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

**July 11, 2023**

A Regular City Council Meeting was held on Tuesday, July 11, 2023, 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.

Scott Billue provided the invocation and Chief Lamm led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The Assistant City Clerk took the roll.

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

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Lorne Stinnett, Human Resources Manager; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Mitch Lawyer, Tech Services Supervisor; Abby Morgan, Interim Public Works Director; and Lisa Richardson, Help Desk Support Tech.

## II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of July 11, 2023. (23-375)

2. **Minutes:** (a) Regular Meeting of May 23, 2023 (23-366)
(b) Regular Meeting of June 6, 2023 (23-368)

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve the Agenda as written for the Regular meeting of July 11, 2023.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Dyal, Goins**

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

* **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to approve the Minutes of the Regular Meetings of May 23, 2023 and June 6, 2023 as written.**

**AYES: Blake, Hearn, Dyal, Goins**

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

## III. Awards and Presentations:

None.

## IV. Delegations:

None.

## V. Consent Agenda:

### (A) General Consent Items:

1. Approve a Resolution Amending the FY2023 Budget, BAF#23-078-T, Transferring Operating Funds for Additional Work Required under Task Order No. 2023-28, Addendum #1 for Jacobs Engineering, Inc. to Provide Additional Task Order Support Services for Operating Revenue Funded Cocoa Utilities Capital Improvement Plan Program Projects, Related to Water Supply and Water Treatment; To Approve Amendment #1 to Jacobs Engineering Task Order No. 2023-28 in the Amount of $85,520.00. (23-342). (Utilities Director)

2. Approve a Resolution Waiving the Competitive Bidding Process to Make a Sole Source Purchase of Nash Single Stage Vacuum Pump from Gardner Denver Nash LLC C/O Hudson Pump and Equipment, Inc. of Lakeland, Florida. (23-343). (Utilities Director)

3. Approval to Reallocate Proceeds from the Water and Sewer System Revenue Bonds, Series 2018B; Approve a Resolution Amending the FY 2023 Budget, BAF#23-092-A. Accept the interest revenue earned on the bond proceeds from the Water and Sewer System Revenue Bonds, Series 2018B. (23-357). (Finance Director)

4. Approve a purchase order with V.A. Paving Inc. in the amount of $445,918.05, plus a contingency of $4,081.95 for a total of $450,000, using the Second Amendment to the Piggyback Agreement with V.A. Paving, No. B-6-20-57, from August 22, 2022, through August 21, 2023, to resurface various stretches of roads throughout the City. (23-374). (Interim Public Works Director)

5. Authorize the City Manager to execute the Save Our Indian River Lagoon (SOIRL) Project Cost-Share Funding Interlocal Agreement between Brevard County, Florida, and the City of Cocoa (SOIRL 23-231). Approve Resolution Amending the FY23 Budget BAF#23-085-A, Recognizing the SOIRL Cost-Share Funding Revenue for the construction of the North Fiske Stormwater Pond Floating Wetlands Project. (23-377). (Interim Public Works Director)

6. Approve a Resolution Waiving the Competitive Bidding Process for the Purpose of Making a Sole Source Purchase of Seven Replacement Kits with Installation for Coplastix (isolation) Sluice Gates in Sellers Bardenpho System with Alfa Laval, Inc., 5400 International Trade Drive, Richmond, VA, 23231, and to Authorize the City Manager to Negotiate and Approve Related Agreements and Purchases for $41,205. (Utilities Director) (23-378). (Utilities Director)

7. Approve a Resolution Amending the FY 2023 Budget, BAF #23-086-A, to accept year 3 of grant revenue from the Florida Department of Agriculture and Consumer Services Division of Administration contract # 20-DG-11083112-001 for tree planting at Bracco Pond Park in the amount of $15,000. (23-379). (Interim Public Works Director)

8. Authorize the City Manager to execute the Florida Department of Environmental Protection's (FDEP) Contract Provisions for Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Grant Agreement for the construction/design of City of

Cocoa Stormwater Improvement Projects. Approve the City Manager to execute a task order with Mead & Hunt under a continuing services contract for the design of the US1 and Forrest Ave. stormwater pond that is funded under the grant agreement with FDEP. (23-380). (Interim Public Works Director)

9. Approve a Resolution Amending the FY23 Budget, BAF # 23-091-T, to change ARPA/SLFRF allocations, to purchase information technology critical infrastructure. (23-381). (Chief Technology Officer)

***This item is confidential and not for public release per FS 119.0725.***

10. Approve an Addendum to extend the Master Agreement For Water Meter and Meter Reading Equipment Purchases with Ferguson Enterprises LLC., Authorize the City Manager to approve Purchase Orders for Ferguson Enterprises LLC. for up to $1,900,000 and Request Council approval of a Resolution to Waive Competitive Bid with Ferguson Enterprises LLC for the purchase of Neptune water meters and other ancillary hardware required to support meter operations upon the adoption of the FY24 Budget. (23-385). (Finance Director)

11. Approval of Resolution Amending the FY23 Budget, BAF # 23-088-T Transferring Funds for Planning and Surveying Services. (23-389). (Finance Director)

12. Announcement of Mayor Blake, Deputy Mayor Hearn and Councilman Goins to Attend the Florida League of Cities Annual Conference from August 10, 2023 - August 12, 2023. (23-393). (Administrative Services Director)

13. Approval of a Resolution Amending the FY23 Budget BAF #23-089-A to Provide Budget for a Sewer Impact Fee Refund to Evergreen Integra Cocoa, LLC. (23-398). (Utilities Director)

14. Approve Participation in Cooperative Purchasing Agreements for the Purchase of New Vehicles Utilizing Sourcewell Contracts 101221-SCA, 091521-NAF & 060920-NAF and Bradford County Sheriff Contract BCSO 22-27-1.0 Authorize City Manager to execute Purchase Orders to Contract associated Dealers. (23-399). (Interim Public Works Director)

15. Approval of the revised Emergency Pay Policy. (23-401). (Administrative Services Director)

16. Approve Resolution No. 2023-069 revising the Building Permit Fee Schedule related to the issuance of building permits pursuant to the Florida Building Code repealing Resolution 2022-085 in its entirety. (23-406). (Community Services Director)

17. Approve Participation in a Cooperative Purchase Agreement with Danus Utilities, Inc. for Lift Station Rehabilitation Services Utilizing the City of Clermont Contract No. 2017-89 Effective August 8, 2017 through August 7, 2020, Renewed Through August 7, 2023; and To Authorize a Budgeted Expenditure for these Services not to Exceed $84,875. (23-408). (Utilities Director)

**(B) Multi-Year Contracts:**

18. Approve Participation in a Multi-Year Piggyback Agreement with Connect Consulting Inc. to Provide Services for the Design and Permitting Phase of the New Well 17 Project (WS20DW) Utilizing the City of Palm Coast, Florida, RFSQ-CD-20-31 Contract, effective February 21, 2020 through February 21 2022, with a one (1) year renewal executed on January 3, 2022 and January 10, 2023 (new end date on February 21, 2024); To Authorize the City Manager to Execute the Piggyback Agreement and any Amendments and Renewals Under the Existing Contract; To Authorize the City Manager to Approve a Purchase Order to Connected Consulting Inc. in the Amount of $57,250.00. (23-332). (Utilities Director)

19. Consider approval of a multi-year contract between the School Board of Brevard County, and the City of Cocoa for the renewal of up to three (3) school resource officers for the school year 2023-2024, beginning July 1, 2023, and ending June 30, 2024, and authorize the City Manager and City Attorney to finalize and execute the contracts with the Brevard County School Board. Also authorize the City Manager and City Attorney to finalize and execute the contract and MOU with Emma Jewel Charter Academy for one (1) school resource officer. Budgetary Impact for FY24, Pending the Approval of the Adoption of the FY24 Budget. (23-373). (Chief of Police)

20. Approve a Resolution amending the FY23 Budget, BAF #23-087-IFT for purposes of making a purchase of critical technology infrastructure utilizing a GSA Contract and authorize the City Manager to execute a multi-year contract and any contract extensions. (23-390). (Chief Technology Officer)

***This item is confidential and not for public release per FS 119.0725.***

21. Council Approval to Enter into a Three-Year Multi-Year Contract with Fifth Asset, Inc. d/b/a Debtbook for Lease, Debt and Service-as-a-Business Accounting. (23-391). (Finance Director)

22. Approve a Multi-year Task Order 2023-31 with Jacobs Engineering Group, Inc. (Jacobs) for the engineering services for the design, permitting, and services during construction of the above grade wellhead facilities for the Dyal New Well 17 project (WS20DW). (23-394). (Utilities Director)

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

**AYES: Blake, Hearn, Dyal, Goins**

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

**VI. Public Hearings:**

1. Second Reading of Ordinance No. 05-2023: Amending City Manager Purchasing Approval Authority and purchasing guidelines. (23-344). (Finance Director)

City Attorney Garganese announced that this is the second and final reading of Ordinance No. 05-2023 and read the title into the record as follows:

**ORDINANCE NO. 05-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 2-4 OF THE CITY CODE RELATED TO PURCHASING AND CONTRACT PROCEDURES; AMENDING SECTION 2-78 RELATED TO FINANCIAL POLICIES AND PROCEDURES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

There being no questions or comments from the Council, 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 Dyal; Seconded by Deputy Mayor Hearn, to approve Ordinance No. 05-2023 on Second and Final Reading.**

**AYES: Blake, Hearn, Dyal, Goins**

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

2. Pass on First Reading of Ordinance 09-2023: Zoning Text AMENDMENT regarding the list of permitted and special exception uses related to Self-Service Storage Facilities. (23-396). (Community Services Director)

City Attorney Garganese announced that this is the first reading of Ordinance No. 09-2023 and read the title into the record as follows:

**ORDINANCE NO. 09-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 19 AND 22, OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO AMEND THE LIST OF PERMITTED AND SPECIAL EXCEPTION USES RELATED TO SELF-SERVICE STORAGE FACILITIES IN THE M-2 DISTRICT AND CERTAIN SUBDISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT AND RELATED TO RETAIL AUTOMOTIVE GASOLINE/FUEL SALES AND ACCESSORY CONVENIENCE STORES AND RESTAURANTS IN THE M-2 DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

Ms. Neuterman provided a brief presentation[1] on the item. She explained that the proposed change for self-service storage facilities would allow this use as a special exception on parcels that are 4 acres or less. This would promote growth on the smaller lots within this district, while still preserving larger parcels for more intense industrial uses, which are encouraged in M-2. The proposed change also corrects the Cocoa Waterfront Overlay subdistrict use table by removing this use within the underlying Central Business District.

Additionally, the Planning & Zoning Board unanimously voted to recommend this Ordinance to Council.

[1] Exhibit A: City Council Public Hearings – July 11, 2023

Kim Rezanka, representing attorney of the client, stated that she approves of the Planning & Zoning's recommendation and requests that the City Council offer their approval as well.

Michael DiChristopher, Merritt Island resident, added that he also approves of the Planning & Zoning Board's recommendation and asked the Council to approve the item. He provided a conceptual plan[2] to the Council.

There being no questions or comments from the Council, Mayor Blake opened the hearing to the public.

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

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn, to approve Ordinance No. 09-2023 on First Reading.**

**AYES: Blake, Hearn, Dyal, Goins**

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

3. Pass on First Reading of Ordinance 08-2023: Zoning Text AMENDMENT regarding accessory structure regulations. (23-397). (Community Services Director)

City Attorney Garganese announced that this is the first reading of Ordinance No. 08-2023 and read the title into the record as follows:

**ORDINANCE NO. 08-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE SUPPLEMENTAL DISTRICT REGULATIONS OF THE ZONING ORDINANCE OF THE CITY OF COCOA, RELATED TO ACCESSORY STRUCTURES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

Ms. Neuterman provided a brief presentation on the item, explaining that the City Council requested Staff to review and provide recommendations to update

[2] Exhibit B: Concept Plan 'B'

requirements related to setbacks for Accessory Structures at the March 20, 2023 Meeting. The City Council further discussed staff's recommended changes to setbacks related to Accessory Structures at the April 25, 2023 Meeting and requested Staff to proceed with the text amendment.

Ms. Neuterman reviewed the main changes to the ordinance and shared that the Planning & Zoning Board unanimously voted to recommend approval of this ordinance to the City Council.

There being no questions or comments from the Council, 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 Dyal; Seconded by Deputy Mayor Hearn, to approve Ordinance No. 08-2023 on First Reading.**

**AYES: Blake, Hearn, Dyal, Goins**

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

4. Pass on First Reading of Ordinance 06-2023: To change the Future Land Use Map designation of (1) parcel of real property totaling approximately 5.88 acres from City of Cocoa "Commercial" to City of Cocoa "High Density Residential." (23-402). (Community Services Director)

City Attorney Garganese announced that this is the first reading of Ordinance No. 06-2023 and read the title into the record as follows:

**ORDINANCE NO. 06-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA, CONSISTING OF APPROXIMATELY 5.88 ACRES, MORE OR LESS, LOCATED NORTHWEST OF THE INTERSECTION OF FORREST AVENUE AND GRIMES STREET, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE DESIGNATION OF THE REAL PROPERTY FROM COMMERCIAL TO HIGH DENSITY RESIDENTIAL; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES**

**AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.**

Ms. Neuterman provided a presentation on the item and explained that the subject property is 5.88 acres and is located at 825 Forrest Avenue. The City is requesting to change this parcel from Commercial to High Density Residential FLU. The property owner intends to construct multi-family units on a portion of the property, if the amendment and a subsequent zoning map amendment for a portion of the property is approved.

Additionally, the subject property was previously zoned RU-2-25 and RU-2-15 prior to it being rezoned to Institutional. The Institutional zoning was to allow an electronic sign to be placed.

Ms. Neuterman noted that the Future Land Use of the surrounding area is a combination of Commercial, Neighborhood Commercial, High Density Residential, Medium Density Residential and Mixed-Use. All of these uses promote higher density residential development.

She added that the Planning & Zoning Board voted 5-4 to recommend this ordinance to City Council.

There being no questions or comments from the Council, Mayor Blake opened the hearing to the public.

Paul Kamus, 116 Olive St., Cocoa, shared that he's had the chance to speak with his neighbors and they were not aware of the item this evening. They have concerns about the homeless being housed on the property.

Councilmember Goins asked Mr. Kamus if their main concern is long-term residency. In response, Mr. Kamus explained that he has lived there since 1990 and he, along with his neighbors, are noticing the increase in foot traffic. He shared that there have been some burglaries in their area and so concerns have arisen.

Scott Billue, Pastor and Founder of Matthew's Hope, explained that they have experienced zero crime in the thirteen months they've been there. He added that there are around forty children that are attending their Montessori school and have that opportunity because of Matthew's Hope success. He added that they have security cameras on the property and shared some of the other things that they are doing.

Councilmember Goins added that he sees both sides, however he expressed that he is in support of the program because there are a lot of people that need help right now. There are single mothers with kids that can't afford rent and this program is there to help them.

Deputy Mayor Hearn attested that Mr. Billue's door really is always open. He has toured the facility and there is a big accountability factor in his program.

Carolyn Haslam, Ackerman LLP, representing The Porchlight Foundation who is partnering with Matthew's Hope, wished to make a few points of clarification. She explained that this has always been a progress where the community would be serviced immediately while they raised the money to expand the program. They are working to redevelop the existing classrooms at the facility and they are here for approval to allow for more housing in the future.

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

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve Ordinance No. 06-2023 on First Reading.**

**AYES: Blake, Hearn, Dyal, Goins**

**THE MOTION CARRIED UNANIMOUSLY[3] (4-0)**

5. Pass on First Reading of Ordinance 07-2023: Adopting a Large-Scale Comprehensive Plan Text Amendment. (23-404). (Community Services Director)

City Attorney Garganese announced that this is the first reading of Ordinance No. 07-2023 and read the title into the record as follows:

**ORDINANCE NO. 07-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING FIGURE FLU-1 SET FORTH IN THE FUTURE LAND USE ELEMENT TO PROVIDE THE RU-1-7 ZONING DISTRICT IS AN ALLOWABLE ZONING DISTRICT IN THE MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY AND TO PROVIDE THE INSTITUTIONAL ZONING DISTRICT IS AN ALLOWABLE ZONING**

[3] Councilmember Dyal left the meeting at 6:35pm & returned at 6:36pm

**DISTRICT IN MULTIPLE FUTURE LAND USE CATEGORIES; PROVIDING DATA AND ANALYSIS AND THE LEGAL BASIS SET FORTH IN THE RECITALS TO SUPPORT THE PROPOSED COMPREHENSIVE AMENDMENT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.**

Ms. Neuterman shared that the City is requesting this change to help encourage development within the Medium Density Residential (MDR) Land Use by adding single family residential (RU-1-7) as an allowable use. Currently there are a number of vacant properties zoned RU-1-7 within the MDR that cannot be developed due to this conflict in the land use table. There are also a number of existing developed properties with this inconsistency. Additionally, MDR allows for RU-2-15. RU-2-15 zoning district allows for single-family development as regulated by RU-1-7. Ms. Neuterman pointed out that this amendment is already consistent with the City's zoning code.

Ms. Neuterman explained that the City is also initiating an amendment to clarify that the Institutional Zoning District is an allowable use within High Density Residential, Neighborhood Commercial, and Commercial Future Land Uses, rather than only Open Space Recreational and Institutional Future Land Uses.

As part of Ordinance 13-2023, the City created the Institutional Zoning District to provide locations for public and semi-public facilities of religious, educational, health, or cultural nature. The intent was to help ensure that these uses were properly integrated into the community and institutional uses are already allowed in most of the remaining Future Land Use Categories.

There being no questions or comments from the Council, Mayor Blake opened the hearing to the public.

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

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake, to approve Ordinance No. 07-2023 on First Reading.**

**AYES: Blake, Hearn, Dyal, Goins**

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

## VII. Council Business:

1. Approval to utilize the Construction Manager at Risk approach for Various Park Improvement Projects. (23-387). (Interim Public Works Director)

Ms. Morgan provided a brief background of the item, explaining that Council directed staff to design and construct certain improvements within City-owned parks that are maintained by Brevard County Parks & Recreation through an inter-local agreement. The interlocal agreement does not include the cost and construction of the improvements the Council desires to make to the Cocoa parks. These improvements are funded through a combination of fund balances and American Rescue Plan Act funds (ARPA).

Ms. Morgan elaborated on the CMAR approach and shared that the CMAR contract will generate a Guaranteed Maximum Price (GMP) that will be brought back to the Council for award.

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve utilizing the Construction Manager at Risk approach for various park improvement projects.**

Councilmember Goins asked if the reason why the City hasn't received any bids is due to the program the City uses, Vendor Link. In response, City Manager Whitten explained that he doesn't necessarily believe vendors need a subscription to Vendor Link to see the City's bids, but the City also advertises them on the website as well. He noted that staff can look at other subscriptions but ultimately, he believes that it is possible that vendors are just overwhelmed with work. Another issue is that they are overbidding what the City has budgeted.

Further discussion was held on the benefits of using the Construction Manager at Risk approach.

**AYES: Blake, Hearn, Dyal, Goins**

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

## VIII. City Business:

1. Approve Resolution 2023-077, affirming the proposed redevelopment of the Dr. Joe Lee Smith Center is consistent with local plans and regulations, to be included in the application packet for the Community Contribution Tax Credit to the Florida Department of Economic Opportunity. (23-421). (Community Services Director)

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

**AYES: Blake, Hearn, Dyal, Goins**

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

**Multi-Year Contracts:**

**None.**

**IX. Informational Agenda:**

1. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2022 to 5/31/2023. (23-352). (Finance Director)

2. FY 2023 May Budget Adjustment Report. (23-355). (Finance Director)

3. 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. (23-358). (Finance Director)

4. Data showing the relation between the estimated and actual income and expenses to date. (23-359). (Finance Director)

**X. Reports:**

Deputy Mayor Hearn stated that District 2 has a lot of positive activity going on and he is looking forward to the rest of the year.

Councilmember Dyal shared that the Fourth of July event was a lot of fun. He also thanked the Building Department for issuing a permit that he needed for the conduit at his house.

Councilmember Goins talked about some lots in Diamond Square that they would like to build on, but can't due to restrictions. He'd like to bring this issue back to Council at a future date. In response, City Manager Whitten asked Councilmember Goins to bring back a list of the properties he is referring to and they can address any non-conforming issues.

Mayor Blake shared some photos from some recent events he attended over the last month. He attended a Change of Command event at Port Canaveral, a recognition event in honor of Ed Lanni, and the Space Coast League of Cities dinner where he was presented with a Hometown Hero Award.

**XI. Adjournment:**

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to adjourn the Regular meeting of July 11, 2023.**

**AYES: Blake, Hearn, Dyal, Goins**

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

**The meeting adjourned at 7:04 p.m.**

**Michael C. Blake, Mayor**

**ATTEST:**

**Carie Shealy, MMC, City Clerk**
**(Transcribed by M. Arsenault, Asst. City Clerk)**

Exhibit A: City Council Public Hearings – July 11, 2023




# City Council Public Hearing

## July 11, 2023

# Consideration of Zoning Text Amendment (Ordinance 09-2023)

- Consider approval of first reading of Ordinance 09-2023: Zoning Text AMENDMENT regarding the list of permitted and special exception uses related to Self-Service Storage Facilities within the M-2 Zoning District and certain subdistricts of the Cocoa Waterfront Overlay District and related to Retail Automotive Gasoline/Fuel Sales and Accessory Convenience Storages and Restaurants in the M-2 Zoning District.
- The proposed change for self-service storage facilities would allow this use as a special exception on parcels that are 4 acres or less. This would promote growth on the smaller lots within this district, while still preserving larger parcels for more intense industrial uses, which are encouraged in M-2. The proposed change also corrects the Cocoa Waterfront Overlay subdistrict use table by removing this use within the underlying Central Business District.

# Consideration of Zoning Text Amendment (Ordinance 09-2023)




M-2- Manufacturing and Industrial Zoning: Less than or equal to 4 acres

May 09, 2023

City of Cocoa Zoning

- M-2 - Manufacturing and Industrial (130 parcels)
- Cocoa Parcels
- Cocoa City Boundary

COCOA FLORIDA

# Consideration of Zoning Text Amendment (Ordinance 09-2023)

- The proposed change for retail automotive gasoline/fuel sales and accessory convenience stores and restaurants is related to the spacing requirements. Currently this use is not allowed within 4,000 feet of a property with the same proposed use, regardless of the zoning district. Staff believes that the intent of the spacing requirements was for the distance requirements to only apply within the same district.
- This amendment clarifies that the 4,000 feet only applies within this district. This will continue to maintain separation of these uses within the district and provide for gasoline stations capable of servicing heavier industrial uses.

# Consideration of Zoning Text Amendment (Ordinance 09-2023)

- Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- The Planning & Zoning Board unanimously voted to recommend this Ordinance to City Council.
- Staff recommends **APPROVAL** to the City Council of Ordinance 09-2023.

# Consideration of Zoning Text Amendment (Ordinance 08-2023)

- Consider approval of the first reading regarding Ordinance 08-2023: Zoning Text AMENDMENT regarding accessory structure regulations.
- City Council requested Staff to review and provide recommendations to update requirements related to setbacks for Accessory Structures at the March 20, 2023 Meeting
- City Council discussed Staff's recommended changes to setbacks related to Accessory Structures at the April 25, 2023 Meeting and requested Staff to proceed with the text amendment
- The main changes related to this ordinance are:

# Consideration of Zoning Text Amendment (Ordinance 08-2023)

- Remove the required building to building setbacks on the same lot. Currently, no structure can be constructed within 10 feet of a building on the same lot. This would include small sheds or pump houses that residents typically have adjacent to their homes. The change includes that no accessory structure may be placed to obstruct any ingress or egress points (exterior doors or windows)
- Clarify that only home-based businesses per FS 559.955 are allowed, except that retail transactions cannot be conducted within the accessory structure as provided in that statute.
- Clarify that "lots fronting two streets" means a through lot, which sits parallelly between two public or private roadways and it does not apply to corner lots.
- Provide direction that when accessory structures are constructed on corner lots, the front and corner lot setbacks will apply for the side adjacent to the roadway.

# Consideration of Zoning Text Amendment (Ordinance 08-2023)

- Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- The Planning & Zoning Board unanimously voted to recommend this Ordinance to City Council.
- Staff recommends **APPROVAL** of Ordinance 08-2023.

# Consideration of FLUM Amendment (Ordinance 06-2023)

- Consideration of first reading of Ordinance 06-2023, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, to change the Future Land Use Map designation of (1) parcel of real property totaling approximately 5.88 acres from City of Cocoa "Commercial" to City of Cocoa "High Density Residential."
- Subject Property is 5.88 Acres located at 825 Forrest Avenue
- City is requesting to change this parcel from Commercial to High Density Residential FLU
- The property owner intends to construct multi-family units on a portion of the property, if the amendment and a subsequent zoning map amendment for a portion of the property is approved
  - Possible Zoning Districts in High Density Residential FLU are: RU-2-15 (15 du/acre max); RU-2-25 (25 du/acre max); PUD; (INST)

# PZ-Consideration of FLUM Amendment (Ordinance 06-2023)

- The subject property was previously zoned RU-2-25 and RU-2-15 prior to it being rezoned to Institutional. The Institutional zoning was to allow an electronic sign to be placed.
- The Future Land Use of the surrounding area is a combination of Commercial, Neighborhood Commercial, High Density Residential, Medium Density Residential and Mixed-Use. All of these uses promote higher density residential development.
  - The neighboring properties to the south on Hilcrest and Grimes Street are currently single-family residential but have a Commercial Future Land Use and RU-2-15 zoning
  - High Density Residential is prevalent south of Highland to Center Street in the vicinity
- The property is located between principal arterial (US-1) and minor arterial (Forrest Ave) roadways. Access to these larger capacity roadways is typical for High Density Land Uses.
- Staff does not expect the level of service of public facilities to be diminished beyond their acceptable levels of service with this change.

COCOA FLORIDA

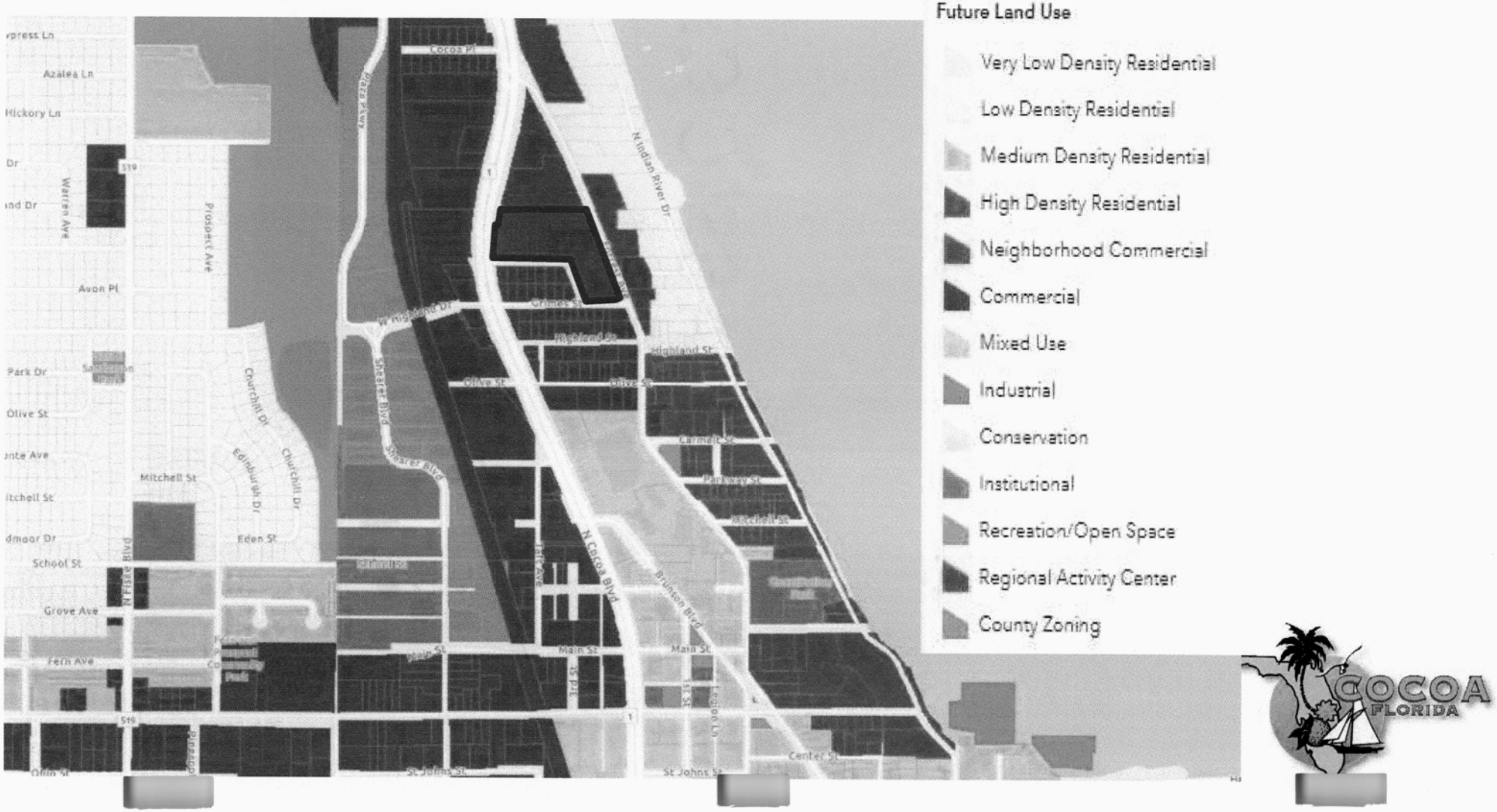
# Consideration of FLUM Amendment (Ordinance 06-2023)

- Location Map:



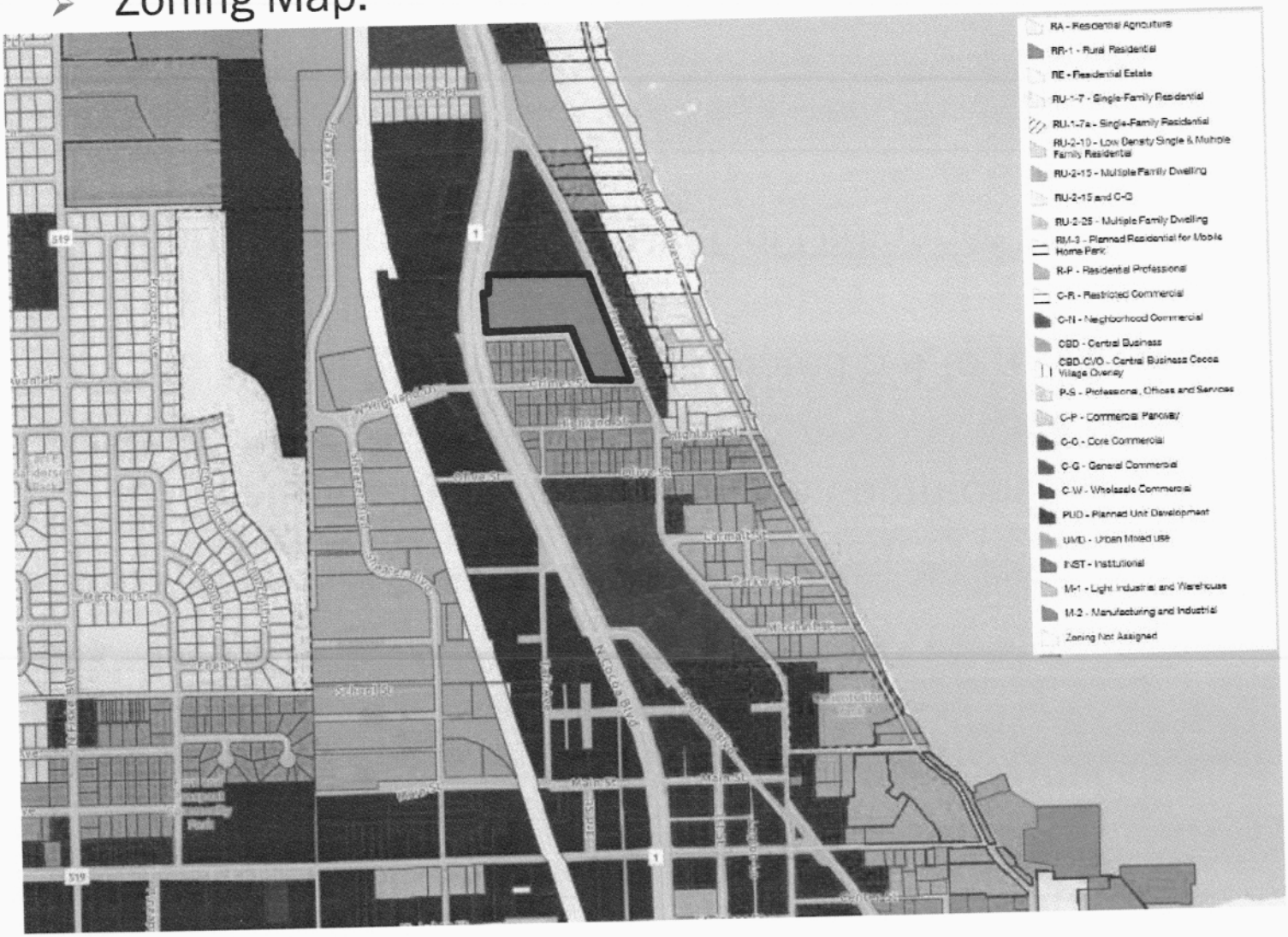
# Consideration of FLUM Amendment (Ordinance 06-2023)

- Future Land Use Map:



# Consideration of FLUM Amendment (Ordinance 06-2023)

- Zoning Map:



# Consideration of FLUM Amendment (Ordinance 06-2023)

- Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- The Planning & Zoning Board voted 5-4 to recommend this Ordinance to City Council.
- Staff recommends **APPROVAL** of Ordinance 06-2023.

# Consideration of Comprehensive Plan Text Amendment (Ordinance 07-2023)

- Consideration of the first reading of Ordinance 07-2023, adopting a Large-Scale Comprehensive Plan Text Amendment; amending figure FLU-1 set forth in the Future Land Use element to provide the RU-1-7 Zoning District as an allowable Zoning District in the Medium Density Residential Future Land use category and to provide the Institutional Zoning District as an allowable Zoning District in multiple Future Land Use categories.
- City is requesting this change to help encourage development within the Medium Density Residential (MDR) Land Use by adding single family residential (RU-1-7) as an allowable use.
- Currently there are a number of vacant properties zoned RU-1-7 within the MDR that cannot be developed due to this conflict in the land use table. There are also a number of existing developed properties with this inconsistency.
- MDR allows for RU-2-15. RU-2-15 zoning district allows for single-family development as regulated by RU-1-7. Therefore, this amendment is already consistent with the City's zoning code.

COCOA FLORIDA

# Consideration of Comprehensive Plan Text Amendment (Ordinance 07-2023)

- Ordinance 07-2023, the City is also initiating an amendment to clarify that the Institutional Zoning District is an allowable use within High Density Residential, Neighborhood Commercial, and Commercial Future Land Uses, rather than only Open Space Recreational and Institutional Future Land Uses.
- As part of Ordinance 13-2023, the City created the Institutional Zoning District to provide locations for public and semi-public facilities of religious, educational, health, or cultural nature.
- The intent was to help ensure that these uses were properly integrated into the community and institutional uses are already allowed in most of the remaining Future Land Use Categories

# Consideration of Comprehensive Plan Text Amendment (Ordinance 07-2023)




MEDIUM DENSITY RESIDENTIAL
FUTURE LAND USE
CONFLICTING WITH RU-1-7 ZONING

May 31, 2023

- RU-1-7 - Single Family Residential (454 parcels)
- Medium Density Residential
- Cocoa City Boundary

COCOA FLORIDA

# Consideration of FLUM Amendment (Ordinance 07-2023)

- Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- The Planning & Zoning Board unanimously voted to recommend this Ordinance to City Council.
- Staff recommends **APPROVAL** of Ordinance 07-2023.