

CAPE CANAVERAL CITY COUNCIL MEETING

City Hall Council Chambers
100 Polk Avenue, Cape Canaveral, Florida 32920

For viewing/participating in the Meeting remotely via GoToWebinar:

Register at: <https://attendee.gotowebinar.com/register/7504161774912419344>

Listen at: +1 562-247-8422; Attendee Access Code: 455-394-790

AGENDA

February 16, 2021

6:00 P.M.

COVID-19 PANDEMIC ADVISORY: Due to the COVID-19 Pandemic Emergency, this meeting will be held both in-person and virtually by communications media technology (CMT).

Instructions for the public to attend and provide public comments during this meeting are accessible at www.cityofcapecanaveral.org/instructions as well as attached to this agenda.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC PARTICIPATION: Any member of the public may address any items that do not appear on the agenda and any agenda item that is listed on the agenda for final official action by the City Council excluding public hearing items which are heard at the public hearing portion of the meeting, ministerial items (e.g. approval of agenda, minutes, informational items), and quasi-judicial or emergency items. Citizens will limit their comments to three (3) minutes. The City Council will not take any action under the "Public Participation" section of the agenda. The Council may schedule items not on the agenda as regular items and act upon them in the future.

PRESENTATIONS/INTERVIEWS | 6:15 p.m. - 6:25 p.m.

Presentation of Proclamation honoring Bob Scott, longtime City resident and member of the City's bicyclist community.

Accept the Annual Audited Financial Statements and Independent Auditor's Report for the Fiscal Year ended September 30, 2020 – Presentation by Zach Chalifour, James Moore & Co.

CONSENT AGENDA | 6:25 p.m. - 6:30 p.m.

1. Approve Minutes for January 19, 2021 Regular Meeting and February 2, 2021 Workshop.
2. Resolution No. 2021-03; banning the use of herbicides containing glyphosate on City-owned or managed properties; providing for distribution of this Resolution, the repeal of prior inconsistent resolutions, severability and an effective date.
3. Award contract for Commercial Surf School Franchise, for provision of Surf Instruction at the sand and beach areas within the boundaries of the City limits, to Flohana, LLC. and authorize the City Manager to sign contract for the same.

PUBLIC HEARINGS | 6:30 p.m. - 7:25 p.m.

4. Ordinance No. 01-2021; adopting a City-initiated rezoning of several government owned properties owned respectively either by the City of Cape Canaveral or the Canaveral Port Authority related to lands with current Future Land Use Map classification of "Conservation" and currently being used by said government entities as conservation and public or recreation uses within the jurisdictional limits of the City of Cape Canaveral; specifically changing the Zoning Map designation of the properties generally referred to as Banana River Park, the Northern portion of Manatee Sanctuary Park and a portion of Canaveral Port Authority property located within the Northwest portion of the City along the Banana River; from their respective current City Zoning designations to the City "Conservation" Zoning District designation; providing the properties subject to this

- Ordinance are more particularly depicted and legally described on Exhibit "A" attached hereto; providing for the repeal of prior inconsistent ordinances and resolutions, severability and an effective date, second reading.
5. Ordinance No. 02-2021; adopting a City-initiated rezoning of several government owned properties owned respectively either by the City of Cape Canaveral, Brevard County or the Brevard County School District related to lands with current Future Land Use Map classification of "Public/Recreation" and currently being used by said government entities as either public or recreation uses within the jurisdictional limits of the City of Cape Canaveral; specifically changing the Zoning Map designation of the properties generally referred to as the Old City Hall Complex and Sheriff's Office, City Recreation Center, City Library, Wastewater Reclamation Facility, Cape View Elementary, Cherie Down Park, Canaveral City Park, Southern portion of Manatee Sanctuary Park and City property located at 200 Long Point Road (Patriots Park) from their respective current City Zoning designations to the City "Public/Recreation" Zoning District designation; providing the properties subject to this Ordinance are more particularly depicted and legally described on Exhibit "A" attached hereto; providing for the repeal of prior inconsistent ordinances and resolutions, severability and an effective date, second reading.
 6. Ordinance No. 03-2021; adopting a small scale Future Land Use Map amendment by changing the Future Land Use Map designation of approximately 8.64 acres of real property owned by the Canaveral Port Authority currently being used and commonly known as the Southern portion of Jetty Park, and more particularly depicted and legally described on Exhibit "A" attached hereto, from "R-3 Residential" to "Public/Recreation;" providing for the repeal of prior inconsistent ordinances and resolutions, severability, incorporation into the Comprehensive Plan and an effective date, second reading.
 7. Ordinance No. 04-2021; adopting a City-initiated rezoning of approximately 8.64 acres of real property owned by the Canaveral Port Authority currently being used and commonly known as the Southern portion of Jetty Park from the current City Zoning designation to the City "Public/Recreation" Zoning District designation; providing the property subject to this Ordinance is more particularly depicted and legally described on Exhibit "A" attached hereto; providing for the repeal of prior inconsistent ordinances and resolutions, severability and a conditional effective date, second reading.
 8. Ordinance No. 05-2021; adopting a small scale Future Land Use Map amendment by changing the Future Land Use Map designation of property owned by the City of Cape Canaveral and generally known as Long Point Park (approximately 7.88 acres), and more particularly depicted and legally described on Exhibit "A" attached hereto, from a split of "R-1 Residential" and "Conservation" to entirely "Conservation;" providing for the repeal of prior inconsistent ordinances and resolutions, severability, incorporation into the Comprehensive Plan and an effective date, second reading.
 9. Ordinance No. 06-2021; adopting a City-initiated rezoning of approximately 7.88 acres of real property owned by the City of Cape Canaveral currently being used as Conservation and commonly known as Long Point Park from the current City Zoning designation to the City "R-1 Residential" to "Conservation" Zoning District designation; providing the property subject to this Ordinance is more particularly depicted and legally described on Exhibit "A" attached hereto; providing for the repeal of prior inconsistent ordinances and resolutions, severability and a conditional effective date, second reading.
 10. Ordinance No. 07-2021; adopting a small scale Future Land Use Map amendment by changing the Future Land Use Map designation of several properties owned by the City of Cape Canaveral and generally known as the City Hall Complex four (4) parcels totaling

approximately 1.16 acres), City Fire Station (approx. 0.58 acres), 300 Washington Avenue (Bennix Park) (approximately 0.61 acres), and 8820 North Atlantic Avenue (Wagner Park) (approximately 0.22 acres), and more particularly depicted and legally described on Exhibit "A" attached hereto, from "C-1 Commercial" or "R-2 Residential" to "Public/Recreation;" providing for the repeal of prior inconsistent ordinances and resolutions, severability, incorporation into the Comprehensive Plan and an effective date, second reading.

11. Ordinance No. 08-2021; adopting a City-initiated rezoning of several government owned properties owned by the City of Cape Canaveral and currently being used as either public or recreation uses within the jurisdictional limits of the City of Cape Canaveral; specifically changing the Zoning Map designation of the properties generally referred to as City Hall Complex, City Fire Station, and City properties located at 300 Washington Avenue (Bennix Park) and 8820 North Atlantic Avenue (Wagner Park); from their respective current City Zoning designations to the City "Public/Recreation" Zoning District designation; providing the properties subject to this Ordinance are more particularly depicted and legally described on Exhibit "A" attached hereto; providing for the repeal of prior inconsistent ordinances and resolutions, severability and a conditional effective date, second reading.
12. Ordinance No. 09-2021; amending Chapter 78, Article II. – Sanitary Sewer System related to the administrative enforcement of the provisions stated herein; providing for the clarification of applicable penalties; providing for the use if a Special Magistrate for administrative proceedings involving violations by industrial and commercial users of the City's sewer system; providing for repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability and an effective date, second reading.
13. Ordinance No. 10-2021; amending Section 110-486 of the City Code regulating vacation rentals; making findings of facts; providing for definitions; requiring vacation rental registration; requiring inspections; specifying duties of vacation rental owners and allowing agents; providing for maximum occupancy; providing limited exceptions for pre-existing contracts; providing requirements of vacation rental owners and agents related to sexual predators and offenders; requiring provisions for providing and posting safety information for occupants of vacation rentals; providing restrictions related to accessory structures; providing enforcement; providing for other miscellaneous provisions; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability and an effective date, second reading.
14. Ordinance No. 11-2021; amending Chapter 98, Subdivisions, Division 5. – Lot splits to authorize certain unapproved lot splits occurring prior to March 16, 2010 under the requirements set forth herein; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability and an effective date, first reading.

ITEM FOR ACTION | 7:25 p.m. - 7:30 p.m.

15. City Council Selection of the 2021 Space Coast League of Cities Advocacy Team Member.

REPORTS | 7:30 p.m. - 7:45 p.m.

ADJOURNMENT: Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: If a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, that person will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes 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 not otherwise allowed by law. In accordance with the Americans with Disabilities Act: all interested parties may attend this Public Meeting. The facility is accessible to the physically handicapped. Persons with disabilities needing assistance to participate in the proceedings should contact the City Clerk's office [(321) 868-1220 x207 or x206] 48 hours in advance of the meeting.

CITY OF CAPE CANAVERAL
ATTENTION: TEMPORARY VIRTUAL PUBLIC MEETING AND COMMENT INSTRUCTIONS
IN LIGHT OF COVID-19 EMERGENCY

Due to the COVID-19 Pandemic Emergency, attendance at City Hall public meetings is limited in an effort to comply with Federal and State public health and safety directives to keep our citizens, City officials and employees safe. Under these conditions, the City of Cape Canaveral is committed to providing alternative platforms for citizens to virtually attend scheduled public meetings and have an opportunity to submit public comments in an efficient, orderly and safe manner. As a result, the City of Cape Canaveral is temporarily utilizing virtual Communications Media Technology (CMT) for City Council and other board meetings.

INSTRUCTIONS FOR VIRTUAL MEETING ATTENDANCE AND AGENDA ACCESS

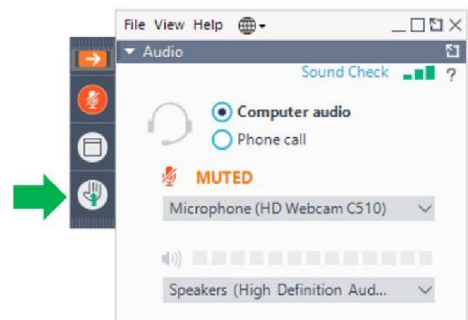
The City of Cape Canaveral’s temporary CMT meeting platform is GoToWebinar. Videoconferencing and teleconferencing will be used to virtually connect the following meeting participants: City Staff, City Attorney, City Consultants and Applicant(s), if any, for purposes of conducting public meetings. With the expiration of the Governor’s Executive Order No. 20-69, a physical quorum is again required as of November 1, 2020. Provided a physical quorum is present, some City Council Members and/or Board Members may participate virtually, in accordance with §120.54(5)(b)(2), F.S.

The public may virtually attend the meeting live by viewing and listening to the meeting by accessing the meeting at an Internet address and/or phone number/access code listed at the top of each respective meeting agenda and on the City website’s Community Events Calendar available at: cityofcapecanaveral.org/calendar.php.

To obtain a copy of the Council or board meeting agenda, interested persons should go to the City’s online Public Records/Laserfiche WebLink and search for the specific board and agenda package at: cityofcapecanaveral.org/publicrecords

PARTICIPATION OPPORTUNITIES DURING MEETINGS VIA GOTOWEBINAR (GTW) PLATFORM

There will be appropriate times during GoToWebinar hosted meetings when the chairperson or designee of the meeting will invite live public comment during the public participation portion of the meeting and for specific agenda items. You must be properly logged into the live GoToWebinar meeting on your computer or electronic device and have a functioning microphone to participate live. When these invitations are announced by the chairperson or designee at the meeting, citizens may virtually raise their hand (see the green arrow) to speak by pressing the hand feature on the GoToWebinar screen in timely manner so as to be recognized by the GTW Meeting Organizer.



When the speaker is recognized by the GTW Meeting Organizer, their audio microphone will be unmuted to address the Council or Board Members. Speakers must clearly state their names and residence for the record and then provide comments within three (3) minutes. Public comments must be relevant to the agenda item being considered at that time. Irrelevant and repetitive comments will be deemed out-of-order and will not be heard. At the conclusion of a citizen’s public comment opportunity, the audio will be muted so the Council or Board may continue conducting the meeting.

Public comments are limited to three (3) minutes. The comments will be heard at the meeting and summarized into the record. Public comments are subject to City meeting rules of decorum. The speaker's activated audio may be muted by the City for violating the time limit or rules of decorum. Please also note that the time allocated to each person for public comment is subject to the discretion of the Council or Board and may be reduced from three (3) minutes based on the number of speakers or comments received or previous comments made by the speaker.

PUBLIC COMMENT AND PUBLIC PARTICIPATION INSTRUCTIONS

Public comments in the form of email or written correspondence (either mailed or hand-delivered) will be accepted no later than 24 hours ahead of a scheduled Workshop or Regular Meeting. Public comments in the form of email or written correspondence will be accepted within a reasonable amount of time prior to Special City Council Meetings. Emails and correspondence will not be read into the record at the public meetings. However, emails and correspondence will be forwarded to the City Council and/or Advisory Board Members prior to 12 Noon the day of the scheduled meeting for their review.

§286.0114, F.S. affords the public a reasonable opportunity to be heard during public City Council and Advisory Board Meetings. In light of challenges posed to hosting traditional public gatherings due to the COVID-19 Pandemic Emergency, Staff is continually working to develop efficient methods to ensure an accessible range of opportunities for public participation. We appreciate your patience as we work to implement these improvements, and ask that any questions or concerns regarding Public Participation and Public Comments be directed to the City Clerk's Office at cityclerk@cityofcapecanaveral.org or by phone at (321) 868-1220.

ACCESSIBILITY STATEMENT

The City broadcasts all City Meetings via its website through a third-party provider that enables live captioning. However, in accordance with the Americans with Disabilities Act of 1990, persons needing additional special accommodation to participate in this meeting may contact the City Clerk's Office at (321) 868-1220 no later than one (1) business day prior to the meeting.

MISCELLANEOUS

The rules established herein are intended to provide a general framework for the conduct of public CMT meetings as authorized pursuant to the Governor's Executive Order No. 20-52. The City of Cape Canaveral reserves the right to modify, amend, or discontinue these temporary procedures for public comments, with or without notice, in order to ensure compliance with applicable laws, rules and regulations; to overcome technical or logistical difficulties or practical challenges in implementing public meetings via CMT; or to ensure the public health, safety and welfare of the public.

Thank you for your patience and understanding during this very challenging time. For more information about these temporary procedures or public meetings, please contact the City Clerk.

Rev. 12/07/2020