Hooks, 723 Carissa Avenue, Cocoa, referenced a few verses from the Bible and stated that he was calling upon the governing officials to begin a practice and establish policies that will revive, correct, replace and abolish improper biases or discriminating practices and directives that have brought injustices to groups, businesses, and to the citizens of Cocoa by the actions of previous councils or administrations. He provided examples such as the closing of Stone Street, destruction of more than fifty homes, forcing of property owners into positions where they cannot pay outrageous liens, and displacement of tenants by property owners due to COVID-19. He asked that these issues be looked into.

Dedra Haynes-Waller, 1105 Wedgewood Lane, Titusville, asked about Ordinance No. 23-2020. This was changed in Titusville and she requested a change in Cocoa. She mentioned that this would allow homebased businesses.

City Manager Whitten advised that he had met with the City Attorney, Chief Collier, Ms. Neuterman, and Code Manager Bunt on this as state legislation had changed. Ms. Neuterman added that there will be a special Planning & Zoning Board meeting on August 25th and two public hearings have to be held as well.

Ivan Hernandez, 619 & 627 S. Kentucky Avenue, Cocoa, spoke for himself and his mother whom he has Power of Attorney for. He mentioned their intent was to reside in Cocoa. He provided a history of his mothers' situation and that she applied for the First Time Homebuyers program here in Cocoa. He voiced the difficulties he had securing a contractor to do repairs found from the inspection and that he is not getting replays from staff. He felt that what he was going through was not right and that it needed corrected. They would like a fair process.

Ms. Marlene Weiss, 2415 Tulane Drive, Cocoa, provided an update on the Sustainability Advisory Board. She noted they met last Thursday and have started their series of speakers on sustainability. The City of Cape Canaveral's team presented and she pointed out that their senior planner has an eye for making an impact and shared some of the information and projects that their city has done. They were very inspiring, creative and were proactively looking towards the future. She asked the Mayor how the board can interface with the Council and how they can bring their findings to the Council as they are working with citizens.

In response, Mayor Blake advised that they could collaborate with staff and the City Manager. She thanked him and invited them to meetings and that it was time to talk about what sustainability is.

Natalie Jackson, 1403 Dixon Boulevard, Cocoa, is the Program Director for the Early Head Start Program. The program has operated since the late 90's. She explained what they do and that their budget was really tight. They take on large projects and mentioned their current project of painting the building. She thanked Mayor Blake for his help this past Sunday and asked for more volunteers during the next few weeks. The number to call is (321) 877-1002 and you can speak to Ms. Martinez. They are in the office Monday through Friday. She also thanked several parents as well as the police and fire, and Cocoa High School volunteers who have helped.

Mayor Blake noted that it is in District 2 and thanked her for coming.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the FY 2021 Budget, BAF# 21-104-A, to allow for repayment of principal to the Section 108 Guaranteed Loan under Section 108 of the Housing and Community Development Act of 1974, and to amend the FY 2021 Budget with prior year grant revenues to balance the budget for the Community Development Block Grant (CDBG). (21-327). (Interim Community Services Director)

2. Approve Additional Purchases of $400,000 under a Master Agreement For Water Meter and Meter Reading Equipment Purchases with Sunstate Meter & Supply, Inc. and authorize the City Manager to approve a Change Order to Blanket Purchase Order # 77225 for Sunstate Meter and Supply Inc. by $300,000. (21-516). (Finance Director)

3. Approve a Resolution Amending the FY 2021 Budget, BAF # 21-105 for Accrual Payouts, Fire Department Overtime and Operating Supplies in the Emergency Disaster Division. (21-536). (Finance Director)

4. Approval to apply for a State of Florida Cancer Decontamination Grant to purchase filters for the fire station vehicle exhaust filtering systems. (21-539). (Fire Chief)

(B) Multi-Year Contracts:

5. Approve a Resolution Waiving the Competitive Bidding Process for the Purpose of Making a Sole Source Purchase of a Kiosk Along with Authorizing the City Manager to finalize and execute a Multi-Year Contract Between the City of Cocoa and AdComp Systems Inc. in a form acceptable to the City Attorney. (20-568). (Finance Director)

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

VII. Council Business:

None.

VIII. City Business:

1. Approve an Addendum to the Security Agreement with the Villas of Cocoa Village, LLC for the Cottages at Cocoa Village and authorize the City Manager to execute the Agreement. (21-502). (Interim Community Services Director)

   Mayor Blake spoke on behalf of the item and pointed out that staff was suggesting an extension through January 30, 2022.

   Ms. Neuterman spoke in furtherance about this and of what this Security Agreement included.

* **MOTION by Mayor Blake; Seconded by Councilmember Koss, to Approve an Addendum to the Security Agreement with the Villas of Cocoa Village, LLC for the Cottages at Cocoa Village and authorize the City Manager to execute the Agreement.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve the Preliminary Assessment Resolution No. 2021-071 for Fire Protection, for Fiscal Year 2022. (21-524). (Finance Director)

   Mayor Blake noted this was an annual event and it is an increase of 3%.

   Ms. Howell pointed out that the final resolution would come before Council as a public hearing on September 14, 2021.

* **MOTION by Councilmember Hearn; Seconded by Deputy Mayor Goins, to approve the Preliminary Assessment Resolution No. 2021-071 for Fire Protection, for Fiscal Year 2022.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve the Preliminary Assessment Resolution No. 2021-072 for Stormwater Utility Services, Fiscal Year 2022. (21-525). (Finance Director)

Mayor Blake advised that this was a 4.5% increase and it has been a 9% for the last two years.

It was determined that the 4.5% was enough to cover the Stormwater Fund. The final resolution would also come before Council as a public hearing on September 14, 2021.

* **MOTION by Councilmember Hearn; Seconded by Deputy Mayor Goins, to approve the Preliminary Assessment Resolution No. 2021-072 for Stormwater Utility Services, Fiscal Year 2022.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Calls for Service provided by the Cocoa Fire Rescue Department for the month of July 2021. (21-535). (Fire Chief)

X. Reports:

Chief Lamm provided an update on COVID-19 and advised that there have been 55,378 positive cases in Brevard County. The seven day average is about 550 new cases per day. The State of Florida was up 27% and there have been 914 deaths in Brevard County. He knows that everyone is watching the news and we have more than doubled the amount of positive cases since the last council meeting. The hospitals are feeling it as well as they are up in admissions of positive cases.

He spoke about the Tropical Cyclone and that we are expected to see development progress by tomorrow morning. He advised it was hard to estimate what the storm force will look like when it hits the west coast. He ensured Council that they would work with the Public Works Department to make sure storm drains were open.

Mayor Blake stated that with all of the rain there is an influx of mosquitos. He knows that the county sprays and wanted to make sure that the city was being sprayed. He also asked that trash be taken care of during the storms as well by Waste Management.

Attorney Garganese reported that he had two updates involving cases that involved the City Council. First, in the case Sinclair vs. the City of Cocoa, Former Mayor Parrish, Former Councilman Whipple, Councilmember Koss, and Mr. Greenwood, the Fifth District Court of Appeal affirmed in trial court and ruled in the City and Defendants favor so that was good news received today.

Secondly, he mentioned that in the case of the Villas vs. City of Cocoa, as Council was aware there was a setback in that case and the trial court issued a temporary injunction. Attorney Garganese stated that his intentions are to continue to defend the actions taken by the City Council to terminate the negotiations and to file an appeal unless there are any objections by Council at this time.

Mayor Blake had no objections and all other councilmembers agreed for him to move forward.

Mayor Blake asked that with school being back in that everyone obey the traffic laws and school zones.

Councilmember Koss thanked Ms. Weiss for speaking on behalf of the Sustainability Advisory Board and pointed out that each councilmember has been given a schedule of speakers for the upcoming Sustainability Advisory Board meetings.

She noted that the presentation by Cape Canaveral was interesting. ~~and her takeaway from it was that the most crucial person for them to bring on board in regards to sustainability and resiliency issues and where they really started to build momentum was when their Chief Financial Officer looked at everything and in several instances, things were no brainers~~. Through that they started to create change in their city. The big takeaway was that once the Chief Financial Officer understood the cost analysis and long-term economic savings of the Sustainability/Resiliency Plan, projects proceeded smoothly with full staff support[1].

There was also an informational item that came up relating to wastewater Covid testing and is on Cape Canaveral's website. She had also mentioned this in May.

[1] Minutes Amended by Councilmember Koss at the Regular Meeting of September 14, 2021.

The purpose of this was that it is predictive as it shows the level of the virus in the City and community so they are using this as an educational tool to inform citizens. She was hoping that the City could look into this. Their funding for this ended but it was so helpful they are continuing.

She concurred with Mr. Hooks and his views on Stone Street and voiced concerns with the train that is coming in. She is aware that there is a lot of history there.

Councilmember Hearn mentioned that August has been busy already. He spoke of his attendance at the Space Coast League of Cities Dinner with Mayor Blake and acknowledged Ms. Cynthia Doake from Endeavor Elementary. He further pointed out that Endeavor was getting a new principal and he hoped that all of Council would reach out to him.

He thought that the Wallen Park dedication ceremony was great and he was proud to honor Mr. Jim Wallen. The School Supply Drive was held on the same day and that was a good event as well. The police department was there and mingled with the citizens. He felt that the City was making great strides but feels that we can always do better. He assured Mr. Hernandez that Council was listening and thanked him for sharing his issues tonight.

Councilmember Hearn piggybacked off of what Chief Lamm stated and agreed that there would be a lot of water. He asked citizens to make sure their storm drains were not blocked so that the water could drain.

Lastly, he gave kudos to the Mayor for assisting with a car accident and also to the V-Cops and crossing guards who were out this morning doing their duties. He asked that all watch their speed to keep kids safe.

Councilmember Dyal advised that tomorrow night Chief Collier was having a walk around Westminster and the Lemonade Stand would be there as well.

On Tuesday, August 17th at 6 pm was the District 3 Town Hall Meeting at the Lost Lakes Clubhouse. He thanked Lost Lakes for opening up the facility and he was looking forward to the meeting.

Deputy Mayor Goins mentioned the school supply giveaway and felt that sometimes we do not realize how much something impacts people. They ran out of bookbags in about an hour and there is still a need. He thanked staff and the Police Department for this event.

Deputy Mayor Goins asked Attorney Garganese about the process for code changes. He asked what needed to be done in order to get things on the agenda for discussion. He spoke about the issues of parking on grass and fencing of vacant lots.

In response, Attorney Garganese advised that code changes needed to be on the agenda so that motions can be made. Code changes also require ordinance changes and discussions by Council. He recommended he work with the City Manager on this.

Deputy Mayor Goins would like this on the next agenda. Mayor Blake asked the City Manager to meet with Deputy Mayor Goins. Deputy Mayor Goins added that he has spoken about this for about a year and it keeps being put off.

Deputy Mayor Goins believes that it is helping Bracco Pond by keeping it pumped. At one point it was flooding out cars and he thanked Public Works for the pumping.

Deputy Mayor Goins asked about Covid and pools. In response, Chief Lamm stated that he was not the person to ask about this but he could provide him with contact information. Chief Lamm's advice was to always go back to CDC recommendations. Deputy Mayor Goins stated that kids could not use the pool this summer and felt that maybe if numbers go down they could have access in the fall.

Councilmember Hearn also thanked Legends Barbershop and Mr. Sam Newton at 1218 Dixon Blvd., for providing free haircuts to kids yesterday.

Councilmember Hearn further added that at the Space Coast League of Cities Dinner it was mentioned that there would be a committee where each City would nominate a person to attend meetings regarding the IRL, etc. He nominated Councilmember Koss. All Council concurred with his nomination.

Mayor Blake thanked Chief Collier for his participation at the PAL Graduation and spoke of his workday with the stormwater group. They worked on drains in District 2 and poured concrete and sidewalks in District 4. He took the teams out to lunch on his own dime. He enjoyed working with them.

Mayor Blake mentioned that the City hosts the Annual Space Coast League of Cities holiday dinner and this year it was on December 13th. He was requesting

that this be cancelled due to the rising numbers of COVID cases in the area. He did not feel it would be good for the City to become a super-spreader of the virus. He was asking for a consensus from Council. He explained the time frame staff has in regards to catering, licenses, etc. and reiterated that he would feel better if this was cancelled.

Councilmember Koss appreciated the concern but it was four months away.

In response, Chief Lamm stressed that this was not going away and numbers were not going to go down. The number of vaccinations are going down and cases are going up.

Chief Lamm further agreed that there would probably be many attendees vaccinated but there may be others who are not. One could also be asymptomatic.

Councilmember Koss asked if the dinner could be outside as it is still nice in December.

Mayor Blake added that at last night's dinner there were a lot who left early. He does not want to be associated as a super-spreader.

Councilmember Dyal would like to wait until at least the next meeting to make this decision. Chief Lamm reiterated what happens at these large events and spoke about the July 4th event.

Deputy Mayor Goins thought being outside was a good idea and asked about the possibility of switching with another City.

Mayor Blake reiterated what Mr. Romine stated at the last meeting and Chief Lamm reiterated that most hospitals are at Code Red Status at this point and all elective surgeries are being pushed off unless it is a true life or death situation. Hospitals are at capacity and not taking patients. Additionally, the State is back to all virtual meetings.

Mayor Blake was not in favor of the dinner, Councilmember Hearn agreed. Councilmember Koss wanted to wait until the next meeting and to see if they could do it by Zoom in December.

Mayor Blake showed a photo of a Merritt Island resident who recently won Mrs. Universe and sent condolences to the family of Jan Stewart a former Cocoa CRA board member who just passed away.

He reminded all to buy local, spend local, and keep it local.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Goins, to adjourn the Regular meeting of August 10, 2021.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:22 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk