MINUTES
City of Cocoa
Special Meeting of The City Council

December 19, 2023

A Special City Council Meeting was held on Tuesday, December 19, 2023, 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 6:04 p.m.

Pastor Brock provided the invocation; Pastor Randy Alonso provided a prayer for the City of Cocoa and Kendall Moore led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The Interim City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Matthew Barringer	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Monica Arsenault	Interim City Clerk

OTHER STAFF MEMBERS PRESENT:

Abby Morgan, Public Works Director; Charlene Neuterman, Community Services Director; Evander Collier, Police Chief; Samantha Senger, Communications & Economic Development Director; and Lisa Richardson, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of December 19, 2023. (23-792).

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Koss to approve the agenda for the Special meeting of December 19, 2023 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

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III. Awards and Presentations:

1. Presentation of the Food Drive Trophy to the City of Cocoa from the Brevard Sharing Center. (23-791). (David Brubaker)

David Brubaker, Brevard Sharing Center, presented the City Council with the 1st place trophy for the annual Food Drive competition.

IV. Delegations:

Rev. JB Dennis, 3710 Catalina Dr., spoke about the Police Advisory Board resolution that establishes the requirements of the Board. He mentioned that they are supposed to meet every other month and would like to know when the next meeting is. In response, Mayor Blake stated that the next meeting would be posted on the City's website sometime after the new year.

Darius Hay, 1966 Amalfi Dr., Cocoa, talked about his growing ministry. Last night they went out and provided basic essentials to the community and the homeless. There is a need for the homeless to be helped and their ministry is in support of anyone else who is in support of the homeless.

V. Consent Agenda:

(A) General Consent Items:

(B) Multi-Year Contracts:

VI. Public Hearings:

1. Adopt on Second and Final Reading of a Zoning Map Amendment for a +/- 1.002-acre portion of the property located at 825 Forrest Ave., from INST (Institutional) to RU-2-15 (Multiple Family Dwelling). (23-786). (Planning Consultant).

City Attorney Eick shared that this is the Second and Final Reading of the Ordinance and read the title into the record as follows:

Ordinance No. 23-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF A PORTION OF ONE (1) PARCEL OF REAL PROPERTY, THAT PORTION TOTALING 1.002 ACRES, MORE OR LESS, AND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF GRIMES STREET AND FORREST AVENUE AT 825 FORREST AVENUE, COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM INSTITUTIONAL (INST) TO MULTIPLE-FAMILY DWELLING (RU-2- 15); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

City Attorney Eick added that nothing has changed since the First Reading.

Steven Noto, Consultant from RVi, provided a brief presentation[1] and gave a summary of the item.

Mr. Noto clarified that no new construction will be taking place on the property.

Councilmember Koss asked that in the future if any new slides are added to the presentation that they be made available as soon as possible. She felt that this item has been fast tracked, resulting in a Second and Final Reading in just thirteen days since the Planning and Zoning meeting.

Hannah French, Porchlight Foundation, reviewed the aerial photo that was provided in Mr. Noto's presentation. She also wished to clarify one of the slides, explaining that the building has since been modified. The slide added to the most recent deck seeks to clarify the extents of the rezoning by overlaying the survey onto the aerial photo. The latest presentation should be referenced as it is most accurate.

Mayor Blake opened the hearing to the public.

Chelsea Jacobs, 409 Harrison Ave., Cape Canaveral, and advocate of Matthew's Hope, the focus of the community has been on the negative aspects and of

[1] Exhibit A: 12/19/2023 City Council Presentation (Matthew's Hope)

individual experiences with the homeless. While their concerns are justified, that is not what this vote is for tonight.

The focus should be on those who need help, such as senior citizens who cannot afford the rent based on an income that was not made for this economy. There will be plenty of services that will provide so many safe guards such as financial mentoring, monthly drug testing, bible studies and regular inspections.

Shelley Bradford, 825 Forrest Ave., Cocoa, and Vice President and Executive Director of Matthew's Hope, thanked those who have supported their organization. She hopes that everyone will take the time to research their cause and see why she dedicates so much of her time to the organization.

Sarah Dewitz, 850 Montego Bay Dr., Merritt Island, and advocate for Matthew's Hope, talked about extending compassion and offering support. Matthew's Hope empowers the homeless and gives them the tools to better their lives.

Shannon Diaz, 825 Forrest Ave., Cocoa, and advocate of Matthew's Hope, talked about her journey with Matthew's Hope. She shared that she had to show her dedication to the program and nothing was handed to her. Now she is able to reach her hand out and help the next person.

Sharlene Dewitz, 825 Forrest Ave., Cocoa, and advocate for Matthew's Hope, shared the story of one of the gentlemen who came to Matthew's Hope for help. He is unable to get the surgery he needs because he has nowhere to recover. She shared a recording of some music he played for Council.

Judy Joustra, 15 N. Indian River Dr., Cocoa, hopes that the Council has considered any negative impacts to those who live in the area and pay taxes in the City of Cocoa. She hopes they have considered the risks vs. the benefits of this item. She would like to gain a better understanding and be well informed of what impacts this will have on the community.

Councilmember Goins asked Ms. Joustra to be more specific about what amenities she feels she can no longer enjoy. In response, Ms. Joustra shared an example of a homeless woman doing her laundry in the women's restroom at the local park she used to enjoy and was hanging her laundry to dry on the wall.

Connie Smith, 15 N. Indian River Dr., Cocoa, explained that while Matthew's Hope is very respected for what they do, there are concerns about what kind of people they will attract. There is an issue with safety. She does not feel safe walking at night anymore. She has concerns about this being an ever-expanding service that will perpetuate the problem and attract more drug addicts and mentally ill people.

Councilmember Koss talked about Cocoa having a big heart and feels that the City should work with Brevard County and other players to address this County-wide issue.

Deputy Mayor Hearn shared that he agrees with Councilmember Koss that the City needs to work with the County to address the homelessness issues, however as a firefighter he understands the needs of the homeless because he responds to homeless camps frequently. There are working families with kids who are in school who are living out of their cars right now because they can't afford the rent.

Additionally, he does not feel that social services are the ones who attract the homeless as they are congregating all over the County, even in towns and cities who do not offer these types of services.

Meredith Pritchett, 115 N. Indian River Dr., Cocoa, has several concerns, noting that not a lot of information was put out to the community and two meetings were held very close together. She would like to know more about the background checks as she is a single woman living in the community. She shared a few experiences she has had recently with panhandlers as well as being stalked.

Jamie Pritchett, 115 N. Indian River Dr., Cocoa, talked about the lack of information that was put out to the community as well as the petition that was turned in at the last meeting showing the amount of people who were against this item and she has several concerns about how this will impact the community.

Councilmember Barringer asked City Manager Whitten to share how this item was advertised to the community. In response, City Manager Whitten shared that a postcard was sent to any resident within five hundred feet of the property. It was also pushed out on the City's website and social media.

Bakhan Hamagharib, 3461 Windsor Lake Cir., Sanford, FL, talked about being in a similar program to Matthew's Hope. She was a full-time student earning her Master's degree, working a full-time job and raising a special needs son. She never used drugs or drank alcohol and is now paying taxes just like everyone else. She would like everyone to consider extending a little more kindness and compassion because you never know what someone could be going through.

Scott Billue, 825 Forrest Ave., Cocoa, and Pastor and President of Matthew's Hope, shared statistics and reiterated the purpose of Matthew's Hope and reviewed the services they offer. He talked about their guidelines and how they monitor the type of people that come in and out of the facility.

Additionally, in response to a question posed by Councilmember Goins, he stated that he is willing to buy a ring camera for anyone who cannot afford one to help the community feel safe and to assist in identifying any trouble makers, so long as they

have previously been to Matthew's Hope and can be recognized by their facial recognition software.

Further discussion was held between Pastor Billue

* **MOTION by Councilmember Koss to postpone this item for another month to allow more time for information to be distributed to the public.**

MOTION DIED FOR A LACK OF SECOND.

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn to approve Ordinance No. 23-2023 on Second and Final Reading for discussion.**

Councilmember Goins suggested that Council consider holding a meeting in the future and coordinate with the Police Department and the Sheriff's Office to address some of the concerns that they heard this evening, including panhandling and safety issues.

Further discussion was held on coordinating a meeting in the future.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

NAYS: Koss

THE MOTION CARRIED (4-1)

2. Adopt on Second and Final Reading of a PUD / Rezoning (Ordinance 22-2023) for one (1) parcel from Brevard County General Use (GU) to City of Cocoa Planned Unit Development (PUD), a Large-Scale Site Plan, and a Preliminary Subdivision consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code for Windward Preserve with conditions outlined in the Staff Report. (23-787). (Planner)

City Attorney Eick shared that this is the Second and Final Reading of the Ordinance and read the title into the record as follows:

Ordinance No. 22-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 212.10 ACRES, MORE OR LESS, AND GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF INTERSTATE 95 AND STATE ROAD 528, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY

DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY GENERAL USE (GU) TO CITY OF COCOA PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTION, SEVERABILITY, AND AN EFFECTIVE DATE.

Eric Raasch, City Consultant with Inspire Placemaking Collective, provided a presentation[2] and gave a summary of the item, noting that a condition had been added to the staff report since the First Reading and provided an explanation.

Heather Isaacs, Vice President of Land Development for Taylor Morrison, provided a presentation[3] for Windward Preserve, explaining the layout and amenities of the project.

Tom Sullivan, attorney representing Taylor Morrison, stated that his firm agrees with the findings and conditions identified by City staff and are here to answer any questions.

Mayor Blake opened the hearing to the public.

Jim Hattaway, 5041 Ranchwood Dr., Cocoa, would like to know what the traffic impact will be on Friday Road from this project.

Jane Provancha, 2562 Meadow Ln., Cocoa, loves Cocoa and has lived in Cocoa for a long time. She lives in a neighborhood adjacent to the subject property. Her and her husband saved their money to buy property there so they could enjoy the quiet, low traffic roads where they can walk, run and ride their horses. She feels they are being encroached upon by all this new traffic and are losing their quality of life. She hopes Council will take all of this into consideration.

Lillian Leber, 5150 Dalehurst Dr., Cocoa, stated that she agrees with Ms. Provancha and talked about the land and the horses. She feels this is wrong and needs to be re-thought to come up with something better.

LJ Coddens, 1696 Friday Rd., Cocoa, shared a concern about an increase with golf cart traffic that will come with new development. He is also concerned with the dump trucks and shared that they already have an issue with them speeding in the area.

Josie Howe, 2118 Winston Dr., Cocoa, talked about her family and how they came to Cocoa. They love Cocoa and the area they live in and spoke about their horse. She feels that this new development is not in harmony with what is currently there. She has concerns about stormwater and traffic and asked Council to consider half-acre or 1-acre homes.

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[2] Exhibit B: 12/19/2023 Inspire Placemaking Collective Presentation
[3] Exhibit C: 12/19/2023 Windward Preserve

Alicia Weaver, 2270 Friday Rd., Cocoa, appreciates the fact that the City Council has taken the time to hear the residents, however the residents still feel that the City of Cocoa has taken the opportunity to encroach on the quiet-style living that the residents have enjoyed for many years. They would like the City to take some action. She also has concerns regarding stormwater and has questions about who their first responders will be and how they will support the new community.

Lee Deyd, 2633 Horseshoe Ct., Cocoa, also has concerns about traffic and shared pictures of her horses. She asked Council to consider half-acre lots.

Jennifer Thervien, 2790 Pine Lily Ln., Cocoa, has lived in Brevard County for over fifty years. She feels these meetings were rushed and the City is not considering the residents that live in the area. She has concerns about climate change and what those impacts look like and she is also curious to know more about the traffic calming devices. She does not like the amount of traffic this development will bring and feels that the City is not doing their part in preserving their way of life.

Daniel Happel, 5041 Scott Rd., Cocoa, has experience in stormwater and water treatment. He looked through the reports and has several concerns and has some questions. He is not necessarily opposed to the project but just wants to make sure things are done correctly.

Kristel Robertson, 4695 N. Friday Circle, Cocoa, talked about the decrease in the quality of the roads in the area after the Flying J was built. She is concerned because she doesn't want their neighborhood to become Viera. The area can't handle the amount of traffic this development will bring.

Wilma Hurst, 2100 Cox Rd., Cocoa, has lived on Cox Road since she was five years old. She shares the same concerns as her neighbors, including the capacity of the schools, stormwater infrastructure and traffic.

Shannon Freeland, 2652 Horseshoe Ct., Cocoa, will be directly impacted by this development as her property backs up to it. Their roads will not be able to handle the incoming traffic and pointed out that they don't have sidewalks on Friday Road. She would like Council to consider holding a meeting with the residents to see how they will be directly affected.

She added that while she realizes that development will come and growth is good for the community, she would just like Council to consider what will make sense for their area.

Bruce Mason, 2596 N. Pacer Ln., Cocoa, also shared his concerns regarding traffic and asked to know more about what the traffic calming devices are.

Mary Gregory, 1800 Friday Rd., Cocoa, reiterated that she has concerns about the increase of traffic in the area.

There being no further questions or comments, the public portion of the hearing was closed.

In response to a question posed by Councilmember Koss, City Manager Whitten spoke about FDOT's Five-Year Work Program.

Additionally, Councilmember Koss spoke about her concerns regarding drainage.

Further discussion was held on the history of the property.

* **MOTION by Mayor Blake; Seconded by Councilmember Barringer, to approve Ordinance No. 22-2023 on Second and Final Reading to include the conditions set forth by staff with discussion.**

Councilmember Barringer pointed out that this project is in his District and knows the area well as he lives there. He is very familiar with the issues that the residents have brought forward tonight and he recognizes that this is a change and this area is not what it was several years ago, however he feels that there is a balance.

He added that for those who live in the County who have further concerns about their roads and drainage should contact their County Commissioner, Rita Pritchett.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

NAYS: Koss

THE MOTION CARRIED (4-1)

3. Approval of the Amended and Restated Settlement Implementation Agreement with Mountain Cove Homes at Lakes at Cocoa Grove, LLC, related to the development north of State Road 528 and east of I-95, Tax Parcel ID # 24-35-10-00-3. (23-790). (City Attorney)

Kendall Moore, 895 Barton Blvd., Rockledge, accompanied by Jose Gonzalez, Executive Vice President of Florida East Coast Industries (Brightline), gave a summary of the project.

Mayor Blake opened the hearing to the public.

There being no questions or comments, the public portion of the hearing was closed.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the Amended and Restated Settlement Implementation Agreement with Mountain Cove Homes at Lake at Cocoa Grove, LLC.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Adopt on Second and Final Reading proposed Ordinance 25-2023, a zoning text amendment amending Appendix A, Zoning, Article XIII, Supplementary District Regulations, of the Zoning Ordinance of the City of Cocoa to add a new Section 33, Kava and Kratom, establishing distancing requirements between establishments selling Kava beverages and/or Kratom products and certain other enumerated land uses; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date. (23-789). (City Planner)

City Attorney Eick shared that this is the First Reading of the Ordinance and read the title into the record as follows:

ORDINANCE NO. 25-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE XIII, SUPPLEMENTARY DISTRICT REGULATIONS, OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ADD A NEW SECTION 33, KAVA AND KRATOM; ESTABLISHING DISTANCING REQUIREMENTS BETWEEN ESTABLISHMENTS SELLING KAVA BEVERAGES AND/OR KRATOM PRODUCTS AND CERTAIN OTHER ENUMERATED LAND USES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

City Attorney Eick noted that there have been no changes since the First Reading.

Mayor Blake opened the hearing to the public.

Manny Martinez, 6356 Brandt St., Cocoa, has been a Cocoa resident for many years. He explained that he owns a food truck and sells these products and this will directly affect him and his family if it is not approved.

Additionally, he shared the positive results that came from a study that was conducted from Florida State University. He further discussed what Kratom and Kava are and expressed that it is not a drug.

Shawna Lopez, 1585 Monte Carlo Ct., Merritt Island, is an owner of a Kratom and Kava bar that is family owned and operated in Cocoa Beach. She encouraged everyone to come out and visit her bar so they can see what it is about.

Geneva Anderson, 995 Beacon Rd., has been going to kava bars for over ten years and wished to point out that kava bars are not the ones who are doing anything wrong. They ID you and run their businesses legally. The ones who should be monitored and won't be affected by these restrictions are the ones operating out of gas stations and smoke shops.

She mentioned that kava is completely different from marijuana and alcohol. It doesn't hurt or impair you and does not have any hallucinogen type properties.

There being no further questions or comments, the public portion of the hearing was closed.

* **MOTION by Councilmember Barringer; Seconded by Deputy Mayor Hearn, to approve Ordinance No. 25-2023 on Second and Final reading.**

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Adopt on Second and Final Reading Ordinance 26-2023, a zoning text amendment, amending Appendix A, Article XIX, Section 2, Relating to the meeting schedule of the Planning and Zoning Board; providing for the repeal of prior inconsistent ordinances and resolutions, incorporating into the code, severability, and an effective date. (23-788). (City Planner)

City Attorney Eick shared that this is the Second and Final Reading of the Ordinance and read the title into the record as follows:

Ordinance No. 26-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA, APPENDIX A, ARTICLE XIX, SECTION 2, RELATING TO THE MEETING SCHEDULE OF THE PLANNING AND ZONING BOARD; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

City Attorney Eick added that no changes have been made since the First Reading.

Mayor Blake opened the hearing to the public.

There being no questions or comments, the public portion of the hearing was closed.

* **MOTION by Councilmember Koss; Seconded by Mayor Blake, to approve Ordinance No. 26-2023 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0).

6. Adopt on Second and Final Reading of Ordinance 24-2023, a zoning text amendment, amending Chapter 3, Advertising and Signs, Sections 3-5 and 3-23 of the Code of the City of Cocoa regarding Flags, providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code severability, and an effective date. (23-785). (City Planner)

City Attorney Eick shared that this is the Second and Final Reading of the Ordinance and read the title into the record as follows:

Ordinance No. 24-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 3, *ADVERTISING AND SIGNS*, SECTIONS 3-5 AND 3-23 OF THE CODE OF THE CITY OF COCOA REGARDING FLAGS; PROVIDING FOR THE REPEAL 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 questions or comments, the public portion of the hearing was closed.

* **MOTION by Councilmember Barringer; Seconded by Mayor Blake, to approve Ordinance No. 24-2023 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Barringer, Goins

NAYES: Hearn, Koss

THE MOTION CARRIED (3-2)

VII. Council Business:

VIII. City Business:

Multi-Year Contracts:

None.

IX. Informational Agenda:

X. Reports:

City Manager Whitten discussed the City's crime rate and the rumors that are put out when in fact the City's overall crime rate has been decreasing and he wished to highlight that.

Additionally, he talked about SR524 and wished to highlight FDOT's Five-Year Work Program. This ensures that the design will be done within the next five years.

City Manager Whitten spoke briefly about a letter he received from Brevard County in regard to the pier at Lee Wenner Park. He shared that it is the County's intention to transfer ownership of the county-owned Lee Wenner pier to the City of Cocoa, which is something that the Council had previously indicated interest in getting back from the County.

He noted that an item will be brought forward in January so Council can either accept or deny the offer.

Councilmember Goins shared photos from recent events he attended.

Councilmember Barringer thanked Waste Management for picking up stray trash along the road in and around the Adamson Creek neighborhood.

Deputy Mayor Hearn shared that he was able to attend the Boys and Girls Club celebration over the weekend and it was really great.

Councilmember Koss shared photos from events she recently attended and spoke briefly about the Florida League of Cities Conference she attended.

Mayor Blake also shared some photos from events he recently attended.

XI. Adjournment:

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn, to adjourn the Special meeting of December 19, 2023.**

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 10:33 p.m.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, Interim City Clerk