MINUTES
City of Cocoa
Regular Meeting of The City Council

May 24, 2022

A Regular City Council Meeting was held on Tuesday, May 24, 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 6:00 p.m.

Mr. Frank Sullivan provided the invocation and Councilmember Goins 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
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, 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 (via phone); and Ben Wenrich, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of May 24, 2022. (22-303)

2. **Minutes:** na

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins, to approve the Agenda for the Regular meeting of May 24, 2022 with one amendment, to move Consent Item V.6 to City Business Item VIII.3.**

Mayor Blake asked Mr. Walsh how long the City has been affiliated with H & H Liquid Sludge Disposal, Inc. Mr. Walsh stated many years and has not had any problems with them.

AYES: Hearn, Dyal, Goins, Koss

NAYES: Blake

THE MOTION CARRIED (4-1)

III. Awards and Presentations:

1. Proclamation: Proclaiming the Week of May 15-21, 2022 as: "Emergency Medical Services Week". (22-313). (Fire Chief)

Chief Lamm read the proclamation into the record proclaiming the Week of May 15-21, 2022 as: "Emergency Medical Services Week".

2. Proclamation: Proclaiming the First Friday of June, June 3rd, as "National Gun Violence Awareness Day." (22-318). (Deputy Mayor Hearn)

Deputy Mayor Hearn read the proclamation into the record proclaiming the First Friday of June, June 3rd, as "National Gun Violence Awareness Day."

Connie Brook from the organization spoke on ways of stopping gun violence and note that the number one thing that can be done is to talk about it. She thanked the Council and City for the proclamation.

IV. Delegations:

Mayor Blake acknowledged Mr. Ron Chabot as the Brevard County Sheriff's Office Citizen of the Year award recipient.

Ron Chabot, Cocoa resident, lives in District 1 but will soon be moving to District 4. He noted that he attended one of the Cocoa Cares meetings and saw his name

on a board at the last City Council meeting and was named as one of the group members' that believes they are being censored. He does not feel that way and knows that Ms. Lortie is passionate but felt that at the one meeting he attended she was trying to control the narrative. She does not speak for him and he does not feel censored. He has always raised his children and employees with pros and cons lists and here there are more pros than cons. He strongly supports a millage rate increase in order to get more police officers in the City.

Rob Cramp & Miriam Moore, Executive Director of Housing for the Homeless, mentioned that they have ninety-five properties across the County with over half of those in Cocoa. They thanked Council for approving the recent rezoning and for the level of support from the audience. Ms. Moore spoke about a previous lien reduction that had been approved that was generously reduced to under $1,000. During the third week of April they processed a check to pay the lien off and then on April 20th they received an anonymous check paying the lien, so their check was returned to them. They were very grateful and wanted to express their thanks to the City.

Mickie Kellum, Mayor Pro Tem for City of Cape Canaveral, was representing Aging Matters. She shared information about their programs and noted that she was the site manager at the Joe Lee Smith Seniors for Lunch Program. She asked that Council and others help spread the word about the program and invited them all to visit as well.

Anita Gibson, 451 Stone Street, Cocoa, thanked Mayor Blake and others for the proclamation for National Gun Violence Awareness Day. She voiced concerns about a mother living out of her car with a two-year old son. She is able to stay in a hotel when she gets paid or with a friend but needs stable housing. There is also a disabled woman living out of her car. She asked that someone get them help.

Mayor Blake asked the City Manager, Fire Chief, Chief of Police and Ms. Neuterman to try to come up with a game plan.

Councilmember Koss asked if they have contacted the Family Promise of Brevard. Ms. Gibson stated she has but there is an application process and she needs immediate help.

Kristin Lortie, Cocoa resident, advised that she sent a statement this afternoon regarding the upcoming Workshop on Thursday of which she hoped had a great

turnout. She appreciated the comment from earlier from the gentleman and was glad that he was able to participate in the workshop. She provided information on workshops held in 2021 and felt that workshops should run how it is stated in the City Council Rules of Procedure.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the FY 2022 Budget, BAF# 22-065-T, by Transferring Funds from the Dyal Water Treatment Plant (WTP) Repairs and Maintenance 421-4020-536.46-00 into the Water & Sewer Machinery & Equipment Account Number 421-4020-536.64-00 to Reallocate Funds Because of Unexpected Expenditures. Authorize the City Manager to approve change orders to Pro-Co Inc with a contingency of up to 10% or a total amount not to exceed $54,723. (22-245). (Utilities Director)

2. Approve the Police Department to Apply for the FY2022 Bullet Proof Vest Grant. (22-281). (Chief of Police)

3. Consideration of Resolution No. 2022-045, which Amends Resolution No. 2021-029 designating a portion of S.R. 520 as the Sgt. George Lee Taylor, Sr. Memorial Highway. (22-304). (City Manager)

(B) Multi-Year Contracts:

4. Approve Participation a Multi-Year Cooperative Purchase Agreement with Graybar Electric Company, Inc. for Electrical, Lighting, Data Communications, Security Products, and Related Products, Services and Solutions Utilizing the City of Kansas City, MO (Omnia Partners) Contract EV2370 Effective February 1, 2018 through January 31, 2023; To Authorize the City Manager to Execute Any Annual Renewal Amendments Under the Original Contract. (22-185). (Utilities Director)

5. Approve the Award of a Five (5) Year Contract with Two (2) One-Year Extension Options to G3 Contracting Inc., dba Gar Waterblasting for High Pressure Cleaning Services, in an Amount not to Exceed $229,000 (ITB# B-22-04-COC); To Authorize the City Manager to Execute the Contract; To Authorize the City Manager to Approve any Subsequent Amendments, Extensions or Change Orders within the City Manager's Signing Authority. (22-259). (Utilities Director)

~~6. Approve participation in a Cooperative Purchase Agreement with H&H Liquid Sludge Disposal Inc., Branford, Florida, and Approve a Multi-year Contract from FY2022 through FY2025; To Authorize the City Manager to Execute the Contract, to provide certain services with respect to biosolids transportation and disposal utilizing the City of Holly Hill's contract ITB#19-WW-12: Sludge Removal, Hauling and Disposal Services effective through October 19, 2022; To authorize the City Manager to approve annual renewals. (22-277). (Utilities Director)~~

- **This item was moved to City Business VIII.3.**

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

VII. Council Business:

1. Provide Direction to Staff for Funding and New Policies, if Necessary, for the Indian River Drive Septic to Sewer Conversion. (22-291). (Utilities Director)

Councilmember Koss advised that she needed to recuse herself from this item since she is one of the ninety-two residents who it will possibly impact. She submitted a Form 8B[1] to the City Clerk and stepped down from the dias.

Mr. Walsh provided a presentation[2] regarding the Save Our Indian River Lagoon Indian River Drive Projects J & K. He provided a brief rundown of the project and pointed out that the program was being funded by the Brevard SOIRL ½ penny sales tax.

He noted that the Tetra Tech Report was updated in 2022 and was available on the City's website. Potential costs for the project were discussed in detail.

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1 EXHIBIT A: Form 8B-Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers submitted by Councilmember Lorraine Koss

2 EXHIBIT B: Presentation: SOIRL Indian River Drive J and K

The two areas designated on Indian River Drive and referred to as "J" and "K" were shown on a map.

Mr. Walsh spoke about the gravity main and manhole installation as well as future homeowner costs if they used the city's sewer system.

Mr. Walsh provided four options for the project and explained each one in detail. They were as follows:

- Option 1-Advanced Septic
- Option 2-Septic to Sewer (Mandatory)
- Option 3-Septic to Sewer (Non-Mandatory)
- Option 4-Defer/Delay Project

He added that in addition to grants that the City could apply for, there are grants that homeowners could apply for in some instances as well to help with the costs.

Mr. Walsh reiterated the advantages and disadvantages of the different options and discussed in furtherance the potential costs of the project, including potential funding sources such as grants and private funding.

Deputy Mayor Hearn asked how many cities in Brevard County have started projects or completed projects along the river. In response, Mr. Walsh explained that Palm Bay did an inland project and there were several others in the process.

Councilmember Goins mentioned construction costs and knows this would go out for bid if they get to that point. He noted that this was just an estimate and that costs could possibly be lower. He believed that grants could be tricky as each home could vary in costs. In response, Mr. Walsh felt that the best approach would be to air on the high side so they do not come up short.

Mayor Blake asked how long the opportunity for grants would be available and if they do fall short who would absorb the costs. He felt that was the ultimate question as these are hard and challenging economic times.

Anthony Gubler with Brevard County advised that the SORIL sales tax sunsets in 2027 (it started in 2017). This money is allocated for Cocoa projects and that was set from the beginning. State grants have been increasing and the current political climate is motivated to move from septic to sewer.

In regards to a question posed by Mayor Blake, Mr. Walsh advised that there are currently about forty who have signed up for the project and about twenty who were not willing to spend any money.

Further discussion was held and it was pointed out that there is nothing in the City's code that requires a person to connect.

Deputy Mayor Hearn asked if there was a State ordinance or law requiring residents to hook up to sewer. Attorney Garganese does not know the exact statute but there is a statute that requires it.

The following residents spoke in regards to this item:

- Bill Riddle, 2130 Indian River Drive, Cocoa, suggested that Council provide staff guidance to do more research. Mr. Walsh answered various questions posed by Mr. Riddle regarding the chart in the agenda item. Mr. Walsh pointed out the chart was from the County.
- Barbara Garrett, 1041 N. Indian River Drive, Cocoa, noted that this project was not fully funded with additional expenses. The current economic situation makes this a risky project and fiscally irresponsible. She feels this is the wrong time to do this and requested this item be tabled until all funds are received.
- Dr. Leesa Soto, Executive Director with Marine Resources Council, advised that they produce the SOIRL report card each year and explained what that entailed. She provided statistics from the most recent report card along with some of the issues they are having in the Lagoon. Septics are discharging things that are harmful. She recommended this project be done while the state is giving money for projects like this as in the future the money may not be available.
- Frank Sullivan, 1705 N. Indian River Drive, Cocoa, pleaded with Council to continue investigating this. There are many unanswered questions and he urged them to look at other solutions. He further feels there are other grants available that could help.
- Gary Aguinaga, 2124 N. Indian River Drive, Cocoa, felt this was a long-term issue and is more than just residents being inconvenienced for a period of time or having to add to their utility bills. It is about the livelihood of the whole area and how they will look in ten years with a failing river. There are a lot of unknows but in a year or two they will know they did the right thing and saved the river. He felt they would be remised if they did not take advantage of this today and get it done as it is very important. Until the source of pollution is stopped the river cannot be helped.

Discussion was held if there was a shortfall in the funding as well as where the lines would be installed. It was confirmed after a question posed by Councilmember Dyal that Carleton Terrace was not included in this project.

- Astrid Heard, 861 N. Indian River Drive, Cocoa, has attended meetings but there are still unanswered questions. She has seen the Lagoon fluctuate and feels that ninety-two homes are just a small part of the problem. It concerns her that cities are competing for money that should be a project that everyone benefits from and believed more research should be done.
- Jeanne Day, 855 N. Indian River Drive, Cocoa, appreciates all that she has heard but agreed with Ms. Heard and asked if they really knew what was causing the damage to the Lagoon. There are a lot of questions in regards to money and how much this will cost. If they have until 2027, she urged Council to table this item and explained her reasons why.
- Al Vasquez, 665 Seville Court, Satellite Beach, with Close Waters LLC, does forward looking at economic impacts and spoke about statistics they had. He provided detailed information on research that was done in 2016 and pointed out it was also important to look at property values.
- Troy Orender, 2401 N. Indian River Drive, has a background of heavy engineering and was not impressed by the presentation done by Tetra Tech. The data has holes in it with broad assumptions. He provided information on nitrogen and oxygen. He asked how many pounds of nitrogen from these ninety-two properties will be dumped into the Indian River Lagoon.
- John "Tank" Sherman, 1125 N. Indian River Drive, Cocoa, has lived here for thirty two years and near the river for twenty years. He has seen a drop in the water quality in the last twenty years. He feels that the Lagoon is a bigger issue that can be taken on by the City or even the County. He saw a memo from 2006 where this same item was tabled. There was no money allocated at that time but feels action needs to be taken and if there is money they need to go after it.
- Dan Womack, 2006 N. Indian River Drive, Cocoa, lives on the river side of the road and everything runs down as compared to the west side of the road. He is in favor of Option #2 and felt someone needed to take the first step. He believes the City should take the first step in cleaning up the river.
- Todd Riggs, 1629 N. Indian River Drive, Cocoa, provided a handout of available grants and a power point on why the City should move forward with this project. He pointed out that there are a lot of grants available that would more than cover estimated costs. He recognizes this is a big risk and urged the City Council to acquire this grant funding and move forward with the project.
- Kristin Lortie, Cocoa resident, does not live on the river but is a property owner in the City. She expressed her support for Option #2 and thanked Mr. Riggs for the additional grant sources. She attended both community

meetings and feels this is the project with the greatest ability to reduce the Lagoon contamination. Homeowners will also benefit with increased property values and it would benefit the community.

- Tammy Carter, 1809 Indian River Drive, Cocoa, spoke about the money allocated for this project. She believed a solution would be to go to stormwater. She advised they were all concerned with the costs and you may get grants or you may not. If not, they are looking at $50,000 per homeowner. Fertilizer does more damage than septic and if you cannot band fertilizer, how can septic be mandated. She would like this item tabled or Option #1, the Advanced Septic.

Councilmember Goins' biggest concern was dealing with overages. Mr. Gubler from the County explained some of the grants and advised that some can only be used for construction, some are only for homeowners, and there are some for both. There are also funds being requested from legislators annually.

The Protecting Florida Grant and the Regional Resilience Grant were discussed in detail. Other grants that the City might be eligible for were discussed as well, along with the average costs to hook up.

Councilmember Dyal felt this was good conversation but the ultimate goal was to clean up the Lagoon. He is afraid of the costs as well and whatever is done will affect them for a long time. Something needs to be done and they need to figure out how to do this.

Mayor Blake asked if there were grants for overages and in response, Mr. Gubler recommended planning for overages and following up with grants. Mayor Blake asked if any grants had been denied and in response, Mr. Gubler noted that one grant he was working on was initially denied but then approved. He believed this was a good time to go after them and further explained the application process.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to take a five minute recess. The recess began at 8:36 p.m.**

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to reconvene the meeting. The meeting resumed at 9:01 p.m.**

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

Mayor Blake requested to table this item and explained his reasonings why.

City Manager Whitten advised that if Council was in mind to select Option #2, the potential next steps would be the creation of an ordinance and explained what the ordinance would entail; determine what grants we can obtain; bid out the project; get a contract and then Council approval. They could come back to Council with a project that is proposed to be fully funded via the grants and have Council approve the contract to go forward.

Attorney Garganese felt the City Manager covered the highlights and indicated that they believe more research needed to be done on the septics that fall outside of this area that are in question, and of the impact this would have on everyone. There are conditions that need to be looked at in furtherance as well.

Mr. Walsh added that having the plan at 100% is a big bonus in the eyes of grants and helps them move to the front of the line. Additionally, before they get in grant mode they would want to get the cost estimate up to date. Some things have caps on them but they would certainly apply for all that they could obtain. If they pursue Option # 2 they want to fully fund this so there was no cost to homeowners.

City Manager Whitten noted that the earliest they would be looking at bringing this back would be July. Mayor Blake asked if this would provide adequate time to get it done and in response, the City Attorney and staff felt it would be enough time.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to table this item.**

Councilmember Goins commended everyone for the collaboration on this and asked for it to be brought back to the July 26, 2022 Regular City Council meeting.

* **MOTION was Amended by Mayor Blake and Councilmember Dyal Amended his Second to add a date certain of July 26, 2022.**

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Staff is seeking direction related to the possible installation of speed humps on North Carolina Ave, Bristol Dr., and North Georgia Ave. (22-305). (Public Works Director)

Mr. Smith provided a background of the item and provided statistics on the roads in the City. He further explained the city's requirements for speed humps in detail. There is currently not a petition for any of these roadways and typically they would not consider speedhumps without a petition.

He suggested looking at alternatives for some of these areas. He described some of the other possibilities and while a lot of it could be done in house, having resident and property owner support is huge in this area.

Mayor Blake believed that if people want them installed they would come to Council and let them know. He further mentioned the striping of streets and how it gives the perception of a narrow road and slows traffic.

Deputy Mayor Hearn has spoken with staff on some of the issues and about what may be causing the speeding. He would like to give staff the opportunity to slow speeders but wants to be consistent with the policy. He knows the support is there. The current policy states "property owners" and he would like to get that changed to state "residents or homeowner". Then signatures can be obtained.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to amend the current policy to add "residents and homeowners".**

Kristin Lortie, Cocoa, voiced her support for this item and felt it was good conversation. She supports the change.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Deputy Mayor Hearn confirmed the action on the item. It was noted that the motion was to change the policy and it was confirmed to have been done by resolution.

3. Consider the appointment of Vincent Knowles as a Regular member to the General Employees' Pension Board to fulfill the vacancy left by previous Board Member Missie McCarthy through October 1, 2022. (22-306). (Administrative Services Director)

* **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to appoint Vincent Knowles as a Regular member to the General Employees' Pension Board through October 1, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Consider the appointment of (2) two of the following applicants as 1st and 2nd Alternate members to the Code Enforcement Board: John Hood, Verna Hughes, Sean Johnson or Michael Simpson. (22-312). (Administrative Services Director)

* **MOTION by Mayor Blake; Seconded by Councilmember Koss, to appoint Michael Simpson and Verna Hughes as the 1st and 2nd Alternate members to the Code Enforcement Board.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Council direction and approval of funding for the replacement of a failing 15-ton cooling unit at the Brevard Museum. Approve a Resolution Amending the FY23 Budget BAF #2022-091-A based on Council direction and approval of all budgetary actions related to this replacement. (22-299). (Public Works Director)

Mr. Smith provided information on this item and explained that one of the units could be repaired but the other is beyond repairable. Staff needs to know where to obtain the funding from.

* **MOTION by Councilmember Koss, to approve the item and to use some of the funds that were put back into the General Fund. The Motion was Seconded by Deputy Mayor Hearn, for discussion.**

Councilmember Goins was concerned as the contract is still not complete. He understands that this needs to be done for mold reasons, etc. In response to his concerns, City Manager Whitten advised that he had reached out to Ms. Moscoso on May 19th and she would be getting back with him by early next week. They have not sat at the table in a while and he anticipated that they would be wrapping this up soon one way or another.

Councilmember Goins was glad there were updates but does not want to keep spending money.

Councilmember Koss was frustrated like others were but in order to maintain a property in a Florida summer you must have air conditioning. Additionally, there is quite a bit of foot traffic in the museum and although she would like to know the end game as well, they need to maintain this asset.

City Manager Whitten stressed that the air conditioning needed to be tended to no matter who is in the building. The General Fund is a fund category and explained if they say General Fund he assumes it is Unassigned Fund Balance. Staff asked for clarification on what account Councilmember Koss was referring to.

Ms. Bowman explained the use of the General Fund account and explained it would reduce the Unassigned Fund Balance. City Manager Whitten confirmed if you say General Fund it is coming out of Unassigned Fund Balance.

Ms. Bowman explained how monies were categorized at the end of the year.

Mayor Blake asked if there would be mold issues if the air conditioning was not fixed. Staff responded in the affirmative and pointed out there are also artifacts there and they need to do their best to maintain and preserve them.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

City Manager Whitten spoke about fund balance and according to that the City Manager assigns out Fund Balance once financial statements are prepared.

2. Approve a Resolution Amending the FY22 Budget, BAF#22-092-A using the State and Local Fiscal Recovery Funds (SLFRF) to purchase of five (5) Lifepak 15-V4 Cardiac monitors/defibrillators from Stryker, for a total amount of $98,252. Approve a Resolution waiving competitive bidding. Authorize the City Manager to issue the Purchase Order. (22-307). (Fire Chief)

Chief Lamm noted an email was received in regards to this item asking why they did not got out for a competitive bid on these items. He wanted to stress that staff did their due diligence on this item and explained the item in furtherance.

Deputy Mayor Hearn agreed and reiterated the importance of compatibility.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the item.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve participation in a Cooperative Purchase Agreement with H&H Liquid Sludge Disposal Inc., Branford, Florida, and Approve a Multi-year Contract from FY2022 through FY2025; To Authorize the City Manager to Execute the Contract,

to provide certain services with respect to biosolids transportation and disposal utilizing the City of Holly Hill's contract ITB#19-WW-12: Sludge Removal, Hauling and Disposal Services effective through October 19, 2022; To authorize the City Manager to approve annual renewals. (22-277). (Utilities Director)

Mr. Walsh provided a background on this item including a history of the project as well as costs.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, to approve the item.**

Kristin Lortie, Cocoa resident, commended Council for moving this item from Consent for discussion. She had a question about bio solids and was glad to hear what Mr. Walsh had to say about it. As a citizen she is interested in the background of items and feels that bio solids is a topic that many others may be interested in. She has attended other meetings in other cities where they pull items off of Consent.

Discussion was held on where this was being spread.

Mayor Blake confirmed that nothing has changed and there was a lot of history with the Desseret Ranch. Mayor Blake pointed out this could have been approved already and he trusted staff.

Councilmember Goins spoke to the notion that they do not like to pull from Consent. He does not know where this is coming from but what they do know is that it is now true. They have always voted yes if someone requests to pull an item from the Consent agenda.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2021 to 4/30/2022. (22-275). (Finance Director)

2. Calls for service provided by the Cocoa Fire Rescue Department for the month of April 2022. (22-276). (Fire Chief)

3. FY 2022 Budget Adjustment Report. (22-309). (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. (22-310). (Finance Director)

5. Data showing the relation between the estimated and actual income and expenses to date. (22-311). (Finance Director)

X. Reports:

Ms. Essing provided a report via the phone and showed a slide regarding two zoning districts not consistent with the zoning. She was requesting that Council give staff approval to create a schedule so that they can create consistency with sixty-two properties that are currently zoned Commercial Parkway (CP) and General Commercial (GC). These are two zonings that are currently not allowed and the State statute requires they create a schedule to comply with the statute and it states that as long as there is a schedule to amend those inconsistencies then it shows that they are working towards compliance.

A rough estimate has been done and they are looking at having several community meetings in July to see what property owners think, along with input from the Diamond Square CRA, Cocoa CRA and the community, and to better understand a vision for these properties. Staff would then compile the information and follow typical procedures, such as going to the Planning and Zoning Board and then that Board would make a recommendation to Council.

Ms. Essing reiterated that she was asking for consent for staff to bring consistency between zoning and the Comprehensive Plan.

* **CONSENSUS AMONG COUNCIL FOR STAFF TO CREATE A SCHEDULE TO BRING CONSISTENCY BETWEEN ZONING AND THE COMPREHENSIVE PLAN.**

Ms. Senger provided updates on upcoming events. The Thomas Cole Recreation Area Dedication was coming up, as well as the July 4th event in which the City

partners with the City of Rockledge and Brevard Symphony Orchestra; and there will be a school supply drive for kids going back to school in August. Lastly, they are now accepting applications for the next Citizens Academy (4th session). There is a link to the application on the website.

Mayor Blake pointed out that it was nice to ride the Brightline train and he enjoyed his visit with them.

Ms. Bowman informed Council that Finance won the Distinguished Budget Presentation Award from the Government Finance Officers Association of America for their Adopted Budget Document. This is the fourth year in a row they have won.

She further advised that at the last Council meeting it was approved to do a Community Assistance Program. The program was announced and they only received one application. It was disqualified as they did not have a business tax receipt. They will re-advertise and hope to receive more applications.

Chief Lamm provided a Covid report and pointed out that nationally numbers were rising again and locally there has been in increase in the last six weeks in positivity rates. He asked all to still be mindful and follow social distancing and CDC guidance.

Attorney Garganese noted they are delving into the Comp Plan and there is a scrivener's error in the Consent decree. He explained the issue was in the Table of the Comprehensive Plan. He explained the Decree and noted he has prepared a draft Comp Plan ordinance. He stressed it was not meant to impact the Consent Decree, it is just house cleaning to fix the scriveners' error. He wanted to alert Council as this has been around over thirty years and is a very sensitive issue.

Councilmember Dyal reminded everyone if they are riding in the truck for the Memorial Day parade they need to sign a waiver. The truck will be at the location by 3:30 p.m. He thanked staff for coordinating the Brightline ride and was looking forward to the Chief's Walk in his district tomorrow.

Councilmember Koss passed out information to Council from Space Coast Transportation Planning Organization, and stated that the state will be investing $10 million in the Cocoa area and she felt everyone should take note of where these changes will be taking place. Things will look different in the next five years.

Deputy Mayor Hearn gave a reminder about the Annual Gun Violence Awareness Sign waiving on June 4th at Fiske Blvd. and SR 520. He thanked staff for the Brightline trip as well.

Mayor Blake showed photos of several events he has attended over the past few weeks. The events included were the Dixie Cruisers Car Show; the Emma Jewel Charter Academy Graduation; Brevard Adult Education Graduation; Cocoa High School Graduation; his trip to the FMIT Conference in Philadelphia; 14th Annual Mayor's Breakfast; and of the cleanup of a tree that fell in the city.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to adjourn the Regular meeting of May 24, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 10:23 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie E. Shealy, MMC, City Clerk

CITY OF COCOA CORPORATE SEAL FLORIDA

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Koss Lorraine Loken	Cocoa City Council
MAILING ADDRESS 65 Stone Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Cocoa — COUNTY: Brevard	NAME OF POLITICAL SUBDIVISION: Brevard County
DATE ON WHICH VOTE OCCURRED 05/24/2022	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lorraine Koss, hereby disclose that on May 24, 20 22:

(a) A measure came or will come before my agency which (check one or more)

✓ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am one of the 92 homeowners potentially eligible for hooking up to sewer. The vote is whether to proceed with Project J & K septic to sewer.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

05/24/2022
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

Utilities Department

Save Our Indian River Lagoon
Indian River Drive J and K

5/24/2022

John A. "Jack" Walsh, P.E.
Utilities Director
City of Cocoa

Save Our Indian River Lagoon
Indian River Drive

AGENDA

- Program Overview
- Septic to Sewer
- Advanced Septic

- Council Options (4)
- Advantages/Disadvantages

- Septic to Sewer Costs
- Grants
- Questions

Save Our Indian River Lagoon
Indian River Drive



PROGRAM

- Funded by Brevard SOIRL ½ penny sales tax
- Purpose to remove phosphorus and nitrogen from entering the Indian River Lagoon (and other pollutants)
- Removing excess pollutants will improve the Lagoon and improve the natural beauty of the river and restore the biology to function normally

Save Our Indian River Lagoon
Indian River Drive

TETRA TECH REPORT (updated 2022)

- 2 applicable approaches for improving the lagoon:
  - Advanced Septic system replacements
  - Convert Septic to Sewer systems

Note: Cocoa Areas J and K were originally designated as a Septic to Sewer Project because gravity sewer was nearby

Save Our Indian River Lagoon
Indian River Drive

PROGRAM – Septic to Sewer

- Potential Costs to be **reimbursed** by SOIRL funds or other

construction costs
design and inspection

} City Expenses (in ROW)

impact fees
service line connections
septic tank abandonment
restoration of property

} Homeowner Expenses (on private property)

Save Our Indian River Lagoon
Indian River Drive

PROGRAM – 2 Areas designated on Indian River Drive

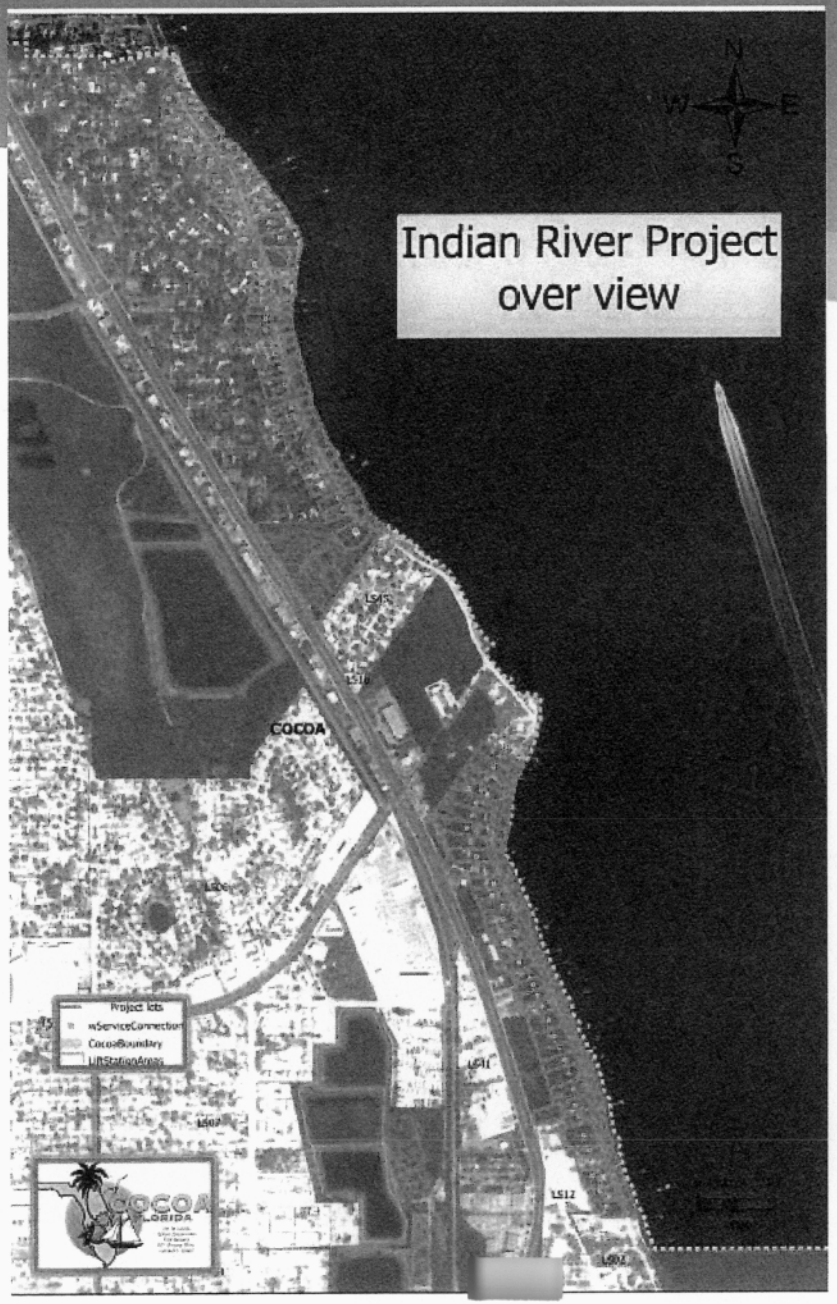
Areas "J" and "K"

1421 N. Indian Circle to 2611 and 2630 N. Indian River Dr. — Area "J"

843 to 1167 Indian River Dr. — Area "K"

COCOA FLORIDA

Save Our Indian River Lagoon



COCOA
FLORIDA

Septic to Sewer

Gravity main and manhole installation





COCOA
FLORIDA

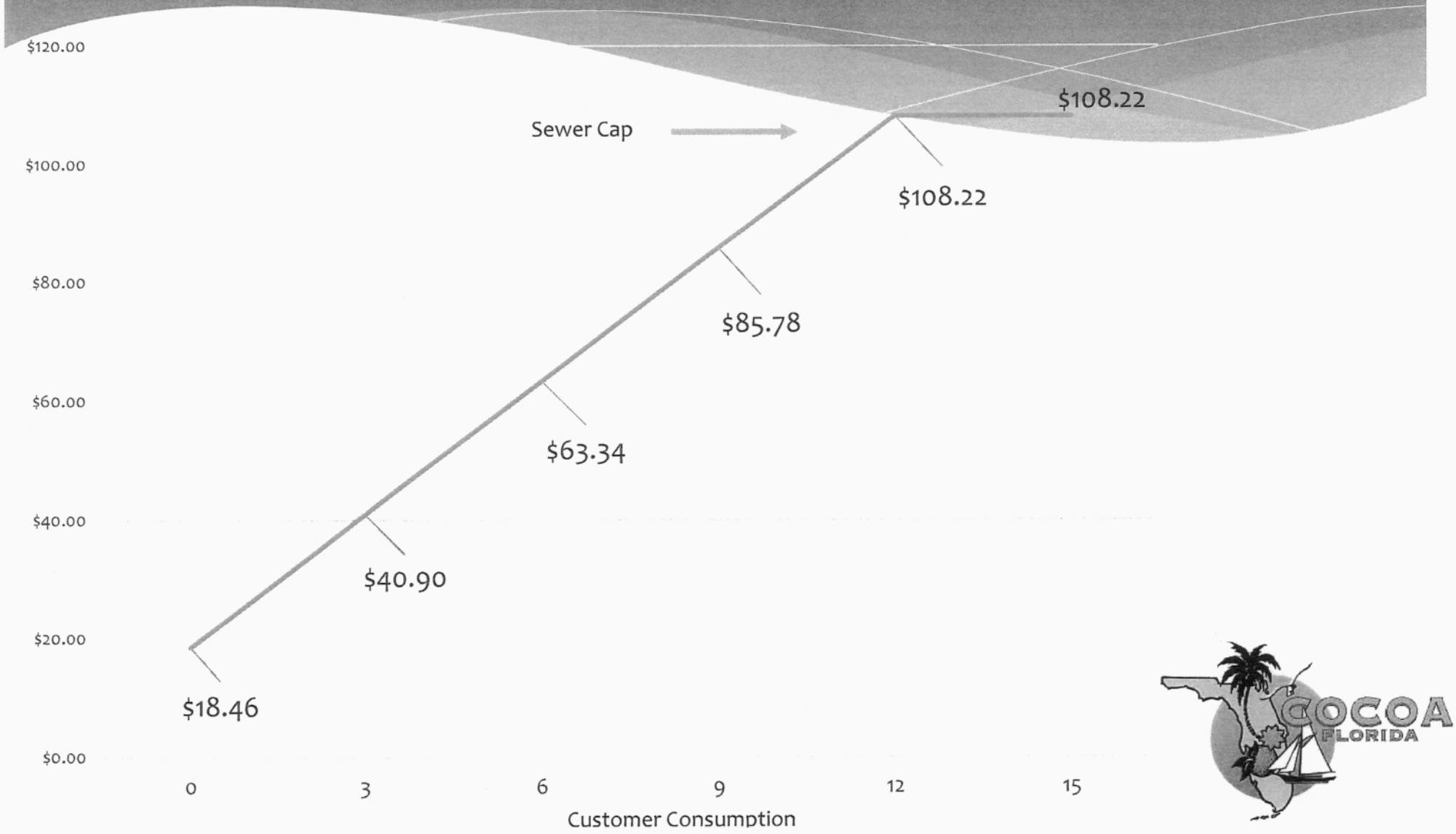
Future Homeowner Costs using City Sewer System

Homeowners who Connect

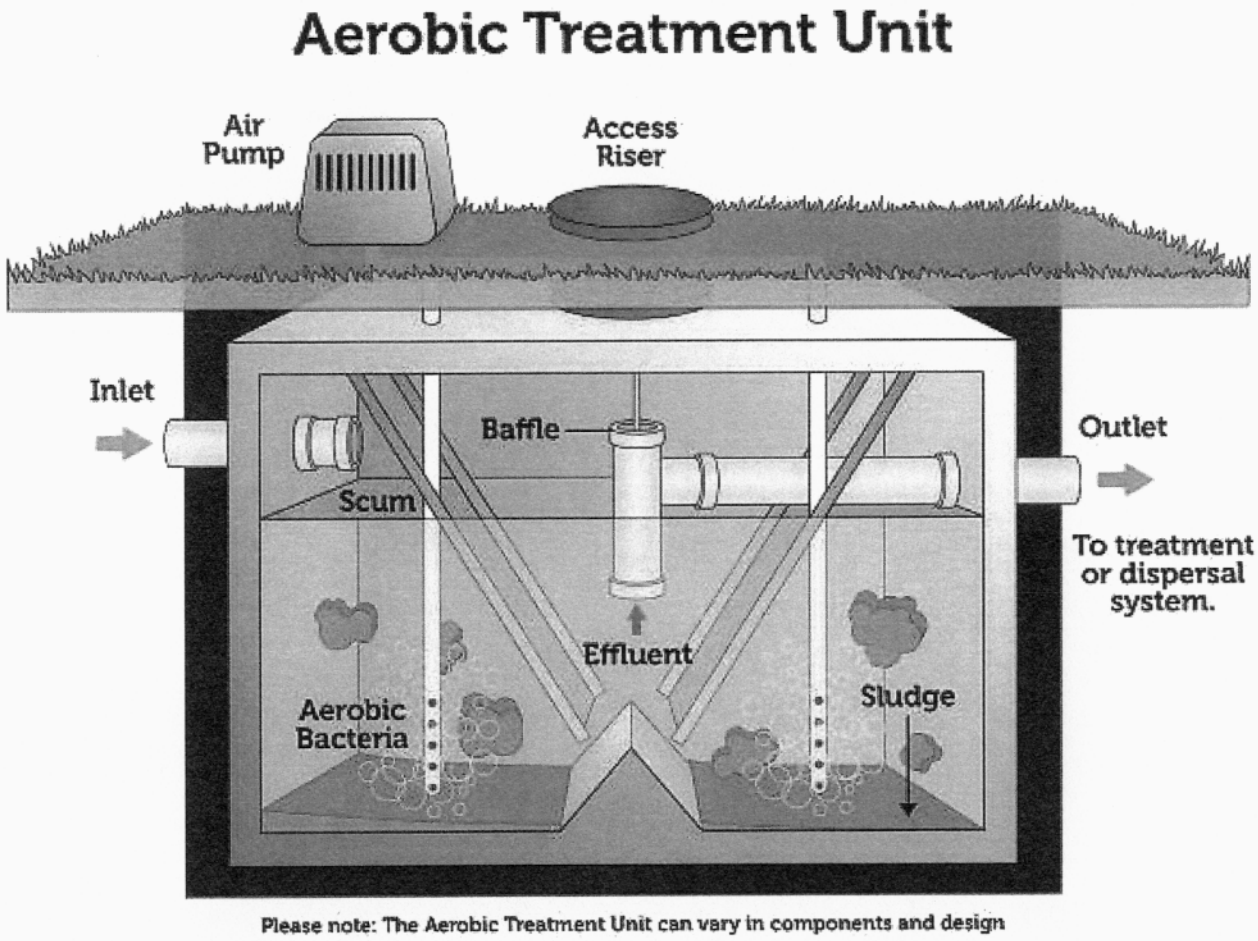
- Monthly sewer fee as a function of your water use
- Estimated from $18.46 capped up to $108.22 per month depending on use

COCOA FLORIDA

Future Monthly Sewer Fees



Advanced Septic System



Advanced Septic treatment requires 65% removal per Brevard County Ordinance for homes within 60 meters

https://www.epa.gov/septic/types-septic-systems

Future Homeowner Costs using Advanced Septic

Homeowner Costs

- Future maintenance costs on septic equipment
  - * Aerobic Septic System Maintenance Contract Costs: $175 - $600 per year depending on the level of service for which you contract

*Note: costs taken from https://inspectapedia.com/septic/Aerobic_Septic_Maintenance_Costs.php

COCOA FLORIDA

Indian River Drive Project Options

- **OPTION 1 – Advanced Septic**
- **Option 2 – Septic to Sewer** (Mandatory)
- **Option 3 – Septic to Sewer** (Non-Mandatory)
- **Option 4 – Defer/Delay Project**

COCOA FLORIDA

Indian River Drive Project Options

- **OPTION 1 – Advanced Septic**
  - Withdraw Septic to Sewer project
- SOIRL Dept. Natural Resources will fund $18,000 grant per lot for all lots on IRD on septic
- Homeowners may be eligible for additional grants from SJRWMD or FDEP for shortfall in costs

COCOA FLORIDA

Indian River Drive Project Options

- **OPTION 2 – Septic to Sewer (mandatory)**
  - Must require all 92 to connect with new policy
- SOIRL Dept. Natural Resources funds $5.1M public infrastructure for 92 connections
- City can submit for additional grants from SJRWMD or FDEP to cover short fall funding for public infrastructure
- Homeowners can submit for grants from SJRWMD or FDEP for homeowner costs to cover septic removal, service line etc.

COCOA FLORIDA

Indian River Drive Project Options

- **OPTION 3 – Septic to Sewer (non mandatory)**
  - Optional to connect to the proposed public sewer
- SOIRL Dept. Natural Resources funds will vary or may not be available without mandatory participation for public infrastructure
- Additional grants from SJRWMD or FDEP to cover short fall funding for public infrastructure - typically require max. homeowner participation to qualify
- Homeowners can submit for grants from SJRWMD or FDEP for private costs – may require full participation to qualify

COCOA FLORIDA

Indian River Drive Project Options

- **OPTION 4 – Delay Septic to Sewer**
  - Take no action at this time
- Cocoa will request and maintain allocation of funds from SOIRL
- 92 homes in J and K would not be able to apply for advanced septic while the Septic to Sewer Project has allocated funds
- Delay may decrease or increase costs by waiting

COCOA FLORIDA

Indian River Drive

Option 1 – Advanced Septic

Advantages

- Homeowners can immediately apply for funds and start the application process
- Avoids impact fees to the city
- No monthly charges for city services for owners
- All residents on IRD can apply

Disadvantages

- SOIRL grant may not cover all costs but may be eligible for additional grants
- Still allows nutrients to the river (35% or less)
- No future revenues for the city

Indian River Drive

Option 2 – Septic to Sewer Mandatory

Advantages

- Maximizes SOIRL funding available ($5.1M)
- Allows project to qualify for other grants
- Allows for potential future expansion of areas further west toward US1
- Creates future sewer revenues for city
- Removes all discharge to river from 92 homes (100%)

Disadvantages

- Requires a new connection policy and enforcement policy
- Council must decide who is paying for cost overruns if they occur
- Only 92 homes are available due to design constraints (other homes outside project area could use advanced septic)
- Homeowners must pay monthly charges for city services
- Manage multiple grants
- Homeowner can apply for SJRWMD or FDEP grants to cover private costs such as service line install, septic removal and Homeowner grants from agencies may not cover all costs

Indian River Drive

Option 3 – Septic to Sewer Non-Mandatory

Advantages

- Removes participating homeowner's sewer discharge to river
- Creates future sewer revenues for city
- Allows for potential future expansion of areas further west toward US1

Disadvantages

- Does not maximize SOIRL funding – significant funding shortfalls as homeowner participation decreases
- May not qualify for other grants without mandatory connection policy and enforcement
- Council must decide who is paying for cost overruns if they occur

Indian River Drive

Option 4 – Delay Septic to Sewer

Advantages

- No impacts to customers or city in short term during uncertain economic times

Disadvantages

- Must come back to Council for decisions on funding responsibilities and connection policy
- Costs may be lower or higher in the future, no guarantee
- Grants and other funding may or may not be available in the future
- Delays improvements to the river WQ

Project Costs

Areas J and K - Estimated Costs

5/24/2022

Septic to Sewer Project

Current SOIRL Funding - Infrastucture Reimbursement								**Infrastructure Costs net Design and Eng**	
# of Connections Served by Project	Assumed Particpation Rate	Actual Connections made	Current Funding SOIRL	Current Estimated Const. Cost Min.	Current Estimated Const. Cost Max.	Design Cost	Estimated EOR cost	**Net Cost Low to be funded**	**Net Cost High to be funded**
92	100%	92	$5,132,404	$6,600,000	$8,200,000	$405,865	$200,000	**$1,673,461**	**$3,273,461**
	90%	83	$4,619,164	$6,600,000	$8,200,000	$405,865	$200,000	**$2,186,701**	**$3,786,701**
	80%	74	$4,105,923	$6,600,000	$8,200,000	$405,865	$200,000	**$2,699,942**	**$4,299,942**
	70%	64	$3,592,683	$6,600,000	$8,200,000	$405,865	$200,000	**$3,213,182**	**$4,813,182**
	60%	55	$3,079,442	$6,600,000	$8,200,000	$405,865	$200,000	**$3,726,423**	**$5,326,423**
	50%	46	$2,566,202	$6,600,000	$8,200,000	$405,865	$200,000	**$4,239,663**	**$5,839,663**
	40%	37	$2,052,962	$6,600,000	$8,200,000	$405,865	$200,000	**$4,752,903**	**$6,352,903**

Note: SOIRL fund based on $56,787 per lot reimbursement
SOIRL allocated 99 lots x $56,787 = $5,622,000
Cost of Construction min and max from EOR

Range of Costs to be paid for by city, homeowners or by grant or in any combination

Project Costs

Septic to Sewer Project

Home Owner Costs (service line, remove septic, repairs, landscaping)					
# of Connections Served by Project	Assumed Particpation Rate	Actual Connections made	Estimated Cost per Lot	Impact Fee	Estimated Total Customer Cost
92	100%	92	$15,000	$1,406	$1,509,352
92	100%	92	$25,000	$1,406	$2,429,352

Range of Costs
to be paid for by homeowners
or by grant or in any combination

Project Grants

Public Infrastucture

FUNDING SJRWMD

SOIRL	%	SJRWMD Cost Share	%	Project Max Funding
$5.1M	75%	$1.7M	25%	$6.8M

* Typically Feb application
* Maximum project allocation $3M or 25%

FUNDING FDEP

SOIRL	%	FDEP 319	%	Project Max Funding
$5.1M	60%	$3.4M	40%	$8.5M

* Rolling application evaluated in Spring and Fall
* Maximum project allocation of 40%

Private Infrastructure

FUNDING FDEP

SOIRL	%	FDEP 319	%	
0.0	n/a	request $2.4M for 92 lots	n/a	

* Rollng application evaluated in Spring and Fall
* No private applicants, County would be required to submit on behalf of the homeowners

Questions



COCOA
FLORIDA

E-Comment submitted by K. Lortie

From:	Kristin Lortie
To:	Carie Shealy; Carie Shealy
Cc:	Directors; Anthony Garganese (OrlandoLaw)
Subject:	Delegations Public ecomment for 5/24 City Council Meeting
Date:	Tuesday, May 24, 2022 3:22:31 PM
Attachments:	Citizen Review of 2021 City of Cocoa Budget Workshop Voting.pdf 2022 City of Cocoa - Citizen Suggestions and Priorities.pdf

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

The following comment with attachment is being submitted as an Ecomment for the 5/24 City of Cocoa Council Meeting and requested to be included in the May 24, 2022 Meeting Minutes:

Mayor Blake, City Council Members and Mr. Whitten,

I am reaching out in advance of the May 26th daytime workshop to request the presentation materials for the workshop, and to forward my review of the April 2021 workshops. The presentation for Thursday's workshop is not currently online as of this writing on May 24th. This does not provide the public with adequate opportunity to prepare for Thursday's workshop occurring less than 48 hours from now.

Because of my concern about final decisions being made at city workshops rather than at council meetings, I have completed a review of the April 2021 meeting minutes, to better understand the amount of city business that was decided during the 2021 workshops that were sparsely attended by members of the public. Attached is my workshop review. My review was made from the recorded motions that occurred at the **April 16th, 19th, and 26th 2021 budget workshops**.

What I found was that of the 21 motions made during the 3 workshops, **20 motions were passed, and just 5 (of the 20 motions that passed) included the votes of all 5 city council members**.

Per Council Policies and Procedures Resolution 2013-99, **"Council workshops are typically scheduled to consider certain items which are not ready for final official action."** The resolution also states that *"Typically workshops provide the council with an opportunity to discuss the topic of the workshop session among themselves and with city staff."* **Last year at the 3rd workshop on April 26th, 12 Actions were passed, and with only 4 council members present for the 9 Actions voted on after Councilwoman Koss departed the workshop at 1:43 p.m.** ***Why did the City of Cocoa take so many actions during the 2021 city workshops, and what can citizens expect for the 3rd 2022 city workshop scheduled on Thursday, May 26th? I hope citizens attend to find out!***

What is the issue with taking final action at Cocoa Council Workshops? The issue is that the workshop voting deprives the public of the right to be heard at a regularly scheduled council meeting, and with adequate background materials to be informed of the decisions that are being made. As many are aware, there were protested actions from the 2021 workshops that may have been reduced by using the standard voting process, where votes are taken at regularly scheduled council meetings.

Mayor offering the public the right to speak prior to final action:
Mayor Blake was surprised during the April 19, 2022 workshop when I requested to be heard prior to the Parks Vote, and he requested a response from Attorney Garganese, who informed the Mayor that the public did indeed have the right to address council prior to the vote. Per the city resolution, when ***"consideration shall constitute final official council action, then the Mayor will offer the public an opportunity to speak to that item before the decision is made."*** I have not heard Mayor Blake offer the public an opportunity to speak prior to final action for non-agenda and workshop items, and am looking forward to hearing his offering at Thursday's workshop, prior to any items being submitted for final action. This includes the Parks Infrastructure Plan, the 2022 Strategic Plan, ARPA spending, Millage, any 2022 budget decisions - **Any Final Council Action that may occur at the workshop requires the Mayor to offer the public an opportunity to speak. It will be a help to members of the public for Mayor Blake to offer this opportunity to all attendees present.**

I am requesting the following actions of the Mayor, Council Members and City staff:

- To correct on any errors on the attached budget workshop handout that would assist me in gaining a more accurate account of 2021 workshops;
- To receive the Workshop Presentation materials for Thursday's Budget & Goal Setting workshop;
- For City **Final Actions to occur at City Council Meetings, not City Workshops**, and as the city did for the recent restroom expenditure;
- For Council Members to review the attachments previously emailed with citizen suggestions (attached again):
- For Mayor Blake to follow council procedure and **to offer public comment prior to any final actions;**
- For Council Members express the power of their vote, and can choose **not to support Final Action being taken at the workshop**, and to advise Mayor Blake and staff to **instead prepare agenda items for City Council Meetings**;
- For the meeting minutes to record all dollar amounts, as some spending votes do not include dollar amounts;
- To fulfill Strategic Planning Objective 2.1 *to* ***"encourage stakeholders to participate in budget workshops and meetings."***
    - *This includes* ***promoting the workshop and encouraging citizen participation at the workshop.***

While the above **actions will not address the substantive citizen engagement concerns brought to council over the past several months, the above actions will assist the city in complying with city resolution 2013-99 and citizen's right to be heard provided by Florida Statute Section 286.0114(2).** Regarding citizen engagement, the city has declined citizen requests to provide opportunities for 2-way communication including; Parks Planning Community Workshop, Strategic Planning Community workshop, District Town Halls, and "Have Coffee with a Council Member" public events. On May 10th, the city refused to even include citizen attachments from our own citizen events and Cocoa advocates, and that were specifically requested to be submitted into the record (by both a citizen and a council member), and as is city standard practice.

Because citizens have been excluded from meaningful engagement during the 2022 budget process, it's unclear what citizens can do at this point to participate in a meaningful way in the current budget discussions, and I request that our prior

submissions be re-visited prior to Thursday's workshop, as our priorities remain including the significant effort we took to compile them. While the current 2022 budget season does not include citizen participation and engagement as noted above, **the city can take the above steps to ensure that the Citizens of Cocoa have an adequate opportunity to be informed and to be heard prior to final city action.**

In closing, I support the City of Cocoa in ensuring that all citizens have a right to be heard prior to final action, Mayor Blake's offering of same for any final actions that are taken during budget workshops, and for City Council Actions to occur at City Meetings (not City Workshops),

Kristin Lortie, Cocoa Resident, Supporter of Cocoa as a city ***"where all residents have the opportunity to participate in community decisions."***

E-Comment submitted by K. Lortie

From: Kristin Lortie
To: Carie Shealy; Carie Shealy
Cc: City Council; John "Jack" Walsh; Bryant Smith
Subject: 22-291 eComment to City of Cocoa ref Septic to Sewer at May 24, 2022 Meeting
Date: Tuesday, May 24, 2022 4:12:16 PM

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

City of Cocoa: I am submitting this ecomment with a request for it to be included in the May 24th meeting minutes under agenda item 22-291:

Mayor Blake, Council Members and City Manager Whitten,

I am writing to express my **support** for the following of the (4) options included on today's city agenda for the septic to sewer conversion:

Support for Option 2: Mandatory Participation. Require all homeowners to connect to the sewer system once completed. Council must determine how cost overruns are funded. If the cost overruns (if they occur) for public infrastructure are greater than SOIRL funding and any applicable grants, the cost above the funding will be paid for by: A) Utilities/Utility Rate Payers or B) Homeowners

Who Pays for Overages - Option A (Utilities) or B (Homeowners)?

Regarding the question of who pays for overages, **I am open to either option A or option B, or a blend of both**. I attended the community meeting on May 17th, and heard from owners, many who were supportive of the project, and some who were concerned about uncertain cost overruns. If there is not adequate public participation tonight, Council could hold a special community meeting to hear additional views from the 92 affected properties and the public at large, to help determine the fairest way to allocate overrun costs.

Due to the cost sensitivity of this project for the homeowners, **if** impact fees are assessed, I believe these fees should be used to reduce overall project costs for this project, and not be relegated to other city projects. It's unfair to impose a mandatory burden onto the 92 homeowners and then leverage the funds to be used elsewhere.

The proposed grant project is currently the Cocoa project that I am aware of that has the greatest possibility of reducing Lagoon contamination. While imposing a mandatory connection may seem unacceptable to some of the impacted homeowners, the project will have an ongoing benefit for each of the affected homeowners, as it will remove the risk of septic collapse or failure that all septic owners are saddled with. This is a significant burden that can be removed from each of the 92 homes, and with a significant cost of the project being covered and paid for with the SOIRL and other grants.

City of Cocoa should do all that it can to maximize the current funding

resources available to get the proposed projects onto city sewerage, and to reduce the environmental impact that Cocoa properties are contributing to the Lagoon health. The speaker on advanced septic at the May 17th meeting was not happy with the only 2 contractors she said that can inspect/service advanced septic, or the ongoing cost. There is no reason to believe that construction costs will go down for constructing the sewer at a later date, and when all or portions of the currently available funding could be removed.

Will postponing the project help anyone? It's hard to see that being likely. Let's support the Lagoon, the community, the homeowners, and the environment by moving the proposed project forward.

Thank you for receiving my comment,

Kristin Lortie, Cocoa Resident that Supports Lagoon Health and Septic System Conversion while Leveraging All Available Grant Funding

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

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Koss Lorraine Loken	Cocoa City Council
MAILING ADDRESS 65 Stone Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
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DATE ON WHICH VOTE OCCURRED 05/24/2022	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

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* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

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APPOINTED OFFICERS (continued)

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IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lorraine Koss, hereby disclose that on May 24, 20 22:

(a) A measure came or will come before my agency which (check one or more)

✓ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am one of the 92 homeowners potentially eligible for hooking up to sewer. The vote is whether to proceed with Project J & K septic to sewer.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

05/24/2022
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.