MINUTES **FINAL**
COCOA CRA
SPECIAL MEETING
February 22, 2022

The Special Meeting of the Cocoa Community Redevelopment Agency was held on February 22, 2022 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noticed.

I. CALL TO ORDER:

Chairman Blake called the meeting to order at 4:33 pm.

ROLL CALL:

Michael C. Blake	Chairperson
Lavander Hearn	Vice Chairperson
Alex Goins	Agency Member
Rip Dyal	Agency Member
Lorraine Koss	Agency Member
Janne Etz	Agency Member
Candace Rogers	Agency Member
Anthony Garganese	Agency Attorney
Lori Chabot	Recording Secretary

PRESENT:

Michael C. Blake	Chairperson
Lavander Hearn	Vice Chairperson
Rip Dyal	Agency Member
Alex Goins	Agency Member
Lorraine Koss	Agency Member
Janne Etz	Agency Member
Candace Rogers	Agency Member
Anthony Garganese	Agency Attorney
Lori Chabot	Recording Secretary

ABSENT: NONE

STAFF PRESENT:
Stockton Whitten, City Manager**, Charlene Neuterman,** Community Services Interim Director.

Vice Chairperson HEARN led the assembly in the Invocation and **Agency Member KOSS** led the assembly in the Pledge of Allegiance to the flag of the United States of America.

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA: Special Meeting February 22, 2022 as written or with amendments.

* **MOTION by Vice Chairperson HEARN; SECONDED by Agency Member ETZ to approve the Agenda for the Special Meeting of February 22, 2022, as written.**

AYES: BLAKE, HEARN, GOINS, DYAL, KOSS, ETZ, ROGERS

MOTION PASSED UNANIMOUSLY (7-0)

III. DELEGATIONS:

Aleck Greenwood, Cocoa FL. Will speak under the Hotel Agenda Item V.4.

IV. PRESENTATIONS: None

V. ACTION ITEMS:

1. Agency approval of a Commercial Façade improvement Program Grant application for an amount of up to $10,000 for the property located at 10, 12 & 14 Oleander Street, Cocoa, FL and authorize the City Manager to complete and execute a Façade Grant Agreement.

Chairperson Blake read the item. Mrs. Neuterman presented the item stating the applicant was not in attendance. Mrs. Neuterman also corrected the dollar amount stated in the Agenda Item to a total project amount of $10,257.00 and the applicant would be approved for $5,128.50. Staff is asking for approval for the façade grant of no more than $5,128.50.

* * **MOTION by Agency Member DYAL; SECONDED by Agency Member ETZ** for Agency approval of a Commercial Façade improvement Program Grant application for an amount of up to $5,128.50 for the property located at 10, 12 & 14 Oleander Street, Cocoa, FL and authorize the City Manager to complete and execute a Façade Grant Agreement.

AYES: BLAKE, GOINS, HEARN, DYAL, KOSS, ETZ, ROGERS

MOTION PASSED UNANIMOUSLY (7-0)

2. Requesting Agency Approval of a Budget Adjustment Form (BAF) and Budget Resolution amending the FY2022 budget in the amount of $89,550 from CRA Contingency for the purposes of funding the shortfall in grant funding from the Florida Inland Navigation District (FIND) Grant received for the Boat Ramp Construction.

Mrs. Neuterman stated the CRA received two grants for dredging and boat ramp reconstruction. During the bidding process, bids were higher and the FIND grant could not cover the additional costs for the boat ramp reconstruction. Staff is asking the CRA for the $89,550 to cover the shortfall.

* * **MOTION by Agency Member DYAL; SECONDED by Vice Chairperson HEARN** for Agency approval of a Budget Adjustment Form (BAF) and Budget Resolution amending the FY2022 budget in the amount of $89,550 from CRA Contingency for the purposes of funding the shortfall in grant funding from the Florida Inland Navigation District (FIND) Grant received for the Boat Ramp Construction.

AYES: BLAKE, GOINS, HEARN, DYAL, KOSS, ETZ, ROGERS

MOTION PASSED UNANIMOUSLY (7-0)

3. Request Acceptance of a Multi-Year Quote from MLS, CPA's & Advisors for the Annual Audit of the Financial Statements for Fiscal Years 2021-2027 and to Authorize the CRA Chairperson to Sign the Engagement Letter that is required each Audit Year (FY2021-FY2027).

Mrs. Neuterman introduced the item explaining the CRA is required to prepare a separate Annual Audit. Additionally, by using the same auditing firm as the City's, there is a cost savings to the CRA.

* * **MOTION by Agency Member KOSS; SECONDED by Vice Chairperson HEARN** for Agency Acceptance of a Multi-Year Quote from MLS, CPA's & Advisors for the Annual Audit of the Financial Statements for Fiscal Years 2021-2027 and to Authorize the CRA Chairperson to Sign the Engagement Letter that is required each Audit Year (FY2021-FY2027).

AYES: BLAKE, GOINS, HEARN, DYAL, KOSS, ETZ, ROGERS

MOTION PASSED UNANIMOUSLY (7-0)

4. Report to the Agency on the status of the Cocoa Village Hotel.

Chairperson Blake read the item and Mrs. Neuterman reported Staff was present to report on the status of the hotel and the developers were present to request an extension of 90 days. Mrs. Neuterman provided Agency Members historical timeline as regards the project. She then gave developers Jack Brown and DFI the floor. Mrs. Neuterman explained the item and outlining the history of the project, adding the development team was present to request an extension and to answer any questions.

Chairperson Blake asked how many extensions had been granted to date. Mrs. Neuterman replied there had been five and this would be the 6th if approved.

Aleck Greenwood of Cocoa approached the podium and expressed thanks for a meeting he had with Staff and was able to receive a copy of a letter he needed for the owners of property adjacent to the Hotel site. He also asked if the extension was approved, would it change the status of the letter he received and would he need an additional letter.

Agency Member Goins asked Mr. Greenwood about the letter he was referring to. Mr. Greenwood replied it was in reference to a contract on the adjacent property to the hotel site. City Manager Whitten added an additional explanation to clarify and the letter Mr. Greenwood was referring to was related to a previous extension approved at the January 3, 2022 CRA meeting to go to the March 2, 2022, P&Z Meeting. Agency Member GOINS asked who we was and what was the property he spoke of, and Mr. Greenwood replied, the owners of the property adjacent to hotel site. Mrs. Neuterman clarified the location stating it was 627 and 629 Brevard Avenue.

Chairperson BLAKE asked Agency Attorney Garganese what the options were if the extension was not granted. Attorney Garganese replied, if the extension was not granted, then the developer would have 30-day default period (to March 3) to cure the default. If not complete, it would technically be in default and the CRA can declare the agreement in default. Chairperson BLAKE asked if the CRA could then go out for another RFP. Attorney Garganese replied, if not cured within the 30-day default period, the CRA could pursue other options. Chairperson BLAKE asked Mrs. Neuterman if this contract goes back to 2018. She confirmed that it was signed in April, 2019.

Agency Member KOSS asked Mr. Brown why the delays and not able to meet the deadlines adding that she was concerned about this.

Jack Brown came to the podium, CEO/President of LDI, Hotel Developer, Cocoa. He first addressed Mr. Greenwood's comments about the letter he needed and explained it was about property other than the hotel and was a separate deal.

Agency Member ETZ asked why this was happening. Mr. Brown replied he would like to know too. Mr. Brown then introduced the Adam Facciobene, Executive VP of DFI the Hotel General Contractor, stating he was a 20% investor / partner in Hotel. He is also Managing Partner for

Gulfstream Equity Fund. Mr. Brown provided some additional information regarding his professional history.

Chairperson BLAKE also asked why they were asking for another extension? Mr. Facciobene stated they got involved in September and have put in a lot of time and money into the project adding that they were very committed to the Hotel's success. He discussed his professional history and accomplishments. He expressed he would hate to lose the project and gave his word they would do everything they could to get the project done.

Bruce Moia, P.E. and President of MBV Engineering Company for the Hotel was introduced. He stated he was a lifetime resident of Brevard County with 40-years' experience. He added he had never had a project that was not successful. Mr. Moia stated he not had enough time to meet the deadlines. He also confirmed his commitment to the project and had worked with DFI in the past and with a good track record.

Agency Member GOINS stated he was aware of DFI and was a great contractor, but wanted to know what the actual contractors' commitment was with the developer. He replied DFI was fully committed with a binding construction contract and has signed the franchise agreement with hotel and personally guaranteed that. He also stated he didn't know if the City had those documents. City Manager Whitten stated with regard to DFI and the Radisson agreement as franchiser, the City should have that document but did not need documents Mr. Moia had with the developer. Mr. Moia said that he would supply franchisee document. Agency Member GOINS said if we start over again the CRA would be dealing again with same processes adding, construction process now is not what it used to be.

Agency Member DYAL made a Motion to not extend the 90-day request, adding he had been involved in two big successful projects. Chairperson BLAKE seconded for discussion.

Agency Member ROGERS asked Mr. Moia if he was working on the site plan. Mr. Moia replied he was waiting for the City's Staff's comments and addressing comments from St Johns Water Management District. She also asked how far along they were in the process, what % was complete. He replied, he normally submits to the agency at 80-90%. Agency Member Rogers said in January staff made several calls to him and Staff did not hear back timely, adding this was poor communication. She also asked what kind of assurance he could give. Mr. Moia replied that he took full responsibility for the delay in calling, does not know what happened and apologized for that incident. Agency Member Rogers asked who was in charge of the project. He said he was in charge of their projects, he had a project Engineer but he was responsible and would make sure it didn't happen again. Agency Member Rogers stated, you are asking for 90 days to finish what is already at 80%. She also asked if not approved the extension, would the 30 days be enough time? He replied he was not sure of the full schedule or process for City Staff. Agency Member Rogers reiterated her concerns with the timelines and their inability to meet them.

Vice Chairperson HEARN asked if there was anyone involved in the project that can give an exact timeline for completion? Mr. Facciobene said it was not entirely driven by them, and it needed appropriate time to be reviewed by City and that he cannot give that answer. Agency Member Hearn asked City Manager if 60 days was enough. City Manager Whitten replied the Agency can

grant them any time they see fit. If no extension is granted, the default or cure period starts. He explained that staff backs into the timeline from the P&Z meeting date. April 6 is next P&Z meeting. The PNZ board needs agenda documents two weeks in advance and there are also advertisement requirements. Vice Chairperson HEARN asked Staff if the 90 days was feasible. City Manager Whitten replied they have an application in and explained all the places the application needs to go to for comments and cannot be specific on the timeframe. The comments can be complex. Chairperson Blake said there is a Motion on the floor and asked the Recording Secretary to restate the Motion. Recording Secretary responded restating the motion.

* * **MOTION by Agency Member DYAL; SECONDED by Chairperson BLAKE** to not grant the extension for the hotel project.

AYES: BLAKE, DYAL, KOSS, ROGERS, ETZ

NAYS: HEARN, GOINS

MOTION PASSED (5-2)

Chairperson Blake asked where do we go from here. Time to move forward. Agency Member GOINS stated he is assuming the 30 days is not enough time to make it to the next P&Z Board, asking Staff, is that correct? Staff replied affirmative. Discussion continued about timing and dates and the 30-day default or cure period and the possibilities of completing the deficiencies within the cure period.

Agency Member DYAL asked if the 30 days were increased to allow time for the P&Z Meeting, would it be possible.

Agency Attorney stated, to Agency Member DYAL's point to extend the cure period by a few days, the board could do that, give an additional few days to the cure period. Discussion continued on how many days would be needed, and Agency Member DYAL reiterated instead of 30, allow for 34 business days for that default or cure period.

* * **MOTION by Agency Member DYAL; SECONDED by Agency Member GOINS** to extend the cure period of 30 days to 34 days.

AYES: GOINS, HEARN, DYAL, ETZ, ROGERS NAY: KOSS

NO VOTE: BLAKE

MOTION PASSED UNANIMOUSLY (5-1) - (removed word)

VI. **ATTORNEY'S REPORT** – NONE

VII. UPDATES AND STAFF REPORTS – NONE

VIII. NEXT MEETING DATE

The next regularly scheduled meeting of the Cocoa Redevelopment Agency will be on Monday, March 7, 2022 at 6:00 PM in the Council Chambers located in Cocoa City Hall, 65 Stone Street, Cocoa, Florida.

IX. ADJOURNMENT

* **MOTION by Agency Member DYAL; SECONDED by Vice Chairperson HEARN to adjourn the meeting.**

AYES: BLAKE, GOINS, HEARN, DYAL, KOSS, ROGERS

MOTION PASSED UNANIMOUSLY (7-0)

MEETING WAS ADJOURNED AT 5:28 PM.

Michael C. Blake, Chairperson

Respectfully Submitted by:

Lori Chabot, Recording Secretary