

## CAPE CANAVERAL CITY COUNCIL REGULAR MEETING

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

### AGENDA

October 19, 2021

6:00 p.m.

#### **For those that cannot attend the Meeting and wish to submit a public comment:**

Email your comment to [CityClerk@CityofCapeCanaveral.org](mailto:CityClerk@CityofCapeCanaveral.org) by noon the day of the Meeting.

**To stream the Meeting at home:** Please visit [www.cityofcapecanaveral.org/city\\_meetings](http://www.cityofcapecanaveral.org/city_meetings)

### 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.

Certificate of Appreciation – Brevard County Sheriff's Office Commander Andrew Walters.

Presentation of Proclamation declaring the week of November 1-5, 2021 as "Veterans Small Business Week" to Stuart Smith, Chair of the Space Coast Florida Association of Veteran Owned Businesses.

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

1. Approve Minutes for September 21, 2021 Regular City Council Meeting and September 22, 2021 Special City Council Meeting.
2. Resolution No. 2021-20; reappointing a Member to the Business and Economic Development Board of the City of Cape Canaveral; providing for the repeal of prior inconsistent resolutions, severability and an effective date. (Ron Foleno)
3. Approve Proposal from Kimley-Horn in the amount of \$148,000 to prepare the Presidential Streets Vision Plan and authorize City Manager to execute same.

### PUBLIC HEARINGS | 6:30 p.m. - 7:15 p.m.

4. Ordinance No. 33-2021; amending the text of the City's Comprehensive Plan to include a Property Rights Element as required by law; 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, second reading.



5. Ordinance No. 37-2021; amending the definition of City Park set forth in Section 54-1 of the City Code, providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability and an effective date, second reading.
6.
  - a. Ordinance No. 39-2021; adopted in furtherance of the requirement set forth in Section 2.12(5), Cape Canaveral Charter; authorizing the issuance of not exceeding \$1,200,000 Capital Improvement Revenue Note, Series 2021, of the City to finance the cost of the purchase of the Promenade and related capital improvements and Cost of Issuance; providing for the Series 2021 Note to be secured by the City's Public Service Tax, Half-Cent Sales Tax, Guaranteed Entitlement, Communications Services Tax and certain Franchise Fees; authorizing the City's financing team to proceed to develop necessary documents; providing for the repeal of prior inconsistent ordinances and resolutions or parts of prior inconsistent ordinances and resolutions in conflict herewith, severability and an effective date, second reading.
  - b. Resolution No. 2021-21; supplementing City Ordinance No. 39-2021 enacted on October 19, 2021 by accepting the proposal of Synovus Bank to purchase the City's not to exceed \$1,200,000 Capital Improvement Revenue Note Series 2021; authorizing the execution and delivery of a loan agreement with said bank to secure the repayment of said note; authorizing the proper officials of the City to take any other action deemed necessary or advisable in connection with the finalization and execution of the loan agreement, the Note, and the security therefor; authorizing the execution and delivery of documents in connection with said loan; designating the Note as "Bank Qualified;" providing for repeal or supersession of prior inconsistent City resolutions or actions; providing for severability and other matters in regard thereto; and providing an effective date.
7.
  - a. Ordinance No. 25-2021; adopting a property owner initiated small scale Future Land Use Map amendment by changing the Future Land Use Map designation of a parcel of property described as tax parcel ID: 24-37-23-CG-13-4 and legally described as the East ½ of Lot 4 and Lots 5, 6, 7 and 8, Block 13, Avon by the Sea, according to the plat thereof, as recorded in Plat Book 3, page 7, of the public records of Brevard County, Florida from "C-1 Commercial " to "R-2 Medium Density Residential;" 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, incorporation into the Comprehensive Plan and an effective date, first reading.
  - b. Ordinance No. 26-2021; adopting a property owner initiated rezoning of a parcel of property described as Tax Parcel ID. 24-37-23-CG-13-4 and legally described as the East ½ of Lot 4 and Lots 5, 6, 7 and 8, Block 13, Avon by the Sea, according to the plat thereof, as recorded in Plat Book 3, page 7, of the public records of Brevard County, Florida from the current City "C-1 Low Density Commercial Zoning District designation to the City "R-2 Medium Density Residential" 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 an effective date, first reading.
8. Ordinance No. 36-2021; amending Chapter 110, Land Development Regulations, Section 110-1 Definitions and Article IX Supplemental District Regulations, Division 4 Home Occupations of the City Code to comply with recent legislation adopted by the Florida

Legislature related to home based businesses; making conforming amendments to the schedule of Zoning District regulations and other provisions of the City Code to comply with said legislation; providing for repeal of prior the inconsistent ordinances resolutions, and incorporation into the code, severability and an effective date, first reading.

9. Ordinance No. 40-2021; adopting amendments to the Annual General Fund, Special Revenue Funds, Agency Fund, Capital Project Funds, Enterprise Funds and Enterprise Capital Fund Budgets for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021; providing for the repeal of prior inconsistent ordinances and resolutions and an effective date, first reading.

**ITEMS FOR DISCUSSION | 7:15 p.m. - 7:25 p.m.**

10. Remote, Two-Way Participation during City Meetings.
11. Discussion on the SR A1A Roundabout and Roadway Redesign Projects (Submitted by Council Member Morrison)

**REPORTS | 7:25 p.m. - 7:30 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.