MINUTES

(AMENDED)

CITY OF COCOA

REGULAR MEETING OF THE CITY COUNCIL

April 10, 2019

A Regular City Council Meeting was held on Wednesday, April 10, 2019, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. OPENING MATTERS:

Mayor Williams called the meeting to order at 6:02 p.m.

Mr. Zack Parker provided the invocation, and his biography was presented by Councilmember Goins. Councilmember Goins led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Jake Williams, Jr.	Mayor
	Brenda Warner	Deputy Mayor
	Don Boisvert	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Matt Fuhrer	Assistant City
	Carie Shealy	City Clerk
ABSENT:	John A. Titkanich, Jr.	City Manager

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Nancy Bunt, Community Services Director; Mike Cantaloupe, Chief of Police; Gene Prince, Fire Chief; Ed Wegerif, Public Works Director; Rebecca Bowman, Finance Director; LeShawn Hinton, Helpdesk Support Technician; Dodie Selig, Planning Manager; and Gary Palmer, Facilities Manager.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of April 10, 2019 (19-125)
2. Minutes: (a) Regular meeting of February 27, 2019 (19-126)

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins, to remove Item III.3 (File ID 19-127) and to move Item VII.1 (File ID 19-60) to Awards and Presentations Item III.3. There is also an addition of Item III.4, which is a video clip about the Cocoa High School Chorus.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Boisvert to approve the Minutes as written for the Regular meeting of February 27, 2019.**

Councilmember Koss stated that she had an amendment to the minutes, noting that on page 3, paragraph 3, under the section of Dr. Fenton's presentation, it did not accurately describe what he said. She stated that it should read "the goal is to make our buildings energy efficient and then add rooftop solar."

Additionally, in paragraph 4, the second sentence should read, "in detail he pointed out the effectiveness of driving an electric car."

Councilmember Boisvert amended his motion.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to accept the changes to the minutes for the regular meeting of February 27, 2019 and to approve with amendments.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. AWARDS AND PRESENTATIONS:

1. Proclamation: Proclaiming April 1, 2019 as "Children's Home Society of Florida TNT/Transformation Network Team Launch Day". (19-118). (Mayor Williams)

Mayor Williams read the proclamation into the record.

Mr. Park thanked Council and mentioned that the launch will be at Endeavor Elementary. They have a goal to raise $30,000 in thirty days and the goal is being reached. As of today they have raised $16,500. They want to send up to 200 students to camp this summer.

2. Proclamation: Proclaiming April as "Water Conservation Month". (19-124). (Utilities Director)

Mr. Walsh read the proclamation into the record.

~~3. Presentation on Port Canaveral by Port Commissioner Wayne Justice. (19-127). (City Manager)~~

3. Accept the Comprehensive Annual Financial Report (CAFR) and the Audit Report for Fiscal Year 2018. (19-60). (Finance Director)

Ms. Bowman announced that as of March 29, 2019 the City's audit was completed. Mr. Joel Knopp, a CPA from Moore, Stephens, and Lovelace was in attendance to provide a summary of the report. He pointed out that the City had a good report.

Mr. Knopp mentioned that this is a long process which required communications through their professional standards. There are a lot of standards that have to be followed and management also has a responsibility to provide oversight. Internal controls as well as financial statements for CRA's, budgetary compliance, etc. were looked at.

He advised that there were no significant matters and nothing that was identified as a material weakness. The audit schedule was met and Ms. Bowman was assigned as their contact.

Mr. Knopp discussed in detail some of the pages within the report.

Additionally, he advised that the Auditors Management Letter and independent accounts report are required under the Auditor General requirements. Nothing was found under these requirements.

A city-wide analysis was provided in both governmental activities and business type activities for both 2017 & 2018. The general fund was discussed and he added that the net change in the fund balance was a positive.

Lastly, he discussed the proprietary fund which has tremendous results as it relates to operations and has a very positive cash flow. A citywide analysis was provided in both governmental activies and business type activities for both 2017 & 2018.

He assured Council that overall the City is in good financial health.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Warner, to accept the Comprehensive Annual Financial Report (CAFR) and the Audit Report for Fiscal Year 2018.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Deputy Mayor Warner thanked them and believes that this report gets smaller every year.

Assistant City Manager Fuhrer extended gratitude to the Finance Director and her staff. This audit is a reflection of how they do their jobs every day. He thanked everyone involved.

4. Cocoa High School Chorus video. (Councilmember Koss)

Councilmember Koss pointed out that a couple of weeks ago Channel 6 news did a story on the Cocoa High Chorus and filmed them rehearsing. She believed that this would give everyone a glimpse of the talent in Cocoa. She is doing all that she can to ensure that these students are able to go to Carnegie Hall for the 9/11 program in the fall. They will be the performing at the Council meeting on April 24th and will be the opening act at the July 4th event in Cocoa.

IV. DELEGATIONS:

Emma Kirkpatrick, Ossorios, spoke about the need for signage on Harrison Street for the 18-wheelers that keep getting stuck and cannot make the turn. They are running over curves and plants are being ruined and planters broken. The sign that used to be there was removed for the new trashcans. There is not a sign anymore stating that the trucks cannot go down Harrison. She recommended some sort of sign or arch stating that they cannot get through. She thought it would be helpful.

Aleck Greenwood, 640 Brevard Avenue, refreshed Council on his concern for security in Council Chambers. He mentioned that this was also brought up at the

Planning and Zoning Board meeting. Also, Cocoa Village Playhouse is receptive to putting the original signage back on the building. It was painted over when the last renovation was done and they are short on funds. He asked for an update on the crosswalks, asked about the longevity of the asphalt stamping, and why bricks are being removed.

Assistant City Manager Fuhrer recalled that at the last City Council meeting there was a security member from the firm that they have contracted with. A report has been provided to staff in draft format. They are reviewing and will provide feedback as soon as they can.

Mr. Wegerif advised that the contractor is proceeding with the next area of work, which is Delannoy and Brevard with ramps, then they will get a schedule for paving. They are looking into options for paving at night, which is more expensive, but are looking into the possibility. The pavers are not compliant and will be pulled out and pavement stamping will be taking place.

Mr. Greenwood pointed out that there are many people who are unhappy with the crosswalks. It's about ambiance. Everything does not have to match, but these changes are taking away the historic feel from the downtown area.

Mayor Williams stated that he did some research and there are issues with things that he was unaware of. He talked to an employee who was addressing some of the issues downtown.

Mr. Greenwood asked if the playhouse issue could be looked into. Deputy Mayor Warner mentioned that they have a foundation who should look into this. Mr. Greenwood, in response, advised it was the cost.

Bernice Cox, 701 Aurora St., Cocoa, thanked Chief Prince and his staff for being there for her during her medical setback. She also thanked Chief Cantaloupe and his officers for always being there. She spoke in regards to Jackson Street and Polaris and that it was like a drainage ditch behind the old soccer field. Councilmember Goins rode with her and they took pictures. There was a tree on the fence that has been cut, and the east side of the ditch was mowed, but the west side is still overgrown. She assumed it all belongs to the City and was not sure why it is not being cut.

In response, Mr. Wegerif advised that the City has access to the east side, and the west side backs up to houses and there is not a maintenance road to get back

there. He noted that this is in the ten-year plan. It will get done but it may take some time to get out there.

Abby Johnson, 525 Community College Pkwy., SE, Palm Bay, and SJRWMD, advised she was just in attendance to say hello, as she has met some of the Council and not others. She is their contact if anyone has any issues. She also thanked Council for issuing the Water Conservation Month proclamation. She appreciates Cocoa's support.

V. CONSENT AGENDA:

1. Approve entering into a co-operative purchase agreement with Granite In-Liner, (Formally Layne In-Liner LLC) utilizing Polk County Bid 17-326 approved April 21, 2017 through February 28, 2020 to line various sized pipes utilizing the Cured in Place pipe lining technique on Indian River Dr, Sherwood Circle, Alamanda Street, Cidco Rd. and Dixon Blvd. Approve a Resolution Amending the FY2019 Budget for a project transfer, to issue a purchase order in the amount of $200,000 (Project SW1502). (18-612). (Public Works Director)

2. Approve a Resolution adopting the State Fiscal Year (SFY) 2019-2022 State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) and approve submission of the SHIP LHAP to the Florida Housing Finance Corporation for approval. Approve the revised and updated City of Cocoa Housing Program Policies and Procedures which reflect changes as required by the State within the proposed draft of the SFY2019-2022 SHIP LHAP. (19-116). (Community Services Director)

3. Approve a Resolution authorizing the City Manager to negotiate a Community Aesthetics Feature agreement with Florida Department of Transportation (FDOT), for the application of vinyl wraps on FDOT Traffic Signal Boxes throughout the City (19-120). (Assistant to the City Manager/Public Relations Specialist)

* **MOTION by Deputy Mayor Warner; Seconded by Councilmember Boisvert, to approve the Consent Agenda.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. PUBLIC HEARINGS:

1. Pass on Second/Final Reading Ordinance No. 01-2019: A Zoning Map Amendment for two parcels of land (approximately 3.23 acres) from C-W (Wholesale Commercial) and RU-1-7 (Single-Family Residential) to INST (Institutional). (19-114). (Community Services Director)

Attorney Garganese read the Ordinance into the record, by title only as follows. He advised that this is a quasi-judicial issue and is being proposed by zoning.

ORDINANCE NO. 01-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY ON WHICH THE CURRENT DR. JOE LEE SMITH COMMUNITY CENTER IS LOCATED, TOTALING 3.23 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF STONE STREET AND WEST OF WASHINGTON STREET, APPROXIMATELY 0.10 MILES WEST OF US 1, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM C-W (WHOLESALE COMMERCIAL) AND RU-1-7 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Bunt noted that this was the two parcels for the new Joe Lee Smith Center. They are looking to rezone it as institutional.

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

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Warner, to approve Ordinance No. 01-2019 on second and final reading.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Conduct a Public Hearing to obtain citizen input and comments on housing and community development needs; approve recommendations on FY2019-2020 CDBG and HOME program funding; and provide notice to solicit public comment and notice of final public hearing scheduled for May 22, 2019. (19-115). (Community Services Director)

Ms. Bunt presented the item and mentioned that the City anticipates receiving $179,889 in Community Development Block Grant funds from the U.S. Department of Housing & Urban Development as a direct entitlement. The City also anticipates receiving $71,828 in HOME Investment Partnership Program (HOME) funds from HUD as part of the Brevard County HOME Consortium. Applications for funds were received from various non-profit agencies.

She explained that based on a thorough review of each agency's proposals and financial statements, the committee's recommendations are as follows:

CDBG Public Services – Maximum 15% allowed $35,778			
Name of Agency	**Description of services to be provided**	**Amount Requested**	**Amount Recommended**
Community Services Council of Brevard – Senior Nutrition Program.	Provide 9,195 well-balanced nutritional meals to 91 frail and nutritionally at risk seniors.	$8,000	$12,000*
Central Brevard Sharing Center	Provide daily nutritional meals to 1,101 low/mod income persons.	$10,000	$14,778*
The Salvation Army North Central Brevard Corps	Provide daily nutritional meals and provide basic necessities to 26 residents of their domestic violence shelter.	$5,000	$9,000*
Victory Kids Sports	Provide a Physical Literacy Program to 40 youths	$13,000	$0.00
CDBG Other/Public Improvements - $108,134			
Abilities, Inc.	Rehabilitation of substandard rental housing	$258,925.52	$0
Park Improvements	Park improvements to Dr. Joe Lee Smith Park	$58,134	$58,134*

Section 108 Loan Guarantee Program	Repayment of Section 108 Loan the City is currently applying for	$50,000	$50,000
CDBG Administration - 20% - $35,977			
City Staff			$34,977*
Fair Housing			$1,000
Total CDBG Admin			$35,977
Total CDBG Allocation			***$179,889***
****Any increase or decrease in funding will be deducted from the award.***			

HOME Administration – 8% - $5,746*			
City Staff			$5,746*
HOME CHDO & Housing Set Aside - $52,123*			
CHDO Housing Activity	15% Mandatory CHDO set aside		$10,774*
Housing and CHDO	Housing Activities	$55,308	$55,308*
Total HOME Allocation			***$71,828***
****Any increase or decrease in funding will be deducted from the award.***			

Mayor Williams asked about the park improvements and Dr. Joe Lee Smith Center. He was curious why this park versus Provost or other parks in the City that need improvements was chosen. In response, Ms. Bunt advised that she had discussed this with the City Manager's office and it was easier to fund this through a CDBG loan.

Councilmember Koss asked about the federal dollars. Ms. Bunt explained the difference in food versus housing.

Mayor Williams opened the hearing to the public.

Mr. David Brubaker, 113 Aurora Street, President of the Central Brevard Sharing Center thanked Chief Cantaloupe for cooking at the BBQ contest this past weekend. He mentioned that they raised $50,000. He thanked the City for their continued support of the center and explained what the funds are used for that

they receive. He provided statistics of how many they feed, clothe, etc. He noted that the program is open to anyone who shows up and they are the only consistent feeding site in Brevard County. He invited all Council and staff to come by for a tour.

Josh Jensen, 3600 W. King Street, President and CEO of Aging Matters, updated Council on their accomplishments last year using the CDBG dollars. They increased their numbers in both their Meals on Wheels and Seniors at Lunch programs. He noted that 9,951 meals were provided and 12,775 meals were delivered to homes. So far this year they have tracked even more. He thanked Council for all that they do.

Cindy Mitchell, P.O. Box 940, Cocoa, Salvation Army, advised that she is the Director of the Domestic Violence Program. She provided brief history of the program and noted that they have been offering services for over 35 years. They operate from a confidential location and their primary function is to assist survivors in what way they need. It can be from their home or from the shelter. They have a twenty-four hour domestic hotline. ~~and they get about 2,000 calls a year. Last year, they received 301 calls.~~ On average, about 260 women are sheltered and last year that increased to 301[1]. They are grateful for the funding as it helps to pay for food as they have to be able to provide basics for their users.

Councilmember Koss asked how long a shelter stay is typically and in response, Ms. Mitchell stated there is no max but there is a minimum of six weeks. It goes on an individual needs basis.

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

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Warner, to approve the item.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Pass on Second/Final Reading Ordinance No. 02-2019: Amending City Code Chapter 3.5 Alarm Systems, Alarm Fees, Penalties, Chapter 6-502 Owners to Post Numbers, Chapter 13.5 Outdoor Fires and Chapter 20 Traffic (fire lane). (19-123). (Fire Chief)

[1] Minutes were Amended by Councilmember Koss at the Regular meeting held on May 22, 2019.

Attorney Garganese read Ordinance No. 02-2019 into the record, by title only as follows. He advised that this was the second and final reading.

ORDINANCE NO. 02-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SEVERAL PROVISIONS OF THE CITY CODE REGARDING FIRE PREVENTION ACTIVITIES AND MATTERS AFFECTING THE RESPONSIBILITIES OF THE FIRE DEPARTMENT INCLUDING ALARM SYSTEMS, OPEN FIRES, NUMBERING OF BUILDINGS, FIRE LANES, AND OTHER MATTERS PERTAINING TO FIRE PREVENTION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Chief Prince explained in detail what this ordinance entailed.

Mayor Williams 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 Boisvert, to approve Ordinance No. 02-2019 on second and final reading.**
AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. COUNCIL BUSINESS:

~~1. Accept the Comprehensive Annual Financial Report (CAFR) and the Audit Report for Fiscal Year 2018. (19-60). (Finance Director)~~

This item was moved to Awards and Presentations Item III.4.

2. Request City Council direction regarding the landscaped medians on Highway U.S. 1 and S.R. 520. (19-133). (Public Works Director)

Mr. Wegerif mentioned that between 2010 and 2015, the City inherited a lot of plants. These plants were placed in the medians and in order to maintain these the work had to be contracted out. The contractors used were the two lowest bidders and they did not perform. The medians have since declined due to weeds and after Hurricane Irma they got out of hand. Contractors were doing hurricane recovery work. They called the second lowest bidders to see if they could do the job at the rate they originally bid. They now have a pretty good

contractor and weeds are under control. An assessment was done and there are about 12,000 plants missing. Smaller plants cost around $4.00 and larger plants are around $55.00. Option #1 in the item would cost around $160,000.

He explained that staff would like to reduce the area that needs to be maintained by moving plants around, etc. This is not budgeted but staff is looking for Council's direction.

Mayor Williams asked how far the City's medians go on SR 520. He stated that those medians look awesome. He is aware that there is work that needs to be done and it was brought up at the Planning and Zoning Board, but they thought it was FDOT.

Councilmember Koss mentioned that she brought this up in January and she has been watching plants die ever since. She noted that Rockledge and Viera both do a great job and Viera has beautiful medians. She stated it was expensive and asked if our staff knew how to manage landscape.

Mr. Wegerif advised that mulch has not been in the budget and Councilmember Koss asked if the City could use the county's gold mulch. She felt that we could not afford to spend the money on this but felt it says a lot about the City if it was welcoming or not. If the landscape was developed then in the long run there would be less maintenance. Councilmember Koss noted that she has spoken with Sally Scalera and she thought that maybe they were not receiving the right irrigation. In response, Mr. Wegerif pointed out that he checks regularly and they are receiving reclaimed water.

Councilmember Koss further stated that she saw someone spraying, however, it was a windy day and the spray was not hitting the weeds. She was told it was a contractor and Public Works counseled him on the issue. Additionally, she stated that Rockledge's was just a little more mature, so weeds cannot cover as much. She is not for mowing and putting in grass as that would take more maintenance than if you landscaped it correctly.

Mayor Williams thought that the US 1 widening would have created a little savings in the maintenance area.

Councilmember Goins felt that no matter how much money is spent if the contractors are not doing their job than that is an issue. He does not want to spend $120,000 and have the same issue. He has been speaking with the Assistant City Manager about bringing back the inmate program and maybe this is something they could do. He is uncomfortable with spending so much money on this.

Mayor Williams mentioned the Adopt a Median Program and Mr. Wegerif explained how that works.

Councilmember Goins stated when we go with a low bid we get what we pay for, as the contractor probably did not have great workers.

Councilmember Koss asked if staff had been considered. In response, Deputy Mayor Warner stated that would be about three times the cost of a contractor when you add benefits on top of wages. It is much cheaper to go with contractors.

Deputy Mayor Warner agreed that there was no reason to put sod out. She is fine with Option #2 and instead of spending $160,000, they need to give the contractor time to perform. She reiterated that her preference was Option #2 and to find a new ground cover. She agreed that Ms. Scalera might have ideas for that.

Councilmember Boisvert is also in favor of Option #2.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Warner, to choose Option #2, to remove the word sod and replace with ground cover.**

Councilmember Koss would like it amended to have guidance from Ms. Scalera.

Assistant City Manager Fuhrer explained that they could approve an amount not to exceeded amount and staff could work to see what the best ground cover would be.

Councilmember Boisvert dropped his motion.

* **MOTION by Deputy Mayor Warner; Seconded by Councilmember Koss, to adopt Option #2, changing the $80,000 to $100,000 and not adding any more sod to the medians, but add ground cover instead and to consult with the County agent on ground covers and plants that are native and easier to maintain.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Information regarding traffic data analysis of Michigan Avenue. (19-145). (Public Works Director)

Mr. Wegerif advised that the City has looked at a couple of different measures in order to help reduce speed on Michigan Avenue. They installed stop sign and have also collected data both before and after the sign was installed. The data showed that the speed was reduced. They are not sure if it was reduced by enforcement or the sign, but it was somewhat successful. It was shown that there are about 22,000 vehicles traveling the road during the week with about

3,000 each day. They will go out again to collect data before school ends because it did seem to matter if school was in or not.

Mr. Warren McKee, 2142 Michigan Avenue, stated that a couple of weeks ago an officer was monitoring the stop sign while he was mowing and his numbers dispute what the Public Works Director said. In a months' time, 23,000 cars were calculated speeding on his street. He is the person who has been picketing and it baffles him that a City staff person can say there is not a problem on Michigan Avenue. When police are in the area they slow down and when they are away they play again. He wants something done and will complain until something is done. All they are asking for is one more stop sign. He has already provided a petition and if they want more numbers he will get them. They want it done now and do not want to see a child killed. He warned Council to expect a fight if the City is going to turn its back on them.

Councilmember Koss assured Mr. McKee that the City was not going to turn their back on them. This is personal for her as well. They are deserving of a stop sign and Brevard County has the worst record of pedestrian deaths.

Councilmember Goins asked where the stop sign would go. Councilmember Koss believes that is still be to be determined. Mr. Wegerif pointed out where the one is located and warned Council that a stop sign is not recommended for speed control.

Councilmember Goins asked Mr. Wegerif what he recommended and in response, Mr. Wegerif stated you can narrow the roadways, and other structural things. It is cheaper to do a stop sign but he is not saying it is the right thing to do, although it did prove to decrease the speed.

Mayor Williams stated they get conflicting reports and as Council they cannot let their emotions get involved as they need to get something done. He asked if for the time being more police presence can be assured. He knows they cannot be there all day but possibly during the hours when it is worse.

Deputy Mayor Warner feels that if Council does its research they would see that if you make a road look narrow, by making islands or by adding other landscape it does help. We also have an immediate tool at the Police Department which is the PIO who can put out information to the public. She could also have media come out to do a story to give the public a warning that the location is being watched for speeders. It can also be announced at the high school.

Mayor Williams stated one problem is that it is used as a shortcut.

Chief Cantaloupe noted that when the stop sign was installed on February 9, ninety-seven stops were made. There were a lot of verbal warnings initially in order to get the message out.

Councilmember Koss mentioned that it is a mile-long street and she cannot believe that two signs would be too much. She also likes the idea of narrowing the road. She stressed that a message needs to be sent out that we are serious about people slowing down.

Councilmember Goins asked where the new sign would be placed and Chief Cantaloupe felt that Tulane would be the next logical spot.

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to put a new stop sign at Tulane and at some point develop the area with a median if the City is able.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. CITY BUSINESS:

1. Approve a Resolution to Commit Funds in the General Fund Balance to Increase the Stabilization Reserve for Fiscal Year 2019. (19-109). (Finance Director)

* **MOTION by Councilmember Boisvert to approve the item.**

Mayor Williams spoke about FY 2008 and FY 2009 when the economy dropped and he was glad that the City did what they did with reserves. Because of having money there, no furloughs or layoffs happened.

Ms. Bowman clarified what this resolution would do and mentioned that the stabilization reserve is being increased due to an increase. She explained in furtherance why this is necessary and noted that staff is mandated to set money aside.

Deputy Mayor Warner noted that they are increasing the reserve by $418,000.

THE MOTION WAS SECONDED BY COUNCILMEMBER KOSS.

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve a Resolution Amending the FY 2019 Budget, pertaining to payroll adjustments, union contract negotiations, and other miscellaneous transaction

through the use of Water/Sewer Fund, Stormwater Fund, and General Fund Contingency/Reserves and other available accounts. (19-143). (Finance Director)

Ms. Bowman advised that this item was due to equity adjustments made through union contracts and salary increases. Other payroll adjustments were also included and this item is cleaning up the budget mid-year.

* **MOTION by Deputy Mayor Warner; Seconded by Councilmember Boisvert, to approve the item.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Adopt a Resolution generally disclaiming the City's public park interests in McFarland Park. (19-144). (City Attorney)

Councilmember Koss submitted a Form 8B, Memorandum of Voting Conflict[2] to the City Clerk and stepped down from the dias during discussion of this item.

Attorney Garganese reminded Council of the motion made at a previous meeting to remove the City from any interest of McFarland Park. This resolution proposes to disclaim any unrecorded real property interest related to the park. The resolution will be recorded in the Brevard County public records and reserves any public utility interest in the park due to stormwater and other utility infrastructure.

Deputy Mayor Warner asked if in adopting this that the City was in no shape or form giving up any interest that we have as property owners in Carlton Terrace, because we own some properties there. In response, Attorney Garganese stated that was correct and explained that it only pertains to unrecorded property interest. Deputy Mayor Warner confirmed that it is strictly an easement. Attorney Garganese again stated she was correct and that the City does not own any fee title interest in McFarland Park and that the City can use it just like any other property owner. His understanding is that it is an easement.

Marlene Weiss, 2415 Tulane Drive, Cocoa, thanked Council for the new stop sign. She noted that she founded her business on US 1 and in the past year has had a decline in her health. She mentioned she would frequently use McFarland Park and a park on Clearlake. She believed that we need the green area and feels that everyone needs to have a place to go to with tree coverage and nature

[2] EXHIBIT A: Form 8B, Memorandum of Voting Conflict submitted by Councilmember Koss

and somewhere that has not been developed. She asked how this could be public when it is being privatized.

Mayor Williams mentioned that there have been a number of meetings in regards to this park and it has been used as a public park for many years.

Deputy Mayor Warner advised that the park belongs to Carleton Terrace, and not to the City, and it never has belonged to the City. Ms. Weiss does not feel that the issue is who owns it and voiced more concerns in regards to the park.

Councilmember Goins stated that they all know how she feels but this is out of Council's control.

* **MOTION by Councilmember Goins; Seconded by Councilmember Boisvert, to approve the item.**

AYES: Williams, Warner, Boisvert, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

Assistant City Manager Fuhrer stated that this will also allow the Property Appraiser to update their site.

MULTI-YEAR CONTRACTS:

4. Approve the Police Department to enter into a Multi-Year Contract with Axon Enterprises by means of a Sole Source to purchase Tasers under project number PD15TS, using account number 001-2100-521.44-00; and to authorize the City Manager to execute and sign the contract. (18-521). (Chief of Police)

Chief Cantaloupe advised that this would allow the police department to purchase ten new tasers which will replace those that are going out of warranty.

* **MOTION by Deputy Mayor Warner; Seconded by Councilman Boisvert, to approve the item.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Approve the Second and Final Two-Year Renewal Under Contract B-14-07-COC, with Ace Flow Control, Longwood, Florida, to Provide Cross Connection Control (CCC) Technical Field Services. (19-102). (Utilities Director)

Mr. Walsh mentioned that this was the second and final approval for Ace Flow Control. This started in 2014 and it is the last allowed renewal.

* **MOTION by Mayor Williams; Seconded by Deputy Mayor Warner, to approve the item.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. INFORMATIONAL AGENDA:

1. Data showing the relation between the estimated and actual income and expenses to date. (19-130). (Finance Director)

2. FY 2019 Budget Adjustment Report. (19-132). (Finance Director)

3. Council's Consideration of the Waste Management Annual Review. (19-137). (Public Works Director)

X. REPORTS:

Ms. Bowman extended thanks to directors and employees for the excellent CAFR that they were able to produce. She extended a special thank you to Lora Howell for stepping up as Interim Finance Director. Ms. Bowman noted it was challenging, as she had to learn a lot about the City. She thanked everyone for following policies.

She followed up on the comment from the CAFR presentation regarding internal controls. Finance is working with staff to make sure that they are properly trained to be balanced to the penny.

Chief Cantaloupe mentioned that Friday, April 12, 2019 they will be out in Clear Pond Estates for a Community Watch Meeting from 5:30 until 6:30 p.m.

Chief Prince advised that they had received notification that they received a grant that was approved in March. They will bring an item to the next meeting to adjust the budget to accept the grant.

Ms. Bunt reminded Council that Friday is the Mayor's Manufacturer's Tour and she further announced that on April 3rd the former Cocoa Junior High School and on

April 2nd the former Cocoa Post Office were both placed on the National Register of Historic Places.

Mr. Walsh mentioned that on Friday there was an air conditioning failure at the WFO building so the Assistant City Manager enacted emergency procedures. The facility will be without air for about 7-8 weeks. They have moved employees around in order to make them more comfortable.

Assistant City Manager Fuhrer stated that City Council received a report related to the rain storm event. City staff will continue to monitor as the season sets in.

This past Saturday was the Trash Bash sponsored by Keep Brevard Beautiful. Last year Palm Bay collected the most trash in the County and most volunteers were in Melbourne. We were second in both categories but as always we had volunteers come out and it was a nice event.

Mayor Williams would like to see the most volunteers with the least amount of trash. He appreciated all who came out.

City Attorney Garganese advised that an email was sent out regarding collective bargaining and impasse has been declared and we are in that time frame. Council sits, listens, and they must refrain from discussing this with the City Management team, and any members of the Union or their partners. He reminded Council that they are now serving in a different capacity then they were at the beginning.

Councilmember Boisvert spoke about the recent hail storm, pointing out that yesterday an adjuster looked at 110 homes in Lost Lakes. He had $7,000 worth of damage on his screen room.

He requested a resolution be brought back extending the wavier for six months. They will still require a permit but fees would be waived for hail storm related damage only.

IT WAS A CONSENSUS BY COUNCIL TO HAVE A RESOLUTION BROUGHT BACK WAIVING PERMIT FEES FOR HAIL STORM RELATED DAMAGES FOR SIX MONTHS.

Councilmember Koss thanked Mr. Wegerif for the map and prepping for the workshop coming up next month. She asked about committee reports and has never heard anything brought up under that section of the agenda.

In response, Mayor Williams explained that it is usually a Chairperson of the board and they will speak if they have something to report.

Councilmember Koss brought paper straws from Ossorios. She pointed out that we will hear more about this and plastics when the Waste Management contract comes up.

She noted that a solar co-op opened but it is in Titusville, not in Cocoa. There was supposed to be a resolution supporting the co-op and she would like to have a resolution waiving permit fees for solar rooftops. There will be an informational session at the Florida Solar Energy Center on May 22, 2019 at 5:30 p.m.

Councilmember Koss spoke about her attendance at the Ethics class while in Tallahassee and thought it was excellent. The first thing they mentioned was to make sure your municipality has full access to legal guidance.

Attorney Garganese assured her and other Council that they can call him at any time regarding responsibilities, ethics, etc. Deputy Mayor Warner quoted an excerpt from the City Charter in regards to this also.

Councilmember Koss further spoke about conflicts of interest if you have a business or a property and if you serve as a liaison to a board or committee.

Attorney Garganese advised that Council appoints liaisons and has historically done so and not every board is the same. Some have final decision making authority, such as Code, Board of Adjustment, and CRA boards. A liaison going on one of those boards should tread lightly because you do not want to interfere with those decisions. If you go for observation, there is nothing wrong with the liaison participating, but he would heed caution from participating in quasi-judicial boards like Code.

Councilmember Goins thanked Mr. Wegerif for getting the trees trimmed on Stone Street. He stated that he has received a few phone calls about sidewalks on Lake Drive. There is a lot of foot traffic with the new probation office, Wawa, the bus terminal, and drug treatment facilities at the Lake Drive and Peachtree St. connection. He has concerns with people walking in the road and asked if something was planned for the future in regards to sidewalks.

In response, Mr. Wegerif stated that they have met and discussed a possible cooperative project with the County, as it is right on the county line. The pavement

is in poor condition so they are looking at paving that and a possible sidewalk from Varr up the City limits.

Councilmember Goins spoke about an incident at Provost Park where a twelve year old girl asked why it smells like urine and why people sell drugs at the park. It hits home when a twelve year old asks questions like that and he feels responsible. He asked for staff to put more pressure on the County because something needs done.

He reminded everyone that Tuesday, April 16, 2019 is his Town Hall Meeting at the Moore Center on Blake Avenue.

In closing, he congratulated Cocoa High School girls who won the Cape Coast Conference and he thanked all for coming out. He loves the direction the City is moving in.

Deputy Mayor Warner spoke about the pet masks donation at Fire Station 1. She announced that kits were donated and there are three sizes of masks. They work well on every animal. She thanked the Invisible Fence Company for the donation.

She wished the City Manager a speedy recovery and feels that the Assistant City Manager is doing an excellent job.

Deputy Mayor Warner announced the passing of Sgt. Major Patel. It is a huge loss to the City because he was always present at celebrations such as Memorial Day and other holiday events. Events were enhanced by him. She suggested that we take Memorial Day and recognize it as Sgt. Major Patel Day in Cocoa. She also thought friends in the village may have an idea of how he can be recognized.

IT WAS A CONSENSUS OF COUNCIL FOR SOMETHING TO DO BE DONE IN HONOR OF SGT. MAJOR PATE.

She spoke about recent newspaper articles about things going on in Palm Bay and Cocoa Beach, where they have passed ordinances decriminalizing marijuana. She would like the City to look into this.

She thanked the sponsors for the Chief's Breakfast, including the Merritt Island Pancake House and Dixon Diner. The breakfast had a very good turnout but no numbers have been received yet.

She thanked Delores McLaughlin and her kids from PAL. They were very impressive. She does a great job and is teaching those kids great things.

Lastly, she noted that the Tour de Force event that happened after the breakfast was nice as well. She mentioned it was always nice to see Barbara Matthews and her family and it was great food.

Deputy Mayor Warner advised that she had a few questions for the City Attorney because in court a judge had issued an order that can affect the Council. She asked if the City has any liability and exposure due to this court case and what that might be, and how it relates to Section 11 under the Charter for forfeiture of office. She stated she was not sure if the City Attorney would need time to research and get back on this.

This is concerning the order that Judge Turner has issued. City Attorney Garganese advised that this is a matter that the City is not a party in and he would have to look at it to see what is going on in the case.

Deputy Mayor Warner asked if he could let them know what liability we have. In response, City Attorney Garganese stated he would like to look at what she is referencing.

Deputy Mayor Warner noted that the rules of the Charter are very specific about the powers of City Council and has had phone calls and conversations with City employees who are feeling that they are getting pressure from elected officials, and that their jobs are being interfered with. They are also wondering why they should be taking direction from Council and not from their directors or the City Manager. She asked Council to read the City Charter, because under it Council is not allowed to talk to employees. They are allowed to speak to department heads because the City Manager has given them permission. The City Manager runs the City and anything that Council needs done needs to run through the City Manager or his office.

She further stated that on Monday evening there was an unpublished City meeting that took place and business was discussed. When she first came on Council in the 1990's there were serious issues with members who thought that they did not have to follow the rules. It took one of those Council members being tried in court and almost going to jail before a stop was put to that. There have also been issues within City departments. Violation of the Sunshine Law can land a person in jail. The Governor is not playing and she does not want Cocoa on the front page of the

newspaper again. She has not spent the last twenty-five years going back to what it was before. There are rules and the rules need to be followed. Do not speak to each other if what is being said can become city business. She warned all to be careful. She cautioned them again to read the Charter and Sunshine Law, and if they have questions to call the City Attorney.

Mayor Williams pointed out it was not meeting on Monday night it was a tour and it was a lie. He met with Habitat for Humanity, not with City staff. After the tour was completed Gary Palmer showed up to complete the tour as his employee had been there. Councilmember Koss then showed up and went with Gary Palmer to go on a tour.

He reiterated that it was not a meeting, Habitat just wanted to take a tour.

Deputy Mayor Warner advised that on the itinerary it was listed as a meeting with only Mayor Williams attending.

Mayor Williams stated that he has the order and paperwork she is referring to and will give it to the City Attorney.

He further referenced the statement about employees and mentioned that does not happen. Mayor Williams stated he can care less and will do the job that he has been given to do. We are all grown folks and elected to office. He knows the Charter.

Deputy Mayor Warned asked if he followed the Charter when he qualified for office.

* **Motion by Deputy Mayor Warner to adjourn the meeting**.

Councilmember Goins added that this is the only time that they can have open conversation and felt that if there are problems or if there is an issue, just direct it at the person instead of throwing it out there. Let's handle the problem.

Mayor Williams stated that he knows what is driving this and he will not apologize for being a black man with multiple properties.

Councilmember Goins asked what the employees said. In response, Deputy Mayor Warner stated that they were called at home on the weekend and instructed to do something in violation of what their job is. She pointed out that employees are scared to do their job.

Deputy Mayor Warner advised that this can be addressed when the City Manager returns or when the courts make their decision.

Mayor Williams noted that the City Manager, Assistant City Manager, and Community Services Director are the only employees he has called at home.

XI. ADJOURNMENT.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to adjourn the Regular meeting of April 10, 2019.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:43 p.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

EXHIBIT A: Form 8B, Memorandum of Voting Conflict submitted by Councilmember Koss

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

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Koss-Lorraine-Loken	Cocoa City Council
MAILING ADDRESS 65 Stone Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Cocoa — COUNTY: Brevard	NAME OF POLITICAL SUBDIVISION: District 4
DATE ON WHICH VOTE OCCURRED 4/10/2019	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

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

ELECTED OFFICERS:

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

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

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

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

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lorraine Koss, hereby disclose that on April 10, 20 19:

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

✓ inured to my special private gain or loss;

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

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

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

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

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

I own property in Carleton Terrace. A vote for or against Resolution 2019-23 could impact the value of my property.

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

4/10/2019
Date Filed

Signature

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