MINUTES
City of Cocoa
Regular Meeting of The City Council

August 8, 2023

A Regular City Council Meeting was held on Tuesday, August 8, 2023, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Blake called the meeting to order at 6:05 p.m.

Gerald Norris provided the invocation and Lt. Paul Kamus led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The Interim City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember (via phone)
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Monica Arsenault	Interim City Clerk

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Tammy Gemmati, Administrative Services Director; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Lora Howell, Deputy Finance Director; Jonathan Lamm, Fire Chief; Mitchell Lawyer, Systems and Support Manager; Gail Bantugan, Leisure Services Manager; Lisa Richardson, Help Desk Support Tech; and Jason Dowty, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of August 8, 2023. (23-473)

2. **Minutes:** Special Meeting of July 10, 2023 (23-474)
Special Meeting of July 11, 2023 (23-476)

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn, to approve the agenda for the Regular meeting of August 8, 2023 as amended to add Council Business item VIII.4.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins, to approve the minutes for the Special meeting of July 10, 2023 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Goins; Seconded by Mayor Blake, to approve the minutes for the Special meeting of July 11, 2023 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

IV. Delegations:

Frank Manfredi, 1209 N. Indian River Dr., Cocoa, also speaking on behalf of his wife, Donna Manfredi, discussed a property owned by Aleck Greenwood near where his home is located. He explained that Mr. Greenwood came to him to ask for his permission to drop invasive tree branches temporarily on his property. Mr. Manfredi and his wife agreed, but quickly learned that the entire property was being cleared. Both Mayor Blake and Deputy Mayor Hearn came out to the property to observe what was going on and Code Enforcement was contacted.

Code Enforcement came out within a few hours and shut the project down. It is now a muddy eyesore and a hazard. He has lived on this street for many years and is concerned about flooding taking place. He has come here tonight to petition the Council and the appropriate agencies to conduct the proper studies into this project.

In response to a comment made by Mr. Manfredi, Councilmember Goins wished to state, for the record, that neither he nor his business, ABC Land Clearing, has any interest or financial gain in this project and they are not involved in it at all.

Anita Gibson, 451 Stone St., Cocoa, wished to be in the loop of hiring more police officers. She hopes that progress will continue to be made and more families can be helped.

Jonnah Buchanan, 2821 N. Indian River Dr., Cocoa, shared that her and her husband have roots in Cocoa and she taught for many years at Saturn Elementary. She shared that she has great news about the new school they opened in January and they are getting ready to start their first full year on Monday. They will be serving sixty-five families and they are very excited about it. She talked about their legacy program and what sets them apart from other schools.

Janice Smith, 2107 Clairemont Dr., Cocoa, asked for extra time so she could speak on behalf of her husband as well. She explained that she was deeply disturbed by what happened at the last Council meeting. She feels that the comments made by Mr. Greenwood towards Councilmember Koss were disrespectful and hurtful.

She talked about Mr. Greenwood's project on Dixon Blvd. and her concerns regarding the flooding. She talked about the underground streams that come from the St. Johns River and the issues that will always be reoccurring. She hopes that the Building Department will take careful care to inspect the building that is being developed there.

She added that she is glad that Councilmember Koss asks educated questions and does her research as a representative of a district should. She thinks it is inappropriate the way things have been dragged out in Council meetings and some things should be handled directly and privately.

Scott Billue, 825 Forrest Ave., Cocoa, announced that Matthew's Hope served sixty-eight homeless people today. He asked that if anyone has any contacts for water donations, he would gladly accept them as it has been very hot outside.

Additionally, he talked about two community meetings that were held to address any concerns that any residents may have. The meeting was productive and he pointed out that the people that showed up to participate were in support of their mission and the project.

Lastly, he shared how many meals they have been able to give, how many showers they have offered and other assistance they have been able to provide. He noted that they are now 100% on city water, have transitioned to natural gas and are no longer on septic as they are so close to the river.

Lastly, they will be holding another community meeting on Monday, August 21st at 6pm for anyone who wants to come out and join them.

Deputy Mayor Hearn introduced a young couple and shared that he invited them to the Council meeting this evening to recognize them for securing and rescuing a young child that they found wandering the streets a few days ago.

Councilmember Koss wished to take a moment to thank Ms. Smith for her comments and would just like the personal attacks to end so they can move forward on policies and city business.

Councilmember Goins wished to point out that while he does not necessarily support what Mr. Greenwood said at the last meeting, he does have the right to come and speak his mind, just as anyone does, even if it's negative. He feels that it is the nature of the beast when you are an elected official. He added that he has met with both Ms. Smith and Mr. Greenwood on separate occasions and they know how he feels about it.

Deputy Mayor Hearn agreed with Councilmember Goins and reiterated that while he does not endorse Mr. Greenwood's statements, he does feel that everyone has a right to speak what's on their mind.

Mayor Blake added that all members of Council have experienced personal attacks from members of the public and all they can do is focus on the positive and move forward.

V. Consent Agenda:

(A) General Consent Items:

1. Council Approval to Apply for the Institute of Police Technology and Management (IPTM) Florida Department of Transportation (FDOT) High Visibility Enforcement Effort (HVE) Grant and Approval for the City Manager to Enter into a Memorandum of Understanding with IPTM. (23-376). (Chief of Police)

2. Council consideration and Public Comment on the use of the 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $15,572. (23-453). (Chief of Police)

3. Approval of the requested street closures changes for the calendar year 2023. (23-457). (Director of Communication and Economic Development)

4. Approve policy for Workers' Compensation Specific Excess Insurance with Safety National Casualty Corporation for the period of October 1, 2023 through September 30, 2024, with an estimated annual premium of $230,787, and one-year renewal option through September 30, 2025, pending approval of the FY2024 budget. (23-459). (City Manager)

5. Approve a Resolution, Amending the FY23 Budget, BAF#23-102-IFT, for the Utility and Stormwater Departments share of the Fleet Vehicle Wash System. (23-467). (City Manager)

(B) Multi-Year Contracts:

6. Authorize the City Manager to execute a 3-year contract to provide critical IT infrastructure, pending the Adoption of the FY24 Budget. (23-466). (Chief Technology Officer)

* **This item is confidential and not for public release per FS 119.0725.**

7. Approve a Resolution Amending the FY23 Budget, BAF # 23-104-T to purchase Information Technology critical infrastructure. (23-475). (Chief Technology Officer)

* **This item is confidential and not for public release per FS 119.0725.**

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Dyal, to approve the Consent Agenda.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

VII. Council Business:

1. Approve the current Code Enforcement Lien for the property located at Tax ID # 2424920 (Parcel ID 24-36-32-75-23-13), be reduced to $2,000.00 as recommended by the Code Enforcement Board. (23-463). (Chief of Police)

* **MOTION by Mayor Blake; Seconded by Councilmember Koss, to approve the Code Lien reduction as recommended by staff.**

AYES: Blake, Dyal, Koss

NAYES: Hearn, Goins

THE MOTION CARRIED (3-2)

2. Approve the current Code Enforcement Lien for the property located at 2744 Cherbourg Rd., be reduced to $5,000.00 as recommended by the Code Enforcement Board. (23-465). (Chief of Police)

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the Code Lien reduction as recommended by staff, with discussion.**

City Attorney Garganese provided clarification in regard to a question posed by Councilmember Koss. He explained that the lien runs with the property and not with the owner.

Chief Collier added that when quick claim deeds happen, it is not the responsibility of the home owner to disclose that there are liens on the property. It is the responsibility of the person interested in purchasing the property to do their own due diligence.

AYES: Blake, Dyal, Goins, Koss

NAYES: Hearn

THE MOTION CARRIED (4-1)

VIII. City Business:

1. Approve a Resolution Amending the FY23 Budget, BAF# 23-101-IFT (2), recognizing revenue from FEMA's increased project funding and assigning the expenditures for the increased cost. Authorize the City Manager to execute the

contract modification with FEMA for additional funding of the Broadmoor Acres / Fiske Boulevard Drainage Improvements project. FEMA's Federal Share of 75% is $4,103,261.25, and the City's 25% cost share is $1,367,753.75 totaling $5,471,015. Authorize the City Manager to request and execute a time extension for this contract agreement. (23-469). (Interim Public Works Director)

City Manager Whitten provided a brief background on the item, sharing that on June 1, 2021, City Council authorized the City Manager to execute the Fiske Blvd. Roadway and Broadmoor Acres Drainage Improvements Project.

On August 4, 2022, the City of Cocoa held the Bid Opening for the Fiske Blvd. Roadway and Broadmoor Acres Drainage Improvements Project (FEMA-DR-4337-FL). The City received two bids. One bid was a notice of "No Bid" and the other bid came in at $4,997,446.30. As recommended by FEMA, the City reposted the bid on August 30, 2022.

On October 14, 2022, there was another public bid opening. For a second time, the City received a single bid of $5,471,014.80. This is nearly a 10% increase in less than 90 days and a nearly 77% increase in the original project cost estimate, which was based on current industry rates specific to this region. It is apparent that escalating prices have driven this project's cost up.

On June 28, 2023 FEMA approved the City's request for additional funding. A 10% project contingency has also been allocated to the budget lines in the amount of $547,102. The Total Project Budget with Contingency is $6,018,117. Public Works will return to City Council to Award the Bid and Contingency Resolution.

Additionally, at the Council's Budget Workshop on July 10, 2023, Council prioritized funding this project over the Dixon and Indian River Drive improvements.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Koss, to approve the resolution and authorize the City Manager to execute the contract modification with FEMA and to request and execute a time extension for the contract agreement.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve the Preliminary Assessment Resolution 2023-082 for Fire Protection, for Fiscal Year 2024. (23-470). (Finance Director)

Ms. Bowman explained that this is an annual item that is brought forward. This Resolution is proposing a three percent rate increase and staff is requesting approval of the item.

City Manager Whitten elaborated on what the funds cover, such as the debt towards the new fire department facilities, operations, equipment, property taxes, etc.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the Preliminary Assessment Resolution 2023-082 for Fire Protection for FY24.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve the Preliminary Assessment Resolution 2023-083 for Stormwater Utility Services, Fiscal Year 2024. (23-471). (Finance Director)

Ms. Bowman provided a brief background on the item, explaining that at the July 10, 2023 Budget Workshop, City Council approved the recommendation by Stantec and City Staff, to build in a 4% increase to Stormwater Rates within the FY 2024 Budget. Therefore, the proposed FY24 assessment rates for single-family parcels are inclusive of a 4% increase based on three tiers.

The final approved rates are submitted to the Brevard County Tax Collectors for the purpose of collecting the stormwater assessment on the annual non-ad valorem assessment portion of the 2023 annual property tax bill, no later than September 15, 2023.

Ms. Bowman also shared the proposed FY24 assessment rate for non-single-family parcels.

The revenue sufficiency study updated and conducted this Fiscal Year, indicate the need for a 4% increase to the Stormwater Assessment Rates in FY 2024, and 4% increase each year thereafter. The maximum residential assessment for Tier 1, $102.09, Tier 2, $157.06 and Tier 3, $273.29, with the maximum assessment rate of $157.06 per ERU for non-single-family parcels that are not subject to the tiered assessment.

* **MOTION by Councilmember Goins; Seconded by Mayor Blake, to approve the Preliminary Assessment Resolution 2023-083 for Stormwater Utility Services for FY24.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Consideration of Fourth Addendum to Binding Development Agreement for Cocoa Grand to amend certain conditions related to buffer walls and fencing. (23-479). (City Manager)

Ms. Neuterman provided a presentation[1] to review the conditions included in the Fourth Addendum. She pointed out that while staff is in support of most of the changes, a chain link fence was installed without a permit and so staff is not supportive of this particular request.

Kim Rezanka, Lacey, Lyons and Rezanka, LLC, shared that the chain link fence has been removed and the developer is willing to put in the proper fence. She shared other updates that have happened with the project since the last time it was brought before the City Council.

* **MOTION by Councilmember Koss; Seconded by Councilmember Dyal, to approve the Fourth Addendum to the Binding Development Agreement, to include staff's recommendations but to deny approval of the chain link fence along the northern boundary of the multi-family zoned portion of the property.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Update on Budget Adjustment #23-090-A, for the Florida Department of Environmental Protection, SLFRF Grant. (23-464). (Interim Public Works Director)

X. Reports:

Councilmember Goins noted that he received a petition of about twenty-five signatures from people who live near Factory Street for speed humps. There have been a lot of speeders in the area and the residents are concerned.

Additionally, he shared some photos from recent events he attended.

[1] Exhibit A: Cocoa Grand – 4th Addendum to Binding Development Agreement Presentation

City Manager Whitten gave several shout-outs to several local organizations and individuals who have donated to children for the upcoming school year. He shared that $3,000 dollars was raised for kids who need glasses and over 100 backpacks were given away for the school supply drive in addition to other supplies.

Councilmember Koss announced that she will be attending the next Matthew's Hope community meeting on August 21st and apologized for not making their ribbon cutting event for the new showers.

She shared some photos from recent events she attended and shared information about a "Spanish on Zoom" program.
Lastly, she pointed out that Starcom's Headquarters will be coming to Florida's Space Coast.

Deputy Mayor Hearn talked about traffic control and new techniques that can be used to monitor this. He reminded everyone to be careful on the roads with the new school year approaching.

He mentioned the Employee Appreciation event coming up on Saturday, August 12th and thanked staff for everything they do.

Mayor Blake reminded everyone to empty any trash cans without lids or any pots they have outside as we are experiencing a lot of rain and malaria is prevalent in the area.

He noted that he, along with Deputy Mayor Hearn and Councilmember Goins will be attending the Florida League of Cities conference later this week.
Mayor Blake asked Matthew's Hope and their staff to stand and be recognized for all the good they are doing in the community.

Lastly, Mayor Blake shared several photos from recent events he attended.

XI. Adjournment:

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to adjourn the Regular meeting of August 8, 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:44 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk
(Transcribed by M. Arsenault, Asst. City Clerk)

Cocoa Grand – 4th Addendum to Binding Development Agreement

- Consideration of 4th Addendum to amend certain conditions related to buffer walls and fencing.
- Developer seeks an addendum to change the requirements related to amenities, buffer wall and fence.
- Change #1
  - Developer wishes to remove the buffer wall requirement on the south and construct an opaque wood or vinyl fence. ***Staff concurs with this request.***
- Change #2
  - Developer wishes to install a chain link fence instead of a wood/vinyl fence on the northern boundary of the property. Chain link was installed without approval or a building permit. ***Staff is not supportive of this request.***

- ***The addendum attached DOES NOT include the approval of the chain link fence along the northern boundary.***

COCOA FLORIDA

Cocoa Grand – 4th Addendum to Binding Development Agreement

Chain Link Fence



Opaque/Vinyl Fence