

# City of Cocoa Beach

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



## Meeting Agenda

February 6, 2014

7:00 PM

REGULAR MEETING

City Hall Commission Room

## City Commission

Dave Netterstrom, Mayor, Seat 1  
Tim Tumulty, Commissioner, Seat 2  
Ben Malik, Commissioner, Seat 3  
Skip Williams, Vice-Mayor, Seat 4  
Adrienne Dillon, Commissioner, Seat 5

## City Staff

Skip Fowler, City Attorney  
Robert J. Majka, Jr., City Manager  
Loredana Kalaghchy, City Clerk

**WELCOME**

**Broadcasting of Meetings:** Regular Commission meetings are video and audio broadcasted live locally on Bright House Networks Channel 199. Regular meetings are manned by an Audio/Video Operator. Cameras are programmed to run without manning for Work Sessions. Problems receiving transmission of the meeting? Call City Hall - 868-3319 Live and archived video recordings of our meetings are also available through our City website at [www.cityofcocoabeach.com](http://www.cityofcocoabeach.com)

**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:**

- The Commission accepts relevant comments
- A time limit of three minutes is imposed on each speaker.
- Please direct comments and questions through the Mayor
- Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk in time to be recognized by the Chair during the Citizens Comments section of the Agenda. 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
- 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 (TDD); or (800) 955-8779 (Voice)

**Cocoa Beach History Fact as provided by the Cocoa Beach Resident Historians:**

Cocoa Beach Elementary School was opened in 1958.

THANK YOU for participating in your Cocoa Beach City Government.

**A. MEETING CALLED TO ORDER**

- Invocation – Greg Le Sieur, Christ Lutheran Church
- Pledge of Allegiance
- Roll Call

**B. APPROVAL OF THE AGENDA:****C. CEREMONIAL ACTIVITIES:**

1. A Proclamation declaring February 10, 2014 as the grand opening of the Courage to Remember Exhibit at the Cocoa Beach Country Club.  
[Courage to Remember Proclamation](#)
2. A Proclamation declaring that the Cocoa Beach City Commission supports inclusion of the Cocoa Beach Showcase Trail as part of the East Coast Greenway with all Brevard County, regional and state interests to ensure completion of the Greenway in a single connected route through the county.  
Accepting: Herb Hiller, Southeast Program Consultant, East Coast Greenway Alliance  
[Greenway Proclamation](#)

**D. SPECIAL PRESENTATION:** Speakers are cordially requested to keep special presentations to a maximum of 15 minutes.

1. Presentation by Brian Biggs, Senior Vice-President, LW Hospitality Advisers LLC and William Geiger, Jr., Geiger/Geiger & Associates, showing impact of commercial real estate capitalization rates and impact on property values/residential sales presentation  
[Commercial Real Estate Presentation](#)

**E. 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

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

1. Authorize Mayor Dave Netterstrom to execute a letter to the Space Coast Art Festival to be sent on behalf of the City Commission.  
Staff Representative: Mayor Dave Netterstrom  
Recommendation: Approve  
[Letter to Space Coast Art Festival](#)
2. Appoint Members to **Landscaping Committee:**
  - a) Re-appoint Wendy Herrburger as an Alternate Member of the Landscaping Committee– for a three-year term expiring on 02-06-2017 – Commissioner Tumulty (Seat #2)
  - b) Re-appoint Jay Honeycutt as a Member of the Landscaping Committee – for a three-year term expiring on 02-06-2017 – Commissioner Ben Malik (Seat #3)
  - c) Re-appoint Blaise Trettis as Alternate Member of the Landscaping Committee – for a three-year term expiring on 02-06-2017 – Commissioner Ben Malik (Seat #3)
  - d) Reappoint Angela Warro as Member of the Landscaping Committee - for a three year term expiring on 02-06-2017 – Vice-Mayor Skip Williams (Seat #4)
  - e) Reappoint Sylvana Strawn as a Member of the Landscaping Committee – for a three year term expiring on 02-06-2017 – Vice-Mayor Skip Williams (Seat #4)
  - f) Reappoint Lisa Bailey as a Member of the Landscaping Committee – for a three year term expiring on 02/06/2017 – Commission Adrienne Dillon (Seat #5)

Appoint Members to **Pool Committee**

- a) Re-appoint Fran Siljestrom as an Alternate Member of the Pool Committee – for a three-year term expiring on 02-06-2017 – Commissioner Tumulty (Seat #2)

3. Schedule a Minutemen Streetscape and Stormwater Improvement Design Forum to discuss hardscape and landscape materials and design schemes to be held on Wednesday, February 26, 2014 in the Commission Room.

Staff Representative: Stormwater Program Coordinator

Recommendation: Approve

[Agenda Item Memo](#)

**J. ITEMS REMOVED FROM THE CONSENT AGENDA:****K. UNFINISHED BUSINESS:**

1. Adopt Ordinance No. 1575 – Second Reading and Adoption - An Ordinance of the City of Cocoa Beach, Brevard County, Florida, approving a development agreement between Cocoa Beach Stay Cottage with City Case Number 13-4500923-01 and the City of Cocoa Beach, a Florida Municipal Corporation, and amending the official zoning map of the City of Cocoa Beach, Florida by assigning a Special Development Overlay District Designation (SDOD) to an approximate 16,929 square feet tract (0.39 acre) of land known as Cocoa Beach Stay Cottage; applicability of Cocoa Beach Land Development Code Section 3-14.4.b.2, general requirements for downtown area overlay district allowing 28 transient units per acre as applied to two non-conforming duplexes under Charter Section 6.09, Non-casualty Loss Rebuild; authorizing conversion, from four dwelling units to transient lodging units, with underlying zoning of CN neighborhood commercial and a downtown overlay district designation of Cottage Row Neighborhood (CR); located at 225, 227, 233, and 235 North Orlando Avenue and legally described herein; authorizing the Mayor to execute the Development Agreement; directing the zoning change be entered on the official zoning map; providing for incorporation of recitals; providing for severability; providing for the repeal of ordinances and resolutions inconsistent herewith; and providing for an effective date  
Staff Representative: Zach Montgomery, Development Services Director

Staff Recommendation: Adopt

[Ordinance 1575](#)

[Ordinance 1575 memo briefing](#)

2. Adopt Ordinance No. 1577 – Second Reading and Adoption - An Ordinance of the City of Cocoa Beach, Brevard County, Florida, amending the Cocoa Beach Code Appendix B, "The City of Cocoa Beach Land Development Code" by revising Section 4-65 "Permitted Uses of Land Between Building Restriction Line and Seawall Line" for the purpose of authorizing the Board of Adjustment to hear variances under certain conditions for new construction east of the Building Restriction Line; amending the Cocoa Beach Code of Ordinances by revising Section 5-48 "Permitted Uses of Land Between Restriction Line and Seawall Line" for the purpose of authorizing the Board of Adjustment to hear variances under certain conditions for new construction east of the Building Restriction Line; providing for incorporation of recitals, severability, interpretation, conflicts, and effective date.

Staff Representative: Zach Montgomery, Director of Development Services

Recommendation: Adopt

[Ordinance 1577](#)

[Ordinance 1577 memo briefing](#)

3. Discuss the landscaping palette approved as part of 60% design phase of the Minutemen streetscape/stormwater project, and direct the City Manager to have Miller Legg and Associates amend the design outlined in Exhibit "A" accordingly.

Commission Representative: Commissioner Adrienne Dillon

Recommendation: Approve

[Item K3 and K4 agenda request memo](#)

[Landscape Exhibit A](#)

4. Discuss and direct the City Manager to develop a policy regulating the method and manner of pruning landscaping in city rights of ways.

Commission Representative: Commissioner Adrienne Dillon

Recommendation: Approve

[Item K3 and K4 agenda request memo](#)

5. Approve a Motion to Reconsider combining the Commission Goals Workshop and Special Meeting regarding marijuana clinics, and to schedule the meetings separately and consecutively on the same day. (On January 16, 2014, an amended Motion to Combine the Meetings passed, with Commissioner Dillon, Commissioner Malik and Commissioner Tumulty voting “aye” and Mayor Netterstrom and Vice Mayor Williams voting “nay.”)  
 Staff Representative: Robert J. Majka, Jr., City Manager  
 Recommendation: Approve  
[Item K5 memo](#)

**L. NEW BUSINESS**

1. Discuss the City policy and funding related to the annual July 4<sup>th</sup> Fireworks show and advise staff to either:
  - a) Reduce the cost of the show and continue at the current funding level;
  - b) Increase the funding level to match actual expenditures;
  - c) Contribute funds currently budgeted to another organization interested in hosting the show; or
  - d) Discontinue the show.
 Staff Representative: Robert J. Majka, City Manager  
 Recommendation: Discuss  
[2014 Fireworks Funding memo](#)
  
2. Discuss termination of the Red Light Camera Program  
 Commission Representative: Mayor Dave Netterstrom  
 Recommendation: Discuss  
[Item L2 memo](#)
  
3. Ordinance No. 1578 – First Reading – An Ordinance of the City of Cocoa Beach, Florida, amending the Code of Ordinances of the City of Cocoa Beach by amending Article I, “Special Events,” of Chapter 14, “Special Events” to revise definitions and classifications of events; to revise the application and review process; by providing that fees and charges set forth in this Chapter shall be as set by Resolution; by revising and setting forth the requirements and obligations regarding special events; providing for penalties for violations; providing for interpretation; providing for conflicts, severability and providing an effective date.  
 Staff Representative: Melissa Byron, Director of Marketing and Economic Development  
 Recommendation: Approve  
[Ordinance 1578](#)  
[Item L3 summary](#)

**M. ADJOURNMENT**

**SPECIAL ANNOUNCEMENTS: Community Events**

- **Cocoa Beach Farmers Market** Open Sundays from 9am to 3pm
- **Friday Fest** – Downtown Cocoa Beach – third Friday of the Month - 6pm – 10pm

CITY MEETING CALENDAR – For Details check Calendar at [www.cityofcocoa.com](http://www.cityofcocoa.com) (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	6:30 PM
2 <sup>nd</sup> Monday of Month	Land Management Committee	6:00 PM
2 <sup>nd</sup> Tuesday of Month	Landscaping Committee	3:00 PM
2 <sup>nd</sup> Thursday of Month	Waterways and Wildlife Advisory Board	6:30 PM
Called Upon Demand	Pool Committee	5:30 PM
3 <sup>rd</sup> Wednesday of Month	Code Enforcement Board	9:00 AM
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