MINUTES
City of Cocoa
Regular Meeting of The City Council

March 23, 2021

A Regular City Council Meeting was held on Tuesday, March 23, 2021, 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 6:01 p.m.

Mr. Fred Howell provided the invocation and Mr. Greg Stoll 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
	James Goins	Deputy Mayor
	Rip Dyal	Councilmember
	Lavander Hearn	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Matthew Fuhrer, Assistant City Manager; Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; John Hankins, Interim Chief of Police; Jonathan Lamm, Fire Chief; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Nancy Bunt, Community Services Director; Trevor Roth, Helpdesk Support Tech; Rob Beach, Chief Technology Officer; Dodie Selig, Planning Manager; and Samantha Senger, Assistant to the City Manager/PR Specialist.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of March 23, 2021 (21-227)

2. **Minutes:** (a) District 1 Town Hall Meeting of February 16, 2021 (21-212)
(b) Regular Meeting of February 23, 2021 (21-228)

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve the Agenda as presented for the regular meeting of March 23, 2021.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Koss, to approve the Minutes for the District 1 Town Hall Meeting of February 16, 2021 and the Regular Meeting of February 23, 2021 as written.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Certificate of Recognition to Fred Howell. (21-237). (Councilmember Dyal)

Councilmember Dyal provided a brief history of Mr. Fred Howell and Deputy Mayor Goins presented Mr. Howell with a Certificate of Appreciation for all of the time and dedication he has given to the youth of the City of Cocoa.

Mayor Blake also spoke in appreciation of Mr. Howell.

IV. Delegations:

Larry Sinclair, 1052 Mitchell St., Cocoa, Florida, mentioned the Florida today article that had slandering remarks about him and BACRAP. He stated that he has given the City more than statutory notice and requests that the City write an apology and they have yet to do so. If an apology is not given by the next Council meeting, Attorney Garganese, Mr. Fuhrer, and staff will be served another lawsuit. In regards to the FBI investigation, he requests that Mr. Fuhrer provide names and addresses to the public. He will not leave this city with a cloud overhead.

Mr. Sinclair further spoke of events at the Joe Lee Smith Center sponsored by the City with both Deputy Mayor Goins and his sister's names on them. He has spoken with Brevard Parks and Rec and this is a mortgage/wealth workshop. The two

individuals featured are being sued for defrauding a Cocoa resident. He is appalled that the City would sponsor this and that the facility is given to councilmembers free of use.

Mayor Blake advised that about two council meetings ago the topic of the FBI investigation arose and there were employees named in that suit. He confirmed with the City Manager that there have been no questions in regards to that and he wants to know how this cloud could be removed, and what can be done. He asked that this be brought back to the next meeting for discussion.

Roberta Naylor, 1306 Moss Lane, Cocoa, requested an update on a code case. Interim Chief Hankins advised that she had spoken with Commander Dovale and that Code went by and took photos. She confirmed that was correct and that they also spoke with her neighbor. Interim Chief Hankins assured her that they would keep in contact with her. She thanked him.

V. Consent Agenda:

(A) General Consent Items:

1. Staff recommends approval for the adoption of Lee Wenner Park, Provost Park, Dr. Joe Lee Smith Park and SR 524 by various volunteer organizations through the Keep Brevard Beautiful Program. (21-163). (Public Works Director)

2. Approval to issue a temporary permit to reserve a portion of either the T-Dock or Day-Slips for Oceanik.US, Inc. to use for overnight and weekend storage of a vessel for repair work related to the waterway channel fender system on the SR 520 bridge in the Indian River. (21-167). (Public Works Director)

3. Approve the 2021 Fee Schedule under Amendment #7 with Water Resource Associates (WRA), Tampa, Florida, effective October 1, 2020 through September 30, 2021. (21-198). (Utilities Director)

4. Approve a Resolution Amending the FY21 Budget, BAF# 21-057-A, re-classing the revenue account to grant funding, and not through the use of Fund Balance Reserves, and providing additional budget, for the allocation of a portion of the funds, to Administrative Costs. (21-223). (Finance Director)

(B) Multi-Year Contracts:

5. Approve the First Amendment to Purchase Agreement to RFQ-18-10-COC, Continuing Service Agreements with Carollo Engineers, Inc., for Engineering

Services for Wastewater Collection, Treatment, and Disposal Systems. (21-207). (Utilities Director)

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Pass on 1st Reading: Ordinance 02-2021, of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date. (21-201). (Community Services Director)

Attorney Garganese read Ordinance No. 02-2021 into the record by title only as follows. He advised this was the first reading of the ordinance.

ORDINANCE NO. 02-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 4A, 5 AND 6 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; LIMITING THE FUTURE APPLICATION OF THE RU-2-10 ZONING DISTRICT AND THE REGULATIONS THEREIN PERTAINING TO THE CONSTRUCTION OF SINGLE-FAMILY DWELLINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig provided a presentation[1] and pointed out that some of the issues within the current code are being cleaned up by this ordinance.

A map was shown which explains the zoning districts and she explained that a zoning comparison and setbacks analysis was done as well.

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1 EXHIBIT A: Zoning Text Amendment: RU-2-10

She provided staff's recommendation and Mayor Blake added that this was approved by the Planning & Zoning Board on March 3, 2021.

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

* **MOTION by Councilmember Dyal; Seconded by Councilmember Hearn, to approve Ordinance No. 02-2021 on First Reading: amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Pass on 1st Reading: Ordinance 04-2021, of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date. (21-205). (Community Services Director)

Attorney Garganese read Ordinance No. 04-2021 into the record by title only as follows. He advised this was the first reading of the ordinance.

ORDINANCE NO. 04-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 18 AND 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; ALLOWING TOWNHOUSES AND SINGLE-FAMILY HOMES AS A SPECIAL EXCEPTION USE WITHIN THE CORE COMMERCIAL AND CERTAIN SUBDISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT; AMENDING THE WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR HOUSE BUILDING TYPES ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT; 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] on this ordinance and noted that staff would like to allow for the possibility of construction of townhouses, single-family homes and duplexes under the C-C, Core Commercial zoning district regulations, specifically as a Special Exception use. These are currently prohibited uses in this district.

She showed a map of the core commercial zoning district as well as the downtown area.

She further noted the amendments to the C-C and CWOD and pointed out staff's recommendation.

Mayor Blake added that this would increase the population in District 1.

Mayor Blake opened the hearing to the public.

Jim Strickland, 10 South Street, Cocoa, asked what the new building type would be. It was noted single family and town homes. Ms. Selig advised it is not the use but the form of the structure that this ordinance is referring to.

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

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Koss, to approve Ordinance No. 04-2021 on First Reading, amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Pass on 1st Reading: Ordinance 06-2021, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of

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2 EXHIBIT B: Zoning Text Amendment: C-C & CWOD

SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District). (21-215). (Community Services Director)

Ms. Bunt explained that RU-2-10 zoning district was created to apply only to those parcels included in the Heart of Cocoa Consent Decree area which is limited to a physical location adjacent to Cocoa Village. It is not intended to be applied to properties in other areas of the city.

Therefore, staff is bringing forth this rezoning action in order to redress this inconsistency and apply the same zoning district to the entirety of the three parcels containing fragments of this last remaining RU-2-10 zoning outside the Consent Decree area.

Attorney Garganese read Ordinance No. 06-2021 into the record by title only as follows. He advised this was the first reading of the ordinance.

ORDINANCE NO. 06-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF A 9.33 ACRE PORTION, MORE OR LESS, OF THREE (3) PARCELS OF REAL PROPERTY, LOCATED SOUTH OF THE INTERSECTION OF STATE ROAD 524 AND LONDON BOULEVARD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM RU-2-10 (LOW-DENSITY SINGLE-FAMILY AND MULTIPLE-FAMILY DISTRICT) TO RU-2-15 (MULTIPLE-FAMILY DWELLING DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Ms. Selig provided a presentation[3] and reiterated the inconsistencies and noted what they were proposing which is medium density residential. A location map of the area was shown.

Mayor Blake opened the hearing to the public.

Greg Stoll, 2203 Salem Drive, Cocoa, advised this was one parcel with a certain zoning and the developer changed it to three. It will affect the local area.

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. 06-2021 on First Reading, a Zoning Map Amendment**

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3 EXHIBIT C: Zoning Map Amendment

consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District).

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Pass on 1st Reading: Ordinance 05-2021, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, for a City initiated request to change the Future Land Use Map designation of a portion of one (1) parcel from City of Cocoa "Low Density Residential" to City of Cocoa "Medium Density Residential". (21-232). (Community Services Director)

Attorney Garganese read Ordinance No. 05-2021 into the record by title only as follows. He advised this was the first reading of the ordinance. This parcel has an issue where the future land use is inconsistent with the zoning.

ORDINANCE NO. 05-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR A 7.61 ACRE PORTION, MORE OR LESS, OF ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA LOCATED SOUTH OF THE INTERSECTION OF STATE ROAD 524 AND LONDON BOULEVARD, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE REAL PROPERTY FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

Mayor Blake opened the hearing to the public.

Greg Stoll, 2203 Salem Drive, Cocoa, mentioned that the future land use does not match what is on the zoning map, so the map should match the future land use. A lot of work was put into this so they should match.

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. 05-2021 on First Reading, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, for a City initiated request to change the Future Land Use Map designation of a portion of one (1) parcel from City of Cocoa "Low Density Residential" to City of Cocoa "Medium Density Residential".**

Councilmember Koss asked when the future land use was determined. In response, Ms. Selig advised that the previous project proposed for the property in 2007/2008 was townhomes and the density was not an issue but the zoning worked. As they reviewed the current proposal, they realized the inconsistency, it has the zoning but is inconsistent with its own future land use. That is being corrected.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Staff is seeking Council direction on the future of the July 4th celebration in Riverfront Park for 2021. (21-217). (Assistant to the City Manager/Public Information Officer)

Ms. Senger advised that at the last council meeting under reports she asked for direction regarding the July 4th event in Cocoa Village. She recapped the discussion and mentioned that is one of the largest events hosted by the City and usually attracts around 10,000 people. She explained what was being proposed and assured council that staff has researched options in order to incorporate CDC guidelines.

One option is the POD system and she explained how this would work and that the pods would be socially distanced.

They could move forward with holding the event with safety precautions or they could not host the event again this year.

Councilmember Dyal asked if the numbers go down before the 4th of July would it still be held and asked how the crowd would be controlled in other areas of the Village. In response, Ms. Senger advised that they would work with the police department to keep areas cleared out but pointed out that some of the facilities are not the city's however, they will do their best to control the crowd.

Councilmember Hearn was in favor of safety protocols but was concerned with the fair distribution of pods. In response, Ms. Senger noted that Rockledge helps pay for a portion of the fireworks. He would like both Cocoa and Rockledge to have first priority.

* **MOTION by Councilmember Hearn; Seconded by Mayor Blake, to approve Option #2, which is to move forward holding the July 4th event with the safety precautions in place in order to help ensure that attendees stay safe at the event.**

Councilmember Dyal asked if the orchestra would have VIP seating. Ms. Senger noted they were not doing it this year.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consider the Appointment of Jennifer Kenny as a member of the Sustainability Advisory Board. (21-229). (Administrative Services Director)

Mr. Larry Sinclair, 1052 Mitchell St., Cocoa, stated that he has a problem with this appointment and that the board was being stacked by a councilmember. There was a plan and he thought that board was to be used to bring back sustainable issues to the Council. There was a person that resigned less than a year ago due to issues on the board. He reiterated that this applicant should not be appointed.

Councilmember Koss noted that those were absurd allegations about the board and that she has not spoken with Jennifer Kenny but knows that she is very intelligent and has been involved with the City for a number of years.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve the appointment of Jennifer Kenny as a member of the Sustainability Advisory Board.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Consider the Appointment of the current Alternate member Sharri Scott as a Regular Member and new applicant Demetrius Thomas as 1st Alternate member to the Code Enforcement Board. (21-230). (Administrative Services Director)

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Hearn, to approve the Appointment of the current Alternate member Sharri Scott as a Regular Member and new applicant Demetrius Thomas as 1st Alternate member to the Code Enforcement Board.**

Councilmember Koss pointed out that both of these candidates were results of the Citizens Academy and Ms. Scott has valuable experience that will be an asset to the board.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Consider the adoption of a Resolution supporting SB 334 & HB 239 which grants Cities and Counties the ability to provide smoke-free zones or designated smoking areas in public parks. (21-231). (City Manager)

City Manager Whitten advised that this was a Home Rule item that came up due to the legislative session.

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Council Direction on The Villas of Cocoa Village for the redevelopment of 915 Florida Avenue (also known as the former location of the Oaks Mobile Home Park). (21-250). (Community Services Director)

Mayor Blake spoke in regards to this item and stated that he was a believer in getting the highest and best use of the property and going vertical if possible. He felt that a service parking or garage to offset the deficiency of free public parking in the downtown area would be nice.

Ms. Bunt provided a presentation[4] with a brief overview of 915 Florida Avenue. She reviewed the development agreement requirements, provided a timeline and explained that this was discussed at the City Council Workshop held on February 1, 2021. She added that a letter was received today from their attorney.

Jeri Blanco, Ivy Drive, Cocoa, was in support of the Villas of Cocoa Village. She was understanding that the city was considering an RFP and during the tenure of

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4 EXHIBIT D: 915 Florida Avenue presentation

the former mayor the property in question had other interested parties willing to develop. Her concern was that the city had an agreement for the development which was accepted by the city. This would be urban development and would offset it from others in the county. The potential of this city has never been fully utilized and hoped that the decision does not undermine the city but propels it into the future. Cocoa has the greatest location in the county and we would thrive with that type of development.

Mayor Blake asked for the record if there was an agreement.

City Attorney Garganese advised that he was not aware of any written agreement between the City and the developer as of yet. There is a draft circulating but other than that there is none.

City Manager Whitten had nothing to add to the City Attorney's statement but stated we were at this point because there is no agreement after three years of negotiating. Nothing has been presented that was acceptable to staff or the City Manager.

Jim Stripling, 10 South Street, Cocoa, agreed with Ms. Blanco's perspective and was confused about comments made by the Mayor regarding best use or parking. He pointed out that studies have been done with multi-family being the best use. He is a property owner and has made purchases based on what he has seen due to the Villas and other surrounding properties. He added that this has been in discussion for years and he does not see anything happening. What gets planned and signed gets done and what does not doesn't get done as you are two years in with no signed agreement.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to terminate the negotiations with the Villas and to direct staff to issue another RFP based on the Highest and Best Use Analysis from March 15, 2021.**

Michael Dear, Attorney for the Villas, stated that many things have been said but one thing that was concerning was that the City would think about terminating the negotiations at this point. His involvement on this has been for less than two months but during that time he has learned that on April 24, 2018 his client's bid to develop the property was accepted and that draft agreement was not authorized by the City until October 2018.

From October 2018 until Feb. 22, 2021 based on changes discussed between the City and developer his client anticipated changes which were never provided. On February 22, 2021 they received the changes which was twenty-one days after the meeting on February 1st where this issue was discussed. On March 19th they

received notice of today's hearing and yesterday he provided council with a three-page letter outlining some terms in the draft agreement that are not consistent with the original RFP and are not fair to his client.

He does not feel that good faith negotiations have terminated and for there to be a motion to terminate the negotiations now he does not feel the City has legal authority to do that. In the recommendations provided in the agenda item, he believes the only option is to continue negotiations to discuss with them the development of the property and to negotiate terms consistent with what the City has done in the past with other developers specially in regards to zoning. The City has provided authority within development agreements with other developers in the past, but in the draft provided to him, that authority was not given and the agreement says 'if at the city's sole discretion, the city does not approve a zoning change within 90 days that the development agreement shall terminate immediately and be of no effect." His client would have no control over that.

He further noted that the they were here in good faith to negotiate the development agreement based on the bid awarded April 24, 2018 and they have provided changes based on most recent draft and feel that good faith negotiations have not been exhausted.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Approval of the 2021 AVT exemption for Walmart based on the fulfillment of all the requirements of the Ad Valorem Tax Abatement Economic Incentive Agreement including the final requirement of producing 239 jobs at an average annual wage above $42,421 by December 31, 2020. (21-168). (Community Services Director)

Mayor Blake pointed out that Walmart met their guidelines.

Ms. Bunt advised that there were several agreements with Walmart and one of them was that by December 31, 2020, they would have created 239 jobs with the average wage being $42,421. Additionally, Walmart is also bound by a Development Order approved by the City Council on March 14, 2017. The site has approximately 140 acres for additional development and the Development Order provides for the donation of a one-acre parcel to the City for municipal purposes so staff is working on that as well.

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve a Lease Termination with The Florida Historical Society for the operation of the Brevard Museum of History and Natural Science; accept donation of certain Florida Historical Society assets; direct staff and the City Attorney to review museum exhibit leases and donation documents to determine disposition of artifacts and exhibits not owned by the Florida Historical Society; and Approve BAF (#21-060-T) to allocate funds for the temporary operation of the Museum to maintain public access. (21-200). (Assistant City Manager)

Mayor Blake voiced concerns about this item and Assistant City Manager Fuhrer explained the item in detail.

Assistant City Manager Fuhrer advised that there were a number of actions within this item. First, he spoke about the termination of the lease agreement and mentioned that Section 10.2 in the agreement outlines that termination.

The museum voted to terminate the lease agreement effective March 1, 2021.

He further spoke in regards to the items that would be donated to the City and he pointed out that the final item included is a budget transfer to continue the temporary operation of the museum through September 30, 2021.

Mayor Blake endorses preserving history but if you do it for one do it for another. He mentioned the Leon and Jewel Collins Museum and requested that this item be tabled so that staff could see what could be done to incorporate these two together. There will be backlash in the community and he wants to be proactive.

* **MOTION by Mayor Blake; Seconded by Councilmember Hearn, to table this item and to bring it back with a way to incorporate both museums.**

Councilmember Koss stated that there were funds in the budget this year for the Leon and Jewel Collins Museum.

Deputy Mayor Goins agreed that there should be a plan moving forward for both museums. He did not agree with the $27,000.

City Manager Whitten advised that the $27,000 was to keep the current level of service and this along with the Leon and Jewell Collins Museum will always have recurring expenses. They can start to incorporate both of these into upcoming budgets for both capital and operating.

Mayor Blake wants to ensure that this is kept even and that they will both be a plus for the City.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve Ordinance No. 07-2021 on First Reading: Relating to Term Limits of Board members. (21-236). (City Manager)

Mayor Blake asked which boards apply to term limits.

In response, City Manager Whitten advised that consistent with the action of Council at the last meeting, this ordinance was drafted relating to term limits. The boards effected would be for those not pre-empted by other statutes, or other boards whose term limits were not otherwise set by other standards.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve for discussion.**

Attorney Garganese read Ordinance No. 07-2021 into the record by title only as follows. He advised this was the first reading of the ordinance.

ORDINANCE NO. 07-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 2-58(f) OF THE CITY CODE RELATED TO TERMS OF BOARD AND COMMITTEE MEMBERS TO ESTABLISH TERM LIMITS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Larry Sinclair, 1052 Mitchell Street, Cocoa, stated that they want term limits but in the ordinance submitted they can propose not to impose the limits. Either its term limits and they stick or you do not do it. It clearly states that Council can disregard the limits for any person.

Greg Stoll, 2203 Salem Drive, Cocoa, recalled that the statement in the ordinance was that "if not one else wanted to serve."

Councilmember Koss pointed out that the purpose of this was to increase engagement and to give those coming through the Citizens Academy an opportunity to serve in different capacities. The issue of being able to override the term limit is important because there are certain areas where there is an expertise in some of the seats.

Councilmember Dyal advised that there was one individual on the board and he was the first person on the board and we would now be saying he would have to go. There is also a small amount of African American's who have served and now they have to go as well.

THE VOTE ON THE MOTION WAS:

AYES: Goins, Hearn, Koss

NAYES: Blake, Dyal

THE MOTION CARRIED (3-2)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2020 to 2/28/2021. (21-197). (Finance Director)

2. Fire Incident Summary Report for February 2021. (21-204). (Fire Chief)

3. Approved change orders to construction contracts that the City Council has authorized the City Manager, by resolution, to approve in excess of the City Manager's spending authority. (21-224). (Finance Director)

4. FY 2021 Budget Adjustment Report. (21-225). (Finance Director)

5. Data showing the relation between the estimated and actual income and expenses to date. (21-226). (Finance Director)

6. Space Coast TPO Project Priority Entry and Listings. (21-244). (Public Works Director)

X. Reports:

Ms. Blanco, Ivy Drive, Cocoa is on the Planning & Zoning Board and agreed with Councilmember Dyal regarding the term limit ordinance. Additionally, she sees Councilmember Koss's view. There are many volunteers that give their time and some that do not realize the commitment and work it takes to serve on a board. She wishes there was a better way to compromise.

Deputy Mayor Goins appreciates her opinion but stressed that this will still provide an opportunity for people to serve and will offer the opportunity to more.

Councilmember Koss stated that no one will be asked to step down until their current term is over.

Chief Lamm provided an update on Covid. In the State of Florida there has been 2,016,513 cases and in Brevard County, there have been 36,438 with 790 deaths. In Cocoa there have been 3,317 cases. He did not have an update from the Department of Heath of cases inside the City limits. In regards to vaccines, there have been 5,057,939 given in Florida and in Brevard there have been 132,630 with 76,881 completing both shots.

There have been a lot of questions raised as to where you can get the vaccine in Cocoa. He assured everyone that he has stayed in communication with Brevard County and they will continue to abide by the Governor's requirements. If someone is not abiding by his requirements Brevard County will not give them any other vaccines.

Lastly, he announced that Texas received the water on Sunday and he received a call from the Houston Fire Chief. Photos will be provided in the future.

Ms. Gemmati provided an update on the Summer Youth Program and explained what the program entailed. They are working with the Cocoa High School counselors to make sure the information is disseminated. They work with CareerSource as well.

Secondly, Ms. Gemmati spoke about the police chief recruitment and that five top candidates would be in town next week and with that there are several activities planned. There will be two public meet and greets so that they can be introduced to the public. The dates are as follows: Monday, March 30, 2021 at the Joe Lee Smith Center at 6 p.m. and Tuesday, March 31, 2021 in the Community Room at Eastern Florida State College at 6 p.m. It is requested that questions be submitted in advance so that they can be organized and there is a link as well on the main page of the website for question submittals.

City Manager Whitten clarified the grant on the Leon and Jewel Collins Museum and asked it had been received along with its purpose. Ms. Bunt stated it has not been received and it was for the windows. There is also another one for $30,000

that will be used for slides (TV displays), etc., however, they are still waiting on the governor's budget.

Councilmember Koss thanked Pastor Rich at First Baptist as he is hosting the first nursing academy starting March 29th. This is a certified nursing program and will enhance our healthcare offerings. It is Elevate Brevard-Cocoa and is the first of the projects being launched in Brevard.

She added that at the Space Coast TPO meeting Samantha Senger and Rachel Horst were recognized for the video regarding Florida Avenue.

She further commended Greg Stoll and Wesley Parks who have had perfect attendance at the meetings for both the Space Coast TPO/CAC and Trails Committee.

Lastly, a community meeting was held on Saturday, March 20th and there were about fifty to sixty participants with positive energy. They talked about the Clearlake area and what has been happening there. There was direction of forming "Friends of Clearlake". She further thanked Ms. Weiss, Ms. Riggs and Councilmember Dyal for their participation as well as her husband for providing lunch.

Councilmember Hearn stated that the City was very thankful for anyone who is looking to do business here and that it is an honor to do business in the City. He thanked staff for the work they do as well as Council.

Councilmember Dyal asked for a status on the hotel. Ms. Bunt advised an update would be provided to the Cocoa CRA and they were on target.

City Manager Whitten spoke in regards to rumors. There is a development agreement between the CRA and Mr. Brown's company with a development agreement in place. In this agreement council has obligated him to meet those milestones and he is working towards meeting those. In regards to the other project, there is not an agreement and there was no progress on coming to an agreement between staff and the applicant. They are at very different places in regards to progress for two projects that started at the same time. There were four items that Mr. Brown must have and he is progressing towards those.

Councilmember Dyal agreed that the meeting on Saturday was a huge success.

Deputy Mayor Goins felt that the Mayor's Challenge was going well and thanked all for their participation in the different events.

The March 12th walk with St. Mark's students was a great event. He thanked the City Manager and staff for the water and they appreciated them being out there and cheering them on.

The March 13th event at the pond behind Emma Jewel Charter Academy was also a great event and he thanked the City Manager for coming to that as well.

Deputy Mayor Goins asked if questions could be submitted at the Police Chief Community meetings and how many questions were allowed. In response, Ms. Gemmati advised they were trying to group similar questions so they were not duplicated. If time permitted walk on questions would be allowed.

Questions were due by 2 p.m. on Tuesday and the process of the meeting was explained in furtherance.

Mayor Blake asked all to say a prayer for Boulder, Colorado.

He spoke of his attendance at the opening day ceremonies for Cocoa Little League and stated that he threw the first pitch. It was fun seeing the kids and families.

Mayor Blake shared that he went to the homegoing for Clarence Rowe on Saturday, March 29th. He thanked the Chief for their collaboration with Rockledge as well.

Lastly, he mentioned the social studies event at Cocoa High School and thanked Ms. Howell, Ms. Bunt and Mr. Walsh for their attendance.

In closing, he reminded all to buy local, spend local, and keep it local.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Councilmember Hearn, to adjourn the Regular meeting of March 23, 2021.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:58 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk



Zoning Text Amendment

RU-2-10

March 23, 2021

EXHIBITS A & B:
Zoning Text Amendment RU-2-10 and C-C & CWOD Presentations

Background

The Substitute Consent Decree specifically limits the application of the RU-2-10 zoning district regulations to the lands subject to the decree.

RU-2-15

(2) Single-family and Multi-family dwellings of not more than three (3) units per building as regulated by section 4A, RU-2-10

RU-2-25

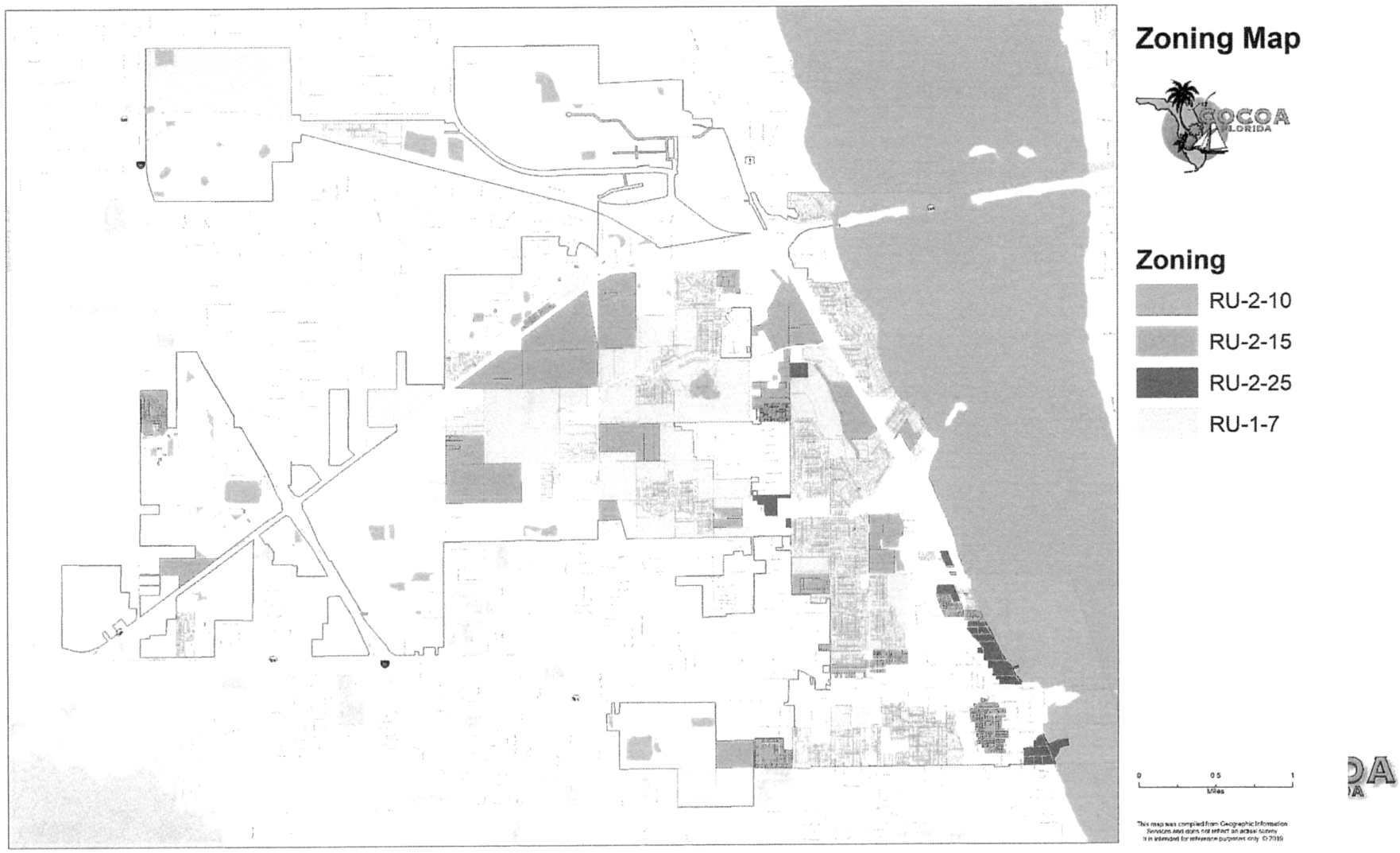
(2) Single-family and Multi-family dwellings of not more than four (4) units per building as regulated by section 4A, RU-2-10 and this section

Factors to Consider

There are 2 potential development scenarios:

- Redevelopment on existing RU-2-15 or RU-2-25 parcel(s).
- New development on land rezoned to RU-2-15 or RU-2-25.

COCOA
FLORIDA


Zoning Map
COCOA
FLORIDA
Zoning
RU-2-10
RU-2-15
RU-2-25
RU-1-7
0
0.5
1
Miles
This map was compiled from Geographic Information
Services and does not reflect an actual survey.
It is intended for reference purposes only. © 2015

Zoning Comparison – Bulk Regulations

	Minimum Lot			Maximum	
	Area	Width	Depth	Lot Coverage	Height
RU-1-7	7,500 sq. ft.	75 ft.	100 ft.	30%	35 ft.
RU-2-10	5,000 sq. ft.	50 ft.	100 ft.	40%	35 ft.
RU-2-15	7,500 sq. ft.	75 ft.	100 ft.	40%	35 ft.
RU-2-25	15,000 sq. ft.	150 ft.	100 ft.	40%	45 ft.

COCOA FLORIDA

Zoning Comparison – Setbacks

	Front	Side Interior	Side Corner	Rear
RU-1-7	25 feet	8 feet	15 feet	15 feet
RU-2-10	25 feet	8 feet	15 feet	15 feet
RU-2-15	25 feet	10 feet	15 feet	20 feet
RU-2-25	30 feet	10 feet	25 feet	25 feet

COCOA
FLORIDA

Ordinance Summary

The proposed changes to the RU-2-15 regulations will allow the construction of single-family (and multi-family of not more than 3 units per building) under a choice of two options:

- Build under the RU-1-7 (Single Family Dwelling District) regulations, which require a minimum lot size of 75 feet by 100 feet, without amenities.
- Or build under the RU-2-15 regulations which allow a minimum lot size of 50 feet by 100 feet, but require the developer to provide a percentage of the gross acreage as open space/recreation amenities.

The proposed changes to the RU-2-25 regulations will allow the construction of single-family (and multi-family of not more than 4 units per building) under a minimum lot area, lot width and setbacks that are comparable to those under the RU-2-15 district.

COCOA FLORIDA

Recommendation

Pass on 1st Reading: Ordinance 02-2021 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.



Zoning Text Amendment

C-C and CWOD

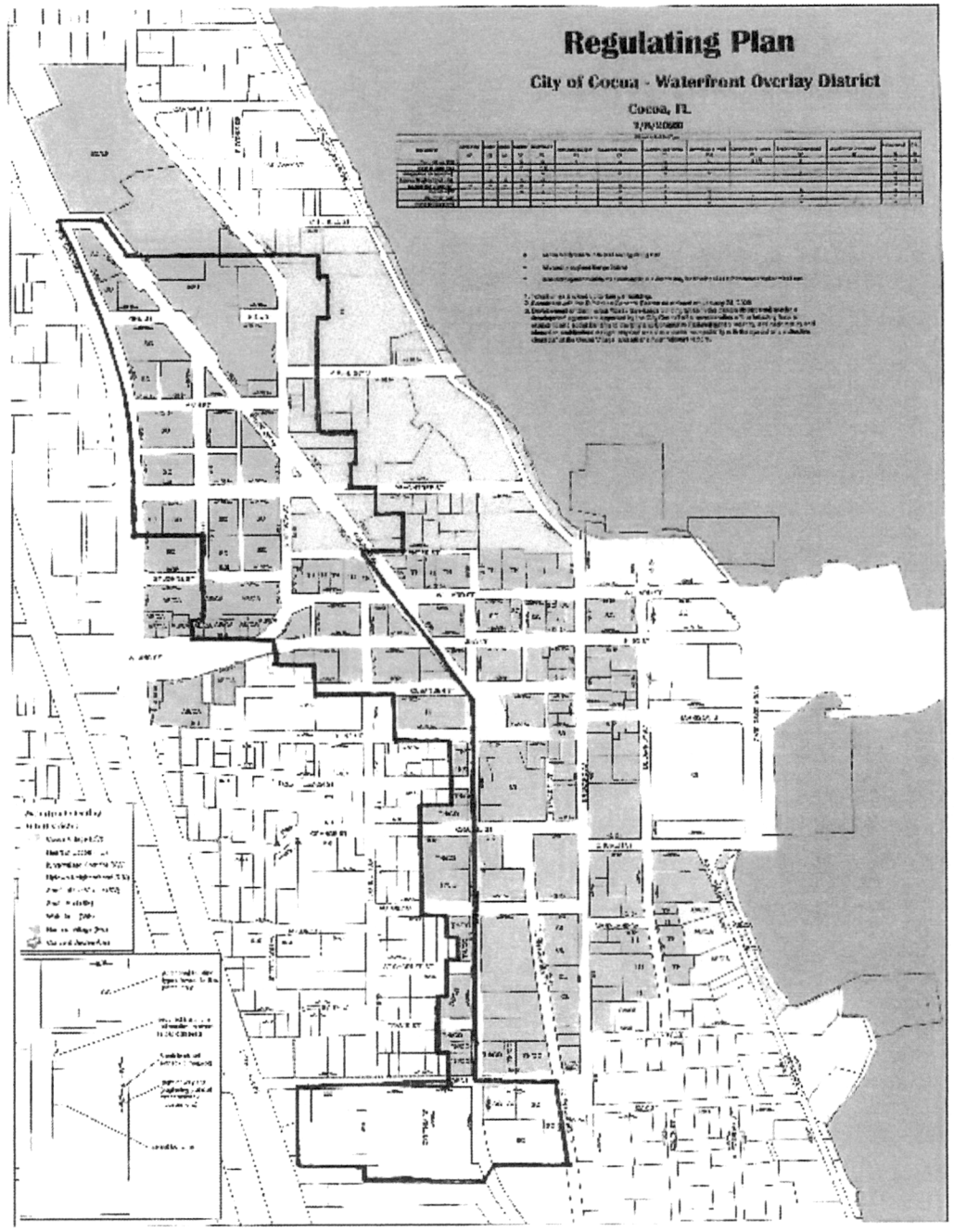
March 23, 2021

Background

City staff would like to allow for the possibility of construction of townhouses, single-family homes and duplexes under the C-C, Core Commercial zoning district regulations, specifically as a Special Exception use.

Currently these uses are listed as prohibited in this district. Allowing a low density residential option near the downtown area where the C-C district is located would allow infill redevelopment on smaller existing lots which are not suitable for larger commercial or residential developments without the combination of parcels.




Regulating Plan
City of Cocoa - Waterfront Overlay District
Cocoa, FL

Change to C-C Zoning

In Section 18, Core Commercial Zoning District

- Add townhomes (regulated by RU-2-15) as a Special Exception use.
- Add single-family homes and duplexes (regulated by RU-2-15) as a Special Exception use.
- Remove single-family homes and duplexes from the list of prohibited uses.

Changes to CWOD Zoning

In Section 22, Cocoa Waterfront Overlay District

- Amend the use table to add Duplexes to single-family detached dwelling use and add "SE" for Special Exception to the Core Commercial Zoning district columns under the Uptown Neighborhood and King/Willard Sub-districts.

- Amend the use table to add Townhouse to single-family attached dwelling use and add "SE" for Special Exception to the Core Commercial Zoning district columns under the Uptown Neighborhood, South End, Cocoa Village, North of the Village and King/Willard Sub-districts.

- Amend the Regulating Plan building types table to add "RP" for Regulating Plan to the King/Willard Sub-district under the House building type.

Recommendation

Pass on 1st Reading: Ordinance 04-2021 of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.



EXHIBIT C: Zoning Map Amendment &
Comp Plan FLUM Amendment
Presentations

Zoning Map Amendment

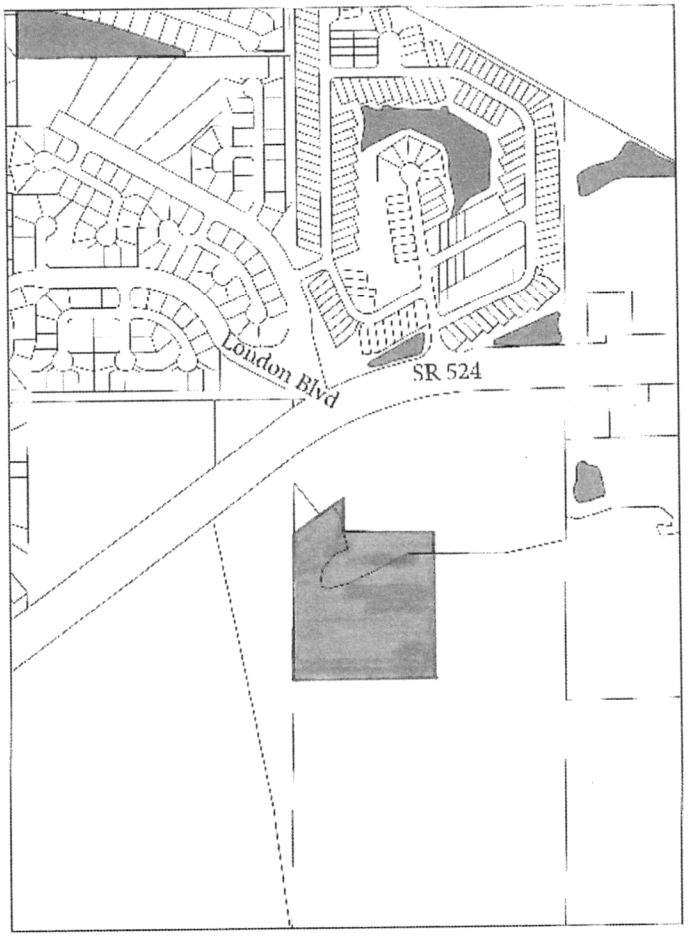
March 23, 2021

Reason for the change

The RU-2-10 zoning district was created to apply only to those parcels included in the Heart of Cocoa Consent Decree area which is limited to a physical location adjacent to Cocoa Village. It is not intended to be applied to properties in other areas of the city.

Therefore, staff is bringing forth this rezoning action in order to redress this inconsistency and apply the same zoning district to the entirety of the three parcels containing fragments of this last remaining RU-2-10 zoning outside the Consent Decree area.

Location Map



COCOA
FLORIDA

Proposed Zoning District

The portion of the three parcels containing the RU-2-10 zoning has a Future Land Use designation of Medium Density Residential (MDR) which allows up to 15 dwelling units per acre. The proposed ordinance would change the zoning of this portion of the three parcels from RU-2-10 to RU-2-15 which is in keeping with the density allowed by the MDR Future Land Use category.

Recommendation

Pass on 1st Reading: Ordinance 06-2021, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Zoning Map designation of a 9.33 acre portion of three (3) parcels of land located south of the intersection of SR524 and London Blvd. from RU-2-10 (Low-Density Single-Family and Multiple-Family District) to RU-2-15 (Multiple-Family Dwelling District).



Comprehensive Plan Future Land Use Map Amendment

March 23, 2021

Background

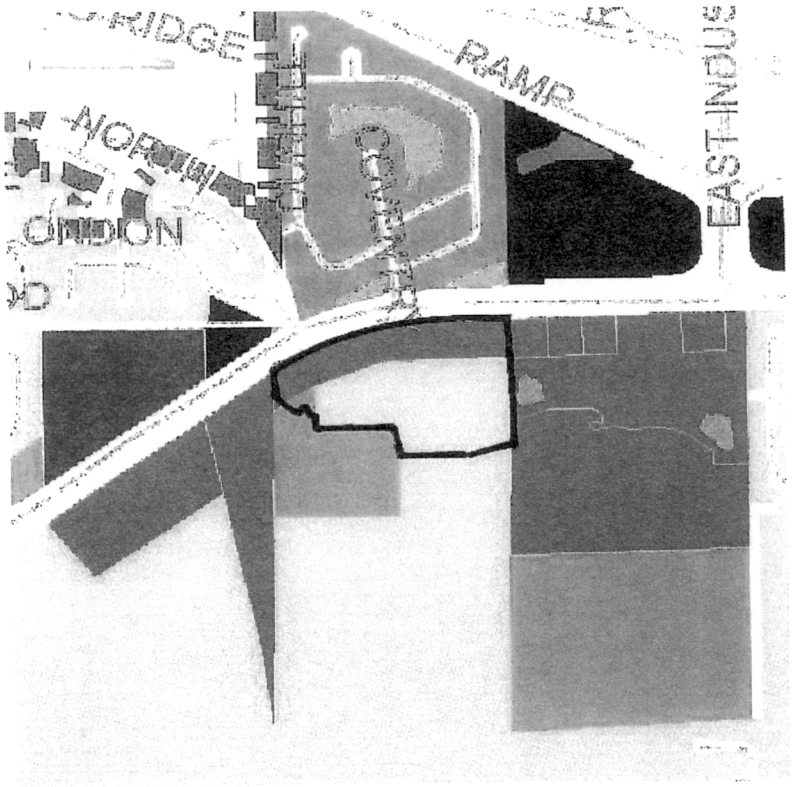
- The subject parcel has three Future Land Use classifications, Neighborhood Commercial, Low Density Residential and Medium Density Residential.

- In an effort to be consistent with the City's Comprehensive Plan, and to further the development of the property, the City is requesting to change the Low-Density Residential portion of the subject property to Medium Density Residential.

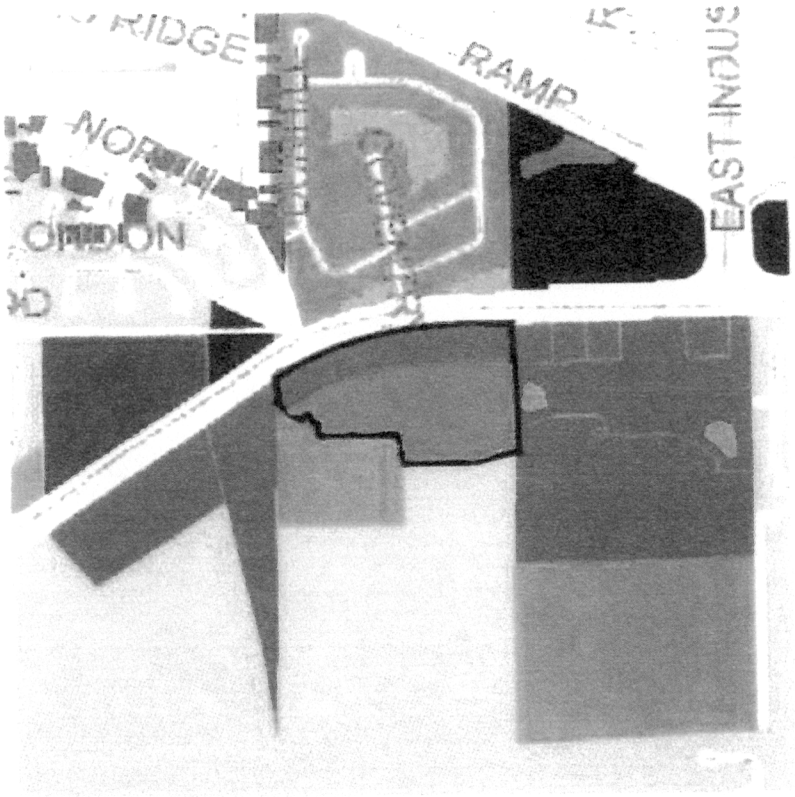
Location Map

COCOA
FLORIDA

Future Land Use Map



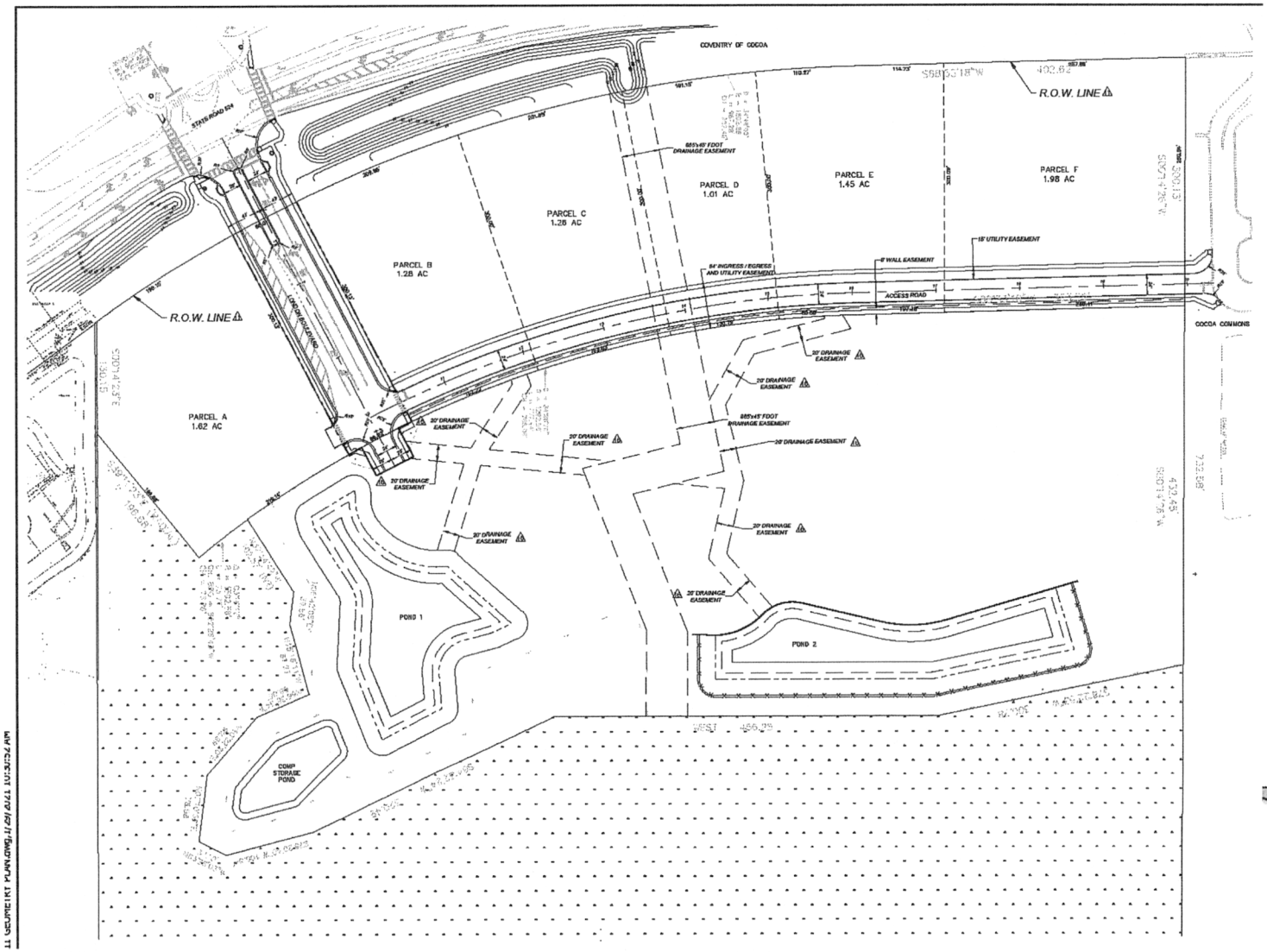
Existing



Proposed

COCOA
FLORIDA

Future Development



COCOA FLORIDA

Recommendation

Pass on 1st Reading: Ordinance 05-2021, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, for a City Initiated request to change the Future Land Use Map designation of a portion of one (1) parcel from "Low Density Residential" to "Medium Density Residential".



Historic Cocoa Village Redevelopment Project

915 Florida Avenue

(4.86 acre site)

March 23, 2021

EXHIBIT D: 915 Florida Avenue presentation

915 Florida Avenue



COCOA
FLORIDA

Development Agreement Requirements:

1) The city shall retain ownership of the .54-acre Rockledge parcel
2) Purchase price shall be based on updated appraisal
3) Payment of full purchase price at transfer of title
4) Deed subject to written restricted covenants
5) Except for the first mortgage by the primary lender, the Villas shall not encumber the Property with any other mortgages, liens, easements or other encumbrances

Development Agreement Requirements:

6) The Villas shall provide and deliver to the City the following prior to closing:

- ***Financing.*** Written proof of a binding financing commitment to construct the applicable portion of the Project from a bona fide lending institution, private lender or equity group indicating that the Project has been financed to commence and complete construction in accordance with the terms and conditions of this Agreement. Such proof shall also include any documentation of proof of pre-sales or pre-leasing associated with the financing secured as referenced above and of any personal or business guarantees or collateral to be used to obtain the financing commitment.

COCOA FLORIDA

Development Agreement Requirements:

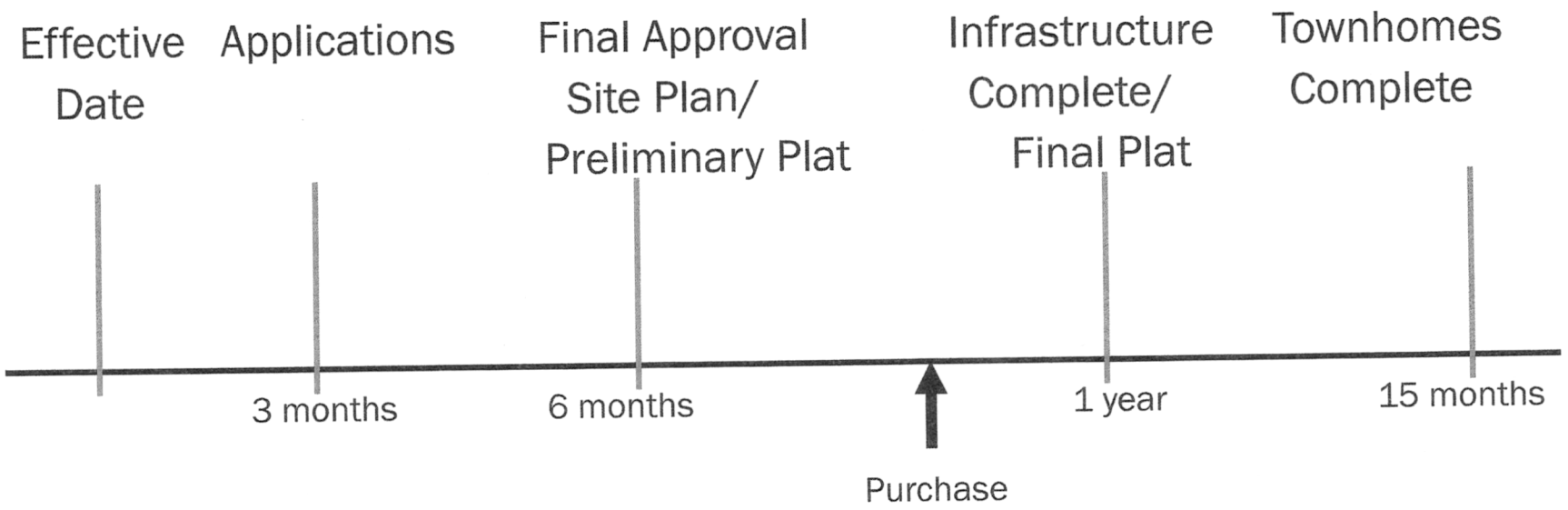
(continued)

- ***Performance Bonds.*** Provided by the Project's general contractor for the completion of the construction of the Project.

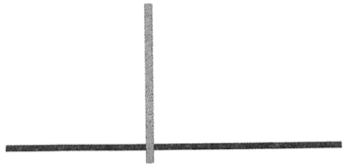
7) Project shall be completed within 18 months of effective date of Development Agreement

COCOA FLORIDA

Development Schedule:



Commercial Building Complete



Update since February 1st :

Since the current C-C zoning district does not allow townhome development. Further, Appendix A, Zoning, Article XI, Section 22 of the City Code, governing the Cocoa Waterfront Overlay District, provides that single-family attached housing is not permitted in C-C zoning district. The City is in the process of amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District. The Planning & Zoning Board recommended approval on March 3, 2021. The first reading of the Ordinance is on tonight's (March 23, 2021) Council agenda.

Update since February 1st :

On February 22, 2021, based on City Council's consensus on a number of items, the revised Draft Redevelopment Agreement was sent to the Villa's Attorney. Staff also transmitted the Draft Redevelopment Agreement to the Developer and his team on February 23, 2021. To date, the City has not received any comments on the Draft Redevelopment Agreement. However, staff did follow up on March 14, 2021 with the Villa's team and received a response that stated, "*Our attorney should be contacting the City attorney with his comments in next couple days.*"

Update since February 1st :

On February 26, 2021, City staff met with their engineer and identified the waivers and variances needed.

On March 15, 2021, the City received the Highest and Best Use Analysis, which concluded that the highest and best use for the property would be a new multi-family development project. Subsequently, the Highest & Best Use Analysis was sent to the appraiser. An updated Appraisal should be completed within the next 4 weeks.