MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

August 28, 2018

A Regular City Council meeting was held on Tuesday, August 28, 2018, 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 6:02 p.m.

Councilman Whipple provided the invocation and Councilman 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:	Jeri Blanco	Deputy Mayor
	Don Boisvert	Councilman
	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
ABSENT:	Henry U. Parrish III	Mayor

OTHER STAFF MEMBERS PRESENT:

Katie Ennis, Acting Utilities Director; Karen Hamilton, Community Services Director; Gene Prince, Fire Chief; John Hankins, Major/Acting Chief of Police, Cocoa Police Department; Lora Howell, Deputy Finance Director; Jonathan Lamm, Deputy Fire Chief; Rebecca Bowman, Finance Director; Dodie Selig, Planning & Zoning Manager; and Tre Folston, Helpdesk Support Tech.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of August 28, 2018 (18-370)
2. Minutes: Regular Meeting of July 24, 2018 (18-371)

* **MOTION by Councilman Boisvert; Seconded by Councilman Whipple, to approve the Agenda as presented with amendments and to approve the Minutes for the Regular meeting of July 24, 2018 as written.**

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

III. AWARDS AND PRESENTATIONS:

None.

IV. DELEGATIONS:

Larry Sinclair, 1052 Mitchell St., mentioned that he has not been attending meetings as usual for the past several months. He advised that he was here tonight to ask Mayor Parrish and Councilman Whipple to both resign from Council immediately for violating State law and campaigning in the Chambers of office. If not, he would contact the State office by himself. He believes that if rules apply to one they should apply to all. He has stood in front of Council for four years regarding Code and the law, and it should be equally applied across the board, and Council needs to comply as well.

Bob Kenaston, 107 Riverside Drive, Cocoa, commended the Mayor. He mentioned that they have had diversions of opinions but he is overall pleased with what he and Council have accomplished during his tenure. He has been the best mayor Cocoa has ever had. Secondly, he spoke about sidewalk conditions on Derby Street. There are some in a state of disrepair. He advised that he has spoken with the City Manager. He pointed out that employees came and spray painted the area but nothing else has been done and the issue needs to be addressed.

Rita Lynar, 1200 Clearlake Road, Cocoa, advised that she has been here a couple of times in regards to the same subject. She has done a lot of research so this is not just being said. There are police officers that are excellent officers

and it is not fair to them when there are others not held accountable for breaking the law. One has been fired and the other has not. She was hoping that the issue of a review board would have been mentioned and would like to hear a plan of action to move forward.

City Manager Titkanich reminded Council that at the last meeting he provided them a memo and this issue would be brought forward at the first meeting of September for discussion.

Ms. Lynar stated that this has nothing to do with the study, but with an officer. There is no consistency as one has been fired and one has not.

City Manager Titkanich pointed out that the CPSM study did make a recommendation. Additionally, he advised that his secretary had tried to reach out to her and Rev. Dennis. He assured her and Council that he would follow up with his secretary. Deputy Mayor Blanco assured Ms. Lynar they would follow up.

Brandi de Marise, 1630 Dixon Blvd., #625, Cocoa, has always had issues with the fact that her boyfriend was forced to sit on hot black tar by a Cocoa police officer. She feels this is horrible, as her fiancé is mentally challenged and did not think to get the officers names. She stated that something needs to be done.

Rev. JB Dennis, 3710 Catalina Drive, Cocoa, pointed out that hate is not solved, it causes problems. He wanted to get rid of Chief Cantaloupe because hate crimes are surging. He stated that it appears that members of a hate group are taking over the Police Department. On August 14th, Ms. Purdie spoke in regards to Sgt. Rush and racial profiling, saying that her son's car was not properly registered. It appears that white supremacies have taken over the Cocoa Police Department. He served in the Navy and had thirty-two employees under him, and knew what was what. He is making a public records request for the outcome and stated the Chief needs to go.

Alex Goins, 707-A Johnson St., Cocoa, spoke about the Code Case #18-400 involving 1058 Grove St. He mentioned what they were in violation for and explained that the owner did not have the funds to take care of the problem. They reached out to the community for help. He advised that he is trying to start a organization in the community which would aid those with code enforcement issues who do not have the means to correct them on their own. He stated this can be scary for some residents and was asking for a partnership to help these people out.

Councilman Whipple suggested that he come to the Code Board meeting and bring his ideas forward.

Deputy Mayor Blanco further added that they will make an effort to work with the cases.

Aleck Greenwood, 640 Brevard Avenue, Cocoa, provided a handout[1] to Council and advised if the last few pages were too dark he could provide new ones.

V. CONSENT AGENDA:

1. Approve Change Order #1 to Purchase Order 71505 - Task Order 2018-85 "Additional Project Management Assistance to the Water Field Operations Division" with CH2M Hill Engineers, Inc. for an Addition in Time Required to Assist WFO; To Approve Change Order #1 to Purchase Order 71504 - Task Order 2018-84 "Project Management Assistance, Data/Invoice Review, and Strategic Planning in Support of the Cross Connection Control Program" with CH2M Hill Engineers, Inc. for a Reduction in Time Required to Assist WFO. (18-329). (Utilities Director)

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

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

VI. PUBLIC HEARINGS:

None.

VII. COUNCIL BUSINESS:

1. Approve a Code Enforcement Lien Reduction request in the amount $2,046.55, as recommended by the Code Enforcement Board, for the property located at 1111 Northview Dr. (18-305). (Chief of Police)

Major Hankins presented the item. There is a correction and it should be a request *to* the amount of $2,046.55.

[1] EXHIBIT A: Letter from Aleck Greenwood

Major Hankins advised that the Code Enforcement Board held a public hearing on January 21, 2016 at which time the Board found the owner, Marvin, William and Opal Tilley in violation of the following: Section 6-900 (b)(1) Accumulation of Trash and Debris; Section 6-900 (b)(9) Vehicle parked in yard; and Section 6-900 (b)(15) Trailers in Yard.

The Code Enforcement Board provided the owner sufficient time to correct said violations. Therefore, consistent with the Code Enforcement Board's Order a fine ran at $50 per day from February 10, 2016 until compliance was achieved and documented on March 25, 2018. The lien is $41,750 and the current owner Marvin, William, and Opal Tilley are requesting that the lien be reduced to zero.

Based on certain factors, staff recommends that the lien be reduced to $2,046.55 and at the Code Board's regular meeting on July 19, 2018, they recommended that the lien be reduced to $2,046.55.

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

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Approve the current Code Enforcement lien for the property located at 1110 Mitchell St. to be reduced from $6,250.00 to $2,016.00. The Code Enforcement Board, at its regular meeting on July 19, 2018, recommended that the total lien be forgiven. Staff is recommending Council reduce the lien to $2,016.00 so related City expenses and Staff time are reimbursed. (18-306). (Chief of Police)

Major Hankins advised that the Code Enforcement Board held a public hearing on February 18, 2016 at which time the Board found the owner, Housing League Holdings 5 LLC, in violation of the following: Seciton 6-900 (b)(1) Accumulation of Trash and Debris; Section 105.1, Required permits, of the Florida Building Code, as adopted by Section 6-101 of City Code.

The Code Enforcement Board provided the owner sufficient time to correct said violations. Therefore, consistent with the Code Enforcement Board's Order a fine ran at $50 per day from March 3, 3016 until compliance was achieved and documented on July 7, 2016. The lien is $6,250.00 and the current owner, Housing League Holdings 5 LLC is requesting that the lien be reduced to zero.

Based on certain factors, staff recommends that the lien be reduced to $2,016.00. However, the Code Enforcement Board at its regular meeting on June 21, 2018, recommended that the total lien be forgiven.

Jerry Flick, representing the applicant advised the he had appeared before the board and they recommended a waiver of fees. This is Section 8 Housing and they have a limited income of $600 per month. He explained the history of the property and he noted they would appreciate if the amounts were waived. He pointed out that the recommendation was to forgive the whole lien and now there is a cost of around $2,000. Deputy Mayor Blanco explained that the cost to the City is around $700.

Mr. Flick advised that they were a non-profit who works with low income people.

Larry Sinclair, 1052 Mitchell St., Cocoa, is very familiar with the property and noticed that it was on tonight's agenda. He stated that while he understands the claims it does not bare out of reality. It looks like a junk yard and he knows that there was not a permit pulled in 2015. He further noted that the fault on the shed is being blamed on Superior Sheds. Code has had non-stop complaints in the neighborhood for years and the property has fifteen cars parked all day long. This is also a house that has twenty three people living in it. The owner has been made aware of this for years. He stressed that if Council forgives these liens against the owner than the City is out money.

Councilwoman Warner clarified that this is the house on the corner of Mitchell and Pineda St. Mr. Sinclair responded in the affirmative.

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

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

VIII. CITY BUSINESS:

1. Approval to submit three (3) Local Mitigation Strategy Grants through Brevard County Emergency Management. Two Public Works projects, one for $600,000. and one for $400,000. One Cocoa Utilities project for $844,000. If funded, the

grants will provide 75% of the funding for the projects with a 25% match required of the City. (18-364). (Fire Chief).

Chief Prince mentioned this is a FEMA program that provides funding after a presidentially declared disaster. He served as the City's representative on the committee and when these grants came up he spoke with both Mr. Walsh and Mr. Wegerif about them. The projects have to be shovel ready and the following three projects were identified by the City.

1. Public Works-Fiske Blvd. Drainage Improvements $600,000 (Project #1)
2. Public Works-Broadmoor Drainage Improvements $400,000 (Project #2)
3. Utilities-Life Station #1 (Project #3)

Chief Prince explained that due to the timing of the grants, staff went ahead and submitted. They could take anywhere from 12-18 months for approval. He advised that staff was asking that Council approve the submittal of the grants to the Department of Emergency Management.

Mr. Wegerif spoke about the Public Works projects and advised that the Fiske Blvd. project would include installing a new storm water outfall and new drainage system along Fiske Blvd., north of Peachtree Street, in order to reduce flooding occurrences and connection to the City's Bracco Pond with a new 36" pipe.

The second Public Works project includes an improved drainage system consisting of street side swales and expanded piped drainage systems to provide onsite temporary storage as well as conveyance out of the neighborhood.

Ms. Ennis explained the Utilities project, and advised that this was for Lift Station #1 which is adjacent to Oleander Pointe Condominiums. The improvements would include a Permanent Emergency Generator and that would cost $844,000. She further explained that the project includes demolishing Lift Station #1 and replacing it with a submersible pumping system incorporated with a wet well to eliminate confined space and entry improving worker safety. The elevation will be increased to protect it from storm surge and a permanent emergency generator will be installed.

* **MOTION by Councilman Boisvert; Seconded by Councilwoman Warner, to approve the item.**

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Approve a Resolution Amending the FY2018 Budget to Allow for Emergency Repairs of Groundwater Filter #5; To Authorize the City Manager to Execute and Approve Change Order #2 to P.O. 72151, Project WS18FM. (18-365). (Utilities Director)

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to approve the item.**

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

3. Approve the Preliminary Assessment Resolution 2018-068 for Fire Protection Assessment, for Fiscal Year 2019. (18-366). (Finance Director)

Ms. Bowman presented the item and mentioned that the Final Fire Assessment Resolution would be presented on September 5, 2018 during the Special City Council meeting.

* **MOTION by Councilman Boisvert; Seconded by Councilman Whipple, to approve the Preliminary Assessment Resolution No. 2018-068 for Fire Protection Assessment for Fiscal Year 2019.**

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

4. Approve a final subdivision consistent with Chapter 18 of the City of Cocoa Code for Lakeside Palms, LLC, a 103-lot subdivision consisting of approximately 26.28 acres located at 100 Clearlake Road, subject to conditions detailed in the Staff Comments section in this agenda item. (18-373). (Community Services Director)

Ms. Selig provided a brief presentation[2] on this item.

Ms. Selig advised that this was the Lakeside Palms subdivision and the applicant is Andy Kirbach, P.E. The requested action is for approval of a final subdivision consistent with Chapter 18 of the City of Cocoa Code in order to subdivide one

[2] EXHIBIT B: Final Subdivision Lakeside Palms

parcel, containing approximately 26.28 acres into 103 lots. The location is 100 Clearlake Road.

An aerial view of the proposed subdivision was shown and Ms. Selig pointed out that this has been reviewed by City staff for consistency with Chapter 18 of the City Code. Building, Fire, Police, and Utilities (Re-use) have all provided their input and comments on the request as well. Additionally, the City's Arborist's comments are pending submittal of the landscaping plans.

Ms. Selig discussed conditions that the staff was requesting be made a part of the final plat approval.

Lastly, she noted that the preliminary subdivision was approved by the Planning & Zoning Board on August 14, 2017 and by City Council on August 22, 2017.

* **MOTION by Councilman Whipple; Seconded by Councilwoman Warner, to approve the item.**

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

5. Ordinance No. 8-2018/1st reading: Related to changes in the Police Officers' Retirement Plan consistent with a Memorandum of Understanding between the City of Cocoa and Coastal Florida Police Benevolent Association (PBA) regarding PBA Collective Bargaining Agreement effective October 1, 2015 to September 30, 2018, amending Section 2-191, Definitions and Section 2-220, Share Plan. (18-377). (City Manager)

City Manager Titkanich explained in detail the reasoning behind Ordinance No. 08-2018 and noted that earlier in the year, it was determined that there was an issue with holiday pay and that it was not clearly defined as a part of the proposed changes during the 2015 bargaining.

He explained that appropriate refunds were made and it brought to light an issue that when they were made aware it was looked into. Further explanation was held on the Ordinance.

He reiterated staff's recommendation and thanked City Council and the Florida PBA for their patience, because as the City promised they were making this right.

City Attorney Garganese read Ordinance No. 08-2018 into the record, by title only, as follows, and advised that this was the first reading of the Ordinance.

ORDINANCE NO. 08-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF COCOA BY AMENDING SECTION 2-191, DEFINITIONS; AMENDING SECTION 2-220, SHARE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

* **MOTION by Councilman Boisvert; Seconded by Councilman Whipple, to approve the Ordinance No. 08-2018 on first reading.**

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

6. Approve Resolution 2018-072 authorizing issuance of Water and Sewer System Refunding Revenue Bonds, Series 2018C (the "Series 2018C Refunding Bonds") not to exceed $30,000,000 to refund the Water and Sewer System Revenue Bonds Series 2010 (Federally Taxable - Build America Bonds - Direct Subsidy). (18-378). (Finance Director)

City Manager Titkanich reminded Council that at the last meeting staff presented several items regarding bonds. He advised that since that meeting, it came to staff's attention that they were able to do an advance refunding of the 2010 Build America Bonds. He explained in detail the process and definition of advanced refunding and further noted that the purpose is to take advantage of interest rates as they are usually lower. The City's debt management policy and FOM were also discussed.

City Manager Titkanich mentioned that a financing analysis of the advanced refunding was performed and reviewed with the City's Financial Advisor, Dunlap & Associates. The City will realize a net present value savings of approximately 8% at just over $2 million over the term of the bond. Staff is recommending that the City Council authorize this transaction as it complies with the City's debt management policy of achieving a net present value savings of at least 3%.

Lastly, due to the fluidity of the upcoming refunding transaction and the numerous documents involved in the transaction, staff is requesting that as a part of this item that the City Manager and the Mayor, in consultation with the City's bond team, be given the authority to make technical modifications to the refunding documents to the extent necessary prior to the pre-closing on the upcoming transaction, and that the Mayor be authorized to execute the final version of the Resolution including incorporating any necessary technical amendments.

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

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

City Manager Titkanich thanked Finance, the City Attorney, Bond Counsel, and the City's Financial Advisor for all of their hard work on these transactions.

MULTI-YEAR CONTRACTS:

None.

IX. INFORMATIONAL AGENDA:

1. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2017 to 07/31/2018. (18-332). (Finance Director)

2. 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. (18-353). (Finance Director)

3. FY 2018 Budget Adjustment Report. (18-354). (Finance Director)

4. Data showing the relation between the estimated and actual income and expenses to date. (18-355). (Finance Director)

X. REPORTS:

Mr. Wegerif provided an update on the Stone Street Streetscaping Project and advised that they were doing the milling this week and paving next week. The Riverfront Connector and Community Meeting room projects were also moving along.

He spoke about the SJRWMD Baffle Box project and advised that the City has received a check from Save the Lagoon[3].

Ms. Bowman thanked Council for their support on the Fire Assessment and bond items. She noted that the City's auditors were here this week and they would be doing internal controls to ensure that the City is following procedures.

Major Hankins wished all a nice Labor Day.

Chief Prince reminded and invited everyone to the 911 Stair Climb event on Saturday, September 15, 2018 at the Cocoa High School stadium.

Ms. Hamilton pointed out that the Cocoa RDA Plan is being updated and there would be a series of workshops. Tomorrow is the community input meeting and following that there would be a few special meetings in regards to the plan. She encouraged all to come out.[4]

City Manager Titkanich advised Council that he and his secretary Ms. Frederick had reached out and tried to provide Rev. Dennis with a copy of his memo, but he declined to meet.

He assured Council that he would follow up with Mr. Wegerif regarding the sidewalks on Derby Street.

Lastly, he spoke about a letter received from Mr. Brown and the zoning amendment and that several members of the public have requested geographical representations, and the City does not have that capability. Staff previously had expressed concern over the height. He advised that staff would be going back to the CRA to ask that they retain Pete Secker, in order to obtain his expertise and show that it can be shown visually, which is what the public is looking for. He understands the letter received by Mr. Brown, and with all do respect, it is staff's

[3] Councilman Boisvert left the meeting at 7:00 p.m.
[4] Councilman Boisvert returned to the meeting at 7:03 p.m.

recommendation that they retain the proper consultants and that way the public can really see the impact. They might see that and decide it is not as bad as they thought. The City just does not have those resources.

He would be out this Friday but would be glad to meet with any of them, if they wished to meet individually.

Councilwoman Warner stated that on December 15th there would be a ceremony in Orlando recognizing Copper for a national award that he will be given. If anyone would like to attend, let her know so that she can get tickets.

She advised that she has had a couple of citizens asking why Rev. Dennis is being allowed to speak when he is not a resident of the City and not speaking about his water bill.

In response, City Manager Titkanich noted that under Senator Gardner's bill, it opened up the door so that any member of the public can come and speak in front of Council.

City Attorney Garganese agreed to look into this. There is a law regarding the open portion under Delegations. He does not know enough to report tonight but would look into this.

Councilman Boisvert thanked everyone for the turnout to the District 3 Town Hall meeting.

He also attended the Tuxes and Tails Gala and noted that Copper received a standing ovation.

Councilman Whipple thanked Councilman Boisvert for the hospitality at the District 3 Town Hall meeting.

He spoke about the Diamond Square CRA and feels that they are on point with their items. He thanked those members and hoped that the Stone Street Streetscaping Project would be complete by September 30th.

They were also on point with the Joe Lee Smith Center and assured citizens that it was on the way. The Community Garden is coming along and there is a wooden bench on Rosa L. Jones that will be replaced with a bench and cover.

He thanked all City employees for the job they are doing.

Deputy Mayor Blanco mentioned that she and her family had a personal tragedy that they had to attend to and she thanked everyone for their outpouring of condolences and sympathy, on behalf of her and her family.

She spoke of Council's attendance at the new Walmart Distribution Center's ribbon cutting on August 22nd. It was a great turnout and they have a very enthusiastic team of employees. She along with the Mayor, Councilman Boisvert, Councilman Whipple, and the Governor were in attendance. They gave out a lot of scholarships and she thanked Walmart for their hospitality.

In closing, she pointed out that today was election day and hoped that all were able to get out and vote. This race is very important. A poll worker told her that they were getting 6,500 votes an hour. Every vote counts and she is blessed to live were we have the privilege to vote.

City Manager Titkanich added that Walmart is a big success story for the City and this region. They have 460 positions, of which 400 have been filled. They worked with CareerSource Brevard. There were a lot of City departments who helped work with this project and he thanked them all for their flexibility.

Councilman Boisvert also mentioned that the Vice President of Walmart was there and he personally thanked Cocoa for all of their cooperation.

XI. ADJOURNMENT.

* **MOTION by Councilman Boisvert; Seconded by Councilman Whipple, to adjourn the Regular meeting of August 28, 2018.**

AYES: Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

The meeting adjourned at 7:20 p.m.

Henry U. Parrish III, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

EXHIBIT A: Letter from Aleck Greenwood

August 28, 2018

City of Cocoa
65 Stone Street
Cocoa, FL 32922

First and foremost, I want to again sincerely thank the Cocoa City Council, the City of Cocoa Staff, and the vast majority of City of Cocoa Citizens for their overwhelming support of our hotel project. My first thank you was sent by text to all of the City Council members, after their unanimous vote for my project, by Aleck Greenwood, acting on my behalf, after the August 14th, 2018 City Council meeting.

As you know, time is of the essence in all real estate transactions. I currently have a purchase contract for 625-629 Brevard Ave. to complement the adjacent hotel structure proposed for 603 Brevard Ave, which will be mutually beneficial at some point in the future if demand dictates expansion of the hotel or desired other expansion. The purchase contract for that site expires on 9/10/18 and will not be extended again by the seller. We have had 3 previous extensions on this contract that were necessary to accommodate Cocoa City time demands. September 10th is thus a crucial date for my development team to determine the feasibility of the hotel project finally moving forward to become a reality.

I have had numerous discussions with the City Staff and the City Manager in the past and up to and including the recent CRA/City Council meeting on 8/14/18. As of 8/25/18, I was informed of an additional requirement for a consultant, chosen by the City, to attend and direct the planned workshop. This was not a requirement stipulated by City Council at the 8/14/18 meeting. Our development team had previously performed our own due diligence for this hotel project almost one year ago and we are convinced that what we were proposing is the correct product for this project on this particular site. I became even more convinced that our due diligence was indeed correct when I learned on 8/15/18 that a new 156-unit Hilton Tapestry Hotel had been approved by the Melbourne City Council and would be built in downtown Melbourne on city ground with almost identical amenities that we have designed for the proposed hotel at the Cocoa site. Granted, Melbourne is a different market, 35 to 45 miles south, but it defines what product is presently missing in the marketplace.

I have been advised that the Workshop and the second reading do not require any extra preparation for presentation purposes, and actually that work has already been accomplished by the City through the holding of a public meeting, a planning and zoning public meeting, and a zoning amendment first reading public meeting (approved by City Council 5-0 vote). I am concerned with the extra requirements expected of the hotel project at this point (please see attached letter from local city supporter asking the same questions).

Lastly, I was asked to provide the City Staff with an interim Development Agreement to act as a guideline for the City Attorney and my Attorneys to prepare an actual Development Agreement. This started 3-4 months ago. Our development team is still working on this project after 1 year

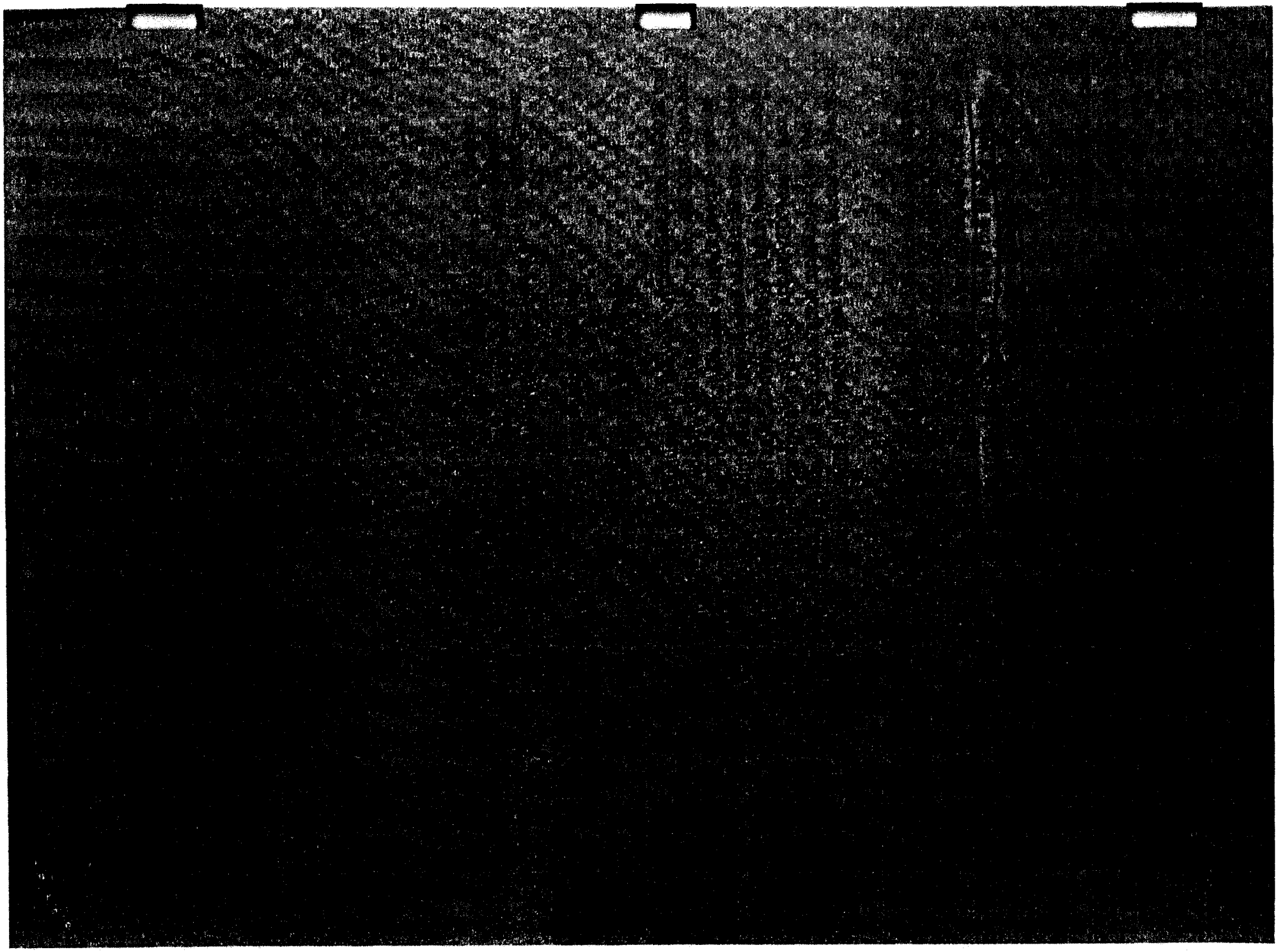
without an interim Development Agreement let alone an actual Development Agreement. Please be advised that my attorneys can have a mutually acceptable Development Agreement prepared for review and execution within 1 week in order to expedite the process and formalize our commitments prior to my 9/10/18 contractual deadline for the adjacent property.

If we cannot meet the above mentioned deadline of 9/10/18 it would seem that both the City and the development team will have squandered an excellent opportunity to provide the City with a much needed hotel with tremendous amenities to service the city and provide responsible economic development to Cocoa Village. I hope that we can avoid that unfortunate incident as I would hope that our development team will be successful in delivering this proposed project for this fine city. Hopefully, all parties will commit to this project expeditiously.

Sincerely,

Jack Brown

Attachment: Citizen Letter



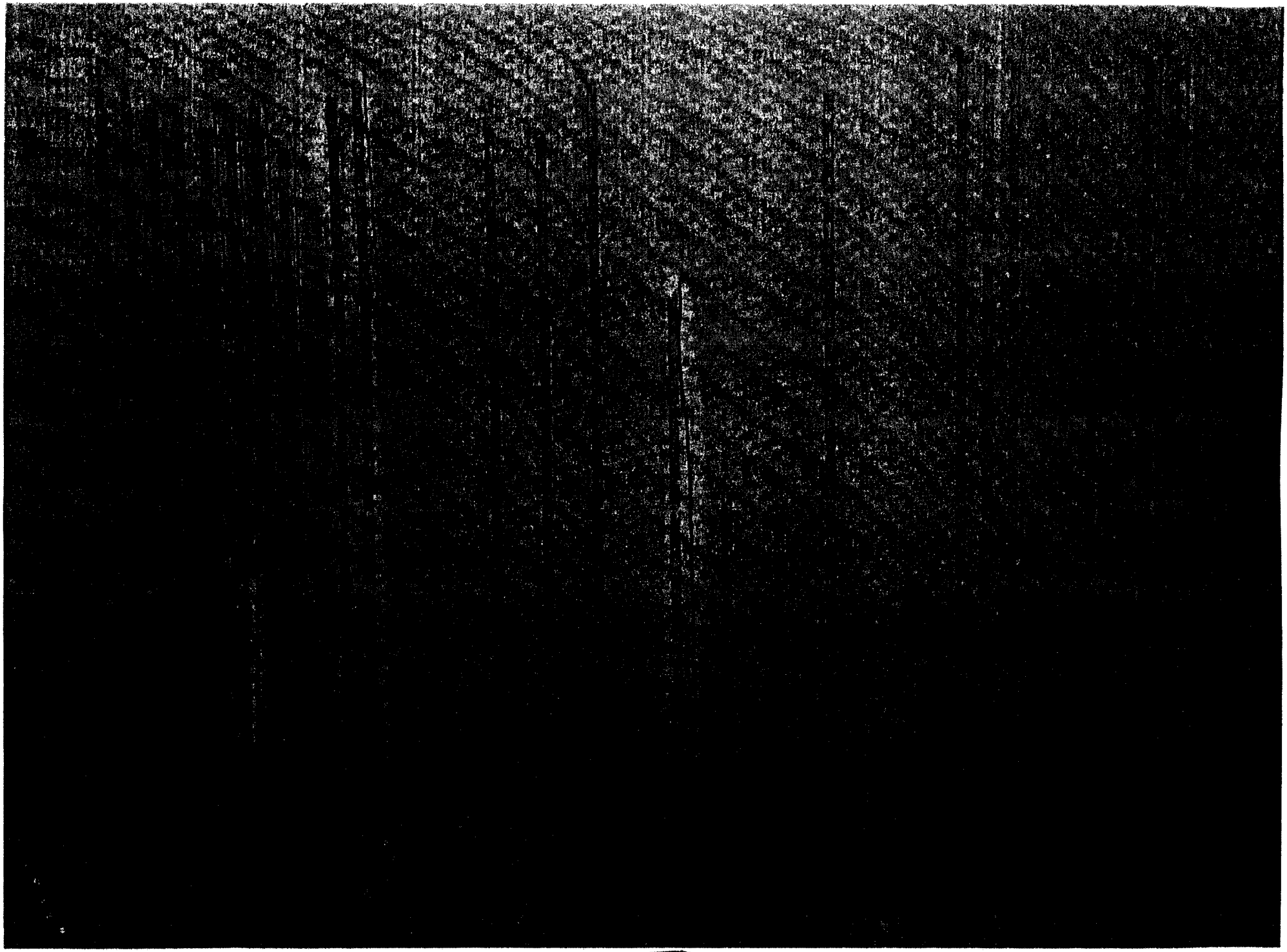


EXHIBIT B: Final Subdivision
Lakeside Palms

COCOA
FLORIDA

Final Subdivision
Lakeside Palms

Lakeside Palms
Final Subdivision

Applicant:

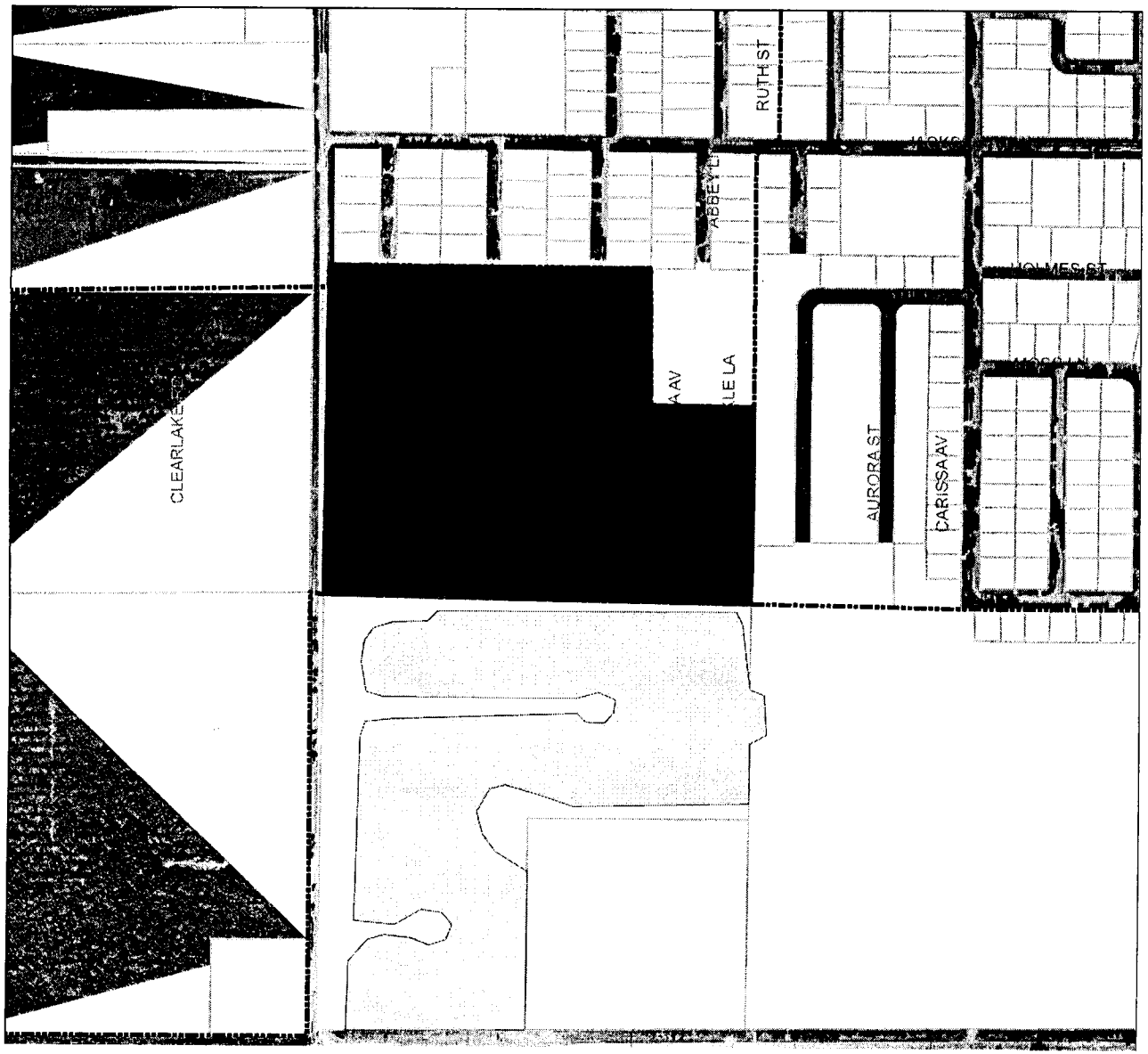
Andy Kirbach, P.E.
Morgan & Associates
504 N. Harbor City Blvd.
Melbourne, FL 32935

Property Owner:

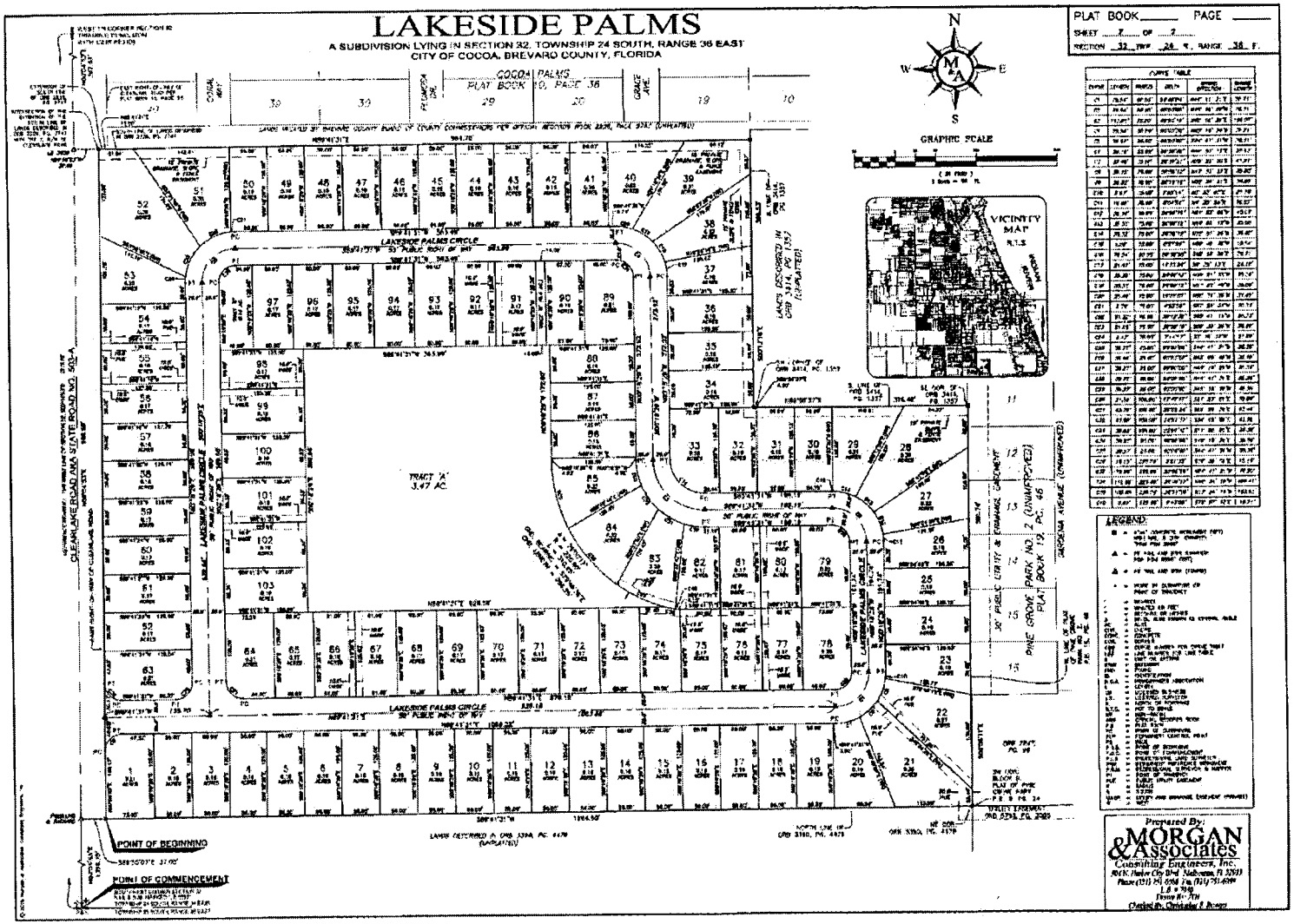
Lakeside Palms, LLC
317 River Edge Blvd., Ste. 100
Cocoa, FL 32922

Requested Action:	Approval of a Final Subdivision consistent with Chapter 18 of the City of Cocoa Code in order to subdivide 1 parcel, containing approx. 26.28 acres into 103 lots
Location:	100 Clearlake Road
Future Land Use:	Medium Density Residential
Zoning District:	RU-2-15 (Multiple Family Dwelling)
Existing Use:	Vacant land

Lakeside Palms
Aerial



Lakeside Palms
Preliminary Subdivision Plan



COCOA FLORIDA

Lakeside Palms
Final Subdivision

- The submitted final subdivision has been reviewed by City staff for consistency with Chapter 18 of the City of Cocoa Code. This includes an assessment of the work that was required under the preliminary subdivision plan approval.

- The Building, Police and Utilities (Re-Use) departments have no further comments at this time.

- The City Arborist's comments are pending submittal of the landscaping plans.

Lakeside Palms
Final Subdivision

- The Fire Chief conducted an inspection on 8/16/18 and noted that the fire hydrant requirement of one hydrant for every 400 feet (for a total of 9) that was listed as a condition of the preliminary subdivision approval had been met. It was also noted that the turning radius requirement is satisfactory as long as on-street parking is prohibited.

- Utilities (Engineering) has provided several comments that need to be addressed.

- Public Works has provided additional comments that need to be addressed.

Lakeside Palms
Final Subdivision

Staff recommends that the following comments be part of the conditions of final plat approval:

- Bob Packard of R.M. Packard & Associates reviewed the associated preliminary plat and has reviewed the final plat. He has submitted a few comments to the applicant which need to be addressed prior to the final plat being recorded. Additionally all fees owed to Mr. Packard must be paid in full before the plat is recorded.

- The applicant will be required to provide a performance bond, prior to recording of the final plat, for all preliminary subdivision work that has yet to be completed and/or accepted by the City. The applicant has indicated that they will post a $2,000,000 performance bond which exceeds the requirement of 110% of the projected actual cost (est. $578,085.96) of the remaining work.

COCOA FLORIDA

Lakeside Palms
Final Subdivision

- Prior to acceptance of the site improvements by the City, the applicant shall provide a maintenance bond of at least 10% of the construction cost estimation of all completed improvements for a minimum of 1 year. The applicant has agreed to provide the maintenance bond for 2 years.

- In addition, the applicant has stated they would like to construct model homes on the site. The City will draft a model home development agreement and this agreement will need to be signed before recording of the final plat.

Lakeside Palms
Final Subdivision

- The preliminary subdivision was approved by the Planning & Zoning Board on August 14, 2017.

- The preliminary subdivision was approved by City Council on August 22, 2017.

Lakeside Palms
Final Subdivision

Recommendation:

- Approve a final subdivision consistent with Chapter 18 of the City of Cocoa Code for Lakeside Palms, LLC, a 103-lot subdivision consisting of approximately 26.28 acres located at 100 Clearlake Road, subject to conditions detailed in the Staff Comments section in the agenda item.