

Meeting Date
4-28-2015



AGENDA	
Section	New Business
Item No.	VI F 2

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Cocoa Expo Agreement Modification Request
DEPT/OFFICE:	Citizen Request / Geoff Smith & Jason Steele, Smith & Associates

Requested Action:

We will be asking for a modification of the agreement between Cocoa Expo and Brevard County to temporarily CO the facilities at the Cocoa Expo.

Summary Explanation & Background:

We will be requesting a modification of the agreement between the Cocoa Expo and Brevard County to temporarily CO the facilities for a term of six months until some minor issues are resolved on Friday Road. On May 2nd there will be 120 baseball teams and their families coming to Brevard County to participate in the first of many baseball tournaments. This particular tournament will be bringing tens of thousands of dollars directly into our local economy through our hotels, restaurants, and other local businesses. We will be requesting a modification of the current agreement between the Cocoa Expo and Brevard County to accommodate the participants and spectators of this tournament. We greatly appreciate your assistance with this matter.

Contact (Name / Phone / email) –
 Jason Steele, 321-258-8993, jason@smithlawtlh.com

Clerk to the Board instruction:

Exhibits Attached:

Contract /Agreement (If attached): Reviewed by County Attorney Yes No

County Manager's Office	Department	PR <input type="checkbox"/>
Stockton Whitten, County Manager	County Manager's Office	



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

April 29, 2015

M E M O R A N D U M

TO: Stockton Whitten, County Manager

RE: Item VI.F.2., Citizen Request by Geoff Smith and Jason Steele, Smith & Associates, to Modify Cocoa Expo Agreement

The Board of County Commissioners, in regular session on April 28, 2015, considered citizen request by Geoff Smith and Jason Steele, Smith & Associates, to modify Agreement with Cocoa Expo, and tabled consideration of the request to the May 12, 2015 Board meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

cc: Planning and Development Director

**STAFF REPORT RE:
REQUEST BY COCOA EXPO**

Cocoa Expo is requesting that the Board modify its action on March 31, 2015 that allowed use of the four ball fields in the northeast portion of their property as well as the ball field at the stadium, subject to a number of stipulations. A copy of the memo from the Clerk to the Board outlining the specifics of the Board approval is attached hereto.

On April 3, 2015, the County issued a 45 day Temporary Certificate of Occupancy (TCO) for the outside seating area of the stadium as well as use of the four requested ball fields, once the life/safety issues for the stadium outside seating area were addressed, such as modifying the railings. The representative for Cocoa Expo offered to limit the number of people on the property during the 45-day approval to a maximum of 99 persons. This 99 person limitation was accepted by the Board as part of its action.

It is staff's understanding that the owner self imposed this attendance limitation because events with an attendance of 100 – 249 individuals require submittal of a plan for internal security, traffic control, communications, fire protection and emergency services, including ambulance service, in and around the event. The plan would need to take into consideration such factors as the size, duration, and time of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections that may be blocked or otherwise preempt ordinary citizen travel and use of the streets and sidewalks. Events that attract 250 or more individuals, in addition to requirements outlined above, must also address traffic control, parking facilities outside the event area, proposed electrical layout for the event, proposed plans for lighting during darkness, water supply and food services, the proposed method of storage, collection and disposal of wastewater and refuse; and a security and traffic control plan.

According to Cocoa Expo's representative, they are anticipating arrival of 120 baseball teams and their families. According to the Traffic Management Study and Plan, which was incorporated into the BDP and accepted as part of the Board's 2012 zoning approval of the project, Cocoa Expo intends to conduct an "Average Day Event". These are described as in their Traffic Management Study and Plan as follows: "tournament days...typically extending from 8 AM to 8 PM, each day of the week. Although additional teams (up to 200) may actually be participating in the tournament(s), the maximum number that can be on the fields or courts at one time is 50 teams. All athletes and associated personnel would arrive by bus or shuttle van. This would produce an estimated 600 athletes (total of approximately 50 buses over an entire day) and approximately 1,200 spectators at a given time. Approximately 40 staff persons would be on site during each shift for the event..."

Since issuance of the TCO on April 3, 2015, deficiencies in the electrical service installation have been corrected by the owner. The stadium fire alarm permit, however, has still not been issued due to deficiencies. While the property is still an active construction site, some progress has been made regarding parking lot and roadway improvements, as outlined in the attached email from Public Works. Parking lot striping, however, does not meet Code, and the minimum number of spaces required by the site plan has not been met. Additionally, as built/videos have not been submitted for stormwater

pipes, the sidewalk along Friday Road has not been completed, ADA requirements are not met in several locations, nor have final inspections of the roadway/site improvements been requested.

The County has approved pre power for the stadium, dormitory, new office building, north concession stand, new training center building, and field and site lighting (see attached Cocoa Expo Permit Summary spreadsheet). Pre power will enable testing/verification of electrically energized equipment such as HVAC equipment, as well as fire protection systems.

Cocoa Expo has not requested any final inspections from Fire Rescue or Building Code for any of the buildings. Electrically energized equipment and fire protection systems must be fully functional and approved by the County in order for buildings to be eligible for final inspections. Without receiving final inspection, they are not eligible for TCO or CO.

Moreover, pursuant to the 2012 BDP, a minimum of 1,294 parking spaces out of the required minimum 1,809 parking spaces must be completed for the stadium to be used (Paragraph 5). The initial phase of sidewalk shall be completed prior to the issuance of the first CO for any of the buildings within the boundary of the project (Paragraph 6). Roadway improvements to Friday Road, SR 520 and SR 524 must commence within 18 months of the issuance of the first CO for any building within the project. To ensure completion, a Performance Bond in the amount of 125% of the Total Construction Cost must be provided to the County prior to the first building CO being issued (Paragraph 11).

attachments



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999
April 1, 2015

Telephone: (321) 637-2001
Fax: (321) 264-6972

MEMORANDUM

TO: Stockton Whitten, Deputy County Manager

RE: Item VII.F.3., Citizen Request by Geoff Smith and Jason Steele for Approval of Special Events Permit Application Submitted by Cocoa Expo

The Board of County Commissioners, in regular session on March 31, 2015, approved citizen request by Geoff Smith and Jason Steele pertaining to the use of four ball fields in the northeast portion of the Cocoa Expo property and the ball field at the stadium only, as follows:

- 1) Suspended enforcement of the Conditional Use Permit (CUP) and Stipulated Settlement Agreement for 45 days as long as the life/safety conditions are met
- 2) Baseball games to be played during daylight hours only
- 3) Portapottys are required
- 4) No use of restrooms areas in buildings, including the stadium
- 5) No construction equipment within the areas used by the players and spectators, with the exception of mowers and other baseball field maintenance equipment
- 6) Security plan approved by the County for the segregation of visitors from the active construction area
- 7) Ability for the players and visitors to seek shelters on buses in inclement weather
- 8) Allow County staff to come in to do open inspections during the events
- 9) Injunction to remain in place and if Cocoa Expo violates any of the conditions the Board has placed, particularly relating to life/safety, the Board can still enforce the Injunction through the courts
- 10) Temporary Certificate of Occupancy (TCO) for the outside seating area and outdoor portion of the stadium for 45 days, pending inspection and approval by the Building and Fire for life/safety issues, such as addressing the deficiencies with the stadium railings prior to TCO issuance
- 11) A Fire Watchman to be present at the stadium baseball games
- 12) Limit the number of people on the property to 99 persons
- 13) Require supporting documents to County staff within 24 hours to allow reasonable review/inspection time prior to the first event which is to occur on April 4th
- 14) Staff to provide the Board with an update at the April 2, 2015 Zoning meeting in the event that issues arise that preclude use of the property

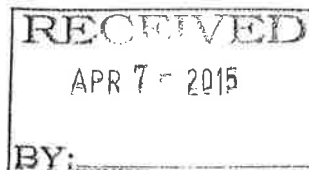
Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge
Tammy Etheridge, Deputy Clerk

cc: Planning and Development Director
Assistant County Attorney Richardson



Sobrino, Robin M

From: Carter, Douglas D
Sent: Monday, April 27, 2015 12:05 PM
To: Richardson, Morris; Mccaughin, Michael K; Scott, Mel; Sobrino, Robin M; Whitten, Stockton E
Cc: Schollmeyer, Mark T; Zocchi, Michael J; Scates, Franklin B
Subject: RE: Cocoa Expo

As of today there have been no final inspections requested by Cocoa Expo for any structure. Below is a list of major items that still need to be completed, inspected and or permitted. This list does not cover every detail that would be required to pass a final inspection.

Dorm- None of the life safety or fire protection systems are complete nor have any final inspections been called for. This includes the fire sprinkler system, fire alarm system, kitchen fire extinguishing systems.

Stadium- Fire alarm system still does not have an approved permit. The last submittal was 12/4/14, the review was completed on 12/5/15. The life safety plan has not been revised to include additional seating/occupants not on engineer's original plan.

Please let me know if you have any questions.

Thanks,

Douglas Carter, CFPS
Assistant Fire Marshal
Brevard County Fire Rescue
(321) 637-5660 x 56369

Working Smoke Alarms Save Lives. Test Yours Every Month!

Sobrino, Robin M

From: Mccaughin, Michael K
Sent: Friday, April 03, 2015 8:21 AM
To: Richardson, Morris
Cc: Scates, Franklin B; Carter, Douglas D; Sobrino, Robin M; Scott, Mel; Calkins, Tad; Connelly, John; Whitten, Stockton E
Subject: Coccoa Expo Stadium

Morris,

FYI, John Connelly has updated me on the status of the Stadium spectator seating area for temporary use. My understanding is that both building and fire inspected the spectator seating area yesterday. The issue with the railings in question has been resolved and I understand that the fire inspector provided information to Cocoa Expo concerning posting of the fire watch.

Outstanding issues at this time include:

- Payment of the \$100.00 TCO processing fee, applicant has acknowledged and should be in to pay today.
- Verification from Fire Prevention to allow temporary use of the stadium as discussed. Response to this email will suffice
- Placement and inspection of the safety fence
- Placement of an ADA compliant portable toilet, the regular portable toilets are already onsite.

My understanding is that if all issues are resolved then limited approval of the stadium spectator seating and ingress/egress to same can be granted subject to the following conditions:

- Temporary/Partial occupancy of the stadium seating area for 45 calendar days. Approval will expire on May 18, 2015 and no further use of the stadium will be permitted without issuance of a Certificate of Occupancy.
- A fire watch, subject to Fire Marshal approval, is required during all times the stadium is in use by visitors.
- No use of any other portion of the stadium is authorized to include enclosed spaces under the stadium seating, retail shops, restrooms, concessions, infirmary, or the press box.
- Approval is for use of the stadium spectator seating area during daylight hours only.

John Connelly will be visiting the site again today to verify the safety fence and portable toilet placement, Please let me know if there is anything else we should know or do.

Thanks,
Mike

Michael McCaughin
Chief Building Official
2725 Judge Fran Jamieson Way
Viera, Florida 32940
(321) 633-2072
Fax (321) 633-2087

Cocoa Expo - Permits Summary

Updated: 4/27/2015

Application No.	Description of Work	Site Plan Phase	C.O. Required	Status
11BC09493	Demo batting cages, wood training structure, ticket booth, clubhouse, coaches dorm	n/a	n/a	100% completed
12BC02222	Concession stand (South)	1c	Yes	Impact fees due prior to pre power; Building & Fire final inspections required
12BC02338	Stadium Alterations	1a	Yes	Pre power approved 4/02/2015; Fire alarm testing/inspection, Building & Fire final inspections required
12BC02337	Existing Dorm Bldg alterations	1a	Yes	Pre power approved 4/24/2015; kitchen hood, fire alarm, fire sprinkler, Building & Fire final inspections required
12BC02414	Demo of existing gymnasium	n/a	n/a	100% complete
12BC02852	Interior demo work in existing dorm bldg.	n/a	n/a	100% complete
12BC04313	New Office Building	1a	Yes	Pre power approved 4/24/2015; Building & Fire final inspections required
12BC04312	New Dorm Bldg	1b	Yes	Application expired/void
12BC04309	New Concession Stand (North)	1a	Yes	Pre power approved 4/22/2015; Building & Fire final inspections required
12BC04306	New Gymnasium Bldg	1c	Yes	Application expired/void
12BC04298	New Training Center Bldg	1b	Yes	Pre power approved 4/08/2015; Building & Fire final inspections required
12BC05218	Stadium Façade	n/a	n/a	100% complete
12BC05219	Stadium Interior/exterior Demo work	n/a	n/a	100% completed
12BC06544	Demo of 4 mobile homes and septic	n/a	n/a	100% completed
12BC06774	Demo Mobile homes	n/a	n/a	100% completed
12BC06775	Demo Mobile homes	n/a	n/a	100% complete
12BC09211	20 dugouts and 10 backstops	1a, 1b, 1c	No	90% complete Building & Fire final inspections required
13BC00223	Replace gas line in existing Dorm Bldg.	1a	n/a	Expired, no inspections called or scheduled
13BC02224	Temp. construction electric service for site	n/a	n/a	Active to supply power for construction work
13BC02991	Field and site lighting		n/a	Pre-power approved 1/30/2015; Building, Fire, & Engineering site final inspections required

Cocoa Expo - Permits Summary

Updated: 4/27/2015

	Temp. construction electric service for stadium	n/a	n/a	Active to supply power for construction work
13BC04414	Existing Dorm Fire Sprinkler	1a	n/a	Permit issued 6/21/2013; Amended plans submitted not approved; Fire final inspection required
13BC08880	Landscape monument structure (sign)	1c	n/a	Building final inspection passed 1/30/2015; Engineering site final inspections required
13BC12299	Stadium Scoreboard	1a	n/a	Building & Fire final inspections required
14FP00808	Existing dorm Bldg Fire Alarm	1a	n/a	Fire final inspection required
14BC06181	Water Park	1c	Yes	Review deficiency letter sent 12/13/2014, no response to date.
14BC09547	Lift Station	1a		Building final inspections required
14FP10978	Underground fire line	1a, 1b, 1c, 1d	n/a	Fire final inspection required
14FP11833	Office bldg fire alarm	1a	n/a	Permit issued; Fire final inspection required
14FP11834	Stadium fire alarm	1a	n/a	Permit not issued, review deficient; Fire final inspection required
14FP12707	Training Center Bldg fire alarm	1b	n/a	Permit issued; Fire final inspection required

From: Lovell, Debra A
Sent: Monday, April 27, 2015 2:12 PM
To: Denninghoff, John P
Cc: Verrett, Christine N; Harvin, Jennifer; Nieman, John
Subject: FW: Cocoa Expo 04-27-15

Please see below the most current status on the Cocoa Expo (in red). Please let me know if you require anything further.

Thank You,

Debbie Lovell (FKA Taylor)

Lead Engineering Inspector
Brevard County Public Works Engineering Department
(321) 637-5437
debbie.taylor@brevardcounty.us

From: Nieman, John
Sent: Monday, April 27, 2015 2:04 PM
To: Lovell, Debra A
Cc: Verrett, Christine N; Harvin, Jennifer
Subject: Cocoa Expo 04-27-15

Debbie,

1. This is an active construction site.
2. The site entryways are not complete. The pavement has been completed in the ROW, however the striping has not.
3. The parking lot construction is not complete. The parking lot has been paved, however we have less parking spaces than are on the plans and several spaces are too narrow.
4. There are multiple stockpiles on site including an approximate 30' high stockpile of dirt. the 30' high pile has been knocked down, however there are several piles of stocked soil on site.
5. The site has not been inspected for ADA compliance on site. The site has been inspected for ADA compliance and there are several issues that need to be addressed particularly with the truncated domes and their placement
6. Concrete Stormwater drainage pipe is currently being installed in the Friday Road right-of-way, which includes heavy equipment actively running. the storm pipes have ALL been installed, we have not received the video.
7. Drop inlet grates have been installed but are missing chains. No chains have been placed at this date.
8. There are several stormwater pipes that had initially been installed that do not meet code and are targeted to be removed and replaced. This has been completed however the video has not been submitted and no final inspection has been conducted.
9. The public sidewalk along Friday Road has not been constructed (due to the installed of Stormwater drainage pipe). As of 04-27-15 the sidewalk has not been completed, the contractor has started from the north end and hopes to have this complete by the end of the week.
10. The ROW has not been restored (sodded)
11. No final as-built survey has been submitted.
12. No final inspections have been conducted.

13. There is still heavy equipment and construction debris on site. (motor grader, loader, boom lift, tractor, duce and a half, and some trailers)
14. Construction trailer is still on site.

John T. Nieman

ENGINEERING INSPECTOR 321.795.6655
Brevard County Public Works Engineering Department
2725 Judge Fran Jamieson Way, Bldg. A, Room 204, Melbourne, FL 32940

PROPOSED CHANGES TO CURRENT AGREEMENT WITH COUNTY

Since the County Commission approval to temporarily suspend CUP requirements, Cocoa Expo has continued towards completion of the site development plans for a world class youth sports complex. Tournaments have been held without problem; however some of the conditions imposed on operation are no longer necessary given the progress in completion of the site development. Therefore, Cocoa Expo is requesting that the County extend and modify the Agreement as follows. Changes to the prior Agreement adopted by the Commission are indicated in ~~Bold~~ underred-line format below.

- ~~Suspension of enforcement of the CUP requirements for a period of six months 45 days (after 45 days, the owner may appear before the Board to seek an extension).~~
- Allow the use of the 4 ball fields in the northeast portion of the property and the ball field at the stadium.
- Allow for a maximum attendance of 99 1000 persons
- Life/safety requirements of Building and Fire Codes must be met.
- Submit a plan to segregate visitors from the remainder of the property that is approved by County staff. (Completed)
- Plan for protecting teams/visitors from inclement weather since buildings are not CO'd. Buses must stay on premises to provide shelter.
- ~~Limited to daylight use only.~~
- ~~No use of restrooms in buildings, need to use portable toilets~~ Allow buildings that pass final inspection to be issued Temporary CO and be used, including restrooms for the public.
- Construction activities and heavy equipment must be kept separate, away from ball fields. Only lawn care equipment is allowed in the area of the ball fields.
- Grant open on-site inspection policy to County personnel
- ~~Eligible to seek a~~ Extend TCO for the stadium to include outside seating areas only (not the restrooms, and or other enclosed areas of the stadium), provided that structure passes required life/safety inspections. TCO must be granted in order to allow stadium seating to be used.
- Provide a fire watchman at the stadium.
- Required supporting documentation must be furnished to County staff for review in a timely manner (within 24 hours) to allow reasonable review/inspection time.
- ~~If issues arise precluding use of the property as discussed, the Commission requests an update at the 4/2 BCC zoning meeting.~~
- Stipulated order of injunction remains in place for life safety issues and violation of terms of this suspension.