MINUTES
City of Cocoa
Regular Meeting of The City Council

May 23, 2023

A Regular City Council Meeting was held on Tuesday, May 23, 2023, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Blake called the meeting to order at 6:00 p.m.

A moment of silence was held for CJ Albright, Neecy Johnson, and Robin Pitts Brown.

Pastor Jarvis Wash provided the invocation and Cocoa High School JROTC cadets 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 (via phone)
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Tammy Gemmati, Administrative Services Director; Samantha Senger, Director of Communications & Economic Development; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Rob Beach,

Chief Technology Officer; Bryant Smith, Public Works Director; Tiffany Bonadio, PR Coordinator; Neodasha Harris, Leisure Services Coordinator; Lashedra Turner, Leisure Services; Gail Bantugen, Leisure Services Manager; and Lisa Richardson, Help Desk Support Tech.

Councilmember Koss announced that she was attending via the phone as she tested positive for Covid.

II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of May 23, 2023. (23-306)

2. Minutes: N/A

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the Agenda with the following Amendments for the Regular meeting of May 23, 2023. The amendments are to Remove Item VIII.8, District 2 Recognitions; Remove Consent Item V.6, Stradley Park improvements; and to Table Item VII.1, regarding Septic to Sewer. The motion was opened for discussion.**

Mayor Blake advised that the reasoning for the tabling of this item is that he would like the Councilmember who put this item forward to be in attendance.

Councilmember Goins asked why Item V.6 was being removed and in response, Mr. Smith stated that the youth football team requested that it be delayed so that it does not interrupt their season. He assured Council the funding would be rolled over. The work could begin in October of this year.

Councilmember Koss spoke in regards to Item VII.1 and announced that she could not vote on this item but citizens need closure. She felt that there was no point in delaying the item.

Mayor Blake noted that this will be the fifth time that this item has been brought forth to them and the dates were included in the agenda item. He believes that she should be present for the item.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Goins

NAYES: Hearn, Dyal, Koss

THE MOTION CARRIED (2-3)

* **Item VII.1 will remain on the agenda.**

* **MOTION by Mayor Blake; Seconded by Dyal, to Amend the Agenda for the Regular meeting of May 23, 2023, to Remove Item VIII.8, District 2 Recognitions; and Remove Consent Item V.6, Stradley Park improvements.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Recognition of Chris Webb with the Cocoa Rotary. (23-331). (Mayor Blake)

Mayor Blake presented a Certificate of Recognition to the Cocoa Rotarians. President Chris Webb spoke on behalf of the Rotarians. He explained what the group does and noted they do service projects throughout the community. In 2024 they will be a one hundred year old club. He thanked the Council and City for the recognition.

Mr. Webb presented Mayor Blake with an application for membership that was pre-filled and asked him to become a member. Mayor Blake accepted as a part of the City of Cocoa.

2. Proclamation: Proclaiming the Week of May 14 - 20, 2023 as "National Police Week." (23-128). (Chief of Police)

Chief Collier read the Proclamation into the record.

3. Proclamation: Proclaiming the Week of May 7-13, 2023 as "Drinking Water Week." (23-280). (Utilities Director)

Mr. Walsh read the Proclamation into the record.

4. Recognition of Gregg Stoll. (23-279). (Councilmember Dyal)

Councilmember Dyal presented a Certificate of Recognition to Mr. Gregg Stoll for all of his work and dedication to the City of Cocoa and to the Brevard Museum of History and Natural Science. He is always out and about giving his own time fixing something or putting time in at the Museum.

Mr. Stoll spoke and thanked the City for the recognition. He explained the eagle watch program that he is a part of and about the trains at the Museum. Lastly, he mentioned that volunteers are what the keep the Museum going. He further announced that he is the City's representative on the Space Coast TPO.

5. Recognition of the "People's Choice" for the Tree Photo Contest. (23-291). (Communication & Economic Development Director)

Ms. Senger explained that the City hosted an Arbor Day Celebration in April and also held a Tree Photo Contest. She thanked those who served beside Councilmember Koss for the Tree Photo Contest as well as the planning committee for the Arbor Day Event. Ms. Senger provided information on the benefits of trees.

Ms. Judy Berman was the winner of the "People's Choice" for the Tree Photo Contest. She also did a painting that would be hung by the photo.

6. Keep Brevard Beautiful presentation of Trophy for the Trash Bash. (23-292). (Communication & Economic Development Director)

Keep Brevard Beautiful was in attendance to present the trophy for Trash Bash. Cocoa had 252 volunteers and collected 19,700 pounds of trash. Ms. Harris spoke and noted that Cocoa High School JROTC stepped in to help and she presented them with a check.

The JROTC teacher spoke and thanked Keep Brevard Beautiful, the City of Cocoa, and the school administration.

7. Presentation regarding a Dog Park. (23-308). (Brad Whitmore, HCVMS)

Mr. Whitmore provided a presentation[1] on Dog Friendly Cocoa Village. He provided the goal for being at the meeting tonight as well as the benefits of a dog park and the location that is being proposed.

He mentioned that a benefactor came forward and made a very generous offer. This person also has three other dog parks around Brevard County. He has pledged $50,000 and his only request was to have a sign at the park with his name on it.

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1 EXHIBIT A: Presentation re: Dog Friendly Cocoa Village

Ongoing maintenance costs were discussed in detail and Mr. Whitmore noted the following items that would need to be discussed in furtherance in the future: dog specific infrastructure improvements, legal/liability considerations, rules of use and enforcement, breakdown of maintenance responsibilities and expenses, and fundraising opportunities.

He reiterated today's goal which was to get a consensus from Council to allow Historic Cocoa Village Main Street (HCVMS) to move forward with working with staff on the logistics of an agreement for use of the area in Lee Wenner Park to be used as a dog park.

City Manager Whitten noted they had met with Mr. Whitmore and for the City the issue is always the ongoing maintenance.

Mayor Blake voiced his support of this and asked Attorney Garganese if he had anything to add in regards to this proposal.

In response, Attorney Garganese stated that he did not see specific issues other than crossing the T's and dotting the I's like with any legal agreement. Many cities have dog parks.

Councilmember Dyal felt that a lot of things needed to be considered such as sickness that can be spread among dogs and other issues that have been reported by other dog parks. Mr. Whitmore agreed that things can happen but that is a very small percentage.

Councilmember Goins does not have an issue with this but has an issue with it being at Lee Wenner Park. He is not in favor of using that entire area as he does not want to lose that portion of the park. Additionally, he does not want the pavilion tied into the park either. In response, Mr. Whitmore reiterated the plan in regards to the pavilion.

Deputy Mayor Hearn was in favor and agreed with Councilmember Goins' concerns regarding the fishing pier but he feels the logistics can be worked out.

Councilmember Koss was in favor of the dog park.

* **CONSENSUS OF COUNCIL TO ALLOW HCVMS TO WORK WITH THE CITY IN REGARDS TO A DOG PARK. COUNCILMEMBER DYAL WAS AGAINST THE DOG PARK. (4-1)**

Councilmember Goins asked about the plan to move this forward. It was pointed out that Mr. Smith, Ms. Senger and Ms. Neuterman would be meeting in regards to this and they would come back to Council with the design.

Mr. Whitmore asked in respect to Mr. Pieloch (the benefactor) if it could be a shorter time frame since he made a generous offer. In closing, he wished a Happy Public Works Week to Mr. Smith.

~~8. Recognition of District 2 citizens. (23-333). (Deputy Mayor Hearn)~~

IV. Delegations:

Jarvis Wash, representing My Community Cares, provided a handout in regards to the Summer 2023, S.P.O.T. Program that runs June 2nd to 30th. This program gives the kids in the area something positive to do over the summer months. The cost is $20,000 and he asked Council to use ARPA funding to cover one of the nights.

Councilmember Goins asked if Brevard Parks and Recreation could be reached out to and possibly waive their fees.

City Manager Whitten looked at facility charges and will talk to the Parks Director about those fees. He further mentioned the law enforcement requirement and felt that there was a way to help with that as well.

Councilmember Goins was in support of this and mentioned that the City Manager would have to look at numbers.

Deputy Mayor Hearn thanked Pastor Wash for doing this for the community.

Councilmember Dyal asked about the Council donations and Chief Collier stated that the police foundation is looking to cover one night as well.

Mayor was in support as well.

Councilmember Koss was in support as well.

Dr. Lance Armstrong, representing the Rolling Thunder, noted that rolling thunder is a term coined by troops on the ground in Vietnam. He provided a brief history of the organization and presented a posted of an upcoming event that will be

duplicating an event in Washington D.C. The Vietnam Wall will be coming through Cocoa, this Saturday, May 27th at 1 p.m. on SR 520 from I-95 and he asked for law enforcement help with this. He invited everyone to the event as well to support the organization.

Anita Gibson, Cocoa, stated she was very impressed with things happening in the City and very happy there are things for the children to do over the summer. She reiterated the need for more police officers as well as a cold case unit. She further asked about improvements at Provost Park.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the FY23 Budget, BAF# 23-052-A, Reassigning FY21 Fund Balance and Provide the City Manager Authority to Approve the Subsequent Budget Transfers from Contingency to the Appropriate General Ledger Accounts Directly Related to the Projects Specified in Assigned Fund Balance Already Approved by City Council. Also Amending the FY23 Budget, BAF# 23-070-A for Funds to Professional Services. With this Resolution a Third BAF# 23-071-A, Amending the Budget for $1.00, Rounding Issue with the SLFRF Revenue. (23-203). (Finance Director)

2. Approve a Resolution Amending the FY23 Budget, BAF# 23-076-T, for the cost of resurfacing roadways added to the FY 23 Annual Street Paving Program; Approve the use of these funds towards the resurfacing of staff recommended list of roads. (23-259). (Public Works Director)

3. Approve a Resolution Amending the FY23 Budget, BAF# 23-073-T, through the use of General Fund Contingency. Approve an increase to Purchase Order #80046 issued to South Florida Emergency Vehicle (SFEV) for the repair of Fire Rescue Apparatus E31. Approve a Resolution to Waive Competitive Bidding. (23-266). (Public Works Director)

4. Approve an Encroachment Agreement Between the City of Cocoa and Orange County for the Orange County Sunbridge Parkway Roadway Extension and to Approve Additional Access Easements Between Central Florida Property Holdings 200, LLC and the City of Cocoa Necessary as a Result of the Roadway Improvements. (23-267). (Utilities Director)

5. Approve the demolition removal and scrapping of the old, damaged and dilapidated playground equipment at the Harry T. Moore Center. (23-283). (Public Works Director)

6. ~~Request Council to award the Football Field Improvements at Don "Mo" Stradley Memorial Park to W&J Construction in the amount of $497,485, and execute the agreement. Approve a Resolution to Waive Competitive Bidding, Approve a Project Contingency Resolution for approval of any Change Orders not to exceed $50,000. Authorize the City Manager and City Attorney to negotiate construction contract and to execute amendments and extensions to the agreement within the approved contingency. (23-285). (Public Works Director)~~

- **This item was removed from the agenda.**

7. Approve the Police Department to Apply for the FY2023 Bulletproof Vest Partnership Program. (23-287). (Chief of Police)

8. Approve a Resolution Waiving the Competitive Bidding Process to Make a Sole Source Purchase of Five (5) Variable Frequency Drives (VFD's) Manufactured by ABB, Inc. from Barney's Pumps, Inc. of Lakeland, FL; To Approve a Resolution Amending the FY2023 Budget, BAF# 23-074-T to Reallocate Funds to Purchase Five (5) ABB® VFD Units from Barney's Pumps of Lakeland, FL in the Amount of $97,400.00. (23-290). (Utilities Director)

9. Approve a Resolution Waiving the Competitive Bidding Process to Make a Sole Source Purchase of REXA® Electro-Hydraulic Valve Actuators from PRO-CO, Inc. of Winter Springs, Florida. (23-295). (Utilities Director)

10. Approve a Budget Resolution, Amending the FY2023 Budget, BAF# 23-075-IFT in the amount of $535,320; Approve Change Order #5 for E&D Contracting/PO 79480 in the amount of $478,886; Approve Project Resolution Authorizing the City Manager to Issue Change Orders with a Total Project Contingency not to exceed $989,934 for the Sellers BNR Project (WS1222). (23-296). (Utilities Director)

11. Approval of Amendment #1 of the HOME Disbursement Agreement between Brevard County and the City of Cocoa. Authorize the Mayor to sign the amended agreement. (23-312). (Community Services Director)

12. Approve a Resolution to Waive Competitive Bidding, and to approve the Service Agreement with Pride Enterprises for various repairs to the Fire Blast Training Trailer. (23-313). (Public Works Director)

13. Approve an increase to the headcount for two Firefighter Trainee positions and fund the training costs for Law Enforcement, Fire, and Emergency Medical Technician (EMT) Academies for four Cocoa High students. The funding source was approved via Resolution #2023-019 and BAF#23-051-A. Approval to modify the FY2023 pay plan. (23-315). (Administrative Services Director)

14. Accept the Award of the Florida Local Government Cybersecurity Grant, a State of Florida funded grant, for cybersecurity services and platforms and authorize the City Manager to execute the grant agreement between the City of Cocoa and the State of Florida Department of Management Services and approve Budget Amendment # 23-079-A-IT. The contents of this grant award are confidential and not for public release per F.S. 119.0725. (23-328). (Chief Technology Officer)

(B) Multi-Year Contracts:

15. Approve the Final Ranking of the Short-Listed Firms for RFQ Q-23-13-COC, Engineering Services for Wastewater Collection, Treatment, and Disposal Systems; To Authorize the City Manager and City Attorney to Negotiate and Execute a Multi-Year Contract with the Top-Ranked Firm. (23-286). (Utilities Director)

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Second Reading Ordinance No. 03-2023: Consideration of a Zoning Map Amendment for 77 parcels totaling ±11.59 acres from Commercial Neighborhood (C-N) to Multi-Family District (RU-2-15). (23-323). (Public Works Director)

Attorney Garganese read Ordinance No. 03-2023 into the record, by title only as follows. He advised that this was the second and final reading.

ORDINANCE NO. 03-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP

DESIGNATION OF SEVENTY-SEVEN (77) PARCELS OF REAL PROPERTY, TOTALING 11.59 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF QUAIL RIDGE COURT AND OTTERBEIN AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM C-N (NEIGHBORHOOD COMMERCIAL DISTRICT) TO RU-2-15 (MULTIPLE-FAMILY DWELLING DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Smith stated there were no changes since first reading and staff recommends approval.

Mayor Blake opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn, to approve Ordinance No. 03-2023 on Second and Final Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Second Reading Ordinance No. 02-2023: Consider a Zoning Text Amendment Regarding Gym and Fitness Facilities. (23-324). (Public Works Director)

Attorney Garganese read Ordinance No. 02-2023 into the record, by title only as follows. He advised that this was the second and final reading.

ORDINANCE NO. 02-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE LISTS OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI OF THE ZONING ORDINANCE OF THE CITY OF COCOA RELATED TO GYM AND FITNESS FACILITIES IN THE RESTRICTED COMMERCIAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, CENTRAL BUSINESS DISTRICT, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, PLANNED UNIT DEVELOPMENT, AND COCOA WATERFRONT OVERLAY DISTRICTS; ADOPTING A DEFINITION OF "GYM AND FITNESS FACILITIES"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND

RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Smith stated there have been no changes since first reading and staff recommends approval.

Mayor Blake opened the hearing to the public. There being no response, the public portion of the hearing was closed.

MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve Ordinance No. 02-2023 on Second and Final Reading.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Second Reading Ordinance No. 04-2023: Consideration of a citizen-initiated Zoning Map amendment regarding a parcel of real property totaling ±0.27 acres, from City of Cocoa Core Commercial (C-C) to City of Cocoa "Multiple-Family Dwelling District" (RU-2-25). (23-325). (Public Works Director)

Attorney Garganese read Ordinance No. 04-2023 into the record, by title only as follows. He advised that this was the second and final reading.

ORDINANCE NO. 04-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.27 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY STREET, APPROXIMATELY SIXTY TO SEVENTY-FIVE FEET EAST OF THE INTERSECTION WITH FORREST AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM CORE COMMERCIAL DISTRICT (C-C) TO MULTIPLE FAMILY DWELLING DISTRICT (RU-2-25); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Blake opened the hearing to the public.

Aleck Greenwood, Cocoa resident, hoped that this item was not a repeat of what happened at the first reading. He hoped this vote was unanimous and believes that projects are good for the City.

There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve Ordinance No. 04-2023 on Second and Final Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Consider the proposed amendments to the previously approved 3-D Homes Development Agreement primarily related to the percentage of detached and attached single-family dwellings and minimum unit living area. (23-330). (Public Works Director)

Mr. Smith noted that in 2005 a development agreement was approved for 3-D Homes. He explained requirements stated in the Development Agreement but noted that a new development team has come forward and requested some changes. He reviewed the changes in detail and advised that staff was looking for direction from Council on how to proceed.

Councilmember Goins asked if the images they received were already approved or conceptual. In response, Mr. Smith stated they were conceptual.

Mayor Blake asked if this would come back to Council again. In response, Mr. Smith mentioned that if the agreement was approved then the developers would work with staff.

Mayor Blake opened the hearing to the public. There being no response, the public portion of the hearing was closed.

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Provide Direction to Staff for Funding and New Policies, if Necessary, for the Indian River Drive Septic to Sewer Conversion. (22-709). (City Manager)

Mayor Blake advised that this is the fifth time this item has been brought forward. They have also all received emails in regards to this. This has always been a two/two tie and other items were voted down.

Mr. Walsh provided a brief history and stated that in November, this item was tabled. Staff was asked to go back to the Indian River Lagoon group for more funding and that number has been updated and reflected in the agenda item as well as the two attachments.

Councilmember Koss recused herself as she has a conflict of interest and cannot vote on the item[2].

Councilmember Dyal mentioned that he has spent a lot of time researching this and if the eighty-eight homes sold right now it would be $123 million. If Option #2 is picked then citizens on the west side of US 1 will be paying for it.

* **MOTION by Councilmember Dyal for the eighty-eight homeowners to be responsible for 100% of the funding shortfalls that may be seen for the septic to sewer project.**

Mayor Blake confirmed that for them to get the 100% funding from the IRL they need 100% participation. Mr. Walsh added that they need an ordinance and then if there is a shortfall, they need to decide how that would be handled.

THE MOTION DIED FOR A LACK OF A SECOND.

Councilmember Koss showed four slides from the City's Comprehensive Plan. She stressed the importance of the following:

- Objective 4.1.1;
- Objective 4.1.4;
- Objective 4.1.4.1;
- Objective 4.1.4.4.

Councilmember Koss announced that she was leaving the meeting at this time[3].

Discussion was held in detail about a mandate and Attorney Garganese explained what Florida law allows municipalities to do as well as public health considerations around the J & K area.

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2 EXHIBIT B: Form 8B submitted by Councilmember Koss

3 Councilmember Koss left the meeting at 7:57 p.m.

Mayor Blake felt that some things would not be known until excavation begins. There could be something they were not aware of and the environmental impact happens. Others will then have to absorb the costs and this will end up in a lawsuit.

Further discussion was held on the recoupment of overages and the bidding process.

Aleck Greenwood, Cocoa resident, stated that there is not an ordinance for maintaining septic tanks. The people on the water could be singled out and Councilmember Dyal was right about the coquina and the trees. This will ruin the looks of Indian River Drive. All of the issues in that area where there is a high water table cannot all be blamed on River Road.

Frank Sullivan, Cocoa resident, requested that Council support the septic to sewer project. He hoped that Mayor Blake and Councilmember Dyal could see what they were trying to prove about saving the Indian River Lagoon. He stated that in on Sunday in the Florida Today Newspaper there was an article about the Indian River Lagoon Protective Program. He explained the program in furtherance as well as House Bill 1379. He added that this is not just being talked about in Brevard County but everywhere else as well. There is money out there.

Representative Thad Altman offered his support and explained the committee that he chairs. They fund most of the water projects that come through and offered help. He felt strongly that they could help the City and asked that the City use him as a resource.

Mayor Blake asked what kind of assurance they have from Representative Altman such as something in writing, as his greatest concern is that others have spoken with him as well.

Representative Altman assured him he would personally meet with DEP, starting tomorrow, because this was a valuable thing.

Mayor Blake advised that he would eagerly wait for his results and believes in him.

Councilmember Dyal asked if this could be tabled as they do not know enough information at this point.

Linda Dolphin, Cocoa resident, requested they consider going forward with the recommendation for a bid and if it comes back too high then cancel it. She also suggested for them to vote that if the project comes in over bid then use loan funds, make the public infrastructure available and make the homeowners responsible. If sewer lines come in high have rate payers pay.

Tammy Carter, Cocoa resident, pointed out that there are about sixty drainage areas to the Indian River Lagoon. Even if all of this is fixed there would be sixty

plus drains still draining into the river. She believes it all needs to be figured out at one time or they should not do it. All homes will have different issues and problems and she does not feel there is enough background to go on with this, plus she does not want to pay. She feels it is too much and other issues need to be addressed as well.

James Smith, Cocoa resident, noted that the area is adjacent to Carlton Terrace and contains about two hundred properties. The City of Cocoa has access to reuse water and they wanted that area to hook up. There was a huge bill attached and no one wanted to do it, so the City prorated the costs over twenty years. He did not see why the same thing could not be done with this project.

George Brown, Cocoa resident, rides his bicycle in that area and agreed with Mr. Greenwood. His problem was what the area would look like and agreed with Councilmember Dyal.

Wesley Park, Cocoa resident, advised that everyone has hard choices and that is why they are up on the dias making decisions. He has to replace his septic tank and it will cost him $23,000. Two trees have had to be removed as well. He reiterated that choices have to be made.

Councilmember Goins confirmed that he stated that this septic was $23,000. Mr. Park responded in the affirmative and noted it was for a non-advanced system.

Councilmember Goins spoke about the time that there was a millage increase and Council received flack for that but a lot of positive things have come from that millage rate increase.

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn, to table this item until a later date to acquire more information from proper authorities for discussion.**

Deputy Mayor Hearn was in favor of this project and will not change his mind but he is concerned. He wants to be cautious and ensure that it is done right. He asked that in the meantime a community meeting be held so that they can communicate what is being done so that the correct facts are out there.

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

City Manager Whitten confirmed that in terms of tabling this item, Representative Altman would be going and looking for funding and if there was a way to do this outside of the legislative session. In response, Representative Altman advised that he wanted to reach out to DEP and City staff first to eliminate any concerns.

City Manager Whitten advised that staff would work with Representative Altman and this could possibly be presented as a legislative priority this year as the legislative session will be happening earlier. They would also submit a request for the SR 524 project. The County's deadline for DEP is October 2023 but Mr. Walsh felt that they could request an extension as long as a good faith effort was being made.

2. Consider the reappointment of George Brown as a Regular member on the Code Enforcement Board through June 30, 2026. (23-282). (Administrative Services Director)

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the Reappointment of George Brown, Jr., as a Regular member on the Code Enforcement Board through June 30, 2026.**

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

3. Inform Council members of the selected Cocoa UpStart grant awardees. (23-289). (Director Communication & Economic Development)

The two recipients are The Thirsty Cactus and The Toy Box of Cocoa, LLC.

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

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

4. Requesting to change the date and location of a previously approved street closure. (23-298). (Director Communication & Economic Development)

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

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

5. Council approval of a 3% increase in rent for the tenants at the Porcher House. (23-301). (Director of Communication & Economic Development)

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

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

6. Consider the Donation Application for Cocoa Youth Athletics Corporation in the amount of $1,000. (23-310). (Administrative Services Director)

Cocoa Youth Athletics Corporation presented a plaque to thank the City for its support throughout the years.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the donation in the amount of $1,000.**

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

7. Approve Resolution No. 2023-052 adopting a revised fee schedule for planning and zoning applications. (23-326). (Public Works Director)

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

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

VIII. City Business:

1. Approval of Ordinance No. 05-2023 amending City Manager Purchasing Approval Authority and purchasing guidelines. (23-299). (Finance Director)

Attorney Garganese read Ordinance No. 05-2023 into the record by title only, as follows. He advised this was first reading.

ORDINANCE NO. 05-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 2-4 OF THE CITY CODE RELATED TO PURCHASING AND CONTRACT PROCEDURES; AMENDING SECTION 2-78 RELATED TO FINANCIAL POLICIES AND PROCEDURES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Bowman provided a brief explanation of this ordinance and explained why it was being brought forward. The second reading will be done at the first meeting of July.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve Ordinance No. 05-2023 on First Reading.**

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Council request to review the cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2022 to 4/30/2023. (23-294). (Finance Director)

2. FY 2023 April Budget Adjustment Report. (23-318). (Finance Director)

3. 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. (23-319). (Finance Director)

4. Data showing the relation between the estimated and actual income and expenses to date. (23-320). (Finance Director)

5. City Council Monthly Report, May 1-18, 2023. (23-327). (City Manager)

X. Reports:

Gregg Stoll, TAC/CAC representative, provided slides and an overview of upcoming FDOT projects. A slide was also shown in regards to hurricane evacuations on SR 528. In closing, he provided information on the upcoming Annual Open House entitled "Transportation Connections: From Point A to Point B", that will be held Tuesday, June 6, 2023 from 5:30 until 7 p.m.

Ms. Senger reminded all that the Memorial Day event is this Monday, May 29th. The stage event starts at 5 p.m. There will be a tribute to Capt. Ed Lanni.

Juneteenth will be held on Saturday, June 10th from 10 a.m. until 5 p.m. at Riverfront Park.

Lastly, the July 4th celebration will be held on Tuesday, July 4th at Riverfront Park. The concert begins at 8 p.m. and the fireworks begin at 9:15 p.m.

Ms. Neuterman advised that they hosted a Housing Summit on Thursday, May 18th and it went very well. They look forward to hosting again in the future.

Chief Lamm announced that on May 12th Brevard County had their annual awards ceremony. Several of Cocoa's firefighters were acknowledged at that ceremony. Cocoa was one of two municipalities recognized and thanked the Chief for recognizing the work they do.

He further thanked Ms. Gemmati and Ms. Bowman for the work they did in regards to the scholarship program for public safety. There were two for police and two for fire.

Lastly, he thanked Ms. Senger and her staff for the recruitment video that was done and showed the video.

City Manager Whitten believes that this high school program is significant and if they had it when others were growing up kids would have had better lives. He hopes they make it through the program and become first responders in the City.

City Manager Whitten announced awards received by the communications team at a recent conference. It was all through the Florida League of Cities. He mentioned each award and noted that Samantha Senger received a Certificate for Excellence in Government Communications which recognizes exemplary work. He is proud of all of those efforts and of staff members.

Councilmember Dyal stated there was a new donut shop at the corner of SR 520 and Clearlake Road.

Deputy Mayor Hearn showed photos of the shade that was placed at Anderson Park and stated that there have been more kids playing in the park. He further showed photos of the exercise equipment at Bracco Pond as well as photos from the Cocoa High School graduation.

Lastly, he asked about the inmate crews and where that stands. In response, Mr. Smith advised that during Covid they did away with the program.

Councilmember Goins spoke about an email that he received in regards to Airbnb's. He asked the City Clerk to forward it to all councilmembers, as there is a concern about leases. Additionally, he showed photos of the Cocoa High School Graduation, Emma Jewel Charter Academy's 8th Grade Graduation, photos of the Police Departments Inaugural Fundraiser event, and the ring ceremony at Cocoa High School. Lastly, he showed photos of him and Chief Collier who were a part of the latest LEAD Brevard Class. It was a long nine months but they made it and it was a great opportunity.

He pointed out that summer salaries have been raised for lifeguards and you can apply starting at 15 years old. If you choose to be at Joe Lee Smith Park they will keep you at that park. If they cannot get enough lifeguards the pool will only be open on Saturday and Sunday.

Mayor Blake showed photos of his attendance at the Inaugural Event and of Cocoa High School's Graduation. He announced that he was the recipient of the Educator of Excellence Award but was in Portland, Oregon, so former Councilmember Clarence Whipple, Jr. accepted the award in his honor.

He thanked everyone for their dedication and commitment to make their districts a better place to live. Citizens come first through citizen participation and they came to closure tonight. He stated they will stay positive.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to adjourn the Regular meeting of May 23, 2023.**

AYES: Blake, Hearn, Dyal, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

The meeting adjourned at 9:41 p.m.

Michael C. Blake, Mayor

ATTEST:

for

Carie Shealy, MMC, City Clerk

EXHIBIT A: Presentation re: Dog Friendly Cocoa Village



Dog Friendly Cocoa Village

Raising the bar...
a NEW Proposal for an off-leash dog area

Cocoa Village
HISTORIC MAIN STREET

Presentation for the Cocoa City Council
By the Historic Cocoa Village Main Street
May 23, 2023

Today's Goal:

Consensus from Council to allow Historic Cocoa Village Main Street to move forward with working with staff on the logistics of an agreement for use of the area in Lee Wenner Park to be used as a dog park.

Facts:

- **75 businesses** in the Village are listed as dog friendly on the current HCVMS visitors map.
- There are about **340 dog parks** throughout the state of Florida according to BringFido.com.

Closest Dog Parks:

- The closest facility to Cocoa Village is in Rockledge, on Pluckebaum Road (2.4 miles distant)
- Cocoa Beach has Lori Wilson Park

  (8.7 miles distant)







STRATEGIC INPUT + PLANNING PRINCIPLES

The public meetings provided the design team with hundreds of comments and ideas, each of which was documented and reviewed. A set of guiding Planning Principles were developed as a way of organizing the major topics of community input:

1. MAKE LEE WENNER PARK FEEL SAFER

- Homeless at Lee Wenner Park
- Lighting, Cameras and Clear Views
- Activity at Lee Wenner Park
- Utilize "Crime Prevention Through Environmental Design" Principles

2. ENHANCE + PROMOTE THE ENVIRONMENT

- Water quality / River Outfalls
- Clean up the Mangrove Inlet
- Education and New Forms of Access
- Storm Protection / Protected 'Harbor'
- Fishing and Views at Waters' Edge

3. MORE ACCESS: BOATS + DAY / VISITATION

- Day Slips + T-Dock for Smaller Vessels
- Mooring Field + Pump-out & Dinghy Docks
- Kayak / Canoe Opportunities
- Potential future large ICW Dockage
- Cocoa Waterfront as ICW 'Destination'
- Harbor Master + Concession Building

4. EXPAND LANDSIDE ACTIVITIES

- Continue to Support Large Events
- New Gathering / Small Event Spaces
- Walking and Biking Linkages
- Maintain Quiet / Respite Spots
- Find spot for a Dog Park?
- Maintain Amphitheater + Taylor Park

5. ECONOMIC DEVELOPMENT

- Quality waterfront enhances City
- Tourism and 'events' build business
- A new civic Center might support community needs, create new waterfront / water-based activity and new 'address' for downtown development.

***Note that consideration for dogs was included in the 2018 CRA Waterfront Master Plan Update Summary**

Benefits:

- **A fun spot for residents in the neighborhood**
- **Regular visitors that drive in from around our area**
- **Attract tourists**
- **Intra-coastal waterway cruisers and day-dockers**



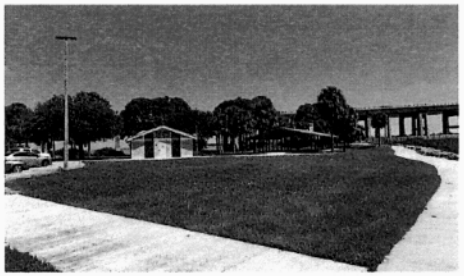
Location:

- Lee Wenner Park would be an ideal location for a Village dog park
- It offers plenty of parking for both vehicles and vessels! And it is at the doorstep of Cocoa Village



Location (cont):

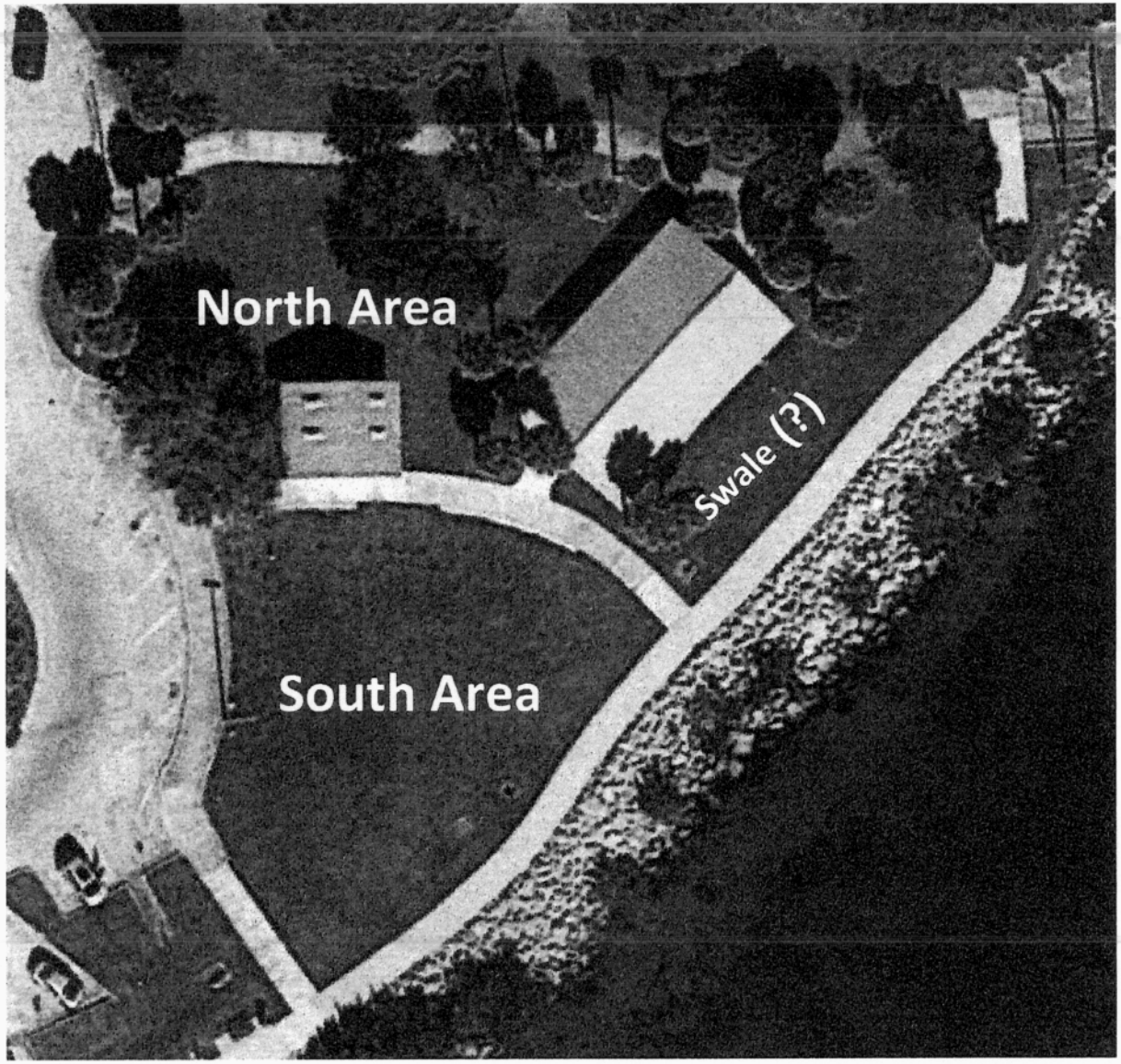
- There are two separate dog areas, one for large dogs and the other for small dogs.
- There would still be access to the restrooms and waterfront from the parking area.
- The pavilion could be included in the project as well.



South Area



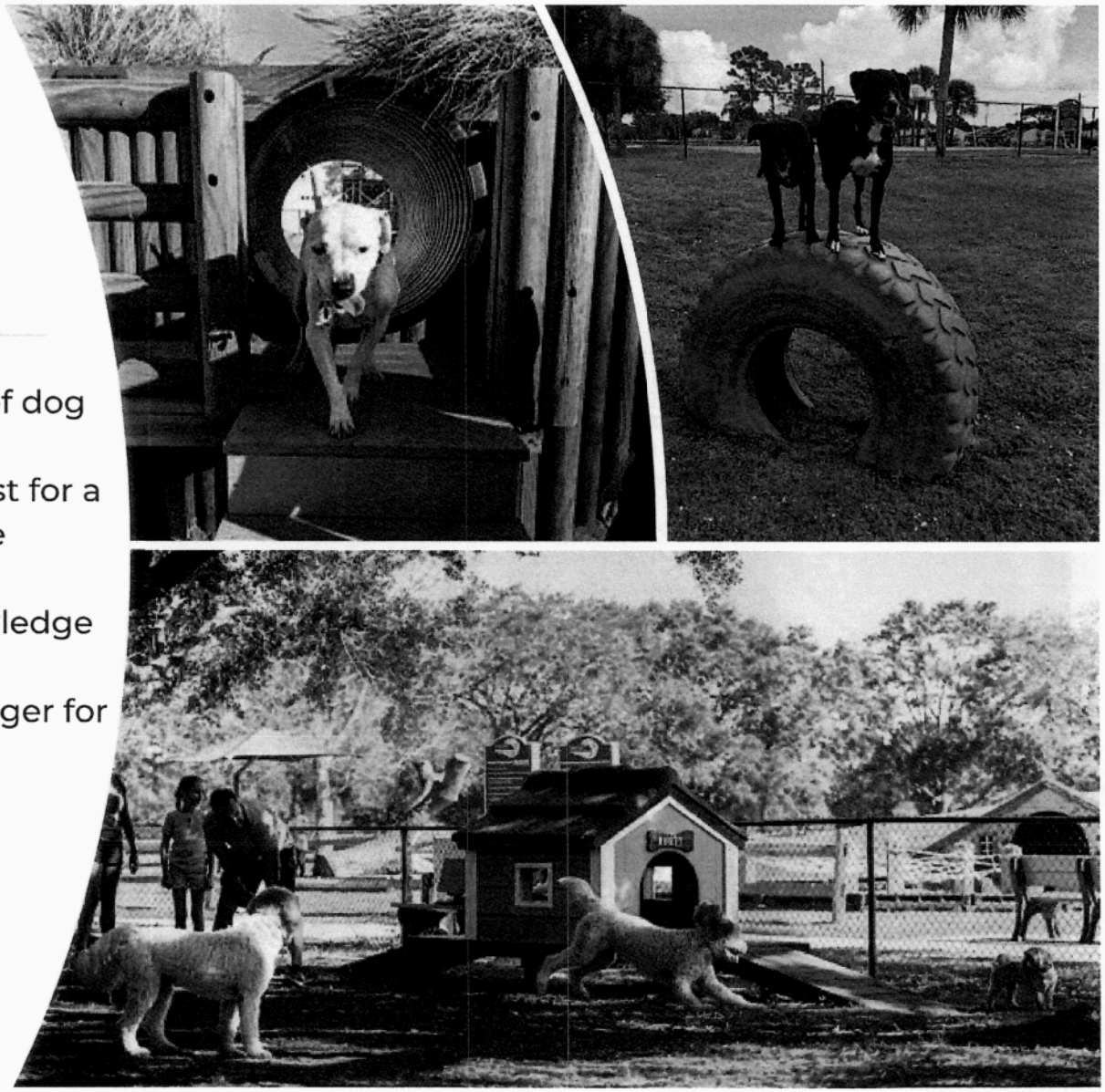
North Area



Initial Funding:

- Mr. Pieloch has funded the construction of dog parks in Brevard County.
- He has agreed to fund the entire build cost for a first-class dog park in Cocoa Village at Lee Wenner Park.
- This organization brings a wealth of knowledge and experience with building dog parks.
- Introducing Mr. John Casey, Project Manager for the Pieloch Dog Park projects.

Park would be named Pieloch Dog Park at Cocoa Village.



Ongoing Costs: (Based on data collected from other local dog parks.)

- Basic Maintenance, which is already being done currently by the City would continue from the City. (Lawn maintenance, irrigation, etc.)

'Dog' Related Expenses	Annual Cost
Fence repair	Miscellaneous Repair $
Irrigation repair (North area)	$175
Hole filling	Miscellaneous Repair $
Sod/mulch replacement	$1,500
'Flea' treatment	$175
Poop removal from grass	$3,000
Poop bag trash removal	$1,250
Poop bags replacement	$500
Miscellaneous Repair $	$1,000
Potable water	$900
Additional liability insurance?	
TOTAL ANNUAL COST	**$7,600**
Add 2x/ week full poop expenses	$4,750
	$12,350

- Historic Cocoa Village Main Street would spearhead fundraising efforts related to the additional annual maintenance expenses associated with the dog park.
- Taking the burden off the City for maintenance that goes above and beyond what they currently do in that area.

Things to be discussed in more detail:

- Dog specific infrastructure improvements
- Legal/liability considerations
- Rules of use and enforcement
- Breakdown of maintenance responsibilities and expenses
- Fundraising opportunities



Today's Goal:

Consensus from Council to allow Historic Cocoa Village Main Street (HCVMS) to move forward with working with staff on the logistics of an agreement for use of the area in Lee Wenner Park to be used as a dog park.

A Community Project:

HCVMS will be actively involved in park management, operations, and fundraising for the ongoing related expenses.

Questions and Comments

Cocoa Village

HISTORIC MAIN STREET

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:
DATE ON WHICH VOTE OCCURRED 5/23/2023	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 23, 20 23:

(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 88 homeowners impacted by the decision to do septic to sewer on the J & K projects.

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.

5/26/2023
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.

CE FORM 8B - EFF. 11/2013
Adopted by reference in Rule 34-7.010(1)(f), F.A.C.