.

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

**August 13, 2024**

A Regular City Council Meeting was held on Tuesday, August 13, 2024, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

## I. Opening Matters:

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

Deputy Mayor Hearn provided the invocation and Councilmember Goins led the assembly in the Pledge of Allegiance.

The City Clerk took the roll.

| | | |
|---|---|---|
| PRESENT: | Michael C. Blake | Mayor |
| | Lavander Hearn | Deputy Mayor |
| | Alex Goins | Councilmember |
| | Lorraine Koss | Councilmember |
| | Anthony Garganese | City Attorney |
| | Stockton Whitten | City Manager |
| | Monica Arsenault | City Clerk |

ABSENT:

OTHER STAFF MEMBERS PRESENT:

Abby Morgan, Public Works Director; Rebecca Bowman, Finance Director; Charlene Neuterman, Community Services Director; Samantha Senger, Communications and Economic Development Director; Evander Collier, Police Chief; Jack Walsh, Utilities Director; Tammy Gemmati, Administrative Services Director; Robert Beach, Chief Technology Officer; Mitch Lawyer, Systems and Support Manager; Megan Crutcher, Help Desk Support Tech; Luci Ribeiro, Planner; and Jennifer Webster, Senior Planner.

## II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of August 13, 2024. (24-460).

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn to approve the agenda for the Regular meeting of August 13, 2024 with an amendment to add Council Business Item VII.3, to discuss direction regarding security for Recreation Partner events and games.**

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

2. Minutes: (a) Special City Council Meeting Minutes of June 4, 2024 (24-459).

* **MOTION by Councilmember Goins; Seconded by Councilmember Koss to approve the minutes for the Special City Council meeting of June 4, 2024 as written.**

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

## III. Awards and Presentations:

1. Presentation by the Economic Development Commission of Florida's Space Coast. (24-372). (Angela Neal)

Ms. Angela Neal, representing the Economic Development Commission of Florida’s Space Coast, gave a presentation on the Florida Space Coast’s new branding and talked about their new website.

## IV. Delegations:

Michelle Lewis, 4303 Rayburn Rd., Cocoa, shared that she has concerns because her property backs up to a new residential project and she spoke with the project manager and found out that there are no plans to put up any sort of fencing or buffer between their property line and her property line. She owns a ranch and raises animals and is a single mother of three young children. She is concerned about the safety of her family and her farm and does not know what to do. She asked if a buffer could be provided to separate her property from the developer’s.

In response, City Manager Whitten shared that although the zoning may be commercial, this is development of a multi-family property. Because it is residential backing up to residential, a buffer may not necessarily be required per the Code. That being said, he offered to speak with the developer to see if anything could be done.

Sharlene Dewitz, representing Matthew's Hope, provided an update on the Matthew's Hope organization and the people they have been able to assist.

## V. Consent Agenda:

### (A) General Consent Items:

1. Approve Resolution 2024-073 to update the Fraud Policy to the Fraud, Waste & Abuse Policy to prevent and detect fraud, waste, or abuse as defined in Florida Statutes sec. 11.45(1). (24-253). (Finance Director)

2. Approve a Resolution Updating the Utility Handbook's Policies and Procedures (1000.8), for FY25. (24-406). (Finance Director)

3. Approve a Water Service Agreement/Interlocal Agreement between the City of Cocoa and the City of Cape Canaveral to continue to provide water service to Cape Canaveral customers. (24-420). (Utilities Director)

4. Approve a Resolution Amending the FY24 Budget (BAF#: 24-113-IFT1-3) to Transfer Investment Interest ($13,380) from the ARPA Fund and to correct two Interfund Transfer Amounts. (24-422). (Finance Director)

5. Council approval to open the City's repair/rehabilitation program application funded by the State Housing Initiative Program (SHIP) and place the application on the City's website and promote it through social media and the City's newsletter. (24-423). (Community Services Director)

### (B) Multi-Year Contracts:

*** MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins to approve the Consent agenda.**

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

## VI. Public Hearings:

1. Approve the second reading of Ordinance 10-2024 providing for the Cocoa Ad Valorem Tax Abatement Program Extension to appear on the referendum ballot extending the program for an additional ten (10) years. (24-388). (Communications & Economic Development Director)

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

**Ordinance 10-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; PROVIDING FOR A REFERENDUM ELECTION AND BALLOT LANGUAGE FOR THE NOVEMBER 5, 2024 ELECTION OR AN ELECTION SCHEDULED THEREAFTER PROVIDING FOR AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION PURSUANT TO SECTION 196.1995, FLORIDA STATUTES; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Blake opened the Hearing to the public.

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

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins to approve Ordinance 10-2024 on Second and Final Reading.**

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

2. Consideration of a Preliminary Planned Unit Development (PUD) consistent with Appendix A, Zoning, Article XI, Section 17, for a 61-lot single-family residential subdivision on +/- 57.23 acres of property located on the east side of N. Range Rd., north of Kathi-Kim St. (24-449). (Planning Consultant)

Steve Noto, RVi Consultant, gave a presentation[1] on the item and provided an explanation of the PUD.

Mayor Blake opened the Hearing to the public.

[1] Exhibit A: Preliminary PUD Request – N. Range Rd.

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

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

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

3. Approve Ordinance 12-2024 amending Appendix A, Article XI, Section 3, of the code of the City of Cocoa to create new minimum yard requirements applicable to properties located in the Diamond Square Community Redevelopment Area zoned RU-1-7 zoning district. (24-450). (City Manager)

City Attorney Garganese read the title into the record as follows:

**Ordinance No. 12-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING APPENDIX A, ARTICLE XI, SECTION 3, OF THE CODE OF THE CITY OF COCOA TO CREATE NEW MINIMUM YARD REQUIREMENTS APPLICABLE TO PROPERTIES LOCATED IN BOTH THE RU-1-7 ZONING DISTRICT AND THE DIAMOND SQUARE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

Ms. Ribeiro provided a presentation[2] on the item.

Mayor Blake opened the Hearing to the public.

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

* **MOTION by Councilmember Goins; Seconded by Mayor Blake to approve Ordinance No. 12-2024 on First Reading.**

**THE VOTE ON THE MOTION WAS:**

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

[2] Exhibit B: Diamond Square Zoning Text Amendment

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

4. Request to postpone to the City Council meeting scheduled for August 27, 2024 consideration of an appeal regarding the City of Cocoa Board of Adjustment's decision on May 15, 2024, concerning the proposed Special Exception to permit the sale of beer and wine in the CBD-CVO District, as outlined in Appendix A, Zoning, Article XI, Section (13), (C)(6) and section 22 (F), of the City of Cocoa Code. (24-458). (City Manager)

Mayor Blake opened the Hearing to the public.

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

* **MOTION by Councilmember Goins; Seconded by Mayor Blake to postpone the item to the August 27, 2024 Regular City Council meeting beginning at 6pm at Cocoa City Hall, 65 Stone St., Cocoa, FL.**

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

## VII. Council Business:

1. Request for Special Funding for Land. (24-466). (Deputy Mayor Hearn)

Deputy Mayor Hearn shared that he requested this item because he would like Council to consider directing staff to draft a letter to the State Representative and the Governor requesting assistance for funds or apply for grants to help purchase environmentally sensitive properties in the City of Cocoa to help preserve those pieces of property.

Councilmember Goins asked who would be responsible for determining which properties are environmentally sensitive. In response, Deputy Mayor Hearn stated that the City Manager or the Planning Department could probably determine which properties are environmentally sensitive.

Councilmember Koss shared that she is supportive of the idea Deputy Mayor Hearn is proposing, however there are already some other programs that are in place that staff could look into. She shared some information about two other programs that could be looked at instead.

Mayor Blake opened the item to the public.

Ms. Janice Smith, 2107 Clairemont Dr., Cocoa, is particularly interested in environmentally sensitive property located on the corner of Dixon Blvd. and Indian River Drive. It is a big piece of wetland property and she can't imagine that anyone would want to try and develop it. She would like Council to consider that property if they decide to move forward with this idea. She asked if it would be possible to get a group together to go out and look at the property.

Frank Sullivan, 1705 N. Indian River Dr., Cocoa, talked about the history of the Dixon Blvd. property.

Deputy Mayor Hearn shared that this isn't in regard to a certain property and that there are several properties throughout the city that are environmentally sensitive. Additionally, he is in favor of tabling this item to gather more information for a future Council meeting.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Koss to table the request to a future date so staff can look into the EEL program process and grant funding, as well as bring more information back on wetland mitigation banks to see if that is something that is feasible for the City of Cocoa.**

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

City Manager Whitten provided further clarification. He stated that he will share the link to the EELs program information with Council. Additionally, he pointed out that the Code defines what "environmentally sensitive" is and provided the definition.

2. Sponsorship of the Space Coast Black Chamber of Commerce Annual Gala. (24-467). (Deputy Mayor)

Deputy Mayor Hearn talked about the Space Coast Black Chamber of Commerce Annual Gala and asked Council to consider sponsoring a table for $1,500. The event is on August 24, 2024 at 6pm at the Tides.

Councilmember Koss and Deputy Mayor Hearn stated that they will be able to attend, although Mayor Blake and Councilmember Goins will be out of town and will not be able to attend.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Koss to sponsor a table at the Space Coast Black Chamber of Commerce Annual Gala on August 24, 2024 in the amount of $1,500.**

Deputy Mayor Hearn added that an annual membership will be included for the City with the sponsorship.

**THE VOTE ON THE MOTION WAS:**

**AYES: Hearn, Goins, Koss**

**NAYES: Blake**

**THE MOTION CARRIED (3-1)**

3. Discussion and approval of necessary action/direction regarding security for Recreation Partner events/games. (Councilmember Goins) **Walk-on Item.**

City Manager Whitten provided an explanation of the item. He noted that he is under the impression that he is being directed to request that the Recreation Partner agreement be amended to include that security must be present and provided for at Recreation Partner events or games. It was clarified that the security must be a sworn officer.

Mayor Blake asked who will be absorbing the cost of having law enforcement attend the games. In response, Councilmember Goins shared that the League will, however if they do not pay than they forfeit their hand in the agreement.

* **MOTION by Councilmember Goins; Seconded by Mayor Blake to direct the City Manager to reach out to Brevard County to request that the Recreation Partner Agreement be amended to require law enforcement at the Recreation Partner events/games; request that an indemnity provision for the City of Cocoa be added in the amendment; add and include the City of Cocoa as an insured organization on the certificate of insurance; one officer required for five games and under or two officers for five or more games, with the request to be effective immediately, for discussion.**

Deputy Mayor Hearn stated that he is in favor of the motion, however he thinks because of the short notice he'd like to request that the Cocoa Police Department assist this Saturday with the games.

Councilmember Koss inquired about the cost and if the League is prepared to pay. In response, Ms. Senger shared that detail costs for a regular sworn officer is $50 dollars an hour.

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

**VIII. City Business:**

1. Approve a Resolution to accept Stantec's FY2024 Water/Sewer Utility Revenue Sufficiency Report, validating the reduction of the automatic four percent (4%) increase in FY2025, to a two percent (2%) increase to the Water, Sewer, Fire Lines, Hydrant, and Reclaimed Water fixed monthly charges and usage rates effective October 1, 2024 by amending Schedule A (1001A.FY25): Utility Rates, Fees and Charges for FY25 and further adjusting Schedule A (1001A.FY26): Utility Rates, Fees, and Charges for FY26 with the automatic four percent (4%) increase. (24-379). (Finance Director)

   Ms. Bowman provided a brief background on the item.

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

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

2. Approve the Preliminary Assessment Resolution 2024-071 for Fire Protection, for Fiscal Year 2025. (24-414). (Finance Director)

   Ms. Bowman provided a brief background on the item.

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

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

3. Approve the Preliminary Assessment Resolution 2024-072 for Stormwater Utility Services, Fiscal Year 2025, and to Accept our Financial Consultant, Stantec's - Stormwater Rate Study. (24-415). (Finance Director)

   Ms. Bowman provided a brief background on the item.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins to approve Resolution 2024-072.**

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

4. Four Corners Visioning Update. (24-457). (Planning Consultant)

Mr. Noto provided a Four Corners Visioning Update presentation[3].

Deputy Mayor Hearn suggested proposing a pedestrian bridge across SR520 if a discussion is going to be held with FDOT.

Councilmember Goins shared that he is not in favor of a carwash in that area.

* **MOTION by Councilmember Goins; Seconded by Mayor Blake to direct RVi and staff to move forward with all five proposed recommendations, for discussion.**

Councilmember Koss shared that she is not in favor of a liquor store or a smoke shop.

Councilmember Goins added that he would not like to see a gas station either.

**THE VOTE ON THE MOTION WAS:**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

5. Approve Resolution 2024-077 adopting a revised fee schedule for planning and zoning lot split applications and Community Development District Review for new developments within the City of Cocoa. (City Manager) (24-461). (City Manager)

Ms. Webster talked about the revised fee schedule for planning and zoning lot split applications as well as the fees for Community Development District (CDD) reviews for new development within the City of Cocoa.

* **MOTION by Councilmember Goins; Seconded by Mayor Blake to approve Resolution 2024-077.**

**THE VOTE ON THE MOTION WAS:**

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

[3] Exhibit C: Four Corners Visioning Update presentation

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

## IX. Informational Agenda:

1. Planning & Zoning Project Updates Report. (24-412). (City Manager)
2. Bi-weekly Report from July 22 - August 9, 2024. (24-463). (City Manager)

3. Informational Only – The City of Cocoa's Open Board Vacancies. (24-464). (City Clerk)

## X. Reports:

City Manager Whitten stated that he would like to make a recommendation for a ranking committee in regards to 915 Florida Avenue. The ranking committee would rank their top three choices and bring those selections back to Council. He would like to recommend Ms. Neuterman, Ms. Bowman and a designee appointed by the City Manager if Council does not have any objections. In response, Council provided their consensus.

Ms. Gemmati reminded everyone that the deadline to apply for the District 3 vacancy is this Friday, August 16th at noon in the City Clerk's Office.

Ms. Senger talked about the success of the Back-to-School Drive that recently took place. Additionally, the computer lab at Travis Park will be having its Grand Opening event on August 23rd at 10am.

The City is also partnering with Historic Cocoa Village Main Street and will be having a Small Business Conference on Monday, August 26th beginning at 8:30am at the Cocoa Civic Center.

City Manager Whitten provided an update on the Washington DC trip that he attended with Mayor Blake to talk about funding for the Brightline project.

Councilmember Koss stated that she is looking forward to having someone fill the seat of District 3 that will be committed to the City.

Deputy Mayor Hearn shared that on November 9, 2024 there is a Speakeasy event being hosted by Matthew's Hope at the Trinity Oaks Event Venue, 825 Forrest Ave., beginning at 7:30pm.

Additionally, this Thursday, August 15th at 7pm the Cocoa High School Football team will be having a public pep rally.

Councilmember Goins shared photos from events he recently attended.

Mayor Blake shared photos from events he recently attended.

**XI. Adjournment:**

*** MOTION by Councilmember Goins; Seconded by Mayor Blake, to adjourn the Regular meeting of August 13, 2024.**

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

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

**The meeting adjourned at 9:23 p.m.**

_____

**Michael C. Blake, Mayor**

**ATTEST:**

_____

**Monica Arsenault, City Clerk**