MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

March 13, 2019

A Regular City Council Meeting was held on Wednesday, March 13, 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 6:15 p.m.

Pastor Jarvis Wash provided the invocation and 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
	John A. Titkanich, Jr.	City Manager
	Matt Fuhrer	Assistant City
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Katie Ennis, Deputy 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 March 13, 2019 (19-87)

2. Minutes: (a) Regular meeting of February 13, 2019 (19-97)
(b) Mayor's Town Hall Meeting of February 19, 2019 (19-98)

Deputy Mayor Warner requested that Item VIII.8 be added under Multi-year Contracts and she mentioned at the last Council meeting there was a code lien reduction that was supposed to come back to this agenda and it was not included. It was the lien reduction for 1050 Grove Avenue.

She noted that Code has visited the property and they are in compliance and she is requesting that this be brought back tonight for approval.

Councilmember Goins asked Chief Cantaloupe for any updates on this property. In response, Chief Cantaloupe advised that he was not sure if Code had revisited the site. Deputy Mayor Warner noted that according to Mr. Bunt they were in compliance.

Mayor Williams stated that he would like to revisit the site. Deputy Mayor Warner asked that since this is a quasi-judicial board, was there not a law against him going to the property. Mayor Williams stated it did not matter and that is what he thinks about it.

Deputy Mayor Warner asked Attorney Garganese if Council was allowed to go and view properties. In response, Attorney Garganese noted that this was a lien reduction and not a quasi-judicial matter. She confirmed then, that if there is a lien reduction on the Code agenda that it is okay to go out and view a property. Attorney Garganese explained that if it is a reduction, then the case is technically closed. He pointed out that there are distinctions between active code cases and financial obligations.

Deputy Mayor Warner believes that since it was brought up to Code then Council at least owes him an apology.

Mayor Williams stated that Council makes the final decision so they have a right to go and look at the properties.

* **MOTION by Deputy Mayor Warner; Seconded by Councilmember Boisvert, to approve the Agenda with additions of Item VIII.8 and the Code Lien Reduction for 1050 Grove Avenue.**

Ayes: Warner, Boisvert

NAYS: Williams, Koss, Goins

THE MOTION FAILED (2-3)

Councilmember Koss was confused on the item, in which Mayor Williams explained the situation.

Chief Cantaloupe announced that he just spoke with the Code Manager and as of yesterday morning the property was in compliance, however, there was not enough time to get this on the agenda, as it was past the deadline.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Warner, to approve the agenda with the amendments of Item VIII.8 under Multi-Year Contracts and the item regarding a lien reduction for 1050 Grove Avenue.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. AWARDS AND PRESENTATIONS:

None.

IV. DELEGATIONS:

Victor Watson, Esq., 3490 N. US 1, Cocoa, Florida, noted he was in attendance to represent Ms. Gladys Thomas, who had several properties with code violations against them. They had all been abated and then lien reductions were approved. They appreciated the reductions and have worked hard to bring the properties in to compliance. There is a tax deed sale on one of the four properties that has a code violation. The owner let the deed sale go forward and mentioned it later to Mr. Watson. Mr. Watson spoke with the City Attorney and the City Attorney explained that in the agreement there was a paragraph talking about tax deed sales. Mr. Watson advised that the client got the $17,000 plus what was owed in the agreement and they put a claim in for the surplus with the Clerk of Court.

He further noted that he has been speaking with the City Attorney to see what can be done and at this point he is asking City Council to waive its claim to the surplus. All properties are in compliance and if the lien had been paid a little

earlier the tax deed sale would not have happened. The City is claiming $22,000 in addition to what the client has paid.

Attorney Garganese explained that the City and client had entered into an agreement and according to that, in his opinion, the City is not only entitled to the $17,000 plus but it is also entitled to the tax deed sale according to the paragraph in the contract. The City has a contractual right to the $22,000 plus being held by the Clerk of the Court. The City has filed a claim for the funds and now there is a competing claim that was filed by Ms. Thomas' son which has affected the ability for the City to get those funds.

Attorney Watson stated that the City could waive that.

City Manager Titkanich advised that this was a partial lien reduction as there was close to $600,000 owed to the City.

Attorney Watson explained that the client did not understand paragraph 11 in the contract. He reiterated their appreciation for the reduction, as it was quite a bit of money, but the liens have not all been satisfied.

City Manager Titkanich reiterated that it was a partial lien release.

Attorney Garganese pointed out that there were many liens on all of these properties. It again, is a contractual issue. He explained to Council that Mr. Watson is asking the City is to waive the contractual right to the money. Theoretically, the Council can waive the right although it is a contractual right. If it is not waived there are competing claims at Clerk of Court. If withdrawn the Clerk of Court will probably take the money to court. He is requesting that they waive a contract right to the money.

Mayor Williams felt they have given enough and what Council did was a great deed. Councilmember Goins agreed.

Councilmember Koss asked if there was a compromise.

Councilmember Boisvert thought it should be brought back after the City Attorney and City Manager discuss.

City Manager Titkanich advised that they had been in consultation and are advising that Council does not waive the contractual right.

Councilmember Boisvert retracted his statement.

Deputy Mayor Warner stated no as they were more than fair the first time.

Aleck Greenwood, 640 Brevard Avenue, Cocoa, spoke about the consent decree area, renovation to the area, and spoke about the addition of oak trees and sidewalks, and advised that there was no budget set up for the upkeep of the renovated area. He believed it was going to return to blight. There are two street lamps that have not been replaced and there are forty oak trees planted but have that have not been watered properly. Oak trees cost about $150-$200 per tree. He mentioned that this would be about $14,000 which is a lot less that what it would take to bring it back to what it should be. He further voiced his concerns about security for access to this building.

City Manager Titkanich advised that the renovations were a CRA project and they should be the ones who look into this.

Robert Smolick, stated his address was exempt due to being a retired first responder, and he works for a company that looks into waste fraud and corruption in government. In 2017 FDOT paved all of the streets in Cocoa Beach. There was a water leak in which Cocoa came out, fixed, and repaired the property, and then a Waste Management truck drove through and destroyed a temporary patch. Nothing was done or fixed to FDOT standards. He noted that DBI Services does maintenance along A1A. He mentioned that he got in touch with DBI and FDOT and spoke about a letter that he submitted. He was given wrong information and lied to. FDOT got in touch with Utilities the other day. He stated that Cocoa and DBI have both denied responsibility. The City dug the hole and did not fix it properly which resulted in an accident. The matter needs to be settled. He pointed out that he filed a formal claim today and wrote a letter to risk management. He was informed the whole thing would be fixed soon and it should not have gone on this long.

Mayor Williams advised that he was not familiar with this incident. Mr. Smolick stated that apparently no one had received it. In response, City Manager Titkanich advised that it was dated March 11th and was immediately sent to the City Clerk's office. Items were compiled and he would like to review. Mr. Smolick was also contacted.

Mr. Smolick further stated that the City should be receiving a certified copy and would like the hole patched and this matter taken care of.

V. CONSENT AGENDA:

1. Approve Participation in a Cooperative Purchase Agreement with Ring Power, Palm Bay, Florida, Utilizing the City of Melbourne Contract No. 06-066-0-2016/KS to Purchase Radiator Cores, Tanks, Belts and Hoses for the Dyal Water Treatment Plant. (19-71). (Utilities Director)

2. Approve a Home Investment Partnership (HOME) Program Agreement with Community Housing Initiatives in the amount of $400,000 to award funds to for the administration of the City's Purchase Assistance Program. (19-80). (Community Services Director)

3. Approve a Budget Resolution adjusting the Fiscal Year 2019 budget in account 001-1600-513.49-00 Other Charges and Obligations to cover additional general and auto insurance liability deductible charges using General Fund Contingency. (19-88). (Administrative Services Director)

4. Approval to apply for a grant through The Florida Bureau of Emergency Medical Oversight for acquisition of EMS reporting hardware and software. (19-103). (Fire Chief)

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve the Consent agenda.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. PUBLIC HEARINGS:

1. Conduct a Public Hearing to amend the FY 2018-2019 CDBG Action Plan to reallocate funds and add two new activities in accordance with the City's CDBG Citizen Participation Plan and also Approve a Resolution Amending the FY2019 Budget, transferring revenues to the appropriate account line. (19-89). (Community Services Director)

Ms. Bunt advised that there were new activities being requested to be added to the plan. One is neighborhood signage improvements and park improvements. This is just reallocation of funds. If approved, it will be submitted to the US Department of Urban Development for commitment.

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

Councilmember Goins asked if there was a listing of locations where signs would be installed. In response, Ms. Bunt noted they are looking at the new Michael C. Blake Subdivision, Whaley Street (for Habitat for Humanity), and in other low income areas.

He stated that he would like to see signage at the corner of Fiske Blvd. and Rosa L. Jones Drive.

Ms. Bunt agreed to look into this and maybe it would be something that the City could assist with, as it would be a gateway feature.

* **MOTION by Councilmember Goins; Seconded by Councilmember Boisvert, to approve the amendment to the FY 2018-2019 CDBG Action Plan to reallocate funds and add two new activities in accordance with the City's CDBG Citizen Participation Plan and also Approve a Resolution Amending the FY2019 Budget, transferring revenues to the appropriate account line.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Pass on First 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). (19-95). (Community Services Director)

Attorney Garganese read Ordinance No. 01-2019 into the record, by title only as follows. He advised this is the first reading of the ordinance.

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. Selig provided a presentation[1] on the proposed ordinance. She provided a project summary and noted that the City of Cocoa is the applicant, and the request is to amend the zoning map designation of two parcels totaling approximately 3.23 acres of the Dr. Joe Lee Smith Community Center complex.

A location map was shown and she pointed out that the City intends to build a new community center on the northern parcel of the property where the current baseball field and playground are located. The existing pool and basketball court are also in this location. The southern parcel contains the current community center building.

She noted the consistency with the Comprehensive Plan Policies and Objectives and the concurrency management.

The Planning & Zoning Board recommended approval of this at its March 6, 2019 meeting. She reiterated staff's recommended motion.

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 first reading.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. COUNCIL BUSINESS:

1. Consider the appointments of the following applicants, as nominated by City Council members, as members to the Police Community Relations Advisory Committee: Aldon Bookhardt, Marsha Dyal, Alton Edmond, Kevin McCann, and Alfred Boettjer. (19-85). (Administrative Services Director)

[1] EXHIBIT A: Zoning Map Amendment Presentation on the Dr. Joe Lee Smith Community Center

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, for discussion.**

City Manager Titkanich pointed out that in the body of the agenda item it notates Michael Klug as being nominated by Deputy Mayor Warner, but on the title of the item his name is not stated. He wanted to ensure that they knew he was being appointed.

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Councilmember Koss asked why this is a committee and not a board.

Attorney Garganese mentioned that it was form of substance and during discussion it was determined as to what it should be named. It should be a committee which is more of a style than a form.

Councilmember Koss further asked if this resolution was based on Melbourne's model. City Manager Titkanich noted that it was in part but he further discussed the four models that they looked at and how this was developed.

Councilmember Koss understood that it was a separate organization where the Sustainability Advisory Committee is staff driven. City Manager Titkanich explained that the committee can provide feedback to the Chief on certain issues that may arise.

She thanked him for the explanation.

2. Consider the Donation application for Cocoa Youth Athletics, Inc. (19-86). (Administrative Services Director)

Mayor Williams believed that this is a great thing and advised that he was the president of the Rockledge football league a long time ago. At that time, the cost was approximately $400 per player. He went out to watch the kids perform and is glad to have youth football back.

Mayor Williams pointed out that he would like to contribute $200 of his donation allowance. All other members of Council were in agreement and also wanted to contribute $200.

* **MOTION by Deputy Mayor Warner; Seconded by Councilmember Boisvert, to each give $200 from their donation accounts for a total of $1,000 to Cocoa Youth Athletics, Inc.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Councilmember Koss stated that both of her sons played football so she is very supportive. She intends to have some non-profits help the Cocoa High School students get to Carnegie Hall in October. She hopes that they can support and help many of the multi-talented Cocoa citizens.

Mr. Samuel Clayborne, the President of the League, thanked Council and staff and provided a background of the program. He further explained their goals and mentioned that they are very passionate about this and leading youth on the right path.

Mayor Williams thanked them for doing good things. He is aware that there is a need for new scoreboards and he is trying to get those donated. There is also a need at Provost West.

Councilmember Goins did not hesitate at all on this donation. These are good people doing good things.

3. Approve the reduction of the current Code Enforcement lien for the property located at 1050 Grove Ave. from $32,475.00 to $1,440.79 as recommended by Staff and the Code Enforcement Board, so related City expenses and Staff time are reimbursed. (19-68). (Chief of Police)

Mayor Williams requested that these items are requested earlier and that this took time to type up the agenda item.

* **MOTION by Mayor Williams; Seconded by Councilmember Boisvert, to approve staff's recommendation for the lien reduction at 1050 Grove Avenue.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. CITY BUSINESS:

1. Approval of a Resolution Amending the FY 2019 Budget to fund a Recording Secretary position in the City Clerk's office through the use of General Fund Contingency. (19-70). (Administrative Services Director)

Ms. Gemmati explained that this position is being requested in order to help provide coverage in the Community Services and City Clerk's offices. Currently, there are two staff members who serve as recording secretaries for various

boards. Due to flexing time off, it is resulting in reduced customer service and taking away time from their primary job responsibilities.

Deputy Mayor Warner clarified that we had this position in the past. Ms. Gemmati responded in the affirmative.

* **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)

2. Approval of a Resolution amending the Fire Inspection Fee Schedule and approval of the new schedule for fire inspection fees Exhibit A. (19-83). (Fire Chief)

Attorney Garganese read the Resolution into the record, by title only as follows.

RESOLUTION NO. 2019-019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, RELATED TO FIRE PROTECTION AND PREVENTION; ADOPTING A MODIFIED SCHEDULE OF FIRE INSPECTION FEES IN ACCORDANCE WITH SECTION 6-208 OF THE CITY CODE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve on First Reading Ordinance No. 02-2019: Amending City Code of Ordinances: 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). (19-84). (Fire Chief)

Attorney Garganese read Ordinance No. 02-2019, into the record, by title only, as follows. He advised that this is the first reading of the ordinance and not a public hearing.

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.

* **MOTION by Councilman Boisvert; Seconded by Deputy Mayor Warner, to approve Ordinance No. 02-2019 on first reading.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

MULTI-YEAR CONTRACTS:

4. Approve Participation in a Cooperative Purchase Agreement with Insituform Technologies, LLC for Cured in Place (CIPP) Pipe Rehabilitation Services and Sanitary Sewer Mid-Term Cleaning & CCTV Inspections of Main Line Sewers Utilizing City of Daytona Beach Contract No. 0118-2600 Effective February 7, 2019 through February 6, 2020. (19-64). (Utilities Director)

Mr. Walsh explained this item in detail and noted that the contract was good through February 6, 2020. He spoke about the program and that the City has been doing this for approximately nine years.

Mayor Williams asked if cameras are sent down when they do the lining through the inside. In response, Mr. Walsh stated they send cameras in both before and after.

Councilmember Koss stated that this extends the life of the pipes for about fifty years. She felt it was good technology and a good impact to citizens and customers.

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

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Approve a Multi-Year Continuing Service Agreement for Professional Services with Stantec Consulting Services, Inc. waiving the competitive bid process, in accordance with Section 15.4 of the Financial Operation Manual, as being in the best interest of the City. (19-96). (Finance Director)

Ms. Bowman explained the reasoning behind this item and mentioned that the City has used Stantec for multiple studies. Each one has required an agenda item, but this contract will be in place for five years with renewal options, and a task order can be issued for each study. There is also contingency money included in the event they need to utilize them for another service.

* **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)

6. Approve a multi-year Professional Services Agreement between the City of Cocoa and S&ME, Inc. to provide professional planning services on a task order basis as well as approve a budget amendment to transfer funds from 001-1600-513.39-00 (Contingency) to Community Services 001-3200-515.31-00 (Professional Services) and 001-3200-515.34-00 (Contract Services) for professional planning services and contract building services. (19-104). (City Manager)

City Manager Titkanich presented the item and explained that this would be a multi-year professional services agreement and they would provide planning services on a task order basis. He provided a background on the Community

Services department and spoke of some of the issues they have had in recruiting for open positions. Approval of this will enable relief to the current Planning & Zoning Manager, Ms. Bunt, and himself in the interim of filling positions.

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

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

7. Approve a multi-year Agreement and lease with the Florida Historical Society to lease real property located at 2201 Michigan Ave., Cocoa, Florida 32926 (Brevard Museum site) owned by the City and approve a previously executed lease termination with Brevard County. To approve the use of General Fund Balance Reserves for the one-time expense related to the execution of the lease Agreement and approve a budget amendment amending the FY 2019 Budget. (19-107). (Assistant City Manager)

Assistant City Manager Fuhrer presented the item and mentioned that the Brevard Museum is located on Michigan Avenue and was constructed in the mid-1970's. He spoke of the history of the museum and pointed out the unique relationship it has with the City.

This item includes a correction to remove the County out of the middle of this lease and the Florida Historical Society approached Council as they need a new roof. Council directed staff to work out an agreement with the Historical Society. The City has agreed to a $50,000 contribution and in turn the City will receive three years of in-kind support for the Leon and Jewel Collins Museum of Natural History.

Councilmember Koss was proud that the Florida Historical Society chooses to be in Cocoa and it is located in District 4.

* **MOTION by Councilmember Koss to support the $50,000 for a roof, but that we also include a memo for them to consider a metal roof that they could attach solar to. Also, advise them that the City has a Sustainability Advisory Committee that has a plan going forward.**

She further noted that there is actually a co-op forming and the society might find economic interest in it as well.

THE MOTION WAS SECONDED BY DEPUTY MAYOR WARNER.

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Assistant City Manager Fuhrer provided clarification on the ownership of the property.

8. Approve a multi-year License Agreement for construction and maintenance of a living shoreline with the East Coast Zoological Society of Florida, Inc. (Brevard Zoo). (19-112). (Assistant City Manager)

Assistant City Manager noted that this was for a multi-year lease agreement. The City has been working with the Brevard Zoo and at the same time the City has been reviewing the Waterfront Master Plan Update.

Councilmember Koss advised that she had reached out to the City as a citizen and this project came up which goes along with shoreline stabilization.

Assistant City Manager Fuhrer explained the project in detail and noted that the zoo will provide engineering, permitting, future maintenance, etc. He feels like the City can be an example to citizens living along the waterway.

An agreement has been drafted and there will be more formal rules for the zoo to follow.

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, 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. (19-101). (Finance Director)

X. REPORTS:

Mr. Wegerif provided a brief report regarding the paving and milling on Brevard Avenue. They are working on small sections at a time and businesses are being notified as they move around.

Ms. Bowman informed Council that the Customer Service Department's phone system has been changed from thirty open lines to twenty. This will reduce the lines coming in and will reduce wait times. This will be discussed in further at the upcoming Utilities Workshop.

Councilmember Koss clarified that if not as many calls are coming in and there are two new employees, they still are not able to take calls. She feels that water customers should be able to get questions answered. In response, Ms. Bowman stated that at the workshop there would be multiple items brought back, along with the proposal of more staff.

Councilmember Koss has heard from many that they cannot get questions answered. Ms. Bowman explained the reduction of phone lines and that this is being done because people do get frustrated. The objective is to be able to service customers without them having to wait.

Chief Prince recognized Deputy Chief Lamm who recently graduated from the Emergency Services Leadership Institute, which is a very hard course to get into.

Ms. Gemmati announced that the fourth annual Cocoa Works Program is now accepting applications. The City has budgeted for twelve positions and there are a few grant opportunities available to help with a few more positions. Letters have been sent out to Cocoa businesses in order to try to enhance the program. The estimated cost is approximately $1,800 which includes a payment to Career Source to help with training and mentorship. Applications are due by May 4th, and information is available on the City's website.

City Manager Titkanich advised City Council that All Aboard Florida spoke about potential stops that will be in Cocoa and announced that the Department of

Commerce approved a grant application for $45,000 which will help as they are going through resiliency planning. March 26th is a workshop that will be helping development disaster plans for small and medium sized businesses.

He mentioned that he had a very productive meeting with the County Attorney and others regarding CRA agreements.

Lastly, he noted that on Thursday, March 14th the House State of Affairs will be considering House Bill 3, the pre-emption of local government bill. He explained the bill and while some of the impacts have been removed there are still rules on others.

He appreciated the Mayor for attending the County Commission meeting last night. He reiterated that he had a productive meeting with them today.

Deputy Mayor Warner announced that she just completed the IEMO III on March 1 & 2, 2019 in Tampa, which gets more into your personal functions as a council person and how you react to things and people. Additionally, it teaches how to respond to staff and the public and how things work in general. It was different than the ones in the past but she really enjoyed it.

Deputy Mayor Warner mentioned that there have been problems in her neighborhood with oak trees. Many citizens are not familiar with oak trees and a few have disappeared in the neighborhood in the City's right of way. She asked if something could be put in the newsletter regarding the ordinance and oak trees.

She sent condolences to former Fire Chief Salisbury on the passing of his wife. His mom and dad lived next door to her for twenty years, she is very close to the family and she is sure he is heartbroken.

Deputy Mayor Warner thanked both public safety departments for their award ceremonies, as they were both very nice events.

She reminded everyone that on April 4th is the Chief's breakfast which is a fundraiser for Cocoa Community First. She provided a breakdown on the costs of tickets and raffle tickets.

In closing, she mentioned that she was looking forward to the Trash Bash.

Councilmember Boisvert thanked staff and everyone for the great job that they do.

Councilmember Koss spoke in regards to trees and stated that she had received a call from a resident in College Green. There have been some trees planted in the wrong places. She feels that people do not understand the value of trees and she noted the benefits of trees and how they impact homeowners and the City.

She thanked Mr. Walsh for his presentation that he made at the Sustainability Advisory Committee meeting. The water system is a strength for the community.

She has invited Catherine Alexander to give a presentation at the last meeting of April and mentioned that she met with FDOT about bike paths, as High Point residents are interested in that.

Councilmember Koss appreciated the Meals on Wheels Kick Off and all of the non-profits in Cocoa. She attended the League of Women Voters and they showed a virtual tour of St. John's Water Management District.

Lastly, she advised that she had attended the Children's Home Society event today where they will be sending several Endeavor students to camp this summer. She is also determined that the fifty kids invited to perform at Carnegie Hall from Cocoa High School get that opportunity.

Councilmember Goins asked for a consensus on the panhandling situation as well as mobile businesses. There was an issue this weekend with people trying to raise money for children. He understands there is an ordinance but in some situations it may be beneficial for the community. He wanted to look into the possibility for non-profits to be able to get permits for bucket drops.

Mayor Williams and Councilmember Koss were in agreement.

Deputy Mayor Warner believed it was just the area they were using that was not allowed. Mayor Williams advised that the kids were not on the corner but the business was. It was for a fundraiser on Fiske Blvd. and Peachtree St.

Deputy Mayor Warner thought that the ordinance just addressed traffic and that we encourage them to do things off of the roadways. She feels that there is a big

difference between fundraising and panhandling. She has no issue with looking at the ordinances.

Deputy Mayor Warner further asked what he was meaning by mobile businesses, such as food trucks at special events. In response, Councilmember Goins stated he meant in general.

Attorney Garganese noted that some cities have detailed ordinances regarding mobile vendors that they could look into. In response, Deputy Mayor Warner clarified that this would include all types of mobile businesses, and that it would cover all of them.

City Attorney Garganese advised that there are a lot of issues that would need to be looked into, as right now the ordinance states "objects" so it is very broad.

Attorney Garganese also pointed out that there is a pedestrian safety issue and if you looked at statistics that have been compiled you would be surprised at the number who have been struck by vehicles. He mentioned a Florida Statute that carved out an exception for non-profits but it was ruled unconstitutional.

Mayor Williams stated that what they saw was more of a circumstance than a common occurrence. Things should be looked at on a case by case basis.

Councilmember Goins asked about the status of FPL lights and changing bulbs to LED. In response, Assistant City Manager Fuhrer advised that they have a program where they are converting their entire service area. The City is working with FPL. Last time they spoke the City was still a couple of years out. This is for the total city, however, Peachtree, Stone Street and Fiske Blvd. have been upgraded.

Councilmember Goins mentioned that several citizens have called him regarding the Virginia Park area being very dark. Additionally, Endeavor Elementary is very dark. Deputy Mayor Warner stated there is not a single light on Pineda. Assistant City Manager Fuhrer assured them that they are aware and working to address that immediately.

Councilmember Goins appreciated everyone for coming to the meeting.

Mayor Williams spoke in furtherance about the light issue at Endeavor and that they will be working with the County in regards to this. Deputy Mayor Warner

requested that they look at the homeless camp near Endeavor also. Mayor Williams agreed something needs to be done.

He congratulated Endeavor's co-ed basketball team which is comprised of students grades 3-6 who won the championship over Cambridge.

He spoke about games that were held at Provost Park and pointed out that the restrooms were locked, and the games were done during the day. He did not feel that this was acceptable and it is embarrassing. Additionally, there are no markings on the restrooms or doors. He is worried that someone will walk in on the wrong person.

Assistant City Manager Fuhrer advised that restrooms are to be unlocked during events. Further discussion was held on the park and scheduling.

Mayor Williams requested that the City Manager and staff be proactive about employees, their jobs, and their salaries. We are losing officers to the County. He believes if we take care of employees then they will take care of us. He believes the City is behind other communities.

Deputy Mayor Warner asked that this be made part of the budget workshop tomorrow night.

Mayor Williams stated that we can either be winners or losers in this situation. He reiterated that if we take care of them they will take care of us.

Mayor Williams spoke about the situation with the kids fundraiser that took place this past Saturday and noted that the police and code officers did a great job. He thinks things should be looked at a little better considering things that we are facing in this City.

Mayor Williams stated they all need to bridge the gap and come together as a community. A lot of great things happened over the weekend.

In closing, he congratulated Officer Hattaway for being named Officer of the Year and thanked all of the police officers for the job they do.

XI. ADJOURNMENT.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to adjourn the Regular meeting of March 13, 2019.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:21 p.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

COCOA
FLORIDA

Zoning Map Amendment

Dr. Joe Lee Smith Community Center

March 13, 2019

EXHIBIT A-ZONING MAP AMENDMENT PRESENTATION ON THE DR. JOE LEE SMITH COMMUNITY CENTER

Project Summary

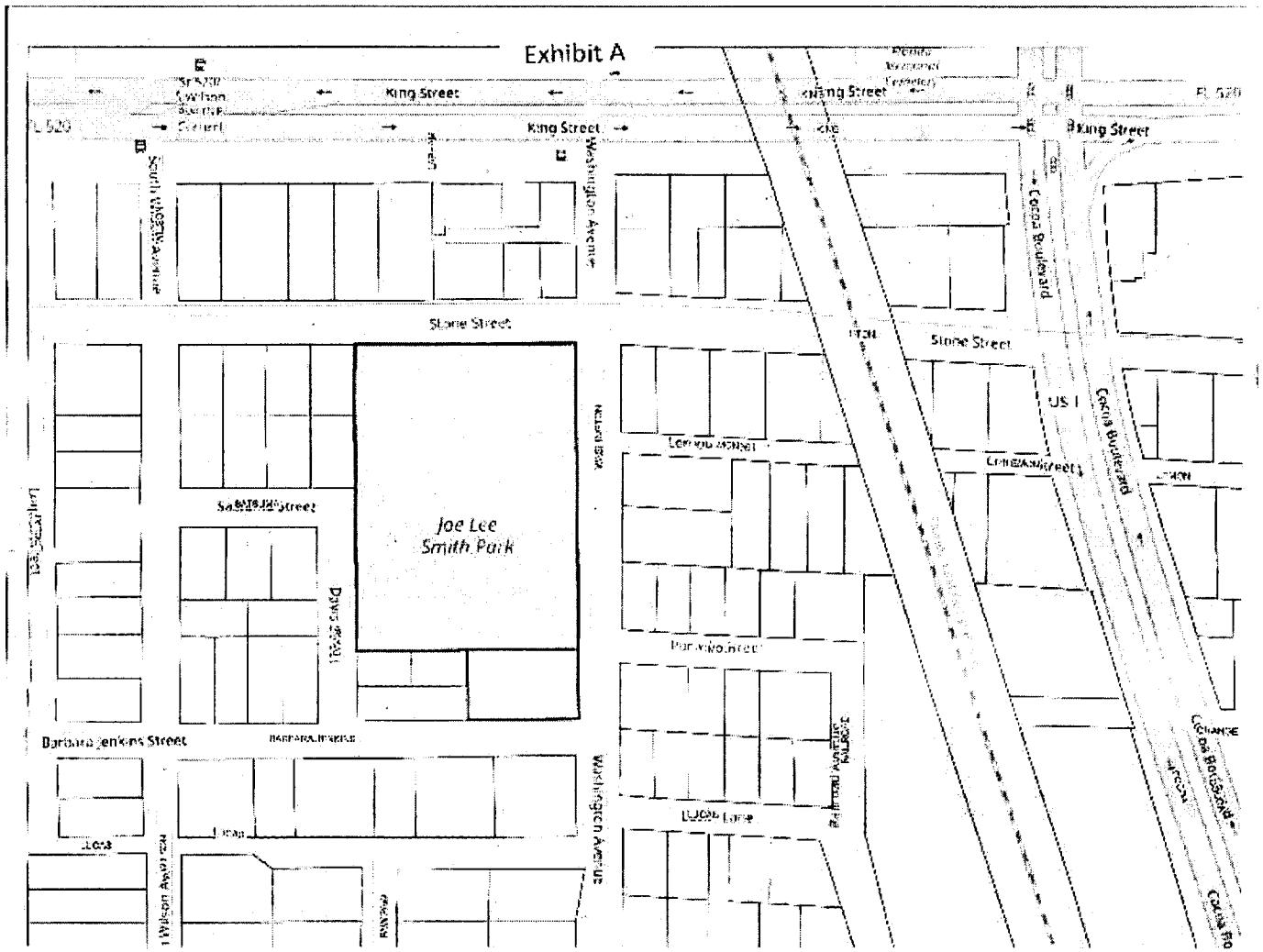
The City of Cocoa, as the applicant, is requesting to amend the Zoning Map designation of two parcels totaling approximately 3.23 acres of the Dr. Joe Lee Smith Community Center complex as depicted on Exhibit A.

Future Land Use Designation: REC (Recreation and Open Space)

Zoning District: Current: C-W (Commercial Wholesale) and RU-1-7 (Single-Family Residential)

Proposed: INST (Institutional)

Location Map



Project Summary

- The City intends to build a new community center on the northern parcel of this property where the current baseball field and playground are presently located. Also on this parcel are the existing pool and basketball court.

- The southern parcel of the community center complex contains the existing community center building.

Project Summary

- Neither of the present zoning districts of the subject parcels (C-W and RU-1-7) allow a community center use. Therefore, in order to support the planned development of the site a rezoning of the parcels is necessary.

- The Institutional zoning district was selected as the most appropriate choice as it provides the closest fit to the present use as well as offering the most compatible future uses for additional development of the site. A “community center” is a principal use under this district as are “public parks and playgrounds”.

Project Summary

Consistency with the Code of the City of Cocoa

In accordance with Appendix A Zoning, Article XXII, Section 1(G), a total of 16 criteria are to be considered in the review of an application for a rezoning.

These criteria address issues such as the established land use pattern, population density, the comprehensive plan, living conditions in the adjoining neighborhood, traffic congestion, public safety, drainage, property values, public welfare, and others related to the impact of the proposed change.

Project Summary

Staff findings for each of these individual criteria are found in the staff report.

a. The proposed change is contrary to the established land use pattern.

Staff Finding: The proposed rezoning would bring the existing land use into compliance with the (proposed) zoning district. It would also bring the zoning district for these parcels into compliance with the current future land use designation.

While the Institutional zoning district designation would be specific to these two parcels and not found on other parcels nearby, the intent of the zoning district is "to support the needs of the neighboring community for public and semi-public facilities of a religious, educational, health or cultural nature".

Project Summary

d. Existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Staff Finding: The existing zoning boundaries on the northern parcel are illogically drawn in relation to the existing uses. The line separating the C-W zoning from the RU-1-7 zoning on the larger norther parcel has no relation to the baseball field and playground currently developed on that portion of the site. The proposed rezoning will correct this problem by applying the same zoning district to the entire parcel.

Project Summary

Consistency with Comprehensive Plan Policies and Objectives

- The proposed Institutional zoning designation is consistent with the allowable uses under the "Recreation and Open Space" Future Land Use per the City of Cocoa Comprehensive Plan.

Concurrency Management/Adequate Public Facilities

- This site will not require any new or additional facilities that would require a concurrency application or mitigation.

Recommendation

Previous Action:

The Planning & Zoning Board recommended approval of the proposed Zoning Map Amendment at the March 6, 2019 meeting.

Recommended Motion:

Passing on First Read Ordinance **-2019: A Zoning Map Amendment consistent with Appendix A. Zoning, Article XXII, to change the Zoning Map designation of two parcels of land (approximately 3.23 acres) from C-W (Wholesale Commercial) and RU-1-7 (Single Family Residential) to INST (Institutional).