MINUTES
City of Cocoa
Regular Meeting of The City Council

June 7, 2022

A Regular City Council Meeting was held on Tuesday, June 7, 2022, 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 3:00 p.m.

Councilmember Goins provided the invocation and Katie Ennis 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
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember (attended via phone)
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager (attended via phone)
	Carie Shealy	City Clerk
ABSENT:	Lavander Hearn	Deputy Mayor

OTHER STAFF MEMBERS PRESENT:

Katie Ennis, Deputy/Acting Utilities Director; Tammy Gemmati, Administrative Services Director; Charlene Neuterman, Community Services Director; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Rob Beach, Chief Technology Officer; Bryant Smith, Public Works Director; Samantha Senger, Assistant to the City Manager/PIO; Angela Essing, Growth & Economic Development Director; and Erik Montgomery, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of June 7, 2022. (22-325)

2. **Minutes:** Regular Meeting of April 12, 2022 (22-315)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Agenda for the Regular meeting of June 7, 2022 as presented.**

AYES: Blake, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Minutes for the Regular meeting of April 12, 2022 as written.**

AYES: Blake, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

III. Awards and Presentations:

None.

IV. Delegations:

None.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the FY2022 Budget, BAF#22-087-A and BAF#22-088-T, to accept insurance proceeds in the amount of $10,285 and permission to use those funds along with budget transfer of $19,715 from operational line items to purchase a 2012 Freightline MT45 from Cape Canaveral for use as a SWAT Van. (22-285). (Chief of Police)

2. Approve a Resolution Amending the FY22 Budget, BAF # 22-095-A in the amount of $40,000 to cover the Building Division services of a third party Building Official and Inspector through the end of the Fiscal Year. Approve Change Order #2 in the amount of $40,000 to PO # 78905. (22-296). (Community Services Director)

3. Approve a Resolution Amending the Fiscal Year 2022 Budget, BAF#22-093-A, in the amount of $24,000 for CitizenServe annual service/maintenance fees. (22-297). (Community Services Director)

4. Approve a Resolution Amending the FY22 Budget BAF # 22-089-T, by Transferring Funds from 421-4010-536.39-00 (Contingency) to 421-4120-536.46-00 (Repairs and Maintenance) to keep Accounts solvent due to Unexpected Increase in Fuel Costs and Equipment repairs. (22-298). (Utilities Director)

5. Council Approval to apply for Law Enforcement De-Escalation Grant in the amount of $250,000 for a period of two years beginning September 1, 2022. (22-335). (Police Chief)

(B) Multi-Year Contracts:

6. Approve a One Year Extension to the contract with Dunlap & Associates as financial advisors to the City of Cocoa. (22-162). (Finance Director)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Consent agenda.**

AYES: Blake, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

VI. Public Hearings:

None.

VII. Council Business:

1. Approve the listed special events remaining in calendar year 2022 that are either gated and/or charge admission to enter and provide direction on bringing gated and/or events that charge admission to Council in the future. (22-255). (Asst. to the CM/PIO)

   Mayor Blake advised that this item included two different issues. He spoke about the ordinance and that staff has typically only brought street closures forward for approval, but in this agenda item were fourteen gated events that require Council's approval. The second issue is that staff is requesting direction from Council in regards to only bringing street closures forward for approval in the future or, to also bring gated events and/or events that charge admission for approval as well.

Ms. Senger explained the item in furtherance and mentioned that two of the events for approval have already happened, but the others have not. They are seeking approval from Council based on what the ordinance currently reads. In the past, these events have not been brought to Council, only those with street closures and she explained why street closures were different than the gated events.

Councilmember Goins clarified that with the current ordinance those gated events or street closures would come before Council. In response, Ms. Senger reiterated what the ordinance reads and that they have only been bringing street closures for approval not those events that are gated or charge admission. Staff is seeking approval for these events for the rest of the year and if Council wishes not to approve these events in the future they need to revise the ordinance.

City Manager Whitten advised that this was brought forward at his request because he has been approving events that he does not have the authority to approve and is uncomfortable doing that, when the ordinance states it is at the discretion of Council.

Attorney Garganese noted that this was in the existing Code and provided a brief history as to when this was established. He advised that these events typically require the closure of public property and Council should be the one to approve those events. It is a policy call however, which would require an ordinance change.

Mayor Blake reiterated the approvals that staff needed which is to approve the fourteen events and the second would be for Council to approve or leave those other events for the City Manager to approve.

Councilmember Dyal asked if there was a chance that additional events would be coming in addition to the fourteen being approved. In response, Ms. Senger stated yes but they would be brought back to Council.

Councilmember Koss supports keeping the policy as is because it is public property and being used for the good of the public. Council is representative of the public and should determine how the property is used.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the Fourteen (14) special events remaining in Calendar Year 2022.**

AYES: Blake, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

Mayor Blake stated that he trusts staff and these events can be brought back to Council if needed. Council is still in control but it is shared powers.

Ms. Senger explained how the approval process works before it reaches the City Manager and further discussion was held on the processes.

City Attorney Gargenese pointed out that procedurally the City Manager has the authority to approve permits. It is only when an event holder is asking to close a public park that requires a final decision from Council. If the City Manager makes a decision and someone wants to appeal that decision, they can appeal the City Manager's decision to Council. There is a special process to close streets of which he explained in furtherance. He assured Council there are checks and balances.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to allow staff and the City Manager to approve future gated events at parks that fall under their prevue.**

City Attorney Garganese confirmed that if the motion passes that they will come back with an ordinance where the City Manager will have the initial prerogative to close a portion of a park that is being requested by a special events applicant.

AYES: Blake, Goins, Dyal

NAYES: Koss

THE MOTION CARRIED (3-1)

VIII. City Business:

None.

Multi-Year Contracts:

None.

IX. Informational Agenda:

None.

X. Reports:

Councilmember Goins mentioned that parking had been discussed at the Cocoa CRA meeting and he had to pull a person out of the five-acre parcel who had gotten stuck. He asked what the plans were for that property.

Mr. Smith assured him that they were looking at different strategies to stabilize the ground for the new parcels just purchased.

Councilmember Goins invited Council to the naming of the Rockledge Football Field, located at 960 Cogswell Street in Rockledge, on Saturday, June 11th at 10 a.m., as they are naming the field in honor of his father. He coached football for thirty-seven years.

Mayor Blake thanked Councilmember Goins for stepping in for the Javian Hawkins, Key to the City presentation.

Councilmember Dyal spoke about the Memorial Day event, stating it was a very nice event. He drove the antique fire truck in the parade.

He thanked citizens and staff for all that they do.

Councilmember Goins thanked Leisure Services for keeping everyone in line with all of the events. They are a lot of work. There were great speakers at the Memorial Day event and the crowd was enthused.

Mayor Blake agreed and it was a team effort.

In conclusion, Mayor Blake thanked Chief Collier and staff for providing an escort for a fallen comrade from West Melbourne. He further spoke about the Chief's walk in District 3, noting that was a great event as well.

He welcomed Scott Billue aboard and Matthews Hope Ministries. They were doing a soft opening today and people were already coming by and asking for assistance.

Mayor Blake acknowledged Ms. Johnnie Jenkins who turns 99 years old today. They were asking that ninety-nine cars show at up 5:15 p.m. at Zion Orthodox Primitive Baptist Church to honor her.

Lastly, he mentioned an event this Saturday, June 11th from 10 am until 2:00 p.m., for Recovery Awareness Day at the Central Florida Treatment Center in Cocoa, located at 7 N. Cocoa Blvd. The event is being held to bring awareness to the opioid crisis in Cocoa and Brevard County.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to adjourn the Regular meeting of June 7, 2022.**

AYES: Blake, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

The meeting adjourned at 3:29 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk