Minutes
City of Cocoa
Special City Council Meeting

June 30, 2020

A Special City Council meeting was held on Tuesday, June 30, 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 5:03 p.m.

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

The Assistant 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
	Monica Arsenault	Assistant City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Nancy Bunt, Community Services Director; Katie Ennis, Deputy Utilities Director; Michael Cantaloupe, Chief of Police; Jonathan Lamm, Fire Chief; Bryant Smith, Public Works Director; Samantha Senger, Assistant to the City Manager/PR Specialist; Leshawn Hinton, Helpdesk Support Tech; and Rebecca Bowman, Finance Director.

II. Items to be Discussed:

1. Mercer Group Review of Semi-Finalist Recommendations for City Manager

Ms. Dona Higginbottom, Mercer Group, pointed out that she had distributed a candidate packet to each Councilmember. She shared that sixty-three (63) applications were submitted and three additional applications were submitted after the deadline. She mentioned that she has interviewed a third of the applicants. She explained that there is a list of 8 finalists and asked Council to rank them 1-8 as they see fit on the last page of their packet. Ms. Higginbottom further explained the interview process, and explained the various ways Council could hold interviews.

A brief discussion was held regarding how many people Council would like to have interviewed. Mayor Williams stated that he would like to bring in four candidates to interview. Councilmember Boisvert noted that he would like to bring in the top three candidates. Councilmember Koss added that she would like to interview four candidates and Deputy Mayor Goins suggested interviewing four or five candidates so there is more of a variety to select from. Councilmember Warner shared that she would like to hold virtual interviews with four or five candidates and fly in the top three to interview in person as the City has to pay for their travel.

2. City Council Selection of Finalists to Interview

Ms. Higginbottom collected the tallied lists from Council and stated the top five ranked candidates in alphabetical order are as follows:

1. Mr. Drumm
2. Ms. Gardner-Young
3. Mr. Gleason
4. Mr. Moffit
5. Mr. Porta

Ms. Sam Senger, Public Relations Specialist/Assistant to the City Manager, read e-comments from the following into the record[1]:

- Jeri Blanco, 1354 Stetson Dr., Cocoa
- Nancy Furbish, 3201 Nottingham Ln., Cocoa

Councilmember Koss expressed that when recruiting for a position such as this, it is not uncommon for an individual outside of the box to be selected. She added that she did not ask for Ms. Riggs to be added to the list but she knows her work

[1] Exhibit A: E-Comments from Jeri Blanco & Nancy Furbish

ethic and commitment and would support her in any position. She also added that she wished people would at least be open to hearing from Ms. Riggs first before sabotaging her.

Additionally, she addressed Cocoa Main Street's concerns that they submitted via email[2] and expressed that although we are in the middle of a pandemic we need a leader now more than ever. She explained that Interim City Manager Fuhrer is a fine leader and she hopes he will stay on as Assistant City Manager.

Mayor Williams agreed with Councilmember Koss and expressed that he is proud of Ms. Riggs because she is a woman, because she is from our community, and because she had the nerve to apply although she didn't have City Manager experience. He considers her a friend and is appalled at the ridiculousness of the situation.

Councilmember Boisvert expressed that he feels that Interim City Manager Fuhrer would have been the best candidate for the position and feels he should have been selected.

Deputy Mayor Goins added that Interim City Manager Fuhrer was given the opportunity to apply for the position and he respectfully pulled his name from the list. He feels that this decision is between him and his family and this was not a choice that Council made for him.

Deputy Mayor Goins and Mayor Williams inquired who the applicants are that submitted their applications late. In response, Ms. Higginbottom explained that she did not bring that information with her.

Councilmember Warner asked City Attorney Garganese if the City could entertain late submittals. In response, City Attorney Garganese explained that Council has already set up a recruitment process and may want to consider following it, however they do have the discretion to allow applicants after the deadline. He suggested that if Council decided to do that they should consider opening up the opportunity to anyone wishing to apply and create a timeframe to do so.

Deputy Mayor Goins explained that he would only like to know those names to see their qualifications as they may be more qualified than the finalists in front of them.

Councilmember Warner added that she would like Council to follow through with the candidates they currently have, interview their selections, and then at that

[2] Exhibit B: Email from HCVMS

time if they don't feel any of them are a good fit they can take into consideration other candidates.

3. Review Next Steps in Recruitment Process

Deputy Mayor Goins pointed out that he would like the public to be involved as much as possible. In response, Councilmember Warner noted that in the past, the City has used Facebook Live so members of the public can watch and participate.

Ms. Higginbottom agreed with Councilmember Warner and stated that Facebook Live has worked very well in her experience and is definitely a possibility.

To address a concern posed by Councilmember Boisvert regarding travel due to Covid-19, Ms. Higginbottom shared that she had a candidate from Georgia that was selected ultimately for the position in South Florida and they had no issues regarding traveling, however they did have a small issue finding a hotel.

City Attorney Garganese asked Ms. Higginbottom to clarify whether she will be providing base line questions to Council to use in the interviews. In response, Ms. Higginbottom stated yes and advised that although Council is not obligated to use her questions, it is in the best interest of Council to ask each candidate the same questions.

Councilmember Warner pointed out that there was an individual that she thought may have been a good fit for the community but did not see his name on the list. She asked Ms. Higginbottom if she could send her an email with information regarding Mr. Stanley Hawthorne and if she could explain why he did not make the finalists list.

4. Approval of Resolution No. 2020-172

Interim City Manager Fuhrer explained that due to the rise in the number of cases, staff has been looking at ways to further protect employees and citizens. Two resolutions have been provided to Council and he feels they should discuss how they would like to move forward.

Councilmember Koss shared that at the Brevard County meeting they are not mandating masks, but they are strongly encouraging them. They are also leaving the decision up to businesses as to whether they will require a mask upon entry or not.

Ms. Senger read e-comments[3] from:

- Elliott Zimmerman, 3414 N. Indian River Dr., Cocoa
- Donna Olavarria, 2515 MacFarland Dr., Cocoa

Councilmember Koss expressed that she would like Cocoa to have a higher standard of safety. She noted that she is not a fan of wearing a mask herself, but feels it is the best way to protect people right now. She discussed an idea of a City of Cocoa Coronavirus Pledge to show that we are taking safety seriously.

Mayor Williams expressed that he does not believe in making people wear masks but he does agree with strongly encouraging it or recommending it.

Chief Lamm provided a brief update regarding the number of cases in Cocoa. He pointed out that the data is a moving target and is changing daily.

Councilmember Warner shared that she feels that the City's efforts would be better spent trying to encourage citizens to do the right thing and wear a mask. She added that the City might be able to make it fun by launching a social media campaign and possibly setting up a contest of sorts to see who can get creative and make or wear the most fashionable mask.

City Attorney Garganese shared that he has not yet done an in-depth analysis on the mandate of wearing a mask, however he mentioned constitutional challenges among others that could arise.

* **MOTION by Councilmember Koss; SECONDED by Councilmember Warner, to approve Resolution No. 2020-172, urging the public to wear masks.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. City of Cocoa Workplace Mask/Face Covering Policy

Interim City Manager Fuhrer explained that Council received a copy of the City's policy and this is to provide safety to employees while they are at work and to also set an example for the community. He expressed that the intent of the policy

[3] Exhibit C: E-comments from Elliott Zimmerman & Donna Olavarria

is to do everything possible to protect ourselves. He added that he is seeking Council's direction on the approval of the policy.

* **MOTION by Councilmember Boisvert; SECONDED by Deputy Mayor Goins, to approve the City of Cocoa Workplace Mask/Face Covering Policy.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Mayor Williams inquired about any policies regarding breaks for employees that are working outside in the heat. In response, Ms. Gemmati shared that they are allowed to take breaks to sit in their vehicles to run the A/C and cool off, they are provided Gatorade and they also receive heat exhaustion training.

Interim City Manager Fuhrer provided an update regarding public events. He noted that City Attorney Garganese was able to obtain a hold harmless waiver and pointed out that there are several events coming up and asked for input from Council.

Ms. Senger shared that a committee was assembled to address these issues and they felt it may be best to postpone these events since the number of coronavirus cases are rising. She added this can be revisited in a month to see where the numbers are.

Chief Lamm pointed out that two hundred and ninety tests were administered at the test site last Friday at Byrd Plaza.

III. Adjournment

* **MOTION by Councilmember Boisvert; SECONDED by Councilmember Koss, to adjourn the Special Council Meeting of June 30, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting was adjourned at 6:14 p.m.

Jake Williams, Jr., Mayor

ATTEST:

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

From: Samantha Senger
To: Monica Arsenault
Subject: FW: New eComment for City Council - Special Meeting
Date: Monday, August 03, 2020 11:38:52 AM
Attachments: image002.png

Samantha Senger, APR, APIO
Assistant to the City Manager and
Public Relations Specialist
65 Stone St., Cocoa, FL 32922
(321) 433-8685 I ssenger@cocoafl.org



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From: noreply@granicusideas.com <noreply@granicusideas.com>
Sent: Monday, June 29, 2020 10:30 AM
To: Samantha Senger <ssenger@cocoafl.org>
Subject: New eComment for City Council - Special Meeting

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

SpeakUp

New eComment for City Council - Special Meeting

Jeri Blanco submitted a new eComment.

Meeting: City Council - Special Meeting

Item: 2. City Council selection of Finalists to Interview

eComment: Good evening City Council members, This is in reference to the review selection process for the new city manager for the City of Cocoa. I am appalled that out of the 68 applicants that were received by the consultant group that these 8 finalist were considered the top candidates. This list includes an applicant with no experience or qualifications for the position. There were individuals that were far more qualified than Mrs. Jennifer Riggs that are not on this finalist list. The fact that Mrs. Riggs was even considered is a concern. She is the former campaign manager for Councilwoman Koss, who will be involved in the voting process for the City Manger's position. This should be considered a conflict of interest and Mrs. Riggs should be removed from the list. At the cost of approximately 14 thousand tax payer dollars I ask that the council have the consultant group go back and review the 68 applicants again and bring back to

council a revised short list. Our city council-manager from of government requires a city manager with a strong background in municipal or county management experience. This list as it stands falls short of what the citizens of Cocoa deserves. Thank you for your time, Jeri Blanco Cocoa, FL 32922

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From: Samantha Senger
To: Monica Arsenault
Subject: FW: New eComment for City Council - Special Meeting=0ASpecial Meeting
Date: Monday, August 03, 2020 11:38:24 AM
Attachments: image002.png

Samantha Senger, APR, APIO
Assistant to the City Manager and
Public Relations Specialist
65 Stone St., Cocoa, FL 32922
(321) 433-8685 | ssenger@cocoafl.org



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From: noreply@granicusideas.com <noreply@granicusideas.com>
Sent: Tuesday, June 30, 2020 4:40 PM
To: Samantha Senger <ssenger@cocoafl.org>
Subject: New eComment for City Council - Special Meeting=0ASpecial Meeting

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

SpeakUp

New eComment for City Council - Special Meeting Special Meeting

Guest User submitted a new eComment.

Meeting: City Council - Special Meeting Special Meeting

Item: 1. Mercer Group Review of Semi-Finalist Recommendations for City Manager

eComment: I am not impressed with the finalists for the city manager position. I am especially shocked that there is someone on the short list that has no pertinent experience. With the problems caused by the pandemic, I believe that this us not a good time to search for a candidate. Matt should stay on as Interim City Manager. He is experienced, knows our city, and I am disappointed that is not interested in applying for the City Manager position. Since I likely won't be able to make the meeting to express my opinion, would you please pass this along. Thank you so much. Stay safe. Nancy Furbish

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6/29/2020

Directed to Cocoa City Council for the Special Meeting to be held 6/30/2020

On Friday May 15, 2020, the City of Cocoa put out a position posting to recruit a New City Manager. In that posting, managed by Mercer Group, Inc., a candidate would need to have the following measurable, in addition to other unmeasurable, qualifications to be considered for the position:

- The selected candidate should possess 3-5 years of demonstrated relevant municipal or county management experience.
- A Bachelor's Degree is required but Master's degree is preferred from an accredited college or university with a focus in public administration, management or related field.
- Cocoa City Council expects the successful candidate to be a member in good standing or eligible for membership with the International City/County Management Association.
- Working knowledge of finance, budgeting and funding
- Coastal and disaster experience a plus
- Knowledge of Public Utilities
- Understanding of land use and zoning principles
- Demonstrated knowledge and experience with Economic Development
- Demonstrated knowledge and experience with infrastructure
- Community Involvement

Of the short list of eight (8) candidates presented by Mercer Group, Inc. on June 23rd, 2020, very few stand out as being uniquely qualified for the position. One candidate stands out as being uniquely unqualified for the position and this can't help but bring into question the integrity of the process.

One of the candidates has never served in any municipal or county management capacity. While she does possess a Master's degree, it is not in public administration, but in conflict management. While this in and of itself is not necessarily an issue, generally if a candidate does not have the required education then an experience in-lieu-of is considered, which this candidate does not have. This candidate is not a member of the ICMA-CA and does not have the qualifications to become a full member at this time, though could apply for associate membership. Not having ever worked in a city or county government, she cannot have working finance, budgeting and funding of a city government experience; knowledge of seeing a city through a costal disaster; any knowledge of public utility systems; understanding of land use and zoning principles. Nor could she have demonstrated knowledge and experience with Economic Development or city infrastructure. The one measurable that she does have is community involvement during which time she worked on the campaign to elect one of the city council who would be deciding on her employment. This speaks to a conflict of interest of the highest magnitude.

The whole process and the company hired to do the recruiting and screening is highly questionable when someone who is so unqualified has made the short list of eight candidates out of 63 applicants who applied.

Historic Cocoa Village Main Street maintains the position that now is not the right time to be seeking a City Manager. We are in the middle of a global pandemic, annual budget process and hurricane season. It has been shown through this search that the quality of candidates Cocoa would seek to have as its next City Manager are not available at this time. It is our position that the City would be best served by maintaining interim City Manager Matt Furhur in his current position until after the budget process and hurricane season have concluded and hopefully there is some calming down of the COVID-19 crisis. What we need right now is stability and continuity, not upheaval.

If the council chooses to go ahead with the search, we strongly suggest you take a hard look into the process by which the candidates were brought forth. From an outside perspective, it looks highly suspect.

Respectfully,

Emma Kirkpatrick
HCVMS President
And the 2020 HCVMS Board of Directors

From: Elliott Zimmerman
To: Carie Shealy
Cc: Lorraine Koss; "Elliott Zimmerman"
Subject: City of Cocoa approach to COVID
Date: Tuesday, June 30, 2020 10:08:00 AM

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Ms. Shealy,

Would you please read my message below at tonight's meeting and make it part of the public record.

Thank you.

Elliott Zimmerman
3212 Westchester Drive
Cocoa, Florida 32926
(321) 632 8861

From: Lorraine Koss [mailto:lkoss@cocoafl.org]
Sent: Tuesday, June 30, 2020 9:35 AM
To: Elliott Zimmerman <ezcpa@cfl.rr.com>
Subject: RE: City of Cocoa approach to COVID

Mr. Zimmerman,

Thank you for reaching out to me. You are absolutely right that the most basic thing we can do right now is to wear masks. I've been promoting this and am having staff bring a resolution to the meeting this evening. So that your voice can be heard please forward this message to the City Clerk (cshealy@cocoafl.org) and ask her to read it tonight to make it part of the public record.

Sincerely,

Lorraine Koss
Cocoa City Councilperson District 4
65 Stone Street
Cocoa, FL 32922
321-474-8445

From: Elliott Zimmerman <ezcpa@cfl.rr.com>
Sent: Friday, June 19, 2020 4:26 PM
To: Lorraine Koss <koss@cocoafl.org>
Cc: 'Elliott Zimmerman' <ezcpa@cfl.rr.com>
Subject: City of Cocoa approach to COVID

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Ms. Kloss,

Governor DeSantis has ceded responsibility for a science based response to the pandemic to loca government. He said that any requirement to use masks in public spaces rests with local government. I urge you to sponsor a requirement for everyone to be required to wear a face covering in all public spaces within the city limits of Cocoa.

Cocoa has been especially hard hit by this crisis, particularly zip code 32922. I have stopped going the Chase Bank in Cocoa Village. And, have stopped shopping at Harvey's and Walgreens on Clearlake, among others in zip code 32922, the most cases in Brevard County. Please, for the safety of our citizens, take the advice of the professionals and require the use of masks.

Thanks and stay safe.

Elliott Zimmerman
3212 Westchester Drive
Cocoa, Florida 32926
(321) 632-8861

PLEASE NOTE: Florida has a very broad public records law. Most written communications (including contents of emails and email addresses) to or from City of Cocoa officials and employees regarding public business are public records available to the public and media upon request. Your written and e-mail communications may be subject to public disclosure. If you do not want your written and email communications released in response to a public records request, do not send written or email communications to City of Cocoa officials and employees. Instead, contact this office by phone.

From: Donna Olavarria
To: Carie Shealy
Subject: Mask Wearing in Cocoa, FL
Date: Tuesday, June 30, 2020 1:27:56 PM

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Dear Ms. Schealy:
It is requested that the following be read into the record at tonight's counsel meeting regarding the wearing of masks by citizens and visitors while in our community. Thank you.

Having family in the restaurant business myself, I appreciated this restaurant owner's point of view. Thank you to the City of Cocoa leadership for taking this into consideration.

Masks in restaurants from a restaurant's POV. You don't want to wear a mask. Ok. I don't blame you. I don't either. That's why we set it up so you only have to wear it for the five seconds between the host stand and your table, and during your trip(s) to the bathroom. Still have a problem?

Consider this. It was indescribably difficult for our restaurant to survive the shutdown. It devastated our savings and permanently eroded consumer confidence in dining out. Now we finally have a chance to open, and all the relevant governing bodies instruct us to require a mask for admittance. Still have a problem?

Please also be aware that it's also our staff preference. Why? First, if there is a case of COVID traced back to our restaurant, we have to test all staff and close (again) for an indeterminate amount of days. This puts an at-risk operation at even graver risk. Every day and every dollar counts more than I can describe.

Second, the employees you see in the restaurant right now opted to come back of their own volition. With sky high unemployment benefits to compete with, we have worked hard to build a workplace they want to come back to--one that offers fair compensation, above-average safety protocols and most of all, management and ownership that has their best interest in mind. When you see a restaurant employee at work, it is usually because of some degree of loyalty or respect for the ownership, as well as faith in the safety measures they have put in place. These things took a great deal of time, effort and personal care to build.

I now know that demonstrating love for my team is the most important part of my job. More than ever, I recognize how hard I have to fight for them. If you are infected (either symptomatically or asymptomatically), you put THEM at risk, first and foremost. After all, they're the ones that pick up your dishes. Your glassware. Your napkins. They're the ones that clean the bathrooms after you use them.

DO NOT disrespect them. On top of the terrifying work environment they have returned to, the new challenge of arguing with guests about masks is hurtful and unnecessarily punitive. Walking past a half dozen signs saying masks are required and then acting surprised about it even when we offer to give you one at our cost—is inexcusable. And berating a host does not make you a patriot or a constitutional scholar. It makes you a bully, and it affirms the

growing realization that the customer isn't always right.

You may question the lawfulness of Executive Orders. It's your prerogative. But one thing you can't question is that as a guest, our safety is in your hands. A mask increases that safety. It doesn't guarantee it, but it makes your visit more safe for us. It's that simple.

I have put my entire being into my restaurants. It is my life's work. Do not- -DO NOT-- DARE to put it and our loyal team members at risk unnecessarily. When you do so, you disrespect my family and the life we've built. Not to mention the livelihood (and possibly lives) of the people we employ. Bottom line: we're trying to survive. Your concern about wearing a mask for mere seconds pales in comparison to what's at stake.

--
Donna Olavarria
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Cocoa, FL 32922
(407) 247-2651
oladonna@gmail.com