MINUTES
City of Cocoa
Regular Meeting of The City Council

April 25, 2023

A Regular City Council Meeting was held on Tuesday, April 25, 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.

A moment of silence was held in honor of Mr. Ed Green who was a Code Enforcement Board member, Redistricting Commission Member and a community volunteer as well as for lifelong resident Ruth Collins. They both recently passed.

Leroy Darby provided the invocation and Lloyd Roberts led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Tammy Gemmati, Administrative Services Director; Samantha Senger, Director of Communications & Economic Development; Jeremy Ondo, Police Lieutenant;

Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Rob Beach, Chief Technology Officer; Bryant Smith, Public Works Director; and Lisa Richardson, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of April 25, 2023. (23-258)

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn, to amend the agenda for the Regular meeting of April 25, 2023, to add a presentation by Emma Jewel Charter Academy as Item III.1; move the Citizens Academy Graduation to Item III.2 and to move the Key to the City presentation to Item III.3. Consent Item V.3 was also moved to City Business Item VIII.3.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Minutes: (a) Regular Meeting of March 14, 2023 (23-269)
(b) Special Meeting of March 20, 2023 (23-270)
(c) Special Meeting of March 30, 2023 (23-272)

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve all sets of Minutes as written, as noted above.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Emma Jewel Charter Academy presentation. (Thomas Cole, Principal, Emma Jewel Charter Academy)

Thomas Cole introduced his group in attendance and spoke about their program titled "Knights of Pythagoras" and what the program entails. Junior Khalon Cole spoke in regards to the upcoming community cleanup and Senior Adam Smith explained what the program entailed as well. A video was shown of their group in action around the community.

Mayor Blake thanked them and Mr. Cole for all that they do. Mr. Cole pointed out that the kids need to have twenty community service hours before June and that they are willing to do work. He thanked Council for their time.

Mr. Lloyd Roberts noted that interested persons can call the school at 321-634-5464 if they want to utilize them.

2. Citizens Academy Graduation. (23-223). (Director of Communications & Economic Development)

Ms. Senger provided a brief background of the Citizens Academy and provided a slide show of some of the events they participated in. She, along with Ms. Bonadio acknowledged the graduates and provided each of them with a Certificate of Completion and a token of appreciation for their participation in the academy. This is the fourth Academy class.

3. Key to the City Presentation to Tra Blake. (23-172). (Mayor Blake)

Mayor Blake introduced Tra Blake and spoke about legends in the Blake family. He introduced his father Dick Blake who was in attendance as well. Coach Willie Jeffries spoke via the phone as well as Neely Dunn on behalf of Tra Blake and his accomplishments.

Dick Blake spoke and stated that he had the honor of being the Principal of Cocoa High School for twenty-three years. His nephew Tra Blake was an Honor grad and played basketball. He is proud of his nephew and commended the Council members for recognizing him.

Councilmember Goins read and presented the Key to the City to Tra Blake. He spoke of his excitement when he sees him on television refereeing a game and how much it means to the City of Cocoa. He voiced his appreciation for him.

Tra Blake thanked the City of Cocoa and Council for recognizing him. He was very humbled. He thanked his wife, family, and friends for being along with him on this journey. He is the 8th black referee in the NFL and told all of the young men in attendance to set a goal and a dream for themselves. He thanked everyone again.

Mayor Blake invited James Folston to the front and felt that Mr. Folston is not always recognized for the lives he has touched and for all he does behind the scenes. A brief history was read about Mr. Folston and it was pointed out that he has volunteered more than 15,000 hours in his community and at Cocoa High School.

Mayor Blake spoke of his appreciation of Mr. Folston and that the football stadium at Cocoa High School was named after his father, Dick Blake, and they want to name the new track at Cocoa High School after James Folston.

Mr. Folston was humbled for the recognition and thanked all of those who have molded him into what he is today.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to take a five-minute recess. The recess began at 7:20 p.m.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)[1]

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to reconvene the meeting. The meeting reconvened at 7:29 p.m.**

AYES: Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

Deputy Mayor Hearn took over the meeting at this time.

IV. Delegations:

Paul Kamus, Cocoa resident, spoke about faith, hope and love as well as the Arbor Day event. He further mentioned the fire pumper trucks and asked if the booster line was on the truck. He wanted to ensure that the firefighters have all necessary equipment.

Odeika Giscombe, Cocoa resident, announced the start of the Rise Mentoring, Inc. program and what they do in empowering young ladies. She noted that they equip young ladies with life skills to help them get through life. The program is open to all young ladies ages 12-18 and they have to be in middle school or high school. Felicia Goins spoke and asked for a partnership with the City and hoped fees could be waived for future fundraising events in the city. They believe this will bring positive impacts to the City and would also like partnerships with the police and fire departments.

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1 Mayor Blake left the meeting at 7:20 p.m.

Deputy Mayor Hearn thanked them for the initiative and felt many times the ladies are overlooked.

Councilmember Goins stated that there are 2,600 non-profits in Brevard County but in the City of Cocoa there can never be too many. There is a need for mentors for young people and he commended them for taking the initiative to do this.

Kirk Pasqualle, Cocoa resident, spoke about an issue with City codes and a shed he would like to replace. They live in Carlton Terrace. It was pointed out that an item about this would be held later in the meeting.

John Verdi, founder of Hey, Blue!, advised that they have been going to Endeavor Elementary with the Police department and have had over 180 positive connections with children in the classrooms. He invited Council to the next Design Thinking Session which will be on May 2nd from 4-8 p.m. at Endeavor Elementary. The more people who come means more money raised for the children of Endeavor Elementary. He asked anyone wishing to attend to RSVP as seats are limited to sixty.

V. Consent Agenda:

(A) General Consent Items:

1. Request Council to award Bid # B 23-18-COC to the lowest responsive bidder Air Mechanical & Service Corp for the replacement of two 20-ton air condensing units at City Hall in the amount of $55,279 and execute the agreement. Approve a Resolution Amending the FY 2023 Budget, BAF # 23-063-T. Approve a Project Contingency Resolution for approval of any Change Orders not to exceed $5,000. Authorize the City Manager to execute amendments and extensions to the agreement within approved contingency. (23-227). (Public Works Director)

2. Accept the Award of the Firehouse Subs Grant, a Private Foundation Grant, in the amount of $17,020.72. Firehouse subs will be purchasing four police E-bikes for the City of Cocoa Police Department, however, for accounting purposes, approve a Resolution Amending the FY2023 Budget, BAF#23-065-A. (23-235). (Chief of Police)

3. ~~Approve a Resolution Amending the FY23 Budget, BAF 23-066-T1 and T2, to transfer funds from Operational accounts to Capital funds for the Design and Fabrication of a SWAT van in the amount of $62,976, Approve a Resolution to~~

~~Waive Competitive Bidding, and to approve the Service Agreement with Pride Enterprises. (23-239). (Chief of Police)~~

- **This item was moved to City Business VIII.3.**

4. Approve a Resolution Amending the FY23 Budget, BAF # 23-069-A, to add budget to the Disaster Emergency Divisions which funded expenses during Hurricanes Ian and Nicole. (23-253). (Finance Director)

5. Approve the task order and purchase of critical technology infrastructure in the amount of $70,636.21. (23-264). (Chief Technology Officer)

6. Approve a Resolution Amending the FY23 Budget, BAF # 23-042-A, to add funds to the Information Technology budget to cover Smarsh Professional Archive licenses. (23-273). (Chief Technology Officer)

(B) Multi-Year Contracts:

7. Approve the Scope of Services and Task Order 2023-03 with Wharton-Smith, Inc. for Construction Manager at Risk (CMAR) Services for the Internal Recycle Pump, Influent Pump Station, and Transfer Pump Station Replacement and Rehabilitation Project at the Jerry Sellers Water Reclamation Facility; To Approve as a Multi-Year Contract from FY2023 through FY2025; To Approve a Resolution Amending the FY2023 Budget, BAF# 23-064-IFT. (23-237). (Utilities Director)

8. Approve the Final Ranking of the Short-Listed Firms for RFQ-23-12-COC, Engineering Services for Design, Permitting, and Services During Construction for Utility Conveyance Systems Upgrades and Expansion; To Authorize the City Manager and City Attorney to Negotiate and Execute a Multi-Year Contract with the Top-ranked Firms. (23-254). (Utilities Director)

9. Approve a Multi-Year Piggyback Agreement with PDCS, LLC for Fire Inspection Services, Plan Review and Community Risk Reduction Services though September 30, 2025. Approve a Resolution Amending the FY23 Budget, BAF# 20-060-A. Authorize the City Manager to Execute the Agreement and Approve Related Purchase Orders for Each Fiscal Year, Pending the Adoption of each year's Annual Budgets. (23-256). (Fire Chief)

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

AYES: Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

VI. Public Hearings:

1. CONDUCT A PUBLIC HEARING TO OBTAIN CITIZEN INPUT AND COMMENTS ON HOUSING AND COMMUNITY SERVICES NEEDS AND APPROVE RECOMMENDATIONS ON THE FY 2023-2024 CDBG AND HOME PROGRAM FUNDING. (23-255). (Community Services Director)

Ms. Neuterman explained what this public hearing entailed. She advised that for FY 2023-2024, and based on last year's allocation, the City anticipates receiving $128,609 in Community Development Block Grant (CDBG) funds from the U.S. Department of Housing & Urban Development (HUD) as a direct entitlement. The City also anticipates receiving $76,044 in HOME Investment Partnership Program (HOME) funds from HUD as part of the Brevard County HOME Consortium, which is composed of the cities of Cocoa, Melbourne, Palm Bay, Titusville, and Brevard County.

The use of CDBG funds must meet one of the three National Objectives of which she explained in detail. Additionally, CDBG allows a maximum of 15 percent of the grant to be allocated to a public service agency and a maximum of 20 percent of the grant to be allocated for staff administration.

HOME funds can only be used to address housing needs such as: home purchase or rehabilitation financing assistance; build or rehabilitate housing for rent or ownership; or for other reasonable and necessary expenses related to the development of non-luxury housing, including site acquisition or improvement, and demolition of dilapidated housing to make way for HOME-assisted development. There are also some special conditions that exist with HOME funds of which Ms. Neuterman explained.

All activities carried out with CDBG and HOME funds must be consistent with the priorities and needs of the five (5) year Consolidated Plan. The FY 2023-2024 Action Plan will be submitted to Brevard County by July 28, 2023 for submission to HUD.

Staff advertised a notice of funding availability along with a Request for Proposals (proposals) using the anticipated grant allocations. In addition to city staff

generated requests, five (5) proposals were received. All proposals were reviewed at a publicly noticed meeting by a staff review committee.

Based on thorough review of each agency's proposal and financial statements, the committee's recommendations are as follows:

CDBG Public Services - Maximum 15% allowed $19,291.35			
Name of Agency	**Description of services to be provided**	**Amount Requested**	**Amount Recommended**
Brevard Alzheimer's Assoc.	Provide transportation to doctor appointments	$5,000	$0
Central Brevard Sharing Center	Provide meals to 327 unduplicated low to moderate income persons in the City.	$15,000	$5,000*
Community Services Council	Meals on Wheels/Seniors at Lunch provide 9,200 meals to 93 seniors who reside in the City.	$11,979	$5,250*
Family Promise	Rental/Mortgage assistance for up to 15 households in the City.	$10,447.75	$5,250*
Salvation Army	15,000 meals to shelter residents for a minimum of 5,000 nights in the City.	$ 7,000	$3,791.35*
CDBG SECTION 108 Payments - $83,595.85			
Section 108 Loan Guarantee Program	Repayment of Section 108 Loan	N/A	$83,595.85*
CDBG Administration - 20% - $25,721.80			
City Staff	Salaries	N/A	$24,721.80*
Fair Housing		N/A	$ 1,000
Total CDBG Allocation			***$128,609***

HOME Administration- 7.43%* Brevard County Staff Admin 2.57%* - Total Admin 10%

Brevard County Staff Admin	County admin of HOME funds	N/A	$1,954.33*
City Staff Admin	City Staff salaries	N/A	$5,650.07*
HOME CHDO & Housing Set Aside - $79,466*			
CHDO Housing Activity	15% Mandatory CHDO set aside	N/A	$11,406.60*
Homebuyer Assistance Program	Homebuyer Assistance Program	N/A	$57,033.00*
Total HOME Allocation			***$76,044***
****The award will be modified if any increase or decrease to funding occurs.***			

As required by the City's Citizen Participation Plan, staff is requesting City Council hold a Public Hearing to obtain citizen input and comments on housing and community development needs and approve recommendations on FY 2023-2024 CDBG and HOME Program funding. Upon the City Council's approval, a 30-day public comment notice listing proposed projects along with the corresponding Action Plan will be advertised in the Florida Today newspaper. The notice will also inform the public of the date of the second and final Public Hearing, which will be held after June 1, 2023.

A question was posed by Councilmember Koss in regards to how many more years were left on the Joe Lee Smith loan. In response, Ms. Bowman believes that it goes through at least 2039. Ms. Neuterman explained that the homebuyers' allocation is a formula calculation.

This portion of the public hearing was closed to Council and opened to the public.

A representative from Family Promise of Brevard spoke and thanked Council and the City and mentioned that these funds would be used to help with their emergency shelter.

A representative from the Salvation Army Domestic Violence Program spoke on behalf of their program and shared that they have been running the program for thirty-nine years. They use this funding to help with food costs in the shelter. It helps provide survivors with necessities during their stay.

Dave Brubaker, Central Brevard Sharing Center, stated that their mission was to provide emergency assistance and guidance in the community to those who are in need. He further introduced Leroy Darby who is one of their Board members. He announced that they offer meals seven days a week and they are only closed during a hurricane. One hundred percent of these funds are used to purchase food for the program. He provided statistics for FY 21/22 and was thankful for the City's support. He encouraged all to come and visit.

This portion of the hearing was closed to the public and opened back up to Council.

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

Councilmember Goins encouraged all to reach out to their State Representatives about the needs of more funding.

AYES: Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. FIRST READING ORDINANCE 03-2023: CONSIDERATION OF A ZONING MAP AMENDMENT CONSISTENT WITH APPENDIX A, ZONING, ARTICLE XXII, CHANGING THE OFFICIAL ZONING MAP DESIGNATION OF 77 PARCELS TOTALING ±11.59 ACRES FROM COMMERCIAL NEIGHBORHOOD (C-N) TO MULTI-FAMILY DISTRICT (RU-2-15). (23-213). (Public Works Director)

Attorney Garganese read Ordinance No. 03-2023 into the record by title only as follows. He advised that this was the first reading of the ordinance and is recommended by staff as well as the Planning & Zoning Board.

ORDINANCE NO. 03-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF SEVENTY-SEVEN (77) PARCELS OF REAL PROPERTY, TOTALING 11.59 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF QUAIL RIDGE COURT AND OTTERBEIN AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM C-N (NEIGHBORHOOD COMMERCIAL DISTRICT) TO RU-2-15 (MULTIPLE-FAMILY DWELLING DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR

INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Smith explained the ordinance and pointed out that this was a map correction. He showed a photo of the area being rezoned as well as a map of the current zoning[2]. He reiterated that both staff and the Planning & Zoning Board recommend approval.[3]

This portion of the public hearing was closed to the Council and opened to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve Ordinance No. 03-2023 on First Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. FIRST READING ORDINANCE 02-2023: CONSIDER A ZONING TEXT AMENDMENT CONSISTENT WITH APPENDIX A, ARTICLE XI, SECTIONS 10A THROUGH 17, AND SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; CHANGING THE DISTRICT REGULATIONS REGARDING GYM AND FITNESS FACILITIES AS FOLLOWS: ALLOWING GYM AND FITNESS FACILITIES OF ANY SIZE AS A PERMITTED USE IN THE GENERAL COMMERCIAL, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, AND PLANNED UNIT DEVELOPMENT DISTRICTS; ALLOWING GYM AND FITNESS FACILITIES OF LESS THAN 7,500 SQUARE FEET AS A PERMITTED USE IN THE RESTRICTED COMMERCIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS; ALLOWING GYM AND FITNESS FACILITIES OF 7,500 SQUARE FEET OR GREATER AS A SPECIAL EXCEPTION IN THE RESTRICTED COMMERCIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS; AND ALLOWING GYMS AND FITNESS FACILITIES OF LESS THAN 7,500 SQUARE FEET AS A PERMITTED USE IN THE CENTRAL BUSINESS DISTRICT AND CERTAIN SUBDISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT. (23-214). (Public Works Director)

Attorney Garganese read Ordinance No. 02-2023 into the record by title only as follows. He advised that this was the first reading and recommended by the

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2 EXHIBIT A: Presentation regarding Items VI.2; VI.3; VI.4; and VII.3

3 Mayor Blake returned to the meeting at 8:03 p.m.

Planning & Zoning Board; however, they had one suggestion and that was to define gym and fitness facilities. He explained how it was defined in detail.

ORDINANCE NO. 02-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE LISTS OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI OF THE ZONING ORDINANCE OF THE CITY OF COCOA RELATED TO GYM AND FITNESS FACILITIES IN THE RESTRICTED COMMERCIAL, NEIGHBORHOOD COMMERCIAL, GENERAL COMMERCIAL, CENTRAL BUSINESS DISTRICT, COMMERCIAL PARKWAY, WHOLESALE COMMERCIAL, PLANNED UNIT DEVELOPMENT, AND COCOA WATERFRONT OVERLAY DISTRICTS; ADOPTING A DEFINITION OF "GYM AND FITNESS FACILITIES"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Smith stated that this was another cleanup item and that right now these are only allowed in two districts. There are facilities in other locations and this will bring them into compliance. The definition was included as requested and both staff and the Planning & Zoning Board recommend approval.

This portion of the public hearing was closed to the Council and opened to the public.

Mac Osborne asked about the waterfront. Mr. Smith explained what the waterfront overlay district means and confirmed that no gym was being put there.

There being no further response, the public portion of the hearing was closed.

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve Ordinance No. 02-2023 on First Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. FIRST READING ORDINANCE 04-2023: CONSIDERATION OF A CITIZEN-INITIATED ZONING MAP AMENDMENT CONSISTENT WITH THE REQUIREMENTS OF CODE OF THE CITY OF COCOA (CODE) ARTICLE XXI, SECTION 1, TO CHANGE THE ZONING DESIGNATION OF A PARCEL OF REAL PROPERTY TOTALING ±0.27 ACRES, IDENTIFIED AS BREVARD COUNTY PARCEL ID NO. 24-36-33-02-0000-0-0004.00, FROM CITY OF COCOA CORE COMMERCIAL (C-C) TO CITY OF COCOA "MULTIPLE-FAMILY DWELLING DISTRICT" (RU-2-25). (23-215). (Public Works Director)

Attorney Garganese read Ordinance No. 04-2023 into the record by title only as follows. He advised that this was the first reading and it was a zoning change that was applied for by the property owner.

ORDINANCE NO. 04-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 0.27 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF MULBERRY STREET, APPROXIMATELY SIXTY FEET EAST OF THE INTERSECTION WITH FORREST AVENUE, IN COCOA, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM CORE COMMERCIAL DISTRICT (C-C) TO MULTIPLE FAMILY DWELLING DISTRICT (RU-2-25); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Smith noted that this was a cleanup on the zoning map and showed both the zoning map and location map. Both staff and the Planning & Zoning Board recommend approval.

This portion of the public hearing was closed to the Council and opened to the public.

Eric Ladd, Cocoa resident, lives on the corner and a location map was not included with their notification of this meeting. He advised that the information that came in the letter will overlap their property.

In response to his concerns, Mr. Smith stated that the distance would not affect this and the parcel is the only thing affected and it is based off of the Property Appraiser's site. He reiterated that the property owner was initiating this request.

There being no further response, the public portion of the hearing was closed and returned to Council.

Councilmember Goins asked about the overlapping issue and confirmed that another person's zoning cannot dictate what your zoning is. In response, City Manager Whitten confirmed he was correct and this is the legal description codified with the Property Appraiser.

Councilmember Koss stated that you want complimentary zoning so she understands his concerns. Mr. Smith spoke on this in furtherance.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve Ordinance No. 04-2023 on First Reading.**

AYES: Blake, Hearn, Dyal, Goins
NAYES: Koss

THE MOTION CARRIED (4-1)

Attorney Garganese pointed out that the property information is on the deed that was submitted by the applicant.

VII. Council Business:

1. Accept the Annual Comprehensive Financial Report (ACFR) and the Audit Report for Fiscal Year 2022. (23-204). (Finance Director)

Ms. Bowman announced that they have an audit every year and she explained what the audit process entails. There were no issues with the audit and Mr. Joel Knopp provided a brief overview to Council.[4]

Mr. Knopp thanked Council and stated that there were no internal issues. He mentioned the financial statements and that it was an Unmodified Opinion. There were also no current year findings on internal control over financial reporting and on compliance or other matters.

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4 EXHIBIT B: ACFR & Audit Report for FY 2022

He provided financial highlights including a City-Wide analysis, the General Fund, General Fund Budget and the Proprietary Fund.

Mr. Knopp voiced his appreciation for Ms. Bowman and her team.

Mayor Blake thanked him.

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve the item.**
AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve the Interlocal Agreement between the Cocoa CRA and the City of Cocoa pertaining to Community Policing in Cocoa Village and authorize the Mayor to sign the agreement. (23-252). (Community Services Director)

Ms. Neuterman advised that this was a part of the FY 23 budget and provided a history on the adoption of Ordinance No. 14-2022. She further provided a brief background of the interlocal agreement.

Aleck Greenwood, Cocoa resident, was supportive of this and believes it is an asset to have this downtown; however, he also believes the noise issues needed to be addressed in the downtown area and explained his reasonings why.

Councilmember Goins feels they did good by listening to the community and dealing with safety. Cocoa's downtown has more of a night life now and this is a good thing. As things change they need to adapt to the changes.

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Council discussion regarding Accessory Structure setback requirements. (23-262). (Public Works Director)

Mr. Smith provided background on this item as well as information from the Code.

He explained the proposed changes and why they were being included. He stated staff was looking for direction and hoping to take this to the June Planning & Zoning meeting.

Pat Stewart, McFarland Drive, advised that she would like to place a shed in her backyard and asked why her lot was treated differently. In response, Mr. Smith

explained why corner lots have a setback instead of interior lots. She feels that this has been a very disappointing process in trying to get approval by the City of Cocoa.

City Manager Whitten clarified that the setbacks are the same for the whole City. In response, Mr. Smith advised in the affirmative and noted if it is a corner lot with the same zoning.
Deputy Mayor Hearn asked if the changes would allow sheds to be attached to the home. In response, Mr. Smith advised you could not attach it but it could be adjacent. It would still have to go through the building permit review.

Mr. Smith added that they could include safety wording as well. Chief Lamm spoke on the safety issues and advised that the City would not have much of a say so in regards to how close a shed can be to a house.

Kirk Pasqualle, Cocoa, had a shed built in 2020 and it is a necessity because they do not have a garage or carport. Mr. Smith explained the protocol that they would need to do.

Councilmember Koss advised that this item came up because the Pasqualle's tried to get this permitted and it was going to cost $1,200 to go before the Board of Adjustment. He is concerned about those fees and asked if this would come back before Council.

Mr. Smith announced that in addition to setbacks, there are other items they wanted to address and clean up in the code as well. Costs will still need to be covered at an administrative level.

City Manager Whitten confirmed that if the Stewarts did not want to wait they could go to the Board of Adjustment for a variance. That could happen as soon as May; however, fees aside they could wait on the ordinance change.

Ms. Stewart advised that she will wait as they have already waited for six months.

Monica Pasqualle, Cocoa, asked if there could be a grandfathering clause into the ordinance for properties built so long ago.

Further discussion was held on this issue.

* **MOTION by Councilmember Koss; Seconded by Councilmember Dyal, to approve staff's recommendation.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Requesting the Renaming of Travis Park to "Travis Recreation Center @ Clearlake Park". (23-277).(Councilmember Koss)

Councilmember Koss provided a brief history on how this item came about. She spoke about you get and create "place". A map was shown of the educational hub of Cocoa. She believes this area is on the upswing and that reclaiming the name of Clear Lake Park does not take away from the Travis name.
Councilmember Dyal voiced his objection as it is not a "clear" lake anymore. He does not see the need to change the name of a park that has history in this town.

Mac Osborne, Cocoa resident, does not understand the purpose of bringing the name Clearlake back into it. There is a lot of history there and he is against this.

Councilmember Koss asked if he would approve the change to "Travis Park at Clear Lake".

Marlene Weiss, Cocoa resident, provided a presentation and a history of the area. She shared several historical articles in regards to the area. Additionally, a petition was signed by three hundred residents who support the name change.

Linda Dolphin, Cocoa resident, was in attendance to support Ms. Weiss and Councilmember Koss in the renaming of the park.

Councilmember Goins advised that he was initially in support of this due to an email sent by Mr. Osborne. He would never want to disrespect a family and does not understand the email they received versus what Mr. Osborne stated of being against this. Based on what Mr. Osborne stated he is changing his mind and if Mr. Osborne, as a family member, does not support this, then neither does he.

Deputy Mayor Hearn agreed and was originally in support as well. After hearing this he does not want to disrespect family roots.

Councilmember Koss asked if they were opposed to signage that said "Travis Park at Clear Lake".

She further mentioned that councilmembers that came before them invested in Clear Lake and all of those areas could be an investment to the City. This is a vital center for Cocoa and there have been numerous community meetings in regards to this.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to table this so that staff can sit with Mr. Osborne and sort this matter out.**

AYES: Blake, Goins, Dyal
NAYES: Hearn, Koss

THE MOTION CARRIED (3-2)

VIII. City Business:

1. Approval of City of Cocoa and LIUNA Memorandum of Understanding regarding modified pay plan and wages. (23-260). (Administrative Services Director)

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the item.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Acceptance of the Brevard County District 4 Parks and Recreation Capital Improvements Projects for Fiscal Year 2024 as they related to the City of Cocoa. (23-268). (Public Works Director)

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the item.**

Mr. Smith explained the improvements in detail and after a question was posed by Councilmember Goins regarding a bathroom at Travis Park, Mr. Smith pointed out that was an unfunded priority.

He further advised that it would be three projects and they would all be done at Stradley Park, there would not be any done at Travis Park.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve a Resolution Amending the FY23 Budget, BAF 23-066-T1 and T2, to transfer funds from Operational accounts to Capital funds for the Design and Fabrication of a SWAT van in the amount of $62,976, Approve a Resolution to Waive Competitive Bidding, and to approve the Service Agreement with Pride Enterprises. (23-239). (Chief of Police)

Deputy Mayor Hearn felt it was important for the public to know that they support the police officers.

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Review the cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2022 to 3/31/2023. (23-232). (Finance Director)

2. FY 2023 Budget Adjustment Report. (23-249). (Finance Director)

3. Data showing the relation between the estimated and actual income and expenses to date. (23-250). (Finance Director)

4. 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. (23-251). (Finance Director)

X. Reports:

City Manager Whitten announced that at the first Council meeting of May two members of Council will not be in attendance. He asked if Council would like to change or cancel that meeting.

* **CONSENSUS AMONG COUNCIL TO CANCEL THE MAY 9, 2023 CITY COUNCIL MEETING. THE NEXT MEETING WILL BE MAY 23, 2023.**

City Manager Whitten further mentioned that the Finance Department has once again received the Distinguished Budget Presentation Award from the Government Finance Officers Association. He applauded Ms. Bowman and her team.

Lastly, he pointed out that Lt. Ondo was sitting in for Chief Collier tonight as he and Commander Dovale are at an Officer of the Year Banquet in support of Officer Baylis.

Ms. Neuterman shared that on April 21st they had a Habitat for Humanity Rock the Block in Diamond Square where they cleaned up the area. Students and staff from EFSC, board members, etc. helped with the clean-up.

Ms. Senger thanked everyone who painted rain barrels for the Arbor Day event. They raised $710 for Cocoa PAL it was a very good event.

Chief Lamm recommended that the burn ban be lifted due to the current weather status. He strongly encouraged all to check setbacks when doing open burning. Chief Lamm addressed Mr. Kamus' comment under delegations and stated that there are booster lines on the trucks. There is also more appropriate equipment on the trucks to help them do the jobs they need to do.

Councilmember Dyal attended the Chief's Walk in Districts 3 and 4 and it was a good time. Citizens were glad it was held there.

He thanked Chief Lamm for allowing him to take out the antique fire truck. Photos were shown of the Brittany's Wish Foundation event at Pint and Pistols.

Councilmember Koss shared that this Friday is the last concert at EFSC in the Simpkins Fine Arts Center. She has free tickets if anyone is interested. It is the orchestra spring concert and includes members of the community as well.

She thanked staff and pointed out the benefits of the trees.

Deputy Mayor Hearn attended the Arbor Day event and enjoyed it. He further spoke of the City's recognition by the Cocoa High School Quarterback Club of which he will bring to the next meeting. They have a Hey Blue! Event on May 2nd and he is looking forward to it.

Councilmember Goins showed photos of a property behind Aurora Street that is not being maintained. The ditch is overgrown and spoke about other concerns with the property. Photos were shown of right of ways not being cut by residents. Lastly, he gave a shout out to the scholars at Emma Jewel Charter Academy who donated their time with painting rain barrels.

Mayor Blake thanked everyone for attending the meeting. He showed photos of his attendance at the Brightline Orlando Station unveiling, the Jackson Kia ribbon cutting, Trash Bash, Rock the Block, and the Arbor Day event.

He reminded all to buy local, spend local, and keep it local.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to adjourn the Regular meeting of April 25, 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 9:53 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

PZ-23-02100002 – Consideration Zoning Map Amendment (Ordinance 03-2023)

- Consideration of a Zoning Map Amendment to change the zoning designation of approximately 11.59 acres and 77 parcels from Commercial Neighborhood (C-N) to Multiple Family Residential (RU-2-15)
- This request is to correct a conflict between the current zoning and the Future Land Use, which is Medium Density Residential
  - C-N is not an allowed zoning district within that land use classification
- The requested zoning is consistent with the surrounding uses and zoning districts
- **Both C-N and RU-2-15 allow multiple family residential**
  - **A correction to the Zoning or Land Use would still allow for Multifamily**
  - **RU-2-15 is a appropriate zoning category because of the existing multifamily within the Quail Ridge Condominiums**

EXHIBIT A: Presentation re: Items VI.2; VI.3; VI.4; and VII.3

COCOA FLORIDA

PZ-23-02100002 – Consideration Zoning Map Amendment (Ordinance 03-2023)

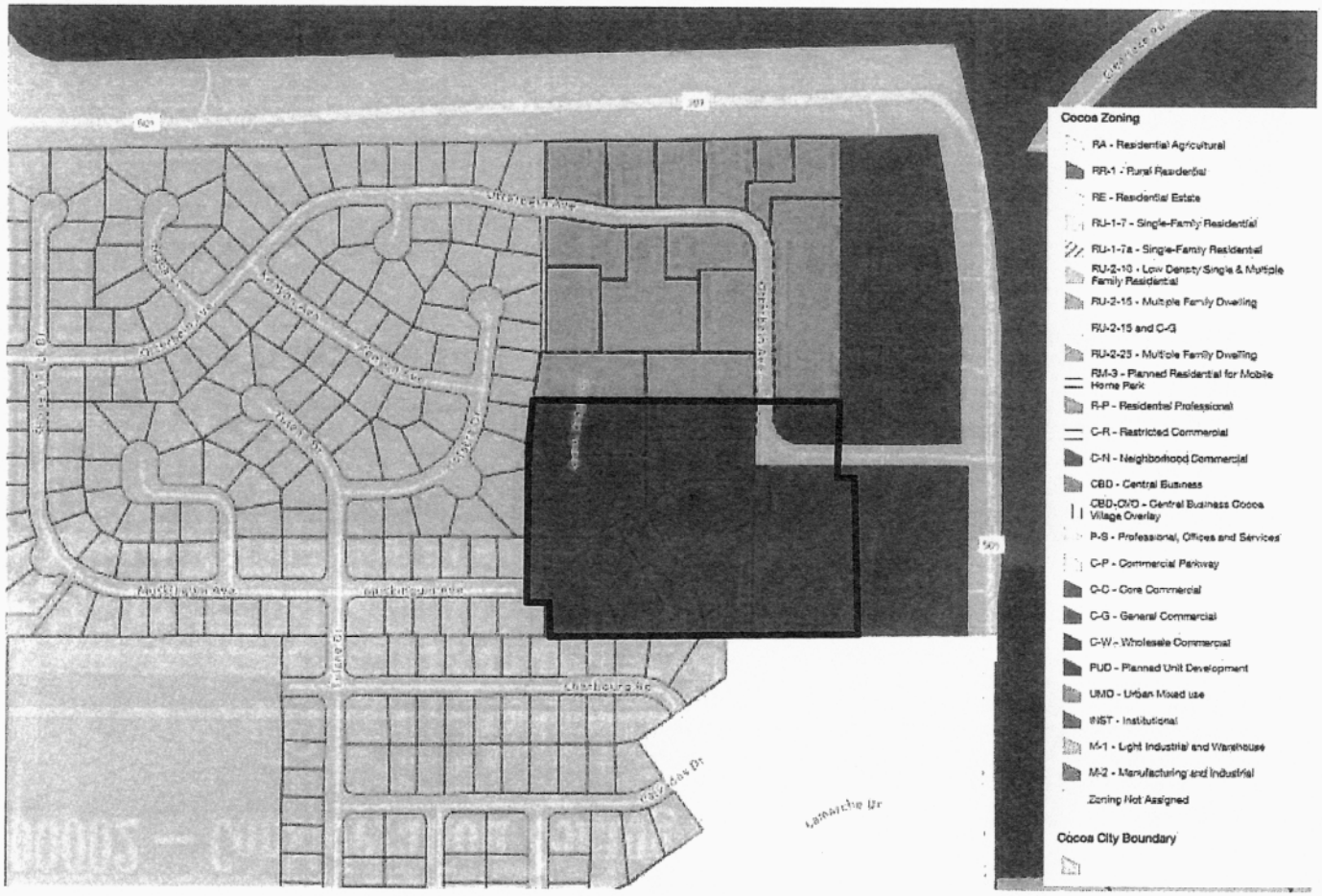
- Location Map:



COCOA FLORIDA

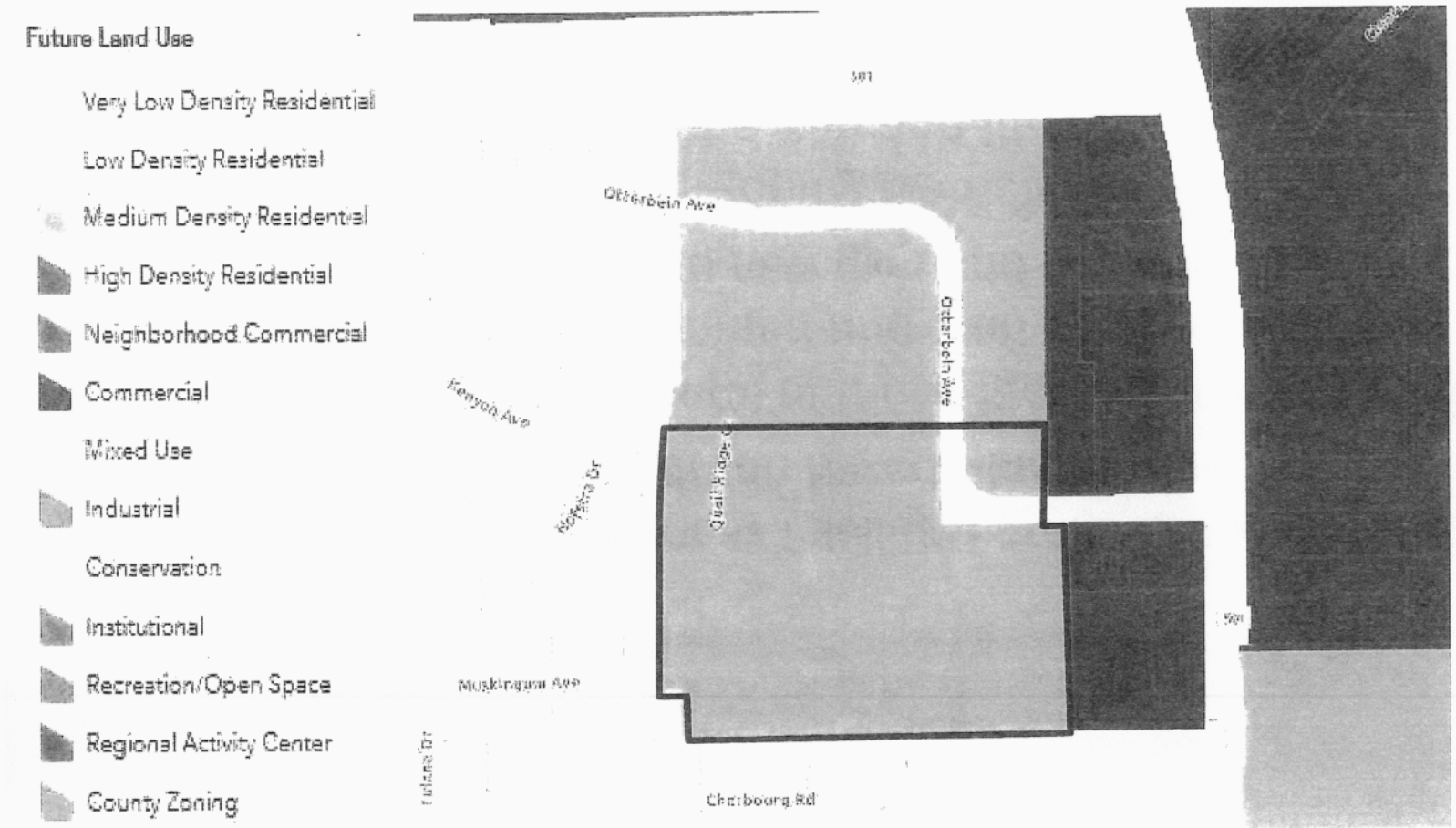
PZ-23-02100002 – Consideration Zoning Map Amendment (Ordinance 03-2023)

- Zoning Map:



PZ-23-02100002 – Consideration Zoning Map Amendment (Ordinance 03-2023)

- Future Land Use Map:



PZ-23-02000001 — Consideration of Staff Requested Zoning Text Amendment (Ordinance 02-2023)

- **Currently, Gym and Fitness Facilities are only allowed within the Central Business District and Urban Mixed Use District**
- There are currently several of these facilities in other zoning districts where they are not permitted and staff has received interest from other parties wishing to create new gym and facilities in the City
- Staff reviewed the City's zoning districts to determine the which one may be appropriate for the gym and fitness use. Limitations on square footage were also included as necessary.

PZ-23-02000001 – Consideration of Staff Requested Zoning Text Amendment (Ordinance 02-2023)

- Gym and fitness facility: a privately-owned, indoor establishment offering individuals or groups the ability to engage in exercise or sport related activities for the purpose of physical fitness, health, and recreation, whether or not on a membership basis. This use may include indoor gymnasiums, gymnastics centers, dojos, exercise or dance studios, yoga studios, or similar facilities where individuals may engage in regular physical activities including exercise, sports, or recreation. This use may also include incidental accessory uses such as food and beverage sales, game courts, locker rooms, training facilities, and/or saunas. This term does not include indoor playgrounds or play areas primarily designed for children

COCOA FLORIDA

PZ-23-02000001 – Consideration of Staff Requested Zoning Text Amendment (Ordinance 02-2023)

- Summary of Proposed Changes:

District	Appendix A Article XI Section #	Current Status of Gym and Fitness Facilities	Proposed Change
CR	10A	Not allowed	Permitted < 7500sqft Special Exception > 7500sqft
CN	11	Not allowed	Permitted < 7500sqft Special Exception > 7500sqft
CG	12	Not allowed	Allowed as permitted use any size
CBD	13	Allowed as principal use; no size restriction	Allowed as principal use; must be < 7500sqft
CP	15	Not allowed	Allowed as permitted use any size
CW	15	Not allowed	Allowed as permitted use any size
M-1	16	Not allowed	*Will be allowed any size as a result of cumulative zoning with C-W*
PUD	17	Not allowed	Allowed as permitted use any size
CWOD	22	Permitted use in certain subdistricts; no size restriction	Permitted in certain subdistricts < 7500sqft; newly added to North of Village and additional areas of King Willard

PZ-23-02100001 – Consideration of Applicant Requested Zoning Map Amendment (Ordinance 04-2023)

- Consideration of a Zoning Map Amendment to change the zoning designation of an approximately 0.27 acre parcel from Core Commercial (C-C) to Multiple Family Residential (RU-2-25)
- This request is to correct a conflict between the current zoning and the Future Land Use, which is High Density Residential
  - C-C is not an allowed zoning district within that land use classification
- The requested zoning is consistent with the surrounding uses, zoning districts, and would bring the property into conformance
- **Due to the lot characteristics of this parcel, only a single-family dwelling would be permitted**
  - Lot Width: 70' – 150' Required for Multifamily; 50' required for single family
  - Lot Area: 11,870 SF – 15,000 required for Multifamily; 5,445 for single family

COCOA FLORIDA

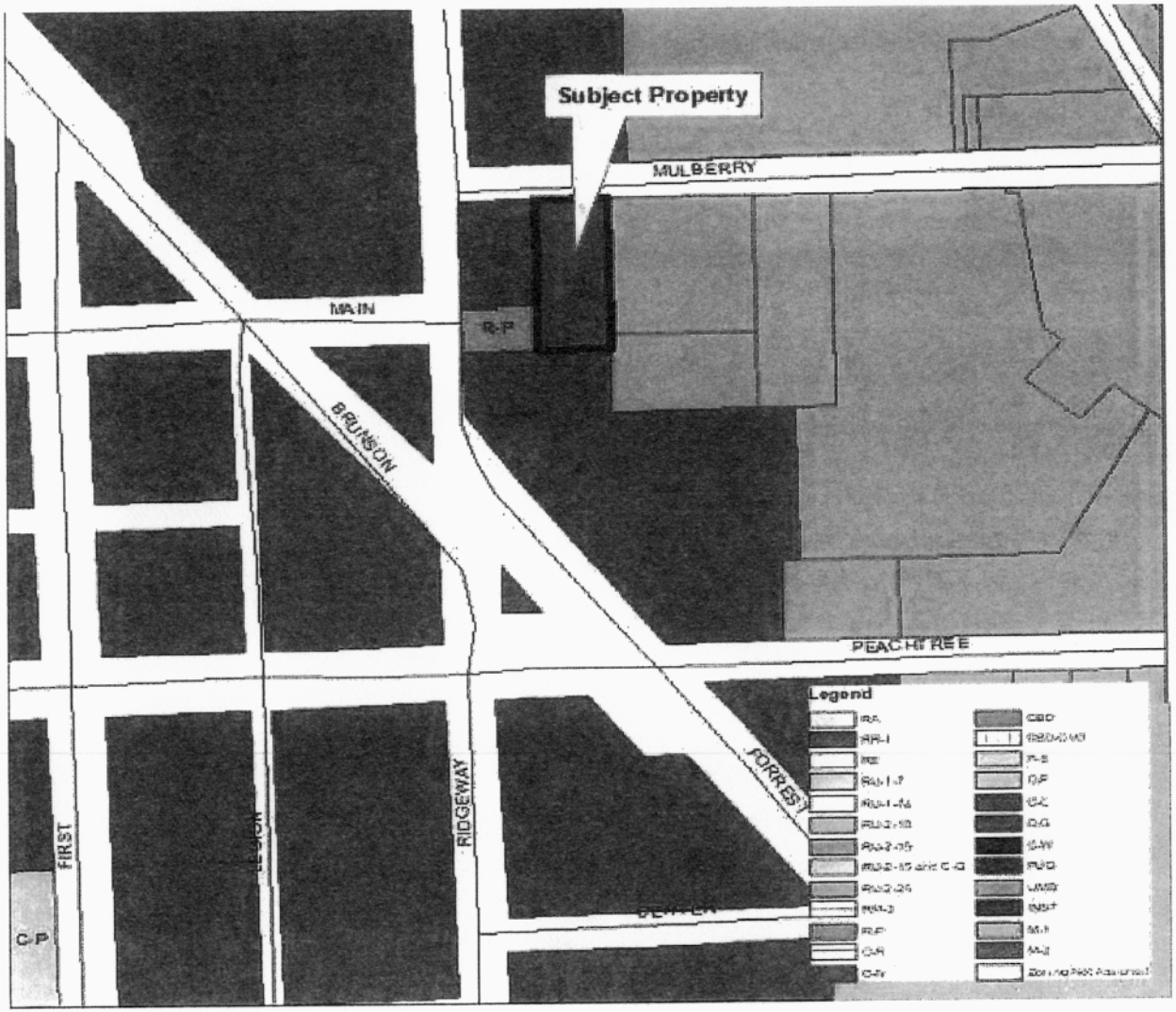
PZ-23-02100001 – Consideration of Applicant Requested Zoning Map Amendment (Ordinance 04-2023)

- Location Map:



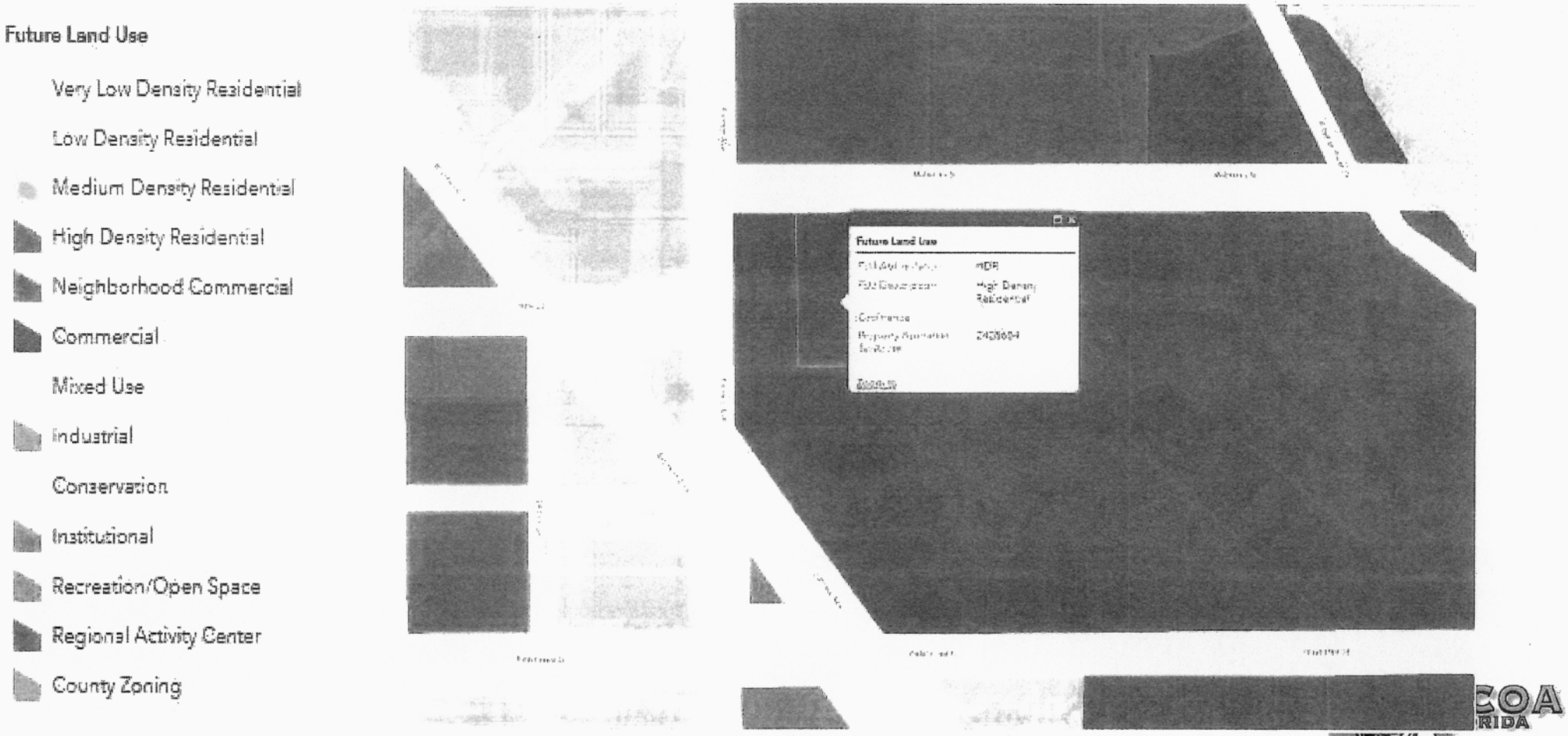
PZ-23-02100001 – Consideration of Applicant Requested Zoning Map Amendment (Ordinance 04-2023)

- Zoning Map:



PZ-23-02100001 – Consideration of Applicant Requested Zoning Map Amendment (Ordinance 04-2023)

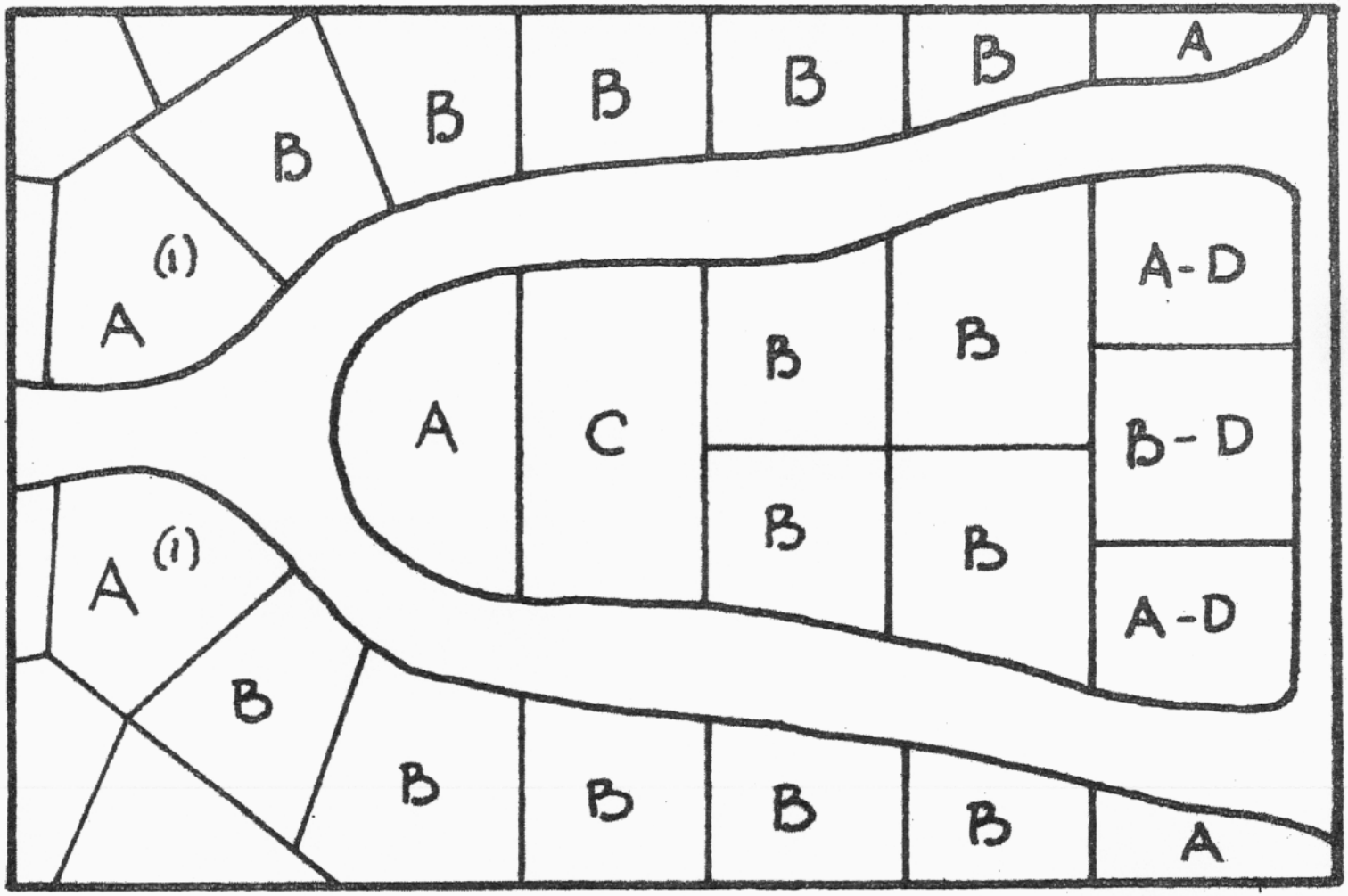
- Future Land Use Map:



Council Discussion: Accessory Structure Setbacks

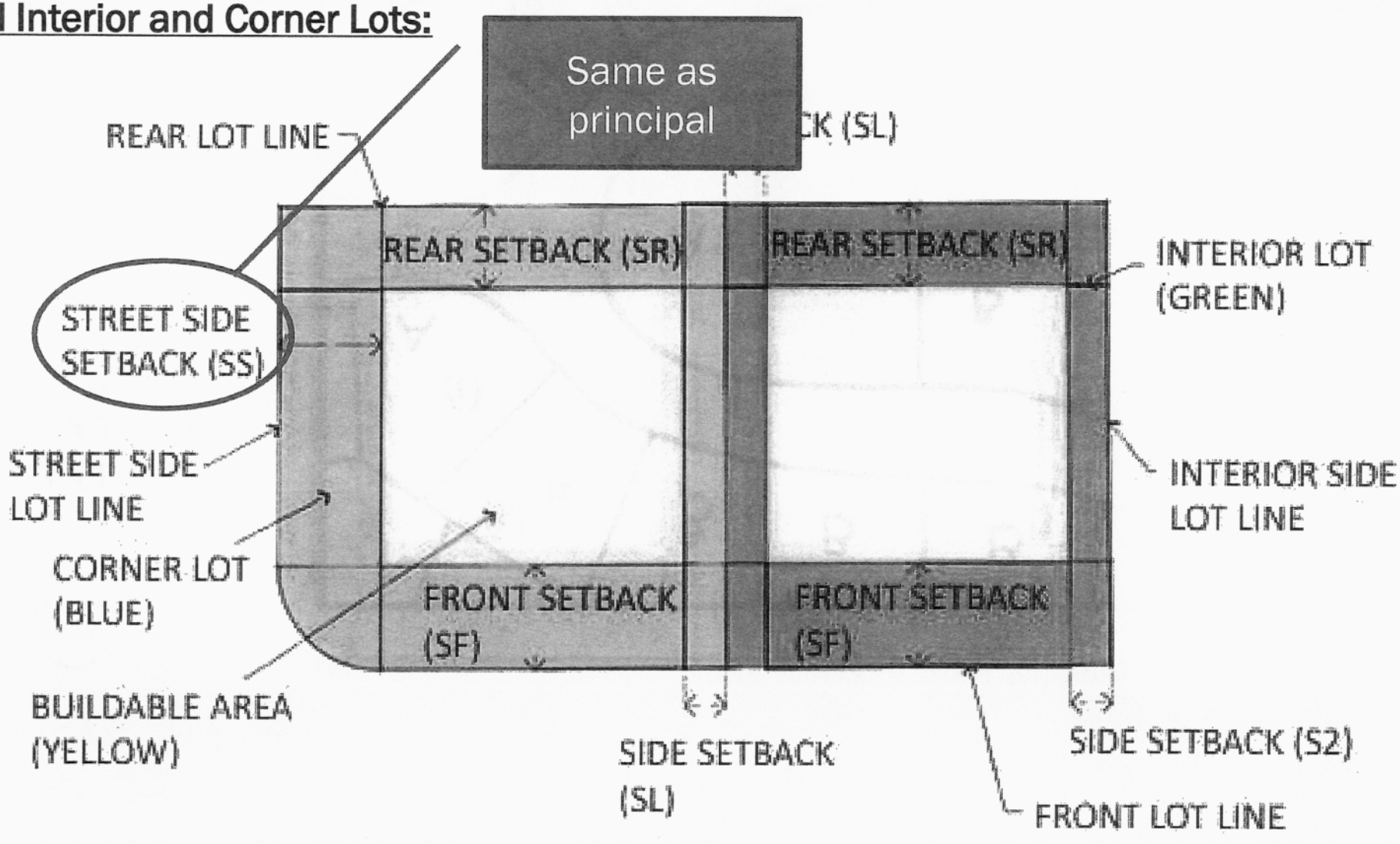
ot Types:

- Corner
- Interior
- Through Lot
- Reversed Frontage



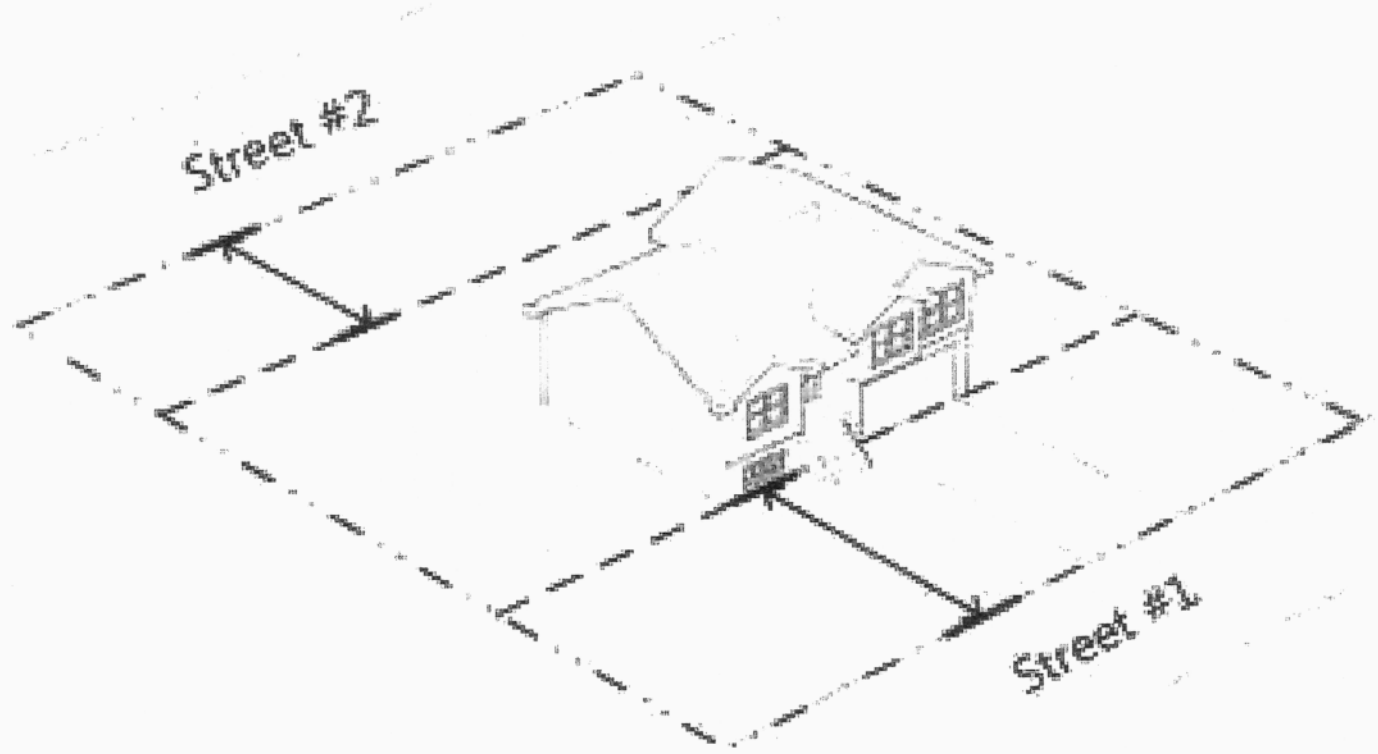
Council Discussion: Accessory Structure Setbacks

ypical Interior and Corner Lots:



Council Discussion: Accessory Structure Setbacks

ypical Through Lot



Front Yard Setback applies from both streets.

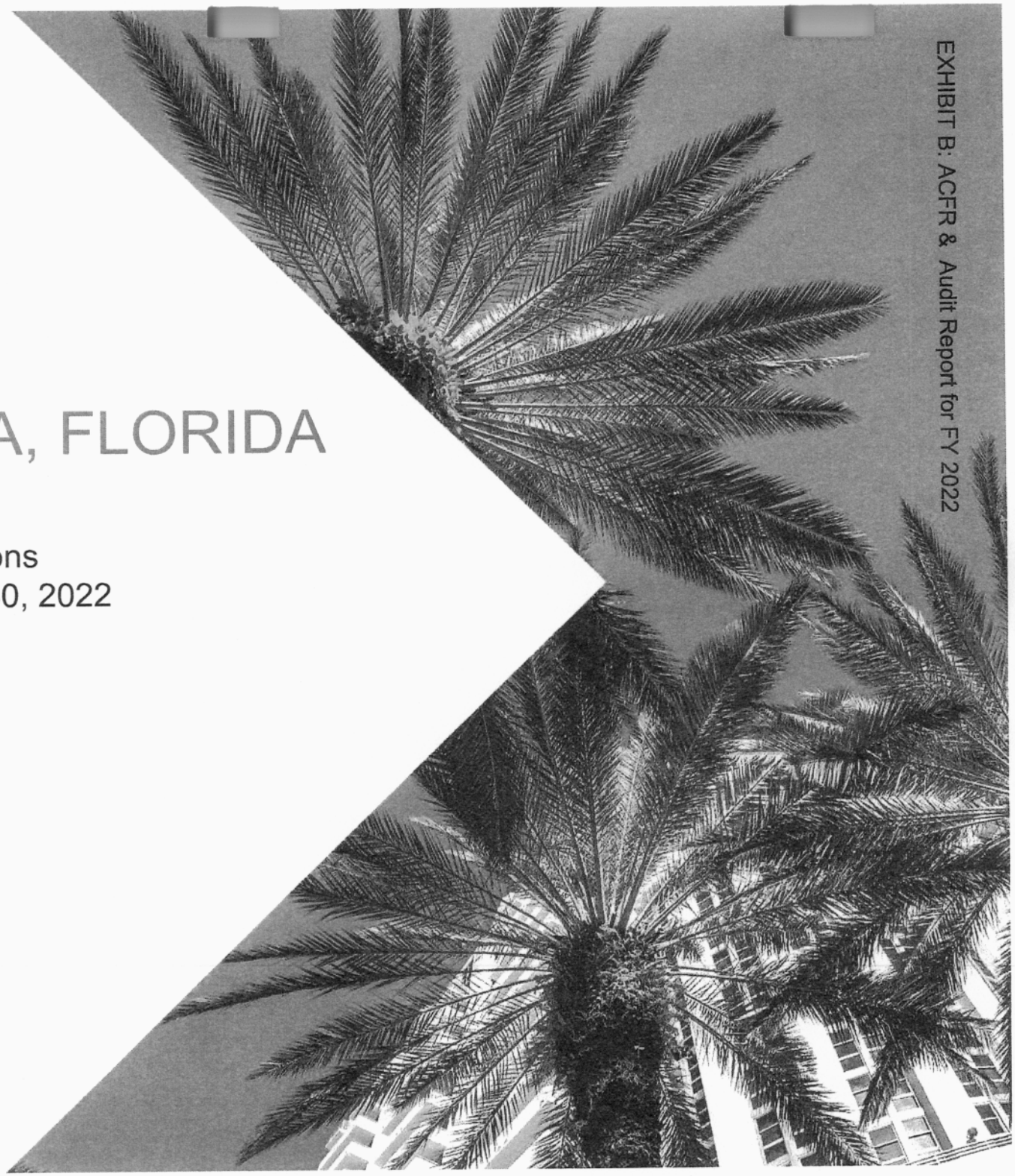
COCOA FLORIDA

Council Discussion: Accessory Structure Setbacks

- RU-1-7 is the most common zoning district:
  - Front – 25 FT
    - No accessory structure allowed
  - Side Interior – 8 FT
    - No accessory structure allowed
  - Side Corner – 15 FT
    - Applies to accessory structures as well.
  - Rear – 15 FT
    - Accessory structure rear setback can be reduced to 5' (but not within an easement)

- Proposed Changes:
  - Remove building-to-building setbacks within a lot (currently 10 FT)
  - Clarify language regarding through lots
  - Clarify language regarding corner lots
  - Clarify Home-based Businesses per FS. 559.955

COCOA FLORIDA



CITY OF COCOA, FLORIDA

Required Auditor Communications
Fiscal Year Ended September 30, 2022

Presented by:
Joel Knopp, CPA
Shareholder

MSL
CPAs & ADVISORS

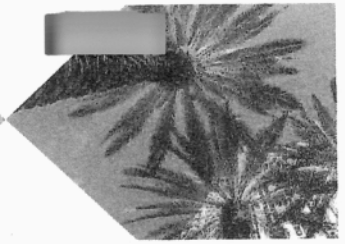


AUDIT OVERVIEW

MSL

FLORIDA ROOTS. GLOBAL REACH.

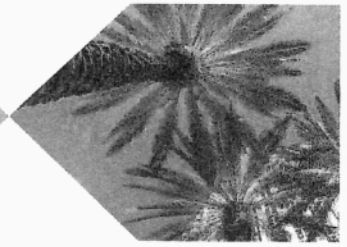
Required Communications



- Auditor Responsibilities
- Management Responsibilities
- Internal Controls and Compliance
- Significant Matters
- Management Representations
- Assigned Individual for Oversight
- Audit Schedule

MSL

Services and Deliverables



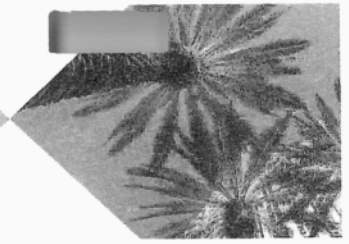
Auditor's Report on Financial Statements

- Unmodified opinion

Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters

- No current year findings

Services and Deliverables *(Cont.)*



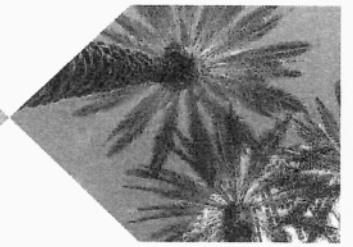
Auditor's Management Letter

- No management letter comments

Independent Accountant's Report

- No investment compliance findings

Services and Deliverables *(Cont.)*



Auditor's Report on Compliance for Each Major Federal Program and on Internal Control over Compliance and Report on Schedule of Expenditures of Federal Awards

- No compliance findings related to major grants
- No internal control over compliance findings related to major grants

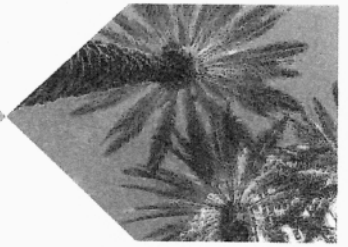


FINANCIAL HIGHLIGHTS

MSL

FLORIDA ROOTS. GLOBAL REACH.

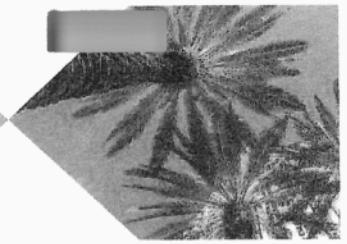
City-Wide Analysis



	Governmental Activities		Business-type Activities	
	2022	2021	2022	2021
Total Assets & Def Outflows	$129.2M	$115.4M	$352.8M	$341.3M
Total Liabilities & Def Inflows	$83.1M	$75.1M	$141.6M	$143.7M
Net Position:				
Net Investment in Capital Assets	$38.7M	$35.7M	$147.6M	$144.1M
Restricted	4.0M	1.5M	37.6M	33.1M
Unrestricted	3.3M	3.0M	26.0M	20.3M
Total Net Position	$46.0M	$40.2M	$211.2M	$197.5M
Unrestricted NP as a % of Total Expenses	9.0%	8.1%	46%	39%
Change in Net Position	$5.9M	$9.6M	$13.6M	$16.6M

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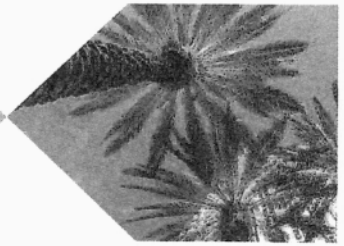
General Fund



	2022	2021
Total Assets	$42.9M	$36.3M
Total Liabilities & Def Inflows	$4.9M	$4.0M
Fund Balance:		
Nonspendable	$0.3M	$1.6M
Restricted	0.1M	0.1M
Committed (includes stabilization fund)	11.9M	11.8M
Assigned	12.2M	8.6M
Unassigned	13.5M	10.1M
Total Fund Balance	$38.0M	$32.2M
Unassigned FB as a % of Total Expenditures and Transfers Out	40.8%	30.8%
Net Change in Fund Balance	$4.7M	$4.7M

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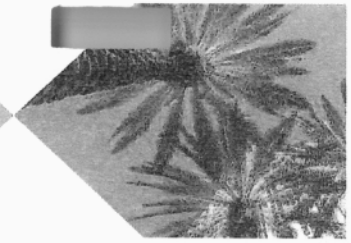
General Fund Budget



	Budget	Actual	Positive (Negative)
Total Revenues & Transfers In	$37.5M	$40.8M	3.3M
Total Expenditures & Transfers Out	44.9M	35.0M	9.9M
Net Change in Fund Balance	$(7.4M)	$5.8M	$13.2M

MSL

Proprietary Fund – Water and Sewer



	2022	2021
Total Assets & Def Outflows	$345.0M	$334.4M
Total Liabilities & Def Inflows	140.7M	143.0M
Net Position:		
Net Investment in Capital Assets	142.9M	139.3M
Restricted	37.1M	32.6M
Unrestricted	24.3M	19.4M
Total Net Position	$204.3M	$191.3M
Total Operating Revenues	$75.8M	$70.6M
Total Operating Expenses	51.5M	46.9M
Operating Income	$24.3M	$23.7M

MSL

Questions or Comments

