



DIAMOND SQUARE

REDEVELOPMENT AGENCY

Tracy Moore
Chairperson

Delores Martin
Vice Chairperson

Ed Jones
Board Member

Adrian Moss-Beasley
Board Member

Jewel Collins
Board Member

Larry Robinson
Board Member

Sylvia Thomas
Board Member

REGULAR MEETING AGENDA

DATE: Monday, March 19, 2018
TIME: 6:00 p.m.

Location: Cocoa City Hall, Council Chambers
65 Stone Street

- I. CALL TO ORDER
ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE
- II. APPROVAL OF AGENDA
AGENDA: Regular Meeting of March 19, 2018
MINUTES: Special Meeting of January 29, 2018
- III. DELEGATIONS
- IV. PRESENTATIONS
- V. ACTION ITEMS
 1. Budget transfer to Machinery and Equipment
- VI. UPDATES AND STAFF REPORTS
 1. Stone Street Streetscape Project Update (verbal update)
 2. Dr. Joe Lee Smith Center (verbal update)
 3. Community Garden
- VII. NEXT MEETING DATE

The next meeting of the Diamond Square Redevelopment Agency will be a Regular meeting at 6:00 p.m. on Monday, April 16, 2018. The meeting will be held in the Council Chambers at Cocoa City Hall located at 65 Stone Street.
- IX. ADJOURNMENT

NOTICE TO PUBLIC:

This is a public meeting. All interested parties may attend. The facility wherein this meeting will be held is accessible to the physically handicapped. Please be advised that more than one member of the City Council may attend.

Pursuant to Section 286.0105, *Florida Statutes*, the City hereby advises the public that: If a person decides to appeal any decision made by this board with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise allowed by law.

This agenda is posted on the Municipal Bulletin Board and at the Central Brevard Library and Reference Center in Cocoa for public review.

**MINUTES
CITY OF COCOA
DIAMOND SQUARE REDEVELOPMENT AGENCY
SPECIAL MEETING
JANUARY 29, 2018**

A Special Meeting of the Diamond Square Redevelopment Agency Board was held on January 29, 2018 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noticed.

I. CALL TO ORDER:

Chairwoman Moore called the meeting to order at 6:06 pm.

ROLL CALL:

Tracy Moore	Chairwoman
Delores Martin	Vice Chairwoman
Adrian Moss-Beasley	Agency member
Larry Robinson	Agency member
Jewel Collins	Agency member
Edward Jones	Agency member
Sylvia Thomas	Agency member
Joseph Colombo	Agency counsel
Clarence Whipple Jr.	Council Liaison

PRESENT:

Tracy Moore	Chairwoman
Adrian Moss-Beasley	Agency member
Larry Robinson	Agency member
Jewel Collins	Agency member
Clarence Whipple Jr.	Council Liaison
Torri Edwards	Recording Secretary

ABSENT:

Delores Martin	Vice Chairperson
Edward Jones	Agency member
Sylvia Thomas	Agency member
Joseph Colombo	Agency counsel (Excused)

STAFF PRESENT:

Samia Singleton, Redevelopment Specialist, and **Larry Lallo, CECD, EDFP**, Economic Development Manager.

Agency member Robinson provided the invocation and led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA: Special Meeting of January 29, 2018

- * MOTION by Agency member Collins; SECONDED by Agency member Robinson to approve the agenda for the Special Meeting of January 29, 2018.**

AYES: Moore, Moss-Beasley, Robinson, Collins

MOTION CARRIED (4-0)

MINUTES: Minutes of the Special Meeting of November 27, 2017

- * MOTION by Agency member Collins; SECONDED by Agency member Robinson to approve the minutes of the Special meeting of November 27, 2017.**

AYES: Moore, Moss-Beasley, Robinson, Collins

MOTION CARRIED (4-0)

III. DELEGATIONS:

NONE

IV. PRESENTATIONS:

NONE

V. ACTION ITEMS:

1. Budget Transfer to Electric/ Water/ Sewer:

Ms. Singleton stated that Staff is requesting the Board to approve a budget transfer of \$198 from the Other Grants and Aids Account to the Electric/ Water/ Sewer Account to cover the Diamond Square CRA annual stormwater expenses at properties located at 430, 450, 490, 510 and 530 Whaley Street. She stated the expense was not included in the FY 18 budget. The City adjusted the late fees that were acquired since November 2017. **Chairperson Moore** noted she was unaware of the annual stormwater expense.

Ms. Singleton suggested the Board include the annual stormwater expense in the budget for FY 2019.

- * MOTION by Agency member Robinson; SECONDED by Agency member Collins to approve a budget transfer of \$198 from the Other Grants and Aids Account to the Electric/Water/Sewer Account to cover the Diamond Square Community**

Redevelopment Agency's (CRA) annual stormwater expenses for its properties at 430, 450, 490, 510 and 530 Whaley Street.

AYES: Moore, Moss-Beasley, Robinson, Collins

MOTION CARRIED (4-0)

2. Budget Transfer to Legal Expenses:

Ms. Singleton stated the Staff is requesting the Board to approve a budget transfer of \$1,000 from the Other Grants and Aids Account to the Legal Expenses Account to cover the Diamond Square CRA's annual legal expense. The Board allotted \$500 to the Legal Expenses Account for FY 18 which has been expended by Joseph Colombo, the Agency Attorney. The \$1,000 transfer will cover the cost of legal expenses for the remainder of FY 18.

- * **MOTION by Agency member Robinson; SECONDED by Agency member Collins to approve a budget transfer of \$1,000 from the Other Grants and Aids Account to the Legal Expenses Account to cover the Diamond Square Community Redevelopment Agency's (CRA) annual legal expenses.**

AYES: Moore, Moss-Beasley, Robinson, Collins

MOTION CARRIED (4-0)

3. February 19 Meeting:

Ms. Singleton requested the Board authorize Staff to cancel the February 19, 2018 meeting due to the President's Day holiday. **Chairperson Moore** inquired if there are agency projects that require a meeting before the regular meeting on March 19, 2018. The Board agreed to meet on March 19, 2018.

- * **MOTION by Agency member Collins; SECONDED by Agency member Robinson to authorize staff to cancel Diamond Square Community Redevelopment Agency meeting on Monday, February 19, 2018, due to the President's Day holiday.**

AYES: Moore, Moss-Beasley, Robinson, Collins

MOTION CARRIED (4-0)

VI. UPDATES AND STAFF REPORTS:

1. Stone Street Streetscape Project (verbal update):

Ms. Singleton reported the Stone Street Streetscape construction has been delayed until mid-February or March 2018. Staff is finalizing a budget between the four (4) departments

and hopefully will award the bid in mid-February. **Mr. Whipple, Jr.** inquired if the award will be presented to City Council. **Ms. Singleton** stated the award will be presented to City Council on February 13, 2017 or February 27, 2017.

Agency member Collins inquired if FDOT was involved with the Stone Street Streetscape Project. **Ms. Singleton** stated FDOT is not involved with the project.

Chairperson Moore inquired if any adjustments were made to the original Stone Street Streetscape to stay within the budget. **Ms. Singleton** stated the Diamond will remain and the integrity of the design and quality of the project will not be diminished. **Chairman Moore** requested a notification on when the bid will be presented to the City Council.

2. Community Garden (verbal update):

Ms. Singleton stated that Staff received verbal approval from Cocoa Police Chief to take over the management of the Community Gardens. She noted that Staff will prepare an approval request and MOU to present to City Council. The MOU requires:

- Scope of Community Garden
- Management
- Sustainability
- Leadership
- Partners
- Key stakeholders

Ms. Singleton reported that Staff will hold a public meeting to identify a vision for the Community Garden, identify partners, and resources. **Ms. Collins** inquired if the Community Garden is owned by the City and who will be the caretaker. **Ms. Singleton** stated the Community Garden is owned by the City and the public meeting will determine who will manage the Community Garden. **Agency member Moss-Beasley** inquired when the public meeting will be held. **Ms. Singleton** reported there is not a date set at this time.

Agency member Moss-Beasley suggested inviting other municipalities with Community Gardens to meet with the Staff and the Board for recommendations on creating a successful garden. **Ms. Singleton** noted she plans on contacting the City of Cape Canaveral and touring their Community Garden.

Chairperson Moore stated she visions the Community Garden as a teaching tool and for employment opportunities by creating partnerships with local restaurants.

Ms. Singleton noted that Staff will request approval from City Council for Diamond Square to undertake management of the Community Garden on February 27, 2018. She will keep the CRA updated.

3. Rosa L. Jones Bus Stop Bench (verbal update):

Ms. Singleton stated the City has located an underutilized bench to place at the Rosa L. Jones bus stop. The City requires every bench to be paired with a trash bin. The Diamond Square CRA would be responsible for purchasing the trash bin at a cost of \$600. The installment of the bench and trash bin require Public Works to meet ADA standards consisting of pouring a slab foundation and adding the bus stop to the Waste Management route. The installation is scheduled for March or April 2018. **Agency member Robinson** stated the citizens will appreciate the bench at the Rosa L. Jones bus stop. **Ms. Singleton** thanked Ms. Ginn for her efforts in helping the CRA locate a bench. **Chairperson Moore** noted a budget transfer for the trash bin cost of \$600 will be discussed at the meeting on March 26, 2018.

4. Dr. Joe Lee Smith Center (verbal update):

Ms. Singleton reported that the Staff met with Architects RZK, Inc. last week to discuss the new concept of moving the Dr. Joe Lee Smith Center to Provost Park and scheduling a public meeting. She stated the new concept for Dr. Joe Lee Smith Center remains at 18,000 square feet and includes two (2) basketball courts, a retention pond with a walking trail, a splash pad or swimming pool, and a soccer field. The City is creating a financial plan to fund the construction of the new facility and discussed the Diamond Square CRA sponsoring the splash pad or swimming pool.

Ms. Singleton stated a public meeting will be scheduled for March 2018 to present the current and new concepts for the Dr. Joe Lee Smith Center. She invited the Board and Councilman Whipple, Jr. to attend the public meeting.

Councilman Whipple, Jr. noted the new concept of moving the Dr. Joe Lee Smith Center to Provost Park is not a definite plan. He stated the concept developed from trying to eliminate the illegal activity at Provost Park. **Agency member Collins** inquired what the plans are for the current Dr. Joe Lee Smith Center. **Councilman Whipple, Jr.** stated the center is located in a residential zone.

Chairperson Moore suggested developing townhomes or apartments on the current Dr. Joe Lee Smith Center site.

Agency member Collins stated citizens of the community feel the children are safe at Dr. Joe Lee Smith Center. **Councilman Whipple, Jr.** noted the illegal activities will be eliminated at Provost Park with the new Dr. Joe Lee Smith Center. He suggested placing a memorial marker at the old center location. **Chairperson Moore** stated the new Dr. Joe Lee Smith Center can bring all corners of the community together.

Agency member Robinson inquired whether the current Dr. Joe Lee Smith Center will have a park left at the location. **Councilman Whipple, Jr.** stated a housing development has been discussed for the location. **Ms. Singleton** noted at the meeting with Architects RZK, Inc. Staff discussed leaving the park at the current site.

Agency member Robinson noted relocating the Dr. Joe Lee Smith Center to Provost Park is similar to a problem in West Cocoa several years ago. A Community Center was built on Burnett Road to improve the area. He stated that relocating the center can clean up the illegal activities at Provost Park. He noted the community needed to be involved in the plans for the new Dr. Joe Lee Smith Center.

Agency member Moss-Beasley stated the concept is a very good idea and inquired when the Board will be able to see the plans. **Ms. Singleton** reported plans for both locations for the center will be presented at the public meeting in March 2018. She noted the plans can be presented to the Board before the public meeting.

Agency member Moss-Beasley inquired who would need to approve the relocation of Dr. Joe Lee Smith Center to Provost Park. **Councilman Whipple, Jr.** noted the Provost Family and the community will need to approve the relocation.

Agency member Collins inquired whether the swimming pool at the current Dr. Joe Lee Smith Center is being utilized. **Councilman Whipple, Jr.** reported the swimming pool is not being used and an expense to Brevard County.

Chairperson Moore inquired if the new concept include plans and cost for the current Dr. Joe Lee Smith Center site. **Councilman Whipple, Jr.** stated there has been discussion but no plans at this time.

Chairperson Moore stated she understands both concepts of rebuilding the Dr. Joe Lee Smith Center at the current location and relocating to Provost Park. She does not want an abandoned project in Diamond Square.

5. Agency Budget Report:

Ms. Singleton noted twenty-five percent (25%) of the FY has lapsed. There are two (2) accounts with negative balances. The accounts will have funds available once the budget transfers are completed. The Board was provided with a budget table outlining revenue and expenses.

Chairperson Moore requested an update on the Diamond Square brochure. **Ms. Singleton** noted the project is on hold requiring a photograph with all Board members present.

6. Housing Update:

Ms. Ginn, Cocoa Housing Authority, reported the final budget will be completed next week for Phase 1 of the redevelopment of 144 apartments. The relocation process will start in April 2018, after receiving approval from HUD. The relocation order is:

1. Barlow homes area
2. Fern Street

3. ABC Street

Ms. Ginn stated the redevelopment construction is scheduled to start in June or July 2018 and will be completed in 12 -18 months. She noted Phase 2 of the redevelopment plan includes homes south of Highway 520. She will have an update at the meeting on March 19, 2018. **Ms. Ginn** stated all relocating expenses are no cost to the residents. She stated there are moving and packing companies provided for the residents.

Chairperson Moore inquired when the Cocoa Housing Authority Newsletter will resume. **Ms. Ginn** noted she will inquired on having the newsletter resumed.

Councilman Whipple, Jr. requested an update on the Dollar General properties. **Ms. Ginn** reported she has not received any inquire on the property.

Ms. Singleton inquired on SCAT relocating. **Ms. Ginn** noted she received an email stated there were no plans for SCAT relocating.

Councilman Whipple, Jr. inquired on retroactive payment for Alliance for Neighborhood Restoration (ANR). **Ms. Singleton** stated the payments are current and payments are released to ANR once the monthly report is received.

VII. NEXT MEETING DATE:

The next meeting of the Diamond Square Redevelopment Agency will be a Regular Meeting to be held on March 19, 2018 at 6:00 p.m. at City Hall, 65 Stone Street.

IX. ADJOURNMENT:

*** MOTION by Agency member Robinson; SECONDED by Agency member Moss-Beasley to adjourn the Special Meeting of January 29, 2018.**

AYES: Moore, Moss-Beasley, Robinson, Collins

MOTION CARRIED (4-0)

MEETING WAS ADJOURNED AT 7:37 pm

Tracy Moore, Chairwoman

Respectfully Submitted,

Torri Edwards, Recording Secretary



AGENDA ITEM V-1
Budget Transfer to Machinery
and Equipment

MEMO DATE: March 8, 2018
AGENDA DATE: March 19, 2018
PREPARED BY: Samia Singleton, Redevelopment Specialist
REQUESTED ACTION: Approve a budget transfer of \$3,051 from the Other Grants and Aids Account to the Machinery and Equipment, and Postage and Freight accounts to cover the cost of installing a bench and waste receptacle at the bus stop located at Rosa L. Jones Blvd. and Blake Avenue.

BACKGROUND

At the Regular Meeting on October 30, 2017, Agency Member Mr. Ed Jones requested a new bench for the bus stop located at Rosa L. Jones Blvd. and Blake Avenue. The current bench poses a safety risk for the bus riders utilizing the stop, among them the elderly.

At the Special Meeting on January 29, 2018, staff reported that the City had located an underutilized bench to place at the Rosa L. Jones bus stop. The City requires every bench to be paired with a waste receptacle. The CRA would only be responsible for purchasing a waste receptacle at an estimated cost of \$600. The CRA agreed a budget transfer for the waste receptacle would be discussed at the next meeting on March 19, 2018. However, the underutilized bench is no longer available.

STAFF COMMENTS

Staff has gathered a quote for a bench and waste receptacle in the amount of \$3,051. Should the CRA agree to purchase both of these items, staff will schedule the installation and add the bus stop to the Waste Management route. Completion of the installation would be anticipated in May 2018.

BUDGETARY IMPACT

Staff has prepared a budget transfer, which will result in a deduction of \$3,051 from the Other Grants and Aids Account (111-3230-559.83-00) with a current unencumbered balance of \$8,802, and an increase of \$2,628 to the Machinery and Equipment Account (111-3230-559.64-00) and an increase of \$423 to the Postage and Freight Account (111-3230-559.42-00).

REVIEWED

The City Manager, Community Services Director, Economic Development Manager and Finance Director have reviewed this agenda item.

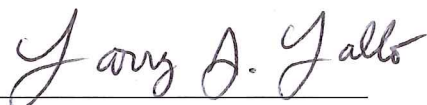
City Manager


John A. Titkanich, Jr., AICP

Community Services Director


Karen D. Hamilton

Economic Development Manager


Larry J. Lallo, CECD EDP

Finance Director


Teri Butler

REQUESTED MOTION

Approve a budget transfer of \$3,051 from the Other Grants and Aids Account to the Machinery and Equipment, and Postage and Freight accounts to cover the cost of installing a bench and waste receptacle at the bus stop located at Rosa L. Jones Blvd. and Blake Avenue.



P.O. Drawer 330, Dunkirk, MD 20754
1.800.368.2573 (USA + Canada) TEL 301.855.8300 FAX 410.257.7579
VICTORSTANLEY.COM

SALES QUOTE

Sales Quote No: SQ91755
Revision Number: 0
Sales Quote Date: 03/07/18

Sell To:

City of Cocoa
Frank Mirabito
603 Brevard Avenue
Cocoa, FL 32922

Customer No: C002566
Phone No: 407-639-7578
Contact Name:
Contact Phone No:
Terms: Pending
Associate: Megan Somosky

Project Name: CITY OF COCOA PUBLIC WORKS

Project Location State: FL

Ship To:

Cocoa, FL 32922

Ship Via: Contract Carrier
Ship Freight: Prepaid
Shipping Method: FOB Factory

This Quote is valid for 30 days.

Estimated Lead Time: Allow 8 to 10 (weeks)
for Production of your order.

All credit determinations are made by our Credit Department.

Comments:

- * Orders are released into production upon receipt of signed sales/purchase order, credit determination and (where applicable) deposit, payment bond, etc.
- * All products must be permanently affixed to the ground. Consult your local codes for regulations. Anchor bolts NOT provided.
- * Common Carrier unloading is the responsibility of the receiver.
- * While the vast majority of our components satisfy Buy America requirements, we must know if there are Buy America requirements before the order is placed.
- * It is the buyer's sole responsibility to inspect shipments at the time of delivery; any damage, loss, or shortage must be noted on the signed Proof of Delivery and reported to Victor Stanley within seven (7) days.
- * This quote is valid for shipment within normal production time. No deferred shipping dates are accepted without prior written approval.

QTY	Model No.	Description	Unit Cost	Total Price
1	SD-42	Ironsites Series 36-Gallon Side-Opening Litter Receptacle SD-42 Components Black Plastic Liner Black S-2A Dome Lid Lid - Black Latch	1,340.00	1,340.00
1	RB-28	Steelsites RB Series All-Steel Bench RB-28 Components 6-Ft Black (1) Intermediate Armrest(s)	1,288.00	1,288.00

Many Victor Stanley, Inc. products are covered by patents including but not limited to the following:
USA Patents D458,431 S; D441,932 S; D452,760 S; D450,166 S; D445,982 S; D483,538 S; D487,177 S; D487,537 S; D487,538 S; D464,228 S; D476,455 S; D476,454 S; D417,053; 6,339,944 B1; D365,231; 5,660,907; 5,791,047; D386,012; D376,937; D383,615; D376,271; D384,512; D523,263 S; D632,620 S; D526,805 S; D585,793 S; D582,169 S; D578,792 S; D579,694 S; D585,220 S; D573,768 S; D573,769 S; D553,821 S; D585,209 S; D586,144 S; D579,684 S; D579,783 S; D561,173 S; D561,188 S; D563,669 S; D579,227 S; D579,685 S; D542,993 S; D561,967 S; D586,916 S; D686,916 S; D589,670 S; D601,770 S; D602,221 S; D606,271 S; D595,873 S; D601,823 S; D607,229 S; D609,933 S; D586,062 S; D621,295 S.
Canada D08101; 06040; 96169; 98103; 96108; 110953; 110954; 117181; 126714; 126322; 126323; 130714; 130717; 126317; 126318; 126319; 126320; 126321; 130652; 130653; 130715; 130716. Canada Patent 2,184,348. Mexico Reg. Dis. 001871; 28182.
EO Reg. Dis. 000475978-0001; 000503287-0001; 000762639-0001; 000961404.
Other Patent(s) Pending.

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SALES QUOTE

Sales Quote No: SQ91755
Revision Number: 0
Sales Quote Date: 03/07/18

Sell To:

City of Cocoa
Frank Mirabito
603 Brevard Avenue
Cocoa, FL 32922

Customer No: C002566
Phone No: 407-639-7578
Contact Name:
Contact Phone No:
Terms: Pending
Associate: Megan Somosky

Project Name: CITY OF COCOA PUBLIC WORKS
Project Location State: FL

Ship To:

Cocoa, FL 32922

Ship Via: Contract Carrier
Ship Freight: Prepaid
Shipping Method: FOB Factory

This Quote is valid for 30 **days.**

Estimated Lead Time: Allow 8 to 10 (weeks)
for Production of your order.

All credit determinations are made by our Credit Department.

QTY	Model No.	Description	Unit Cost	Total Price
1		Bolt On Attachment Freight	423.00	423.00

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USA Patents D458,431 S; D441,932 S; D452,760 S; D450,166 S; D445,982 S; D483,538 S; D487,177 S; D487,537 S; D487,538 S; D454,238 S; D476,455 S; D476,454 S; D417,053; 6,339,944 B1; D365,231; 5,660,907; 5,791,047; D386,012; D376,937; D363,615; D376,271; D384,512; D523,263 S; D532,520 S; D526,805 S; D585,793 S; D582,169 S; D578,792 S; D579,694 S; D585,220 S; D573,766 S; D573,769 S; D553,821 S; D535,209 S; D586,144 S; D579,684 S; D578,783 S; D581,173 S; D581,188 S; D583,689 S; D579,227 S; D579,685 S; D542,993 S; D561,967 S; D595,915 S; D595,916 S; D599,570 S; D601,770 S; D602,221 S; D606,271 S; D595,973 S; D601,823 S; D607,229 S; D609,933 S; D586,062 S; D621,295 S.
Canada D69,101; 96040; 96159; 96103; 96108; 110953; 110954; 117181; 126714; 126322; 126323; 130714; 130717; 126317; 126318; 126319; 126320; 126321; 130852; 130853; 130715; 130716. Canada Patent 2,184,349. Mexico Reg. Des. 001871; 28182.
EC Reg. Des. 000475579-0001; 000503297-0001; 000762638-0001; 000961404.
Other Patent(s): Pending.

Sub-Total: 3,051.00
Total Sales Tax: 0.00

Total: 3,051.00
All figures are in US Dollars

Page: 2

Please review our Standard Terms of Production on proceeding pages

STANDARD TERMS OF PRODUCTION

TAXES

Prices on the specified products are exclusive of all city, state and federal excise taxes, including, without limitation, taxes on manufacture, sales, receipts, gross income, occupation, use and similar taxes. It is the responsibility of the purchaser to remit to the appropriate state or local authority all state sales tax not herein designated as well as the applicable use taxes, local taxes, permits and fees of any kind.

REGULAR PAYMENT TERMS

All payment terms are determined by the credit department. No order will be processed or placed into production until credit has been determined and a deposit has been received (if required). Purchaser is responsible for the timely payment of Victor Stanley's invoices within Victor Stanley's payment terms. In the unlikely event that collection activity is necessary due to the non-payment of past due invoices, Purchaser agrees that all collection charges, legal fees and interest incurred in such collection activity will be the sole responsibility of the Purchaser.

CANCELLATION FEE

Victor Stanley, Inc. manufactures all products to specific orders, and therefore reserves the right to charge a 30% cancellation fee if this order is canceled by the Buyer while goods are in production.

DELIVERY

All prices are FOB Factory unless otherwise stated by Victor Stanley, Inc. in writing.

INTEREST

If Buyer fails to pay in accordance with the terms of this agreement, an interest charge of 1.5% per month may be added to the unpaid balance.

ATTORNEYS' FEES

In the event that the Buyer fails to timely pay for the goods in accordance with the terms of this agreement or is otherwise in breach of its obligations to Victor Stanley, Inc., Buyer agrees to pay to Victor Stanley, Inc. the cost of collection, including its reasonable attorney's fees and suit costs.

DELAYS

Our lead time is an estimate only and Victor Stanley, Inc. is not responsible for any delays in our previously quoted or estimated shipping time. Victor Stanley, Inc. will not be liable for any delay in the performance of orders or contracts, or in the delivery or shipment of goods, or for any damages suffered by Buyer by reason of such delay, if such delay is, directly or indirectly, caused by, or in any manner arises from, fires, floods, accidents, civil unrest, acts of God, war, governmental interference or embargoes, strikes, labor difficulties, shortage of labor, fuel, power, materials, or supplies, transportation delays, or any other cause or causes (whether or not similar in nature to any of these herein before specified) beyond its control.

NONCONFORMITY

All products made by Victor Stanley, Inc. are inspected before shipment, and should any of such materials prove defective due to faults in manufacture, or fail to meet the written specifications accepted by Victor Stanley, Inc., Buyer shall not return the goods, but notify Victor Stanley, Inc. immediately, stating full particulars in support of claim, and Victor Stanley, Inc. will either replace goods upon return of the defective or unsatisfactory material or adjust the matter fairly and promptly, but under no circumstances shall Victor Stanley, Inc. be liable for consequential or other damages, losses, or expenses in connection with or by reason of the use of or inability to use materials purchased for any reason.

LIMITED WARRANTY

We warrant to the original purchaser the goods manufactured by us to be free from defects in material and workmanship for one year under normal use and service. Our obligation under this warranty shall be limited to the repair or exchange of any part or parts which may thus prove defective under normal use and service within one year from date of delivery, and which our examination shall disclose to our satisfaction to be defective. This warranty expressly excludes acts of misuse, vandalism or freight damage. Ductile Iron castings include a 10-year limited warranty against breakage. **THIS WARRANTY IS EXPRESSLY IN LIEU OF ALL OTHER WARRANTIES EXPRESSED OR IMPLIED INCLUDING THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR USE AND OF ALL OTHER OBLIGATIONS OR LIABILITIES ON OUR PART.**

CONDITIONS

All orders or contracts are accepted with the understanding that they are subject to Victor Stanley, Inc.'s ability to obtain the necessary raw materials, and all orders or contracts as well as shipments applicable thereto are subject to Victor Stanley, Inc.'s current manufacturing schedules, and government regulations, orders, directives, and restrictions that may be in effect from time to time.

CONTROLLING PROVISIONS

These terms and conditions shall supersede all provisions, terms and conditions contained on any confirmation order, or other writing Buyer may give or receive, and the rights of the parties shall be governed exclusively by the provisions, terms and conditions hereof. Victor Stanley, Inc. makes no representations or warranties concerning this order except such as are expressly contained herein, and this order may not be changed or modified orally.

CONTROLLING LAW

Any controversy or claim arising out of or relating to this order or the performance or breach thereof shall be governed by the laws of the State of Maryland and Buyer authorizes and agrees that suit may be brought within the State of Maryland by Victor Stanley, Inc. to collect for any breach of Buyer's obligations to pay for the goods.

SHIPPING CLAIMS

It is the sole responsibility of the Buyer to inspect all shipments at the time of receipt, both by comparing the number of packages received to the number outlined on the Bill of Lading, and by inspecting the packaging for damage. Damage, loss, or shortage must be noted on the signed Proof of Delivery prior to the departure of the delivery driver, and must be reported to Victor Stanley, Inc. within seven (7) days. Replacement cannot be guaranteed for damage, loss, or shortage not clearly noted on delivery paperwork and promptly reported to Victor Stanley, Inc. This includes damage to materials that will be stored for later use.



AGENDA ITEM VI-2
Community Garden

MEMO DATE: March 8, 2018
AGENDA DATE: March 19, 2018
PREPARED BY: Samia Singleton, Redevelopment Specialist
REQUESTED ACTION: Informational Item

BACKGROUND

St. Mark's Community Garden, a .33 acre parcel located at 1112 Peachtree Street, was a Cocoa Police Athletic League initiative managed by Alliance for Neighborhood Restoration by way of a Memorandum of Understanding (MOU) with the Cocoa Police Department (PD). St. Mark's Church donated the property to the City of Cocoa in 2013.

At its Regular Meetings on August 21, 2017 and September 18, 2017, the Diamond Square Community Redevelopment Agency (CRA) discussed the conditions of and expressed interest in the revitalization of the community garden. Subsequently, at a Special Meeting held on October 30, 2017, the Diamond Square CRA voted to undertake management of the community garden from the Alliance for Neighborhood Restoration/Cocoa Police Department. Staff met with the Cocoa PD to discuss the community garden on November 3, 2017, where the Cocoa PD provided its support to this Diamond Square CRA initiative.

At its Regular Meeting on February 27, 2018, City Council granted the CRA management of the community garden.

STAFF COMMENTS

As Council has granted the CRA management of the community garden, Staff will pursue the development of an MOU between the City and the Diamond Square CRA stipulating the:

- Scope, goals, and objectives of the community garden
- Strategy for management, funding and sustainability
- Leadership
- Partners and stakeholders
- Roles and responsibilities
- Monitoring/Reporting

In order to determine the elements of the MOU, a public meeting is scheduled on Thursday, April 12, 2018 at the Pineda Senior Center, 1053 Fern Avenue. The public meeting will allow staff to identify a vision for the Community Garden, identify partners and resources, and generate interest. Staff intends to seek volunteers through Cocoa C.I.V.I.C., the City's volunteer program.

BUDGETARY IMPACT

No budgetary impact at this time.

REQUESTED MOTION

Informational Item.



DIAMOND SQUARE
REDEVELOPMENT AGENCY



Public Meeting



YOUR INPUT IS NEEDED!

Come out for this public meeting to discuss the St. Mark's Community Garden. The Diamond Square Community Redevelopment Agency is interested in partnering with residents, organizations and businesses who are interested in taking part in the garden.



April 12, 2018



6:00pm



Pineda Senior Center,
1053 Fern Ave., Cocoa

