

MINUTES
City of Cocoa
Regular Meeting of The City Council

August 9, 2022

A Regular City Council Meeting was held on Tuesday, August 9, 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.

Deputy Mayor Hearn provided the invocation and Frank Sullivan 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; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Mitch Lawyer, Tech Services Supervisor; Abigail Morgan, Acting Public Works Director; Gail Bantugan, Leisure Services Manager; and Erik Montgomery, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of August 9 2022. (22-443)
2. **Minutes:** (a) Minutes of the Budget Priorities & Goal Setting Workshop of May 26, 2022 (22-345)

- * **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the Agenda as Amended, by moving Council Business Item VII.2 to VII.1, for the Regular meeting of August 9, 2022, as presented.**

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 for the Regular meeting of May 26, 2022, as presented.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. **Awards and Presentations:**

1. Proclamation: "Central Brevard Humane Society 70th Anniversary". (22-453). (Theresa Clifton)

Mayor Blake read the proclamation into the record, recognizing the 70th Anniversary of the Central Brevard Humane Society. Members of the Society were in attendance to accept the proclamation. Members spoke on behalf of the Humane Society and Theresa Clifton spoke about the history of the society as well as when it was founded. She thanked Cocoa and the community for their ongoing support. The Tuxes and Tales Gala is on August 27, 2022.

IV. **Delegations:**

Dr. John Niland, 121 Island Place, Orchid, Florida, Solutions Environmental & Energy LLC, spoke about fluoride in the water and studies that have been done in regards to fluorinated water. He provided a packet of information to Council of fifty reasons to oppose fluoride in the community.

Corey Johnson, Cocoa, advised that he promoted an event at Marino's in the Village over the weekend and they hired the Cocoa Police Department as it was an all night event. He believed it was good to have their presence there and that

they have a good relationship with the Chief, Fire Chief, and Council members. He thanked them again.

Judd Spitzer, Vice President of The Blue Plaid Society, stated that they bring awareness to the dangers of fentanyl and provided handouts to Council. He gave some statistics in Brevard County and provided their website which is BluePlaid.org.

R. Carroll Travis, Cocoa, has walked the Indian River for twenty years and the Lagoon has many creatures that depend on it. There is a lot to do with the recovery of this. It is time to do whatever they can and to understand that the community is fully supportive to do anything they can to save the Lagoon.

V. Consent Agenda:

(A) General Consent Items:

1. Authorize the City Manager to execute the Agency Cost-Share Agreement between the Indian River Lagoon (IRL) Council and the City of Cocoa (IRL2022-03) for the Dixon Blvd. at Indian River Drive Water Quality and Resiliency Project, Design and Engineering. Approve a Resolution Amending the FY22 Budget, BAF# 22-115-A recognizing the IRL National Estuary Program (NEP) Funding Revenue and Transferring Funds from another project to cover the increased cost. (22-373). (Public Works Director)
2. Approve a 2nd Modification to the Clearlake Road Development Agreement and authorize the Mayor to sign the agreement. (22-428). (Community Services Director)
3. Approve a Budget Resolution, Amending the FY2022 Budget, BAF# 22-120-A in the amount of \$2,500. Approve Change Order #2 for PO 79626 and Project Resolution authorizing the City Manager to issue the change order with a project contingency, not to exceed \$5,500 for the 1219 Duke Way Rehabilitation Project. (22-438). (Community Services Director)
4. Approve a Resolution Amending the FY23 Budget, BAF#22-119-PT. Approve Change Order # 2 for P.O. 78964 with Inliner Solutions LLC, formerly Granite Inliner LLC, in the Amount of \$26,000. (22-439). (Public Works Director)

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Approval of Ordinance 09-2022 on Second & Final Reading regarding updates to the Special Events Ordinance. (22-442). (Asst. to the CM/PIO)

Attorney Garganese read Ordinance No. 09-2022 into the record, by title only as follows. He advised that this is the second and final reading of the ordinance.

ORDINANCE NO. 09-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 2, ARTICLE XI. – SPECIAL EVENTS AND PARADES; PROVIDING FOR AMENDMENTS RELATED TO THE CLOSURE OR GATING OF PARKS, DEFINITIONS, PERSONNEL SERVICES, REVIEWCRITERIA AND OTHER PROVISIONS; PROVIDING FOR THEREPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

- * **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve Ordinance No. 09-2022 on Second and Final Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Consider the Appointment of one of the following applicants to fulfill the unexpired term of Jeri Blanco, on the Planning & Zoning Board: Thomas Barton, Nicholas Boardman, Katherine Waterloo-Fridl, Wesley Park, or Aleck Greenwood (1st Alternate). (22-459). (Administrative Services Director)

Councilmember Koss spoke on behalf of Wesley Parks who is the current Chair of the Utilities Advisory Board. She nominated him for the position.

Councilmember Dyal shared his experience on the Board of Adjustment stating that he started as the First Alternate. He believed that Aleck Greenwood should be selected as the Regular Member and was in favor of Wesley Park as well.

Deputy Mayor Hearn agreed with Councilmember Dyal in regards to Mr. Greenwood moving up and Mr. Park being selected as an Alternate.

Councilmember Goins reminded Council that at the last meeting they moved an Alternate to Regular Board Member and they should follow the same precedent.

Nicholas Boardman, applicant, provided a brief background of his experience and spoke about his profession. He owns several properties in Rockledge. He explained why he was interested in the position.

Wesley Park, applicant, spoke about his interest on this board and of his experience on the Utilities Advisory Board. He looked forward to the opportunity but understands the chain of command. He is the current Chair of the Utilities Advisory Board. Mayor Blake thanked him and stated his service speaks volume.

Thomas Barton, applicant, stated that he was relatively new to Cocoa and has been here for around eleven months. He provided a brief background of his experience and pointed out that he served on a Planning & Zoning Board in Pennsylvania. He likes to be involved in the community and knows that it starts with planning and zoning.

Aleck Greenwood, current 1st Alternate to the Planning & Zoning Board, provided his background and mentioned his family's history here in Cocoa. He wants to continue the positive avenues that the City is taking and help contribute to the process. He spoke in furtherance about his time as a Cocoa city councilmember and on CRA boards. He is proud of how the City is growing.

- * **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to appoint Aleck Greenwood as the Regular Member and Wesley Park, as the Alternate member, for discussion.**

Mr. Park was not aware that the Alternate position would be a consideration and would like to remain as the Chair on the Utilities Advisory Board.

The MOTION WAS RESCINDED AND NEW MOTIONS WERE MADE.

- * **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to appoint Aleck Greenwood as the Regular member on the Planning & Zoning Board.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

- * **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to appoint Thomas Barton as the 2nd Alternate on the Planning & Zoning Board.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Merrybeth Burgess (current 2nd Alternate) will move to the 1st Alternate position.

2. Request Council direction on the Expanded Outdoor Dining provision set to expire on August 9, 2022. (22-436). (Community Services Director)

Mayor Blake provided the options that are being provided by staff, which are as follows:

1. Allow the temporary provision to expire on August 9, 2022.
2. Authorize Staff to make the Resolution into a Sidewalk Café Ordinance to include the use of public parking spaces, sidewalk public spaces or non-sidewalk public spaces.

Ms. Neuterman provided a detailed history of the outdoor dining resolution. She further provided a current list of businesses that are utilizing this.

She advised that this was done during the Covid pandemic in order make more space for these businesses. Ms. Neuterman advised that the City has received numerous emails and phone calls both in favor of keeping the resolution as well as letting it expire. If staff is directed to create an ordinance an item would be brought back to them.

Patrick Evangelista, with Pub Americana, believes that the pandemic is still here. He stated that by doing outdoor dining it also benefits the City and last year a petition was submitted with about 99% in favor of it continuing. People come to Cocoa Village because they do not have outdoor seating where they live. He is aware of the parking issue but there have been numerous events without any issues. Additionally, there have not been any security issues. He feels it would help the City and businesses and makes the Village special.

Jason Estes, with Village Idiot Pub, thanked Council for their help during Covid but agreed that it is not gone. He believed people feel better if they have the option to sit outside. Having the extra area really helps and if he knew it was going to be permanent they would invest to make it look better. He reiterated his feelings about having the outside area.

Aleck Greenwood, Cocoa, supports all of the restaurants in the area but the biggest concern is parking. There is a very high need for parking and he believed safety was also a concern, as cars are right next to where people are eating.

Councilmember Dyal likes the outside seating and felt that rent could be charged for the spaces.

Councilmember Goins has been supportive of this with or without Covid. It is a way for businesses to make money and there have not been any incidents. He agreed with Councilmember Dyal and felt there needed to be an opportunity for businesses to permit the spots. He is not against a charge for them either. He stated that he was in support of Option #2 and only received two calls in opposition of this.

Councilmember Koss agreed that Covid is not gone and is still quite a threat so the desirability of outdoor dining weighs heavily on this decision. She is in support of it.

Deputy Mayor Hearn has heard great points from all of Council and believed this to be a great opportunity for both businesses and the City. Additionally, there is the potential to make some revenue to invest in parking in the Village. He is in favor of Option #2.

Mayor Blake stressed that safety was his biggest concern and explained his reasonings why. He further felt that parking in the Village was a prime commodity. Lastly, he asked how they would select the businesses. He was in support of Option #1.

- * **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to approve Option #2 with the stipulation of staff bringing back ideas and costs and examples of other cities who have had this issue; how the selection would be done of what types of businesses can do it; as well as safety measures.**

AYES: Hearn, Dyal, Goins, Koss

NAYES: Blake

THE MOTION CARRIED (4-1)

3. Provide Direction to Staff for Funding and New Policies, if Necessary, for the Indian River Drive Septic to Sewer Conversion Areas J & K. (22-450). (Utilities Director)

Councilmember Koss stepped down from the dais and submitted her Form 8B¹ to the City Clerk.

Linda Dolphin, Cocoa, provided a slide to Council and discussed costs of the project. She presented an Option #5 for Council to consider.

Tammy Carter, 1809 Indian River Drive, Cocoa, read over the Sustainability Plan. She explained what it entailed and felt that the estimates being provided are still questionable. She asked why stormwater would not be included if this moves forward. Other options needed to be considered before this is approved.

Juliette Womack, 2006 N. Indian River Drive, Cocoa, has spent a lot of time on this and spoke on points brought up by citizens such as the inconvenience to residents on Indian River Drive, oak trees, and utilities.

Frank Sullivan, 1705 N. Indian River Drive, Cocoa, mentioned the Lagoon and that there was a dead manatee in front of his home because of the condition of the Lagoon. He believed that you need to know how much this is going to cost before you go for it. The technology is out there and they need to get something done.

Norris Park, 1117 N. Indian River Drive, Cocoa, agreed with Mr. Sullivan and felt grants should be approved and financing should be done afterwards. If they are not applied for by mid-September than it will be 2025 before anything will be done.

Wesley Park, 1112 Abington Street, Cocoa, knows that this is a tough decision but the citizens are looking for their foresight on this, just like tax increases. Council had the foresight to know that a tax increase would help in the long run. This item does not benefit him one bit but the money will not come to Cocoa unless applied for.

Alan Blood, 1809 N. Indian River Drive, received the options and information in regards to the options. He mentioned some of the addresses that will not receive grant monies. He thanked Mr. Walsh for the analysis and provided his input on it.

Mr. Walsh addressed some of the comments made and that one was suggested that hookup fees were waived, and he advised that was not possible. Additionally, using a loan to fund this was not viable. He further pointed out that the analysis provided to Council had some correct numbers but a lot of stuff was missing and he would show them the breakdown during his presentation.

¹

EXHIBIT A: Form 8B submitted by Councilmember Koss

Mr. Walsh advised that doing the bidding first was not possible as you cannot go out for bid without having the funding.

Mr. Walsh provided a presentation², stating that this was the third time it has been shown. He moved through the presentation and reviewed the project costs in detail. He showed a summary of the range of costs that would be paid by homeowners, grant monies, or a combination of both.

Discussion was held on properties and the potential costs at some of the more cumbersome properties. There are a lot of unknowns.

Lastly, he advised that the funding still needed would be \$1,825,865 which is based on the high side of the cost estimate.

Mr. Walsh advised there are still the same challenges that have been presented in previous meetings. It needs to be decided who is going to pay for the overages and if a mandatory ordinance is going to be done that it needs to be decided how that would be enforced. There is a lot here at stake and every house has challenges of some sort.

Deputy Mayor Hearn knows the importance of this but felt it was frustrating. He is confused as to why this was submitted in the first place if it was not feasible. In response, Mr. Walsh explained that it was automatic and the City did not have a say in it. The County identified J & K and others along Indian River Drive.

City Manager Whitten stated that these were created by the Tetra Tech Study that were initiated by the County. This was not initiated by the City.

Councilmember Dyal shared that there were some homeowners for this and some who were against it. Some have the funds to get a lawyer and while it is being fought the project cannot move forward. He has seen oak trees die because a machine gets too close. This project has way too many unknowns but knows it needs to be done.

Councilmember Goins asked Mr. Walsh about the borings and if the majority could be bored instead of excavated. Mr. Walsh felt it was a mixture. One house had two septic systems because they had a guest house in the back which makes it even more cumbersome. He agreed there are a lot of unknowns. Mr. Walsh further shared that one of the properties had a house in the back that was lower than the house in front of it.

² EXHIBIT B: SOIRL Presentation

Councilmember Goins talked about financing and stated that the County has money in contingency for overages. He believed that as a City, help needed to be requested from them.

Further discussion was held on the item.

- * **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve Option #1.**

AYES: Blake, Dyal

NAYES: Hearn, Goins

THE MOTION DIED.

- * **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to approve Option #2.**

AYES: Hearn, Goins

NAYS: Blake, Dyal

THE MOTION DIED.

VIII. City Business:

1. Approve the Preliminary Assessment Resolution No. 2022-075 for Fire Protection, for Fiscal Year 2023. (22-430). (Finance Director)

Ms. Bowman spoke on behalf of the item. It was determined by the City's consultants that a 3 percent increase was required for this upcoming year. There will be two hearings on this.

- * **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to Approve the Preliminary Assessment Resolution No. 2022-075 for Fire Protection, for Fiscal Year 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve the Preliminary Assessment Resolution No. 2022-076 for Stormwater Utility Services, Fiscal Year 2023. (22-434). (Finance Director)

Ms. Bowman spoke on behalf of the item. It was determined by the City's consultants that a 4 ½ percent increase was necessary for FY 2023.

- * **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to Approve the Preliminary Assessment Resolution No. 2022-076 for Stormwater Utility Services, Fiscal Year 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. Informational Agenda:

None.

X. Reports:

Mr. Norris Park, Chairman of the City's Fire Pension Board, submitted a financial report to the City Clerk today. He announced that at the end of June they had lost \$3.3 million but had gotten back \$2 million at the end of July. They diversified and all is going well. They appreciate the support from staff and Council. He advised he had been elected to the Board of Directors for the Florida Public Pension Trustees Association and looked forward to representing the City. Mayor Blake thanked him for his leadership and membership.

Deputy Mayor Hearn thanked him for his continued service and dedication as a fellow firefighter.

Mayor Blake asked if a homeowner was on septic if they could petition privately as a homeowner to apply for the advance septic enhancement. Mr. Walsh explained what would have to be done for them to do so.

Chief Collier provided crime statistics and spoke about community engagement activities through the Police Department. He stated that twelve Chief's Walk's have been done and he mentioned the benefits of those. There is one coming up in District 1 at Ixora and Polaris Street. Crime is down 8.3%.

Additionally, a Swearing In Ceremony was held the other day for a new officer who is a graduate of Cocoa High School.

Mayor Blake read a travel announcement into the record for the Florida League of Cities Annual Conference, August 10-14, 2022, as follows:

"I, along with Deputy Mayor Hearn and Councilmember Goins will be traveling to the Florida League of Cities Annual Conference beginning on Wednesday, August

10th. They will be returning on Saturday, August 13th and I will be returning on Sunday, August 14th.

We will be staying at the Diplomat Beach Resort in Hollywood, Florida and the estimated cost of the trip for all three of us, including registration, hotel reservations, mileage, parking and per diem will be around \$5,085 dollars. This is budgeted under Council's travel and per diem account."

Mayor Blake attended the SCLC Dinner on Monday night and he reminded all that school starts tomorrow. He asked that everyone be mindful and take their time as children will be on the streets. He congratulated Deputy Mayor Hearn for receiving a scholarship from SCLC.

Deputy Mayor Hearn thanked him for the acknowledgement as well as SCLC for selecting him.

Deputy Mayor Hearn attended the community events with Councilmember Goins and he thanked the Police and Fire Departments for their participation. He thanked the Chief for the walks he does.

He echoed the Mayor's sentiments on being careful with kids going back to school.

In closing, he advised that Endeavor has a lot of kids that walk to school so he will be starting trash pick-up events back soon. He will keep staff informed.

Councilmember Koss shared that she is a member of the Economic Development Commission Board and they are moving forward to try to attract businesses to the Space Coast. There will be a new branding initiative called Mission Space Coast and that this branding would be more than a logo³.

She was excited about this and noted that the City would be involved to help the idea spread and to be accepted.

Councilmember Koss stated that there are no septic fields in many of the yards associated with Project J & K. This is 2022 and the Lagoon sits on a regime shift which is big and hard to reverse. She is not sure what some of her neighbors will do and she understands how difficult this has been. It is important, yet inconvenient, but there is no way around it. She appreciates the effort put into this.

³ Mayor Blake left the meeting at 8:19 p.m.

Councilmember Dyal spoke about his attendance at the PAL Awards where the Chief gave out certificates. He further mentioned that he drove the antique fire truck to Councilmember Goins' community event.

Councilmember Dyal added that with Project J & K there are too many unknowns.

Councilmember Goins asked Mayor Blake if he would consider doing Reports at the beginning of the meeting when there is a larger crowd, because many times people have left by the time Reports start and they do not get to hear important things.

Mayor Blake voiced his concerns in regards to moving Reports and stated that if you are doing good people are going to recognize it. He will keep an open mind to it.

Councilmember Goins asked for a consensus from Council to direct the City Manager and staff to request additional funding for Project J & K.

Deputy Mayor Hearn stated definitely. Councilmember Koss stated that Jack just does not want to do it, it is a hard project.

Mayor Blake asked Councilmember Koss what she said and she stated it was a hard project and she does not think we want to do it. Her comment was reiterated and Mayor Blake stated that was disrespectful.

City Manager Whitten clarified that Councilmember Goins was asking staff to go to the County to request additional dollars towards the project from their contingency funds.

Further discussion was held on this request.

* **CONSENSUS BY MAYOR BLAKE, DEPUTY MAYOR HEARN, COUNCILMEMBER DYAL, AND COUNCILMEMBER GOINS FOR STAFF TO REQUEST ADDITIONAL FUNDING FOR PROJECT J & K FROM THE COUNTY.**

Mayor Blake apologized to Mr. Walsh again.

Councilmember Goins pointed out that the weight room at Cocoa High was receiving a makeover and thanked everyone involved with that.

He spoke about his back to school event and thanked everyone involved. The community really came together.

He invited all men to Emma Jewel Charter Academy at 7:55 a.m. tomorrow morning to welcome students as they arrive at school. He said it is a neat thing to be a part of.

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

XI. Adjournment:

- * MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to adjourn the Regular meeting of August 9, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:39 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, City Clerk