

CITY OF COCOA BEACH  
CITY COMMISSION  
MINUTES  
April 16, 2026

A. MEETING CALLED TO ORDER

Mayor Capizzi called the meeting to order at 7:00 PM.

1. Pledge of Allegiance
2. Invocation by Keith Capizzi, Club Zion Community Church
3. Roll Call

Commission Members Present:

Mayor Keith Capizzi  
Vice-Mayor Skip Williams  
Commissioner Joshua Jackson  
Commissioner Tim Tumulty  
Commissioner Jeremy Hutcherson

Administrative Members Present:

City Attorney Becky Vose  
City Manager Wes Mullins  
City Clerk Karin Grooms  
Development Services Director Dave Dickey  
Development Deputy Services Director Brian Palmer  
Engineer, Gary Basham  
Executive Assistant City Manager Carrie Lombardo  
Fire Chief Justin Grimes  
Fire Deputy Chief, Steve Lea  
General Manager, CBCC Ed Thinger  
Information Technology, Tristian Takacs  
Leisure Services Director Andi Segarra  
Police Chief Kris Kuehn  
Police, Major Joseph Versaggi  
Police, Major Manny Hernandez  
Project Manager, Taylor Mottolo  
Stormwater Manager, Morgan Zuhlke  
Water Rec/ Public Works Director Brad Kalsow

B. APPROVAL OF THE AGENDA

(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.)

Ms. Janice Scott requested to pull consent agenda item H2.

MOTION BY WILLIAMS/HUTCHERSON  
I MOVE TO APPROVE MINUS H2  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

C. SPECIAL PRESENTATIONS

1. Present Proclamation proclaiming the month April as Water Conservation Month  
Representative: James Cannon

Mayor Keith Capizzi read the proclamation for Water Conservation Month. Mr. Cannon accepted the Proclamation on for the Water Conservation Month.

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.

Ms. Janice Scott spoke about the Port Authority and noted the space industry. Mentioned a packet given to the commission. Ms. Scott also discussed funding previously approved for Thunder on Cocoa Beach at a prior meeting. She expressed concerns regarding the use of tax funds and the amount of financial support the organization, operating as an LLC, has received from the County.

E. STAFF REPORTS AND ANNOUNCEMENTS

The City Manager, Wes Mullins, gave the following staff reports:

- The airshow was successful. Noted the initial estimates of 150,000 people came each day to watch the Air Show. He noted the weather earlier in the week. He mentioned the events that occurred during the airshow to include EMS calls, lost children, handful water rescues and a sinking boat rescue.

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

The City Attorney had no report.

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Hutcherson requested everyone to pray for the families that were affected the event that occurred the previous Tuesday at 4th Street South. Noted not being easy as they were on vacation.

H. CONSENT AGENDA

MOTION BY HUTCHERSON/WILLIAMS

I MOVE TO APPROVE CONSENT AGENDA  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

1. Approve the March 19th, 2026 & April 2nd, 2026, Commission Meeting Minutes  
Staff Representative: City Clerk Department
2. Approve the following Memorandums of Understanding (MOUs) for School Resource Officer (SRO) services for the 2026–2027 school year:
  - **School Board of Brevard County & City of Cocoa Beach:** One-year MOU for SRO services, with reimbursement of \$77,000 per SRO for up to two (2) SROs, aligning with the School Board’s agreement with the Brevard County Sheriff’s Office.
  - **City of Cocoa Beach & City of Cape Canaveral:** One-year MOU to share the cost of the SRO assigned to Cocoa Beach Junior/Senior High School.

These are budgeted items for FY27.  
Staff Representative: Kris Kuehn, Police Chief  
Recommendation: Approve

I. ITEMS REMOVED FROM THE CONSENT AGENDA

Item H2. Approve the following Memorandum of Understanding for School Resource Officers services for the 2026-2027 school year.

MOTION BY HUTCHERSON/TUMULTY

I MOVE TO APPROVE H2.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Ms. Janice Scott requested clarification regarding the two schools covered under the agreements. She referenced Freedom 7 and expressed concerns about the City providing an SRO for the campus. The City Manager, Mr. Mullins clarified that the SRO assignments apply only to Roosevelt Elementary and the High School. He further explained that the Finance Department is coordinating with the City of Cape Canaveral on funding arrangements. The agreements remain consistent with those from previous years.

J. UNFINISHED BUSINESS

1. Adopt Ordinance 1712 on second reading, An Ordinance of the City of Cocoa Beach, Florida, changing the start time for regular meetings of the City Commission to 6:00: providing for conflicts, severability, non-codification, and an effective date.  
Commission Representative: Jeremy Hutcherson, Commissioner

Recommendation: Adopt on Second Reading

MOTION BY HUTCHERSON/WILLIAMS  
I MOVE TO ADOPT ORDINANCE 1712 ON SECOND READING  
ROLL CALL - AYES 4 NAYS 1 CAPIZZI

Vice-Mayor Williams requested an amendment to the motion, to include the meetings not to proceed pass 3 hours.

MOTION WILLIAMS/HUTCHERSON  
I MOVE TO APPROVE THE AMENDMENT TO INCLUDE NOT GOING PASS 3 HOURS.

2. Adopt Ordinance 1713 on second reading, An Ordinance of the City of Cocoa Beach, Florida, adopting the latest version of the International Property Maintenance Code as amended herein; providing for the repeal of the prior inconsistent ordinance and resolutions; incorporation into the code; severability and an effective date.  
Staff Representative: Brian Palmer, Deputy Development Services Director  
Recommendation: Adopt on Second Reading

MOTION BY HUTCHERSON/JACKSON  
I MOVE TO ADOPT ORDINANCE 1713 ON SECOND READING  
ROLL CALL AYES 5-0

Commissioner Tumulty noted the background summary on the agendas and appreciated the information broken down.

K. NEW BUSINESS

1. Cocoa Beach Senior Center (Formally Freedom 7 Senior Center) - Request for \$30,000 in City Funds to be budgeted in FY27 for support of the part-time director's salary.  
Representative: ~~Nicole Sahr-Downey, Executive Director of Cocoa Beach Senior Center.~~ Annetta Gross, Jenny Burris, Mike Nichols - Updated 4/13/26

MOTION BY HUTCHERSON/JACKSON  
I MOVE TO APPROVE  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Ms. Janice Scott spoke regarding senior centers and highlighted the services they provide. She referenced other senior centers throughout the county and encouraged the Commission to allocate funds to support senior travel, emphasizing that funds should directly benefit seniors.

Ms. Lila noted that she resides in Cape Canaveral and serves as an instructor at the

Senior Center. She described her program and other offerings available at the center, highlighting the number of seniors who participate and the overall benefits of having a dedicated space for activities and engagement.

Commissioner Jackson referenced the activity list provided to the Commission, noting its value in demonstrating community engagement and enhancing quality of life. He suggested incorporating a nutritional component into the programming.

Mayor Capizzi inquired with the City Manager regarding the rental and usage of the facility. He noted that the Senior Center utilizes the facility approximately 208 days per year and discussed the in-kind value provided. The City Manager stated that the estimated rental value would be approximately \$50,000 annually.

Vice-Mayor Williams asked whether there is flexibility in the event the space is needed for other purposes. Ms. Andi Segarra, Leisure Services Director, confirmed that the Senior Center is flexible and will rearrange or accommodate scheduling needs as necessary.

Vice-Mayor Williams requested 5–10 years of financial data for the Senior Center, emphasizing the need for historical data and statistics to support future decision-making.

Mayor Capizzi expressed his support for the Senior Center and willingness to provide necessary resources, but also voiced concern about funding one organization over others. The Commission discussed other organizations and the extent of in-kind services provided.

Ms. Jenny Burris outlined the role of the Senior Center Director, providing an overview of daily responsibilities. She clarified that the requested funds would support the Director's salary.

Commissioner Tumulty referenced a salary amount of \$60,000, which was clarified to be \$30,000. Ms. Burris further explained that the organization is unable to sustain even a part-time director based on current membership dues of \$25 per year.

Commissioner Hutcherson inquired about the number of members who are Cocoa Beach residents. It was noted that approximately 80% of the membership resides in Cocoa Beach. Commissioner Tumulty emphasized that funding is derived from Cocoa Beach residents.

Commissioner Hutcherson expressed his support for the organization and provided reasoning for distinguishing it from other organizations. Commissioner Tumulty noted his disagreement.

Further discussion occurred regarding organizational business plans, long-term sustainability, and how each organization benefits city residents.

Commissioner Tumulty stated his support for funding the organization for the upcoming

fiscal year. He requested that, for the following year, the Senior Center provide financial documentation and operate under a Memorandum of Understanding (MOU), similar to Main Street, including insurance requirements. He also referenced prior discussions about constructing a dedicated facility and noted increasing activity at the Country Club, suggesting that the location may not be a suitable long-term fit for the Senior Center, while emphasizing this as a future consideration.

Mr. Mullins, City Manager, noted that, after consultation with the City Attorney, the organization should operate under a formal agreement, similar to the arrangement with Main Street.

Mayor Capizzi stated his support for the organization. He emphasized, however, that future funding decisions should include clear justification and consideration of how funding is allocated among organizations.

Ms. Annetta Gross stated she serves on the Board of the Senior Center. She described the organization as a charitable entity and outlined its role in serving the Cocoa Beach community. She noted the name change from the Freedom 7 Senior Center to the Cocoa Beach Senior Center and shared her personal experience and involvement with the center.

Mr. Mike Nichols, a Physical Therapist and Board member, spoke in support of the organization. He highlighted the performance of the part-time Director, noting she does an excellent job managing operations. He emphasized the importance of movement and wellness for seniors, discussed the growth in community participation, and noted increased outreach efforts. He also addressed the organization's fundraising efforts to support programming, the continued need for a Director, and the importance of maintaining low costs for participants.

Mayor Capizzi thanked the members of the Senior Center for attending and demonstrating their support to the Commission.

Mr. Peter Cunningham, President of the Board, spoke about the organization's history, including past challenges. He noted that financial statements have been prepared annually for the past ten years by a local CPA. He thanked the Commission for its continued support and discussed membership trends, including a decline during the City Hall relocation.

Commissioner Tumulty stated that, moving forward, continued funding would require an executed Memorandum of Understanding (MOU) and submission of financial documentation. He referenced the financial information provided and requested more detailed reporting. He also inquired about the office space located on the stage and whether utilities such as internet and phone service were provided by the City; it was clarified that these costs are covered by the Senior Center.

Mayor Capizzi requested that, moving forward, a survey or system be implemented to

better distinguish between resident and non-resident participation.

Commissioner Hutcherson discussed the distinction between this organization and Main Street, noting that the Senior Center primarily serves Cocoa Beach residents. He also acknowledged the transparency presented.

Vice-Mayor Williams addressed the topic of resident versus non-resident participation, stating that he does not support drawing strict distinctions based on residency. He expressed his support for the organization but requested more detailed financial information.

2. ~~**PULLED 04/14/26 Adopt Ordinance 1710 on first reading - An ordinance of the City of Cocoa Beach, Florida, related to travel and car rental agencies, amending section 2, "RM-2 MULTIFAMILY PROFESSIONAL DISTRICT" and "CT-1 OCEANFRONT RESIDENTIAL AND TRANSIENT DISTRICT" of Article III "ESTABLISHMENT OF STANDARD ZONING DISTRICTS" of Chapter II- "ZONING DISTRICTS" to of the Code of Ordinances; providing for conflicts, codification, severability, and an effective date.**~~  
~~Staff Representative: David Dickey, Development Services Director~~  
~~Recommendation: Adopt on first reading~~

This item was pulled from the agenda.

3. Adopt Ordinance 1714 on first reading - an ordinance of the City of Cocoa Beach, Florida, amending section 4-43, "SPECIAL EXCEPTIONS"; and section 4-46, "AMENDMENTS TO THE ZONING MAP" of Article I, "VARIANCE WAIVER AND SPECIAL EXCEPTION"; and Article V, "AMENDMENTS"; of Chapter IV - "LAND DEVELOPMENT PROCEDURES" respectively of the Code Ordinances; providing for conflicts, codification, severability, and an effective date.  
Staff Representative: David Dickey, Development Services Director  
Recommendation: Adopt on first reading

MOTION BY HUTCHERSON/TUMULTY  
I MOVE TO ADOPT ORDINANCE 1714 ON FIRST READING  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Ms. Marie Pierce referenced the Planning Board meeting of April 6 regarding ordinance 1714. She discussed the language of the ordinance and emphasized the strength of the criteria for Special Exceptions. She summarized the presentation provided at that meeting and urged the Commission to approve ordinance 1714.

Ms. Janice Scott stated that she had not reviewed the ordinance in its entirety but requested that staff present the item prior to public comment. She expressed concerns regarding the Board of Adjustment, particularly in relation to Special Exceptions, and described it as problematic. She referenced the Comprehensive Plan, noting considerations related to canal use between commercial and residential areas. She also

discussed concerns about traffic impacts, stating that staff recommendations were not adequately considered. Additionally, she raised concerns about wake zones and impacts on manatees. She also spoke on the Banana River Reserve.

Mr. David Dickey, Development Services Director, provided an overview of board functions and procedures. He explained that boards generally operate in two capacities: legislative and administrative. He noted that legislative actions involve the creation of new laws and policies, while administrative actions typically involve quasi-judicial (QJ) hearings.

Mr. Dickey explained that quasi-judicial hearings apply existing ordinances and policies, such as those found in zoning regulations or the Comprehensive Plan, to specific properties. He stated that, in this capacity, the Commission or board functions in a judicial role.

He further emphasized that decisions in quasi-judicial hearings must be based on competent, substantial evidence. Individuals presenting information must be knowledgeable and qualified, often as subject-matter experts, and all testimony must be entered into the record appropriately. He noted that decisions must rely on a reasonable factual basis and cannot be based on speculation, unsupported opinions, or unsubstantiated conjecture. He said the opinion is based on legislative policy, the administrative side is applying criteria. He noted the code could have more criteria added. He noted the eight additional criteria for Special Exemptions and Zoning's. The proposed criteria is factual-based and create a framework for decisions based on facts. Generally trying to see compatibility.

Mayor Capizzi noted the meetings with the board members and information before the meetings so they can base it on facts and not emotions.

Mr. Dickey noted that he would be working with the city attorneys to change the agendas as well to help with the criteria requirements. Mr. Dickey also noted that the Board of Adjustment attorney would be providing training for the board.

Mr. Mullins, City Manager, informed the Commission that Mr. Dickey had sent an email indicating that staff remains available to assist the Board as needed.

Mayor Capizzi stated that it is the Commission's responsibility to ensure due diligence and that appointed members are familiar with applicable ordinances and codes prior to serving.

Commissioner Jackson referenced his prior service on the Board of Adjustment and noted that staff support was consistently available during hearings, which assisted in informed decision-making.

Mayor Capizzi also noted that he consulted with the City Attorney when he first began serving on the Commission.

Vice-Mayor Williams spoke on Section 4-46, Amendments to the Zoning Maps, stating

that he agreed with the provision. He referenced paragraph E, which provides that proposed zoning map amendments are reviewed by the Planning Board and then forwarded to the City Commission with a recommendation. He further described the process by which the City Commission adopts zoning map amendments by ordinance.

Vice-Mayor Williams then referenced Section 4-43, Special Exemptions, paragraph D(1), which includes consideration of whether an applicant has demonstrated compliance with proposed density, height, scale, intensity, and hours of operation. He noted that this section does not include Planning Board or City Commission review in the same manner as zoning map amendments.

Vice-Mayor Williams made a motion to amend the ordinance by striking the following language from Section 4-43(D)(1): “including proposed density, height, scale, and intensity,” while retaining the remainder of the paragraph. He stated that the Board of Adjustment should not make decisions beyond the limits established in the applicable zoning districts, including RM-1, RM-2, commercial, and special districts. He further noted that density, height, and intensity limitations are already established within the Code and have historically been addressed through variances rather than Special Exemptions.

Commissioner Jackson requested clarification.

City Attorney Becky Vose clarified that the provision does not allow approval above the established base levels set by the Commission.

Vice-Mayor Williams questioned the inclusion of this language in the ordinance, stating it could create the perception that such approvals are permitted. The City Attorney explained the purpose and intent of the Special Exemption provisions. Discussion occurred regarding how Special Exemptions are applied, including examples related to height limitations. It was clarified that the Board may impose limitations but cannot authorize increases beyond what is permitted in the Code.

Commissioner Jackson commented on the importance of providing clear information when evaluating Special Exemptions.

Vice-Mayor Williams requested the inclusion of language stating that approvals shall “never exceed” established limits.

#### AMENDMENT MOTION BY WILLIAMS/HUTCHERSON AMENDED MOTION TO ADD A PARAGRAPH STATING “NEVER TO EXCEED” IN SECTION 4-43

Ms. Janice Scott spoke regarding dock formulas and setback requirements from property lines. She referenced personal relationships and dock usage and inquired whether such provisions are included in City ordinances.

Mayor Capizzi explained to Ms. Scott the applicable regulations and confirmed that

such requirements are already addressed within existing City ordinances.

The Commission clarified the amended motion.

VOICE VOTE ON THE AMENDED MOTION CARRIED UNANIMOUSLY.

4. Adopt Ordinance 1715 on first reading — an ordinance of the City Commission of the City of Cocoa Beach, Florida, amending the Code of Ordinances, Chapter 15, by adding a new section 15-39A, entitled “UNAUTHORIZED COMMERCIAL EQUIPMENT”; Providing for legislative findings; providing definitions, providing for the impoundment of unauthorized commercial equipment used in connection with unlicensed commercial activity in the Ocean Beach Park; providing for notice, administrative fees, and reclaim procedures; providing for joint and several responsibility of owners, operators, principals, employees, agents and persons acting on behalf of an unlicensed beach business; providing for appeal; providing for codification; severability, conflicts, and an effective date.

Staff Representative: David Dickey, Development Services Director

Recommendation: Adopt on first reading

MOTION BY WILLIAMS/HUTCHERSON

I MOVE TO ADOPT ORDINANCE 1715 ON FIRST READING

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

5. Approve Task Order #8 from Kimley Horn in the amount of \$64,055 to provide professional landscape architectural services, bidding assistance and Joint Partnership Agreement application preparation through FDOT for the beautification of eight (8) existing landscape medians located along State Road 520 from Bicentennial Park to Ocean Beach Blvd. This is a budgeted capital item. - (Added 4/14/26)

Staff Representative: Brad Kalsow, Water Reclamation Director

Recommendation: Approve

MOTION BY HUTCHERSON/TUMULTY

I MOVE TO APPROVE KIMLEY HORN TASK #8

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Mayor Capizzi noted his campaign promise regarding the medians and stated the locations involved. He referenced staff moving forward with the next steps related to engineering and noted the requirements for engineering design.

Commissioner Hutcherson referenced the medians along Patrick Space Force Base and stated that the project represents an investment in the community and is also necessary to support eligibility for grant funding.

Ms. Janice Scott encouraged the Commission to focus on landscaping considerations, including the use of salt-resistant plant materials and different types of palm trees

suitable for the environment.

L. GENERAL PUBLIC COMMENT

(Only if not accommodated in the 30-minute Public Comment period earlier)

M. ADJOURNMENT

The meeting was adjourned at 8:13 pm.

[MIN\_SIGNATURES]