MINUTES
City of Cocoa
Regular Meeting of The City Council

April 11, 2023

A Regular City Council Meeting was held on Tuesday, April 11, 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.

Deputy Mayor Hearn provided the invocation and Paul Kamus led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; 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; Mitch Lawyer, Tech Services Supervisor; Bryant Smith, Public Works Director; and Erik Montgomery, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of April 11, 2023. (23-233)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Agenda as presented for the Regular meeting of April 11, 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. **Minutes:** (a)Regular Meeting of February 28, 2023 (23-207)
(b)Special City Council Meeting of February 23, 2023 (23-220)
(c)Special City Council Meeting of March 6, 2023 (23-221)

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, to approve the Minutes for the Regular meeting of February 28, 2023 as written; the Special City Council meeting of March 6, 2023 as written; and the Special City Council Meeting of February 23, 2023, with the following amendment: on page 2, paragraph 2, where it reads "she read a blurb from the Florida Municipal Officials Manual that says "Workshops are not formal legislative meetings; therefore, no official action can be taken." The next sentence should start with "She asked".**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Proclamation: Proclaiming Saturday, April 22, 2023 as Arbor Day. (23-97). (Public Works Director)

Mayor Blake read the proclamation into the record.

IV. Delegations:

Paul Kamus, Cocoa resident, provided a photo and video to Council of a water leak that happened at his home. It was on his side and not the city's and noticed when he received his water bill. He checked his meter and it was filled with water. He recommended that when the meter readers check the meter if they see moisture in it, they leave some sort of notice for the homeowner. This way they would be aware of the possible leak. He will also be at the upcoming Arbor Day event with the "Love" sign.

Ms. Bowman explained that if there is visible water in the meters notes are placed on the customers' account and further explained that if their bills are higher than usual they are notified as well.

Anita Gibson, Cocoa resident, spoke about gun control and of her passion for a cold case unit in Cocoa. She mentioned recent news and her heart goes out to all of the children. She asked that when budget is considered that a cold case unit and more officers be added.

Aleck Greenwood, Cocoa resident, spoke about Item VII.1 and believes that the Code Board got it wrong on this case. He provided a brief history of the property and urged Council to watch the video of the meeting. He further spoke about the City's designation as a Tree City USA and with the help of the Planning & Zoning Board it has grown. He mentioned that he was not included in the recent tree board meeting and was mistreated by not receiving information that had been sent out.

Todd Riggs, Cocoa resident, advised that at a recent Council meeting he was told by both the City Manager and Public Works Director that the City was not doing site prep on North Dixon and Indian River Drive. This past week he has observed men working there and they are mostly City employees. An access road and a seawall has been constructed and new grass has been installed along the shore. He stated that this looks like site prep and a worker had told a neighbor they were doing site prep.

Mr. Riggs asked why a sea wall was built when the intersection floods first. He further asked why they built a raised road to access a drainage ditch that only services two houses and why were public resources being poured into proverbial and swampland in Florida that is privately owned. He asked who owns the LLC and who was meeting with them and making these plans as he does not remember this coming before Council.

Deputy Mayor Hearn advised that he had received many calls about this and went to both the City Manager and Mr. Smith about re-establishing the ditch in the area to help with flooding.

City Manager Whitten stated that the City was not doing site prep on anyone's property. The drainage in that area was discussed at a workshop. Council is well aware of the efforts to recreate that ditch and it is not an access road. There is a difference in easements and access to help with property improvements which

were discussed as well. The shoreline project is being done and it is on private property but the public will benefit from this and they are not developing anything on private property for the owner.

Mr. Smith explained the project and pointed out that after one of the hurricanes they got the go ahead to perform the work. This project is to protect the roadway. They are restoring it to its extent so that they do not have to keep closing the area. The cost was about $34,000.

Councilmember Koss mentioned the Manfretti's and the issues with their property. Mr. Smith assured her they would look at the area again. She agreed that the work was beautiful and looks really nice. Mr. Smith explained the cost in furtherance noting that materials were about $30,000 and labor is done in house. Councilmember Koss stated that the questions were in regards to the timing of it all.

Mayor Blake asked Mr. Smith if homeowners reached out to him. In response, Mr. Smith stated residents of S. Indian Circle did. Everyone had a chance to convey their thoughts.

Deputy Mayor Hearn believes there were concerns of the property owner trying to do some work. Mr. Smith advised that it is private property on both sides and it is their responsibility to make repairs and this was an emergency repair. Mr. Smith further advised that if a property owner is going to offer an easement they will take it.

Deputy Mayor Hearn feels that one of the biggest issues is that citizens do not know what is going on. Mr. Smith shared that a press release was done and it was released on social media and was on the website. Mr. Smith was not aware of any questions and anytime they get them they are more than happy to speak with someone and explain the project.

Councilmember Goins spoke about statements being made and that there is a big difference in prices we purchase materials for versus what a contractor pays. He further feels that they need to be careful when statements are made that staff is working with a developer. He hoped that the answers provided by Mr. Smith satisfies questions asked and that this would squash the rumors.

Mr. Riggs stated he would provide questions and appreciates the next level of answers. He has a vague feeling of the points he made about the costs and that

the land owner is benefiting from this, whereas, all of the others have had to spend money.

Councilmember Goins asked if he would rather them not do anything. In response, Mr. Riggs understands the road is eroding and something needed to be done.

Mayor Blake feels that false accusations are being made and if you speak in a more calming manner you get better results. This is one sided and it is not fair when you are doing what you are supposed to do. When Mr. Riggs came up he identified individuals but he has not sat down and talked with them. Mr. Riggs stated no offense was intended.

Councilmember Goins asked how wide Cocoa's easement was and in response, Mr. Smith stated it was a five-foot entry and a right of entry on the other side.

City Manager Whitten advised that the drainage easement existed and the right of use was done for this. The right of use does not allow a citizen to drive down the road. He stated that no offense was taken but the questions have been answered and answers have not changed because no questions were ever asked. It is a shame for staff members, who are of character to be told they are in cahoots with developers. It is offensive and not true. Meetings with developers happen all of the time. He can defend himself as he has been in government for thirty years and no one can accuse him of being in cahoots with a developer. Staff is task oriented and they would not have this information. This is a $35,000 project and in terms of transparency, Mr. Smith and Ms. Senger both advised there was a press release and it was on the website. The project needed to get done before the hurricane season in order to shore up the shoreline so that it does not wash away during the next hurricane season.

Councilmember Goins stated that when it comes to these projects it seems that many do not want the government in that corridor at all. He understands that everyone is not always going to agree but staff has the expertise to get things done and if questions are not asked than it is speculation.

Councilmember Koss noted that there is a reason to why people react to development in that area and it is because it is close to the Lagoon and full of wildlife. With this project four feet of land mass was added to private property and it does grab attention. The work is beautiful but the property has not been approved by St. John's Water Management and that is where the sensitivity for the area comes in.

Deputy Mayor Hearn requested that if there are any talks of development in that area to give them the courtesy of what is going on.

City Manager Whitten announced that there is development happening or not happening in each district. Developers walk in all of the time to predevelopment and development meetings. He reiterated Councilmember Goins' question to what they would have rather them do. Let it wash away? It is hard to sit here and take this when you have answered all of the questions and to have someone come up and say that you are assisting a property owner and building up their property. He stressed that again, this is not the case and this project is about protecting the roadway from another storm.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Waiving the Competitive Bidding Process for the Purpose of Making a Sole Source Purchase of Replacement Clarifier Baffles with Installation from Ovivo USA, LLC Sedimentation Group for the Jerry Sellers Water Reclamation Facility and to Approve a Budget Resolution Amending the FY2023 Budget, BAF #23-058-A in the amount of $61,890. (23-129). (Utilities Director)

2. Approve a Resolution Amending the FY 23 Budget, BAF #23-055-A, to accept the grant revenue for the State of Florida Historic Preservation Grant for the replacement of windows and doors at the Leon and Jewel Collins Museum of African American History and Culture in the amount of $150,500 and fund the grant match in the amount of $150,500 through the use of General Fund Balance Reserves. (23-153). (Community Services Director)

3. Approve a Municipal Services Agreement with Alliance for Neighborhood Restoration of Brevard for FY2024, pending the final approval of the City of Cocoa FY2024 budget. (23-201). (Chief of Police)

4. Authorize the City Manager to Terminate the Agreement for Utilities General Construction Contractor, dated November 9, 2020, with Southern Underground Industries, Inc. under RFQ-20-18-COC. (23-226). (Utilities Director)

5. Approve a three-month extension of the Contract with the City's Investment Advisor, Public Trust Advisors. (23-236). (Finance Director)

(B) Multi-Year Contracts:

6. Approve Participation in a Multi-Year Cooperative Purchase Agreement with W.W. Grainger, Inc., Lake Forest, IL, for Facility MRO, Industrial, and Building-Related Supplies and Equipment for the Dyal Water Treatment Plant Utilizing the Sourcewell RFP #091422, Effective November 7, 2022 through November 8, 2026 and a Renewal, Upon Request, Option for an Additional two (2) one (1) year periods; To Authorize the City Manager to Approve Purchase Orders up to the Adopted Budget Amounts and Extensions for the Contract. (23-211). (Utilities Director)

7. Approve a Multi-Year Piggyback Agreement with Southland Controls Inc., Palm City, Florida, for Lime Slaker Repair Services for the Dyal Water Treatment Plant Utilizing the City of Sunrise, Florida, Bid Number 21-26-05-CM, effective August 13, 2021 through August 13, 12, 2023 and a renewal option for an Additional two (2) one (1) year periods; To Authorize the City Manager to Execute the Service Agreement, Piggyback Agreement and any Extensions; To Authorize the City Manager to Approve related purchase orders for each year in the contract. (23-81). (Utilities Director)

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Consideration of Second and Final Reading of Ordinance 01-2023 a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Official Zoning Map designation of two (2) parcels totaling ±.64 acres from County Single-Family Residential (RU-1-9) to City Single-Family Residential (RU-1-7). (23-216). (Public Works Director)

Attorney Garganese read Ordinance No. 01-2023 into the record, by title only, as follows. He advised this was the second and final reading, and is a quasi-judicial matter.

ORDINANCE NO. 01-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY, TOTALING 0.64 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF AURORA STREET AND JACKSON STREET, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY RU-1-9 (SINGLE FAMILY RESIDENTIAL) TO RU-1-7 (SINGLE FAMILY RESIDENTIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Smith noted there has not been any changes since the first reading.

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 Councilmember Dyal, to approve Ordinance No. 01-2023 on Second and Final Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Approve the current Code Enforcement Lien Reduction for the property located at 123 Factory St per either the Code Board's or Staff's recommendation. The Code Enforcement Board recommended that the lien be reduced to $1,000.00, staff recommended it be reduced to staff's cost $3,329.13. The Code Board reduced the amount to $1,000.00 due to hardship. (23-222). (Chief of Police)

Mayor Blake stated that this was commercial property and that there are some unique circumstances. He advised that when commercial property is sold the price increases. Additionally, in 2019 the Business Tax Receipt was denied and shared the reasons for denial. He pointed out that the applicant refused to comply and it appeared that the applicant was defiant when he received the letter.

Matthew Hall, the applicant, Factory Street, in Cocoa, does a lot of work for the City (environmentally) and he had hired an attorney who told him he was fine. He was not aware of the lien until he tried to refinance the property.

Mayor Blake asked what he planned to do with the property and in response, Mr. Hall stated he would probably sell it if he can.

In response to a question posed by Mayor Blake in regards to the Consent Decree, Attorney Garganese explained in detail that the zoning was a very unique designation with limited commercial uses.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve Staff's recommendation that the lien be reduced to staff's cost of $3,329.13.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Mayor Blake feels that staff needs to come back with an ordinance for commercial versus residential because the sale amounts are significantly different.

VIII. City Business:

1. Approval of a Final Subdivision known as Riverwalk consistent with Chapter 18 - Subdivisions and Appendix A - Zoning of the City of Cocoa City Code and Restrictive Covenant related to Tract F. (23-230). (Public Works Director)

Mr. Smith explained that this approval was for the final plat to be recorded. He pointed out that there are some restrictions, a Covenant and a Performance Bond. He stated they have thirty days to record the plat.

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. 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. (23-187). (Finance Director)

2. City Council Bi-Weekly Report for March 24-April 6, 2023. (23-234). (City Manager)

X. Reports:

City Manager Whitten spoke about projects amongst districts and advised that there are pre-application meetings that happen frequently. They are not "projects" until they make an application for a site plan. Once they do that, the process begins. It then goes through Planning & Zoning and then Council. He stated that he does not have an issue with saying there are site plan apps at this time; however, to be required to advise Council when a developer simply asks a question is not fair to the developer or anyone else, until it gets to where Council needs to do their part.

Mr. Walsh clarified an error in Consent Item V.6(B). The total states $337,500 but should state $262,500.

Ms. Senger thanked all who participated in Trash Bash and noted there were 232 volunteers. The City had the most of all other cities who participated. They collected over 19,000 pounds of trash. Ms. Harris will be back at a later Council meeting to acknowledge the winners.

Chief Collier mentioned the event at Riverfront Park on Easter and advised they had about 800-1000 participants. There was one arrest and a few other incidents but overall it went well. He gave kudos to Lt. Roman and his team for putting the event together.

Chief Collier spoke about a SWAT callout and that the standoff lasted eight hours. The person surrendered without incident and he gave kudos to the SWAT team.

Lastly, he spoke about the Police Departments awards ceremony that was held last Wednesday. They acknowledged officers and citizens. He recognized Officer Baylis who won Officer of the Year and Sandra Madison who won Employee of the Year.

City Manager Whitten reminded Council that they recently held a discussion on how hard it is to find applicants for law enforcement, fire, and EMS. This is a nationwide issue. In regards to this, Chief Lamm shared that recently they had fourteen applications and only eleven of those met the requirements to be State Certified Fire Fighters. Out of those eleven, two of them were already going to another department and the others never returned phone calls. There was one applicant who came back and tested.

Additionally, City Manager Whitten noted that he spoke with the County and out of sixty applicants, only twenty tested and only thirteen passed. Furthermore, he had

a meeting with Jack Parker at EFSC and their numbers are down in regards to academies and BCSO has sixty to seventy detention deputy openings.

He assured Council that the City was working on this and he signed MOU that will hopefully go a long way in terms of recruitment and retention.

Ms. Gemmati explained the paramedic incentive in furtherance and associated agreement terms. These incentives will be for existing employees as well as new employees. There is also an upcoming event at Cocoa High School to talk to seniors about police and fire. They will also go on a field trip to the fire house and the police department. This will be done in in hopes of building interest in the academies.

Chief Lamm advised that this has been a huge venture and the City Manager has been very instrumental as he sees a critical need in both fields. He further thanked Ms. Bowman who was helpful in the wording of the MOU.

City Manager Whitten thanked Firefighters Sam Steele and Chuck Burkhardt as they jumped on this and got the MOU signed. He reiterated that this was both for existing employees and new hires.

Chief Lamm announced that the Burn Ban is still in effect. Mayor Blake clarified that there were no water restrictions. In response, Mr. Walsh stated there were none other than the normal irrigation restrictions.

Councilmember Dyal announced that Saturday, April 22nd from 10-3 p.m. is the 2nd Annual Brittany's Wish Foundation's car show in his district at Pints and Pistols. He explained what the foundation was for and stated there would be a lot of cars. He thanked staff for doing a great job.

Councilmember Goins thanked Code Enforcement and Mr. Bunt as you can see the work being done throughout the City.

He showed photos of events he has attended over the last few weeks such as the Family Promise of Brevard opening, Trash Bash, and Legislative Actions Days. He showed photos of and met with the Florida A & M Recruitment Coordinator who is working on a camp for high school athletes to attend so that they can be seen by coaches throughout the country. Lastly, he spoke about a pepper tree on a piece of property that people were living under. It has been removed and the

people are gone. He thanked all for coming to the meeting and asked all to stay positive.

He acknowledged Shauna Ginn as the Interim Housing Authority Director, as she is in attendance.

Councilmember Koss provided a presentation and showed a slide from Elevate Brevard and explained that Dr. Doaks had spoken at the Sustainability Advisory Board meeting. She shared the data provided and noted that Dr. Doaks and Principal Stewart have been able to do great things with wrap around services.

She mentioned a book fair that she attended and gave a shout out to MerryBeth Burgess as it was a great event.

Councilmember Koss showed photos of the shoreline on Indian River Drive and felt that it was really good work. She stated that Mr. Smith and Ms. Morgan are top notch professionals. She reiterated that the conversation held earlier in the meeting had nothing to do with staff or developers but of the impact to the area.

In closing, she reminded all of the performing arts events at the Simpkins Fine Arts Center, which is located at Eastern Florida State College in District 4.

Councilmember Goins spoke about private property rights and asked Councilmember Koss if someone had met all of the requirements needed to build on a piece of property would they be against whomever that was. In response, Councilmember Koss noted that was an excellent question and mentioned access to FEMA maps.[1]

Councilmember Koss noted that when you see trends and there is environmental sensitivity you need to have conversations.

Further discussion was held on wetlands and properties in the area.

Deputy Mayor Hearn thanked staff for the MOU with the firefighters. It is an issue across the state and he feels that first responders are not paid enough for what they do.

---

1 Mayor Blake left the meeting at 7:53 p.m. and returned at 7:54 p.m.

He has seen issues at Bracco Pond in regards to full trash cans and asked if a policy could be implemented to where if City staff sees something like this to report it or take care of it. He knows that staff cannot be everywhere at all times.

Deputy Mayor Hearn reached out to a science teacher at Endeavor Elementary and they are going to paint his rain barrel for Arbor Day. He thanked both Endeavor and Emma Jewel for their constant collaboration with the City.

He advised that the upcoming Hey Blue! Event has been changed to April 25th from 4 p.m. until 8 p.m. at Endeavor Elementary. Additionally, he will be attending Career Day at Endeavor Elementary this week.

In closing, he gave a shout out to Sandra Madison who is the Cocoa PD's Employee of the Year; he attended the Trash Bash and used the workout equipment at Bracco Pond; and announced the completion of his Masters Degree at the University of Florida. His degree is in Emergency Management.

Mayor Blake gave kudos to Cocoa High School for having the most volunteers at the Trash Bash and thanked them all.

He announced that they met with Principal Stewart and fourteen juniors and seniors will be employed this summer.

Mayor Blake spoke about his attendance at the Trash Bash and the Backyard BBQ cookoff. The food was excellent and it was at F. Burton Smith Park.

Lastly, he mentioned that he reached out to Mr. Stoll who has been working at the Museum and hoped that he would reach out to the Mosquito Beaters. They have some old Cocoa memorabilia to display.

Mayor Blake thanked all employees and reminded all to buy local, spend local and keep it local.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to adjourn the Regular meeting of April 11, 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:11 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk