MINUTES
City of Cocoa
Regular Meeting of The City Council

April 13, 2021

A Regular City Council Meeting was held on Tuesday, April 13, 2021, 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.

Pastor Randy Alonso provided the invocation and Gregg Stoll 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
	James Goins	Deputy Mayor
	Rip Dyal	Councilmember
	Lavander Hearn	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Matthew Fuhrer, Assistant City Manager; Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; John Hankins, Interim Chief of Police; Jonathan Lamm, Fire Chief; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Nancy Bunt, Community Services Director; Trevor Roth, Helpdesk Support Tech; Mitch Lawyer, Technical Services Supervisor; Angela Essing, Economic Development Manager; and Samantha Senger, Assistant to the City Manager/PR Specialist.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of April 13, 2021 (21-245)

2. **Minutes:** (a) Regular Meeting of March 9, 2021 (21-246)

* **MOTION by Mayor Blake; Seconded by Councilmember Hearn, to approve the agenda as amended to remove Consent Item V.7 from the agenda.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Goins, to approve the minutes for the Regular meeting of March 9, 2021 with the following notation for the record: he advised that he made an error in that he referenced that he spoke to City Council daily, but he meant he spoke to City staff daily.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Proclamation: Proclaiming April 2021 as "Water Conservation Month in Florida." (21-248). (Mayor Blake)

   Mayor Blake read the proclamation into the record.

2. Proclamation: Proclaiming the First Thursday of May as the "National Day of Prayer". (21-249). (Mayor Blake)

   Mayor Blake read the proclamation into the record.

IV. Delegations:

Rev. JB Dennis, 3710 Catalina Drive, Cocoa, National Action Network, spoke about police reform. He mentioned Florida Statute 112.553 and what it stated. He asked for investigative powers for the Police Advisory Board and in both Tampa and Orlando they have this power. He spoke about a meeting he had with the City Manager regarding investigative powers.

Ms. Sharon Spikes, on behalf of Dorothy Hall, 1040 Peachtree, voiced concerns with the homeless that have gotten very comfortable in the area of 1043 Peachtree Street. Trash is accumulating and they are staying all night in the area. Additionally, they are using the bathroom and putting clothes on the fence next to

the church. She felt a solution would be to cut some of the tree limbs. She has photos and provided those to Mayor Blake and the Deputy Mayor (District 1). She requested that this be looked into.

Jo Shim, 4010 Dakota Avenue, Cocoa, stated she was honored to be a part of the Mayor's Fitness Challenge Awards Ceremony with Mayor Blake. He was one of three mayor's who attended and she presented him with a certificate. She noted that 279,000 minutes were completed for Team Cocoa and they were commended for having the largest number of participants on the Facebook group. She thanked everyone for getting behind this challenge and the Sustainability Advisory Board for their support and promoting the event.

Mayor Blake thanked her for her leadership and he thanked council and staff for their help and participation as well.

Jennifer Kenny, 1917 Quail Ridge Court #1901, Cocoa, thanked Council for her recent appointment to the Sustainability Advisory Board. She watched the last meeting and was aware that a citizen had a strong opinion of her appointment. She stated she is not afraid to share her opinion and was not afraid to be involved. She chooses her friends wisely and she thanked Council again.

Jennifer Riggs, 1629 Indian River Drive, Cocoa, announced that on April 24th the Brevard Heritage Council will host a walk through Cocoa Village from 10 am until 2 pm. It will start at the Florida Historical Society. This will run every thirty minutes with nine stops along the way. She asked the City for help from Ms. Horst in regards to videoing some of the costumed people on the tour. She was also reaching out to the African American community for volunteers to share stories. She invited all to attend if they were able.

Gregg Stoll, 2203 Salem Drive, Cocoa, shared slides of photos from the Cocoa Conservation Area[1] and he spoke about the dedication of this in January, 2011. He showed where the conservation area was located and spoke about a group hike that he hosted on Saturday as a part of the Space Coast Audubon Society. He further thanked Mr. Smith, Mr. Fuhrer, and Mr. Terrell in Public Works for the removal of some of the pepper trees and Interim Chief Hankins for their help in the apprehension of a suspect in the area. Mayor Blake mentioned the correct name of the lake in the area was Lake Diane.

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[1] EXHIBIT A: Photos presented by G. Stoll

Sara Conkling, 1305 S. Lakemont Drive, Cocoa, spoke in regards to the two grocery stores, Harvey's and Save-A-Lot, and provided a few positive ideas for Council to consider. First was to subsidize bus fare on Route 6 and the second was to have a Farmers Market in the area from Feeding Florida. They double food stamps at these markets. It is a fantastic program and could be done at one of the grocery store sites. Lastly, she thanked the Fire Department for responding to her area lately in regards to calls.

Cynthia Green, 1925 Exeter Drive, Cocoa, was addressing the shooting on November 13, 2020 on Ivy Lane and Stetson. She was related to one of the boys killed in the car. She asked why they have not heard anything from the Sheriff's office of Cocoa Police Department and why no one is helping them. They have not been offered counseling or anything. The boys did not steal the car and she wants justice and help. She further asked why the officer was still on administrative leave. She reiterated that no one is trying to help and has lived here all of her life.

Mayor Blake pointed out that Ben Crump was at Provost Park and recommended she contact the State Attorney, Phil Archer. He also recommended for them to reach out to the Chief of Police, the City Manager and her Councilmember. Lastly, he recommended Florida Today as Mr. Gallup has been productive in multiple media areas as well.

City Manager Whitten agreed that the City could reach out for some counseling services for the family.

Deputy Mayor Goins stated he was born and raised here and the notion that the City does not care is not true. There have been many dealings with this case but it is out of their hands. He noted everyone is hurting and we have all worked as hard as they can for the case but there are parts of it that they cannot help with.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to extend Delegations for ten minutes.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Ella Adams, 1101 Mitchell St., Cocoa, spoke in regards to her cousin, former Mayor Jake Williams, Jr. who recently passed. She cannot understand how Larry Sinclair could get the autopsy reports from the medical examiners' office and how

he could post them on Facebook. He also spoke about Mr. William's married life on Facebook. She felt it is sad that he got the information and it was put out there.

Terrence Thomas, 704 Rosa L. Jones Drive, Cocoa, was also concerned about the information posted about Mr. Williams and about what should be read in front of City meetings. He also spoke about his cousin who was shot by BCSO. He knows it is not the City but it happened in the City limits. They have to stop people from coming in from out of town and doing things. There should be a limit and he wanted to know what the City was planning on doing about all of this stuff.

Councilmember Koss spoke in regards to Cynthia Green and the incident and asked if Council could write a letter to the State Attorney asking for a timely response. At least they could make it known respect was wanted for Cocoa's citizens.

Mayor Blake asked the City Attorney if it was proper to do that and in response, City Attorney Garganese advised that if Council wanted to craft a short letter expressing sentiments of what they heard they could do that.

* **MOTION by Councilmember Koss; Seconded by Councilmember Hearn, to craft a letter expressing Council's sentiments about the situation to Phil Archer.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Mayor Blake asked the City Attorney and City Manager to write a letter based on what was heard here tonight.

Larry Brown, 1720 Cogswell Street, Rockledge, spoke in regards to the City's mission and the Harry T. Moore Center. He mentioned he has written four letters in the last four months to Public Works and always get excuses. Additionally, he sent a letter to the Public Works Director last week and he did not respond. He then sent a letter to the Mayor, Assistant City Manager, and City Manager and got a respond in ten minutes. He asked why a request was needed to manicure a lawn. He was at the Civic Center yesterday and there were four people trimming hedges. He was tired of being neglected.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution to Commit Funds in the General Fund Balance to Decrease the Stabilization Reserve for Fiscal Year 2021. (21-251). (Finance Director)

2. Accept proposed Joint Stormwater and Potable Water Main Improvements Project Between the City of Cocoa and the City Cocoa Beach along McNabb Parkway (McNabb Parkway Water Main Replacement), Project No. WS21MR, to Gregori Construction Inc., Titusville, Florida; To Approve a Resolution Amending the FY2021 Budget, BAF# 21-063-T in order for the City of Cocoa to proceed with the Joint Project. (21-258). (Utilities Director)

3. Approve a Resolution Amending the FY 2021 Budget to Reallocate Funds Due to Increased/Unexpected Expenditures at the Dyal WTP; BAF #21-065-T. (21-262). (Utilities Director)

4. Approve the FY 2020-2021 HOME Disbursement Agreement between the City of Cocoa and Brevard County in the amount of $551,358.03 and Approve a Resolution Amending the FY2021 Budget, BAF#21-067-A. (21-265). (Community Services Director)

5. Approve the Third Addendum to the Binding Development Agreement between the City of Cocoa, Florida and The Cocoa Grand, LLC. (21-268). (Community Services Director)

6. Approval of Resolution 2021-24, Adopting "Cirrus Drive" as a Street Name for the Cirrus Apartment project. (21-271). (Community Services Director)

7. Approval of Resolution 2021-25, Adopting "Starship Drive, Calypso Way, Hyperion Way, Gemini Place, Cressida Lane, Cocoa Landing Way and Proteus Lane" as Street Names for the Arbors at Cocoa Landing Apartment project. (21-272). (Community Services Director)

8. Approve a Resolution Amending the FY21 Budget (BAF # 21-069-A) for additional project funding in the amount of $85,000 related to Bid 20-06-COC to Parkit Construction, Inc.; Authorize the City Manager, City Attorney and Public Works Director to finalize and execute final settlement documents with Parkit Construction, Inc. and seek reimbursement with FDOT for eligible project expenses. (21-293). (Public Works Director)

(B) Multi-Year Contracts:

9. Approve Bid No. B-21-10-COC, Ammonium Sulfate, to Hawkins, Inc., 2263 Clark Street, Apopka, Florida, for the Purchase of Ammonium Sulfate; To Approve as a Multi-Year Contract from FY2021 through FY2023 with Two (2) Additional One (1) Year Extensions; To Authorize the City Manager to Execute the Contract and future renewals, purchase orders, change orders, and amendments to the contract. Approve a Resolution Amending the FY21 Budget BAF# 21-062-T. (21-188). (Utilities Director)

10. Approve entry into multi-year agreement with Kronos for the Workforce Telestaff application. Request Council grant the City Manager authorization to approve annual renewals and to issue the related purchase orders. (21-275). (Fire Chief)

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Approve on 2nd and Final Reading: Ordinance 02-2021 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date. (21-202). (Community Services Director)

Ms. Bunt provided a brief background of this ordinance and Mayor Blake noted this was approved by the Planning & Zoning Board on March 3, 2021 and Council approved on first reading on March 23, 2021.

Attorney Garganese read Ordinance No. 02-2021 into the record, by title only as follows and advised that this was second and final reading of the ordinance.

ORDINANCE NO. 02-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 4A, 5 AND 6 OF THE ZONING ORDINANCE OF THE CITY OF

COCOA; LIMITING THE FUTURE APPLICATION OF THE RU-2-10 ZONING DISTRICT AND THE REGULATIONS THEREIN PERTAINING TO THE CONSTRUCTION OF SINGLE-FAMILY DWELLINGS; 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 response, the public portion of the hearing was closed.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Dyal, to approve on second reading, Ordinance 02-2021 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve on 2nd and Final Reading: Ordinance 04-2021 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date. (21-206). (Community Services Director)

Ms. Bunt pointed out that this ordinance would allow townhouses and single-family homes in special districts.

Attorney Garganese read Ordinance No. 04-2021 into the record, by title only as follows and advised that this was second and final reading of the ordinance.

ORDINANCE NO. 04-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 18 AND 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; ALLOWING TOWNHOUSES AND SINGLE-FAMILY HOMES AS A

SPECIAL EXCEPTION USE WITHIN THE CORE COMMERCIAL AND CERTAIN SUBDISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT; AMENDING THE WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR HOUSE BUILDING TYPES ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT; 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 response, the public portion of the hearing was closed.

* **MOTION by Councilmember Koss; Seconded by Councilmember Hearn, to approve on Second reading, Ordinance 04-2021 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve on 2nd and Final Reading: Ordinance 06-2021, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District). (21-216). (Community Services Director)

Ms. Bunt mentioned this was another clean up, because when it was rezoned prior it was one parcel and now is three parcels, making it consistent.

Attorney Garganese read Ordinance No. 06-2021 into the record, by title only as follows and advised that this was second and final reading of the ordinance.

ORDINANCE NO. 06-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF A 9.33 ACRE PORTION, MORE OR LESS, OF THREE (3)

PARCELS OF REAL PROPERTY, LOCATED SOUTH OF THE INTERSECTION OF STATE ROAD 524 AND LONDON BOULEVARD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM RU-2-10 (LOW-DENSITY SINGLE-FAMILY AND MULTIPLE-FAMILY DISTRICT) TO RU-2-15 (MULTIPLE-FAMILY DWELLING DISTRICT); 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 response, the public portion of the hearing was closed.

* **MOTION by Councilmember Hearn; Seconded by Deputy Mayor Goins, to approve on Second reading, Ordinance 06-2021, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District).**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve on 2nd and Final Reading; Ordinance 05-2021, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, for a City initiated request to change the Future Land Use Map designation of a portion of one (1) parcel from City of Cocoa "Low Density Residential" to City of Cocoa "Medium Density Residential". (21-233). (Community Services Director)

Ms. Bunt mentioned this was in regards to one of the three parcels that the council just rezoned.

Attorney Garganese read Ordinance No. 05-2021 into the record, by title only as follows and advised that this was second and final reading of the ordinance.

ORDINANCE NO. 05-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR A 7.61 ACRE PORTION, MORE OR LESS, OF ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA LOCATED SOUTH OF THE INTERSECTION OF STATE ROAD 524 AND LONDON BOULEVARD, BEING LEGALLY

DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE REAL PROPERTY FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

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 Councilmember Hearn, to approve on Second reading, Ordinance 05-2021, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, for a City initiated request to change the Future Land Use Map designation of a portion of one (1) parcel from City of Cocoa "Low Density Residential" to City of Cocoa "Medium Density Residential".**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Approve Ordinance No. 07-2021 on Second and Final Reading: Relating to Term Limits of Board members. (21-283). (City Manager)

City Manager Whitten noted that at March 9, 2021 staff was directed staff to draft an ordinance establishing term limits of 9 years for board members.

Attorney Garganese read Ordinance No. 07-2021 into the record, by title only as follows and advised that this was second and final reading of the ordinance.

ORDINANCE NO. 07-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 2-58(f) OF THE CITY CODE RELATED TO TERMS OF BOARD AND COMMITTEE MEMBERS TO ESTABLISH TERM LIMITS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Attorney Garganese advised that a couple of letters were received in regards to this ordinance and pointed out that it expressly states when provisions of board terms are pre-empted by statutes, those prevail.

Mayor Blake opened the hearing to the public.

Jim Gifford, 2807 Tulane Drive, Cocoa, stated two letters were attached to the agenda, one from the General Employees' Pension Fund and one from the Police Pension Fund. Police is under Florida Statutes and both of those boards are laid out with the same ideas. His interest is the Code Board, of which he has been a long-time member. Since 2017 they have lost four members. He asked that this Board be exempt from this ordinance. If this were to pass, it would result in three members being termed out. He felt it best to have this board exempt from this ruling and the Florida Statute that Code operates under. He reiterated his request for this board to be exempted as well as any others that needed to be.

Aleck Greenwood, 640 Brevard Avenue, Cocoa, and a member of the Planning & Zoning Board felt this should be postponed. Mr. Gifford has a wealth of knowledge as well as others like Capt. Ed Lanni and George Brown, Jr. He was aware that Council can override term limits if needed and he further feels that if a councilmember has a spouse on a board they should be asked to step down immediately, and not be able to finish their term out. Lastly, he felt that the alternate positions should be addressed as well, as they were created to fulfill vacant positions.

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

Deputy Mayor Goins announced that he was against this ordinance when it was introduced. He assured everyone that no one would be forced out of their seats if open seats were available. Council will continue to appoint and reappoint as they do now. They appreciate that people volunteer for the City for so many years and now we have interest coming from those attending the Citizen's Academy.

Mayor Blake further pointed out that some boards require a lot of experience and he did not know why this ordinance was needed when you invite people to volunteer.

Councilmember Koss advised that this provides the opportunity to increase civic engagement and many are wanting to volunteer with this success of the Citizen's Academy. Vacant positions are advertised as well. As a councilmember, she felt that you feel the pressure to reappoint and feels that whatever was done, they needed to increase their appreciation to Board members.

Attorney Garganese stated that the statute does apply in regards to the Code Board but in his opinion the board is not pre-empted from this term limit ordinance. He agreed it is a special board and it is the only board that imposes fines.

Councilmember Koss believed that in terms of the Code Board, Council would have the good sense to keep those members. She was still in support of this ordinance.

Mayor Blake spoke in regards to acknowledging volunteers.

Councilmember Dyal shared his history of serving on boards and felt that this was the wrong thing to do.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve Ordinance No. 07-2021 on Second and Final Reading.**

AYES: Goins, Hearn, Koss

NAYES: Blake, Dyal

THE MOTION CARRIED (3-2)

VII. Council Business:

1. Approve the current Code Enforcement Lien for the property located at 122 Rosa L Jones, be reduced to $1,336.81 as recommended by the Code Enforcement Board. (21-243). (Interim Police Chief)

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consider the Donation Application for Cocoa Youth Athletics, Inc. in the amount of $1,000. (21-264). (Administrative Services Director)

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Accept the Comprehensive Annual Financial Report (CAFR) and the Audit Report for Fiscal Year 2020. (21-267). (Finance Director)

Joel Knopp, with MSL CPA's and Advisor's, provided a presentation[2] regarding the CAFR. He explained the specific elements that go into the audit and the required communications for such.

He spoke in regards to the auditor's report on financial statements and the report on internal control over finance reporting, as well as compliance and other matters.

Mr. Knopp announced that Ms. Bowman was assigned to oversee the process and this report is due to a lot of hard work with City staff.

He stated that a clean opinion was issued and compliance related reports were provided.

Financial highlights of the CAFR were reviewed which included a city-wide analysis, the general fund, and the proprietary fund (water/sewer). All of these were healthy balances.

He thanked Ms. Bowman and her team as well as other staff for helping with this.

Mayor Blake thanked him for the detailed and concise presentation. He commended Ms. Bowman and staff as well as the City Manager and City Attorney.

* **MOTION by Councilmember Dyal; Seconded by Councilmember Koss, to accept the Comprehensive Annual Financial Report (CAFR) and the Audit Report for Fiscal Year 2020.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Consider whether to allow City of Cocoa Emergency Ordinance No. 13-2020 Requiring Face Coverings to remain in effect or terminate the Ordinance. (21-285). (Assistant City Manager)

Mayor Blake asked for this to be extended for 90 days[3].

Attorney Garganese advised that no action was needed and it would automatically extend for 90 days.

5. Consideration of Resolution No. 2021-029, designating a portion of S.R. 520 as the Sgt. George Lee Taylor, Sr. Memorial Highway. (21-288). (City Manager)

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2 EXHIBIT B: CAFR Presentation

3 Councilmember Koss left the meeting at 7:34 p.m.

Mayor Blake voiced his support for this resolution.[4]

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Consider the Reappointment of Marlene Weiss & Jennifer Riggs as members of the Sustainability Advisory Board through February, 2024. (21-289). (Administrative Services Director)

* **MOTION by Mayor Blake; Seconded by Councilmember Koss, to approve the reappointments.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Approve the establishment of the City of Cocoa Roadside Memorial Marker Program Policy. (21-256). (Public Works Director)

Mayor Blake announced that he was in favor of this policy.

Mr. Smith explained the policy and that it would be similar to what the county does. An application would be needed and it would all go through Public Works. They would also install the signs.

Miriam Moore, 1910 Furman Court, Cocoa, was in support of the project, as her mother was killed on Dixon Boulevard and her daughter was killed in a motorcycle accident on S.R. 520. There was nothing done and there has been no closure for the family. She would like something for her grandson to remember his mother (her daughter) by as well.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the item. The motion was opened for discussion.**

Councilmember Hearn was one of the responders at the scene and expressed his sympathies.

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[4] Councilmember Koss returned at 7:36 p.m.

Councilmember Koss requested that staff have a event or press release to inform people about this program.

* **Mayor Blake amended his motion to include the announcement of the Road Marker program.**

City Manager Whitten asked for clarification as to what Council was requesting.

Councilmember Koss clarified that she would like a press release done and to mention the inspiration for the policy which was the passing of Ms. Moore's mother. When the marker was put up the family could have a commemoration of their own.

City Manager Whitten advised that a family submits the application, once approved, Public Works will have the marker created and installed. Then there will be a chance for the families to have a ceremony once installed.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approval of the proposed loan terms and conditions for the "Local Government Area of Opportunity" funding in the amount of $354,000 for the Retreat at Cocoa Commons Senior Affordable Housing Project; and Authorize the City Manager to finalize and execute required legal documents. (21-274). (Community Services Director)

Ms. Bunt noted on October 23, 2019 Council approved this project and it helped them boost their application to the Florida Housing Corporation. She noted this project was located west of Publix. She further outlined the terms being proposed for the loan and advised that the City could not place a lien on the property.

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve the establishment of the City of Cocoa Logo Use Policy. (21-291). (Assistant to the City Manager/Public Information Officer)

Ms. Senger noted this was a policy regarding the use of the City's logo. This would require permission to use our logo.

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Authorize the City Manager to finalize and execute a forgivable loan Agreement with Medearis Foods Inc. dba Cocoa Save A Lot at 1208 Dixon Blvd. utilizing American Rescue Plan Act funding. Approve staff to perform all necessary budget actions related to this agenda item. (21-292). (Community Services Director)

Ms. Bunt advised that Save-A-Lot has been a staple grocery store in Cocoa for many years. Ms. Essing and City Manager Whitten have spent many hours trying to get support for this item.

Mayor Blake voiced his support for the request.

Mark Medearis, 1208 Dixon Blvd., stated that they had to close down the store but would like to stay in the community. There are many in that area without transportation to stores.

Pastor Errol Beckford, Pastor of Celebration Tabernacle Church, 1010 Dixon Blvd., pointed out that Save-A-Lot has been a cornerstone on Dixon Blvd. If you live in Cocoa you know about it and it is important because of the people who live in that area. Many of them use that store. He was excited to see the City's interest in this and the jobs created there will help grow the city.

City Attorney Garganese advised that the agreement was presented in a form that Council can approve this transaction.

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

Councilmember Koss thanked Ms. Essing and the City Manager for moving so quickly on this and would also like staff to look into the change for SCAT's route 6.

Mayor Blake asked the City Manager to come back with a presentation regarding bus service.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

City Manager Whitten advised that this came up quickly and the idea was hatched through the American Rescue Funding. This was one of those businesses affected by COVID-19. Ms. Essing worked directly with the family and deserves a lot of the credit. The City Attorney worked on the legalities and Ms. Bowman worked on a

structure that was something the City could work with. This is what we are in government to do and if you cannot feel good about this then you cannot feel good about anything.

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Fire Incident Summary Report for March 2021. (21-276). (Fire Chief)

X. Reports:

City Manager Whitten advised he has been in the business over 30 years and feels they have made progress over six months. He believes that every operational issue or request in regards to the Joe Lee Smith Center or Moore Center have been responded to in a timely manner. In the defense of Mr. Smith, he has the skill, potential, and empathy and if there are any issues in regards to the city's response, he asked that those come through him. Those are his observations and he is committed to public service.

Mr. Walsh reported that the Dyal Water Treatment Plant has converted its treatment process back to chlorine and that was done this past Saturday. They should be back to normal within the next few days.

He further mentioned that a Notice of Violation was posted for a contaminant which is required to be tested for. They did not violate anything, they just did not do it enough. DEP is strict and as a requirement it must be reported to the public. There are also notices in bills, in the newspaper and on the website. He stressed that the water has always been safe to drink and nothing was found in the water, they just have to do the testing, so he wanted to notify Council.

Interim Chief Hankins advised that recently he announced that the police department was getting prepared to go through the accreditation process. Last week that was completed and there was only one minor correction to a policy. They are recommending that the Police Department be reaccredited for a fifth time.

Lastly, he spoke about the Save-A-Lot item and that there are very few spots in Cocoa that you can drive by and say that is the same as it was when you were a kid. He grew up here and that location has always been a grocery store. He believed it was nice to see the City being committed to keeping it in the city.

Chief Lamm provided an update on COVID-19. There have been 38,547 cases in Brevard County with 831 deaths. In the City of Cocoa there have been 3,520 with 41 active positive cases. He provided the total of vaccines that have been given to date in Brevard County as well as those that have had both vaccines.

Councilmember Koss spoke in regards to the SJRWMD meeting held in Chambers earlier in the day and they could not stop talking about how wonderful the facilities were.

She advised that the Economic Development Commission of the Space Coast announced a program to become a Certified Production Technician. One of the locations that this program is being held at will be the Brevard County Adult Education Center on Clearlake. More information can be found at spacecoastedc.org/CPT.

She further announced that the Space Coast TPO will be embarking on a Resiliency Master Plan. She noted that with this we will see more about resiliency and how it impacts roads. Additionally, they have started a webcast on Thursday, April 15th and this will be about Trailblazing. More information can be found at spacecoasttpo.com.

Councilmember Koss thanked Mayor Blake for the Cocoa Conservation Area Management Plan and feels that this plan encompasses a lot. She knows that there is a lot of wisdom in this plan.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to have staff bring back a review and presentation on the main points of this plan.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Additionally, Councilmember Koss spoke in regards to National Arbor Day which is April 30th and reminded everyone that we are part of Tree City USA. She suggested a beauty contest for trees.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to have staff bring back a campaign with two goals: 1) to promote the fact that**

we have a Tree City USA designation and 2) that we educate citizens on the value of trees.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Lastly, she mentioned that picnic tables at Lee Wenner Park had been removed due to a homeless issue and she hoped it was time to start using that pavilion again.

City Manager Whitten stated he would bring this issue back to the workshop with the other information regarding parks.

Councilmember Hearn announced that this first Town Hall will be on April 20th at 6 p.m. at Endeavor Elementary.

Councilmember Hearn announced that he will be traveling to Tampa for the Florida League of Cities Institute of Elected Officials Conference 2021, May 6-9, 2021, which will take place at: The DoubleTree by Hilton, 3050 North Rocky Point Dr. West, Tampa, FL 33607. He will be leaving on Thursday, May 6th and returning on Saturday, May 9th. The estimated cost of the trip, including registration, hotel reservations, mileage, parking and per diem will be around $1,035.00. This is budgeted under Council's travel and per diem account.

Deputy Mayor Goins saluted Ms. Senger and Chief Lamm in regards to a conversation with a resident. He commended both of them for fighting for the citizens of Cocoa.

He mentioned that last Saturday there was a Wealth Investment Workshop at the Joe Lee Smith Center and it was a nice event.

He requested a night life in Cocoa Village Workshop to be held.

Councilmember Dyal spoke of his and Mayor Blake's attendance at the car show this past weekend. There were over 150 cars.

On Sunday, he attended the Day with Your Dog Event and there were about fifty people in attendance. It was a nice event as well.

Lastly, he mentioned a new restaurant in the Publix shopping center, Tequila 21. The food is great.

He thanked staff for doing a great job.

Mayor Blake voiced his appreciation for Mr. Smith and mentioned the traffic lights on Fiske Blvd.

He spoke of his attendance with Merritt Island Presbyterian Church and Bishop Hatcher, and the great time he had, as well his attendance at the Mayor's Challenge event with Ms. Jo Shim.

It was mentioned that vaccines were given at the Joe Lee Smith Center and the Travis Tritt concert made $42,000 for the Boys and Girls Club.

Mayor Blake further spoke about the rain this past Sunday and that there were homes affected off of Lucas Lane. He asked that we embrace all of this information and keep an eye on things as hurricane season is approaching.

Lastly, he shared his appreciation for staff and that we are all Cocoa strong.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Councilmember Hearn, to adjourn the regular meeting of April 13, 2021.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:27 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, City Clerk

SEAL
FLORIDA

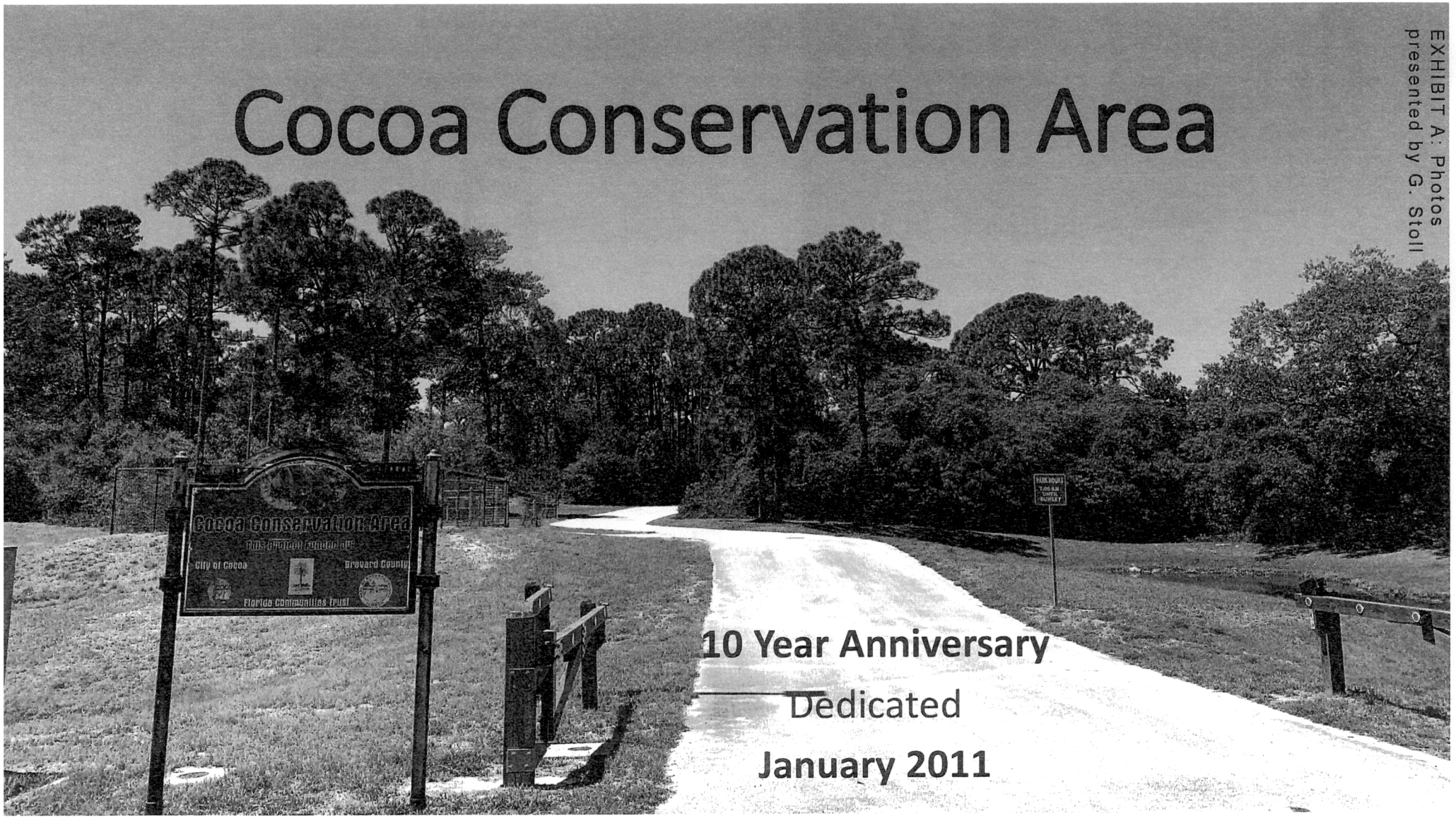
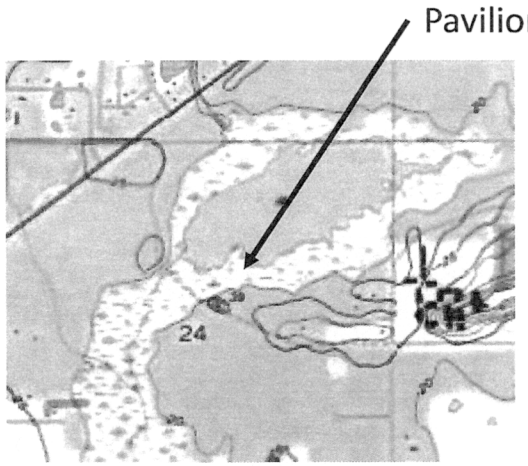
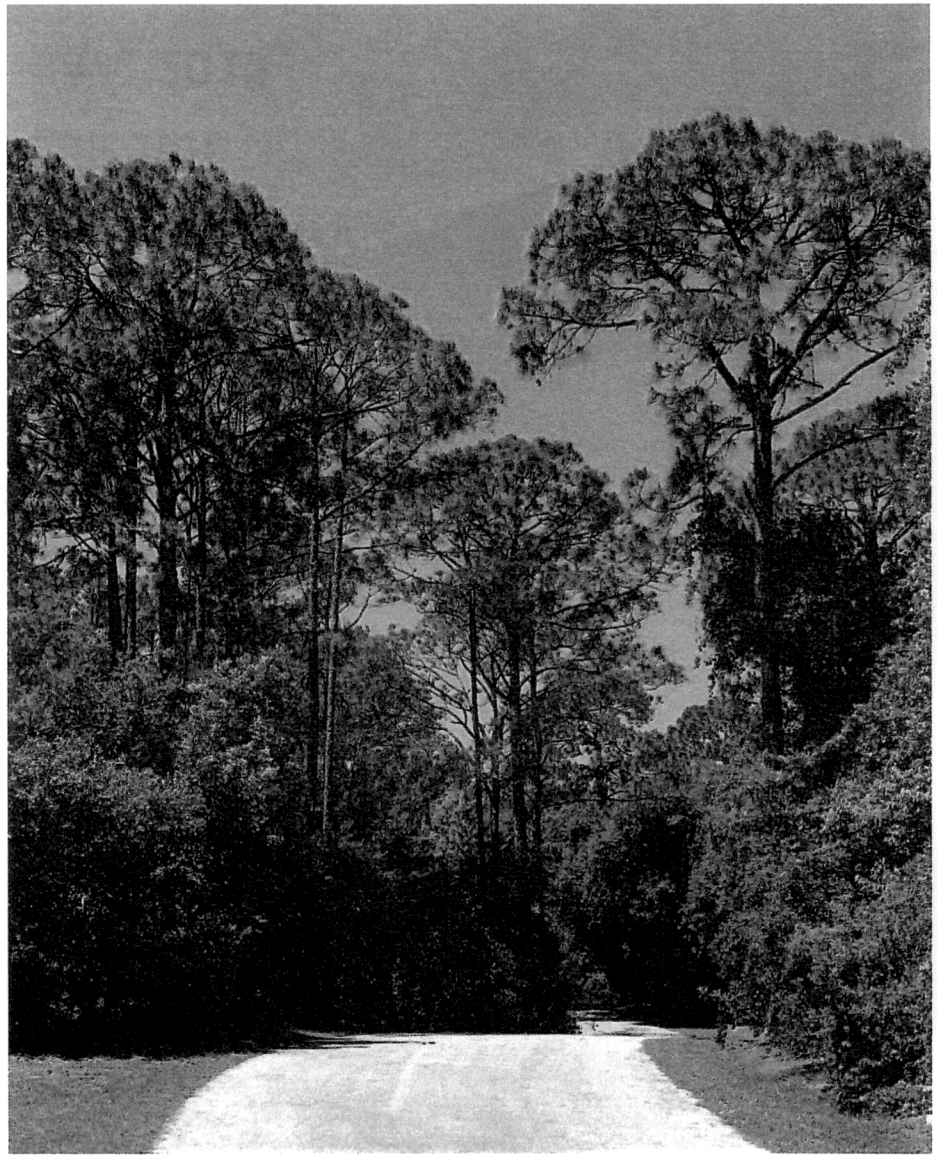


EXHIBIT A: Photos
presented by G. Stoll

Located on a Sand Hill Ridge

From the Sharpes Topographic Map, the Picnic Pavilion is ~ 39' AMSL, and includes a section of Xeric Scrub ecosystem.





Group Hike

On Saturday I had the opportunity to Co-Lead a group of twenty members from the Space Coast Audubon Society on one of their Field Trips.

We had members from all of Brevard County and a new member even came over from Orlando. He is in the process of relocating to Carlton Terrace.

The group left with a great impression of what I call "Cocoa's Hidden Jewel", all were very complimentary and Bert commented on the improvements to the park since out trial hike in December.

A big thank you to Matt F, Bryant S., Kennith T. and all the guys at Public Works!



Gopher Tortoise (Gopherus Polyphemus)



Bert Alm, Field Trip Coordinator, Space Coast Audubon Society, was instrumental in getting this on their schedule.

Pileated Woodpecker

The highlight of the hike for the group was finding a Pileated Woodpecker Nest with both adults and young!

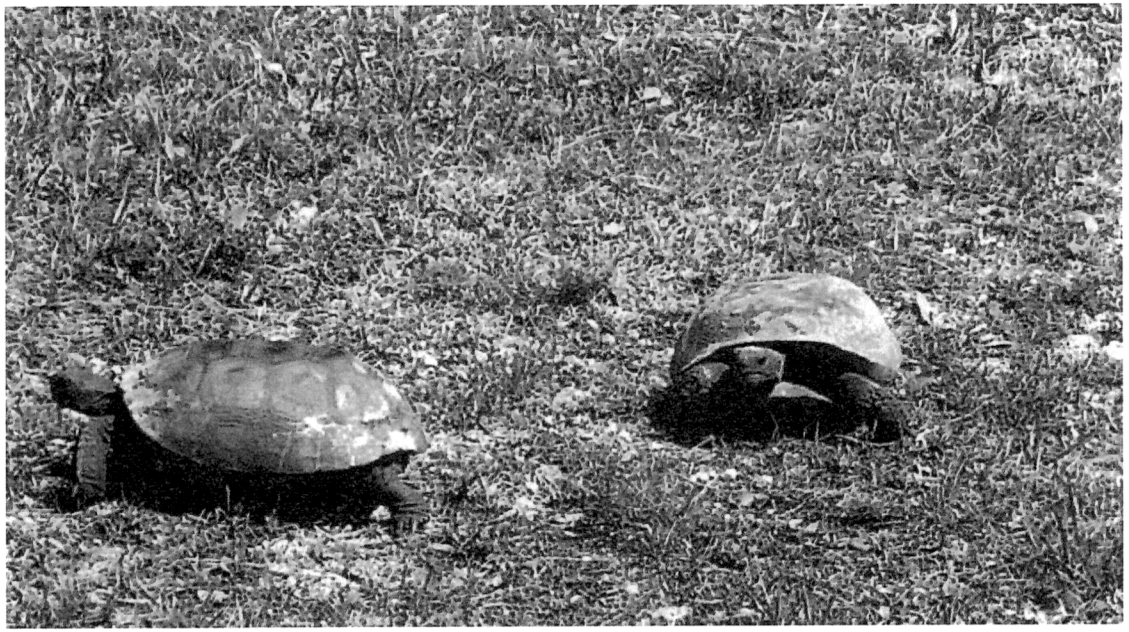




Photos © Wayne Archard

Also;

April 10th has been designated as **"Gopher Tortoise Day"** by the Gopher Tortoise Council



As there are a number of Tortoises living at both the Cocoa Conservation Area and behind the Brevard Museum of History and Natural Science, I would be interested in working with the city to make a special event for next years anniversary?



The Future;

Aside from Audubon wanting to add the CCA into their Field Trip rotation for the fall, but I've been in contact with the Turtle Coast Sierra Club. They are under tighter Covid-19 restrictions from national, but also want to setup a Nature Hike for the fall.

All of this exposure is providing a positive image for our great city and I'm proud to be a participant.

Thank you,,,

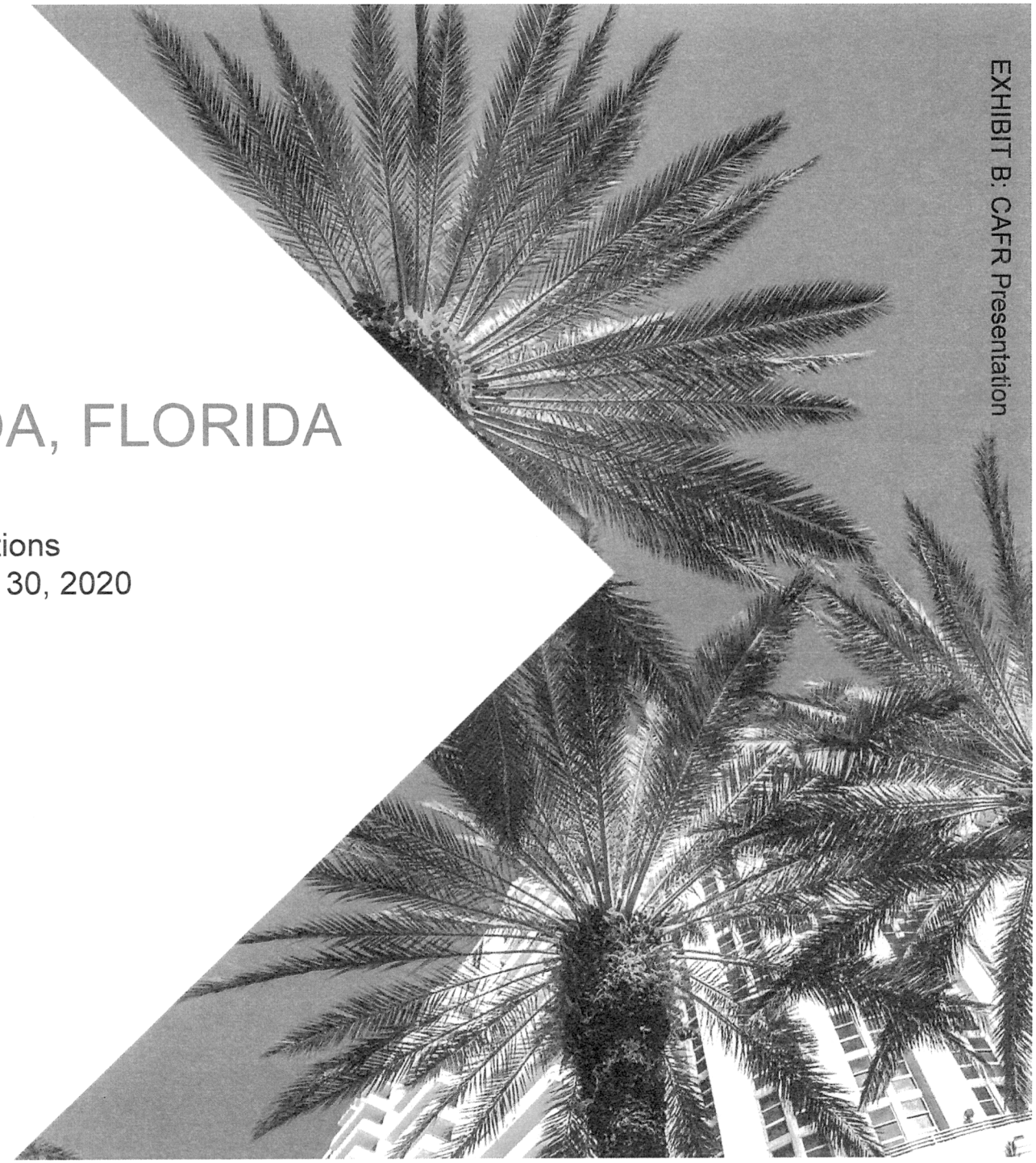


EXHIBIT B: CAFR Presentation

CITY OF COCOA, FLORIDA

Required Auditor Communications
Fiscal Year Ended September 30, 2020

Presented by:
Joel Knopp, CPA
Shareholder

MSL
CPAs & ADVISORS

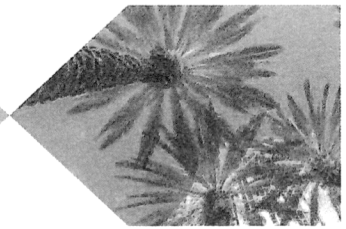


AUDIT OVERVIEW

MSL

FLORIDA ROOTS. GLOBAL REACH.

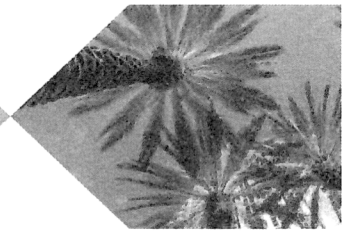
Required Communications



- Auditor Responsibilities
- Management Responsibilities
- Internal Controls and Compliance
- Significant Matters
- Management Representations
- Assigned Individual for Oversight
- Audit Schedule

MSL

Services and Deliverables



Auditor's Report on Financial Statements (Pages 15-16)

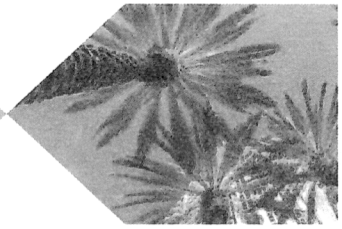
- Unmodified Opinion

Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters (Pages 187-188)

- No current year findings

MSL

Services and Deliverables *(Cont.)*



Auditor's Management Letter (Pages 189-190)

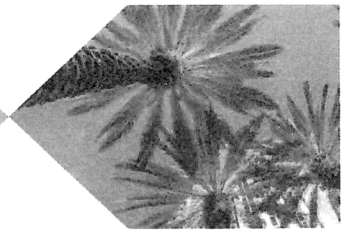
- No management letter comments

Independent Accountant's Report (Page 191)

- No investment compliance findings

MSL

Services and Deliverables *(Cont.)*



Auditor's Report on Compliance with Major Federal Programs and on Internal Control over Compliance and Report on Schedule of Expenditures of Federal Awards (Pages 193-195)

- No compliance findings related to major grants
- No internal control over compliance findings related to major grants

MSL

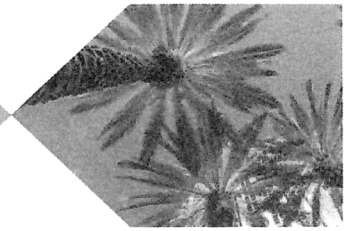


FINANCIAL HIGHLIGHTS

MSL

FLORIDA ROOTS. GLOBAL REACH.

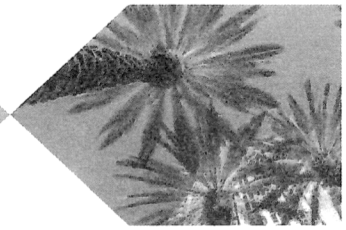
City-Wide Analysis (Pages 30-31)



	Governmental Activities		Business-type Activities	
	2020	2019	2020	2019
Total Assets & Def Outflows	$107.4M	$101.0M	$332.6M	$317.4M
Total Liabilities & Def Inflows	$76.9M	$73.2M	$151.6M	$151.2M
Net Position:				
Net Investment in Capital Assets	$34.9M	$29.5M	$144.8M	$142.4M
Restricted	0.9M	1.0M	27.8M	11.4M
Unrestricted	(5.2M)	(2.7M)	8.3M	12.4M
Total Net Position	$30.6M	$27.8M	$180.9M	$166.2M
Unrestricted NP as a % of Total Expenses	(13.3%)	(6.4%)	15%	23%
Change in Net Position	$2.7M	$(2.0M)	$14.7M	$9.9M

MSL

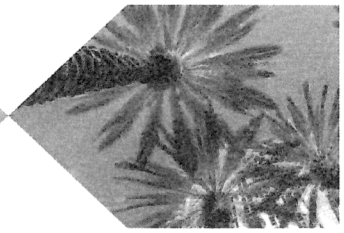
General Fund (Pages 32 and 34)



	2020	2019
Total Assets	$31.5M	$29.0M
Total Liabilities & Def Inflows	$4.0M	$3.4M
Fund Balance:		
Nonspendable	$1.4M	$1.7M
Restricted	0.1M	-
Committed (includes stabilization fund)	12.3M	12.3M
Assigned	8.8M	6.2M
Unassigned	4.9M	5.4M
Total Fund Balance	$27.5M	$25.6M
Unassigned FB as a % of Total Expenditures and Transfers Out	13.7%	12.3%
Net Change in Fund Balance	$1.8M	$(7.2M)

MSL

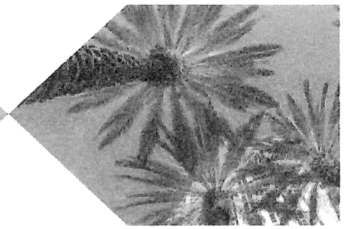
General Fund Budget (Pages 115-117)



	Budget	Actual	Positive (Negative)
Resources:			
Beginning Fund Balance	$25.6M	$25.6M	
Total Revenues & Transfers In	38.5M	39.5M	$1.0M
Total Resources	64.1M	65.1M	
Total Expenditures & Transfers Out	40.8M	37.7M	3.1M
Ending Fund Balance	$23.3M	$27.4M	
Net Change in Fund Balance	$(2.3M)	$1.8M	$4.1M

MSL

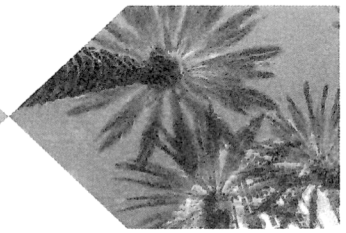
Proprietary Fund – Water and Sewer (Pages 36-39)



	2020	2019
Total Assets & Def Outflows	$326.1M	$311.1M
Total Liabilities & Def Inflows	150.9M	150.4M
Net Position:		
Net Investment in Capital Assets	140.0M	137.6M
Restricted	27.3M	11.4M
Unrestricted	8.0M	11.6M
Total Net Position	$175.3M	$160.6M
Total Operating Revenues	$71.5M	$65.3M
Total Operating Expenses	49.7M	48.1M
Operating Income	$21.8M	$17.2M

MSL

Questions or Comments



MSL

From: noreply@granicusideas.com
To: Carie Shealy
Subject: New eComment for City Council
Date: Tuesday, April 13, 2021 10:42:52 AM

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

SpeakUp

New eComment for City Council

Guest User submitted a new eComment.

Meeting: City Council

Item: VI.5 21-283 Approve Ordinance No. 07-2021 on Second and Final Reading: Relating to Term Limits of Board members. (City Manager)

eComment: Good evening Mayor and Council, Thank you for the opportunity to comment on the agenda item V1.5 21-283. At the April 5th council meeting the council took the action to vote 3-2 in favor of term limits for Board members. At that meeting I shared my concerns with the intent of the ordinance. I felt it discouraged current board members by giving the impression that their service was no longer valued, especially the long term members who have served for many many years. I also shared that I understood the basis of the ordinance by encouraging residents who have never served on a board the opportunity to serve by opening up seats on various boards. After reading the letters from both the Police Pension Board and the General Employees Board I now have additional concerns that I had not thought of. These letters bring to light the complexity of changing an ordinance without considering all of the ramifications. In the best interest of all boards and it's members I ask that the council reconsider it's previous position and deny the approval of this ordinance as written. This would give the City Council opportunity to further discuss the possibility of term limits and how best to implement them in a fair and equitable fashion. Thank you, Jeri Blanco Cocoa, FL 32923

View and Analyze eComments

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