**MINUTES**
**City of Cocoa**
**Regular Meeting of The City Council**

**December 12, 2023**

A Regular City Council Meeting was held on Tuesday, December 12, 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 6:02 p.m.

Councilman Barringer provided the invocation and Ms. Majors led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The Recording Secretary took the roll.

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| 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 |
| | Lori Chabot | Recording Secretary |

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Tammy Gemmati, Administrative Services Director; Evander Collier, Police Chief; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Robert Beach, Chief Technology Officer; and Jason Dowty, Help Desk Support Tech.

## II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of December 12, 2023. (23-778).

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn to approve the agenda for the Regular meeting of December 12, 2023 with an amendment to add a recognition of two students, Sairon Ramirez Martinez and Gabriel Schaller under Awards and Presentations.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

2. **Minutes:** (a) Regular Meeting of October 10, 2023. (23-773).

(b) District 4 Town Hall Meeting of October 17, 2023. (23-777).

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake, to approve the Minutes for the Regular meeting of October 10, 2023 and the District 4 Town Hall meeting as written.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

## III. Awards and Presentations:

1. Proclamation: National Homeless Persons' Memorial Day. (23-770).

Linda Graham spoke from the Homeless Coalition and thanked Mayor Blake and the City. She shared their plans moving forward and also thanked for everyone for recognizing National Homeless Day. She also provided a booklet for Council.

2. Recognition of Sairon Ramirez Martinez and Gabriel Schaller.

Chief Lamm shared that Sairon and Gabriel are working to become firefighters and finished EMT school. They will start Phase 2 of training soon, and once that is completed and they have received their certifications, they will become full time employees with the Cocoa Fire Department. Chief Lamm congratulated them and spoke about the partnership and the success of it.

## IV. Delegations:

Dr. Miriam Moore thanked the City for what they do.

## V. Consent Agenda:

### (A) General Consent Items:

1. Approve a Resolution to Amend the Financial Operations Manual (FOM) by removing the Purchasing Sections and establishing a new Purchasing Manual as the official purchasing policy for the City. (Finance Director) (23-386). (Finance Director)

2. Authorize the City Manager to Execute the FIND Grant Agreement, BV-CO-23-159 for Phase 1 Design of Dock Slips at Lee Wenner Park and a Breakwater/Riprap structure. Approve a Resolution Amending the FY24 Budget, BAF#24-027-IFT, accepting the FIND Grant Revenue and the Transfer from the Cocoa CRA for the Match. (23-709). (Interim Public Works Director)

3. Approve a Resolution Amending the Fiscal Year 2024 Adopted Budget, BAF 24-001-A1-A3, for purchase orders rolled over to Fiscal Year 2024. This is due to unspent funds budgeted for capital projects and specific operating accounts. These funds are provided through the use of various Fund Balance Reserves and other Revenue Sources. (23-741). (Finance Director)

4. Approve a Resolution Amending the Fiscal Year 2024 Adopted Budget, BAF# 24-002-A1 & A2, to provide budget for items such as capital projects and maintenance, that were budgeted within FY23 and not yet executed, through the use of Fund Balance Reserves and other Revenue Sources. (23-743). (Finance Director)

5. Approve a Resolution Amending the Fiscal Year 2024 Budget, BAF#24-028-A, in the amount of $3,000 for the purposes of creating two automated reports in the Citizen Serve Building Permit software program. (23-746). (Community Services Director)

### (B) Multi-Year Contracts:

6. Approve Participation in a Cooperative Purchase Agreement Utilizing a Sourcewell Contract; To Approve a Multi-Year Agreement for Information Technology Critical Infrastructure Software from FY2024 Through FY2026, for a Total of Three (3) Years (FY2024, FY2025, FY2026). To Authorize the City Manager to Sign the Contract. Approve a Resolution Amending the FY24 Budget, BAF 24-032-T. (23-766). (Interim Public Works Director)

********This Item is Confidential per FS 119.0725 and Not for Public Release********

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake, to approve the Consent agenda.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**VI. Public Hearings:**

1. Consider First Reading of Ordinance 24-2023, a zoning text amendment, amending Chapter 3, Advertising and Signs, Section 3-23, General Regulations, 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. (23-774). (City Planner)

2. City Attorney Garganese shared that this is the First 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, SECTION 3-23, GENERAL REGULATIONS, 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.**

City Planner Stacey Hooper presented the item via presentation[1].

Discussion was held about their intentions regarding the flag and the location. It was stated that they only intend to fly the American Flag and make a landmark and a presentation[2] was given. Associated costs were discussed and it was pointed out that the project is costly however Camping World wants to do this.

[1] Exhibit A: Planning & Zoning Presentation
[2] Exhibit B: Camping World Presentation

Councilwoman Koss shared her concerns about changing the ordinance. She discussed the height, which is very tall and doesn't like using the flag as a branding item for a business.

Councilwoman Koss asked how many poles would be allowed at once. In response, City Manager Whitten clarified that it is not a number, but rather the distance from the highway. He added that a second flag can't fly within a certain distance from another business that already has one.

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

* **MOTION by Councilman Goins; Seconded by Mayor Blake to approve Ordinance No. 24-2023 on First Reading with discussion.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Barringer, Goins**

**NAYS: Koss, Hearn**

**THE MOTION CARRIED (3-2)**

2. Consideration of First 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). (23-772). (Planning Consultant).

City Attorney Garganese shared that this is the First 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.**

Stephen Noto, RVi Planning presented the item via a presentation[3]. He also advised Council that the applicant was present and available for questions.

Councilwoman Koss asked Mr. Noto if he found any buildings that had two separate classifications. In response, Mr. Noto stated he would have to go back in his research and see.
Mayor Blake advised that if you want to place a restriction on someone this would be the time to do that.

Mayor Blake opened the hearing to the public.

Sherry Easley, 151S. Grand Hwy., Clermont, FL approached the podium with her daughter. She shared that they are homeless and go to Matthew's Hope. She has two daughters with special needs. Matthew's Hope changed her life and she worked the program for two years and learned skills for life. She expressed thanks for the transitional housing.

Councilwoman Koss asked about her home and if it was on or off the campus site. In response, Ms. Easley shared that it was off.

Mayor Blake asked if she felt successful and she replied affirmatively.

Hannah French, Executive Director of Porchlight Foundation, who is also the applicant, presented a presentation[4]. She stated she created the program to build housing for those that would not otherwise have it and discussed her project and purpose. She is currently working with Matthew's Hope and their current request and mission. She discussed her application and stated they are not building any new buildings.

Several members from the audience submitted cards and spoke on various issues including complaints of increase in trash; increase in foot traffic; increase in theft; vagrancy, trespassing on private property, and concerns of more homeless coming to the area.

Councilman Goins asked Ms. French to clarify "transitional housing". In response, she provided further clarification regarding transitional housing.

He also asked how they decide who gets an opportunity. In response, Ms. French explained that they aim to provide space for single moms with children.

Councilwoman Koss asked Ms. French about her Foundation and discussed Cocoa and the social services currently available.

[3] Exhibit C: RVi Presentation
[4] Exhibit D: Porchlight Foundation Presentation

Discussion continued among Council and their desire to help/volunteer as the needs are great in the City.

Gary Rodriguez, from Matthew's Hope, shared information about how he became homeless and Matthew's Hope took him in. He expressed his gratitude and is in favor of the Center.

Shannon Diaz, Graduate of Matthew's Hope, discussed her journey and expressed her appreciation to Matthew's Hope.

Allen Cowart, 2560 Hooper Rd., Cocoa, stated that he sees many changes. He commended Matthew's Hope however, in the neighboring areas, there are many issues including bringing busloads in. He also stated crime has increased and he expressed his concerns over what is happening now.

Deputy Mayor Hearn responded in regard to the crime increase, and stated all areas are experiencing increases in crime and homelessness. He agrees it is a complicated issue.

Gina Fadely, 211 Indian River Dr., Cocoa, asked to use additional time on behalf of others. Mayor Blake replied that would be permissible. Councilmember Barringer suggested to offer 3 minutes and if more time is needed, the Council can vote to allow more time. Ms. Fadely provided a presentation[5].

Connie Smith, 15 N. Indian River Dr., Cocoa shared that she is a condo owner and is a walker. US 1 is overwhelmed with homeless people as there is the Central treatment center on US 1. She explained that she feels unsafe. Homeless are by the library and in the bushes. Additionally, residents want to feel safe and advised the Council to think of everyone, not just the homeless.

A resident of Cocoa approached and stated she has been living here a long time. She lives very close to the church and her home is trashed. She explained that they throw food containers, pick up her solar lights and throw them around and take things off her fence. Her property is destroyed every day and the last few years have been horrible. The participants are not being monitored and it is not fair to the people that live between Indian River and Forrest Ave.

Ms. Erin works as a hair cutter and advocates for Matthew's Hope. She supports transitional housing and the mission of Matthew's Hope.

Sarah Dewitz, 850 Montego Bay Dr., and Cocoa Village Community Response shared her strong vote against the zoning change. She also submitted a petition[6] to demonstrate their unified voice. She stated she does not feel the proposal is in

[5] Exhibit E: Not for Our Village Area Presentation
[6] Exhibit F: Petition – Matthew's Hope

the best interest of the surrounding community. They are requesting no more long-term zoning changes or exceptions.

Councilwoman Koss asked for examples of what she has experienced.

Mr. Mark Fadely stated that he lives near the library. He asked what is the need for rezoning and discussed the application and the possibility of finding other sites within the county. He also discussed the other agencies/organizations who are addressing the homeless issue and provide a variety of services. He recommended waiting to see how these other locations do before approving the zoning.

Sharlene Dewitz, 825 Forrest Ave., Cocoa, stated she is in favor of Matthew's Hope. She discussed the benefits to the community. The program will take people out of the background of the surrounding homes.

Eric Madson, 843 N. Indian River Dr., Cocoa, commended the organization on their work, however the cost to the neighbors is great. There is not adequate mental health assistance available for the homeless. He continued that the trespassing is on a regular basis and he sees drug use while walking his daughter to the library. They are loitering and harassing people in the Village. He is an Emergency Medicine Physician and his wife is a Psychiatrist and a member of a local non-profit mental health counseling center. He explained his work, stating he has prior mentoring experience and mental health education. He would like to help.

Jennifer Thompson, 93 Delannoy Ave., Cocoa, asked about a previous issue concerning a digital sign and the requested special exception. In response, Mr. Noto provided her clarification.

She has her own perception of the zoning request, and requested the Council hold off on moving this forward and asked for a pause and to work with the community.

Mayor Blake stated there were three meetings at Matthew's Hope and no one showed up.

Discussion continued about how the community was notified and where they were held.

Ms. Thompson asked if the City is willing to hold a meeting.

Councilwoman Koss asked if she saw anything advertised about the meeting.

Councilwoman Koss added, with the petitions and this meeting, it seems there should be more discussion.

Councilman Barringer responded to her about the zoning question and Deputy Mayor Hearn had questions for the applicant. He asked whether or not contracts would be affected if Council voted to postpone the item tonight. In response, Mr. Billue stated yes, and that it would be costly.

Jessica Comparato, 2577 N. Pacer Ln., spoke about homeless veterans. The VA in Viera assists homeless veterans and provide services.

Scott Billue, President of Matthew's Hope, stated that he has six veterans. What has been talked about has nothing to do with why all are here. He discussed the needs for the mission, the meetings that were held and offered to put a ring camera on these folks' homes to see who is doing this.

Mayor Blake asked Councilwoman Koss about a meeting that was held. She replied, and also discussed her visit to see the facility in Lakeland. She suggested the Council visit this item more with the community.

Mr. Billue provided further information on who will be living on the property and the rules.

Councilman Goins expressed his concern, noting that if Matthew's Hope buys homes outside his property, there will still be a problem. He added that Matthew's Hope is already here, what difference will it be if there is transitional housing for fifteen units.

Mr. Billue shared that roughly twenty people will be in the homes. Additionally, he feels there won't be a difference with the homes.

Discussion continued among the Council. Deputy Mayor Hearn commented about the rezoning project and discussed the homeless population, adding it is growing among all districts.

Ms. French spoke about the timing of their application and shared the history.

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake, to approve Ordinance No. 23-2023 on First Reading.**

Councilman Barringer answered and commented to questions that were asked from the audience. He pointed out that before Matthew's Hope, there was homeless. This conversation is not new and everyone's conversation is applicable. He would welcome to bring back a city led discussion on how the city government can take part. The discussion would not specifically address Matthew's Hope, but the issue.

Mayor Blake explained some of the previous meetings held among several organizations. He is also committed to continue that work.

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins**

**NAYS: Koss**

**THE MOTION CARRIED (4-1)**

* **MOTION by Mayor Blake; Seconded by Councilman Goins, to approve a short recess.**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

3. Consider Petition filed by Mountain Cove Homes at Lakes at Cocoa Grove, LLC. to create a community development district pursuant to Chapter 190, Florida Statutes, and Adopt on Second and Final Reading of Ordinance No. 27-2023 Creating the Lakes at Cocoa Grove Community Development District. (23-771). (Community Services Director).

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

**Ordinance No. 27-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, ESTABLISHING THE LAKES AT COCOA GROVE COMMUNITY DEVELOPMENT DISTRICT, AT APPROXIMATELY 246.43 ACRES, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Blake opened the hearing to the public.

Nannette Scott, 4685 Lee St., Cocoa, spoke regarding the Lakes at Cocoa Grove. She is new to the area and has concerns over the number of homes. In response, City Manager Whitten answered her questions and provided information on the process and what comes next.

James Adams, 3211 Blair St., Cocoa is concerned over the existing home values, density, and the roads. He called for a re-vote on previous item. He also mentioned the City annexing other areas. Mr. Adams asked about the process.

Attorney Garganese explained that in regard to the item, it has gone through the process and was approved by City Council.

Deputy Mayor Hearn asked about Grissom Parkway and if it was in City and Attorney Garganese replied no, it is not City. City Manager Whitten stated it is a County road and will have some improvements.
Kendall Moore, 895 Barton Blvd., Rockledge, spoke regarding the development of Cocoa Grove Community and the history of the project going back 20 years.

Grace Cooper, attorney from Tallahassee, spoke regarding funding for the project.

Councilmember Barringer mentioned some questions about density and value of property. Further discussion was held.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve Ordinance No. 27-2023 on Second and Final Reading.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

4. Conduct Public Hearing and approve granting easements to Pivotal Utility Holdings, Inc. (a.k.a. Florida City Gas) for the purposes of constructing, operating and maintaining a pipeline located in Lee Wenner Park for the transportation of gas through the pipeline. (23-395). (Community Services Director).

Ms. Neuterman provided a brief background of the item. She explained that Pivotal Utility Holdings, Inc. (Florida City Gas) desires to construct, operate and maintain a pipeline through Lee Wenner Park for the purposes of transporting natural gas through a line that connects the mainland with Merritt Island. As part of their request, an easement agreement is required to grant an easement for their construction and installation of the gas pipeline through Lee Wenner Park.

Ms. Neuterman provided an update on the history of the project.

Councilwoman Koss asked staff if there was a map available and Ms. Neuterman replied explaining the locations. Discussion continued regarding the pipelines.

City Manager Whitten also mentioned that through the project, they will include a parking project adding another 58 spots.

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 Barringer, to approve granting easements to Pivotal Utility Holdings, Inc. (a.k.a. Florida City Gas) for the purposes of constructing, operating and maintaining a pipeline located in Lee Wenner Park for the transportation of gas through the pipeline.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

5. Pass on First Reading approval 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. (23-779). (Planner)

City Attorney Garganese shared that this is the First 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 of Inspire Placemaking Collective, presented the item through a presentation[7].

Mayor Blake opened the hearing to the public.

There were several speakers from the audience. Their concerns are existing ditches, traffic, ingress and egress from the development and drainage.

[7] Exhibit G: Windward Preserve – PUD Rezoning and Preliminary Plat First Reading Presentation

The applicant, Tom Sullivan of Robinson Law Firm, thanked staff and offered to answer questions.

Heather Isaacs, VP Land Development, Taylor Morrison, shared a presentation[8] with photos regarding the proposed development.

Carina Murphy, 4440 Rector Rd, Cocoa emphasized her concerns for the development in the rural area and roads.

Tami Hoisington, 2610 Pinto Cir., Cocoa shared her concerns. The roads are too small, there is not enough room to widen them, there is already too much traffic for the area and there is only one ingress and egress.

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

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake, to approve Ordinance No. 22-2023 on First Reading.**

Councilwoman Koss spoke regarding citizens issues and safety on James Road.

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins,**

**NAYS: Koss**

**THE MOTION CARRIED (4-1)**

6. Pass on First Reading proposed 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. (23-776). (City Planner)

City Attorney Garganese shared that this is the First 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**

[8] Exhibit H: Windward Preserve Presentation

**PLANNING AND ZONING BOARD; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

City Planner, Stacey Hopper, presented the item via presentation[9].

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 Councilmember Goins, to approve Ordinance No. 26-2023 on First Reading.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

7. Pass on First 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. (23-775). (City Planner)

City Attorney Garganese 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.**

[9] Exhibit I: Ordinance 26-2023 Date Change Presentation

City Planner, Stacey Hopper, presented the item via presentation[10].

Councilmember Goins asked if there was a map showing where others are located. Ms. Hopper shared that it is being created. Councilmember Goins expressed his concerns over these businesses and what they serve.

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

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to approve Ordinance No. 25-2023 on First Reading.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

8. Postpone consideration and approval of the First Amendment to Settlement Implementation Agreement to the City Council Meeting to be held on December 19, 2023 at 6:00 p.m. for purposes of preserving public notice of the adoption of the proposed agreement. (23-781). (City Attorney)

Attorney Garganese presented the item, and provided the history.

* **MOTION by Mayor Blake; Seconded by Councilmember Barringer, to postpone consideration and approval of the First Amendment to Settlement Implementation Agreement to the City Council Meeting being held on December 19, 2023 at 6:00pm.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

## VII. Council Business:

1. City Council Liaison Appointments and Appointment of the Space Coast League of Cities & Florida League of Cities Voting Delegates & Alternates for 2024. (23-759). (Administrative Services Director)

Mayor Blake opened the discussion stating he would like to serve the Space Coast TPO in 2024.

[10] Exhibit J: Ord 25-2023 Kava Kratom Presentation

Councilmember Koss stated that she's been serving the Board and would like to stay on. She noted that she was unhappy about the change, stating the Mayor's move was political and disrespectful. She also requested her disapproval be made part of the record.

Councilmember Barringer asked her if there was anything she wanted that he was assigned to. In response, she replied no.

Councilmember Goins stated that he did not believe it was political, just a change which is up to the Mayor.

Discussion continued with regard the other appointments.

Mayor Blake made a motion to approve City Council Liaison Appointments for Calendar Year 2024 as follows:

- Affordable Housing Committee - Goins
- Board of Adjustment - Barringer
- Code Enforcement Board - Barringer
- Diamond Square RDA - Goins
- Housing Authority - Hearn
- Planning & Zoning Board - Hearn
- Police Advisory Board - Goins
- Sustainability Advisory Committee - Barringer
- Utilities Advisory Board - Koss
- Space Coast TPO -Primary - Blake -Alternate - Goins
- Space Coast League of Cities -Primary - Blake -Alternate - Goins
- Florida League of Cities -Primary - Blake -Alternate - Koss

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the Liaison appointments for calendar year 2024 as stated.**

**AYES: Blake, Barringer, Goins**

**NAYS: Hearn, Koss**

**THE MOTION CARRIED (3-2)**

**VIII. City Business:**

1. Consideration: Removal of a tree at 904 Fern Ave, Cocoa, FL 32922. (23-767). (City Planner)

Ms. Hopper provided a brief presentation[11].

* **MOTION by Councilmember Goins; Seconded by Mayor Blake, to approve the item.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

2. Approve Interlocal Agreement with Brevard County consenting to the inclusion of the future Mountain Cove Homes Lakes at Cocoa and Winward Preserve residential development projects, and two parcels along the south side of SR 528 owned by Brightline Trains Florida LLC (approximately +- 700 acres) into the County's District 1 Road and Bridge MSTU pursuant to the Stipulated Settlement Agreement between the City, Brevard County and Property Owners, dated December 11, 2007. (23-769). (City Attorney)

Attorney Garganese reported on this item stating the 1st reading would likely be in January.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the Interlocal Agreement with Brevard County consenting to the inclusion of the future Mountain Cove Homes Lakes at Cocoa and Winward residential development projects (approximately +- 700 acres) into the County's District 1 Road and Bridge MSTU pursuant to the Stipulated Settlement Agreement between the City, Brevard County and Property Owners, dated December 11, 2007.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**Multi-Year Contracts:**

None.

## IX. Informational Agenda:

[11] Exhibit K -Tree Removal 904 Fern

1. Approved change orders to construction contracts that the City Council has authorized the City Manager, by resolution, to approve in excess of the City Manager's spending authority. (23-763). (Finance Director)

2. Data showing the relation between the estimated and actual income and expenses to date. (23-764). (Finance Director)

3. FY 2024 November Budget Adjustment Report. (23-765). (Finance Director)

4. Council Bi-Weekly Report Covering November 10 – December 7. (23-780). (Administrative Services Director)

**X. Reports:**

City Manager Whitten shared that Abby Morgan has been made the permanent Director of Public Works. Additionally, Ms. Bowman and staff were awarded the GFO Certificate of Achievement for Excellence in Financial Reporting.
City Manager Whitten congratulated Chief Lamm as he is now Certified as a Chief EMS Officer and he is one of only 1,800 in the world.

He shared that Florida Trend Magazine, a business magazine, features what's happening around the state. The current month highlighted Cocoa and the EDC initiatives on the Space Coast. Most importantly, Samantha Senger was highlighted in the issue.

Ms. Bowman reported on receipt and use of ARPA money. So far they have helped over 1,400 Cocoa Residents. She also stated that staff sent off a request for cemetery funding, however we did not qualify, but they are still trying.

Ms. Senger reported on the Moore Centennial event and shared a video.

She also reported on the tree lighting in the Village and the Cocoa/Rockledge Holiday parade saw more attendees.

Cocoa HS is also requesting a celebration event for their State Championship. They are requesting Saturday, January 27th at Riverfront Park and they need a consensus from Council. Consensus was approved.

City Manager Whitten added that he wanted to thank Ms. Senger, Ms. Neuterman, Ms. Harris, Ms. Bantugan, Mr. Browne and Ms. Bonadio for their work at the Moore Center Memorial.

He also gave an update on Framework group with regards to property they own.

Mayor Blake shared photos of events he attended. He also reported on Space Coast League of Cities and current Legislation.

Deputy Mayor Hearn congratulated the Cocoa HS Football team. He also talked about recent events he attended.

Councilmember Goins shared PAL scholarship recipients and other events he participated in.

Councilmember Barringer shared his district events. He expressed thanks for all the work put into the parks. Cold weather shelters could also use donations.

Councilmember Koss offered to do report at the next meeting.

**XI. Adjournment:**

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to adjourn the Regular meeting of December 12, 2023.**

**AYES: Blake, Hearn, Barringer, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**The meeting adjourned at 11:40 p.m.**

**Michael C. Blake, Mayor**

**ATTEST:**

**Monica Arsenault, Interim City Clerk**
**(Transcribed by Lori Chabot, Recording Secretary)**