

MINUTES
City of Cocoa
Regular Meeting of The City Council

August 23, 2022

A Regular City Council Meeting was held on Tuesday, August 23, 2022, 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.

Councilmember Goins provided the invocation and young men with “The Young Kings” 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; Tammy Gemmati, Administrative Services Director; Charlene Neuterman, Community Services Director; Samantha Senger, Asst. to the CM/PIO; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Mitch Lawyer, Tech Services Supervisor; Bryant Smith, Public Works Director; Lora Howell, Deputy Finance Director; and Erik Montgomery, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of August 23, 2022. (22-491)
2. **Minutes:** (a) Minutes of the Budget Priorities Workshop of July 8, 2022. (22-468)

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to approve the Agenda as presented for the Regular meeting of August 23, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, to approve the Minutes as written for the Budget Priorities Workshop of July 8, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

II. Awards and Presentations:

- I. Presentation by Historic Cocoa Village Main Street. (22-444). (HCVMS)

The Executive Director, Amanda provided a detailed presentation¹ on the Historic Cocoa Village Main Street. She thanked the City for all of its support and allowing them to be a part of the growth of Cocoa Village.

2. Presentation from the Boys and Girls Club of Central Florida and Open-Door Concierge Services -The Young Kings, on the “Summer for the Kids”, State and Local Fiscal Recovery Funds - Grant Award/Program. (22-507). (Finance Director)

Ms. Bowman reminded Council that they had approved a donation for summer programs and these are two of the groups that received the funding.

Erin Harvey and Jack Masson presented on behalf of the Cocoa Boys & Girls Club. She provided a presentation² on the activities that were done this summer and explained in detail how the grant funding was utilized. She thanked the city for this opportunity.

¹ EXHIBIT A: Presentation by HCVMS

² EXHIBIT B: Presentation by the Boys & Girls Club

Jack Masson spoke as the Board Member Chairman and felt that out of all of his career, this has been the most rewarding opportunity he has had. He added that with this assistance, the City helped allow children to be exposed to new experiences and opportunities that they may never have had. He thanked everyone again.

Tee Owens with Open-Door Concierge Services spoke on behalf of their program and explained what their mission is. She advised that they wanted to start a program for minority young men. She explained what the funding allowed them to do, such as guest speakers, activities, field trips, etc. and pointed out that they were also able to provide each young man with a stipend for school shopping to purchase what they needed, whether it was clothes or supplies. Ms. Owens further introduced Gerard Thomas. He also thanked the City for his opportunity and hoped they would be able to do it again next summer.

The young men were introduced and a few of them spoke on how the program impacted them.

Their website is www.opendoorinc.org.

IV. Delegations:

John Niland, Orchid, Florida, Solutions Environmental Energy, was in attendance to speak about fluoride and he advised that there have been sixty studies done worldwide that prove that fluoride reduces the IQ in children. He spoke in furtherance about the chemicals that the City uses and provided a package of information for Council.

Barbara McNeil, Cocoa resident, thanked Mayor Blake for helping in the cleanup of Aurora Street.

Anita Gibson, Cocoa resident, spoke in regards to the need of a cold case unit at the Police Department. She does not want this pushed aside and reiterated the importance of a cold case unit. Crime never goes away and she felt more officers are needed. She is going to make an appointment with the City Manager and Chief of Police in regards to the evidence room for homicides.

V. Consent Agenda:

(A) General Consent Items:

1. Approval of the Municipal Services Agreement with Historic Cocoa Village Main Street. (22-435). (Asst. to the CM/PIO)
2. Approve a Resolution Waiving the Competitive Bidding Process for the Construction of the Influent Pump Station (IPS) Rehabilitation Project at the Jerry Sellers Water Reclamation Facility; To Authorize the City Manager to Execute Amendment #1 to the Master Services Agreement with Garney Companies, Inc., and Petticoat-Schmitt Civil Contractors, Inc., and Amendment #3 to the Master Services Agreement with Wharton-Smith, Inc., for Construction Manager at Risk (CMAR) Services for Specified Water and Wastewater System Projects. (22-464). (Utilities Director)
3. Approve policy for Workers' Compensation Specific Excess Insurance with Safety National Casualty Corporation for the period of October 1, 2022 through September 30, 2023, with an estimated annual premium of \$228,755, pending approval of the FY2023 budget. (22-477). (Administrative Services Director)
4. Council approval for the City to apply for FDEP Resilient Florida Grant funding in the amount of \$1.75M with a 50% match for the construction of the Dixon Blvd. at Indian River Drive Water Quality and Resiliency Project estimated at a total of \$3.5M. (22-489). (Public Works Director)
5. Award Bid B-22-14-COC, Filter Belt Press Programmable Logic Control (PLC) Upgrades (Project WS17FC) to C.C. Control Corporation of West Palm Beach, FL, in the Amount of \$142,700; Approve a Contingency Resolution Authorizing the City Manager to Approve Change Orders in an Amount Not to Exceed \$21,405 (15% of the contract amount), for a Total Project Cost of \$164,105; To Authorize the City Manager to Execute the Contract. (22-492). (Utilities Director)
6. Approval for the City to apply for Save Our Indian River Lagoon (SOIRL) tax cost-share funds for an estimated amount of \$24,500 to install floating wetlands at the N Fiske Blvd. Stormwater Pond. (22-494). (Public Works Director)
7. Council approval for the City to apply for the Resilient Florida Grant funds in the amount of \$100,000 for the Cocoa Coastline Stormwater Nutrient Removal Planning Study. (22-497). (Public Works Director)
8. Approval of requested changes to Pay Plan for Fiscal Year 2022. (22-509). (Administrative Services Director)

(B) Multi-Year Contracts:

9. Approve a multi-year contract for banking services with Truist Bank (Formerly SunTrust Bank) piggy-backing off the Marion County Clerk of Circuit Court contract RFP12C-183 and authorize the City Manager to sign all the necessary documents. Further, if required by the bank, authorize the City Manager to approve a banking resolution with the advice of the City Attorney and authorize the Mayor to execute said resolution, if necessary. (22-486). (Finance Director)

- * **Motion by Councilmember Dyal; Seconded by Councilmember Koss, to approve the Consent Agenda.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

VII. Council Business:

1. Seek Council approval on the addition of a requirement for compostable serving products for all food vendors at City events only. (22-496). (Asst. to the CM/PIO)

Ms. Senger provided a background on this item and advised that this had come up at a previous workshop for vendors at City events to use compostable products only. Staff has spoken with some vendors as well as conducted research. Staff is proposing to add necessary wording to the current application in use.

She pointed out that there were some concerns with one of the vendors as they have been in participating in City events for fifteen years and there is not an alternate option for his product. Wording was added to the application for these instances as well.

Additionally, water bottles would still need to be allowed.

Ms. Senger further noted that there is an additional cost associated with these types of products. Some of the vendors are used to this because other cities have the same requirements.

Mayor Blake stated that Melbourne Beach and Indialantic have similar policies. Ms. Senger answered in the affirmative and reiterated that they researched other cities' policies and worked with the attorney's office on this.

Councilmember Koss thanked her for the research and shared that this is a trend and felt that everything that can be done with our sister cities is good.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, to approve the item, with discussion.**

Councilmember Goins acknowledged April Sullivan who was in attendance and has a food truck. She also is the owner of 321 Food Truck Rallies. Their issue with these types of items is that there is currently a short supply, they are costly and hard to find.

Councilmember Goins advised he was a “no” vote on this and he knows the costs of everything these days and prices are too high. They would have to add \$2-\$3 to everything just to abide by this.

Ms. Sullivan stated that this would only be for City events. She further stated they were asking vendors to use these items when they want the vendors here for events but they cannot work here any other time. She has a license but no one else has been able to get one. She explained that issue in furtherance.

Councilmember Koss asked Ms. Sullivan if she was aware of the Keep Brevard Beautiful Co-Op for compostables because through the co-op they have brought the costs way down.

Deputy Mayor Hearn has heard the same concerns and would asked that this ordinance be reviewed.

City Manager Whitten clarified Ms. Sullivan’s issue with the food trucks. In response Ms. Sullivan explained how some of the other cities operate with food truck licenses and policies.

Deputy Mayor Hearn asked when the ordinance was adopted. It was noted July 2020.

City Attorney Garganese spoke in reference to the State statute and what it states and noted that our ordinance does not prohibit food dispensing in the City. There are other requirements addressed within the ordinance and there is a form but he would have to go back and look at that in depth. He advised that it was Council’s prerogative to look at the ordinance again, however, this is not what this item is about.

Ms. Senger clarified that this item is to add wording to the food vendor policy only at City sponsored events. Staff has been in contact with Keep Brevard Beautiful and will get the vendors in touch with them.

City Manager Whitten reiterated that Ms. Sullivan has two issues: one is the composting and the other is food truck vending.

THE VOTE ON THE MOTION WAS AS FOLLOWS:

AYES: Hearn, Koss

NAYS: Blake, Dyal, Goins

THE MOTION FAILED (2-3)

2. Consideration of a Pre-Development Tree Mitigation Contribution Deferral Agreement for the Orchid Lake development, a 90-unit affordable, multifamily rental housing development proposed to be located on the southwest corner of Michigan Avenue and University Lane, which will defer and eliminate or reduce the Tree Mitigation Contribution required by the City Code for failure to provide tree replacements on site. (22-503). (City Manager)

City Manager Whitten provided a background on the item and advised that this is in an affordable housing project and due to the need of affordable housing in the City this item was brought forward.

- * **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve item, for discussion.**

Attorney Rezanka, representing HTG Orchid Lake, thanked Council and noted they were happy with staff and the agreement as written.

AYES: Blake, Hearn, Dyal, Goins, Hearn

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Consideration of a Pre-Development Tree Mitigation Contribution Deferral Agreement for BTGM, LLC, related to a 210,000 square-foot industrial manufacturing facility to be located on Grissom Parkway, which will defer and eliminate or reduce the Tree Mitigation Contribution required by the City Code for failure to provide tree replacements on site. (22-502). (City Manager)

City Manager Whitten noted while the other item was in pursuit of affordable housing, this one is in pursuit of new jobs and increasing the tax roll in the City. This is for Diamondback who is proposing a 210,000 square foot expansion facility in the City. This agreement is also in regards to the tree mitigation. This facility would be comparable in size of the new Amazon facility.

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

Bobby Fleckinger, the CEO for Diamondback advised that he has been in Cocoa for many years and has been in business for over thirty-three years. This is an airboat company and as of today they employ 329 people. They want to stay in Cocoa. They are bringing in employees from other states as well. Between the building and new equipment the costs will be around \$39 million and that is just for the marine division. They also pay for employee's training, schooling, etc.

AYES: Blake, Hearn, Dyal, Goins, Hearn

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Approve the Final Assessment Resolution 2022-078 for Stormwater Utility Services, Fiscal Year 2023. (22-485). (Finance Director)

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve the Final Assessment Resolution 2022-078 for Stormwater Utility Services, Fiscal Year 2023.**

AYES: Blake, Hearn, Dyal, Goins, Hearn

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve the Final Assessment Resolution 2022-077 for Fire Protection, for Fiscal Year 2023. (22-484). (Finance Director)

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve Resolution 2022-085 revising the building permit fee schedule related to the issuance of building permits pursuant to the Florida Building Code repealing Resolution 2021-058 in its entirety.**

AYES: Blake, Hearn, Dyal, Goins, Hearn

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve Resolution 2022-085 revising the building permit fee schedule related to the issuance of building permits pursuant to the Florida Building Code repealing Resolution 2021-058 in its entirety. (22-447). (Community Services Director)

Ms. Neuterman provided a background on the item and explained how these new fees were derived as well as what they were based on. She spoke about the Citizenserve system and pointed out that people are becoming more used to working in the system so this is to help clean up some fees. Additionally, they are

trying to stay more consistent with the County and other cities. She mentioned other main changes to fees.

In closing, she pointed out that since August 1st there have been 568 inspections and many of those were cancelled. Cancelled inspections cost staff time. Implementing these fees will make the contractor responsible.

- * **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Dyal, to approve Resolution 2022-085 revising the building permit fee schedule related to the issuance of building permits pursuant to the Florida Building Code repealing Resolution 2021-058 in its entirety.**

AYES: Blake, Hearn, Dyal, Goins, Hearn

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve Resolution 2022-086 revising the building fire plan review & inspection fee schedule related to the issuance of building permits & fire inspections pursuant to the Florida Fire Prevention Code & repealing Resolution 2019-019 in its entirety. (22-500). (Fire Chief)

Chief Lamm provided a background on this item and spoke in detail about the fees and changes. He advised they did comparisons with other municipalities in Brevard County.

- * **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Koss, to approve Resolution 2022-086 revising the building fire plan review & inspection fee schedule related to the issuance of building permits & fire inspections pursuant to the Florida Fire Prevention Code & repealing Resolution 2019-019 in its entirety.**

AYES: Blake, Hearn, Dyal, Goins, Hearn

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Staff is seeking approval to reject all bids and rebid ITB B-22-15-COC Fiske Blvd. Roadway and Broadmoor Acres Drainage Improvements Project, FEMA Project Number 4337-428-R. (22-505). (Public Works Director)

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

AYES: Blake, Hearn, Dyal, Goins, Hearn

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Cumulative purchase approvals over \$35,000 and under \$50,000 for period 10/01/2021 to 7/31/2022. (22-456). (Finance Director)
2. Calls for service provided by the Cocoa Fire Rescue Department for the month of July 2022. (22-458). (Fire Chief)
3. Review of City of Cocoa and LIUNA Memorandum of Understanding regarding health insurance. (22-478). (Administrative Services Director)
4. Review of the Memorandum of Understanding between the City of Cocoa and International Association of Firefighters Local 2416 to amend Article 28 Insurance regarding health insurance. (22-479). (Administrative Services Director)
5. FY 2022 Budget Adjustment Report. (22-480). (Finance Director)
6. Data showing the relation between the estimated and actual income and expenses to date. (22-481). (Finance Director)
7. 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. (22-482). (Finance Director)
8. Bi-Weekly Council Update Report. (22-510). (City Manager)

X. Reports:

Mayor Blake acknowledged Mr. Lloyd Roberts who was in attendance and recently appointed as the Chairman of the Code Enforcement Board.

City Attorney Garganese advised that the City prevailed at the Florida Supreme Court on the Villas case.

Mayor Blake announced that the City Manager's birthday was this Friday and asked all to join in singing Happy Birthday to him.

City Manager Whitten further pointed out that were several staff members with birthdays as well and he acknowledged all of those with August birthdays.

Councilmember Goins shared photos of his attendance at the Florida League of Cities Annual Conference and congratulated Mayor Blake who was elected as the 2nd Vice President for Florida League of Cities.

Additionally, he shared photos of Cocoa High School's new weight/locker room and advised that Academy Sports had donated all new equipment. They were going to be featured on ESPN as well. He showed a video as well as photos of the new murals being painted in room.

Lastly, photos were shown of Ms. Dorothy Simms who just celebrated her 95th birthday and of him in attendance at the Black Excellence Awards Gala.

In closing, he stated it has been a busy two weeks but the City was going in a good direction.

Councilmember Koss gave a shout out to the Shaw's for opening the Children's Hunger Project. She advised it was a nice space to carry out their mission.

Councilmember Koss apologized for the last Council meeting where she mentioned a staff members' name. That was not of good form and it distracted from the real issues.

She mentioned the condition of the Lagoon and was happy to see that they were applying for a grant for stormwater projects.

Mayor Blake thanked her for apologizing and recognized Mr. Walsh and all citizens and employees and stated they will always be supported.

Deputy Mayor Hearn attended the FLC Annual Conference and Cocoa is a topic of conversation and is being noticed.

He appreciates staff and asked all to continue to watch out for children in the mornings. He was able to help Cocoa High this morning and thanked all who came out to help.

Mayor Blake spoke on his election as the FLC 2nd Vice President. He believes it was in God's favor and he thanked the many who voted and supported him. Photos were shown from his attendance at the FLC Annual Conference.

He mentioned the upcoming Cocoa Tigers football game against Jones High School Tigers this Friday, August 26th. He gave blessings to Cocoa High Principal Denise Stewart and staff for preparing the school for this upcoming season.

Mayor Blake attended a function in Melbourne which was with the Christina Coalition of Brevard County and it was a wonderful time.

He met with Cheryl Cominsky with the Children's Hunger Project and thanked the Shaw's as well.

Mayor Blake spoke to the Rotarians this past Tuesday and he thanked both Mr. Webb and Jack Masson for that opportunity.

Lastly, he mentioned a visit to the Brevard Medical Examiner's office with a young man and his family. The young man is very interested in that as a career.

He further announced to the residents on Church St. and others that their requests have been heard and something is going to be done. He also asked Chief Collier if signage could be put up as homeless are living under the bridge such as "Overnight Stay Not Permitted". He wants people to feel safe.

In closing, Mayor Blake reminded all to buy local, spend local, and keep it local.

Deputy Mayor Hearn provided an update on the Brevard County Fire Fighters recently involved in an accident. They are still recovering and asked for a moment of silence for them.

XI. Adjournment:

- * MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to adjourn the Regular meeting of August 23, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Hearn

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:52 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie E. Shealy, MMC, City Clerk