MINUTES
City of Cocoa
Regular Meeting of The City Council

October 25, 2022

A Regular City Council Meeting was held on Tuesday, October 25, 2022, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Blake called the meeting to order at 6:00 p.m.

Pastor Beckford provided the invocation and V-Cops in attendance led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; Tammy Gemmati, Administrative Services Director; Charlene Neuterman, Community Services Director; Samantha Senger, Asst. to the CM/PIO; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Robert Beach, Chief Technology Officer; Bryant Smith, Public Works Director/Acting Growth & Economic Development Director; and Erik Montgomery & Lisa Richardson, Helpdesk Support Techs.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of October 25, 2022. (22-633)

2. **Minutes:** n/a

* **MOTION by Mayor Blake; Seconded by Councilmember Koss, to amend the Agenda by adding Item Item III.1, under Awards and Presentations and Item VIII.2, under City Business.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Presentation of Home Improvement Award for Gladys Weatherspoon. (Councilmember Goins)

Councilmember Goins presented a Home Improvement/Beautification award to Gladys Weatherspoon for the efforts in beautifying her property on Edinburgh Drive. The recipients thanked the City for recognizing their mother who has been a resident for over sixty years. She is eighty-eight years old and they are proud of her and the work she has done.

2. Presentation of FIND Grant Checks by Jerry Sansom. (22-630). (Mayor Blake)

Jerry Sansom presented ceremonial FIND checks to the City and explained what these checks were for. He hoped the City would benefit from FIND in the future as well.

Mayor Blake read a proclamation into the record acknowledging Mr. Sansom for his work he has done with the City throughout the years, as he is retiring. They proclaimed September 30, 2022 as Jerry Sansom Day in the City of Cocoa.

Mr. Sansom thanked everyone and noted it was an honor representing the City for over twenty years and Cocoa is a great place.

IV. Delegations:

Al Wartell, Cocoa resident, asked why there was so much hatred and racism in the City. He spoke about the Chief of Police and would like equality. He feels as elected officials they should be protecting the residents. He asked that a city councilmember order an investigation on the Police Chief. If not, private citizens

would do this amongst themselves. None of the disciplinary actions from Jacksonville were in his folder on the Chief's hiring committee. This has nothing to do with racism but if you can do the job. There is a lot more information coming out soon.

Tammy Hilton, Cocoa resident, asked for a motion to be made for an independent investigation to be done on Chief Collier. There is a conflict of interest between the City Manager and Chief of Police, and it is concerning that the City Manager did not disclose that they went to school together. She asked why this stuff was not included in his application packet. There is enough cause to terminate Chief Collier. There is a petition going around with over nine hundred signatures wanting Copper returned to Officer Hattaway. Officer Hattaway started the K9 Competition and she asked how other agencies would feel. Lastly, she spoke about crime rates and they are not being reported correctly.

Thomas Cole, co-founder and Principal of Emma Jewel Charter Academy, Cocoa, expressed his support for Chief Collier. He spoke of his attendance at events at Emma Jewel Charter Academy. It is his understanding that the crime rate is down and while he does not know much about police work, if there is a teacher who does testing and those test rates are going up and up, he would never have a conversation about educating the teachers. He is a firm believer in data and if crime rate is down then why is conversation happening about crime.

Celeste Corrado, Cocoa resident, provided a presentation of a Cocoa Citizens Working Group, which is a collection of individuals who are trying to get engaged in order to learn a lot more of how they can help in a more informed way. She spoke about the September 27th Council meeting and of information/criteria that was lacking. They felt that the decision that was made was not a sound one and they did research to get more facts. The data is now there and there are multiple inconsistencies in both the state and county comprehensive plans.

Bernice Cox, Cocoa resident, thanked Cocoa Fire Department and Chief Lamm, the Cocoa Police Department and Chief Collier, Council and staff. She has always had a good relationship with the City. She spoke with the Roads and Bridges department at the County about an area on Clearlake/Lake Drive that is overgrown. There is a night light as well and it is not very bright. The County has said they would get there as soon as possible. She will come back at a later time with an update.

Marisol Lanza, Cocoa resident, has been trying to get an appointment with the Chief of Police about the issue in her neighborhood. Code is not doing anything for her or anyone else. She just wants to live comfortably and urged Council for help.

Councilmember Goins stated there are issues between neighbors and there is Code Enforcement to handle some of those issues which are violations. He assured her that he is trying to bring the neighbors together.

Mayor Blake has ridden with Mr. Bunt on several occasions and he and his staff are doing a good job.

Kathy Hamilton-Brown, Cocoa resident, spoke about the allegations against Chief Collier by a certain someone. If the person does not stop she will be sued by Chief Collier, as information they are talking about is about his son, not him. If you are going to tell facts then tell the correct facts. Statements have also been made that there have been three rapes at Cocoa High School of which BCSO and Brevard County School Board are not aware of. These statements need to stop as it is affecting kids as well as future leaders. Tammy Hilton has been researched and has fourteen issues as well.

Alton Edmond, Cocoa resident, spoke about what is going on in the City about the Chief of Police. He provided his personal contributions and involvement in the community and noted that he has never seen a Chief call into an IA the wrongful conduct of their own officers. He respects that he does that because of what law enforcement officers are paid to do.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the Fiscal Year 2023 Budget, BAF# 23-007-A, to Accept the 2022 Awarded Edward Byrne Memorial Justice Assistance Grant (JAG) 22-GG-02810-JAGX. (22-588). (Chief of Police)

2. Approve Task Order #2023-03 in the amount of $59,216.24 and a Resolution for a contingency of $783.76 for a total of $60,000 for concrete work related to annual sidewalk and curb maintenance using the Service Level Agreement with JMD Global. Authorized the City Manager to issue the associated PO and any use of

contingency. (22-618). (Public Works Director/Interim Growth & Economic Development Director)

3. Approve entering into a co-operative purchasing agreement with Inliner Solutions (formally Granite In-Liner LLC) in the amount of $159,709.25 and a Resolution for a contingency of $290.75 for a total of $160,000.00, using Polk County Bid 20-577 approved June 30,2020 through May 31, 2023, to reline various sized pipes. Authorize the City Manager to issue the associated PO and any use of contingency. (22-619). (Public Works Director/Interim Growth & Economic Development Director)

4. Approve and authorize the City Manager to issue a Blanket Purchase Order up to $750,000 to Genuine Parts Company for vehicle & equipment related parts, approve a Purchase Order for budgeted Operating expenses up to $129,300 related to Napa IBS utilizing the Sourcewell Contract #110520-GPC and authorize the City Manager to approve fiscal budget years Purchase Orders throughout the duration of the Contract Term and any Change Orders not to exceed his signing Authority. (22-627). (Public Works Director/Interim Growth & Economic Development Director)

5. Travel Announcement for Mayor Blake to Attend the Florida League of Cities Legislative Conference from November 30, 2022 - December 2, 2022. (22-632). (Administrative Services Director)

(B) Multi-Year Contracts:

None.

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Consent Agenda.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Consideration of Ordinance No. 13-2022/ Second and Final Reading: An Ordinance Of The City Council Of The City Of Cocoa, Brevard County, Florida, Repealing Appendix A, Zoning, Article XX Of The Zoning Ordinance Of The City Of Cocoa; Repealing The Schedule Of Fees, Charges And

Expenses To Be Paid To The City Upon Receipt Of Planning And Zoning Related Applications Contained Therein; Providing For The Adoption Of Future Planning And Zoning Fee Schedules By Resolution. (22-572). (Public Works Director/Interim Growth & Economic Development Director)

Attorney Garganese read Ordinance No. 13-2022 into the record, by title only as follows. He advised that this was the Second and Final Reading of the ordinance.

ORDINANCE NO. 13-2022

ORDINANCE NO. 13-2022 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, REPEALING APPENDIX A, ZONING, ARTICLE XX OF THE ZONING ORDINANCE OF THE CITY OF COCOA; REPEALING THE SCHEDULE OF FEES, CHARGES AND EXPENSES TO BE PAID TO THE CITY UPON RECEIPT OF PLANNING AND ZONING RELATED APPLICATIONS CONTAINED THEREIN; PROVIDING FOR THE ADOPTION OF FUTURE PLANNING AND ZONING FEE SCHEDULES BY RESOLUTION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

* **Motion by Councilmember Dyal; Seconded by Councilmember Goins, to approve Ordinance No. 13-2022 on Second and Final Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consideration of Ordinance No. 06-2022/ Second and Final Reading: a Comprehensive Plan Text Amendment consistent with Chapter 163, Florida Statutes, to correct a scrivener's error in the Future Land Use Element, Figure FLU-1, to provide that the RU-2-10 zoning district is an allowable zoning district only in the Low Density Residential Future Land Use Category. (22-576). (Public Works Director/Interim Growth & Economic Development Director)

Attorney Garganese read Ordinance No. 06-2022 into the record, by title only, as follows. He advised this is the second and final reading.

ORDINANCE NO. 06-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; CORRECTING A SCRIVENER'S ERROR IN FIGURE FLU-1 SET FORTH IN THE FUTURE LAND USE ELEMENT TO PROVIDE THE RU 2-10 ZONING DISTRICT IS ONLY AN ALLOWABLE ZONING DISTRICT IN THE LOW DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY; PROVIDING DATA AND ANALYSIS AND THE LEGAL BASIS SET FORTH IN THE RECITALS TO SUPPORT THE PROPOSED COMPREHENSIVE AMENDMENT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

Mayor Blake 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 Hearn, to approve Ordinance No. 06-2022 on Second and Final Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Consideration of Ordinance No. 11-2022/ Second and Final Reading: a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, to change the Future Land Use Map designation of (1) parcel of real property totaling approximately 0.59 acres from City of Cocoa "Very Low Density Residential" to City of Cocoa "Medium Density Residential," provided that the maximum density allowable shall be eight (8) dwelling units per acre. (22-595). (Public Works Director/Interim Growth & Economic Development Director)

Mayor Blake asked the City Attorney for clarification on the rules for the time limit of speakers. He advised there were fifteen cards and he believes in a fair and representative democracy.

* **CONSENSUS AMONGST COUNCIL TO ALLOW A THREE (3) MINUTE TIME LIMIT TO THE SPEAKERS.**

Attorney Garganese read Ordinance No. 11-2022 into the record by title only as follows. He advised this was the second and final reading of the ordinance.

ORDINANCE NO. 11-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA, CONSISTING OF APPROXIMATELY 0.59 ACRES, MORE OR LESS, LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH INDIAN RIVER DRIVE AND DIXON BOULEVARD, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE DESIGNATION OF THE REAL PROPERTY FROM VERY LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, PROVIDED THAT THE MAXIMUM DENSITY ALLOWABLE SHALL BE EIGHT (8) DWELLING UNITS PER ACRE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

Councilmember Koss provided slides[1] and spoke about the discussion at a previous meeting and that they talked about flooding but did not talk about surge which is a different type of flooding which encompassed five properties, including the property in question. She explained in detail what a surge was and stated that another revelation that was found when this item was presented to the Planning & Zoning Board was that there was no information in the item on the Coastal High Hazard Area and she read the following objective:

"Objective 9.2.1: Coastal High Hazard Area (CHHA). The City shall continue to direct population concentrations away from the CHHA through implementation of the future land use map, land development code and through the development review and approval process."

She spoke on this in detail and noted that the property was purchased based on zoning and the structure that exists. They have a right to ask for an amendment but the decision to grant that amendment is approved by the Planning & Zoning Board and by City Council to be in the best interest of the public.

She stressed the point of "the City shall". If you go through this agenda item you will find what changed was when Mr. Smith presented the item that the Coastal High Hazard Element was not included.

Councilmember Koss further noted Policy 9.2.1. 3, which states:

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1 EXHIBIT A: Presentation provdied by Councilmember Koss

"Policy 9.2.1.3: In order to continue to direct population away from the CHHA, any increase of density for properties within the CHHA shall generally be discouraged from the time of this plan's adoption."

There has also been work with the Eastern Central Florida Regional Planning Council to do a resiliency plan which is science based. There were comments made that the storm drains need cleaned and there has been eight inches of lagoon level rise in the last twenty years. They expect that much more in the next 20 years, so with storm surge this is significant. We are creating liabilities which will cost everyone in the future.

Councilmember Dyal advised that at the last meeting he brought up quasi-judicial and quasi legislature. He spoke about a prior issue that went to court of which we lost. If the applicant goes to court he would win. He stressed that this is taxpayers' money that would pay the legal fees.

Deputy Mayor Hearn felt that this was a sensitive issue and has tried to do his due diligence. There was an issue with drainage on the right side but no evidence of it running on the left side of the property even though it was raining. He understands the initiative to protect citizens from storm surges and did further research on how others could build on the west side of Indian River Drive, which are higher elevations. Those applicants would be higher and have requirements by both the City Code and SJRWM.

Mr. Smith spoke in reference to the higher elevations and to the increase that this property would have.

Mayor Blake opened the hearing to the public.

Jennifer Riggs, Cocoa resident, felt that staff was encouraging citizens to build in a marsh and wetlands and that they are using a property to justify the flipping of the rest of the Dixon area. She felt this was a detriment and urged them not to set a precedent. She wanted them to deny on all criteria and she, along with others who spoke, cited those, one by one and provided feedback as to their reasonings why. She provided a few slides in regards to the property which included maps.

Celeste Corrado, Cocoa resident, provided slides in regards to the item. She felt that this was not about a single development but about what will come next. She showed a map of the properties and where they are located. She noted that this property was in the middle of the coastal high hazard area. Photos were shown of what happened to the property after the first reading. The storm drains and infrastructure failed and there was dead sea life. She knows they are looking for an economic benefit by building in this area but there are other things that need to

be identified. She further spoke about Mr. Greenwood's engineering report and pointed out that it was from 2004. It is not a basis for any of this development.

Joseph Bachand, Cocoa resident, cited further criteria. He believes that people want to come here because of Cocoa's coziness. It is not south Florida or West Florida and he felt Council should tighten up. He asked what they would be achieving and they are doing this at the detriment of the community.

Frank Sullivan, Cocoa resident, spoke about the recent article in Southern Living Magazine and of the charm that the City exudes. He felt that we are about to lose some of this charm. He hears the argument about property and pointed out that it will decrease the estate residences around it. It has historically been wet and if you look at older homes they are on blocks which keeps them off of the ground. Many cannot see where the water is coming from but backyards are wet and he explained why the area remains wet. He believes it would be an insult to those on the south side to put more multi-family homes on that side.

Jane Naylor, wanted to concede their time to Celeste Corrado. Ms. Corrado showed a map and pointed out that to the north and south it was all low density. She pointed out Policy 1.1.8.2,3,4 of Cocoa's Comp Plan and stated that this project was inconsistent on every level. Another map was shown of the green space with animals in the area.

Councilmember Goins asked Mr. Smith about the submitted site plans for the Dixon corridor. Mr. Smith noted he is not aware of any nor did the previous director have any plans.

Councilmember Koss asked about the map they received and in response, Mr. Smith stated that it was pretty normal for concept plans to be put out there but they are not aware of anything.

Frank Manfredi, Cocoa resident, congratulated them as this has brought together residents like no other item. There are other business developments that would generate more revenue than this four plex. He advised that he and others ride their bikes from Viera to be on Indian River Drive. It is a safe area and the view is spectacular. On any weekend day the whole road is full of walkers, bikers and sight seers. The Cocoa Marathon is an annual race that attracts many runners and the Intercoastal water way is a bike path. He is against this change and hopes it is voted down.

James Smith, Cocoa resident, conceded his time to Celeste Corrado. Ms. Corrado discussed the experts report submitted by Mr. Greenwood. This was from 2004 and does not feel that the expert had visited the site. They need to revisit the

engineering reports and mentioned the stress that this would put on the infrastructure. She urged Council to look at the character of the neighborhood.

Linda Gombert, Cocoa resident, spoke in regards to the coastal high hazard areas and believed that this information was important. This is recognized by FEMA, the State of Florida and the City. She provided a definition of a coastal high area as defined by the State of Florida and added that Cocoa's definition is almost verbatim. She noted that this property was one of the most vulnerable properties when it comes to flooding. Hurricane Ian was not a major storm but there was flooding that was significant enough that they had to close the main area of this neighborhood. This property lies in the flood zone no matter if it is from the river running over or from rain water.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to extend this public hearing by thirty more minutes.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Jennifer Riggs, Cocoa resident, stated that citizens are worried that staff was encouraging development in flood zones. She showed a map of the property and urged denial of the ordinance. She noted that formal record has been established for Council. She felt this was the only way to protect good precedent.

Judy McCluney, Cocoa resident, hoped that Council could think about the value of the wetlands. She spoke about wetlands and added that they are a source of drinking water, flood control, pollution control, and preserve who we are as Floridians. Wetlands remain very important and she felt that neighbors might sue if they are impacted but felt all were at risk. She felt that those on River Road count and urged Council to vote against this.

Janice Smith, Cocoa resident, spoke in regards to another topic, which is when a person purchases property they are accepting the property as is. The buyer knew that this was low density and a low-lying area but bought the property anyway and are now asking for the zoning to be changed. Others who bought property in that area did so because it was low density and now they too, could see a change in the zoning. She provided an example of a purchase that took place in the 1980's next to a children's park which resulted in a park closure. She stated these were two examples of people who bought property and tried to change the zoning in order to suit themselves. She urged council to vote no.

Donna Manfredi, Cocoa resident, stated that most of what she wanted to say has been said. When her and her husband bought their property they knew that it would flood. With Hurricane Ian the flooding was worse in the back than in the front yard. When the river is high there is no place for the water to go and it backs up. She noted a letter was delivered to Council this morning regarding opposition for this change.

Brenda Teixeira, Cocoa resident, has been a resident for over sixty years and has lived off of Indian River Drive for over sixteen. She has seen the damage that the water does and respectfully requests denial of this request. She felt that they would lose something really beautiful if it is done.

Eric Fricker, Cocoa resident, has been to many meetings where a room full of citizens want them to vote a certain way but as a Council they are there to represent the people and these people are asking Council to protect his lot. The rules have the words "shall" and any judge would throw that out of court.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to have a five minute recess.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to resume the meeting at 8:31 p.m.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Mayor Blake asked the applicant, Mr. Aleck Greenwood to speak in regards to this item. As a point of clarification, it was noted that he would get ten minutes to speak as the applicant.

Mr. Greenwood understands why people are upset and noted that there has been a tremendous amount of misinformation given out. He felt an apology needed to be given for the misinformation being given out. He pointed out that in the information he provided to Council was a site plan of a property near his that was approved for the previous owners back in 2008 with the zoning change. This was the same zoning that everyone is upset about. The property has been sold to new owners and it was just purchased a few months ago. That development will be a total of seventy-two units as stated on page 15 and the layout is included there as

well. He further noted that if they had started clearing the land this meeting would not be happening.

Furthermore, they are stating that he will be building fifteen units but that is wrong as he is only building four. He could build a single-family home on it right now.

Additionally, he clarified the following concerns that have been mentioned: it will not be more than three stories; there is not an artesian well; it will be minimum development; there will be no clear-cutting; he will not be altering the front lot and it is for a single family home; they got to this point due to the expertise of staff and the City Attorneys, who have all reviewed and support this project; Comments from the previous Growth & Economic Development Director regarding the clarification of a comment to the P & Z members; the flooding gets worse further south of the property and the water issue could be corrected; this will not affect the historical significance; and the Code was changed years ago that tell a developer how to build with the water issues.

Mr. Greenwood stated that on Dixon Boulevard there are three other grates that are collecting water. Lastly, there is an underground pipe from across the street that is coming onto his property, so if these were corrected or if the City does what needs done it would eliminate those issues.

Peter Olavarria, Cocoa resident, noted that there are sixteen criteria referenced in Appendex A by the City of Cocoa Article 21 Sec. 1.g.1 in the agenda item. He further stated that all of the criteria has been rated as failing so he is not repeating them. He felt that this project proposes a bad precedent and provided reasonings as to why.

Attorney Garganese noted that an applicant is typically afforded a few minutes for final rebuttal.

Mr. Greenwood spoke on the notion that animals were on the property but there are no alligators or foxes. This inspection of no animals was done by two engineers. He mentioned the slide with signs on properties and what it stated about opposing what staff was doing. He commends the work that staff does and knows what projects the City supports as he sits on the Planning & Zoning Board and does not approve of the way that staff gets the negativity that he sees. He believed staff deserved respect and they are licensed and followed this by the book. Anything about water retention is new codes which are more strict which is why he is asking for more units due to the amount of work it will take to prep the land.

Mayor Blake closed the hearing to the public and returned it to Council.

Councilmember Koss noted there were several references directed at her and she noted mentioned the newsletter that she sent out was in a package telling people about the zoning change. She pointed out that he has only applied for a four plex on his property. When she spoke with staff members they said the most important thing was consistency.

An email was sent later that specifically stated he was applying for a four plex. There is a real insurance crisis for single family homes. The flooding was a surge and once the lagoon swells it is not going anywhere. Additionally, as far as staff goes, there are qualified staff and what happened was when this was presented to the Planning & Zoning Board the Coastal Element portion was not in the presentation. Everybody makes mistakes and the Planning & Zoning Board spoke to the issues of knowing the area and the issues there. The owls, alligators and foxes hide when the engineers come out.

Councilmember Goins mentioned the ordinance and stated that everyone knows it is subjective. He asked about the maximum footprint for a single-family home. In response, Mr. Smith advised that this ordinance was for Future Land Use so footprints are not defined in this ordinance. Setbacks would come into play with the footprints so it would be hard to say based on that.

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve Ordinance No. 11-2022 on Second and Final Reading.**

AYES: Dyal, Goins

NAYES: Blake, Hearn, Koss

THE MOTION FAILED (2-3)

Mayor Blake advised as to why he voted no. He stated that years ago the same issue came up and he was looking at this from a social impact point of view. He knows that at the previous meeting he voted yes, however, he went back and did his due diligence. He announced that Mr. Greenwood could come back and appeal if he wished to but he was looking at the impact on the whole community.

Mayor Blake further noted that this was not going away but it could be used as a learning point as they protect personal property rights.

Deputy Mayor Hearn announced that he had also previously voted yes but changed his mind as well. Mr. Greenwood still has a chance to appeal but he would like to see an updated engineering report in order to provide further assurances to citizens.

4. Consideration of Ordinance No. 12-2022/ Second and Final Reading: A citizen initiated Zoning Map amendment consistent with the requirements of Code of the City of Cocoa (Code) Article XXI, Section 1, to change the zoning designation of a parcel of real property totaling approximately 0.59 acres from "Residential Estate District" (RE) to "Multiple-Family Dwelling District" (RU-2-15). Brevard County Parcel/ID No. 24-36-21-BM-*5. (22-594). (Public Works Director/Interim Growth & Economic Development Director)

Attorney Garganese recommended Council go through the public hearing process but since Council voited to deny the FLUM, this item is inconsistent with the Comp Plan, so a denial of this item would be consistent.

Attorney Garganese read Ordinance No. 12-2022 into the record by title as follows. This is the second and final reading. He noted the previous item that changed the future land use designation and failed on 3-2 vote so the property maintains it zoning. The applicant requested this to go to RU-2 zoning.

ORDINANCE NO. 12-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, APPROXIMATELY 0.59 ACRES, MORE OR LESS, LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH INDIAN RIVER DRIVE AND DIXON BOULEVARD IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM RE (RESIDENTIAL ESTATE) TO RU-2-15 (MULTIPLEFAMILY DWELLING DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Blake opened the hearing to the public.

Jennifer Riggs, Cocoa resident, thanked Council and wanted to formally establish for the record that there are sixteen criteria for establishing this decision. There are fifteen others and there are grounds in every single one to recommend denial.

Mayor Blake spoke of the provision in 9-22.1 "we shall". He reviewed it and they were correct as to what it says.

Mayor Blake closed this portion of the hearing to the public.

The applicant did not wish to speak on the item.

* **MOTION by Councilmember Dyal; Seconded by Councilmember Koss, to deny Ordinance No. 12-2022 on Second and Final Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Consideration of Ordinance No. 14-2022/ Second and Final Reading: An Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; Amending Chapter 8 - Community Redevelopment; Adopting an Amendment to the Cocoa Redevelopment Agency Redevelopment Plan to Authorize the City and Agency to Establish and Implement a Community Policing Program; Providing for The Repeal Of Prior Inconsistent Ordinances And Resolutions, Incorporation Into The Code, Severability, and an Effective Date. (22-638). (Community Services Director)

Attorney Garganese read Ordinance No. 14-2022 into the record, by title only as follows. This is the second and final reading.

ORDINANCE NO. 14-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 – COMMUNITY DEVELOPMENT; ADOPTING AN AMENDMENT TO THE COCOA REDEVELOPMENT AGENCY REDEVELOPMENT PLAN TO AUTHORIZE THE CITY AND AGENCY TO ESTABLISH AND IMPLEMENT A COMMUNITY POLICING PROGRAM; 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 response, the public portion of the hearing was closed.

* **MOTION by Councilemember Dyal; Seconded by Deputy Mayor Hearn, to approve the item Ordinance No. 14-2022 on Second and Final Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Authorize the City Manager to negotiate and execute the Multi-Year Agreement with Community Housing Initiatives, Inc. in an amount not to exceed $750,000 for

the construction of 22 homes in the Michael C. Blake Subdivision. (22-641). (Community Services Director)

Ms. Neuterman spoke on behalf of the item and explained what the Community Housing Initiative was and how they provide homes to low-income households. CHI has previously constructed eight homes in Cocoa and they will serve as the developer, builder and closing agent for all of the homes. They only get 8% of each home. CHI has provided several home options which will be negotiated.

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Approve Resolution No. 2022-102 adopting a revised fee schedule for planning and zoning applications. (22-614). (Public Works Director/Interim Growth & Economic Development Director)

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Dyal, to approve the item.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve a Resolution amending the FY 2023 Budget to Reallocate an Additional $66,004 to the previous approved funding of $429,872 for total authorization of $495,876 from the 39-00 Contingency Accoutn to the Hurricane Ian account (421-4011-525-46.00) for Project #ES22IN. (22-646). (Utilities Director)

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2021 to 9/30/2022. (22-599). (Finance Director)

2. Brevard County District 4 Parks and Recreation Capital Improvements.

3. FY 2022 Budget Adjustment Report. (22-625). (Finance Director)

4. Data showing the relation between the estimated and actual income and expenses to date. (22-626). (Finance Director)

5. 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. (22-628). (Finance Director)

6. Bi-Weekly Update Report: October 7, 2022-October 20, 2022. (22-635). (City Manager)

X. Reports:

Mr. Smith provided an update on the park restroom bids. The low bid was $227,000 and due to the rules of ARPA funding, they went back out to bid. The bids expire tomorrow and staff needs direction from Council if they want them to proceed. If they do not, they would look at using that funding towards other parks initiatives. The bids can expire and those funds can the reallocated at a future meeting. Mr. Smith stated when he does an update on parks he will bring forward those other initiatives.

Councilmember Goins spoke about the community garden at Gilmore Park and would like funds allocated for a water line there.

* **COUNCIL WAS IN AGREEMENT TO LET THE BIDS EXPIRE AND TO REALLOCATE THOSE FUNDS TOWARDS OTHER PARKS INITIATIVES.**

Chief Lamm advised that about a year ago they lost Firefighter Wallen to cancer and he would be inducted into the Fallen Firefighters' Memorial on November 18th in Ocala. His name will be etched on the wall. There will also be a candlelight service at the downtown square in Ocala. There will be people sent from Cocoa as well as any others who wish to attend.

Mayor Blake and Council stood in respect for Firefighter Wallen.

Councilmember Dyal reminded everyone of the Chief's Walk tomorrow at 5:30 p.m. in District 3.

He further mentioned that the Black Tulip was closing and tomorrow was the last day they would be opened.

In closing, he stated this was a long meeting but done very well. He thanked staff for doing a good job.

Councilmember Goins spoke about Council's attendance at the Emma Jewel Charter Academy Gala. They are trying to raise funds for a gym and multi-media center. He gave kudos to Mr. Cole and all who attended.

Councilmember Koss thanked staff and others who attended her Town Hall meeting. She also thanked Council for their vote tonight and for caring about the community. She appreciates that. She was also at the Emma Jewel Gala and agreed that the gym needs built.

Deputy Mayor Hearn attended the Emma Jewel Gala as well and it was neat to see all of the leaders in the community who came out. He also thanked citizens who helped him pick up debris on Indian River Drive. Lastly, early voting has started and he urged everyone to vote.

Mayor Blake thanked those who are still in attendance tonight. He spoke of his attendance at the Early Learning Coalition Meeting earlier in the day where he became a cabinet member.

He mentioned his attendance this past weekend at the Cocoa Women's Club 100th anniversary. Photos were shown of the event and he provided names of people and organizations in attendance.

Florida League of Cities did a video in support of the cities of Sanibel Island, Fort Myers, Cape Coral, etc. He and Dr. Shaun Ferguson participated in the video.

Mayor Blake attended the craft show as well which had an excellent turnout.

There will be a Monroe High School Hall of Fame induction in the next few weeks, where Dick Blake will be inducted. More information will follow on that event.

Staff reminded everyone that the Fall Festival will be this Saturday, From 3-7 p.m. at Riverfront Park.

Councilmember Goins announced that the Brevard County Commission had approved the additional funding for the J & K Septic to Sewer project. Council thanked them for that approval.

* **CONSENSUS AMONGST COUNCIL TO COMPOSE A THANK YOU LETTER TO THE COUNTY FOR APPROVING THE ADDITIONAL FUNDING.**

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to adjourn the Regular meeting of October 25, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 9:41 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

CITY OF CAPE CANAVERAL CORPORATE SEAL FLORIDA

Objective 9.2.1: **Coastal High Hazard Area (CHHA).** The City shall continue to direct population concentrations away from the CHHA through implementation of the future land use map, land development code and through the development review and approval process.

Policy 9.2.1.1: The Coastal High Hazard Area is delineated as the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy 9.2.1.2: The City shall continue to evaluate non-conforming land uses within the CHHA.

Policy 9.2.1.3: In order to continue to direct population away from the CHHA, any increase of density for properties within the CHHA shall generally be discouraged from the time of this plan's adoption.

Objective 9.2.2: Development, redevelopment, rebuilds, retrofits and additions in the City shall be planned and managed through strategies and design principles that are consistent with sound planning practices that protect life and property from the effects of flooding, storm surge and related impacts of sea level rise and that protect the long-term financial viability of the City.

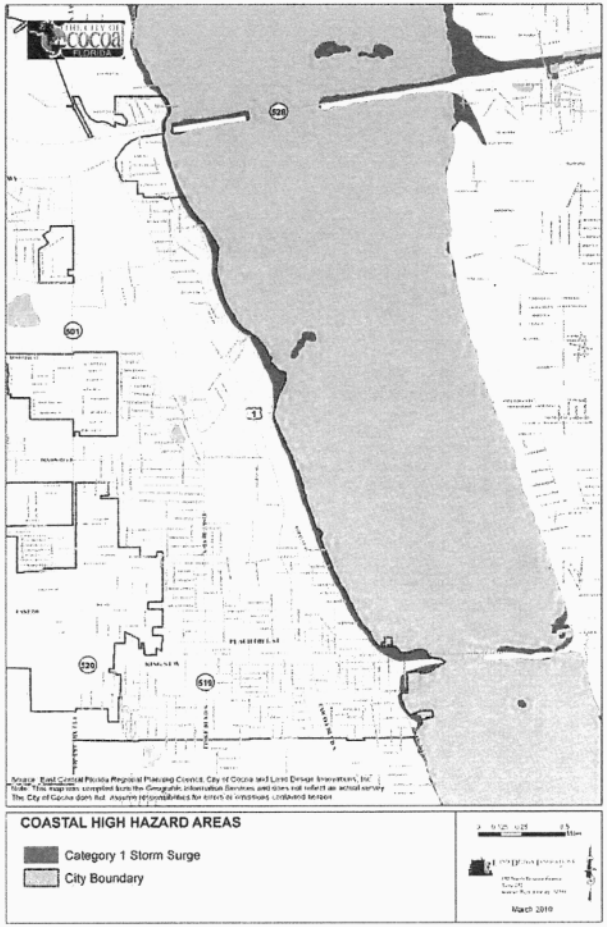
Policy 9.2.2.1: All new development and redevelopment shall be consistent with, or more stringent than, the flood resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

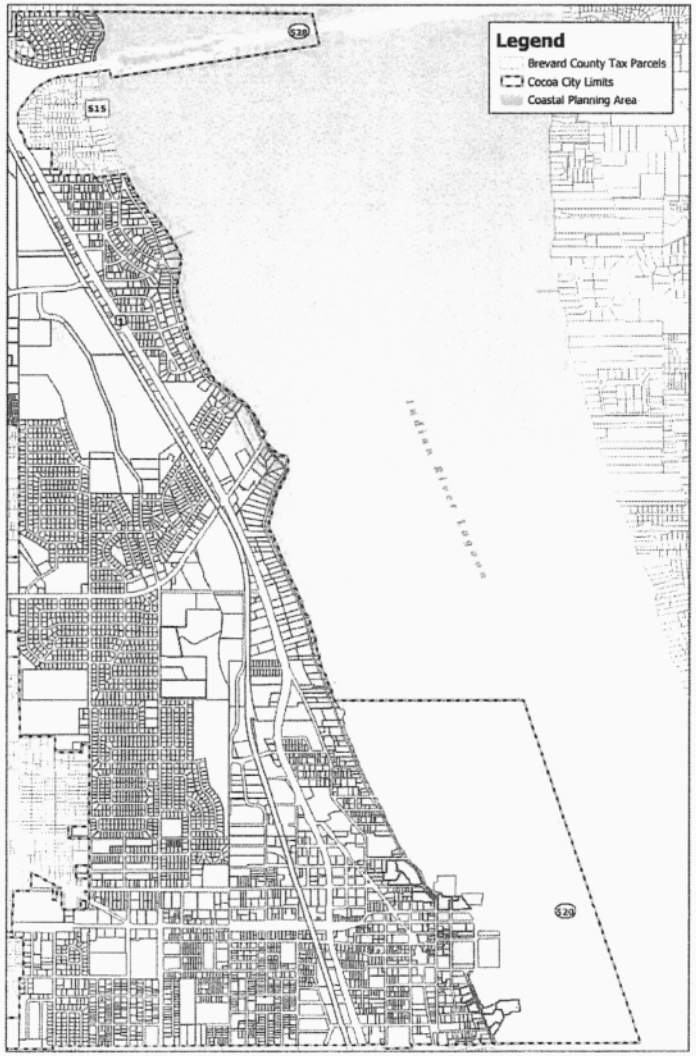
Policy 9.2.2.2: The City shall require site development techniques that encourage more efficient and climate resilient development practices that include, but are not limited to:

- Low impact development techniques on private and public property that provide for site design, engineering and stormwater management to reduce stormwater runoff, encourage greater onsite storage, reuse or absorption and mitigate flood impacts such as pervious pavement, native vegetation, rain gardens or barrels, etc.
- Prioritization of living shoreline installation and maintenance.
- Allowance of specialized fortification techniques as recommended by the Florida Green Building Council.

Additionally, the City shall continue to further explore standards that increase the City's coastal resiliency, such as requiring development to build at least three feet above the area's Base Flood Elevation or reducing the development's total amount of required parking while increasing the facility's potential for water absorption and retention.

Map M-IX-2: Coastal High Hazard Area





CM-1: Coastal Planning Area Map

From:	Kristin Lortie
To:	Carie Shealy
Cc:	Stockton Whitten; Carie Shealy
Subject:	eMeeting Comment Submitted for October 25, 2022 City Council Meeting
Date:	Tuesday, October 25, 2022 4:50:13 PM
Attachments:	2022.10.25 eComment for City of Cocoa Council Meeting - Delegations and Noted Agenda Items.pdf

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Ms. Shealy,

The attached comment is being submitted for inclusion in tonight's meeting items, and with a request for inclusion in the meeting minute records.

The comment emailed this morning to Mayor Blake, Council Members Mr. Whitten, and yourself has been updated with the noted items:

- I removed the comment pertaining to the campaign contribution information request (after you addressed the request via email this morning);
- A new item was added, based on a second $500 donation made to Councilman Goins affecting a separate agenda item on tonight's agenda. This item objects to his participation in tonight's vote on the police department CRA plan revision included in Agenda item 22-638.

Can you confirm receipt of this email and the attached ecomment?

Regards,

Kristin Lortie, Cocoa Resident

October 25, 2022

Re: Citizen Concerns re: City of Cocoa Administration and request to be included in 10.25.22 City Council Meeting Minutes Record – Delegations and Multiple Agenda Items

Mayor Blake, Council Members, and City Manager Whitten,

I am writing to you to submit the following comments prior to tonight's council meeting. **These comments are requested to be included in the public record for the October 25, 2022 Council Meeting under Delegations Comments.**

Please note that the information request has been removed (information request regarding campaign contributions) after Clerk Shealy responded to my earlier email (also sent to your attention), and a new item added regarding Councilman Goins voting #3. Comments were not received from any Council Member nor City Manager Whitten prior to this writing.

10/25 Meeting Comments are as follows:

1. I OPPOSE the passing of agenda items 22-595 and 22-594, and which propose to increase the density of the proposed location on Indian River Drive from very low to medium density and changing the zoning from residential to multi-family.

There is documented concern about flooding impacts at this location, and the current proposals drastically change the planning efforts from the 2020-2030 comprehensive plan. Community comments will be presented at tonight's meeting further outlining these concerns.

Your votes on these items will have a long-term impact. Please vote NO on agenda items 22-594 and 22-595 ordinances to change the zoning and increase the density on the .59 acre Indian River Drive parcel.

2. I OBJECT to Councilman Goins voting on agenda items 22-594 and 22-595 zoning change and future use ordinances. Councilman Goins campaign reporting reflect that he has received a $500 sizable campaign contribution from the developer interest in this matter. If Councilman Goins has not already returned the donation, he should abstain from the voting to avoid the public perception of a conflict of interest. See next page for the contribution reporting that reflects the $500 contribution.

3. I OBJECT to Councilman Goins voting on agenda item 22-638, after receiving a $500 campaign donation from a business that directly benefits from the additional police presence provided in this agenda item (see next page).

4. I OBJECT to Chief Collier's decision to reassign K9 Copper to another Cocoa officer, rather than to retire him with Officer Hattaway after their many years of service together. Officer Hattaway is a respected officer and community figure. There are several reportings on this act as a retaliatory act toward Officer Hattaway from individuals close to the matter.

The City of Cocoa should rise above the appearance of petty retaliatory actions, and the matter should be diplomatically resolved by reuniting Copper and Officer Hattaway, and without the need for further public outcry.

5. I SUPPORT the City of Cocoa in conducting an independent investigation into what is going on in the police department by a reputable independent agency, and in Council members calling for this investigation. This would assist residents in understanding the matter and in trusting the information provided.

6. I SUPPORT council members in requiring annual performance evaluations for City Manager Whitten, and that began his tenure in October 2020, be completed on an annual basis as per his contract agreement with the City of Cocoa. Mr. Whitten has not had his first evaluation with the city despite beginning his currently beginning his 3rd year of service.

Council members ongoing public silence on this matter reflects negligence in your duties in your administration of the city charter. If any of you have publicly called for Mr. Whitten's evaluation during a council meeting as a meeting agenda item, please do inform me of same.

In closing, I request to be updated on any matters stated above that I am in error about, and with any feedback on items noted. Your individual and collective choices affect residents perceptions on how things are going with your leadership in the City of Cocoa.

Regards,
Kristin Lortie, Cocoa Resident

Campaign Record of Councilman Alex Goins Campaign Donation of $500 from a Developer that may benefit from proposed Ordinance Changes in the City of Cocoa agenda items 22-594 and 22-595

A second $500 donation noted is from Mr. Biondini, downtown business owner who benefits from the additional police presence noted in Agenda item 22-638.

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

RECEIVED
Office of the City Clerk
SEP 21 2022
Time: 10:53am

(1) Name James Alex Goins (2) I.D. Number

(3) Cover Period 08 / 1 / 22 through 08 / 31 / 22 (4) Page 1 of 1

(5) Date / (6) Sequence Number	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type	(8) Occupation	(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
08 / 15 / 22	Private Property Development P.O. Box 1077 Cocoa, FL 32923	B		CHE			500.00
08 / 31 / 22	Smith, Joe 918 Levitt Parkway Rockledge, FL 32955	I		CHE			50.00
08 / 11 / 22	Rooke, Connie Melbourne, FL	I		CHE			100.00
08 / 22 / 22	Jones, David Palm Bay, FL	I		CHE			25.00
08 / 22 / 22	Biondini, Marino Cocoa, FL	I		CHE			500.00
08 / 25 / 22	Alexander, Amarin Rockledge, FL	I		CHE			100.00
/ /							

DS-DE 13 (Rev. 11/13) SEE REVERSE FOR INSTRUCTIONS AND CODE VALUES