

# City of Cocoa Beach

2 South Orlando Avenue  
Cocoa Beach, Florida 32931  
[www.cityofcocoabeach.com](http://www.cityofcocoabeach.com)



## City Commission Meeting Agenda

July 21, 2022

7:00 PM

REGULAR MEETING

### **City Commission**

Ben Malik, Mayor, Seat 1  
Commissioner, Seat 2  
Karalyn Woulas, Commissioner, Seat 3  
Skip Williams, Vice-Mayor, Seat 4  
Mike Miller, Commissioner, Seat 5

### **City Staff**

Gretchen R.H. Vose and Wade C. Vose, City Attorneys  
Robin R. Hayes, City Manager  
Loredana Kalaghchy, City Clerk

## WELCOME

### **Broadcasting of Meetings:**

Live meeting broadcasts on: Bright House Networks-Channel 497, 499 for replays of Commission meetings, and on [www.cityofcocoabeach.com](http://www.cityofcocoabeach.com).

Report issues: IT Support Desk - 321 868-3319 – a recorded line, or “report a concern” via the City’s webpage.

Meeting Video Archives: [www.cityofcocoabeach.com](http://www.cityofcocoabeach.com), under the Government tab.

**Packets:** Packets are on the city's website ([www.cityofcocoabeach.com](http://www.cityofcocoabeach.com)) and at Commission Meetings

**Rules of Order:** Robert's Rules of Order and the Florida Sunshine Law govern the conduct of our meeting

### **Speaking Courtesy Rules:**

- o The Commission accepts relevant comments
- o A time limit of three minutes is imposed on each speaker.
- o Please direct comments and questions through the Mayor
- o Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the rear of the Commission Room and in the City Clerk’s office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration
- o Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone

### **Approval of Order of Business:**

Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting

### **Appealing a Decision:**

Any person desiring to appeal any decision made by the City Commission, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one.

### **American with Disabilities Act:**

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TTY); or (800) 955-8770 (Voice); or 711.

**THANK YOU** for participating in your Cocoa Beach City Government.

**AGENDA****A. MEETING CALLED TO ORDER**

- Invocation – Deacon Frank Quattrocchi, Club Zion
- Pledge of Allegiance
- Roll Call

**B. ORGANIZATIONAL MEETING**

1. Adopt Resolution No. 2022-09, A Resolution of the City Commission of the City of Cocoa Beach, Florida, acknowledging the resignation of Commissioner Seat 2, confirming an appointment to fill Commissioner Seat 2 until the November 8, 2022 election. providing for an effective date. (Item added 07-15-22)

Representative: City Commission

Recommendation: Approve

2. Oath of Office Seat #2 – Commissioner (Item added 07-15-22)

(Sworn Commissioner to Sit at the Commission Dais)

**C. APPROVAL OF THE AGENDA****D. PUBLIC COMMENTS**

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the “Public Comment” section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

**E. STAFF REPORTS AND ANNOUNCEMENTS****F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS****G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS****H. CONSENT AGENDA**

1. Approve the June 28, 2022 Special Commission Meeting Minutes.

Representative: City Clerk Department

Recommendation: Approve

~~2. Approve Amendment #2 to the Agreement for Continuing Paving, Concrete, Striping and Associated Restoration Work with Atlantic Southern Paving & Sealcoating. Amendment #2 revises Exhibit B, Fee Schedule of the Agreement, to include price increases and adjustments. (Removed from the agenda 07-20-22)~~

~~Representative: Robert Torres, Public Works~~

~~Recommendation: Approve~~

3. Approve proceeding with the demolition of the existing Cocoa Beach City Hall Building, located at 2 South Orlando Avenue, to include the advertisement of a Request for Proposal (RFP) for the demolition services. A limited asbestos demolition survey is currently being developed by Ardaman & Associates and will be included with the RFP. There is no estimated time to release the RFP, as Staff is awaiting the asbestos survey.

Representative: Wayne Carragino, Assistant to City Manager

Recommendation: Approve

4. Approve an Agreement between Brevard Public Schools and Brevard law enforcement agencies for direct radio communication and dispatch services.

Representative: Scott Rosenfeld, Police Chief

Recommendation: Approve

5. Approve entering into a two-year contract extension to the original contract, due to expire on September 30, 2022, with Brevard County Tourist Development Office Service, to utilize tourist development tax revenue, for beach and State Road 520 Causeway litter and debris removal. The City approved the original contract on October 3, 2019. The City will employ contractors, including Keep Brevard Beautiful, to perform the services. (Added 07-18-22)

Representative: Robin Hayes, City Manager

Recommendation: Approve

**I. ITEMS REMOVED FROM THE CONSENT AGENDA****J. UNFINISHED BUSINESS**

1. Adopt Ordinance No. 1662 (Revised), Second Reading, Public Hearing and Adoption, An Ordinance of the City of Cocoa Beach, Florida, amending the City of Cocoa Beach Comprehensive Plan to create a new Private Property Rights Element; to amend the Coastal Management Element to include State mandated language addressing Peril of Flood, and providing for findings, codification, conflicts, severability, and an effective date.

Amendments to Ordinance No. 1662 were necessary due to House Bill 59, which requires local governments to have a Property Rights Element included in their Comprehensive Plan. In addition, Section 163.3178 Florida Statutes requires that the Coastal Management Element must include language for "Peril of Flood", that references a redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas.

The Ordinance adds the "Peril of Flood" language. An affirmative vote of four Commissioners is required to adopt Ordinance No. 1662.

Representative: Randy Stevenson, Development Services Director; Christie Anderson, Principal Planner

Recommendation: Adopt Ordinance No. 1662

2. Adopt Ordinance No. 1663, Second Reading, Public Hearing and Adoption, An Ordinance of the City of Cocoa Beach, Florida, amending the Future Land Use Element of the City's Comprehensive Plan to revise the density variance process; and providing for findings, codification, conflicts, severability, and an effective date.

Adoption of Ordinance 1663 would allow an applicant, seeking a density variance, to petition the City Commission directly, without the requirement of the Board of Adjustment and the Planning Board review. The change would bring the City's Comprehensive Plan into compliance with the City Charter. An affirmative vote of four Commissioners is required to adopt Ordinance No. 1663.

Representative: Randy Stevenson, Development Services; Christie Anderson, Principal Planner

Recommendation: Adopt Ordinance No. 1663

3. Adopt Ordinance No. 1664, as amended, Second Reading, Public Hearing and Adoption, An Ordinance of the City of Cocoa Beach, Florida, amending the Future Land Use Element of the City's Comprehensive Plan to incorporate density limit accommodations set forth in the City Charter, and to revise the Maximum Residential Density allowable by density variance on certain parcels, subject to conditions; and providing for findings, codification, conflicts, severability, and an effective date.

Ordinance 1664 amends the Comprehensive Plan to address density variances. City Charter Section 6.01 states that the City Commission may grant a variance to individual parcels that exceeds the Charter-established densities of 10 units per acre for permanent occupancy dwellings, and 28 units per acre for transient accommodations. The City Charter does not specify a density cap on the variances. Ordinance No. 1664, if adopted, would allow the granting of variances on individual parcels, within the Towncenter or Gateway zoning, for new development, at a residential density greater than ten (10) units per gross acre, but in no event greater than twenty-eight (28) units per gross acre. Granted variance would require the execution of a development agreement containing conditions governing the development, including a covenant prohibiting transient lodging and vacation rental uses. An affirmative vote of five Commissioners is required to adopt Ordinance No. 1664.

Representative: Randy Stevenson, Development Services; Christie Anderson, Principal Planner

Recommendation: Adopt Ordinance No. 1664

4. Adopt Ordinance No. 1665, as amended, Second Reading, Public Hearing and Adoption, An Ordinance of the City of Cocoa Beach, Florida, amending Appendix B of the Cocoa Beach Code of Ordinances, Cocoa Beach Land Development Code; amending Article IV, "Rules Of Construction" within Chapter I, "Purpose and General Provisions"; amending Article IV, "Variance, Waivers and Appeals" within Chapter IV, "Application and Review Processes"; incorporating recitals; and providing for codification, conflicts, severability, and an effective date.

Ordinance 1665 amends the Land Development Code to address the process for density variances. An affirmative vote of three Commissioners is required to adopt Ordinance No. 1665.

Representative: Randy Stevenson, Development Services; Christie Anderson, Principal Planner

Recommendation: Adopt Ordinance No. 1665

**K. NEW BUSINESS**

1. Consider a request for a variance to allow a retail-parking-restaurant complex to be constructed to a maximum height of 70 feet, rather than the required maximum building height of 45 feet, at 2 North Atlantic Avenue (former Yen Yen’s Restaurant site), located in the TC Towncenter zoning district. An affirmative vote of four Commissioners is required to grant the variance. This is a quasi-judicial action.

Applicant: Wave Development, LLC and OG Enterprises

Representative: Randy Stevenson, Development Services; Christie Anderson, Principal Planner

Recommendation: Consider Variance Request

2. Request to:

a) set a Tentative Millage Rate for the Fiscal Year 2023 and

b) confirm times and dates of September 7, 2022, at 6:00 pm, and September 22, 2022, at 6:00 pm, at the Cocoa Beach County Club, 5000 Tom Warriner Boulevard, to set the Proposed Millage and Final Millage Rates for Fiscal Year 2023

Representative: Robin Hayes, City Manager; Patrisha Draycott, Chief Financial Officer

Recommendation: Set Tentative Millage Rate, Confirm dates/times to set the Proposed and Final Millage Rates

**L. GENERAL PUBLIC COMMENT (Only if not accommodated in the 30-minute Public Comment period earlier)**

**M. ADJOURNMENT**

**CITY MEETING CALENDAR – For Details check Calendar at [www.cityofcocoabeach.com](http://www.cityofcocoabeach.com) (Click on the Government Tab)**

1<sup>st</sup> and 3<sup>rd</sup> Thursday of Month City Commission 7:00 PM

1<sup>st</sup> Monday of Month Planning Board 5:30 PM

1<sup>st</sup> and/or 3<sup>rd</sup> Thursday of Month Community Redevelopment Agency 6:00 PM

3<sup>rd</sup>. Wednesday of Month Special Magistrate 10:00 AM

2<sup>nd</sup> Monday of Month Land Management Committee 6:00 PM

4<sup>th</sup> Monday of Month Leisure Services Advisory Board 4:00 PM (bimonthly, on odd months)

Called Upon Demand Police and Fire Pension Boards 3:00 PM

Called Upon Demand General Employee Pension Board 3:00 PM

3<sup>rd</sup> Wednesday of Month Board of Adjustment Meeting 5:15 PM

3<sup>rd</sup> Monday of Month Library Board (meets at Library) 5:30 PM

1<sup>st</sup> Wednesday of Month Sustainability Committee 6:30 PM