MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

October 10, 2017

A Regular City Council meeting was held on Tuesday, October 10, 2017, in City Council Chambers, located in Cocoa City Hall, 65 Stone Street, Cocoa, Florida, as publicly noticed.

I. OPENING MATTERS:

Mayor Parrish called the meeting to order at 6:11 p.m.

Councilman Whipple provided the invocation and Deputy Mayor Boisvert led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Henry U. Parrish III	Mayor
	Don Boisvert	Deputy Mayor
	Jeri Blanco	Councilwoman
	Brenda Warner	Councilwoman
	Clarence Whipple, Jr.	Councilman
	Anthony Garganese	City Attorney
	John Titkanich, Jr.	City Manager
	Matt Fuhrer	Assistant City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Karen Hamilton, Community Services Director; Gene Prince, Fire Chief; Michael Cantaloupe, Chief of Police; Ed Wegerif, Public Works Director; Teri Butler, Finance Director; Tre Folston, Helpdesk Support Tech; Samia Singleton, Economic Development Specialist; Larry Lallo, Economic Development Manager; Colleen O'Donnell, Records Technician; Heidi Byron, Housing Program Coordinator; Michelle Perry, Police Department Dispatch; Nathan Edwards, Dyal; Chris Collier, WFO Supervisor; Tony Jones, Fleet Manager; Gina

Maxwell, HR Manager; Savi Pooran, HR Technician; John Hankins, Police Major; Michael Hollman, Meter Reader; Pat Dovale, Police Lieutenant; and Zach Campbell, Fire Fighter.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of October 10, 2017 (17-432)
2. Minutes: (a) Regular Meeting of August 22, 2017 (17-433)
   (b) Special Meeting of September 5, 2017 (17-434)
   (c) Special Meeting of September 7, 2017 (17-435)

The Agenda was amended to remove Item III.2 under Awards & Presentations.

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilwoman Warner, to approve the Agenda with amendments and to approve the Minutes for the Regular meeting of August 22, 2017, the Special Meeting of September 5, 2017, and the Special Meeting of September 7, 2017, as written.**

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. AWARDS AND PRESENTATIONS:

1. Cocoa Employee Service Award Presentation. (17-347). (Administrative Services Director)

Ms. Gemmati noted that Employee Service Awards were being presented and that Ms. Maxwell would be reading names and positions of the recipients. Those being recognized have reached a milestone of 5, 10, 15, 20, or 25 years of service.

A presentation[1] was provided that included the department, employees' name, position, and years of service.

Employees who were present accepted their awards.

~~2. Proclamation: "National Physician Assistants Week". (17-417). (Mayor Parrish)~~

[1] EXHIBIT A: Service Awards Presentation

3. Presentation of Plaque to former Diamond Square Community Redevelopment Agency Member Ruby Jenkins. (17-421). (Community Services Director)

Samia Singleton provided a brief background on Ms. Ruby Jenkins' service as a board member to the Diamond Square Redevelopment Agency, noting that she was a founding member and served as Chairwoman for many years. She further recognized other members of the Board that were present; Delores Martin, Adrian Moss-Beasley, Ed Jones, and Larry Robinson. Tracey Moore could not attend as she was out of town.

Councilman Whipple presented a plaque of appreciation to Ms. Ruby Jenkins. He thanked her, on behalf of the Mayor, City Council, and staff for her service and dedication to the board.

IV. DELEGATIONS:

Walter Jordan, 409 McLeod Drive, Cocoa, advised that he attended the August 22, 2017 Council meeting and spoke about the flooding on Dade Court and McLeod Drive. He has invoices for materials, which were around $3,000 and did not include service charges. The City continues to charge for stormwater and he feels that this needs to stop. He can do the work himself, he just needs permission to do it. He is giving the City until the end of the month or he will be seeking legal counsel. He has had sandbags brought in to help with flooding. He would like a response to his concerns.

City Manager Titkanich assured him that he would follow up with Mr. Wegerif and Assistant City Manager Fuhrer. He knows the issue has been raised and he would follow up.

Mayor Parrish mentioned that they needed to do everything they can for Mr. Jordan, including all of his neighbors. He asked them to either give him permission to fix the issue or to send a crew to the area.

Robert Wesley, 349 Lucas Lane, Cocoa, voiced his concerns about the draining on Lucas Lane and Washington Street. They just purchased a home prior to the hurricane and since the hurricane, has been flooded. He advised that calls have been made but they are not answered. Additionally, there is one drain that no one can seem to unplug. The water almost went into his mother's garage and to the front door. The toilet is also backed up. He thanked Council for all they do and for listening but believes no one should be flooded out of their homes.

City Manager Titkanich advised that in reality, the City and County have faced two storm events back to back. In the mid to late 2000's there were many improvements done to improve the drainage in the City, County, and Diamond Square RDA. There have been several impactful storms since Hurricane Irma which have caused all of the flooding. He will follow up in regards to the sewer system to see if something went wrong on that day. He will reach out to Utilities.

Mr. Wesley reiterated that the flooding should not be that bad. City Manager Titkanich assured him that he has seen the area and the City is heavily reliant on drainage flowing to the west. Mr. Wesley mentioned that when you hear bubbling you automatically believe it is the septic tank but he believes it may be the lift station.

Councilman Whipple provided his card to him.

Miriam Oquendo, 416 D Street, Cocoa, concurred with Mr. Wesley's concerns regarding flooding. She noted that she lives at the corner of D Street and Washington and when it rains the water just sits. She submitted photos to Steven Biel and was told it would be looked into, but nothing has been done. She thinks a new pipe needs to be installed. One of her neighbor's houses flooded. She stressed that something needed to be done.

In response, City Manager Titkanich assured her that he would get in touch with stormwater engineering and reiterated that this situation would be looked into.

She further asked what could be done when the normal rain just sits. In response, City Manager Titkanich advised that the City purchased 3,000 sandbags and they are at Fire Station #1. He further noted that the County has been working with FEMA. They can get assistance from them. The most important thing is to register and take pictures. FEMA is currently at the Agricultural Center on Lake Drive.

Mayor Parrish asked Mr. Wegerif if he would check on that area. He mentioned that when you look at the City as a whole, we fared better than the County. He agreed that there needs to be a plan in place to fix the areas that are flooding.

Lorraine Koss, 2115 N. Indian River Drive, was in attendance to encourage the formation of a citizen advisory board. A board would help with issues like this. She also pointed out that each of them had received an invitation for a seminar at FIT and encouraged all of them to attend. She noted another issue which was

the passage of a resolution in support of a sustainability board. She was hoping that one could be brought to the November 14th City Council meeting. The Resolution would be similar to what was passed by Satellite Beach.

City Manager Titkanich publicly thanked Ms. Koss for her work on this issue. They have put together a very comprehensive scope of services, a purpose of the committee, and the activities that they can undertake.

Larry Sinclair, 1052 Mitchell Avenue, Cocoa, spoke about stormwater fees and agreed with the first gentlemen who spoke. He stated that his yard had two feet of water and the ditch still had water up to the fence level. He questioned the contract regarding the re-entry program, as he thought the program was supposed to handle issues like this. He would do the work if he had the equipment. He gave City Manager Titkanich credit noting that he was out looking around the City. He just felt there has to be an interim solution.

Allan Chapman, HCVA, spoke about the car show they held a few weeks ago. He thanked Mayor Parrish for attending. The annual Fall Arts and Crafts Fair will be on October 21st from 10-4 pm and on October 22nd it will be from 10-5 p.m. Part of the proceeds will go towards the maintenance of Myrt Tharpe Square. He further spoke about the event two weeks ago where they officially made Cocoa Village a pet friendly village. They will be installing two more pet stations around the town. In closing, he pointed out that they were pressed for parking during their arts and crafts fair. He asked that if there was any way possible to escalate the cleanup of Lee Wenner Park, to please do so.

Brad Whitmore, HCVA, spoke in furtherance about the demand for parking at the Arts and Crafts fair. He thought the idea to partition for parking would be helpful. Next, he mentioned the upcoming "Sail to the Sun Rally" and the pay to attend cruisers seminar. The storm set them back with this event, but he believes that it could still work. He noted that dinghies will not be able to come in unless the park is back open. He also thought about the idea of renting a barge where all of the boats could tie up. The money made from the seminar would be used to make improvements to the waterfront. He feels that there is viability to where they can continue with the planning but things may change. They just need information so that they can make the decision to cancel or keep planning.

Allan Chapman with HCVA agreed, noting they were looking for information, as they cannot expect miracles.

In response, Assistant City Manager Fuhrer noted that the damage is being cleaned up. The surface materials are being cleaned up. They started removal of the vessels today and hoped to be done by tomorrow. He advised that they hoped to be done in two weeks and it should meet their time frame for the event.

In response, Mr. Chapman mentioned that was great and as long as they had access from the water with a path that they could walk up, they would be fine.

Mayor Parrish confirmed that staff would stay in contact with them. Mr. Whitmore acknowledged staff for the great job they have done cleaning up around the City.

V. CONSENT AGENDA:

1. Approve the public/private partnership between the City of Cocoa and Florida High Speed Internet (FLHSI) and authorize the City Manager to execute contracts between the City and FLHSI. The total cost of construction associated with the partnership is $49,250.00. (17-391). (Assistant City Manager)

2. Approve Task Order 2018-84 with CH2M for Project Management Assistance, Data/Invoice Review, and Strategic Planning in support of the Cross Connection Control Program (WS13BC). (17-406). (Utilities Director)

3. Approve Task Order 2018-85 with CH2M to assist WFO in prioritizing asset replacement activities, scoping and preparing contract documents, managing outside services, organizing and utilizing asset data, and increasing staff collaboration and interactions. (17-407). (Utilities Director)

4. Approve a Continuation of Work with Ace Flow Control, Longwood, Florida to Provide Cross Connection Control (CCC) Technical Field Services. (17-408). (Utilities Director)

5. Approve the Resolution waiving the competitive bidding process by reason of sole source for Sunstate; Approve an FY2018 budget resolution to transfer funds in the amount of $11,870 from 421-1515-536.46-00 (Repairs & Maintenance) account to 421-1515-536.64.15 (Capital IT Hardware); Approve the capital improvement purchase of field data collection devices through Sunstate Meter & Supply, Inc. (17-418). (Finance Director)

6. Approve Task Order 2018-86 with CH2M Hill Engineers, Inc. for SCADA Support for Routine Maintenance and On-call Services of the Wonderware Archestra SCADA System. (17-427). (Utilities Director)

7. Approve Additional Funds for Payment of the August and September Invoices to Garganese, Weiss & D'Agresta, P.A., for Special Legal Counsel for Water Supply/Taylor Creek Mediation, Project No. WS0919. (17-428). (Utilities Director)

8. Approve the City of Cocoa accepting a donation of drone with a camera system at an amount of $1,299.00 and a Resolution amending the Fiscal Year 2018 budget to increase revenues and expenditures correspondingly with the attached Budget Amendment Form. (17-430). (Chief of Police)

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilwoman Warner, to approve the Consent agenda.**

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

The donators of the Drone presented the equipment to Chief Cantaloupe. He noted it is a very good drone and can be used in areas that are otherwise hard to access. He thanked everyone for their services and felt it would be a good idea to donate it to the City.

VI. PUBLIC HEARINGS:

1. Ordinance No. 08-2017/ 2nd & Final Reading: Amending the Future Land Use Map designation of the subject property from Low Density Residential to Medium Density Residential and Conservation and a Development Agreement related to the subject property. (17-288). (Community Services Director)

Attorney Garganese read Ordinance No. 08-2017 into the record by title only as follows. He noted this was the second and final reading.

ORDINANCE NO. 08-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; PROVIDING FOR ADOPTION OF AN AMENDMENT TO THE FUTURE LAND USE MAP FOR ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA CONSISTING OF APPROXIMATELY 102.2 TOTAL ACRES, MORE OR LESS, GENERALLY LOCATED ON THE SOUTH SIDE OF W. KING STREET, APPROXIMATELY 0.25 MILES EAST OF S. RANGE ROAD, IN COCOA, SAID PORTION OF THE PARCEL BEING MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION ON THE PORTION OF THE PARCEL FROM "LOW DENSITY RESIDENTIAL" TO "MEDIUM DENSITY RESIDENTIAL" AND FURTHER DESIGNATE THOSE PORTIONS OF THE SUBJECT PROPERTY IDENTIFIED AS WETLANDS TO THE "CONSERVATION" FUTURE LAND USE DESIGNATION; PROVIDING FOR THE REPEAL OF PRIORINCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE COMPREHENSIVE PLAN; SEVERABILITY,

AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

He further mentioned that this was the adoption hearing. This item has been postponed at several previous meeting until tonight's meeting for final decision. The advertisement had been done for when it was first supposed to be adopted. Additionally, the approval is contingent upon the Binding Development Agreement. The delay of this item was due to the negotiations of the Binding Development Agreement. The developers are in agreement and are requesting that the City Council approve the Ordinance. He explained, in furtherance, what the Binding Development Agreement encompassed and advised that he would answer any specific questions Council might have.

Mayor Parrish opened the hearing to the public.

Attorney Rezanka, 96 Willard Street, Suite 302, Cocoa, noted it was all worked out and she reached out to Mr. Perrone and had kept him updated along the way. She provided a proposed map and other information[2] and noted there is 102 acres and almost 42% is wetlands and water. The development will be one story and setbacks are 20 feet from Mr. Perrone's property line. The 55+ property will be individually owned and the others will be rented facilities. She asked that the comp plan amendment, Binding Development Agreement, and the zoning ordinance (which is the next item) be approved. Mr. Perrone let her client go out and a have a drone operator video the flooding on the property.

She advised that she deleted the name of the drone operator in the handout.

Councilman Whipple confirmed that this was W. King Street to Pluckebaum. Attorney Rezanka advised that it does not go all of the way and Mr. Perrone's property is south of their property on Pluckebaum. Councilman Whipple then asked how far it was from Clearlake Road. City Manager Titkanich explained that it would be where the Brevard Public School facility is.

Attorney Rezanka thanked staff for working with them.

There being no further comments, Mayor Parrish closed the hearing to the public.

City Manager Titkanich thanked Attorney Rezanka, her clients, the City Attorney's office, and Community Services staff for working on this. He appreciated everyone working together.

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilman Whipple, to approve Ordinance No. 08-2017 on 2nd & Final Reading and a Development Agreement related to the subject property.**

[2] EXHIBIT B: Map and emails pertaining to 2075 W. King Street

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Ordinance No. 09-2017/ 2nd & Final Reading: Amending the zoning designation of the subject property from RR-1 (Rural Residential) to RU-2-15 (Multiple Family Residential). (17-289). (Community Services Director)

City Attorney Garganese read Ordinance No. 09-2017 into the record by title only as follows. He advised that this was the second and final reading on the ordinance.

ORDINANCE NO. 09-2017

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 PROERTY TOTALING 102.2 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF W. KING STREET, APPROXIMATELY 0.25 MILES EAST OF S. RANGE ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO, FROM RR-1 (RURAL RESIDENTIAL) TO RU-2-15 (MULTIPLE FAMILY DWELLING); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

He mentioned that this was related to Ordinance No. 08-2017 and it would only be effective dependent on Ordinance No. 08-2017 becoming effective

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

* **MOTION by Councilwoman Warner; Seconded by Deputy Mayor Boisvert, to approve Ordinance No. 09-2017 on second and final reading.**

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

Mayor thanked Attorney Rezanka noting she always worked well with the city.

VII. COUNCIL BUSINESS:

1. Provide direction to the City Manager and the City Attorney's Office to prepare the necessary ordinance to ban medical marijuana treatment center dispensing

facilities from locating within the jurisdictional limits of the City. (17-446). (City Manager)

City Attorney Garganese noted that on January 24, 2017, City Council enacted Ordinance No. 18-2016 which was a temporary moratorium prohibiting any and all medical cannabis activity within the jurisdictional limits of the City during the moratorium period which is scheduled to expire on October 21, 2017. The legislation has currently provided two choices. 1) Municipalities can disband dispensaries outright; or 2) Dispensaries will be treated as a matter of law like a pharmacy. He needs direction before the moratorium expires as to what Council wishes to do. He reiterated that they can ban them or they would be treated like pharmacies and would be permitted in several zoning areas. He further listed the zoning areas in which they would be permitted and noted that under law they would be treated like a dispensary.

He advised that if Council decided to ban them they could always revisit the issue at a later date after seeing what other municipalities do.

Mayor Parrish asked if the City would be sued if they ban them. In response, City Attorney Garganese noted that the legislature has provided two choices which was to ban them or not.

Councilwoman Warner stated that you either ban them or allow them anywhere a pharmacy is at. She believes that cities should be able to make their own decisions on this, not the legislature. It should be the city's job to determine where a dispensary would go.

She is not opposed but is opposed to not being able to make the decision ourselves.

Councilman Whipple agrees with Councilwoman Warner and wants to allow the City Manager to come up with an ordinance to ban dispensaries at this time. He believes it should be done and revisited if the needed arises.

* **MOTION by Councilman Whipple; Seconded by Councilwoman Warner, to have staff draft an ordinance to ban marijuana dispensaries until the legislature makes changes or something else changes and the City has the ability to control them and regulate them at a local level.**

Mayor Parrish asked if there was any other City that had voted on this. City Attorney Garganese noted that Cape Canaveral has and adopted regulations regulating facilities under the old law. However, now they are faced with a ban with the understanding that they might have to come back and revisit the issue. City Attorney Garganese advised another approach would be to have new pharmacy regulations. It would take a lot of planning, study, and time, though, which they do not have as the moratorium is about to expire. They would have to ban them in the interim while doing a study. His recommendation would be to do the ban and study this in further at a later date.

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

It was reiterated that they would ban dispensaries at this time.

VIII. CITY BUSINESS:

1. Approve a Resolution Amending the FY 2018 Budget through the use of General Fund and Water/Sewer Fund Reserves, for the purchase of (5) five vehicles that were ordered in FY-2017 but will not be received until FY 2018. (17-436). (Public Works Director)

Mr. Wegerif presented the item and explained the vehicles were ordered and some were impacted by the hurricane. They will be delivered soon.

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilman Whipple, to approve the item.**

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Provide direction to City staff and the City Attorney on Cocoa Main Street Program's request to lease its existing space at the Porcher House at a reduced rate of $1.00 per year. (17-441). (City Manager)

City Manager Titkanich noted that City Staff had met with Cocoa Main Street and that Cocoa Main street is currently reevaluating their focus on how to support the City and to assure that they are in line with the City's goals and objectives. He

spoke about their current project, the Art Beats project, and noted that they are also managing the traffic signal wrap project.

Cocoa Main Street is requesting that the City change their lease rate to $1.00 per year as opposed to what they currently pay. City Manager Titkanich provided a breakdown of what all the rent included. They currently pay 50% of what is currently charged to other leases of the Porcher House.

It is important that they have a presence there in order to greet visitors and provide tours of the Porcher House. If Council wishes, a Municipal Services Agreement can be done. Additionally, City Manager Titkanich spoke about other programs that Cocoa Main Street has done and mentioned that they provide volunteers to city events. Another item that has been discussed by Council and the CRA is a gateway feature at the former Sundancer property. This could be something that Cocoa Main Street could possibly initiate.

City Manager Titkanich further discussed fee waivers in the past and the history of the Cocoa Village Bar and Restaurant Association.

Cocoa Main Street has met with Melbourne to see what else could be done. City Manager Titkanich advised that his recommendation would be to direct staff to draft a Municipal Services Agreement and to work with Cocoa Main Street and that the rent relief would not exceed a period of two years. This would give them time to work with board members, stakeholders, and to work with other cities. Additionally, he believes that they need to pay their fair share of maintenance considering other tenants have to and in one year they need to submit an alternative funding strategy for their future. He wants to ensure that they have a viable business plan in order to continue operations.

City Manager Titkanich reiterated staff's recommendation, which is to provide rent relief for no longer than a 2 year period at $1.00 per year, and for Cocoa Main Street to work with staff to identify projects, and they can pay their share of maintenance costs.

They are a 501c3 organization and have a long history with the City.

Further discussion was held on the maintenance costs.

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to approve staff's recommendation.**

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

City Manager Titkanich clarified that it is $1.00 per year plus monthly maintenance chargers and other provisions.

MULTI-YEAR CONTRACTS:

3. Approve renewal of a multi-year contract with United Healthcare for Medicare Advantage Plan for eligible retirees 65 and over from January 1, 2018 to December 31, 2018 and payments to eligible retirees for Medicare Part B reimbursement. (17-431). (Administrative Services Director)

Ms. Gemmati presented the item noting that this is an 11% increase to the plan mainly due to the Affordable Care Act. It is an insurer fee that is required on all fully insured plans.

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilwoman Blanco, to approve the item.**

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. INFORMATIONAL AGENDA:

1. Fire Incident Report Summary for September, 2017. (17-439). (Fire Chief)

X. REPORTS:

Mr. Wegerif mentioned that Cocoa received 9 inches of rain on October 1st. He drove around and agreed that there were still many flooded areas and the amount of rain has been unusual. There are many areas that are flooded but overall the drainage system performed well. He was aware that there was still standing water in some areas and that those areas needed to be looked at.

Mayor Parrish agreed that there are a lot of areas that flooded but felt that the City has made a lot of headway.

Chief Cantaloupe mentioned that the Toy Drive had begun and would run through November 17, 2017. Sign-ups were being handled through the City Clerk's office.

Ms. Hamilton provided an update on the tour held on September 28, 2017 which consisted of UCF graduate students who participated in a tour of the Fiske Boulevard Corridor. There were many stops along the way and she thanked all staff and local community stakeholders who participated.

Additionally, on October 1st a Flood Assessment team was assembled and a report was compiled within a two day turn around period. The report was submitted to Brevard County.

Mr. Walsh provided statistics on the sewer side of the water system. They were as follows: *"Since 9/10/2017 until today we have treated 128.35MG of waste water. This is an average daily flow of 4.28MGD. We had a peak flow of 8.33MG on 9/10/2017 this was during the Hurricane Irma. We had a peak flow on 10/1/2017 of 14.00MG. The highest daily flow during this time was 7.50MGD this was on 10/2/2017. The prior 30 days before Hurricane Irma we treated 72.84MG this is an average of 2.43MGD. This is 55.51MG more than normal. Our highest flow days were on 9/112017 5.34MGD, 10/2/2017 7.50MGD, 10/3/2017 5.69MGD, 10/4/2017 5.08MGD and 10/5/2017 6.13MGD. As of today 10/9/2017 our Influent flow is still well over 4.0MGD. Normal MGD for this time of year is 3.14MGD. Our highest peak flow during Hurricane Matthew last year was 6.77MG.*

We had 3 minor violations, 2 were due to Bracco pond over flowing to the storm water ditch during the hurricane. This was caused by the storm water ditch overflowing into Bracco pond then as the water receded, Bracco flowed back out to ditch. Both incidents have been recorded with the state watch office and DEP. They have had letters sent to explain. We had 1-15min period where we had low Cl2 residual but was unable to divert water to reject pond as at the time it was over flow as statd earlier in the E-mail."

He explained that there were portions of the plant that were down for different reasons but they were able to do their job and he applauded their efforts.

Ms. Gemmati advised that there have been times in the past where the second meeting of November was cancelled. She asked for direction from Council regarding this. She noted the meeting would be Tuesday, November 28, 2017.

Councilwoman Warner thought that most everyone would be back to their normal schedules by that time. It is not a busy time.

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilman Whipple, to cancel the Regular City Council meeting of November 28, 2017.**

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

City Attorney Garganese noted that the settlement agreement between Desert Ranches and TCR had been approved. This was the last big piece and it had been approved. It is a big deal.

Assistant City Manager Fuhrer provided recognition to staff who had worked on the high speed internet agreement. This partnership was achieved through a couple of years of work. He thanked Robert Beach, Chief Information Officer, and Kristin Eick, Assistant City Attorney for their hard work. This will provide fiberoptic services to Fire Stations 1 & 2.

Assistant City Manager Fuhrer provided an update on the debris cleanup. He has spoken with the county regarding the contractors they have hired. The contractors are providing daily logs of where they are and have been working. There is a three truck minimum assigned to this area. He noted that stormwater employees were working in full force to try to prevent debris from washing into drains.

Mayor Parrish felt that communication with the County was improving.

Councilman Whipple mentioned the green waste and the furniture at Bracco Pond. In response, Mr. Wegerif advised that green waste had to be kept separate from construction debris (couches go with construction debris). He has told the county to concentrate on cleaning up the neighborhood areas first. He assured him it would eventually be picked up and that it is a temporary situation.

Councilman Whipple further mentioned his attendance at the Space Coast League of Cities Dinner on October 9, 2017. He noted that they advised for all municipalities to be ready to fight for CRA's and he hoped the City Manager was ready to go forward in 2018.

In closing, he spoke about the flooding issues and hoped they did not have to face these issues at the next City Council meeting. He hoped they could all be addressed.

Councilwoman Blanco apologized to the first speaker, Mr. Jordan. She was not aware of the situation that he was referring to and urged everyone in District 4 to contact her. She provided her cell phone, 321-604-1879 and email: jblanco@cocoafl.org. She assured all that she answers all calls and emails. She further urged those in other districts to reach out to their council members. She mentioned that every issue of flooding was horrendous and she wants to be contacted.

She advised that she would be in Daytona on October 18-19, 2017 attending the FRA Conference, along with Mayor Parrish. She would love to attend the Sustainability Workshop on October 19th but would not be in town.

Lastly, she reminded everyone of the District 4 Town Hall Meeting on Tuesday, October 17, 2017 at the Cocoa Presbyterian Church on Dixon Boulevard. She hoped for a good turnout.

Councilwoman Warner spoke about the drainage issues and asked that as parents and neighbors we remind kids that the ditches are not for food containers, balls, etc.

She advised that there was a spot on River Road that was producing just as much water as it was after the hurricane. There seems to be water rushing down a driveway onto the street.

Mr. Wegerif was aware of the area and assured her that they would look into it.

Deputy Mayor Boisvert mentioned the Coffee With a Cop event at the Flying J. He thought it was a good turnout and a good time. The dignitaries of Flying J were there from Georgia and appreciate Cocoa's support.

Mayor Parrish noted that a neighbor on Derby Street has a giant oak tree that needs to be looked at. Pieces are falling and there are termites. It is on the corner of Derby Street and Delannoy Avenue.

He believed that Mr. Walsh and his staff have done a great, miraculous job the last six weeks and appreciates Mr. Walsh for improving the water system.

He noted that there are publications out there, who are trying to say that Cocoa and Melbourne's water systems are not good. He does not know if they are all

working together or not, but asked Council a question. If we were to get hit again by another hurricane, can we guarantee we will never have a main break again?

Councilwoman Warner answered no.

Mayor Parrish noted that a hurricane is an act of mother nature. He stated that there is a state representative also making comments. There is no headline that can be written to hurt our City. If they want to go to war we will go to war and guess who will win. We will. They will lose. It is going to be fine, he is excited, because when you are the best city, everyone wants to be like you.

In closing, he spoke about a resident who discovered a 350 year old canoe in the aftermath of the hurricane. He had the honor of helping send it off to Tallahassee. It is only one of two saltwater canoes ever found. It is great history and this is why people love to live here.

He assured everyone that we will move forward and appreciates all of the participation.

XI. ADJOURNMENT.

* **MOTION by Deputy Mayor Boisvert; Seconded by Councilwoman Blanco, to adjourn the Regular meeting of October 10, 2017.**

AYES: Parrish, Boisvert, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:18 p.m.

Henry U. Parrish III, Mayor

ATTEST:

Carie Shealy, City Clerk

SEAL FLORIDA



EXHIBIT A: Service Awards Presentation

Human Resources Division

October 10, 2017

5 Years of Service

Administrative Services / City Clerk Office

- Colleen O'Donnell, Records Technician

COCOA FLORIDA

5 Years of Service

Finance Department

- Michael Hollman, Meter Reader
- Cary Myers, Accounting Supervisor

COCOA FLORIDA

10 Years of Service

Finance Department

- Ryan Doyle, Meter Reader

COCOA FLORIDA

15 Years of Service

Finance Department

- Susan Young, Sr. Accounts Payable Clerk

COCOA FLORIDA

20 Years of Service

Finance Department

- Alva Hernandez, Sr. Customer Service Representative

COCOA FLORIDA

5 Years of Service

Fire Department

- Allen Clark, Firefighter/EMT

COCOA FLORIDA

10 Years of Service

Fire Department

- Brian Ackerman, Firefighter/EMT
- Charles Burkhart, Firefighter/EMT
- Zachary Campbell, Firefighter/EMT
- Matthew Holladay, Firefighter/EMT
- Garret Kehoe, Firefighter/EMT
- Raymond Rivers, Firefighter/EMT

COCOA FLORIDA

25 Years of Service

Fire Department

- Mitchell Weldon, Firefighter/EMT

COCOA FLORIDA

5 Years of Service

Police Department

- Anthony Colombo, Police Officer
- Christopher Hattaway, Police Officer
- David Thompson, Police Officer

COCOA FLORIDA

10 Years of Service

Police Department

- Michelle Perry, Dispatcher/Communications Officer
- Donald Tabor, Police Officer
- Debra Titkanich, Police Officer
- Alan Worthy, Police Sergeant

COCOA FLORIDA

15 Years of Service

Police Department

- Susan Austin, Administrative Assistant
- Anthony Marchica, Police Sergeant
- John Picheco, Police Officer

COCOA FLORIDA

20 Years of Service

Police Department

Patrick Dovale, Police Lieutenant

COCOA FLORIDA

5 Years of Service

Public Works / Fleet

- Anthony Brockman, Automotive Stock Clerk

COCOA FLORIDA

10 Years of Service

Public Works

- Rhonda Dingman, Administrative Secretary

COCOA FLORIDA

5 Years of Service

Utilities Department

- Derrick Kelley, Crewleader – Dyal
- Andrew Lynch, Systems Analyst – Dyal
- Duawn Whitley, Crewleader - WFO

COCOA FLORIDA

10 Years of Service

Utilities Department

- Donald Howard, Supervisor II – WFO
- John McElroy, Industrial Electrician II – Sellers
- Maria Perez, Environmental Analyst II
- Stephen Rayfield, Crewleader – WFO
- Thomas Vondrell, Certified Operator "A" Lead - Sellers

COCOA FLORIDA

15 Years of Service

Utilities Department

- William Cudlipp, Crewleader
- Deborah Donovan, Environmental Analyst I

COCOA FLORIDA

20 Years of Service

Utilities Department

- Bryan Edwards, Utility Mechanic II
- Norma Hernandez, Administrative Secretary
- Ivan Pryce, Crewleader

COCOA FLORIDA

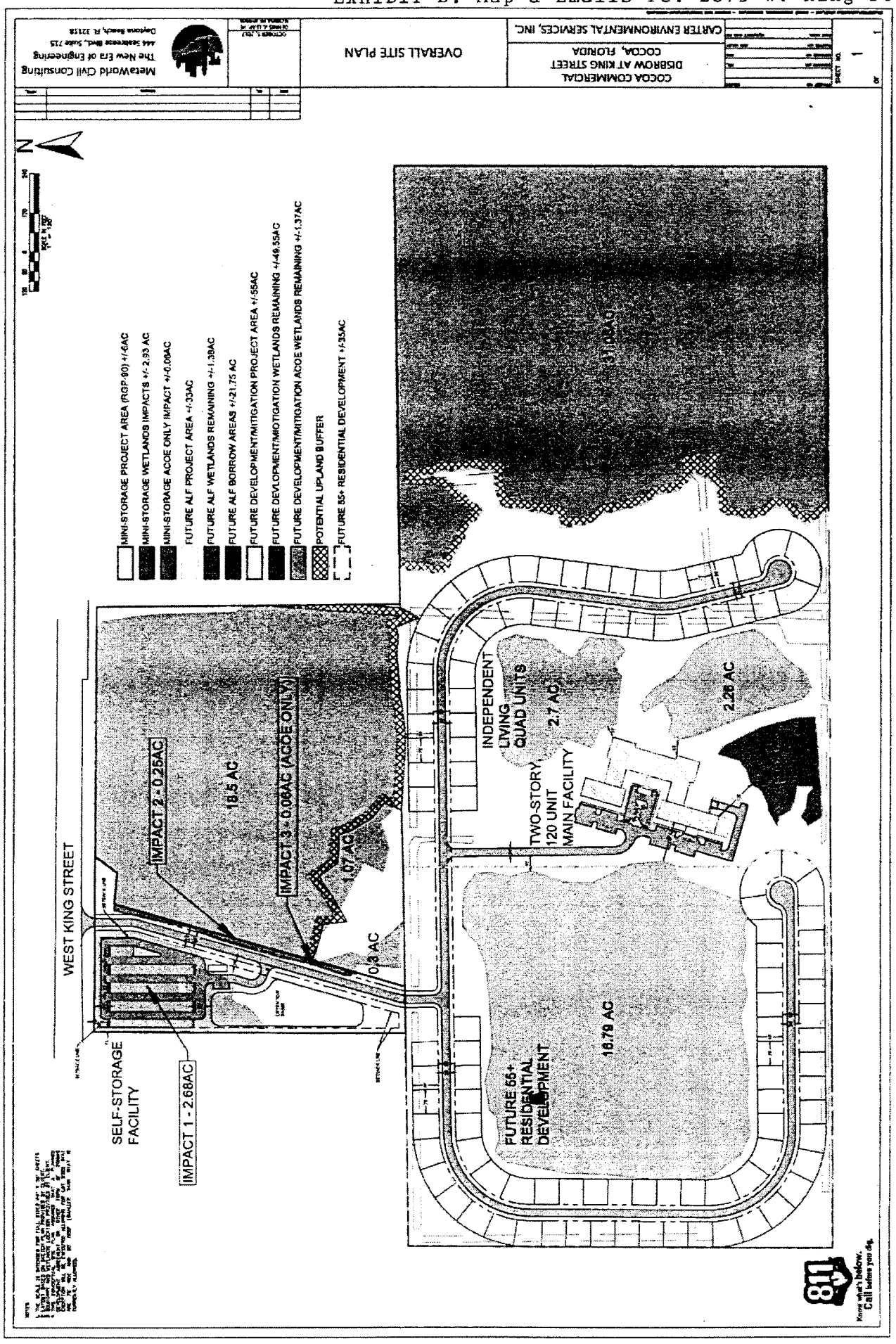
25 Years of Service

Utilities Department

- Richard Glover, Heavy Equipment Operator
- Anthony Whitsett, GIS/CAD Technician

COCOA FLORIDA

EXHIBIT B: Map & Emails re: 2075 W. King St.



Kimberly Bonder-Rezanka

From: Kimberly Rezanka [kim@cfglawoffice.com]
Sent: Friday, October 06, 2017 1:26 PM
To: 'utopia155@aol.com'
Subject: FW: Proposed ACLF and Independent Living units at 2075 W. King Street

Ralph,

The 55+ units will be one story. They will be subject to condo docs and be sold to individual owners.

My client wishes to have a drone operated come out tomorrow and take aerials of the flooding.

May we have permission to access the property through your land?

The drone operator has an FAA license, he is a pilot for Jet Blue and a friend of mine. His name is [redacted]

Please let me know.

Kim
321-544-0769

From: Kimberly Rezanka [mailto:kim@cfglawoffice.com]
Sent: Thursday, October 05, 2017 2:34 PM
To: 'utopia155@aol.com'
Subject: RE: Proposed ACLF and Independent Living units at 2075 W. King Street

Thanks for the information, Ralph.

As to your questions, the units around the lake will be single story and a 55+ development. The Assisted Living will be in the two-story main building east of the big lake and perhaps in the units further east. They will not be low income housing. The design plans have not been completed, so I am uncertain of the setbacks.

The decision as to single-family or multi-family has not been made yet. I believe that the units around the lake will be for sale, while assisted living will, obviously, be rental.

I will keep you updated as I have information from the City.

Kimberly Bonder Rezanka, Esq.

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From: utopia155@aol.com [mailto:utopia155@aol.com]
Sent: Wednesday, October 04, 2017 2:32 PM
To: kim@cfglawoffice.com
Subject: Re: Proposed ACLF and Independent Living units at 2075 W. King Street

Hi Kim, your clients property and all the surrounding properties except mine are flooded badly even the Counties storm water drain is over flowing back into private properties, the property to the west the tenant actually on Monday put all there horses on my property as they where is about 2 plus feet of water.

Your client may want to visit his property, I think he will be shocked, his property is flooded right to my property line on the South, there is no access from 520 only from my property that is 4 feet higher then surrounding properties, I am happy to bring him to his property through mine.

The City has flooded homes, streets, roads closed, storm water drain main hole covers popping off, Ryan's pizza flooded, boats crashing into Cocoa Village, Ya Sunday's storm has done a lot more damage.

Thank you for the plan, questions
Are these planed to be rentals, units for sale, assisted living, low income housing, etc..... ?

I will have issues with more then one story next to my land on the south.

What is the set back from South property line to units proposed ?

In a message dated 10/4/2017 2:12:53 PM Eastern Standard Time, kim@cfglawoffice.com writes:

> Ralph,
>
> We have been attempting to finalize a BDA with the City regarding my client's property, but have not been able to reach anyone at the City due to other more pressing matters.
>
> My client worked with a consultant and has developed the attached concept plan. The units on the west and south will be either duplexes, triplexes or quadplexes – nothing greater. Likely one story.
>
> Please let me know your comments to this plan.
>
> Feel free to call me tomorrow or Friday.
>
> Hope you survived IRMA and the no-name storm of Sunday!
>
> **Kimberly Bonder Rezanka, Esq.**
>
> Cantwell Goldman PA
>
> *96 Willard Street, Suite 302*
>
> *Cocoa, FL 32922*
>
> *321-639-1320 ext. 123*
>
> *Fax 321-639-9950*

Kimberly Bonder-Rezanka

From: Kimberly Rezanka [kim@cfglawoffice.com]
Sent: Friday, October 06, 2017 1:40 PM
To: 'utopia155@aol.com'
Subject: FW: Cocoa BDA
Attachments: Binding Development Agreement - 2075 W King St - Edits 10-6-17.pdf; Binding Development Agreement - 2075 W King St. Land Use Map 10-6-17.pdf

Importance: High

Ralph,

My client has agreed to this Document. Please review and let us know if you find it acceptable.

Can you send it to the other neighbors as well, or have you become the spokesperson?

Thank you,

Kimberly Bonder Rezanka, Esq.

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From: Anthony A. Garganese [mailto:agarganese@orlandolaw.net]
Sent: Friday, October 06, 2017 11:21 AM
To: kim@cfglawoffice.com
Subject: Cocoa
Importance: High

Kim,

Attached is a revised Agreement and Land Use Map. I am sending the agreement to you before the City has had a chance to comment. Therefore, the City reserves the right to amend the draft agreement. With that said, I believe I modified this Agreement consistent with our discussion yesterday with one exception. We did not discuss a buffer wall along the north/west corner which would be required by City Code to separate the 55+ residential use and the commercial property to the north. The property to the north is zoned commercial according to staff.

Please review with your client expeditiously.

Call me if you have questions or you want to discuss.

Anthony

Anthony A Garganese, Esquire
Board Certified City, County & Local Government Law
Garganese, Weiss & D'Agresta, P.A.
111 N. Orange Avenue, Suite 2000
Orlando, Florida 32801

Sellers Plant Status 10/10/17

Since 9/10/2017 until today we have treated 128.35MG of waste water.
This is an average daily flow of 4.28MGD. We had a peek flow of 8.33MG on 9/10/2017 this was during the hurricane Irma.
We had a peek flow on 10/1/2017 of 14.00MG.
The highest daily flow during this time was 7.50MGD this was on 10/2/2017.
The prior 30 days before Hurricane Irma We treated 72.84MG this is an average of 2.43MGD.
This is 55.51MG more than normal. Our highest flow days were on 9/112017 5.34MGD, 10/2/2017 7.50MGD, 10/3/2017 5.69MGD, 10/4/2017 5.08MGD and 10/5/2017 6.13MGD.
As of today 10/9/2017 our Influent flow is still well over 4.0MGD.
Normal MGD for this time of year is 3.14MGD.
Our highest peak flow during Hurricane Matthew last year was 6.77MG.

We had 3 minor violations 2 were due to Bracco pond A over flowing to the storm water ditch during the hurricane. This was cause by the storm water ditch overflowing into Bracco pond then as the water receded, Bracco flowed back out to ditch Both incidents have been recorded with the state watch office and DEP. They have had letters sent to explain. We had 1-15min period where we had low Cl2 residual but was unable to divert water to reject pond as at the time it was over flow as state earlier in the E-mail.