MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

August 14, 2018

A Regular City Council meeting was held on Tuesday, August 14, 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 6:10 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:	Henry U. Parrish III	Mayor
	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

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Karen Hamilton, Community Services Director; Michael Cantaloupe, Chief of Police; Lora Howell, Deputy Finance Director; Jonathan Lamm, Deputy Fire Chief; Rebecca Bowman, Finance Director; Dodie Selig, Planning & Zoning Manager; and Jason McCuen, Helpdesk Support Tech.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of August 14, 2018 (18-319)
2. Minutes: (a) CPSM Workshop on June 19, 2018 (18-320)
   (b) Regular Meeting of June 26, 2018 (18-321)
   (c) Fiscal Sustainability Workshop on June 28, 2018 (18-322)

The agenda was amended to move Council Business Items VII.1-4 to the Consent Agenda, and due to the number of individuals who have traveled from Orlando for the items pertaining to the bonds. City Manager Titkanich requested that City Business Items VI.1-4 be heard prior to Delegations.

Mayor Parrish spoke in regards to Public Hearing VIII.4 and mentioned two things. There were a lot of people in attendance who wished to speak about the ordinance and hotel. At the last meeting there were a lot of folks in attendance and it got heated on his part. He apologized to those he was speaking to and to those he may have offended. Furthermore, he has spoken to a few of the ladies and has had a lot of phone calls, both positive and negative. Additionally, it was brought to his attention by a friend that there was never a public workshop on the hotel and hotel site. He felt that was one reason this subject was so emotional. He stated that he is for the hotel if it meets the zoning and architectural requirements. He asked that the item be tabled until a workshop could be held.

Councilwoman Warner pointed out that this agenda item was not approving the hotel, it was approving a zoning change. It has to be done regardless of what will be done. The developer had his meeting, and she is 100% in agreement with the Mayor; however, she believes that they could move forward with the agenda item. She reiterated that they are not approving the hotel.

Mayor Parrish asked for a compromise and asked that the item be heard first under Public Hearings.

* **MOTION by Councilwoman Warner; Seconded by Councilman Boisvert, to approve the agenda with the following changes: Move Council Business Items VII.1-4 to the Consent Agenda; City Business Items VI.1-4 to be heard prior to Delegations; and Public Hearing VIII.4 to be heard first under Public Hearings.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

City Manager Titkanich further advised that the focus of the change was not to approve the hotel, but to amend the zoning change. The Cocoa CRA has requested this amendment to the Code. It involves more than just the former city hall property. It was an issue that staff raised when the project was proposed. If this passes, it still has to go through site planning, Planning & Zoning, variances, etc. He assured everyone that they would schedule a public meeting as soon as they can and would pass around a sheet for names and emails, in order to ensure everyone is invited.

III. AWARDS AND PRESENTATIONS:

None.

IV. DELEGATIONS:

Edward Green, 104 Riverside Drive, Cocoa, was in favor of the zoning amendment regardless if a hotel was built or not. It would allow flexibility to build on that lot. He feels that people are afraid that the size would be daunting, however, there are other things that still have to be done such as a comp plan review, site plan, etc. He encouraged people not to be afraid of a number and asked for a show of hands of those in favor of the hotel. Most of the audience raised their hands.

Tammy Eastburn, 6695 Corto Road, and a City Employee, was in attendance to follow up on a directive to the City Manager from last month. She had sent two emails last week and he stood at her desk and apologized today stating he had other things to do. He mentioned that he had provided Council with a report. What she heard was that he was too busy to deal with someone of her stature. There was no courtesy in regards to the emails. She stated that this was the type of leadership staff has been subject to under his term. Clearly, he feels that people of her stature do not get the same treatment and has never seen more of a turnover of employees and directors than she has under his tenure.

She stated that it seems that the only people that he associates with are those on the third floor on the southeast wing. She then asked if Council got a report.

In response, City Manager Titkanich recalled that she presented an item in regards to collective bargaining, and at the Executive Session held last night he presented the information. This was regarding salaries. Ms. Eastburn stated

that she would like to see what was given and City Manager Titkanich indicated they would get her the information.

Deloris Purdie, 1053 Willow Lane, Cocoa, thanked police officers that showed up at her house on July 27th. One of the officers remained very calm and professional. She was so nervous that she had to go back into the house as the situation got out of control very quickly. She explained that her son had been pulled over, six houses down from their house, without being told why. He was finally told it was because his car was not registered. One of the officers never apologized, yelled and mentioned he was going to call his Sergeant. The car was registered and she felt it was harassment. The officer who was there with the Sergeant was very professional, but Sgt. Rush was disrespectful. She believed if Council was wanting to build a better community then there needs to be trust.

Chief Cantaloupe advised that he spoke with Ms. Purdie on the phone and it is an open investigation. Ms. Purdie stated she has never felt so terrified in broad daylight with a marked car being close by.

John Foster, 121 St. Charles Street, Cocoa, stated that he had been in contact with Councilman Whipple several times over the past couple of weeks in regards to getting a permit for a fence on the property that he owns right next to his house. He mentioned that he called Planning & Zoning and explained what he wanted to do and they said all was good, yet, every time he has tried to do something he is told no. The City Code states that you cannot put a structure on a vacant lot and he is now being told there are a lot of extra steps he needs to go through in order to tie the two properties together.

He advised that once he does he cannot separate them again. His intentions were to use the property for some time and then sell the property off. He would like staff to revisit the Code and make it to where you can put a fence on adjoining property.

Councilman Whipple had concerns that Mr. Foster could not receive a response in a timely manner.

Mr. Foster understands that the department is shorthanded but he could not get anyone to call him back. He was told there are only certain times he can meet with staff.

City Manager Titkanich advised that the Assistant City Manager and the Director are working together for a resolution to this.

Mr. Foster stated he was told at one point he could get the permit but it could not be issued until they were put together on a tax deed. When he asked when he could pick up the permit he was told it would be worked on Monday but he could pick it up Tuesday. He waited 1 ½ hours and then was told he could not get the permit.

Mayor Parrish asked this to be looked into. Councilman Whipple did not believe this should be this difficult.

Attorney Garganese advised that he was generally aware of this situation and explained the City Code and what it states and spoke about possible solutions. He assured Mr. Foster that he would look into this further. Councilman Whipple asked if he could be grandfathered in and Attorney Garganese agreed to look at a solution for this situation.

Barbara Kinsey, 1628 Manor Drive, Cocoa, asked why the zoning change was on the agenda prior to having a commitment from the developer regarding the size, etc. She believed this was a poor process. She further questioned why the city did not originally seek projects with specifications already in place. This opens the door for further violations and for the loss of character of the village. The Planning & Zoning Board voted against the zoning change 6-2. She urged all to vote no against the zoning change.

City Manager Titkanich clarified that the City did not issue the RFP, the Cocoa CRA did. They are two different bodies.

Helma Mezy, 2214 Clairmont Drive, Cocoa, loves Cocoa and she moved here because she used to live in New Orleans and the character of Cocoa reminded her of it. She did not want to deal with the big city issues and the house she found looks like it is from New Orleans. She has lived here for about 7-8 years and has fallen in love with the area and the historical aspect of the City. She asked Council to reconsider the zoning ordinance to keep the charm and historical context of Cocoa.

Bill Morris, 1908 Manor Dirve, Cocoa, commended Mayor Parrish for his apology and for proposing a workshop for the zoning/hotel issue. He believed that this was an integral part of what happens to that property and was not in favor of any

building that goes seven or eight stories high. He urged them to delay the decision tonight and to make it a part of the workshop. They could then decide whether to rezone or not.

Judy McCluney, 1908 Manor Drive, Cocoa, spoke in regards to the zoning. She thanked Mayor Parrish for requesting a workshop. She spoke about the parking situation and requested that more time be put into this decision. She asked Council not to rush into a decision. She felt more pieces needed to be put into play with this item.

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to extend Delegations for another 30 minutes.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

Jennifer Riggs, 1629 N. Indian River Drive, read a letter into the record from Jane and Randy Naylor, Linda Dolphin, and Dennis Childs, who were all out of town.[1]

George Brown, Jr., 555 W. King Street, thanked Councilman Whipple for his invocation and would like to see that on the Code Board. He asked about the rules for someone wishing to run for Council and if they could live outside of the City.

In response, Attorney Garganese explained that City Council members have to be domiciled within the City in the district they are running for one year prior to the election and domiciled in that district for their term.

Mayor Parrish pointed out that Mr. Brown has been on the Code Enforcement Board for 35 years and has never missed a meeting.

Theresa Clifton, 1020 Cox Road, Cocoa, Executive Director of the Central Brevard Humane Society, wanted to ensure that everyone was aware that the Humane Society was about to celebrate 66 years of service. The seventh annual Tuxes & Tails Gala is on August 25, 2018 from 5:30-8:30 pm at the Space Coast Convention Center. She mentioned there was a complimentary table for the City of Cocoa and Tom and Susie Wasdin are this year's host and

1 EXHIBIT A: Letters read into record by J. Riggs for Jane & Randy Naylor, Linda Dolphin, and Dennis Childs

hostess. Lastly, she advised that they just received a grant to spay and neuter cats so that can be done at their facility.

Councilwoman Warner spoke about the upcoming K9 Competition that Cocoa was hosting on October 13, 2018 at the Cocoa High Stadium. She invited the Humane Society to come and set up a tent and bring information to hand out.

V. CONSENT AGENDA:

1. Approve the FY2019 Joint Funding Agreement between the City of Cocoa and the United States Department of the Interior - U.S. Geological Survey for Water Quality Sampling and Water Level Measurements; Pending Approval of the FY2019 Budget. (18-302). (Utilities Director)

2. Approve a Resolution Amending the FY2018 Budget to Reallocate Funds for the Purchase of a New Surface Water Polyblend System for the Dyal Water Treatment Plant and to correct a negative balance. (18-314). (Utilities Director)

3. Approve Amendment #1 to Task Order 2017-29 (Change Order #1 to FY18 P.O. 71619) with Bussen-Mayer Engineering Group, Inc. to allow for the Additional Design of a Reclaimed Water Main Extension as part of the Michigan Avenue Force Main Extension, Project No. WS17MI. (18-327). (Utilities Director)

4. Approve a Resolution Amending the FY2018 Budget to Reallocate Funds for the Purchase of Soda Ash, Starch, Chlorine and Cal Flo for the Dyal Water Treatment Plant; To Approve Change Order #1 to Purchase Order 71241 (Soda Ash), Change Order #1 to PO 71147 (Starch), Change Order #2 to PO 71239 (Chlorine), Change Order #2 to PO 71242 (Cal Flo), Change Order #2 to PO 71238 (Ferric Sulfate). (18-336). (Utilities Director)

5. Consider the appointment of Mr. Edward Green as a Regular member to the Code Enforcement Board through June, 2021; and the appointment of Mr. W. Scott Hannon as the 1st Alternate member to the Code Enforcement Board. (18-309). (Administrative Services Director)

6. Consider the Appointment of Mr. Curt Chandler as a Regular member of the US 1 Corridor Redevelopment Agency through June, 2022. (18-310). (Administrative Services Director)

7. Consider the Appointment of Mr. Paul Johnson as a Regular member of the Sustainability Advisory Committee. (18-311). (Administrative Services Director)

8. Confirm the Mayor's nomination of Mr. Clinton E. Warner III, as the Resident member of the Cocoa Housing Authority through December 31, 2021. (18-340). (Administrative Services Director)

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. CITY BUSINESS:

1. Accept Stantecs 2018 Revised Final Fiscal Year 2018-2019 Utility Revenue Sufficiency Analysis Update. (18-345). (Finance Director)

Ms. Bowman presented the item and mentioned that the updated report would be included with the City's utility bond information.

Councilwoman Warner thanked Stantec for the 31-page detailed report. She thought it was wonderful and amazing what they could produce.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

City Manager Titkanich advised that this would be posted to the City's website. He thanked the City Attorney, the Bond team, Finance, and all others who have worked through this. They appreciate Mike and Erick's flexibility from Stantec.

2. Approve Resolution No. 2018-059 amending Resolution No. 93-27 (the "Master Resolution"), as amended, to modernize certain provisions. (18-273). (Finance Director)

Ms. Bowman presented the item and noted that Resolution No. 93-27, the Master Resolution, was adopted by Council on August 18, 1993. This resolution authorized the issuance of obligations of the City entitled "City of Cocoa, Florida

Water and Sewer System Revenue Bonds". The Master Resolution has been amended several times since 1993.

She advised that the City's Financial Advisor and Bond Counsel noted that it was in the City's best interest to modernize certain provisions of the Master Resolution and recognize changes that have taken place in the financial markets.

Ms. Bowman provided a detailed description of the amendments made to this resolution.

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

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve Resolution No. 2018-060 supplementing Resolution No. 93-27 (the "Master Resolution"); Authorize issuance of Water and Sewer System Revenue Bonds (the "Series 2018 New Money Bonds") not to exceed $50,000,000 to finance certain capital improvements to the System; Authorize the negotiated sale of Series 2018 New Money Bonds to the Underwriters. (18-274). (Finance Director)

Ms. Bowman presented the item and pointed out that this was supplementing Resolution No. 93-27. This resolution also requests authorization to issue the Series 2018 New Money Bonds in an amount not to exceed $50,000,000 to finance: 1) the costs of the acquisition, construction, and equipping of certain improvements to the system, 2) a deposit to the Reserve Fund as required by the Master Resolution and 3) the costs of issuing the Series 2018 New Money Bonds. She further noted that the City's Financial Advisor, Dunlap & Associates, concurs with this recommendation.

Ms. Bowman mentioned that at the April 24, 2018 City Council meeting Council approved the selection of two bond underwriting firms.

Additionally, given the fluidity of the upcoming bond transaction and the numerous documents involved in the transaction, Staff is requesting as part of this Agenda Item that the City Manager and Mayor, in consultation with the City's bond team, be given the authority to make technical modifications to the Resolution including all exhibits and attachments thereto to the extent necessary prior to the pre-closing on the upcoming bond transaction, and that the Mayor and other necessary City officials be authorized, as applicable, to execute the final version of the Resolution including any exhibits and attachments thereto.

Councilman Whipple asked how much reserve time would the approval of this $50 million give the City. City Manager Titkanich explained in detail the timeline and how this would affect the reserves.

Councilman Whipple clarified that without any money coming in the City could operate for the amount of the months that the City Manager just explained. In response, City Manager Titkanich advised this was for capital projects in the utilities system.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve Resolution 2018-061 authorizing issuance of Water and Sewer System Refunding Revenue Bonds, Series 2018_ (the "Series 2018 Refunding Bonds") not to exceed $22,000,000 to refund the Water and Sewer System Revenue Bonds Series 2009A and the Water and Sewer System Refunding Revenue Bonds Series 2009B. (18-275). (Finance Director)

Ms. Bowman presented this item and explained that staff was seeking to advance refund the Refunded Bonds maturing on and after October 1, 2019 on October 1, 2019. Toward that end, the City would issue Series 2018 Taxable Refunding bonds to finance the defeasance of the Refunded Bonds, fund a deposit to the Reserve Fund, and pay costs of issuing the Series Taxable Refunding Bond. Furthermore, she explained the process of advanced refunding in detail.

She noted that the City received an offer from Raymond James Capital Funding, Inc. to purchase the Series 2018 Taxable Refunding Bond upon issuance and a commitment to exchange such obligations for the Series 2018 Tax-Exempt Refunding Bond when they are issued July 15, 2019. She explained that essentially, the City is advance refunding its 2009A and 2009B Series Bonds, $8,795,000 and $13,820,000 respectively, to achieve debt service savings by refunding the Refunded Bonds.

She assured Council that the staff consulted with the City's financial advisor and spoke about different scenarios that the City might face. The City would still see a savings.

Lastly, given the fluidity of the upcoming refunding transaction, and the numerous documents involved, staff is requesting as part of this item that the City Manager and 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 Boisvert; Seconded by Councilwoman Warner, to approve the item.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Approve a Resolution Amending the Fiscal Year 2018 Budget in part through the use of General Fund Reserves and Contingency, to reclassify payroll, operating, and capital, related to Hurricane Irma and various other unexpected expenses that resulted in negative account balances. (18-317). (Finance Director)

Ms. Bowman presented the item and City Manager Titkanich explained that there were a few other items added in regards to the claw truck and general fund.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Approve Amendment No. 6 (Change Order #2 to FY18 P.O. 71534) with CDM Smith, Inc. to Provide Additional Project Support Required for the Biological Nutrient Removal (BNR), Project No. WS1222; To Authorize the City Manager to Execute Amendment; To Approve a Resolution Amending the FY18 Budget to Transfer Funds from the Stone Street Corridor Streetscaping, Project No. WS18SS to the BNR Project No. WS1222; To Approve a Resolution to Modify the Previously Adopted Resolution 2013-083 to Adjust the Total Project Amount. (18-325). (Utilities Director)

Mr. Walsh explained that this project is one of two projects of which Brandes Design Build has defaulted on. The project still has to be completed even though they are in disputes with the bonding companies. He provided a detailed background of the project.

Councilman Whipple noticed that funds were being transferred from the Stone Street Corridor Streetscaping project. He stated that they needed any penny that they had for that project. In response, City Manager Titkanich advised that when original bids were received for the Stone Street project they were too high, so they went out for re-bid. The funds were already in place and we cannot expend utilities money on the project, no matter what the cost.

City Manager Titkanich reassured Councilman Whipple that the Stone Street project was fully funded and Mr. Wegerif announced that it should be completed by September 30, 2018.

Deputy Mayor Blanco asked Mr. Walsh how optimistic he was in recovering money from the previous contractor. In response, Mr. Walsh stated that they have gone bankrupt but they bonding company has stepped in, however, dealing with them has been difficult as their job is to minimize. There have been multiple projects done by Brandes, which Mr. Walsh expounded upon.

Deputy Mayor Blanco confirmed that they had a good track record. Mr. Walsh advised that he has been working with the City Attorney's office. He further noted that it has been a battle in finding out if the project was done correctly, but they have CDM Smith in place now to look into things.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

MULTI-YEAR CONTRACTS:

7. Request authorization to award a multi-year agreement for Shoreline Stabilization Full Restoration project activity under the Continuing Services Agreement for Marine Construction Services to TSI Disaster Recovery, LLC in the amount of $590,390 for Alternate #1 to complete the Lee Wenner Park Shoreline Stabilization Full Restoration project. Approve a task order for Shoreline Stabilization to TSI Disaster Recovery, LLC in the amount of $590,390. Approve a budget resolution to amend the FY2018 budget to move funds from General Fund Balance Reserves to 001-3580-519-63-00 under Project #ES17HI. Approve a change order resolution to authorize the City Manager to approve change orders not to exceed 10% or $59,039 of the award amount. (18-326). (Public Works Director)

Mr. Wegerif explained that this item is for the shoreline stabilization at Lee Wenner Park that had been affected by Hurricane Irma. He noted there is a chance of it happening again if it is built back to the way it was. Both options are reimbursable by FEMA and it is staff's hope that most of the project will be refunded by FEMA.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

8. Approve a multi-year contract between the School Board of Brevard County and the City of Cocoa for renewal of School Resource Officer and the addition of a second School Resource Officer for the 2018-2019 school years, July 1, 2018 through June 30, 2019 and authorize the City Manager and City Attorney to finalize and execute the contract with the School Board. (18-344). (Chief of Police)

Chief Cantaloupe presented the item and pointed out that these are two fulltime SRO's. One will be at Cocoa High School and one at Endeavor Elementary. There will also be Special Details at Cambridge Elementary and Clearlake Middle School.

City Manager Titkanich added that the Special Detail rate is $35 per hour, although the special events ordinance has a rate of $40 per hour. The School Board can only reimburse at $35 per hour; however, it does clarify that for any non-SRO detail they would be responsible for the non-profit rate. Furthermore, they are getting reimbursed at $35 and the officer would receive $30.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

9. Approve a multi-year contract between Emma Jewel Charter Academy and the City of Cocoa to provide an SRO Special Detail beginning on August 10, 2018, and continuing until such time they have an Armed School Security Specialist trained and in place; and authorize the City Manager and City Attorney to finalize and execute the contract with Emma Jewel Charter Academy. (18-346). (Chief of Police)

Chief Cantaloupe advised that the City will be providing the SRO special detail to Emma Jewel Charter Academy. They will be sending someone from the Emma Jewel staff to go through the armed security school that the county is putting on. As soon as they are trained and in place they will discontinue the detail.

City Manager Titkanich assured Council that the police department has been working with Emma Jewel's staff to evaluate their security needs.

Councilwoman Warner asked if there was any problem in filling the special details. Chief Cantaloupe responded in the negative.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. COUNCIL BUSINESS:

~~1. Consider the appointment of Mr. Edward Green as a Regular member to the Code Enforcement Board through June, 2021; and the appointment of Mr. W. Scott Hannon as the 1st Alternate member to the Code Enforcement Board. (18-309). (Administrative Services Director)~~

~~2. Consider the Appointment of Mr. Curt Chandler as a Regular member of the US 1 Corridor Redevelopment Agency through June, 2022. (18-310). (Administrative Services Director)~~

~~3. Consider the Appointment of Mr. Paul Johnson as a Regular member of the Sustainability Advisory Committee. (18-311). (Administrative Services Director)~~

~~4. Confirm the Mayor's nomination of Mr. Clinton E. Warner III, as the Resident member of the Cocoa Housing Authority through December 31, 2021. (18-340). (Administrative Services Director)~~

* **All items under Council Business were moved to the Consent Agenda.**

VIII. PUBLIC HEARINGS:

1. Ordinance 06-2018/1st Reading: Amending Appendix A, Article XI, Section 22 of the City Code to allow large scale commercial/mixed-use buildings on certain properties within the Cocoa Waterfront Overlay District, Cocoa Village Sub-district. (18-331). (Community Services Director)

   Attorney Garganese read Ordinance No. 06-2018 into the record, by title only, as follows. He advised that this was the first reading of the ordinance and the proposed text change was to the City's zoning code that is being proposed by the Cocoa Redevelopment Agency.

ORDINANCE NO. 06-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE CODE OF THE CITY OF COCOA TO ALLOW LARGE SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT, COCOA VILLAGE SUBDISTRICT, AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; AMENDING THE COCOA WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR THE SAME; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Hamilton explained that this is a text amendment and she provided a brief presentation[2] in regards to the request. A map of the location of the amendment site was shown and she provided background on the amendment.

She noted that this was consistent with the Comprehensive Plan, the Cocoa Waterfront Master Plan, the Strategic Plan (Goal #2 regarding Economic Development), and the Redevelopment Challenges.

Detailed information was provided regarding the Comprehensive Plan and she discussed the Future Land Use Element Policy 1.1.41 and the Future Land Use Element Policy 1.2.1.8.

Additionally, she noted that in the City's Strategic Plan, Goal #3 is to increase the economic prosperity of Historic Cocoa Village. The Objective's outlined in the plan are as follows:

- Objective 3.1: Ensure that there is adequate parking to meet the needs of the downtown business patrons.
- Objective 3.2: Increase the number of permanent residents living within Historic Cocoa Village.

Site Redevelopment Limitations were discussed and photos were shown as if one were walking through the Village towards the site and with varying distances to the site. Further photos were shown of existing buildings in the Waterfront Sub-District.

Ms. Hamilton explained that the intent of the Amendment is to balance the past, present, and future; scale, cost, and amenities, and to make Cocoa Village a destination. Further discussion was held on the Regulating Plan that guides the City's urban form, and how they could maximize redevelopment opportunities.

She pointed out that it was stated that Cocoa Village was not a tourist destination, but it is. According to the Space Coast Office of Tourism Survey, Cocoa Village had a participation rate in the Spring of 2018 of 46.3% and in the Fall of 2017, 43%. Additionally, there was a satisfaction rate of 4.26% in the Spring of 2018 and 4.3% in the Fall of 2017. The satisfaction rate is on a scale of 1-5.

A detailed approval timeline was given. The Amendment had a first reading at the Planning & Zoning Board meeting held on July 17, 2018 and City Council on August 14, 2018. The Second Reading would be at a City Council meeting in September, 2018.

[2] EXHIBIT B: Ordinance No. 06-2018 Text Amendment to the Cocoa Waterfront Overlay District

Depending on direction from Council, a workshop could be done as early as September.

Councilwoman Warner asked Ms. Hamilton about the Office of Tourisms' statistics. She is hearing that they are suddenly seeing a lot of vacancies in the village. Ms. Hamilton agreed there are vacancies and stated that this is a reason it is important for the City to incentivize and reinvigorate the downtown. We have to be of constant interest.

Councilman Whipple stated that he has lived in this city for 67 years and has seen it go from dirt roads to what it is today, which is a beautiful downtown area. Oleander Pointe and Whitley Bay did not take away from the City. They enhanced it. He does not believe that this will hurt or erase the historic factor of the village. We need to come together and go forward in a positive way.

Ms. Hamilton reminded all that this is just the zoning and we are not focusing on the end use.

Councilwoman Warner further reiterated that this was just the first reading.[3]

Mayor Parrish opened the public hearing up to the public.[4] The following citizens spoke in regards to the Ordinance.

Jennifer Kenny, 1917 Quail Ridge Court, Apt. 1901, Cocoa, stated her main concern was that the property had been gifted to the contractor. She was interested in hearing more about height. City Manager Titkanich advised that the Cocoa CRA owns the property. She spoke about research she has done in regards to poverty in Cocoa.

Gerald Blanchard, 15 N. Indian River Drive, Cocoa, believed it would be nice for Cocoa to have a structure that friends and family could stay in while visiting so that they were not having to go to Cocoa Beach or Cape Canaveral. He felt it would be a wonderful addition to Cocoa Village.

Bill Morris, 1908 Manor Drive, Cocoa, reiterated his earlier comments about the need of a workshop. He is not against the hotel but feels a study should be done to determine the size of the hotel. He also questioned as to whether a market study had been done in order to determine occupancy and vacancy rates.

Charles Carrington, 2106 Indian River Drive Cocoa, was speaking on behalf of a group regarding the height. There were genuine concerns and he mentioned there were other Florida cities who have faced this issue. There are land planners who deal with historic areas. Lauderdale by the Sea, Dunedine, and Delray Beach all decided to stay under fifty feet. He is a land use and zoning

[3] Mayor Parrish left the meeting at 7:41 pm and returned at 7:43 pm

[4] Councilman Boisvert left the meeting at 7:47 pm and returned at 7:50 pm

lawyer. He urged Council to pause and see what other cities are doing, and to not make a decision tonight.

Brad Whitmore, HCVA, thought that Ms. Hamilton's presentation was spot on. He noted there were a couple of key phrases: historic, character, economic prosperity, and downtown. The agreed that a workshop would be a great idea.

Betty Kinsey spoke for Mr. Walter Roslin, 1628 Manor Drive, Cocoa, and asked if the tax payers were paying for these changes and if there were costs that tax payers might incur due to the zoning change. He asked for more studies to be conducted as he is concerned with construction costs.

Judy McCluney, 1908 Manor Drive, Cocoa, just saw a glimmer of yellow on the presentation and not a building. She would love to see the building actually ut into a model. Additionally, the zoning is for six lots. Four of the lots are to the south and are privately owned. This issue is bigger than one project when they are speaking about zoning.

Lorraine Koss, 2115 N. Indian River Drive, Cocoa, mentioned that she is for smart growth and for anything that builds the economy, however, she understands the need for parking. She has friends on both sides of this issue that she respects. She is against changing the zoning for a large project. She believed that this is dividing everyone, and it is for the zoning, not the hotel. She applauded Council for asking for a workshop. She asked Council to please reconsider a workshop that is on the zoning, height, the plan, and the hotel.

Lisa Hogrey, 96 Willard Street, Cocoa, owns property on Willard Street and mentioned she thought this item was for the hotel, but realized it was only for the zoning change. She asked if a notice went out to residents. She agreed with the Mayor and felt that people showed up in a panic as they thought tonight was the only chance to speak on the hotel issue. She is not against a hotel but does not see why it needs to be in a historic spot. She questioned the occupancy at the Mayor's bed and breakfast. In response, Mayor Parrish noted that there are people staying there now. They are out of season though and doing repairs. Typically, September/October through July 4th are their busiest times.

Jennifer Riggs, 1629 N. Indian River Drive, Cocoa, provided a photo of a hotel that Mr. Brown developed in Dunedine. She stated that this proved it could be done without having to change the zoning to have a hotel.

Tom Wasdin, 29 Riverside Drive #602, Cocoa, advised that they have lived in the village since 1999. He felt this issue was important, as he has watched the village struggle and get better. He believed that it really took off with the building of the condominums. He wondered where the village would be today if they had put a limit on the condos. Additionally, he feels that the north and south of the village need to be brought together and he is for this change. He owns the

property across the street from the property and is probably more affected than anyone. He believes this zoning change is what they need.

Councilwoman Warner has not been around as long as Councilman Whipple, but has been in the City for forty three years and was here for the building of 115 N. Indian River Drive. The objections to that project were pretty negative. She was also here for the building of Oleander Point which everyone thought was also going to hurt the village. She confessed that sometimes when coming over the bridge she wishes they had set Whitley Bay back a bit further, but then she sees how beautiful the village looks.

She is also proud that residential property was brought back to the village. There were valid concerns then and there are valid concerns now. Everyone wants what is best for Cocoa Village. She further explained that the Cocoa CRA is requesting the zoning change, then they can sit with Mr. Brown and negotiate and do what they think is best. They would not have a village without the Cocoa CRA. Council has to keep moving forward so that the CRA can continue to move forward. She would like to keep the item moving but not to have a second reading until after workshop is held.

Councilman Whipple concurred with Councilwoman Warner and all of her sentiments.

Councilwoman Warner added that there are a minimum of two more opportunities for public input from a Council perspective and before the CRA votes. She then noted it was possibly four more opportunities before a decision is made.

Deputy Mayor Blanco related this project to the Joe Lee Smith Center, pointing out that there was a public meeting with a lot of public input. She concurred with Councilwoman Warner's comments.

Councilwoman Warner further advised that she was here for Riverfront Park and there was huge opposition because that project took away parking. She is really glad that they have Riverfront Park. There was a public meeting for that and everything in the park is there because of public input. It was the community who put together the park.

Deputy Mayor Blanco stated that without progress we are stagnant and public input is important.

Councilman Boisvert noted that this has to be a place that people want to come to. He spoke about the building of the Walmart Distribution Center and the Flying J and their successes in Cocoa. If we keep turning people away this will be a ghost town.

Mayor Parrish spoke about the development of the riverside and in a perfect world he is not really for anything over eighty-five feet, however, he is willing to take a risk. He stated that maybe on second reading the height could be modified.

City Manager Titkanich advised that this went back to the CRA when the project set forth because staff recommended that the developer hold a meeting to see if there was an appetite for height. The city needs to go back to the CRA because of some of the requests made tonight, that staff does not have the capabilities to facilitate. This has followed the normal process for a Planning & Zoning amendment.

Councilwoman Warner agreed that it was a developer meeting instead of a city meeting.

Jack Brown, 9889 Bainbridge Road, Ohio, the developer, stated that one year ago this month he started coming to Cocoa. He explained the hotel that was shown by Ms. Riggs and mentioned that it is not in the downtown, but on the causeway. It is on a site that his friend owned. They could only get thirty six units out of it. It is three stories with a roof top. They tried to get the property adjacent to the hotel so they could have a larger hotel. He applauded all for coming out to say what they wanted to say.

Mayor Parrish felt that the height and architecture are the biggest issues.

* **MOTION by Deputy Mayor Blanco; Seconded by Councilwoman Warner, to approve Ordinance No. 06-2018 on first reading, but not to bring it back for a second reading until after a public workshop is held for input.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)[5]

2. Ordinance No. 07-2018/2nd & Final Reading: Amending Section 2-51 of the City Code to modify City Council regular meeting days from Tuesday to Wednesday. (18-323). (City Attorney)

Attorney Garganese read the ordinance into the record by title only as follows. He advised that the only change was a change in the body of the item, which would be to start the Wednesday meetings in October of this year. October 10th would be the first meeting.

[5] A five minute break was taken at 8:28 p.m. Council reconvened at 8:41 p.m.

ORDINANCE NO. 07-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 2-51 OF THE CITY CODE TO PROVIDE THAT REGULAR CITY COUNCIL MEETINGS SHALL BE HELD ON EVERY SECOND AND FOURTH WEDNESDAY OF EACH AND EVERY MONTH; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

* **MOTION by Councilman Boisvert; Seconded by Councilman Whipple, to approve Ordinance No. 07-2018 on second and final reading.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Ordinance 05-2018/2nd & Final Reading: Amending Appendix A, Zoning, Article X, Section 3 of the City Code, to modify the requirements to allow the construction of single-family dwellings and customary accessory buildings on a nonconforming lot of record. (18-330). (Community Services Director)

Attorney Garganese read the ordinance into the record, by title only as follows. He advised that this was the second reading of the ordinance and there have been no changes since the first reading.

ORDINANCE NO. 05-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE X, SECTION 3 OF THE CODE OF THE CITY OF COCOA TO MODIFY THE REQUIREMENTS TO ALLOW THE CONSTRUCTION OF SINGLE-FAMILY DWELLINGS AND CUSTOMARY ACCESSORY BUILDINGS ON A NONCONFORMING LOT OF RECORD; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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 Councilman Boisvert, to approve Ordinance No. 05-2018 on second and final reading.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. City Council consideration and public comment on the allocation of the 2018 Edward Byrne Memorial Justice Assistance Grant in the amount of $24,879. (18-334). (Chief of Police)

Chief Cantaloupe advised that this grant would be used to purchase additional laptop computers for patrol officers.

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 Blanco, to approve the item.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. INFORMATIONAL AGENDA:

1. Fire Incident Summary Report for July, 2018. (18-338). (Fire Chief)

2. Cocoa Police Department District Event Statistics for the months of May and June, 2018. (18-348). (Chief of Police)

X. REPORTS:

Ms. Bowman thanked Council for the support of the bond issue this evening.

City Manager Titkanich advised Council that they were each receiving a copy of the complaint and petition filed by Rev. Dennis. There were allegations made against one of the City's employees. There are emails as backup regarding the exchange of information. Additionally, there is an email from August 3rd where he felt that the meeting that they had was unproductive.

City Manager Titkanich noted that he would be more than happy to go over the packet with each member of Council individually. He further went over what was

included in the packet and stated that the City Attorney, the Chief of Police, Assistant City Manager, and himself have researched various models of advisory committees. They intend to present this information to Council during the first meeting of September.

Furthermore, the allegations against the Chief are unfounded and to be honest, Rev. Dennis spoke very highly and favorably of the Chief. He will not fire him nor will he require him to resign, or he will not accept his resignation. With the exception of one inquiry, he considers this matter closed as the allegations are not meritorious.

Councilman Boisvert asked if Rev. Dennis did not stand in front of Council and praise him for what a great job he has done. City Manager Titkanich responded in the affirmative and assured Council that he has reviewed all minutes and tapes. The report they received is very detailed.

City Manager Titkanich pointed out that he would also speak with Rev. Dennis.

City Manager Titkanich mentioned that the official population report had been received and as of April 1, 2018, Cocoa's population is 19,286. Since 2010 the City has grown 12.5% and since 2000, it has grown 17.5%.

City Manager Titkanich reminded Council that the Florida League of Cities Annual Conference is August 16-18, 2018 and he would be going in advance. He will be there for Thursday's legislative policy meeting.

Lastly, he reminded all that tomorrow was City Hall Selfie Day.

Councilman Whipple asked what the capacity of Chambers was and would like to look into more seats being ordered so that when there is a full house there is no one standing.

Assistant City Manager Fuhrer advised that they did anticipate a larger crowd tonight so the speakers in the lobby were enabled and they are working on displaying the video in the lobby as well. There is a slight delay but it is being worked on.

Councilman Whipple also reminded Mr. Wegerif about the lights and the study. Mr. Wegerif mentioned that they have assessed lighting in the Heart of Cocoa

and they have the number of lights and those will be up soon. Councilman Whipple asked that Council receive a report.

Councilman Whipple announced that he has qualified for the Mayor's seat in the upcoming election. He thanked all for the encouragement.

Lastly, he spoke about the ethics seminar that is a state requirement. It was a great training and thought it was something those seeking office should attend prior to qualifying. It is not something to be taken lightly and thought maybe the City Attorney could introduce this subject to the state as a requirement.

City Manager Titkanich shared that the City Attorney and Assistant City Attorney in conjunction with the City Clerk's office held an public records training for the employees. Additionally, he pointed out that he is required to attend the Ethics training due to their membership in the Florida City Manager's Association. He agreed it is good because new situations are always arising.

Councilman Boisvert disagreed that the class should be done prior to qualifying because in his class there was a lady that was asked to come back after she was elected because she was a disruption.

Councilwoman Warner announced that she would also be going to the Florida League of Cities Annual Conference on Thursday, August 16 and returning Saturday, August 18, 2018. She will be attending the same committee meeting as the City Manager.

She thanked the Brevard Kennel club for putting out the funding for Officer Hattaway and Copper to attend a seminar on tracking, rescue, and scent work. The cost is all being paid by the Brevard Kennel Club. She also thanked the Chief of Police and City Manager for approving his travel.

Councilman Boisvert spoke in reference to the population of Cocoa and believed it would keep going up. They are starting to build in Adamson Creek again.

Councilman Boisvert spoke in regards to Ms. Eastburn and he recalled Council's direction to ask the City Manager to bring a report back to them. He did not think it was right that she tried to put the City Manager down. He was doing what he was supposed to do.

In closing, he reminded everyone about the District 3 Town Hall Meeting on Tuesday, August 21st at the Lost Lakes Clubhouse. It will start at 6 p.m.

Deputy Mayor Blanco announced she would also be attending the Florida League of Cities Annual Conference in Hollywood, Florida. She will be traveling Thursday, August 16 through Saturday afternoon, August 18, 2018.

She thanked Ms. Hamilton for the presentation on the zoning, along with all of the members of the audience tonight. She felt it is important to have them here. Their input and guidance is appreciated and we all want it to grow and prosper. She further thanked all those who were listening from home.

Deputy Mayor Blanco acknowledged a gentleman in the audience who was present at the July 28th Back to School Giveaway that Brevard County hosted. There were a huge amount of students in attendance, businesses involved, and supplies given out. There is nothing worse than a child starting school without the necessary supplies they need to excel.

Mayor Parrish clarified that the date of the Walmart Ribbon Cutting is Wednesday, August 22, 2018. City Manager Titkanich advised that he received an email that mentioned it was cancelled but assured Council they would confirm the date and time.

Mayor Parrish reminded all that tomorrow was City Hall Selfie Day and he would be here at 8 a.m.

He spoke about a meeting he had with Scott Dudley, from Florida League of Cities. He is a big supporter of the City and Mayor Parrish appreciates him.

Mayor Parrish mentioned that he attended a Mayor's meeting on Saturday and the usual topics were discussed, the lagoon, public safety, roads, etc. He noted it was an interesting meeting and they questioned how much more Brevard County could grow.

In closing, he spoke about one of his trips to Tallahassee and that 98-99% of bills passed are with bi-partisanship.

XI. ADJOURNMENT.

* **MOTION by Councilman Boisvert; Seconded by Councilman Whipple, to adjourn the Regular meeting of August 14, 2018.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 9:39 p.m.

Henry U. Parrish III, Mayor

ATTEST:

Carie E. Shealy, MMC, City Clerk

EXHIBIT A: Letters read into the record by J. Riggs for Jane & Randy Naylor, Linda Dolphin & Dennis Childs

Dear City Council, Mayor Parrish and City Staff,

We are Randy and Jane Naylor and we live at 413 North Indian River Drive.

Thank you for this opportunity to address an issue which is vital to the integrity of our Village and its future. We appreciate your work and know that listening to all points of view before making a critical decision is a time-consuming part of your job. However, you have demonstrated that you have the well-being of the whole community at heart and we are holding you to that tonight.

We moved here from Bonita Springs, on Florida's west coast, two years ago. We chose Cocoa Village after a long search. The town we came from was wedged between two cities - Naples to the south and Ft. Myers to the north. When we left, our lovely village had been auctioned off to the highest bidder, without thought to its quirky, artistic charm. It became a concrete jungle of high-rise condos and big box stores. We do not want this for our new home.

Jane has a studio in the village, and Randy works from our home on the Lagoon. We entertain family and friends and would love to have a good hotel nearby. We have also seen what tall buildings and poor design can do to the feel of a small village. Please consider the following as you move forward:
1) Limit the height of the building and demand that aesthetics be at the forefront of the design. Tall, mullioned windows, small balconies, covered walkways, trees and brick sidewalks are a start. Please seek the good council of city planners is this critical pursuit.
2) Solve the city parking issues elsewhere. We have a good parking study and many options are available to you. Height should not be a solution for parking.
3) Push the pause button and create a group of advisors who can help to ensure the integrity of design going forward. We have so many talented citizens who would love to help!

Thank you for your time,
Randy and Jane Naylor

Good Evening Councilmembers. My name is _____ and my address is _____. I am reading a letter on behalf of Linda Dolphin whose address is 2100 N. Indian River Drive in Cocoa. Linda writes:

I love the idea of a hotel in downtown Cocoa Village. When I first heard about it I was really excited. I must admit that the roof top bar open to the public seemed really appealing.

However, I couldn't disagree more with the CRA's proposed amendment to justify a height increase on 6 parcels in the Village. It states, "the maximum height of 104' is not extended **throughout** the Cocoa Village which will **protect the downtown core of the Village and its quaint and historic charm."** This flies in the face of reality as the 6 sites chosen for zoning modification are in the core of the Village. How is only proposing 6 sites in the core of the Village for a 104 ft height protecting the historical character of the Village? I guess it is better than raising the entire height of the Village to 104 ft. I think that we can all agree that 104 ft is not quaint.

So, the question becomes how can we get our needed hotel without destroying the character of Cocoa Village? My first thought is - if 7 stories plus a roof top deck are needed to provide city parking and a financially feasible hotel, why not change the zoning in the buffer areas around the village to allow for a height increase and build the hotel/parking garage there?

Or secondly, why not look to the plan dated 5/9/2018 presented to the CRA by this same developer? In it, the Architect shows us that by removing retail, the site gains 44 parking spaces. Based upon the number of unoccupied retail spaces in Cocoa right now and the questionable future of retail shops, I suspect removing retail would be a good decision.

That does not solve the height problem however. If we study the plan, we see that if 2 floors of parking are removed, a 5-story building emerges with 2 floors of parking for the hotel and 3 floors of hotel rooms. 110 Parking spaces are left for 108 rooms.

According to the City of Cocoa Parking code the hotel requires 1 space per room plus 1 space for the manager and 1 space for every 3 employees. In a written response from the developer, he states that the hotel will require 112 parking spaces by code without retail.

So, in order to comply with current zoning, 2 rooms could be eliminated. The hotel would consist of its other amenities with 106 rooms. Cocoa then has a hotel in the core of the village that would be 5 stories plus a rooftop bar at a height of 47.8 ft. Totally conforming to current code while protecting the character of our quaint historic village! And with that Roof top bar too!

Let me repeat that! We can have this 5-story hotel in the Village without changing zoning. One more time – we can have this 5-story hotel in the Village without changing zoning.

But what about city parking? The old proverb you can't have your cake and eat it too remains true. You can't combine city parking with a hotel at the Old City Hall Site without destroying the character of Cocoa Village. As the parking study clearly shows, there are other options for city parking including working with private lot owners to create shared use parking.

I urge you to vote no to this zoning change that will forever change the character of Cocoa Village. And to vote yes for a 5-story hotel in downtown Cocoa.

Good Evening Council Members. My name is _____ and I live at _____. I am reading a letter written by Dennis Childs who lives at 2100 N. Indian River Drive. Dennis writes:

I am responding to an opinion piece written by Ed Green, a Cocoa Planning and Zoning Board member, for Florida Today with which I take exception. While it is a thoughtful piece, he disagrees that the proposed hotel jeopardizes the character of the Village. I feel the reason the Village has the appeal that it does is largely because it is made up of a grouping of low rise buildings. Under 50 feet in height, the upper floors are shrouded by trees and separated by bright sunny streets. The hotel site is part of this historic district and should be kept well below 68 feet in height. Even 68 feet would dwarf Murdocks Bistro and Derby Street Chapel.

Secondly, Mr. Green mentions that the Council is not approving 104 ft in this zoning amendment but eight stories. Further he says if approved, a 104 ft building could not be built on this property because of other "code and plan requirements" without mentioning what those would be. I was always under the impression that each zoning classification spells out its restrictions and the developer is free to build within and up to those limits as set forth by the ordinance - which in this case is 8 stories which could add up to a maximum height of 104 ft.

Until or unless we are shown what code and plan requirements Mr. Green is referring to, we must assume that once rezoned, any developer including this one is free to build a 104 ft building on this property. Is something we really want in the core of the Village?

On another point, I was told by a neighbor, that her Cocoa councilwoman told her that the Hotel property has to be rezoned. The reason she stated that it has to be rezoned is that if the city grants the developer a variance to build the hotel, the owner of the Bank of America site would also have to be given a variance to build an eight-story building on their property.

I was surprised by 2 things:

1. That someone wants to build an 8-story building on the Bank of America property, and;
2. That the councilwoman thinks that the City could grant a variance to build the hotel.

I am quite sure that a variance can be granted for only one reason and that is to relieve a nonself-imposed hardship. An example might be that of an oddly shaped lot which makes it difficult to build a house. In that case the owner could be given a building setback variance to ease the hardship.

The city cannot grant a variance to Mr. Brown to build his Hotel because he doesn't have a hardship. The City's only recourse to allow an 8-story building on that site is to rezone the property. My 40-year experience as an Architect and City Planner tells me that if this rezoning is granted, the city will find it nearly impossible to refuse future developers similar rezoning requests. This would be the beginning of a process that could spell the end of Cocoa Village.

For those of us who moved here because we loved the character and charm of Cocoa Village, I urge you to vote no on this rezoning amendment.

Thank you very much.

EXHIBIT B- Ordinance No. 06-2018
Text Amendment to the Cocoa Water
Overlay District

COCOA
FLORIDA

Ordinance 06-2018

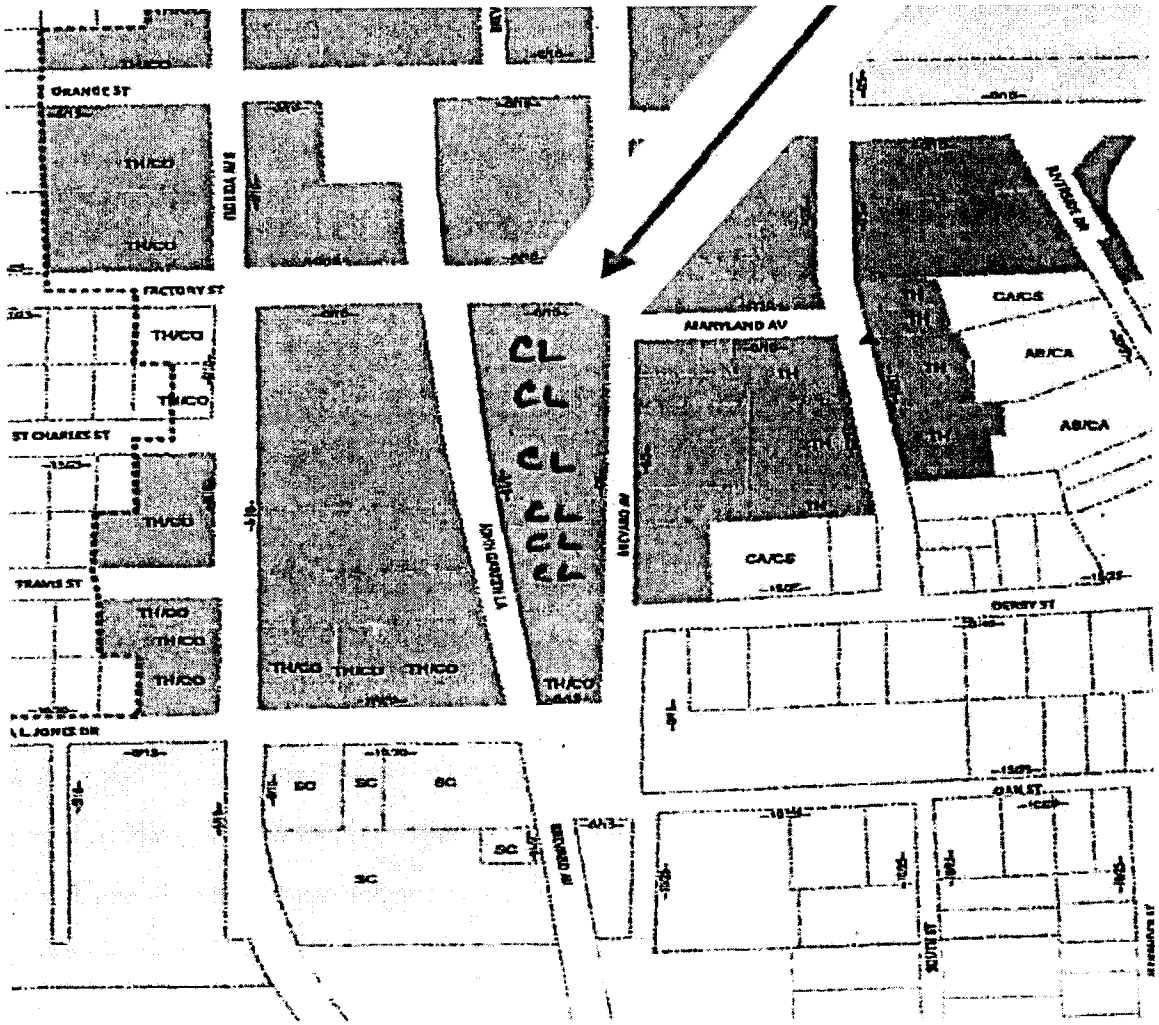
Text Amendment to the Cocoa Waterfront Overlay District

Tuesday, August 14, 2018



Text Amendment Site

Location of Amendment Site



COCOA FLORIDA

COCOA
FLORIDA

Amendment Context

Amendment Background & Context

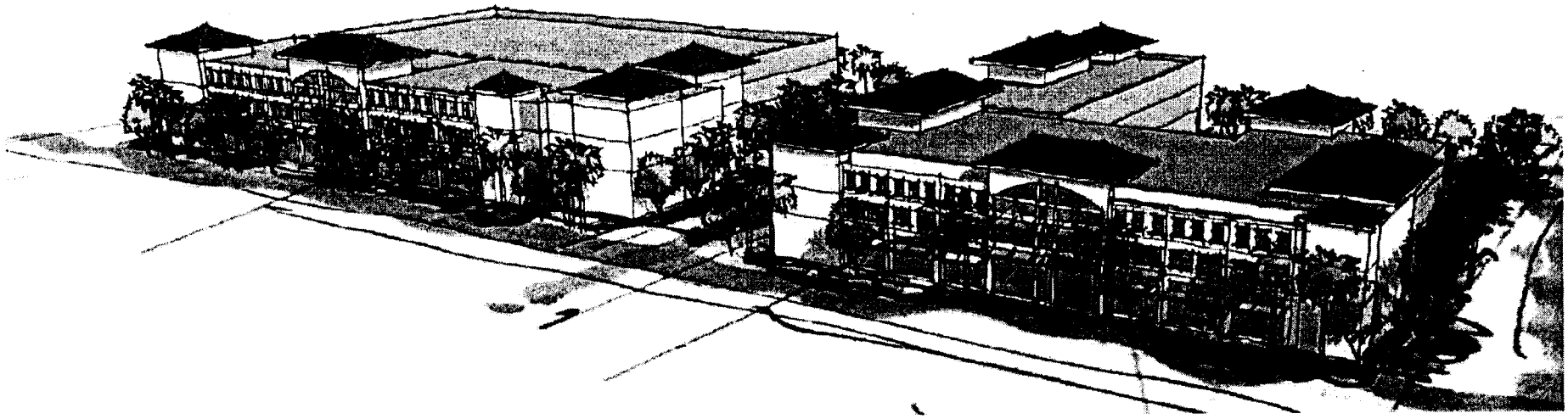
- Comprehensive Plan
- Cocoa Waterfront Master Plan
- Strategic Plan
- Redevelopment Challenges

Comprehensive Plan

Future Land Use Element Policy 1.1.4.1: The City shall continue to promote vitality and redevelopment of the three community redevelopment areas established pursuant to Chapter 163, Florida Statutes: Cocoa (Downtown) Redevelopment Area, Diamond Square Redevelopment Area, and US 1 Corridor Redevelopment Area.

Future Land Use Element Policy 1.2.1.8: Building height and intensification should follow a transect approach, with maximum intensities and heights (>80') allowed in the central business district, medium intensities and heights (40' to 80') allowed within the mixed-use district, and the lowest intensities and heights (<40') allowed when transitioning into established low-density neighborhoods.

Cocoa RDA Waterfront Master Plan



COCOA
FLORIDA

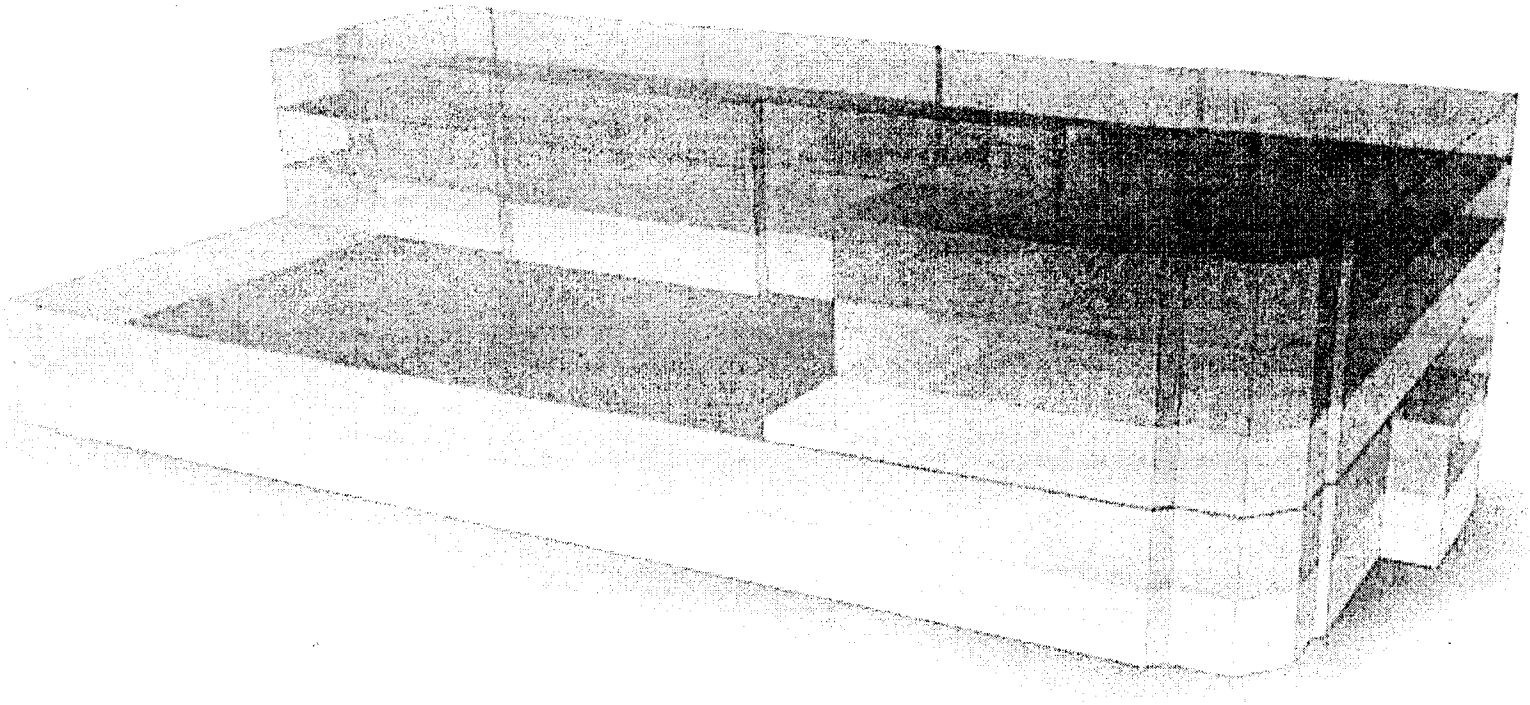
Strategic Plan- Economic Development

- Goal 3: Increase the economic prosperity of Historic Cocoa Village.
  - Objective 3.1: Ensure that there is adequate parking to meet the needs of the downtown business patrons.
  - Objective 3.2: Increase the number of permanent residents living within Historic Cocoa Village.

Strategic Plan- Economic Development

- Goal 3: Increase the economic prosperity of Historic Cocoa Village.
  - Objective 3.2: Increase the number of permanent residents living within Historic Cocoa Village.
    - The City should seek to leverage remaining vacant Cocoa CRA owned land for development of residential or mixed-use.

Site Redevelopment Limitations

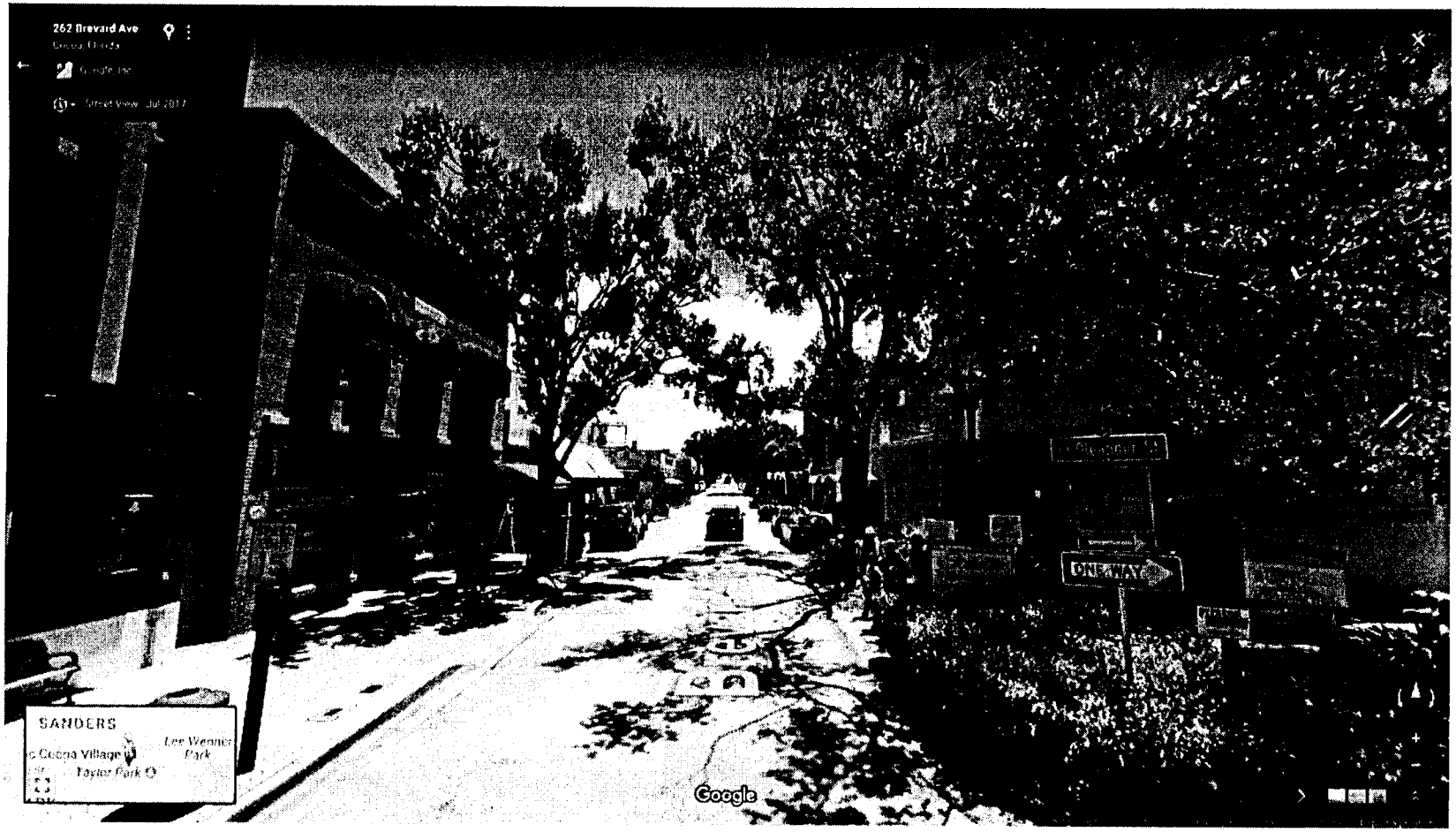


COCOA
FLORIDA

COCOA
FLORIDA

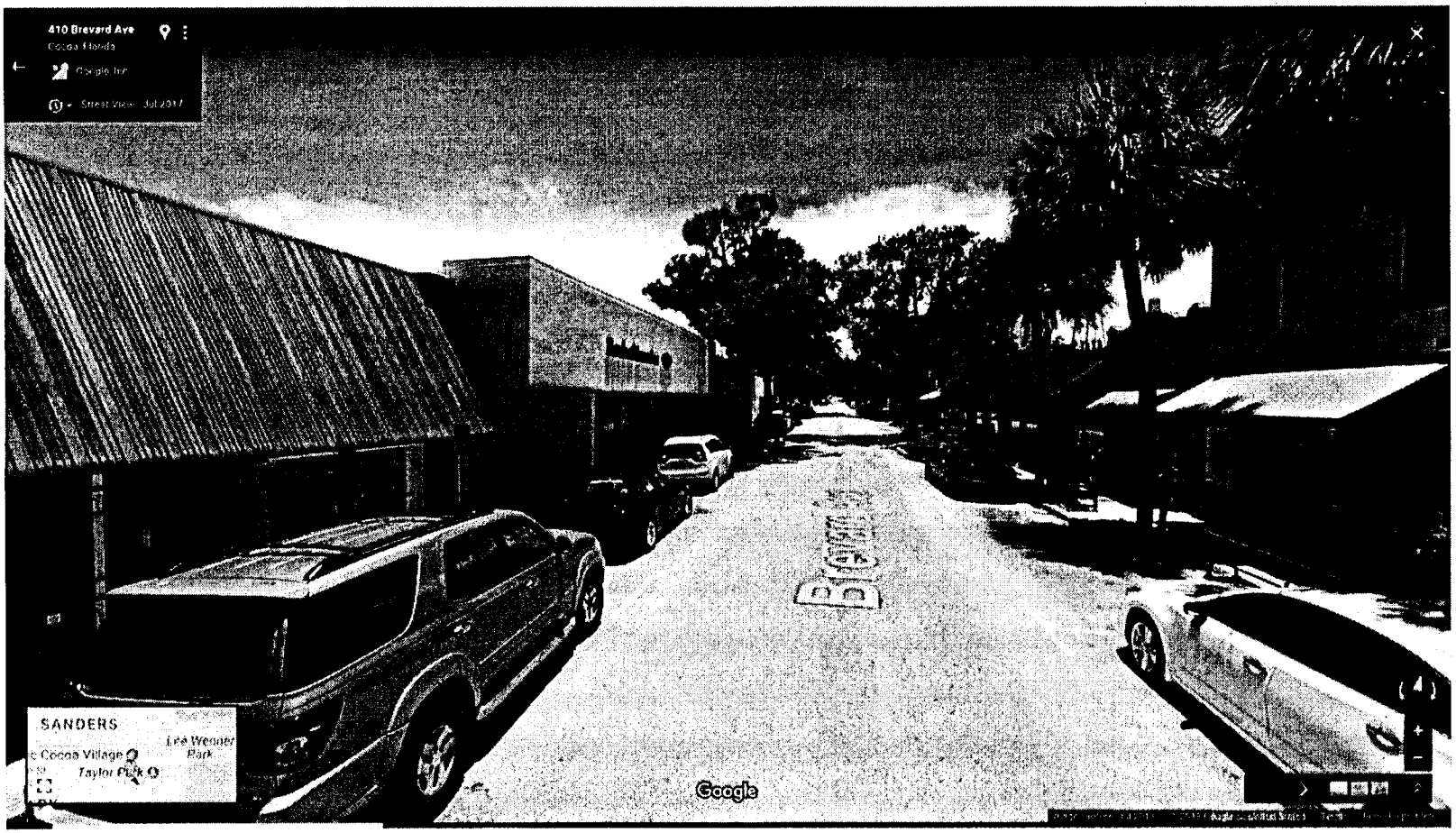
Amendment Height Visualizations

North of Amendment Site @ Oleander St

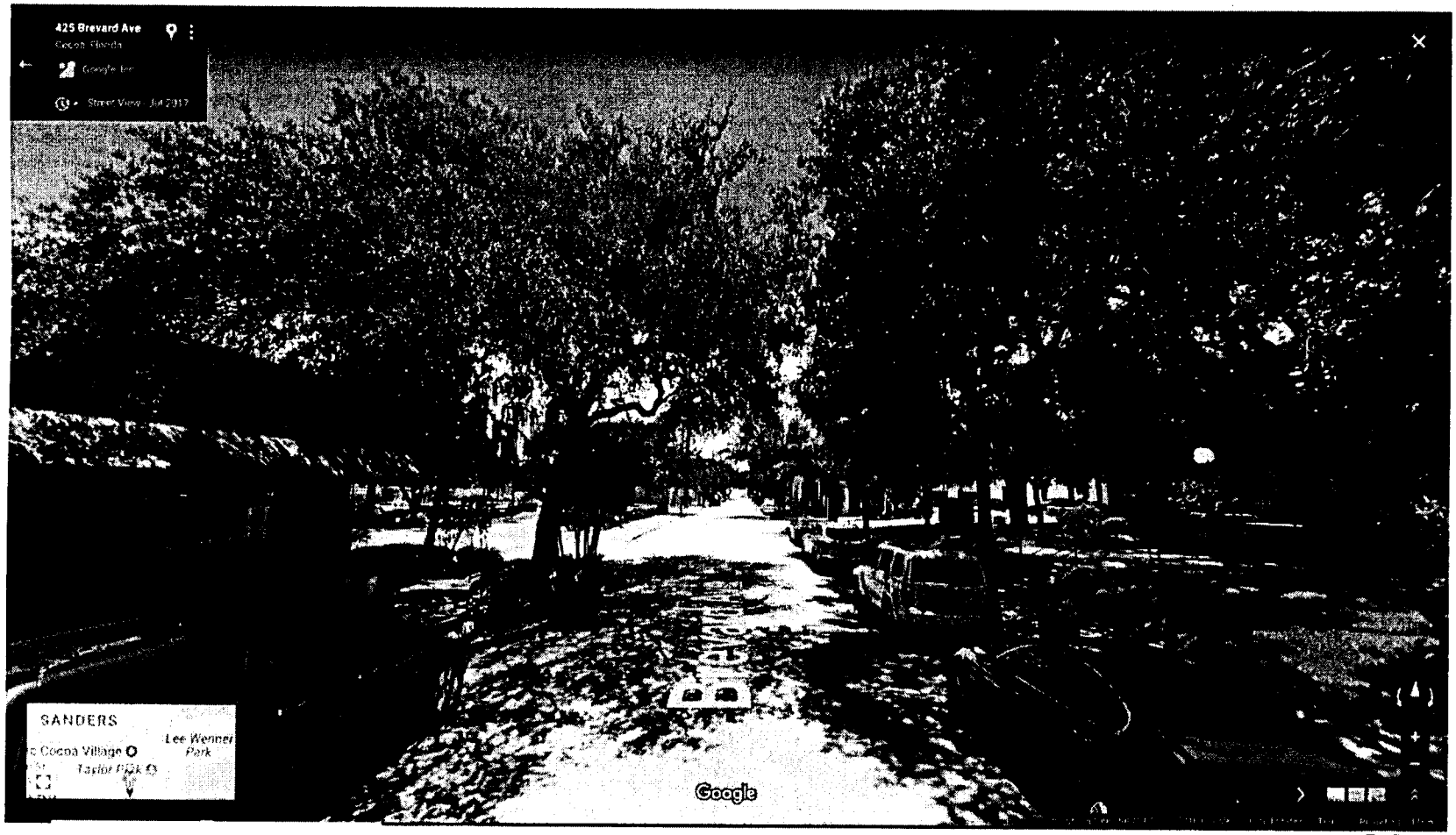


COCOA FLORIDA

North of Site by BOA



North of Amendment Site by Orange St



COCOA FLORIDA

North of Amendment Site by Chase Bank



Half a block North of Amendment Site



East of Amendment Site @Delannoy St



East of Site @Delannoy @ Derby

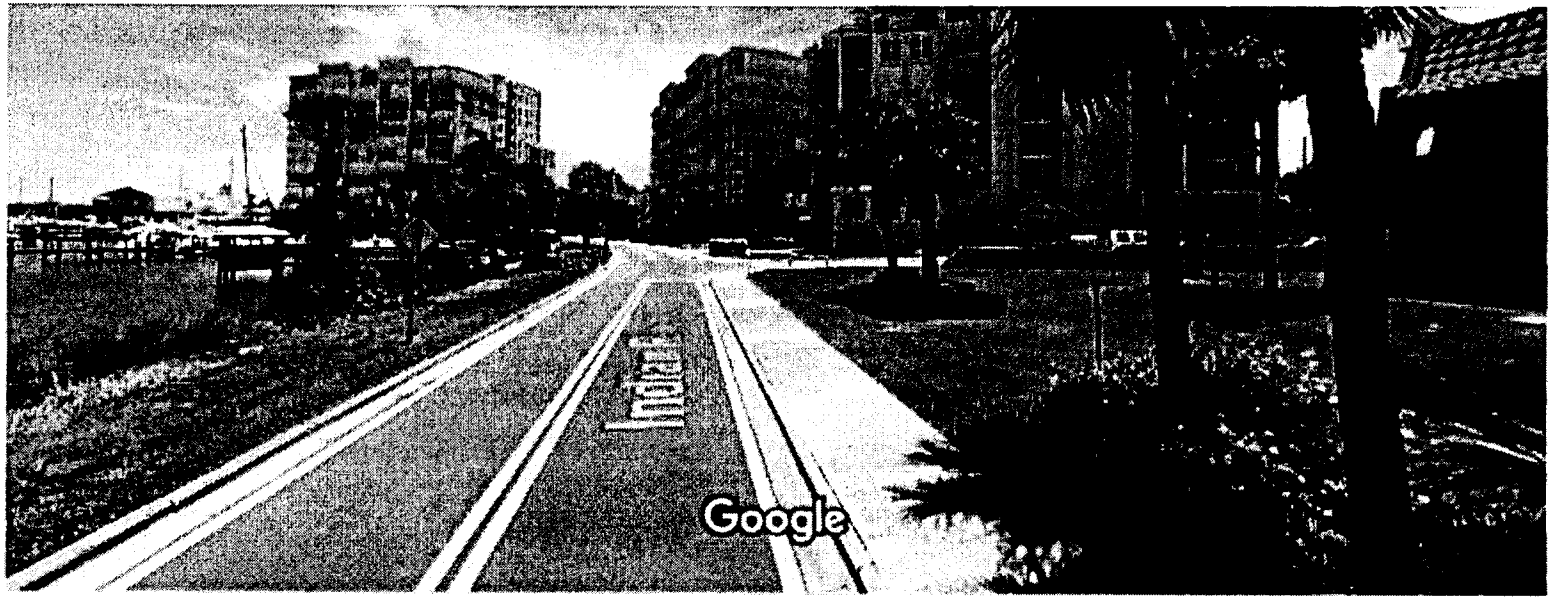


Existing Buildings in the Waterfront Sub-district



COCOA
FLORIDA

Existing Buildings in the Waterfront Sub-district



COCOA
FLORIDA

Existing Buildings in the Waterfront Sub-district



COCOA
FLORIDA

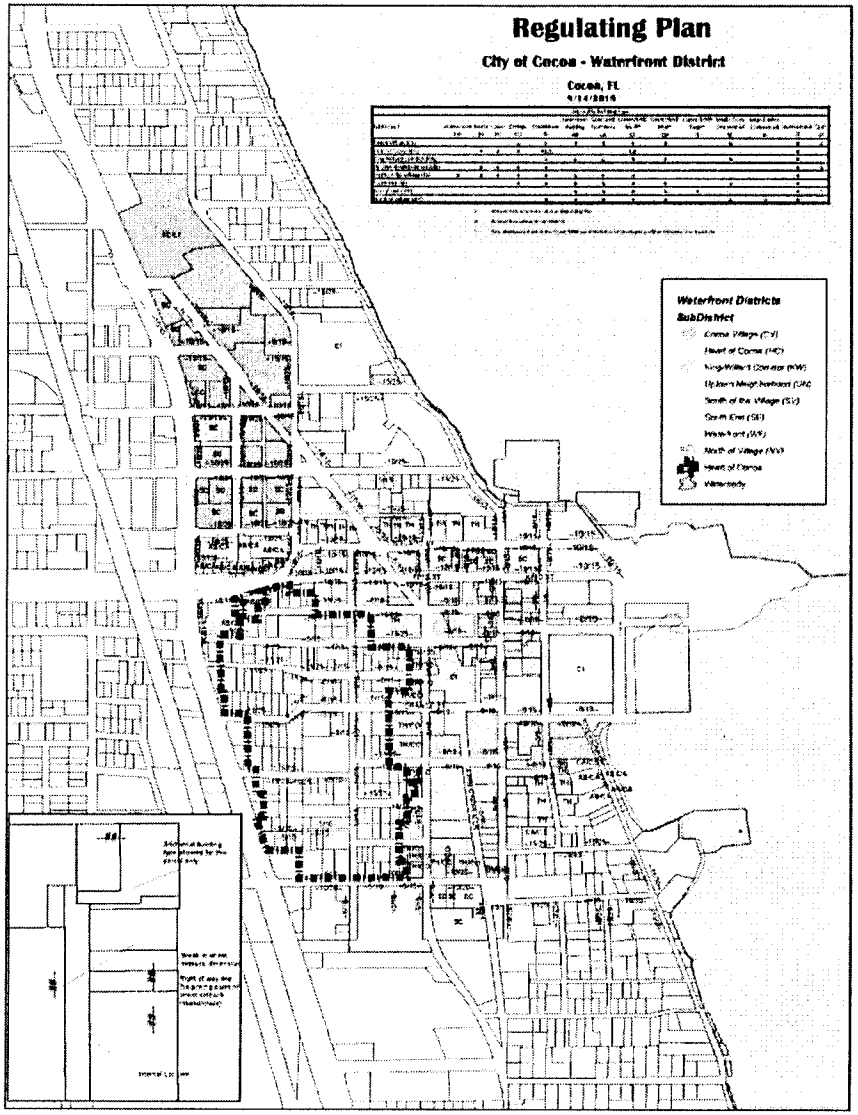


Amendment Intent

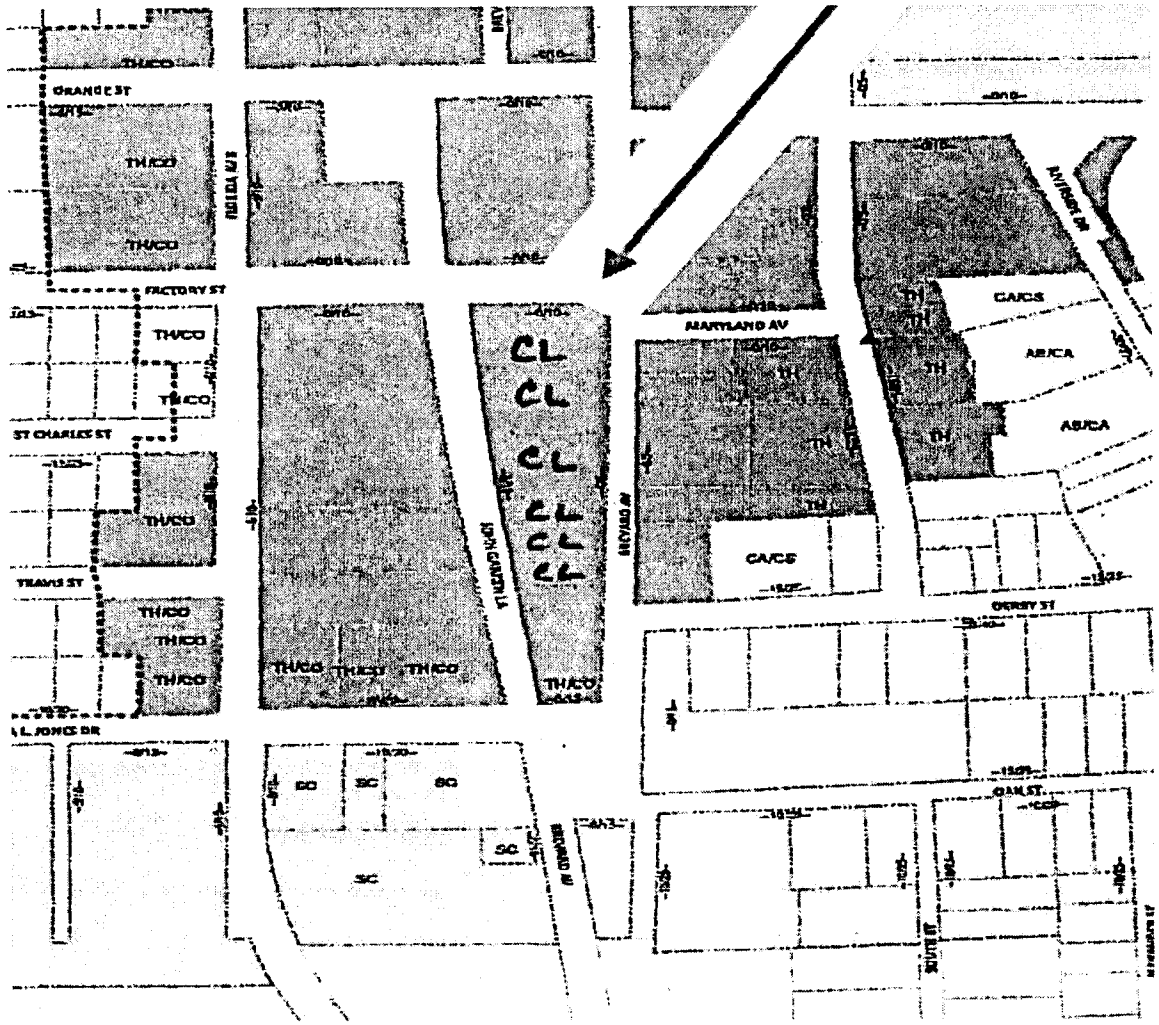
Amendment Intent

- Balancing the past, present, and future
- Scale, cost, and amenities
- Destination Cocoa Village

Regulating Plan

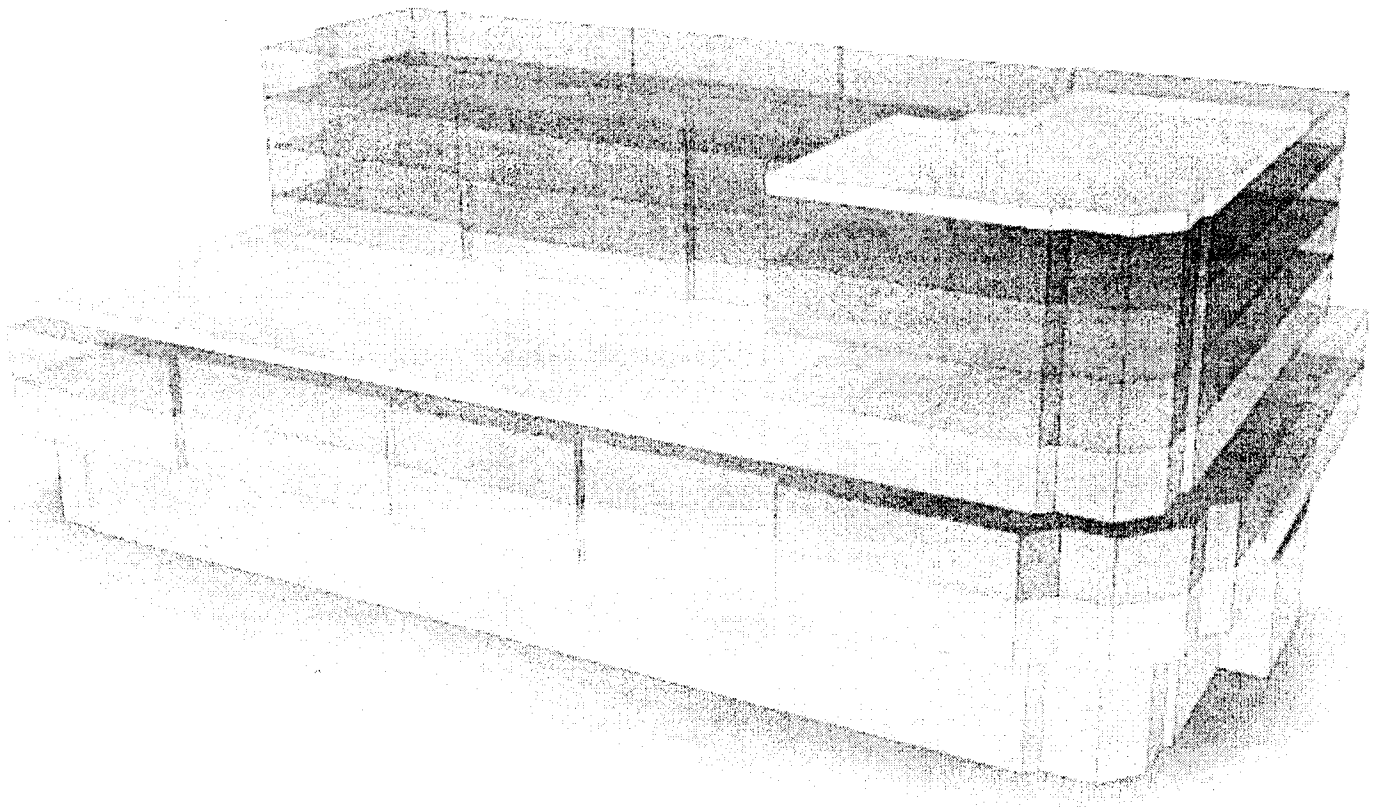


Regulation Plan Text Amendment



COCOA
FLORIDA

Maximizing Redevelopment Opportunities



COCOA
FLORIDA

Destination Cocoa Village

- ## Space Coast Office of Tourism Survey
  - ### Domestic Tourism Accommodations Based Market

Cocoa Village	Spring 2018	Fall 2017
Participation Rate	46.3%	43.0%
Satisfaction Rate	4.26%	4.3%

COCOA
FLORIDA

Approval Timeline

Amendment Timeline

- First Reading
  - Planning and Zoning – July 17, 2018
  - City Council – August 14, 2018
- Second Reading
  - City Council – September, 2018



Thank You & Good Night!

Letter to be Incorporated with 8/14/18 Regular City Council Meeting Minutes. Approved to be incorporated at the 9/25/18 Regular City Council Meeting.

September 23, 2018

From: Edward Green
104 Riverside Drive, Apt 204, Cocoa, FL 32922

To: Cocoa City Council
65 Stone Street, Cocoa, FL 32922

Re: Correction to the record

By Email

To the Council:

In reviewing the published agenda for the upcoming September 25 Council meeting, I refer you to Minutes, Item II,2(a) Attachments: Exhibit A, Letters read by J Riggs.pdf.

Specifically, I would like to comment on a letter written by Mr. Dennis Childs. In it, Mr. Childs incorrectly identifies me as a Cocoa Planning and Zoning Board member, and mischaracterizes a letter I wrote to the editor of Florida Today as an "opinion piece".

Florida Today did publish such a letter, just as it had published one from Mr. Childs on the same subject the week before. While Mr. Childs accurately summarized what I had to say, I'm afraid he may have left the impression that I was writing from some position of authority, or that my letter to the editor was anything more than an airing of one citizen's opinion, as was his.

I in no way object to Mr. Childs using my name or accurately representing the substance of my statements (as he did). I also believe that the misstatements I have identified were inadvertent and without malice. In fact, during a lengthy and cordial telephone conversation, Mr. Childs and I discussed our opposing views and, I think, left with the understanding that each of us want what's best for Cocoa even though we disagree on how to get there. Obviously, I believe in my own position. I'll leave it to others to decide for themselves.

That said, I respectfully request that this letter be given the same public reading as that of Mr. Childs so the public record can be clear and complete.

Sincerely,

Ed Green

Carie Shealy

From: Don Boisvert
Sent: Monday, September 24, 2018 2:52 PM
To: Carie Shealy
Subject: Fwd: Upcoming meeting agenda

Sent from my iPhone

Begin forwarded message:

> **From:** Ed Green <edgreen20@gmail.com>
> **Date:** September 23, 2018 at 4:33:52 PM EDT
> **To:** Henry Parrish <hparrish@cocoafl.org>, bwarner@cocoafl.org, Jeri Blanco <jblanco@cocoafl.org>, cwhipple@cocoafl.org, dboisvert@cocoafl.org, John Titkanich <jtitkanich@cocoafl.org>
> **Cc:** Matthew Fuhrer <mfuhrer@cocoafl.org>
> **Subject: Upcoming meeting agenda**
>
> Please consider the attached letter when reviewing the minutes from the Aug 14 council meeting
>
> Respectfully,
>
> Ed Green
>
> <Response to Childs Letter.doc>