MINUTES
City of Cocoa
Regular Meeting of The City Council

July 22, 2020

A Regular City Council Meeting was held on Wednesday, July 22, 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.

Chief Lamm provided the invocation and Councilmember Koss 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
	Brenda Warner	Councilmember
	Anthony Garganese	City Attorney
	Matt Fuhrer	Interim City Manager
	Landon Morley	Recording Secretary

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Michael Cantaloupe, Chief of Police; Jonathan Lamm, 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; and Dodie Selig, Planning Manager.

II. Approval Of Agenda And Minutes:

1. **Agenda:** Regular Meeting of July 22, 2020. (20-414)

2. **Minutes:** N/A

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert , to approve the agenda with amendments to postpone item VIII.1 and insert the walk on item, File ID #20-448, in its place and also to postpone item IX.3 and to move Reports to the end for the Regular meeting of July 22, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

None.

IV. Delegations:

- E-comment received by Jeri Blanco, 1354 Stetson Dr., Cocoa, FL spoke in regards to her comments made at the June 30, 2020 Council meeting.
- Melissa Grant, 160 Becora Ave., Merritt Island, FL came before Council to ask why water bills keep increasing. She explained that when you contact Customer Service you spend hours, sometimes even days on the phone only to be told several different excuses for why there may be an increase on the bill, but this is not the case. She noted that she would be following up via email to ensure something is done about this.
- Naomi Mitchell, 318 Tangerine Ave., Merritt Island, FL also added that a lot of people are experiencing high water bills from Port St. John, Cocoa and Merritt Island. She explained the issues she was experiencing and implored Council to seek a resolution to rectify the issue.
- Michael Graham, 3496 Rocky Gap Pl., Cocoa, FL explained that he has been emailing and calling several members of staff back and forth regarding an incident that happened involving a dug-out water meter. He has gotten no answers and is ready to file a lawsuit if it is not addressed. In response, Interim City Manager Fuhrer stated that he would set up a meeting with him and he would receive a call tomorrow.

~~V. Reports:~~

V. Consent Agenda:

1. Approve the Addendum to the Binding Development Agreement between the City of Cocoa, Florida and Evergreen Integra Cocoa, LLC and authorize the City Manager to execute the same. (20-341). (Community Services Director)

2. Approve Change Order #1 to Purchase Order 75483 with Ace Flow Control, Longwood, Florida, to Provide Cross Connection Control (CCC) Technical Field Services; To Approve a Resolution Amending the FY2020 Budget; BAF #20-080-T. (20-367). (Utilities Director)

3. Approve a Resolution Amending the FY20 Budget (BAF#20-086-A), to Purchase a FARO 3D Scanner, a DART simulator Training System and Community Watch Signs using Police Forfeiture Funds. We are requesting that FARO and DART be considered Sole Sources by means of Resolutions. These expenditures are deemed consistent with the provisions under Florida State Statute 932.7055(5)(a). (20-388). (Chief of Police)

4. Request Council to award Bid # B 20-12-COC to lowest and responsive bidder Expert Security Professionals for the replacement of the Police Department's fire alarm panel and related hardware in the amount of $37,951.95. Authorize the City Manager to issue the purchase order. (20-411). (Public Works Director)

5. Approve a Municipal Services Agreement with Alliance for Neighborhood Restoration of Brevard for Fiscal Year 2021, pending the final approval of the City of Cocoa Fiscal Year 2021 budget. (20-421). (Chief of Police)

6. Approve a six (6) month extension to the London Cove Preliminary Subdivision application from August 9, 2020 to February 9, 2021. (20-432). (Community Services Director)

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

VII. Council Business:

~~1. Informational item related to City Council's request to discuss the addition of an agenda review meeting. (20-358). (Interim City Manager)~~

1. Informational item for City Council discussion related to the use of face coverings within the City of Cocoa and an opportunity to provide additional policy direction if necessary. (20-448). (Interim City Manager)

Interim City Manager Fuhrer referenced the resolution brought before Council on June 30th. Since then, there has been a large increase in cases. Additionally, the City also adopted a face mask policy for employees and has implemented it across the city. At this time, options are available to City Council and if they would like to add an additional resolution they can do so now if they wish. Interim City Manager Fuhrer pointed out that City Attorney Garganese has researched and provided options to Council for their consideration.

City Attorney Garganese touched on some of the legal complications including due process and other constitutional issues as well as possible future claims of unfair enforcement. He presented a number of possibilities for legal action and mandate enforcement.

Councilmember Koss added that she brought this forward based on the calls she's received from her constituents. She believes this is shifting now and is no longer so political and more so common sense. She hopes that with more people wearing them the numbers will start trending down. She wants to protect her constituents as many of them are very vulnerable.

Councilmember Warner expressed that at a personal level she would like to see masks being enforced, but from a business perspective it makes businesses have to undesirably police their customers. She expressed that Cocoa exclusively mandating mask-wearing could be harmful when other businesses in Brevard County do not.

Mayor Williams shared that he is in favor of option 4, which would mandate the use of masks within public places within the City of Cocoa absent certain exceptions similar to Cocoa's non-binding resolution (but mandatory) and Orange and Seminole Counties.

Deputy Mayor Goins asked Chief Cantaloupe to explain what enforcement would look like. In response, Chief Cantaloupe discussed the current steps of police enforcement for masks.

Deputy Mayor Goins pointed out that his only issue with mandating masks is he feels the City should provide them because there are a lot of low-income families and homeless that may not have access to one. In response, Chief Cantaloupe explained that his officers have been given extra masks and they are handing them out if they see people without one and providing them an explanation as to why they should wear it and what it could do.

Chief Lamm shared that the Fire Department started stockpiling non-emergency grade masks and an order of 5,000 was made and they were deployed to Chief Cantaloupe and his officers. They also have another 8,500 on hand right now. He explained that staff is trying to keep them on hand in case we get hit hard in the winter.

Councilmember Warner asked City Attorney Garganese if it would be possible for the City to mandate mask wearing on public property and City owned property and not in businesses. In response, City Attorney Garganese replied affirmatively.

Mr. Alton Edmond, 630 Brevard Ave., agreed with Councilmember Warner that a county level mandate would be best, but also agreed with Mayor Williams regarding the mandate of citizens wearing masks. Additionally, he agreed with Councilmember Warner that businesses should be allowed to make their own decisions, and he understands this as he is a business owner in the village. He stated that requiring businesses to enforce mask-wearing puts businesses in a precarious position when many are already suffering because of Covid-19. He suggested an option in which those penalized must engage in community service rather than incur a financial penalty.

Councilmember Boisvert noted that he thought that option 2 would be best.

Discussion ensued regarding the feasibility of implementing a 3-warning policy.

* **MOTION by Mayor Williams; Seconded by Councilmember Koss, to approve Option 4, to mandate the use of masks within public places within the City of Cocoa absent certain exceptions similar to Cocoa's non-binding resolution (but mandatory) and Orange and Seminole Counties and to adopt the mandate as an emergency ordinance making a violation a noncriminal infraction, and subject to a civil penalty based on Council's reasonable discretion.**

Mr. Troy Stephan, 430 Delannoy Ave., asked Council to reconsider the language of the ordinance and added that he thinks the language needs to be changed to

"City-owned property" rather than "Public-place" which could be a constitutional issue.

City Attorney Garganese confirmed that the language could be modified with significantly more detail and noted there will be a plethora of exceptions for the rule.

AYES: Williams, Goins, Koss

NAYES: Boisvert, Warner

THE MOTION CARRIED (3-2)

2. Approve Resolution No. 2020-175, Establishing the Rolled-Back Rate, adopt a Proposed Tentative Millage Rate and set the date, time, and place for the first Public Hearing to consider the FY2021 Budget. (20-400). (Finance Director)

Ms. Bowman provided a presentation[1].

Councilmember Koss confirmed that state revenues have decreased which will affect the city's budget for next year.

Ms. Bowman reminded Council that the proposed rate that is voted on tonight can be reduced when voting for an adopted millage rate, however it cannot be increased.

Additionally, she announced that the rolled back millage rate for the City of Cocoa for Fiscal Year 2021 is set for 5.8247 mils. The proposed tentative millage rate for the City of Cocoa for Fiscal Year 2021 is 5.979 mils which is 2.6% greater than the computer rolled back rate. Furthermore, the first public hearing date will be set for September 9, 2020 at 6:00pm in Council Chambers upon Council's approval of this item.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Koss, to approve Resolution No. 2020-175, establishing the Rolled-Back Rate of 5.8247 mils, to adopt the proposed tentative Millage Rate of 5.979 mils and to set the first public hearing date for September 9, 2020 at 6pm in Council Chambers, 65 Stone St., Cocoa, FL 32922.**

AYES: Williams, Goins, Boisvert, Koss, Warner

[1] TRIM Presentation 7/22/20

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Seek Council direction on permitting special events at City facilities. (20-410). (Assistant to the City Manager/PR Specialist)

Ms. Senger explained that the Dirty Oar brewing company has cancelled their anniversary event in August, however the Fall Arts & Craft festival is requesting approval for their event and has provided a Safety Plan to keep attendees safe.

Mayor Williams asked about a waiver form. Ms. Senger explained that the organizers would sign the waiver, not the attendees.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. City Council consideration to Approve a Resolution increasing residential recycling fees, $1.02 per residential customer per month, per Waste Management's request, effective August 2020 Billing. Also included in the Resolution, Foregoing the customer passthrough of the CPI Increase (.7%) to Garbage, Greenwaste and Recycling Charges, to Commercial and Residential Customers inside the City Limits of Cocoa, for Fiscal Year 2021. Approve related Budget Resolution amending the Fiscal Year 2020 Budget to increase the Recycling Revenue and Expense Accounts for August and September 2020, BAF# 20-082. (20-319). (Public Works Director)

Mr. Smith explained that this item has two separate resolutions. He explained that staff is seeking Council approval related to the Budget Resolution amending the Fiscal Year 2020 Budget to increase the Recycling Revenue and Expense Accounts for August and September 2020, BAF# 20-082. The second part of the item is asking Council to consider foregoing the customer passthrough of the CPI Increase (.7%) to Garbage, Greenwaste and Recycling Charges, to Commercial and Residential Customers inside the City Limits of Cocoa, for Fiscal Year 2021. He added that at the Sustainability Advisory Committee meeting the board members wished to recommend disapproval of this item to City Council.

Ms. Dina Reider-Hicks from Waste Management was in attendance to address questions.

Councilmember Warner asked what the City can do to educate the public on lessening contamination in recycling. Ms. Reider-Hicks explained that staff should remind people to stick to recycling the basics, such as metal cans, plastics, cardboard and paper. If a bigger recycling bin is needed they can work with the individual to get them one as they understand recycling has increased since the pandemic.

Deputy Mayor Goins asked if she could elaborate on what the increase might be on the upcoming contract regarding trash. In response, Ms. Reider-Hicks shared that unfortunately that number is not available right now, however the City does have great density which certainly helps keep costs down, in addition to the fact that the county landfill is in close proximity. She pointed out that the recycling facility is also within the City of Cocoa which definitely helps.

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to approve a Resolution increasing residential recycling fees, $1.02 per residential customer per month, per Waste Management's request, effective August 2020 Billing.**

AYES: Williams, Boisvert, Warner

NAYES: Koss, Goins

THE MOTION CARRIED UNANIMOUSLY (3-2)

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to approve the related Budget Resolution amending the Fiscal Year 2020 Budget to increase the Recycling Revenue and Expense Accounts for August and September 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to approve foregoing the customer passthrough of the CPI Increase (.7%) to Garbage, Greenwaste and Recycling Charges, to Commercial and Residential Customers inside the City Limits of Cocoa, for Fiscal Year 2021.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Requesting approval of a one-time benefit of COVID Leave Accruals for City employees and the proposed leave sellback program proposed in the pending Fiscal Year 2021 Budget. (20-322). (Administrative Services Director)

Ms. Gemmati provided a brief background on the item.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

~~3. Approve Ordinance No. 08-2020 to adopt a new limited-duration Lien Amnesty Program, which provides an incentive for eligible property owners to bring their properties into compliance with the City Code by offering a supplementary expedited method to receive code enforcement lien reductions and releases of liens. (20-365). (Chief of Police)~~

4. Approve a Resolution Amending the FY20 Budget, Budget Adjustment Form #20-087-A to complete City Council Chambers audiovisual technology upgrades in the amount of $74,696.17 by IM Solutions, Inc. utilizing the Canaveral Port Authority's contract for Professional Services PUR-RFQ-18-1. (20-397). (Chief Technology Officer)

Mr. Beach read and provided a background on the item. He explained that the system in Chambers is very old and needs to be updated.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Approve, as recommended, the proposed Fiscal Year 2021 benefit renewal for medical, dental, vision, life, and disability insurance; and to authorize the City Manager to sign related agreements. (20-422). (Administrative Services Director)

Ms. Gemmati discussed the proposition for Group Health Insurance. She introduced Mr. Shawn Fleming from the Gehring Group.

Mr. Fleming gave a presentation[2] on the City of Cocoa Renewal Discussion, noting claims per employee have decreased 28% this year, cancer is the bulk of cost-

[2] City of Cocoa Renewal Discussion Presentation

driving expenses, and 1% of membership is responsible for 48% of plan year claims. He discussed various plan options and factors to keep in mind for future planning.

Interim City Manager Fuhrer discussed employee desires and the effects of Covid-19 on insurance.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Requesting settlement authority for the tentative settlement agreement between City of Cocoa Firefighter Stephen Register and the City of Cocoa authorizing the payment of the Workers' Compensation settlement. (20-435). (Administrative Services Director)

Ms. Gemmati read the item and provided a brief background.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

7. Approval of Bi-weekly payroll policy, effective the first payroll period of Fiscal Year 2021. (20-437). (Administrative Services Director)

Ms. Gemmati read and explained the item. She noted that a transition plan is being worked on with Finance. This would start with the first check in the new fiscal year, beginning October 9th.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

8. City Council discussion related to naming a specific structure or area within the City of Cocoa. (20-440). (Interim City Manager)

Interim City Manager Fuhrer read and explained the item.

Mayor Williams elaborated and noted that he brought this idea forward and feels Captain Ed should be recognized for all that he's done for our community and he would like to see this happen before he leaves this earth as he is 95 years old.

Councilmember Warner added that she feels Captain Ed would prefer something near the water be named after him as he was always an avid boater.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to name the T-Docks after Captain Ed Lanni.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Councilmember Warner and Mayor Williams discussed various ways the city can represent history and Councilmember Warner suggested adding information on the City's website.

Multi-Year Contracts:

9. Authorize the Interim City Manager to execute a multi-year contract between the City of Cocoa and Orange Lien Data, LLC for Lien Search Services. (20-386). (Finance Director)

Ms. Bowman read and explained the item.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

10. Approve renewal of United Healthcare Medicare Advantage Plan for eligible retirees 65 and over from January 1, 2021 to December 31, 2021 and payments to eligible retirees for Medicare Part B reimbursement. (20-434). (Administrative Services Director)

Ms. Gemmati read and provided a brief background on the item.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. Informational Agenda:

1. Cocoa Police Department District Event Statistics for the months of April and May, 2020. (20-413). (Chief of Police)

2. Council request to review the cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2019 to 06/30/2020. (20-417). (Finance Director)

3. FY 2020 Budget Adjustment Report. (20-423). (Finance Director)

4. Approved change orders to construction contracts that the City Council has authorized the City Manager, by resolution, to approve in excess of the City Manager's spending authority. (20-424). (Finance Director)

5. Data showing the relation between the estimated and actual income and expenses to date. (20-425). (Finance Director)

6. Fire Incident Summary Report for June 2020. (20-446). (Fire Chief)

~~7. Informational item for City Council discussion related to the use of face coverings within the City of Cocoa and an opportunity to provide additional policy direction if necessary. (20-448). (Interim City Manager)~~

X. Reports:

Ms. Bowman shared her appreciation for the Union's support in supporting the bi-weekly payroll as this will make a great difference for both the HR and Payroll departments[3]. She mentioned that she felt staff was able to address their questions and concerns and thanked them again for their support.

Chief Cantaloupe provided a brief update on the sign code. He explained that staff met to review the code and they found two subsections that needed to be changed. The handout was re-done and the subsections were removed. He noted that the City Attorney's office is working on making the changes to the Code and it will be brought before the Planning & Zoning Board at their August meeting before coming back to Council in September. Furthermore, the two subsections being changed were related to timeframes and special events.

[3] Councilmember Warner left the meeting at 8:26pm & returned at 8:31pm

Mayor Williams asked Chief Cantaloupe if he could provide an update regarding computers that were seized by the Police Department. In response, Chief Cantaloupe shared that a while back the Police Department had a case where there was an illegal gambling business off of US1 and an enormous amount of computers and monitors were seized. Once the case was closed, the computers were donated to an organization that was able to refurbish them before they were given out to citizens in Brevard County.

Chief Cantaloupe shared that a young lady was kind enough to send a card and offer lunch to the Cocoa police officers and in turn, Cocoa PD signed and framed a card to present to her and her family among several other things from the agency to show their appreciation for what they had done for the officers.

Chief Lamm provided a brief update on COVID cases. He shared that Brevard County has 4,561 cases, with 58 deaths. Cocoa has 500 cases which encompasses unincorporated areas, but there are 66 active cases within the City limits. He added that the numbers seem to be starting to trend downwards, however a slight spike is anticipated when school starts but this has yet to be seen.

Chief Lamm also added that after careful thought and deliberation, and for the safety of first responders and citizens, they have decided to delay the Hundred Year Anniversary celebration that was supposed to take place in August to a later date[4].

Ms. Bunt stated that the Space Coast Economic Development Council sent the City a letter asking for an appointment to the Ad Valorem Tax Abatement Council. She pointed out that usually the City appoints its Economic Development Manager to the position, and so they would like to nominate Angela Essing for the position with Council's consent. In response, the Council agreed to nominate Angela Essing for the position on the Ad Valorem Tax Abatement Council.

Ms. Gemmati shared that she had received an update from the Mercer Group regarding applicants for the City Manager position. Ms. Dona Higginbotham should have a list to Council no later than July 29, 2020. Staff would like to hold another finalist's selection meeting sometime during the week of August 3, 2020 with a separate candidate interview session to follow at a later date.

Interim City Manager Fuhrer wished to recognize and thank City of Cocoa employees. He pointed out that there were several items on tonight's agenda that directly impacts employees, both good or bad, and this is all done from the administration side in partnership with the employees. He knows that everyone

[4] Councilmember Boisvert left the meeting at 8:31pm & returned at 8:33pm

works together to arrive where we are today and that municipal services are provided the way they are because of the employees so he would like to recognize and thank them for their hard work and cooperation.

Additionally, he mentioned that City staff has been working to identify specific department level plans related to the hurricane season and with the pandemic going on at the same time, planning efforts are being modified.

Interim City Manager Fuhrer noted that some of the Councilmembers had been here when the City completed the water meter use/water meter accuracy and utility billing practices audit which he offered to resend out to Council if they would like to review it.

Councilmember Warner spoke in regard to the three customers that spoke before the Council under delegations regarding their water bills. She mentioned that she has received quite a few complaints, especially from Merritt Island and Port St. John, and she inquired if the City has noticed a particular increase in complaints regarding water bills since the pandemic started. In response, Interim City Manager Fuhrer explained that Ms. Bowman would be better equipped to provide this information, however he pointed out that staff was already aware of the issues regarding the customers that spoke under delegations tonight.

Ms. Bowman explained that staff has not particularly seen an increase in the number of complaints, however staff has been reviewing the accounts of those who have complained on social media and have been trying to proactively reach out to them.

Councilmember Warner thanked staff and noted that unfortunately she was not able to attend the grand opening of the Waterfront on Saturday because she was not feeling well. She added that it looked like a beautiful event from what she saw in the pictures and thanked everyone who was able to participate.

Additionally, she mentioned that she's received some questions about the City Manager search and why the application process was re-opened. She explained that the reason why she was in support of re-opening it was because she was not satisfied with the first round of candidates that were presented. She added that while there were some good prospects, and a few that were highly qualified, they just weren't what she was particularly looking for to be the City Manager of Cocoa.

She mentioned that she was accused of playing politics with the process and she wanted to clarify that she is getting ready to term-out and there were no politics involved. She explained that her only goal in this process of finding a City Manager

is to leave the people in this City and its employees with the best possible person to run this city. She cares highly for the City and wants only the best for it.

Councilmember Warner pointed out that she lost all confidence in the integrity of the consultant and the process when she received the short list of City Manager candidates. She added that one of the candidates on the list only had one of the qualifications that were asked for and when she called the recruiter to inquire about it she was told that there was a member of Council who wished for her to be on the list. Councilmember Warner reiterated that the decision to re-open the window for applications had nothing to do with politics.

Furthermore, Councilmember Warner pointed out that qualifications for the upcoming election will begin soon and it has come to her attention that someone has signed up to run for her seat that she knows does not live in her district. She asked City Attorney Garganese, under the Articles of the City's Charter, what the obligations are of the Council to make sure the people who fill their seats are in fact qualified.

In response, City Attorney Garganese explained that there is a qualifying process in which there is required paperwork that must be filed with the City's local Supervisor of Elections and that paperwork is submitted to the Clerk and the Clerk takes that information in and qualifies people based on the information that is set forth in the documents. At that point if there is anyone withstanding that wants to challenge a person's qualifications to run it is their prerogative to do so. He mentioned a provision in the charter regarding Judge of Qualifications and Forfeiture of Office which is a process for the City Council to basically govern itself and examine the qualifications of its members, however this is another process in the Charter pertaining to the Council and its members.

Councilwoman Warner asked for clarification regarding the process of the Clerk's Office for verifying that the qualification paperwork being submitted are true documents. In response, City Attorney Garganese explained that it is his understanding that the Clerk's office has a ministerial duty to make sure all the I's are dotted and the T's are crossed with respect to the paperwork that need to be submitted. The Clerk's role is not to verify the accuracy of the information or the data that is in those documents.

Councilmember Warner inquired whose role it is to check for accuracy. In response, City Attorney Garganese reiterated that someone withstanding can challenge that person's qualifications to run for office. Councilmember Warner asked who the person withstanding would be. In response, City Attorney

Garganese explained that primarily this person is an opponent running against the candidate.

Councilmember Warner asked what Council's obligations are as far as seats mandated by a federal court order and are there additional obligations to verify that the City is following the mandated federal order for single member district seats to have members who live in those districts per the rules of the Consent Decree. In response, City Attorney Garganese explained that the Consent Decree pertains to establishing districts in the City in which there are four. There are requirements to run in districts, with the exception of the Mayor position, which is at large. Within each district there are Charter requirements pertaining to qualifications to serve or run in those districts. Furthermore, he believed that a person must be domiciled within their district for a period of a year prior to qualifying. They must also continue to be domiciled in their district should they be elected by the people into office.

Councilwoman Warner asked if the same qualifications apply for the Mayor's race. In response, City Attorney Garganese shared that the Mayor's race is a little different. The Mayor must reside in the City of Cocoa for a period of at least one year prior to qualifying and upon election, the Mayor must be domiciled within the City during the term of office.

Councilwoman Warner asked what the difference is between "reside" and "domiciled". City Attorney Garganese suggested that she go back and look at the record from which that provision was adopted as the law and the distinction between the two is spelled out very clearly in that ordinance.

Councilwoman Warner shared that she hoped that before qualifications starts that anyone wishing to run for office will consider doing the right thing before coming to the Clerk's Office and signing an affidavit. As a retiring member of Council, she shared that it really bothers her that there are people who are coming forward knowing that they are not being truthful and to have people support them who also know that person is not telling the truth.

She asked City Attorney Garganese if the Council has any powers to investigate issues of elections or just employees. She further asked what the process is for Council to proceed with an investigation. In response, City Attorney Garganese explained the process that is laid out in the Charter which grants the City investigatory authorities such as subpoena powers for purposes of conducting an investigation. The Charter requires resolutions to be adopted and there is preliminary resolution and the member that is being subject to the resolution is

subject to a hearing or has a right to a hearing in front of the City Council to defend the allegations that are being made about them.

Councilwoman Warner mentioned that with the election coming up she feels if the Council has the ability to get things cleared up before qualifying it is in the best interest of the City of Cocoa for the Council to do an investigation to clear up pending lawsuits and allegations that are floating out there in the public and on social media. She asked if she made a motion that the Council did an investigation to clear up outstanding questions and issues with the Mayor's qualifications and whether or not he is domiciled in the City of Cocoa if that would start the process of an investigation. In response, City Attorney Garganese clarified that she is asking for the Council to invoke some sort of potential forfeiture of office proceeding. In response, Councilmember Warner stated yes.

City Attorney Garganese explained that this would require at least three votes from the City Council just to initiate and entertain such a matter.

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, that the Council investigate whether or not the Mayor is qualified to hold office based on where he lives.**

AYES: Boisvert, Warner

NAYES: Williams, Goins, Koss

THE MOTION FAILED (3-2)

Further discussion was held regarding the requirements for qualifications for the upcoming election.

Councilmember Koss mentioned the District 4 workshop in which discussion was held regarding the YMCA closing and the Planetarium shutting down and she is trying to get help on these issues and has plans to meet with Representative Tyler Sirois next week. She is looking for an opportunity to bring some life back to that area, an area which has a lot of valuable assets and could be a real treasure for Cocoa as well as a driver in that it is an educational district.

Councilmember Boisvert inquired about an issue with his water bill. In response, Ms. Bowman noted that she would look into it and would get back with him.

Deputy Mayor Goins mentioned that he had reached out to Mr. Dennis Bunt, Code Enforcement Manager, about a few entry points in the City. In this particular case he had an issue with the area of SR 520 and US1. At one time, Cumberland Farms was looking into building in this area but now it is just a business complex

and he is concerned, as there is already a stigma about the City being "trashy", and this area could make the stigma seem factual. He does not want people to think that the City allows business owners to do whatever they want. He added that Mr. Bunt confirmed that they would be opening a code case against the property and would be monitoring the situation.

Additionally, there is the old Green Cleaners which is on Fiske where the owner boarded up the windows with wood and wrote "keep out" in red across the front of the building. He discussed these various areas with Mr. Bunt and just wanted to provide the Council with an update.

Deputy Mayor Goins shared that he spoke with Ms. Angela Essing, Economic Development Manager, as well as Ms. Charlene Neuterman and Ms. Nancy Bunt from Community Services about some great ideas that they have for more programs for City of Cocoa businesses. He asked Council to consider entertaining some of these ideas. In response, Interim City Manager Fuhrer clarified that the City does have a couple of approved Economic Development plans or offerings for certain types of industries and businesses. He believed what the Deputy Mayor is referring to is outside of those existing programs. He noted that he would get with staff and follow up with some of their planning efforts.

Deputy Mayor Goins discussed the effects of social media and noted that people need to be careful when using it. He talked about being respectful to others and not taking the opportunity to drag one another on social media.

Mayor Williams thanked both Chiefs for the drive by they did for Tameka Martin. He noted it was very emotional and he appreciated those who participated.

Additionally, he mentioned Provost, Fern and Prospect park. If the issue with masks continues the City may need to consider closing the parks down again. He would hate to see it happen but with cases rising the City needs to be proactive.

Mayor Williams thanked Public Works for the work they did on Pineda Road. He added he is very grateful for what has been done there. Furthermore, he noted he was grateful to FIND for the money that was given to the City to offset some of the costs for the Promenade and the T-Docks. Also, he requested that the City consider signage around the knee wall so people don't sit on it as this could be a potential danger.

Lastly, he addressed Councilmember Warner's concerns and explained that he does not know where the other Councilmembers sleep as it is none of his business.

He shared that he has multiple properties and he does come and go but that is his prerogative. He added that he just wished people wouldn't jump to conclusions.

XI. Adjournment:

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to adjourn the Regular meeting of July 22, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 9:12 p.m.

Jake Williams, Jr., Mayor

Carie Shealy, MMC, City Clerk

CITY OF COCOA CORPORATE SEAL FLORIDA

Exhibit A

COCOA
FLORIDA

Truth In Millage (TRIM) Presentation

Regular Council Meeting
July 22, 2020

Objectives

COCOA FLORIDA

❖ Approve a resolution establishing the Rolled-Back Rate

❖ Adopt a Proposed Millage Rate

To be in compliance with FS 200.065, the City must establish a proposed millage rate by August 4th (within 35 days of TRIM Compliance Process) for the 2021 Fiscal Year.

- Minimum Requirement – 3 of 5 Votes

❖ Set 1st Public Hearing – Sept. 9, 2020 at 6:00p.m. (City of Cocoa City Hall, Council Chambers)

❑ REMINDER

- The proposed rate you vote for tonight can be reduced when voting for an <u>adopted</u> millage rate, but cannot be increased.

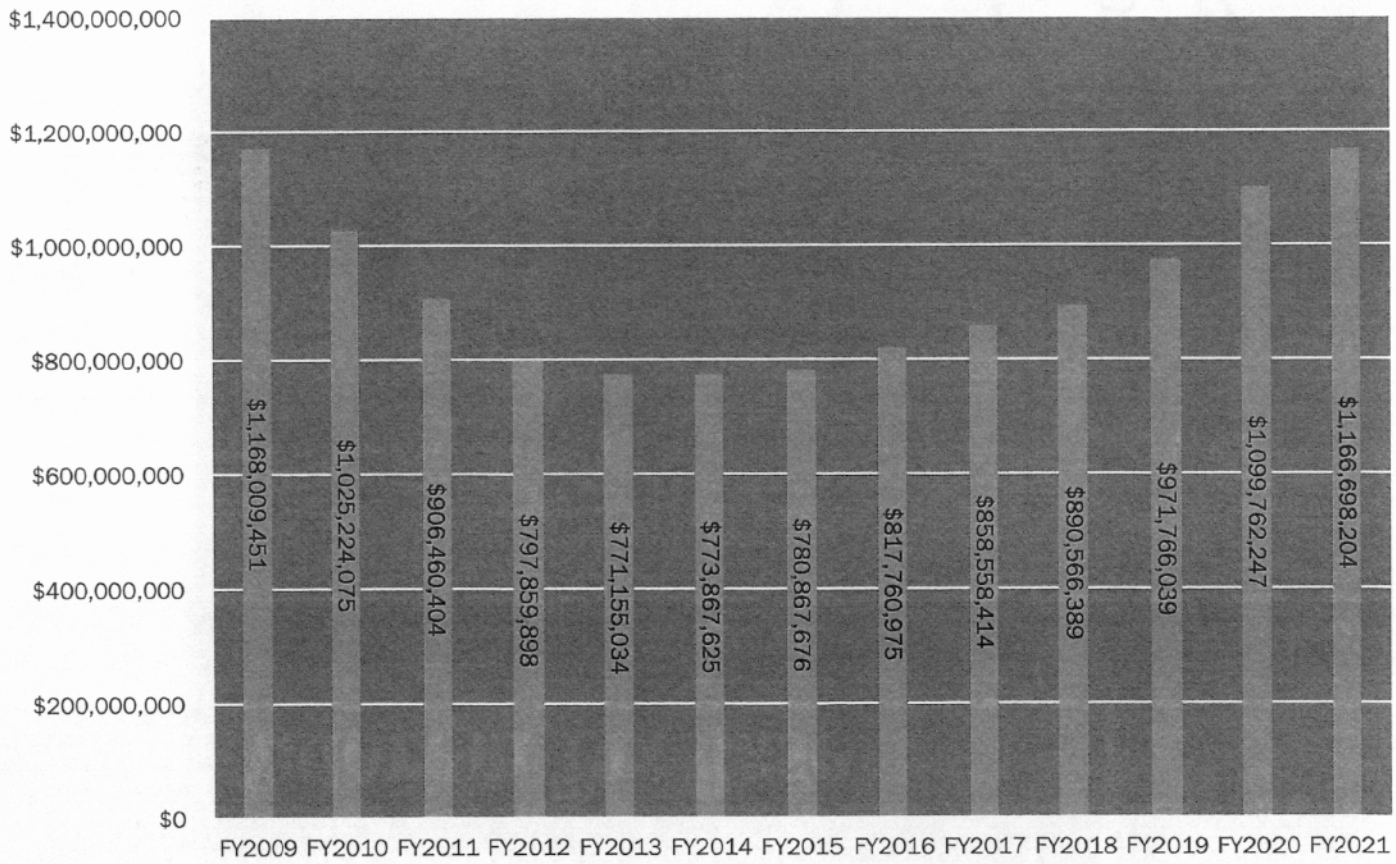
Historical Review
Ad Valorem Tax Base

COCOA
FLORIDA

Fiscal Year		Valuation		% of Change
FY2009		$1,168,009,451		(0.9%)
FY2010		$1,025,224,075		(12.2%)
FY2011		$906,460,404		(11.6%)
FY2012		$797,859,898		(12.0%)
FY2013		$771,155,034		(3.3%)
FY2014		$773,867,625		0.4%
FY2015		$780,867,676		0.9%
FY2016		$817,760,975		4.7%
FY2017		$858,558,414		5.0%
FY2018		$890,566,389		3.5%
FY2019		$971,766,039		8.8%
FY2020		$1,099,762,247		13.2%
FY2021		$1,166,698,204		6%

-FY2009-FY2020 is based on the Final Taxable Value.
-Includes new taxable value in addition to appreciation.

Historical Review
Ad Valorem Tax Base



FY2009-FY2020 is based on the Final Taxable Value.

Historical Review of Millage and Ad Valorem Revenue History



Fiscal Year	Valuation	Millage	Ad Valorem Revenue at 95%	Revenue Variance from Previous Year	% of Rev. Change
FY2009	$1,168,009,451	4.4891	$4,542,124	($257,532)	(5.4%)
FY2010	$1,025,224,075	4.4891	$4,066,536	($475,588)	(10.5%)
FY2011	$906,460,404	4.9660	$4,040,240	($26,296)	(0.6%)
FY2012	$797,859,898	5.5813	$4,022,601	($17,639)	(0.4%)
FY2013	$771,155,034	5.9811	$4,173,108	$150,507	3.7%
FY2014	$773,867,625	5.9811	$4,235,127	$62,019	1.5%
FY2015	$780,867,676	5.9790	$4,275,054	$39,927	0.9%
FY2016	$817,760,975	5.9790	$4,454,795	$179,741	4.2%
FY2017	$858,558,414	5.9790	$4,768,944	$314,149	7.1%
FY2018	$890,566,389	5.9790	$4,947,188	$178,244	3.7%
FY2019	$971,766,039	5.9790	$5,496,736	$549,548	11.1%
FY2020	$1,099,762,247	5.9790	*$6,216,058	*$719,321	*13.1%
FY2021	$1,166,698,204	5.9790	*$6,626,904	*$410,846	*6.6%

*FY2020 and FY2021 are preliminary budget numbers, not actuals.

FY2021 TRIM Rate Options

	Valuation	Rate	Gross Tax Revenue	Tax Revenue @ 95%	FY2020 – FY2021 Revenue Variance
FY2020 *Adopted Rate	$1,094,366,709	5.9790	$6,543,219	$6,216,058	
FY 2021 Millage Options					
Current Rate-Proposed	$1,166,698,204	5.9790	$6,975,689	$6,626,904	$410,846 ← Proposed Rate
Rolled-back Rate	$1,166,698,204	5.8274	$6,798,817	$6,458,876	$242,818
Majority Rate	$1,166,698,204	11.7143	$13,667,052	$12,983,700	$6,767,642

City Council may adopt any rate up to 10 mills with a two-thirds vote.

*The adopted rate using the valuation available at the time of adoption.

Reduction To Ad Valorem Due To Required TIF Payments To The CRA's From The General Fund



CRA	MILLAGE 5.9790 FY2020 CURRENT ADOPTED RATE	MILLAGE 5.9790 FY2021 CURRENT PROPOSED RATE	DIFFERENCE BETWEEN FY2020 AND FY2021 @ CURRENT MILLAGE	MILLAGE 5.8274 FY2021 VALUATION AT THE ROLLED-BACK RATE	DIFFERENCE BETWEEN FY2021 PROPOSED MILLAGE AND THE ROLLED-BACK RATE
DOWNTOWN COCOA	$744,273	$811,297	**$67,024**	$790,726	**$20,571**
DIAMOND SQUARE	$135,989	$167,263	**$31,274**	$163,022	**$4,241**
TOTAL TO CRA's	$880,262	$978,560	**$98,298**	$953,748	**$24,812**

What Does This Mean To The Single Family Property Owner?

COCOA FLORIDA

	Valuation	FY 2020 5.9790	*Valuation With 2.3% Increase	FY 2021 5.9790	Increase	FY 2021 Max. 10.0000
Single Family Residence	$100,000		$102,300			
Less: Homestead	($50,000)		($50,000)			
= Taxable Value	$50,000	$299	$52,300	$313	$14	$523
Single Family Residence	$150,000		$153,450			
Less: Homestead	($50,000)		($50,000)			
= Taxable Value	$100,000	$598	$103,450	$619	$21	$1,034
Single Family Residence	$200,000		$204,600			
Less: Homestead	($50,000)		($50,000)			
= Taxable Value	$150,000	$897	$154,600	$924	$27	$1,546
Single Family Residence	$300,000		$306,900			
Less: Homestead	($50,000)		($50,000)			
= Taxable Value	$250,000	$1,495	$256,900	$1,536	$41	$2,569

* The Save Our Homes, as provided in Section 193.155(1), F.S. limits the annual increase in homestead exempt properties assessments to either 3% or the CPI change, whichever is less. For 2020 the CPI cap is 2.3%, even though the City overall has a 6% increase in value.

FY2021 Comparative City Rates



Ranking	City	Current	Rolled-back	Proposed
1	Satellite Beach	8.7000	8.3965	8.6312
2	Palm Bay	8.4500	7.6415	8.1379
3	Titusville	7.7210	7.2145	7.9359
4	Melbourne	7.1878	6.8650	6.8650
5	Rockledge	6.1500	5.8640	6.1000
6	Indialantic	5.9484	5.7423	6.0923
7	**Cocoa**	**5.9790**	**5.8274**	**5.9790**
8	Cocoa Beach	5.8294	5.6203	5.8294
9	Indian Harbor Beach	5.6401	5.4549	5.6401
10	Cape Canaveral	3.7256	3.6396	3.7052
11	West Melbourne	2.6017	2.5087	2.6017

Note: Ranking is established using the Proposed Rate. (As of 7/22/20)

FY2021 Staff Proposed Rate & 1st Public Hearing

COCOA FLORIDA

	*Valuation	Rate	Gross Tax Revenue	Tax Revenue @ 95%
Current FY 2020 Millage Rate	$1,094,366,709	5.9790	$6,543,218	$6,216,058
Staff Proposed FY2021 Millage Rate	$1,166,698,204	5.9790	$6,975,689	$6,626,904
FY2021 Revenue Difference			$432,471	$410,846

1st Public Hearing on September 9, 2020 at 6:00 P.M. at Cocoa City Hall

*At adoption

Questions?

COCOA
FLORIDA



Next Steps

- 1ST Public Hearing – **Sept. 9, 2020** at 6:00 pm
  - Vote for a Tentative Millage Rate
  - Vote on the Tentative FY2021 Budget

- 2nd Public Hearing – **Sept. 23, 2020** at 6:00 pm
  - Adopt a Final Millage Rate
  - Adopt the FY2021 Budget

Action Requested

- **Approve a resolution establishing the Rolled-Back Rate**
- **Adopt a Proposed Millage Rate**

To be in compliance with FS 200.065, the City must establish a proposed millage rate by August 4th (within 35 days of TRIM Compliance Process) for the 2020 Fiscal Year.

- Minimum Requirement – 3 of 5 Votes

- **Set 1st Public Hearing – Sept. 9, 2020 at 6:00p.m. (City of Cocoa City Hall, Council Chambers)**

❑ REMINDER

- The proposed rate you vote for tonight can be reduced when voting for an <u>adopted</u> millage rate, however, cannot be increased.

* Announce per TRIM requirements