MINUTES

CITY OF COCOA

REGULAR MEETING OF THE CITY COUNCIL

April 24, 2019

A Regular City Council Meeting was held on Wednesday, April 24, 2019, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. OPENING MATTERS:

Mayor Williams called the meeting to order at 6:02 p.m.

Councilmember Goins introduced Dr. Juana Bostick who provided the invocation, and Councilmember Goins led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Jake Williams, Jr.	Mayor
	Don Boisvert	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	John A. Titkanich, Jr.	City Manager
	Matt Fuhrer	Assistant City
	Carie Shealy	City Clerk
ABSENT:	Brenda Warner	Deputy Mayor

OTHER STAFF MEMBERS PRESENT:

Lorne Stinnett, Acting Administrative Services Director/ Human Resources Director; Jack Walsh, Utilities Director; Nancy Bunt, Community Services Director; Mike Cantaloupe, Chief of Police; Jonathan Lamm, Acting/Deputy Fire Chief; Ed Wegerif, Public Works Director; Rebecca Bowman, Finance Director; Jason McCuen, Helpdesk Support Technician; Dodie Selig, Planning Manager; Angela Essing, Senior Planner; and Gary Palmer, Facilities Manager.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of April 24, 2019 (19-167)
2. Minutes: (a) Regular meeting of March 13, 2019 (19-168)

City Manager Titkanich requested for the agenda to be amended by doing the following: Removing Item III.2; Move Consent Item V.2 to City Business VIII.4; Add Item VIII.5 (acceptance of a fire grant); and remove Item VII.2 (as this item is being revised).

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve the Agenda as amended for the regular meeting of April 24, 2019.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Goins, to approve the Minutes as written for the Regular meeting of March 13, 2019.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

III. AWARDS AND PRESENTATIONS:

1. Presentation/Performance by the Cocoa High School Chorus. (19-169). (Councilmember Koss)

Mayor Williams advised that Councilmember Koss has been involved with this presentation. Councilmember Koss introduced the Cocoa High School Chorus and their teacher, Dr. Misty Martinez. She pointed out that they have been invited to perform at Carnegie Hall for the 9/11 celebration. The choir performed songs for the assembly. In closing, Councilmember Koss further introduced the Cocoa High School Principal, Mr. Rachad Wilson and announced that Stacie Hawkins-Smith with the Cocoa Village Playhouse is working on a date for a concert for the chorus.

~~2. Presentation of Certificate of Completion to Deputy Mayor Warner for the IEMO III: The Leadership Challenge, through Florida League of Cities, March 1-2, 2019. (19-170). (Mayor Williams)~~

IV. DELEGATIONS:

Connie Harvey and Pam Shaia, 308 Brevard Avenue in Cocoa, and 29 Riverside Drive #601, in Cocoa, invited Council to attend Giving Tuesday. This event started about four months ago by the Village Merchant's Association. They have been pairing up with the Food and Beverage Association and it is a ticketed event. They have paired up with Ryan's Pizza on the first Tuesday of the month from 5-7 p.m. The money raised will go to Community First.

Connie Harvey spoke about drowning and noted they were in partnership with Brevard County Parks and Recreation to help children learn the basics of swimming. Children will be transported to the Joe Lee Smith Recreation Center pool. She hoped Council would participate in some of the programs.

Melissa Martin, 5404 Brilliance Cocoa, advised that she is currently involved with civility in Brevard, and is trying to regrow civil discourse, even with those who oppose each other, as many times this is on a personal level. She is trying to bring back skills that may have been forgotten and reinstitute that as the normal. She is a big believer in trickle down leadership but not trickle down economics. Due to issues being brought up at meetings she is hoping that this can begin in Cocoa and that Cocoa commits to civility. She feels it is important to make a public statement.

Linda Dolphin, 2100 N. Indian River Drive, read a letter into the record written by Todd Riggs[1] and sent to the City Manager and Council members in February.

Sam Clayborn, Cocoa Youth Athletics, Inc., thanked Council for the donation to the league. He was born and raised in Cocoa, and grew up in the projects. He played at the Cocoa Youth Football Field. The relationship that he had with his coaches helped him become a productive citizen. There are several issues at the field and although they have taken the right steps to get them rectified, nothing is happening. He asked if the City could get in touch with the right people to get things moving, as the season is about to start.

[1] EXHIBIT A: Letter submitted by Todd Riggs (read by Linda Dolphin)

Councilmember Goins asked who he was communicating with at Brevard Park and Rec. Ms. Phillips stated the name was Tucci. Ms. Phillips further noted that every other field has been upgraded except for Stradley Park. They are doing what they can to patch things up but they are not getting anywhere.

Mayor Williams appreciated all that they do and those are some of the inequities seen around the community. He assured them both that the City is aware of the problems and will talk with the powers that be.

Councilmember Goins pointed out that there have been several conversations between the Assistant City Manager and the County about parks.

Assistant City Manager Fuhrer stated that when this organization submitted their donation application he went out and looked at the facility. The press box and field conditions are bad, but there are minor things that can be fixed for the time being. They are working on a maintenance agreement.

Jennifer Kenny, 1917 Quail Ridge Court #1901, Cocoa, thanked Council for allowing her to share her opinion at council meetings. She spoke about her attendance of meetings at the state level. She is confident that state legislators understand that we are all in this together and must find common ground to work together. She noted that unlike Cocoa's non-partisan council there are two parties at the state level. She spoke about the decorum exuded among all members of the state. Good manners were used. She hoped that this council could take note from the state legislature.

V. CONSENT AGENDA:

1. Approve City Manager's execution of Notice of Forfeiture of Commercial Property Enhancement Program Grant previously awarded to 1003 N Cocoa LLC. (19-153). (Community Services Director)

~~2. Approve a Resolution amending the FY2019 Budget to Transfer Funds for Purchase Order #73716 and #73649 to Garganese, Weiss, D'Agresta, & Salzman to Cover Estimated Non-Retainer Costs for the Remainder of FY 2019, through the use of General Fund Contingency. (19-156). (Administrative Services Director)~~

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve the Consent agenda.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

VI. PUBLIC HEARINGS:

1. Pass on First Reading Ordinance No. 04-2019: A Zoning Text Amendment to allow indoor shooting ranges as a permitted use subject to certain conditions, including ancillary retail sales and restaurant in the M-2 (Manufacturing and Industrial) Zoning District. (19-157). (Community Services Director)

Attorney Garganese read Ordinance No. 04-2019 into the record, by title only, as follows. He advised that this was the first reading of the ordinance.

ORDINANCE NO. 04-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 19 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW INDOOR SHOOTING RANGES AS A PERMITTED USE SUBJECT TO CERTAIN CONDITIONS, INCLUDING ANCILLARY RETAIL SALES AND RESTAURANT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig provided a presentation[2] and provided a project summary in detail, pointing out that the applicant is requesting to amend Appendix A, Article XI, Section 19 of the code to allow an indoor shooting range, with ancillary retail sales and a restaurant, as a principle use with conditions in the M-2 (Manufacturing and Industrial) Zoning District.

She further pointed out that the amendment was precipitated by a project proposed for an indoor shooting range that would include a retail store component as well as a restaurant. There are similar establishments in Melbourne and Volusia County.

She reviewed the consistency with the City Code and Comprehensive Plan policies and objectives.

[2] EXHIBIT B: Zoning Text Amendment Indoor Shooting Range Use in M-2

The Planning and Zoning board recommended approval at their meeting on April 9, 2019 and provided the recommended motion.

Mayor Williams mentioned that if you were in attendance at the Planning and Zoning Board meeting than every question you could imagine was asked. He was very impressed with the Board at that meeting.

Councilmember Koss mentioned that this also includes a restaurant that serves beer and wine. She asked if there was anyone else who does that. Ms. Selig replied in the affirmative and mentioned there was one in Melbourne called Frog Bones and one in Volusia County called Top Shot, which are both the same model.

Mayor Williams noted that there are a lot of checks and balances due to insurance.

Bob Scales, 111 Cleveland Avenue, Cocoa Beach, assured Council that the difference in this type of establishment is that the staff is trained to look for things out of the ordinary with customers. If anyone has a drink their hand is stamped prior to going into the range and everyone's license is scanned prior to going in as well. Secondarily, the staff is trained to look for any type of impairment, not just alcohol impairment. It is something that everyone is focused on.

Mayor Williams opened the hearing to the public.

Michael Harner, 31 Derby Street, Cocoa, thought that it being soundproof was not enforceable and felt it should be changed.

Mr. Scales agreed that sound is a concern. He spoke about the similar types of ranges and noted there are three in a fifty-mile radius, all of which are adjacent to residential areas. They are all soundproof as well as the roof. You can walk by the facility and not hear anything. Sound is always a consideration and design element of the facility.

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

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Goins, to approve Ordinance No. 04-2019: A Zoning Text Amendment to allow indoor shooting ranges as a permitted use subject to certain conditions,**

including ancillary retail sales and restaurant in the M-2 (Manufacturing and Industrial) Zoning District on First reading.

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Postpone consideration of the Large-Scale Site Plan for the Dr. Joe Lee Smith Community Center. (19-158). (Community Services Director)

Ms. Bunt advised that staff would be bringing this item back before the Planning and Zoning Board, as there were issues related to stormwater. This item will be re-advertised prior to the hearing.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to Postpone consideration of the Large-Scale Site Plan for the Dr. Joe Lee Smith Community Center.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

VII. COUNCIL BUSINESS:

1. Approve a Resolution providing for a temporary waiver of building permit fees related to building or structural damage caused by the hail storm that occurred on March 27, 2019. (19-161). (Community Services Director)

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve the item.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

~~2. Approve a Resolution providing for a temporary waiver of building permit fees related to the installation of solar photovoltaic, solar water heating, electric vehicle home charging, natural gas vehicle home refueling systems and electric vehicle charging stations for a period of one year. (19-162). (Community Services Director)~~

VIII. CITY BUSINESS:

1. Approve Resolution 2019-030 Vacating a portion of Right-of-Way of Riverside Drive. (19-159). (Community Services Director)

Ms. Selig provided a presentation[3] advising that St. Mark's Church is requesting the vacation of a portion of the right-of-way of Riverside Drive. She showed a map of the request and mentioned that the church presently owns the parcel of land abutting this section of the right-of-way as well as the parcel on the north side of Church Street where the church and school buildings are located.

Ms. Selig further advised that the City does need to retain a utility easement over the right-of-way in order to maintain City water, sewer, and re-use facilities.

Councilmember Koss asked if this would still allow for public access in that corridor as people ride their bikes and all there. Ms. Selig responded in the affirmative and pointed out that this is just a grassy area.

Councilmember Koss asked how this was impacted by the storm. Assistant City Manager Fuhrer advised that in that specific corner there were a few vessels that came to shore and there was a lot of vegetation, but no other failures associated with it.

Councilmember Koss believes that what they are planning to do is attractive, but it does block the public view somewhat.

Councilmember Goins asked what was being proposed and in response, Ms. Selig stated that the church was looking to build an open-air type of chapel. It would have arches and wrought iron gates so that you could see through the building to the river. It is complimentary to the design they have now.

* **MOTION by Councilmember Goins; Seconded by Councilmember Boisvert, to approve Resolution 2019-030, vacating a portion of Right-of-Way of Riverside Drive.**

Mr. Ed Green, 104 Riverside Drive, Cocoa, asked about the exhibit that was shown and that his question is in regards to the northern line along Church Street. There is a sidewalk now and he wondered if the sidewalk laid within the area is being vacated.

[3] EXHIBIT C: Vacation of Right-of-Way a portion of Riverside Drive presentation

Rodney Honeycutt, representing the church, assured Mr. Green that the sidewalk was outside of the area. He confirmed that there would be no impact to the sidewalk with or without vacation.

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Approve a resolution endorsing the East Coast Greenway route through Cocoa, FL. (19-79). (Public Works Director)

Mr. Wegerif mentioned the Space Coast TPO is responsible for long range planning of trails and they now have a realignment of the East Coast Greenway Trail.

He explained that they are trying to connect the trails and this portion comes through Cocoa. The "preferred" route proposed will extend south from Titusville to SR 528 along US 1. It would then extend east from Cocoa to Port Canaveral along the future trail planned adjacent to SR 528 as part of the widening project.

Public Works staff reviewed the route and proposed an alternate "preferred" route that would extend south from Titusville along Grissom Parkway to Industry Road, along Clearlake Road, and then east on Michigan Avenue to US 1, and then north to where it would connect to the proposed SR 528 trail.

Cocoa's preferred route has been accepted by the SCTPO staff and is being presented to Council for approval. The US 1 route will now be the alternate route.

Mayor Williams stated this planning has been going on for a while.

Councilmember Koss asked if there were any state or federal funds or grants for this. In response, Mr. Wegerif advised that there were some through the state.

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

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

3. Request Council's Direction for the final design concept of the Promenade and Overlooks Project to replace the boardwalk in Riverfront Park destroyed during Hurricane Irma. (19-165). (Public Works Director)

Mr. Wegerif advised that Tom Vill from Infrastructure Solutions was present to provide a brief presentation for the final concept proposal for the promenade.

Mr. Vill provided a background of the project and mentioned that the promenade was discussed during the Waterfront Master Plan Update in 2018. A few key elements were discussed at that time.

He further pointed out that a public meeting was held in November to review some of the concepts for the promenade.

He discussed some of the key design input and noted that coming out of the meeting there was a desire to have a combination of both hard scaping and land scaping so that it would not look too industrial. There was a lot of discussion on what type of railing would be used. There was also preference shown to enhance the visibility and the preference was a stainless steel railing which is very good for weathering and provides an opportunity for signage.

Mr. Vill stressed that ADA compliance also had to be considered while designing this.

He advised that the drawings being shown tonight were higher resolution than provided in the agenda packet. Additionally, at the public meeting it was brought to their attention that there is a company in Cocoa that fabricates wrought iron railings and they were very helpful in designing this concept.

Mr. Vill mentioned that the landscaping was not final and just a rendering but stressed that they want low landscaping. Lastly, he showed the sign concept. It can be lighted or whatever they want it to be. The signage provides for a good marker and serves a second purpose as a wall. There were concerns that the cabled railing was around the fountain area where kids are running around. Landscaping could also be placed around the wall.

Councilmember Koss asked about the Cocoa company and if this was the only type of railing that they fabricate. Mr. Vill responded in the negative.

Councilmember Koss asked if the herringbone was permeable. He advised it was stamped. He noted that the orange area was the existing pavers and it is a herringbone stamped in concrete. This was done as a cost consideration. He would not recommend permeable pavers although he loves them, but in this location, behind the seawall, he would not recommend them.

She further asked about the stormwater. In response, Mr. Wegerif explained that there were some conceptual ideas to do something in the river and mentioned that one idea is at the south end of this project. They are looking at doing something beyond this promenade and extending outward, however, we are still in the early stages.

Further discussion was held on the seawall and stormwater.

Councilmember Koss stated that she does not like the fence and she was at the meetings. There was a number of citizens who liked a different wall. She feels that this design looks hot. She also pointed out that they were forming a waterfront committee and asked if this is something that they should be doing.

In response, City Manager Titkanich advised that the City was under a time constraint due to FEMA and a FIND grant. Any material alterations could jeopardize the grant.

City Manager Titkanich recollected that it was his understanding that the majority of the vote was for the cabling.

Mr. Vill added that the concern with the wall was visibility and the other was people sitting on the wall and falling off. There were a lot of different opinions in the room, but when narrowed down this railing was the preferred option. An informal vote was taken and about fifteen were for it and about nine were for other things.

Mayor Williams is worried about the liability and not having protection due to all of the events in the park.

City Manager Titkanich mentioned that the July 4th event people can get as close as they can to the water's edge.

Councilmember Koss asked where the utilities were located. In response, Mr. Vill explained that they were under the pavement and was hoping to move all of the access points into the landscaped areas.

Councilmember Koss thought that this would also give the additional option of moving some of the festivals off of the streets and into the park.

Councilmember Boisvert clarified that it was wide enough to get an emergency vehicle in the area. Staff answered in the affirmative.

Troy Stephan, 415 Delannoy Avenue, Cocoa, provided his perspective on this project and agrees with some of the councilmembers that it looks cold and industrial. He would like to keep a feeling of connection to the waterfront and he feels this gives a feeling of disconnection. There are designs with knee walls and

there are only a couple of events a year where the larger railings could be put up for protection. He likes the idea of the sign but would like a feeling of more oneness with the water. The water in that area is only two to three feet high so it is not a huge issue.

Aleck Greenwood, 640 Brevard Avenue, Cocoa, was at the meeting and does not remember a lot of support for the industrial look. He thought it was agreed for a softer look. He agreed with Mr. Stephan that there needs to be a connection between the water and the Village. Costs were less expensive with the simulated bricking. He also recalled that the majority voted for the large individual paver look with grass between.

Mr. Vill agreed that it was discussed but it was not the majority vote and does not meet ADA compliance.

Mr. Greenwood asked if the existing pavers were ADA compliant and feels that this could be matched throughout the village. He thought it would look a lot better if everything matched.

Councilmember Koss showed pictures of other city's waterfronts. These photos included the cities of Sanford, Bradenton, Fort Pierce, and New Smyrna.

City Manager Titkanich asked if there was a way to make the railing more curved or a way to soften it up. He further noted that the one difference was that there was not a band shell where community events are held in the photos that were shown. Mr. Vill advised that they will design what the City wants.

Mr. Vill noted that one of the issues with the knee wall was the visibility of the park from the water and that this was not a big focus of his. He feels that they have addressed the direction but they want the end product to be what the City wants.

Councilmember Koss asked if there was a way to fast track the waterfront advisory committee. In response, City Manager Titkanich reiterated that this is a FEMA reimbursement project and not an enhancement project. Additionally, Assistant City Manager Fuhrer pointed out that they applied for an extention but the deadline has passed and anticipated that an agenda item for the t-dock and day slips will be brought forth at an upcoming meeting.

Mayor Williams clarified that staff needs direction. Assistant City Manager Fuhrer responded in the affirmative and mentioned that they are attempting to move to a final design so that this can go out for bid.

Mayor Williams clarified that this can be approved and then alterations can be made. Assistant City Manager Fuhrer advised that alterations will be needed now.

Mr. Vill advised that landscape changes can be done but for a knee wall design they will need time, at least a couple of weeks.

City Manager Titkanich stated that they just verified that they have less than one year for this to be completed. He also stated that liability was a concern and that they were asked to be more resilient so that we were not faced with the same issues as last time. He stressed the need to be storm resilient while trying to incorporate design features.

Mr. Vill clarified that a new design would be with a knee wall. He stressed that if the change was just a knee wall he could bring something back in two to three weeks, but he will not show something that will not work. Additionally, with the t-dock and day slips there is a walk way going from this area to Lee Wenner Park. The walk way has the same railing and asked if this was also an issue. Councilmember Koss stated she would have much less of an issue with that.

Mr. Vill confirmed that he would design with the knee wall and will keep the railing on the overlooks if that was okay.

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins, to accept the design, but replace the railing with an alternate design that incorporates a knee wall.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

Assistant City Manager Fuhrer confirmed the timeline and mentioned the May 22nd Regular meeting. Mr. Vill stated he would try to make the deadline of June 12, 2019.

4. Approve a Resolution amending the FY2019 Budget to Transfer Funds for Purchase Order #73716 and #73649 to Garganese, Weiss, D'Agresta, & Salzman to Cover Estimated Non-Retainer Costs for the Remainder of FY 2019, through the use of General Fund Contingency. (19-156). (Administrative Services Director)

City Manager Titkanich advised that the reasoning behind this item is that there have been two incidents not covered by the retainer and they have vigorously covered unemployment filings with the Menendez case. The attorney's office also represented them during the arbitration regarding his termination. There was also a case on Indian River Drive regarding a tiny home that they were dealing with as well.

He also assured Council that they monitor the retainer and non-retainer costs throughout the year.

Councilmember Koss asked what is covered in the retainer and asked if when comparing to other years did they notice a trend. She further asked how we compare in attorney fees to other cities.

Attorney Garganese explained that the retainer includes bond closings, employment matters, code enforcement proceedings, etc.

Everything else is in the non-retainer fees and sometimes they put these into non-retainer as a courtesy to the City. They are at full service and provide all services except for pensions and bond deals.

As far as trends they cannot predict non-retainer items. They are on an as needed basis and in addition to what the City Manager mentioned they had to initiate seventeen foreclosure actions and several for code. They recovered over $85,000 and ten properties have been collected.

Furthermore, trend wise, on retainer, within the last few years the work load has gone up 46.5% and the CPI adjustment does not keep up with that. There has been a substantial rise on retainer items partly due to economy and development items.

Attorney Garganese pointed out that the City is doing a good job in the retainer fees.

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to approve the item.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

5. Approval a Resolution Amending the FY2019 Budget and Council approval to authorize the City Manager to accept and execute the Overdose Prevention in States (OPIS) Cooperative Agreement Grant in the amount of $36,650. (19-179). (Deputy Fire Chief)

Deputy Chief Lamm explained that this item was for acceptance of a grant that the Fire Department was awarded. They were requesting to amend the budget. EMS equipment will be brought up to date with these funds.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve the item.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

MULTI-YEAR CONTRACTS:

6. Approve a New Lime Stockpile Agreement between the City of Cocoa and Agreserves, Inc. dba Deseret Cattle & Citrus; To Authorize the City Manager to Execute the Agreement. (19-146). (Utilities Director)

Mr. Walsh advised that the City had a previous agreement that has expired and they took this opportunity to renew the agreement with the ranch. He explained how the lime cleans the water and the bi-product is favorable for agricultural operations.

Councilmember Koss stated that this process was discussed at the Utilities Advisory Board meeting.

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to approve the item.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

IX. INFORMATIONAL AGENDA:

1. 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. (19-131). (Finance Director)

2. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2018 to 03/31/2019. (19-138). (Finance Director)

X. REPORTS:

Rip Dyal, Chairman of Board of Adjustment, spoke on behalf of the board and mentioned that recently a few people have resigned. There are only five active

members currently. He asked that the City advertise the vacancies and thought that the Cocoa High School Chorus was amazing.

City Attorney Garganese reiterated an earlier comment noting that the City received a favorable ruling on the tiny home case on Indian River Drive, so they will be working with staff on that.

City Manager Titkanich thanked everyone for the well wishes while he was out.

He reminded Council that he had sent an email with a spreadsheet for them to list their priorities on. He has only received one and has already spoken with that council member.

He also spoke in regards to the email sent by Mr. Riggs. He assured Council that he would provide the information to him.

City Manager Titkanich informed Council that he was not a scholarship recipient for the institute that he applied for.

He spoke in regards to civility and the issues that were brought up by Ms. Martin. He advised that he watched the last meeting and spoke with the City Attorney afterwards. One item that came up was that there is an existing civility resolution that is in effect and there is a section that essentially requires all current members of Council to affix their signature to the resolution.

Mayor Williams understands that they have a resolution and things that had been said at that meeting were not true. They were asked to investigate what was said and bring it back to Council. He believes that the public needs to know the truth. If staff is requested to investigate statements made then the results need to be made known. He knows that one allegation was investigated the next day.

City Manager Titkanich mentioned that per the Charter, any issues brought up are to be investigated by him. He assured Council that a statement was received by an employee and it was verified that there were no conversations exchanged other than a hello and a goodbye. Outside of that, he will pursue the other issues under his powers of the Charter, as his directors and employees have a responsibility like everyone to uphold the Charter with regards to directions given by someone other than their director or the City Manager.

Mayor Williams stated that there was an issue with him giving direction. He has never done that and if he has ever had an issue he has gone directly to the City Manager or Assistant City Manager. He shows pictures and asks that issues be looked into. He apologized for his actions at the last meeting and wished that things could have been handled differently. There were things going on that could not be discussed but results are back and that will be turned over to the City Clerk so that it can be public record.

City Manager Titkanich advised that he had spoken with an employee and will take care of the other employee issues and looks forward to a continuous working relationship with Council.

Councilmember Koss asked if the statement provided by the employee exonerates her, and in response, City Attorney Garganese advised that it is a public record. If she would like she can submit it to the City Clerk as part of the meeting.

Councilmember Koss provided the City Clerk with the statement for the record[4].

Mayor Williams thanked everyone for being in attendance tonight and stated that they have been very busy trying to move the City forward. He appreciates Councilmember's Koss and Goins more than they can imagine. Being newly elected, they are taking on new issues and crossing paths in a lot of things that are being done. He is not trying to disregard anyone else on Council but seeing them work and the support they have all received is unreal.

He has been visiting City parks on a weekly basis and was very impressed with the Easter event at Provost Park. He was extremely impressed with the security they had. It was great event. There is a lot of work that needs to be done at the parks and his concern is that the same level of service be provided to the parks as it is the rest of the City.

His goal is to bring everyone together as there is a divide and it is based on positions.

Mayor Williams announced that the City received an award for the Mayor's Fitness Challenge. He thanked Patrick Air Force Base for the Black History Month event that he attended. He spent eight years in the Air Force and getting to sit with the General was a nice experience. He was treated like royalty. L

[4] EXHIBIT D: Statement provided by Councilmember Koss

Lastly, he spoke of his attendance today at the Kennedy Space Center where he got to hear an update about the Center's future. It was a great event as well.

Councilmember Koss noted that there is a lot going on with the Indian River Lagoon and the County Commissioners. She attended a meeting and was happy to see Abby Diaz in attendance. She hoped to see someone from the waste water department attend in the future at those meetings. Additionally, she stated that there seem to be some available funds at the state level.

She announced that this Saturday, April 27, 2019 is "Healthy Child's Day" at the YMCA from 10 a.m. until 1 p.m.

Councilmember Goins thanked everyone for being in attendance and for listening at home.

He mentioned that he has received about forty to fifty emails from employees regarding the City moving to a bi-weekly payroll. He would like to address this issue and is wondering if there has been any miscommunication.

City Manager Titkanich noted that first and foremost the payroll policy is in the employee handbook and any changes would have to come before Council for approval. He advised that during contract conversations this had been discussed but there is nothing being done at this time. Staff is looking at pros and cons and the implementation and/or timeline has not been set. Someone jumped the gun as a comment was made at a meeting, and word got around like this was happening in May. This is not the case.

Councilmember Goins wanted the information on the record since he received so many emails. An email like that will spread and you do not play with employees' paychecks.

He spoke of a visit to Hannibal Square Heritage Center where he met with Barbara Chandler. She is willing to provide guidance with the Leon and Jewel Collins Museum. He hopes to take a trip with all of Council and staff in a month or so. He felt there needed to be a plan put in place for the Leon and Jewel Collins Museum.

Councilmember Goins further voiced concerns about the old Joe Lee Smith Center and pointed out that people want to ensure that it is not a retention pond.

In response, City Manager Titkanich advised that an analysis of the existing building would be done before anything is done. Brevard County Parks and Recreation is not favorable of having two buildings.

Councilmember Goins stated that there are a few of the 501 C3's willing to come in.

Additionally, City Manager Titkanich advised that they want to do their due diligence because the City cannot hand over something that could cause health or environmental conditions.

Lastly, Councilmember Goins spoke about emails that were received form Ms. Pickle regarding an Airbnb. He asked for an update on legislation regarding Airbnb's.

In response, City Manager Titkanich advised that the legislation has passed the House but he was not sure about the Senate. He assured Council that he would research this issue.

Mayor Williams added that Ms. Pickle had a contract on her home through a realtor and then were told that they could not do an Airbnb, therefore, the contract went away. She wanted to know what was going on with the other property.

Mayor Williams further advised that he had spoken with the Code Manager in the past and had requested a list of properties with liens and the amounts of liens. There are a lot of properties where liens have stopped and these liens need to be removed so that homeowners can refinance or get other funds to fix up their homes. Most of these are liens for high weeds and he believes these need to be looked into and something figured out to help these citizens.

City Manager Titkanich advised that they had discussed an amnesty program and were in the process of working on something.

Mayor Williams felt that there are a lot of situations that could be helped and he feels it is wrong that the City does this to some of these homeowners.

XI. ADJOURNMENT.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to adjourn the Regular meeting of April 24, 2019.**

AYES: Williams, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (4-0)

The meeting adjourned at 8:31 p.m.

Jake Williams, Jr., Mayor

ATTEST:

City of Lecanto CORPORATE SEAL FLORIDA

Carie E. Shealy, MMC, City Clerk

EXHIBIT A: Letter submitted by Todd Riggs
(read by Linda Dolphin)

Lorraine Koss

From: Todd Riggs <toddriggs00@gmail.com>
Sent: Monday, February 11, 2019 6:26 PM
To: Jake Williams; Lorraine Koss; John Titkanich
Cc: JL Riggs
Subject: Significant Cost Savings Opportunity for Cocoa Water Utility Rehab Work

Dear Mayor Williams, Councilwoman Koss, and John,

I'm writing this with two hats on, but primarily as a concerned resident of Cocoa. Last week I learned of a $35,000+ cost savings opportunity for the City. I want to make sure you are aware, and that you and your Utilities and Public Works Departments have the opportunity to follow up.

In my role as a consultant I've recently been working with The Midas Companies (www.midascompanies.com), a leading full-service provider of water and sewer rehabilitation services, based in the metro DC area with a division in Palm Beach FL as well. As it turns out, Midas is in discussions with Carollo Engineers in Orlando to rehab 1,800 manholes in Cocoa, approx. $700K of work.

Relying on an engineering firm to serve as a go-between to manage this type of work can lead to excess and avoidable cost in a couple of ways:

1) They may spec sub-optimal materials because they don't actually do the work and therefore don't have hands on experience with the materials. This is a potential savings of 5%. Selecting the right material for the job, on a $700K job, is a ~$35,000 savings.

2) On top of that, Cocoa will pay Carollo's engineering bill. I don't know if that's hourly or lump sum; either way, it is unlikely to be a small number.

So that's $35K avoidable cost, plus whatever Carollo is charging Cocoa, just on this scope of work.

Given the state of our infrastructure (the mainline break during Hurricane Irma was just a few blocks from my house), Cocoa is likely to need a lot of other work in infrastructure rehabilitation. I presume Cocoa is likely to also go through Carollo for this additional scope.

I believe a more efficient approach is to work directly with a contractor that brings capabilities across a broad spectrum of infrastructure rehab work. First, such a contractor would be better able to work with Cocoa to identify and tailor the right approach (vs. "if all you have is a hammer, everything starts to look like a nail"). Second, the contractor would be directly responsible for the quality and timeliness of their work, without paying extra to an engineering firm.

Midas is one example of this kind of firm, and has significant presence and experience in Florida in general and Central Florida in particular.

I would like to put you (and the right people on the City staff) in contact with Kevin Jennings, the General Manager of Midas Southeast, so he can help Cocoa determine the most cost-effective path forward on all of our water utility needs.

I look forward to hearing your thoughts and introducing you to Kevin.

Sincerely,

Todd Riggs
1629 N. Indian River Dr.
Cocoa FL 32922
414.795.6147

COCOA
FLORIDA

Zoning Text Amendment

Indoor Shooting Range Use in M-2

April 24, 2019

EXHIBIT B - Zoning Text Amendment Indoor Shooting Range Use in M-2

Project Summary

The City of Cocoa, as the applicant, is requesting to amend Appendix A, Article XI, Section 19 of the code to allow an indoor shooting range, with ancillary retail sales and a restaurant, as a principle use with conditions in the M-2 (Manufacturing and Industrial) Zoning District.

Project Summary

- The amendment was precipitated by a project proposed for an indoor shooting range, as yet untitled, that would include a retail store component as well as a restaurant.

- This business model is similar to another operation in Melbourne and one in Volusia County.

- At the present time there is no provision for indoor shooting ranges as a use in the City's zoning code.

Project Summary

(12) Limited commercial uses, as identified in this section, shall be permitted with the following conditions:

d. Commercial uses shall be limited to:

5. Indoor shooting ranges, with ancillary retail sales and restaurant subject to the requirements of subsection (A)(12)(d)(2.) of this Section, shall be permitted with the following conditions:

a. All firing shall take place within a completely enclosed building.

b. Site plan applications for the development of an indoor shooting range shall include a plan by a Florida registered engineer demonstrating that the building is soundproof and appropriately designed for such use.

COCOA FLORIDA

Project Summary

In accordance with Section 1(G)(2), Article XXII, Appendix A (Zoning), of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

a. The need and justification for the change.

b. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

Project Summary

Consistency with the Code of the City of Cocoa

- Currently, outdoor firearm testing facilities are permitted as a special exception in the M-1 and M-2 districts, when ancillary to a permitted firearm manufacturing use.

- The staff report for the ordinance allowing outdoor firearm testing facilities, recommended this use as a special exception to ensure outdoor firearms testing facilities would not be located within close proximity to residential areas.

Project Summary

Consistency with the Code of the City of Cocoa

- Staff's primary concern regarding the proposed zoning text amendment is protection of the surrounding community and the environment.

- Sport shooting and training ranges are regulated in part under Section 790.333, Florida Statutes. This statute provides that it is the public policy of the State of Florida to encourage the safe handling and operation of firearms and mandates appropriate training in the safe use and handling of firearms for persons licensed to carry concealed firearms and for persons licensed to hunt in the state.

Project Summary

Consistency with the Code of the City of Cocoa

- Additionally, the Legislature has preempted the whole field of regulation of *firearms and ammunition use* at sport shooting and training ranges, including the environmental effects of projectiles. However, zoning ordinances regarding the siting of shooting ranges continue to be permitted.

- The Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) have adopted lead standards to protect employee health and safety.

- OSHA published a Fact Sheet in June 2018, titled "Lead Hazards: Protecting Workers at Indoor Firing Ranges".

Project Summary

Consistency with the Code of the City of Cocoa

- In addition, firing range waste must be managed in accordance with the Resource Conservation and Recovery Act (RCRA) and Title 40 Code of Federal Regulations (CFR) 260-265.

- The U.S. EPA has published a brochure, titled "Do you Use Best Management Practices for Lead at Your Outdoor Shooting Range?" and the National Park Service has published a brochure on "Firing Range Waste Management."

Project Summary

Consistency with Comprehensive Plan Policies and Objectives

Future Land Use Element Goal 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

Future Land Use Element Goal 1.2: Location Criteria for Land Uses. Future land use categories and land development regulations shall be consistent with the density and intensity standards in Policy 1.1.1.1 and be based upon the following locational and development standards and criteria:

Project Summary

Consistency with Comprehensive Plan Policies and Objectives

Future Land Use Policy 1.1.2.10: Industrial zoning districts shall be regarded as appropriate locations for businesses that might have adverse secondary effects on residential areas, religious establishments, schools, parks, or day care centers located within the City.

Future Land Use Element Goal 1.3: The City of Cocoa shall enhance the quality of life and prosperity of its citizens through the retention and creation of a wide range of profitable business opportunities and jobs.

Recommendation

Previous Action:

The Planning & Zoning Board recommended approval of the proposed Zoning Text Amendment at the April 9, 2019 meeting.

Recommended Motion:

Pass on First Reading Ordinance XX-2019: A Zoning Text Amendment to allow indoor shooting ranges as a permitted use subject to certain conditions, including ancillary retail sales and restaurant in the M-2 (Manufacturing and Industrial) Zoning District.

COCOA
FLORIDA

Vacation of Right of Way
A portion of Riverside Drive

April 24, 2019

EXHIBIT "A" VACATION OF RIGHT-OF-WAY A PORTION OF RIVERSIDE DRIVE

Project Summary

- St. Mark's Church is requesting the vacation of a portion of the right-of-way of Riverside Dr. as depicted in Exhibit A.

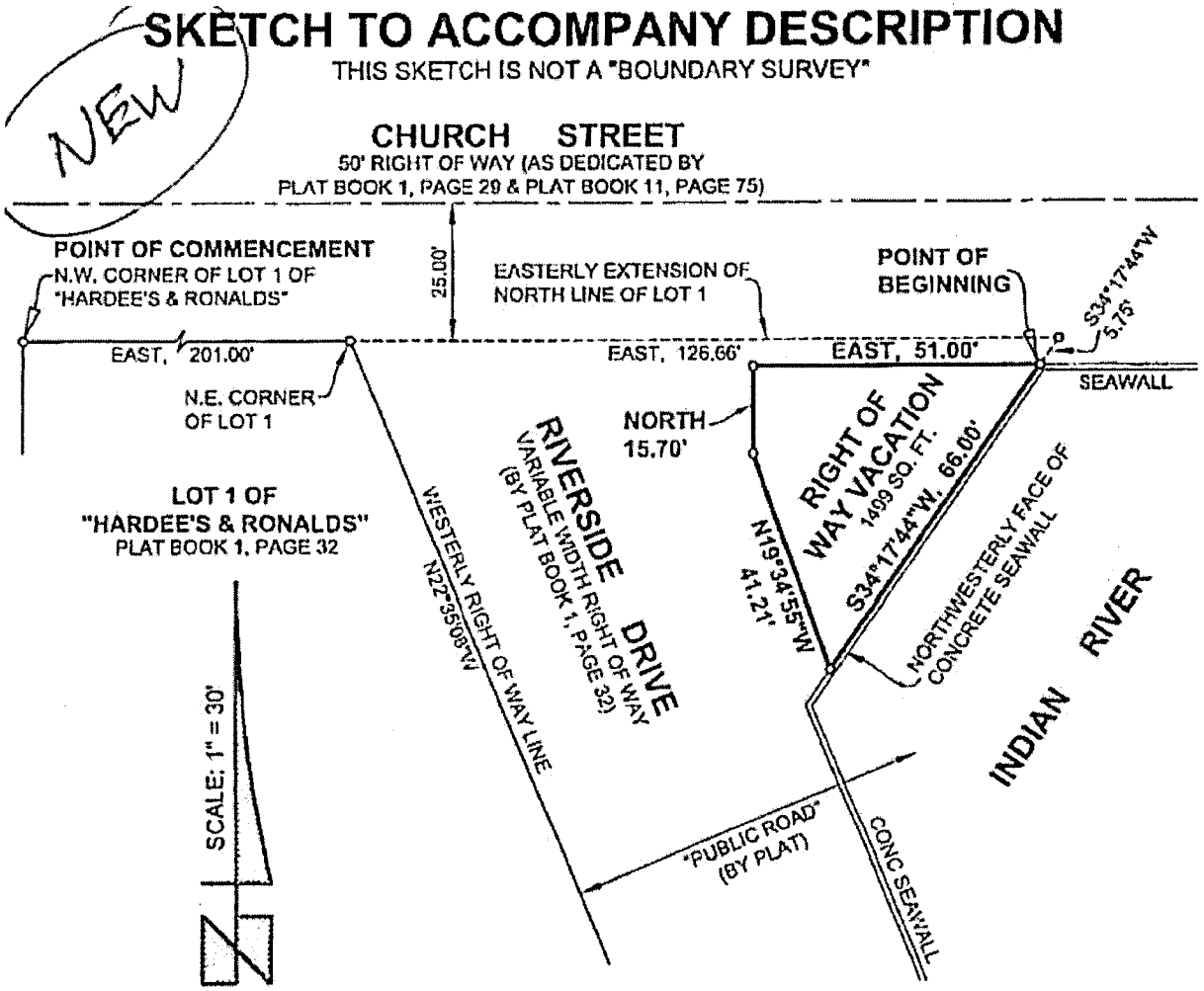
- St. Mark's Church presently owns the parcel of land abutting this section of right-of-way as well as the parcel on the north side of Church St. where the church and school buildings are located.

- The roughly triangular portion of right-of-way in Exhibit A was originally used for the extension of Riverside Dr. that ran north from the intersection with Church St., along the waterfront, and ultimately provided a connection to SR520 where River Edge Blvd. crosses Harrison St.

- As a result of the development of Riverfront Park the roadway connection no longer exists, and there is no anticipated need for the use of this portion of right-of-way as a roadway.

COCOA FLORIDA

Project Summary



Recommendation

Utilities and Easements Assessment:

- The City does need to retain a utility easement over the right-of-way in order to maintain City water, sewer and re-use facilities.

Recommended Motion:

Approve Resolution 2019-030 Vacating a portion of Right-of-Way of Riverside Drive.

Matthew Fuhrer

From: Everett (Ed) Wegerif
Sent: Monday, April 15, 2019 1:21 PM
To: Matthew Fuhrer
Cc: Gary Palmer
Subject: FW: Old Fire #1

Matt,
FYI – I asked Gary to put into writing if he were asked to recall the meeting at some later time.

Ed

From: Gary Palmer
Sent: Monday, April 15, 2019 1:05 PM
To: Everett (Ed) Wegerif <ewegerif@cocoafl.org>
Subject: RE: Old Fire #1

From: Everett (Ed) Wegerif <ewegerif@cocoafl.org>
Sent: Monday, April 15, 2019 9:26 AM
To: Gary Palmer <gpalmer@cocoafl.org>
Subject: RE: Old Fire #1

Gary – Add the date – Monday April?

From: Gary Palmer
Sent: Friday, April 12, 2019 2:19 PM
To: Everett (Ed) Wegerif <ewegerif@cocoafl.org>
Subject: Old Fire #1

Ed,

Per our discussion, on Monday April 8,2019 around 3:15 PM I arrived at the Old Fire Station #1 were one of my staff members(Jeff Erdley) was just finishing a tour of the fire station with Mayor Jake Williams and 3 ladies from Habitat. I introduce myself and we talked for about 5 minutes outside the front door to the fire station about some of the major issue about the building. The three ladies from Habitat were getting ready to leave when Lorraine Koss pulls up on a moped and a few second behind her so did a gentlemen named Rip(I don't know his last name). The Mayor spoke to Lorraine about "are you coming to the meeting tonight" and that was it. The Mayor then turn back towards the ladies from Habitat and said good bye and him and this gentlemen named Rip walked across the street and started a conversation. Meanwhile me and Jeff were locking up the building when Lorraine asked to go inside and tour the building. Me and Jeff Erdley walked Lorraine around the inside of the building and bays. After about ten minutes we finished and walked outside. Jeff proceeded to lock up the building when it started to rain. Jeff left and I offered to help Lorraine move her moped under the overhang and give her a ride home. The Mayor and Rip were still talking when we left the building. I asked Lorraine for directions to her home and the only City business that was discussed was the location of the Civic Center. I told her that If the City wants a Showcase Civic Center it needs to go at Lee Wenner, if the City just wants a Civic Center to have meetings, then it could be put anywhere in the City. Upon return to the office I reported all this to you.

If you have any question let me know.
Gary



Gary A.Palmer
Facilities Manager
155 North Wilson St, Cocoa, FL 32922
(321) 433-8772/ gpalmer@cocoafl.org

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