MINUTES
City of Cocoa
Regular Meeting of The City Council

April 23, 2024

A Regular City Council Meeting was held on Tuesday, April 23, 2024, 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.

Councilman Goins provided the invocation and Ms. Childs led the assembly in the Pledge of Allegiance.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Matthew Barringer	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Monica Arsenault	City Clerk

OTHER STAFF MEMBERS PRESENT:

Abby Morgan, Public Works Director; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Charlene Neuterman, Community Services Director; Evander Collier, Police Chief; Katie Ennis, Assistant Utilities Director; Tammy Gemmati, Administrative Services Director; Samantha Senger, Communications & Economic Development Director; Robert Beach, Chief Technology Officer; Abigail Bass, Assistant City Clerk; Tiffany Bonadio, Public Information Coordinator; Augusto Gonzalez, Interim Code Enforcement Manager; and Jason Dowty, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of April 23, 2024. (24-231).

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins to approve the agenda for the Regular meeting of April 23, 2024 with an amendment to move Reports after Delegations and prior to the Consent agenda.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Minutes: (a) Regular Meeting of February 13, 2024. (24-228)

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins to approve the minutes for the Regular meeting of February 13, 2024 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Citizen's Academy Graduation Ceremony. (24-109). (Comm. & Economic Development Director)

Ms. Tiffany Bonadio announced the graduates of the City's 5th Citizen's Academy and presented them with their diplomas.

2. Proclamation Recognizing Professional Municipal Clerk's Week beginning May 5th, 2024 through May 11th, 2024. (24-227). (Administrative Services Director)

IV. Delegations:

Rev. J.B. Dennis, 3710 Catalina Dr., Cocoa, thanked City Manager Whitten for his professionalism in handling a complaint that he had in a reasonable amount of time.

Additionally, he stated that the City of Cocoa should have term limits and should bring fresh ideas to its boards.

Lastly, he talked about the issues of homelessness. He asked what the City is going to do to address these issues and noted that being homeless is not a crime. He talked about services that could be offered to the homeless such as affordable housing and mental health assistance.

Aleck Greenwood, 630 Brevard Ave., Cocoa, talked about ADA compliance for businesses. Several businesses that have been in business for years recently received a notice stating that they are not in ADA compliance and before being given the opportunity to correct the issues, they are being served a lawsuit.

Mr. Greenwood added that he has requested a meeting with Congressman Posey to look into this more seriously. He wished to inform the Council and staff of these issues and wished to have their support.

Council agreed to move Reports after the Consent agenda.

V. Consent Agenda:

(A) General Consent Items:

1. To Approve a Resolution Amending the FY24 Budget, BAF#24-078-T, Transferring Available Chemical Funds for Additional Work Required under Task Order No. 2024-35 Addendum #1 for Jacobs Engineering, Inc. to Provide Additional Task Order Support Services for Computerized Maintenance Management System (CMMS) Support (Task #3) Related to Water Supply and Water Treatment; To Approve Addendum #1 to Jacobs Engineering Task Order No. 2024-35 in the Amount of $73,444. (24-197). (Utilities Director)

2. Approve a resolution amending the current FY 2024 budget, BAF #: 24-063-A&T, for the mid-year budget review and cleanup, through the use of fund balance reserves, contingency and/or transfers between object classifications, within each fund. (24-217). (Finance Director)

3. Authorize the City Manager to execute an agreement between the City of Cocoa and Ovation Construction, Inc. (361 S. Central Avenue, Orlando, FL32765), for the purposes of completing the Harry T. Moore Center Restoration Project (Windows and Doors) in a not to exceed amount of $277,259.63, utilizing the Sourcewell contract FL-R6-GC08-111821-COC. Approve a Resolution Amending the FY24 Budget, BAF#24-081-A for the Grant award and expense. Approve a contingency resolution and authorize the City Manager to execute change orders to Ovation Construction, Inc. or Architects, RZK resulting from use of project contingency the amount of $11,659. (24-218). (Community Services Director)

(B) Multi-Year Contracts:

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Koss to approve the Consent agenda.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Reports:

Mr. Walsh provided Council with an update for an upcoming road closure. He shared that from April 29, 2024 through May 3, 2024 the intersection at James Road and Friday Road will be temporarily closed for construction.

Ms. Senger announced that the results came in from Trash Bash and the City of Cocoa placed first for cleaning up the most trash. She thanked the Leisure Services staff for their hard work.

City Manager Whitten talked about an agreement with Brevard County regarding the District parks and the City has until July to make a decision, which he will be bringing forward to a subsequent Council meeting because as of October 1 they will no longer be maintaining the parks.

He also mentioned that tomorrow at 2pm, he along with the Mayor, members from Brightline and Samantha Senger will be attending a meeting to present to the Tourist Development Council a request for tourist development fund taxing for the Cocoa Brightline Station. The request will be for five million dollars to help aid with the design and construction of the station.

City Attorney Garganese stated that at the last Council meeting, Council voted to approve annexation petition agreements which have been executed and sent to the City of Orlando, however they need more time. He asked Council for their permission to grant an extension.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Koss to grant the Attorney's office an extension for the annexation petition agreements.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Councilmember Goins shared several photos from recent events he attended, including a photo of a track meet that was held between Cocoa and Rockledge high schools. He talked about the amazing athletes that live in Brevard County.

Councilmember Koss provided a District 4 update. She shared photos from a kayaking trip she participated in to Manatee Cove with thirty students. She also shared photos that she took with some of Cocoa's police officers who were in the process of getting one of their certifications.

Additionally, she shared photos from the Brevard Museum of Science and History. She also attended the Breakfast Benefit to support Orchid Lakes.

On Thursday, April 25th at 3:30pm at Brevard Zoo there will be a "Make Brevard County Bicycle Friendly" event. Furthermore, on May 16 at 6pm at the Cocoa Library there will be a free Beetles concert put together by the Indian River Quartet.

Councilmember Barringer shared a photo of a construction site at Adamson Creek and asked about the debris. In response, Chief Lamm pointed out that he talked to the owner of the land clearing business and confirmed that no debris would be burned on site.

Councilmember Barringer shared a photo of some pipework being done on Friday Road and talked about the new infrastructure and the thoughtfulness that was put into planning the project.

Additionally, he thanked the City Manager for reaching out to the Superintendent of Brevard County schools for a status update on what to expect in the future for Cocoa's schools.

City Manager Whitten shared that the Superintendent did respond and offered to options to come and provide an update. He offered to either come after grades are in which will be in July or he can come before grades are in which would need to be in June.

Consensus was given by Council for the Superintendent to come in July after final grades are in.

Councilmember Barringer mentioned that Council recently approved an Ordinance regarding Kava bars and one of the restrictions mentioned in the Ordinance was that they should not be allowed to operate within a close proximity to a church. He pointed out that there is a business on Brevard Ave., near a church, that may be

getting ready to advertise the sale of kava. He shared that he has already spoken to the City Manager about this and he wished to make Council aware.

City Manager Whitten mentioned the recent accreditation given to the Police Department and noted that they are only three vacancies away from having a full staff. The Fire Department also now has a full staff as well and he is very proud of both of these departments.

Deputy Mayor Hearn shared photos from the Fitness Challenge event that took place at Bracco Pond over the weekend.

He also shared a photo from the grand opening event of the Fat Donkey ice cream shop.

Mayor Blake shared that he recently attended the 20th Anniversary of the Harry T. and Harriett Moore Recreational Park and Cultural Center and shared several photos.

He also shared photos from several other events he attended, including the Tour de Force, an 80th birthday party, and a "Women Rock" event at the airport.

VII. Public Hearings:

1. Approve Ordinance on Second Reading updating Chapter 20, Traffic, Article III, Stopping, Standing and Parking, Division 2, Vehicle Impoundment of the City Code. (24-211). (City Attorney)

City Attorney Garganese stated that this is the Second Reading of Ordinance 03-2024 and read the title into the record as follows:

Ordinance No. 03-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 20, ARTICLE III, DIVISION 2, OF THE CITY CODE REGARDING VEHICLE IMPOUNDMENT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

* **MOTION by Mayor Blake; Seconded by Councilmember Koss to approve Ordinance 03-2024 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Request to postpone consideration for approval of a Final Subdivision Plat consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code for the Lakes at Cocoa Grove. (24-233). (City Planner)

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

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins to postpone the item to the Regular City Council Meeting being held on May 14, 2024 at 6pm.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve on Second and Final Reading an Ordinance authorizing the inclusion of the Winward Preserve and Lakes at Cocoa Grove projects located within the City of Cocoa into the Brevard County District 1 Road and Bridge Municipal Service Taxing Unit. (24-237). (City Attorney)

City Attorney Garganese stated that this is the Second Reading of Ordinance 04-2024 and read the title into the record as follows:

Ordinance No. 04-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA; CREATING A NEW ARTICLE IV, DIVISION 1, OF CHAPTER 19, TAXATION, OF THE CITY OF COCOA CODE OF ORDINANCES; AUTHORIZING THE INCLUSION OF CERTAIN PROPERTY LOCATED WITHIN THE CITY IN THE DISTRICT 1 ROAD AND BRIDGE MUNICIPAL SERVICE TAXING UNIT, CREATED AND ESTABLISHED BY BREVARD COUNTY, FLORIDA; PROVIDING IDENTIFICATION OF PROPERTY WITHIN THE CITY OF COCOA AUTHORIZED FOR INCLUSION IN SAID UNIT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn to approve Ordinance No. 04-2024 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. Council Business:

1. Approve the current Code Enforcement Lien for the property located at 215 Riverside Dr, be reduced to $50,000.00 as recommended by the Code Enforcement Board. (24-165). (Police Chief)

Mr. Gonzalez provided the history of the case and reviewed the violations. He shared the findings of the Code Enforcement Board and pointed out the times and addresses the notices of violations had been sent.

Councilmember Barringer asked how many site visits staff had made to the property. In response, Mr. Gonzalez shared that staff had visited the property seventeen times.

Councilmember Barringer asked Mr. Gonzalez to confirm that the property owners had already received a lien reduction in the past. In response, Mr. Gonzalez confirmed that they had in fact already received a lien reduction that was in the amount of over sixty thousand dollars.

Deputy Mayor Hearn asked how long it took for the property to come into compliance. In response, Mr. Gonzalez explained that it took approximately five months.

Jay Thakkar, the attorney representing the property owners, provided a packet[1] of information for Council to review. He shared that he is currently residing in Maine and did not receive any of the notices of violations. He is elderly and was relying on his handyman to pull all the proper building permits.

He further explained the mix-up on why the mailing address is incorrect on Brevard County Property Appraiser's website, and noted that the email where they admitted it was a mistake on their end can be found in the packet he provided.

Furthermore, the property is now in compliance and the work is done. He is asking Council to consider reducing the lien down to administrative cost.

[1] Exhibit A: Packet provided to Council by Jay Thakkar

Councilmember Goins shared that he would like to allow Code Enforcement staff time to reach out to the Brevard County Property Appraiser's office directly and does not feel comfortable making a motion on this case this evening.

Deputy Mayor Hearn stated that he reviewed the email in the packet provided by Mr. Thakkar and has no issue with reducing the lien to administrative cost.

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake to approve the Code Enforcement Board's recommendation, for discussion.**

Councilmember Koss agreed with Councilmember Goins and stated that she does not feel comfortable voting on this item tonight and would like to receive more information first.

Councilmember Barringer shared that he would also like to give staff time to do their due diligence and has further concerns that he would like addressed before he votes on this item.

Mr. Gonzalez noted that he is not opposed to taking a few extra days to review the information Mr. Thakkar provided this evening, however he wished to point out that staff has gone through this with the property owner before and has already provided education on the importance of keeping his contact information current.

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake to table the item to the May 14, 2024 Council meeting.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve the current Code Enforcement Lien for the property located at 1212 Myrtle Ln, for the original amount of $8,410.00 as recommended by the Code Enforcement Board. (24-166). (Police Chief)

Mr. Gonzalez provided the history of the case and reviewed the violations. He shared the findings of the Code Enforcement Board and pointed out the addresses to which the notices of violations had been sent.

Keo Ly, the property owner, shared that she has had a hard time obtaining a contractor which is what delayed compliance. She was finally able to hire someone and the property is now in compliance.

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn to approve staff's recommendation to reduce the lien to $2,778.09.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Goins

NAYES: Barringer, Koss

THE MOTION CARRIED (3-2)

3. Approve the current Code Enforcement Lien for the property located at 1044 Myrtle Ln, be reduced to $500.00 as recommended by the Code Enforcement Board. (24-167). (Police Chief)

Mr. Gonzalez provided the history of the case and reviewed the violations. He shared the findings of the Code Enforcement Board and pointed out the

Scott Leidich, 1044 Myrtle Ln., Cocoa, bought this house after it went into foreclosure and for whatever reason the title company did not find this lien. Once he became aware of it he contacted Code Enforcement immediately to correct the violations.

Additionally, he owns other properties and none of them have violations on them as he takes good care of his properties.

* **MOTION by Councilmember Barringer to reduce the lien to zero dollars.**

MOTION DIED FOR A LACK OF A SECOND.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins to approve the Code Enforcement Board's recommendation to reduce the lien to $2,202.21.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. City Business:

X. Informational Agenda:

1. Bi-weekly Report from April 5 - April 18, 2024. (24-229). (City Manager)

~~**X. Reports:**~~

XI. Adjournment:

* **MOTION by Councilmember Goins; Seconded by Councilmember Barringer, to adjourn the Regular meeting of April 23, 2024.**

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:12 p.m.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, City Clerk