

CITY OF COCOA BEACH, FLORIDA  
CITY COMMISSION COCOA BEACH COUNTRY CLUB - 5000 TOM WARRINER  
BOULEVARD, COCOA BEACH, 32931 MINUTES  
March 21, 2024

A. MEETING CALLED TO ORDER

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

1. Pledge of Allegiance
2. Invocation: Dr. Bob Lehton with Servant Air Ministries
3. Roll Call

**Commission Members Present:**

Commissioner Joshua Jackson  
Commissioner Karalyn Woulas  
Commissioner Skip Williams  
Vice-Mayor Jeremy Hutcherson  
Mayor Keith Capizzi

**Administrative Members Present:**

City Attorney Becky Vose  
City Manager Wayne Carragino  
City Clerk Karin Grooms  
Interim Police Chief Wes Mullins  
Fire Chief Ryan Duckworth  
Water Reclamation Director Brad Kalsow  
Development Services Director Randy Stevenson  
Public Works Director Robert Torres  
Chief Financial Officer/ Assistant City Manager Patrisha Draycott  
Major Kris Kuehn  
Executive Assistant Rachel Kabboord  
Officer Jacob Wedra  
Officer Brandon Tate  
Officer Ali Zariv  
Lt. Joe Mailman

B. SPECIAL PRESENTATIONS

1. Swearing-in Police Officers; Jacob Werda, Brandon Tate, and Ali Zariv.

Interim Chief Wes Mullins presented new officers Jacob Werda, Brandon Tate, and Ali Zariv with their oath.

C. 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.)

MOTION HUTCHERSON/JACKSON.

I MOVE TO APPROVE THE AGENDA, WITH THE REMOVAL OF ITEM H2.

VOICE VOTE ON THE MOTION 5:0. MOTION CARRIED.

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. Isabella Capizzi, a Freedom 7 student, discussed the SDG6 program. Sustainability Development Goals when it comes to water. She mentioned the need for clean water and what other countries do not have. Noted SDG6 is an issue and needs to be corrected.

E. STAFF REPORTS AND ANNOUNCEMENTS

City Manager Wayne Carragino noted that Space Coast Transportation Planning Organization (TPO) notes that the current voting member is Commissioner Williams, and the staff representative is Mr. Jared Francis, City Engineer. Stated Mr. Francis was leaving, and he would like to appoint Morgan Zuhlke, Staff Engineer.

The City Commission concurs by consensus.

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

City Attorney Beck Vose asked Mr. Randy Stevenson, Development Services Director, to the podium to explain the need to extend beach licenses.

Mr. Stevenson requested the Commission to extend the beach license agreements for one additional month to the end of May. Mentioned there are ongoing discussions with the contracts and possible modifications to the Code of Ordinances.

Mr. Stevenson noted that he would like to put on the record for the April 4th meeting to extend to May.

Commissioner Williams requested the commission to make a motion now instead of waiting until April 4th. Noted no gap period for the agreements.

MOTION BY WILLIAMS/HUTCHERSON

MOVE TO APPROVE EXTENSION OF BEACH LICENSES.

VOICE VOTE ON THE MOTION 5:0. MOTION CARRIED.

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Vice-Mayor Hutcherson mentioned the ongoing conversations between the City and the

County regarding lifeguards. He noted the narrative that has been highlighted as Cocoa Beach is not in favor of Lifeguards and Public Safety. The Vice-Mayor noted the annual budget for the city's Public Safety and what the majority of the funds go towards. On record, Cocoa Beach is not against lifeguards and public safety. It was also mentioned that Volusia County has a \$10 million budget just for Ocean Rescue. That is different from Cocoa Beach.

Mayor Capizzi added additional statistics regarding residents and visitors. Noted that the city pays their share of taxes and the small population, with the large county population, has their obligation as well. Noted there will still be lifeguards. Sidney Fischer Park is the only park without lifeguards. Signs will be posted, and it will be swim at your own risk. Lifeguards will be at Coconuts, Shepard Park, Lori Wilson, and the Pier. The fire department is trained and is ready to respond. Public Safety is the top priority and will keep people safe.

Commissioner Williams noted the communications from staff regarding lifeguards and it will be well communicated.

#### H. CONSENT AGENDA

The City Attorney read the consent agenda.

MOTION BY WOULAS/ JACKSON.

I MOVE TO APPROVE THE CONSENT AGENDA OF THE REMOVAL OF ITEM H2.  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY 5-0.

1. Approve the March 7, 2024, Commission Meeting Minutes  
Representative: City Clerk Department  
Recommendation: Approve
2. Review and approve the application form for grandfathering a vessel and/or waterside accessory structure that exceeds the encroachment limits established by the Ordinance and was in existence as of February 15, 2024.  
Representative: Randy Stevenson, Development Services Director  
Recommendation: Approve

#### I. ITEMS REMOVED FROM THE CONSENT AGENDA

The City Attorney read item H2.

MOTION BY WILLIAMS/ WOULAS.

I MOVE TO APPROVE THE APPLICATION FORM.

Vice-Mayor Hutcherson wanted to go on record that he was not in favor of this application. Understood it was approved by the ordinance and this component was added.

Commissioner Jackson noted the concerns about this and spoke with the staff. This is establishing the baseline for those who are going to be grandfathered in. He explained

that this is just for the application as of current status.

VOICE VOTE ON THE MOTION CARRIED 4-1; HUTCHERSON, NAY

J. UNFINISHED BUSINESS

1. Discuss possible modification or elimination of the existing Noise Ordinance 1678 (7/20/2023).

Representative: Karalyn Woulas, City Commission

Recommendation: Discuss

The City Attorney read item J1.

Commissioner Williams requested to comment before a motion was made. Noted received emails and communications from residents noting that things are better now with this ordinance. Commissioner Williams mentioned many of the emails received requesting stricter ordinances.

MOTION BY WOULAS/ JACKSON

I MOVE TO DISCUSS

Mayor Capizzi relayed that eliminating the ordinance would not be an option. He noted potential modifications to the ordinance. He noted he would like to hear from the commission.

Commissioner Woulas stated she did not wish to eliminate the ordinance. Would like to discuss modifying the current ordinance. She mentioned how the ordinance is currently as it allows one person to call and complain about the music therefore shutting down the business. She reminded everyone that the business owners are residents as well. Mentioned it will hurt the economy if these businesses close.

The Mayor concurred with Commissioner Woulas but noted he will agree with Vice-Mayor Hutcherson's side as well.

Vice-Mayor Hutcherson inquired about the ordinance Commissioner Woulas referred to. Commissioner Woulas explained the ordinance 1006 for Vice-Mayor Hutcherson.

Vice-Mayor Hutcherson discussed the ordinance with the on the books that was at night it was applied during the day.

Mayor Capizzi mentioned the added 500 feet to the ordinance.

Vice-Mayor Hutcherson noted its legally enforceable and wouldn't do anything that wasn't.

Commissioner Woulas expressed concern over the number of businesses having to shut down do to the ordinance.

Vice-Mayor Hutcherson presented a chart that was discussed regarding the police calls for noise. Explaining the data from the police department.

Futher explained that short term-rentals are businesses and they have to follow a stricter noise ordinance. Mention Cocoa Beach is a residential town.

Mayor Capizzi noted the music presented that was performed, was unacceptable.

Commissioner Woulas discussed previous meetings with discussing and talk about this situation. Would like to discuss this issue. Explained that her band was playing at a Salty Sisters when playing acoustic set. Noted other bands played louder and were not shut down. Does not agree with this ordinance.

Vice-Mayor Hutcherson noted the emails are not in favor of this and asked what suggestions Commissioner Woulas would have?

Commissioner Woulas stated there just as many people not in favor of the ordinance and noted how residents do enjoy music.

Mayor Capizzi wanted to bridge the gap. Explained to the residents the reasoning of why they need to hear the discussion before speaking.

Commissioner Jackson agreed with the support of not lessening the ordinance. It is difficult for our businesses, and enforcement. Noted pitfalls and mention improvements. Suggested that one person should not have the ability to shut down a business. Idea of building on the 500 feet, establishment along with the ability and factors of sound. Could be audible one day and not another.

Mayor Capizzi noted points made by the other commissioners. The commission is not in favor of eliminating the noise ordinance. The data, at each location, a majority calls from a specific person creating a bigger issue. If there were multiple calls from other home, but it is the only person calling repeatedly that is something to consider. The problem is defining clearing audible. Previous police chief, did not have a definition. Spoke with the new Police Chief, clearly audible should be measurable and identify.

Commissioner Williams inquired the definition of Mayor Capizzi's definition for clearly audible. Noted the definition needs to be clear for words and music.

City Attorney Becky Vose studied the ordinance and pointed out the issue within the ordinance. She read section B3 of the Ordinance 1678.

Commissioner Jackson agreed with the city attorney due to the sound being loud one day and not the next due to factors. Need subjective perspective.

Mayor Capizzi inquired from the City Attorney regarding the decibel reader. Ms. Vose requested for Interim Police Chief, Wes Mullins to help explain. Ms. Vose noted there are variables to include background noise and all bars.

Mayor Capizzi did confirm that he did go with the businesses with a decibel reader.

Interim Police Chief, Wes Mullins, noted he is not an expert on decibel meters. According to Interim Police Mullins the current ordinance is much simpler than using a

decibel meter. Need a middle ground with being reasonable. Interim Chief Mullins acknowledges it starts in the police department with using common sense in order to hold the other side accountable. He made a suggestion to the commission regarding only change to the ordinance would be distance and clearly audible. Provided example of a motorcycle. Explained vibration could be included in the definition of audible. The police department should be ensuring both sides are happy with a reasonable degree. It was discussed about the new statute regarding unable to make a complaint without identifying yourself. The callers are the same and they don't want to provide their information. Ms. Vose clarified the new statute.

Interim Chief Mullins provided clarification regarding the citations process, noting that there was only one citation issued. For the record, he explained that the citation had been dropped by the magistrate due to the complainant's did not show for the hearing. He outlined the steps taken by the department for businesses to be cited along with the procedures followed by officers when a complaint is received. Interim Police Mullins emphasized that any citation issued would be brought to the magistrate for resolution, where both parties involved would have an opportunity to present their arguments. Then the third party, the magistrate, would make the final decision.

Commissioner Williams defined audible.

Commissioner Jackson shared his concerns about the citation process, drawing a parallel with driving without speed limits and the challenges businesses face when issued citations. He expressed his struggle with the impact this process has on businesses, particularly regarding missed work.

Interim Chief Mullins explained the balance of the decibel with side factors. He suggested Commissioner Woulas's idea of other steps to be taken such as going back to old practices and only responding if there was more than one complaint. Noted there are steps that could be took.

Commissioner Woulas inquired about the magistrate and what they judge. Interim Chief Mullins explained what the magistrate actually looks at and what they handle.

Mayor Capizzi is concerned with future chiefs, this could be an issue again. He referred to the Salty Sister's citation and noted he was at the establishment when it was shut down. Concurred that there are residents to weaponize the ordinance to take down the business.

Interim Chief Mullins explained the complaints are no longer within the distant requirement.

Commissioner Jackson inquired clarification from Interim Chief Mullins regarding if they moved forward with the procedures presented the final say would be the magistrate, but it would need to be more than one complaint. Commissioner Jackson suggested that a decibel level to be established not for enforcement however for a basis for businesses to turn it down.

Interim Chief Mullins will do what the commission wishes however, noted it was a decibel was being brought into the equation. Interim Chief Mullins noted if there were a number of complaints and not just one, that takes away the subjectivity of the situation.

Commissioner Williams explained audible noise of the high school during the week, and the football station. There is noise and needs to have subjectivity as not wishing to shut down the high school.

Vice-Mayor Hutcherson noted the frequency of these events. Mentioned Friday Fest, it is once a month.

Mayor Capizzi agrees with the chief with at least two complaints. Would be open to expand the distance to get rid other nuisance complaints. As well as define clearly audible.

Mr. Rick Anderson discussed that numerous years there was not a problem. One business came in and created the problem. It was passed at a high emotional point. Agreed with Commissioner Jackson it is too subjective and decibel's are imperfect way to measure sound. Need to get it right, and the businesses need some sort of stability.

Mayor Capizzi agreed with Mr. Anderson regarding the time was very emotional.

Mr. Tim Tumulty, referred back to the start of this issue a year ago. There were 28 complaints for one person. 3 from other people. That caused issues with Area 142 business and the commission. Compared the music that was played at a venue, don't agree with the language however noted it is a 1st Amendment right. Mr. Tumulty compared it to having a strip club in the city. He suggest to use the word continuous within the ordinance. Noted it was a knee-jerk reaction due to one business, now it has gone to every business.

Commissioner Williams noted it may not work due to having more than one complaint, due to work around. Mentioned the emails received regarding this ordinance. Majority is saying don't eliminate and don't change it. Whether or not they call the Police department making a complaint they are email. Not in favor of any changes.

Mayor Capizzi did work with Area 142 and they were working on making changes. As a business, they tried to work with the city and make it work. Although it changed hands, he wish to acknowledge that.

Ms. Adrienne Dillon noted her property location to businesses near her home. Noted recently had not had any issues. But did have issues in the past. Noted don't know the science of sound, however, she mentioned the base of music "boom boom". Requested to only consider music to be inside or only allowing instruments outside.

Vice-Mayor Hutcherson noted a discussion that was the commission had regarding sound analysis. Another business had one done and the take away was to have a structure built to absorb the sound. Does not agree with new sound analysis. Just leverage the finding from the initial.

Mayor Capizzi does not think they need to spend money on another analysis. Commissioner Woulas expressed various factors that carry sound waves. Requests a sound analysis.

Commissioner Williams stated there are too many various factors and spending funds on a sound analysis not worth it.

Ms. Elise Comochuck and Ms. Tiffany Martin, Salty Sister's owners, explained how they don't wish to break the law. Agreed with Interim Chief Mullins to have an understanding. Explained how they installed a sound barrier. Has not had a complaint since it had been installed. They noted they are willing to self-police and are willing to shut down bands that will not turn it down. Noted certain bands were getting more calls. Commissioner Woulas's band has been called when the first cord and they will call. However, will not call on others. Ms. Martin spoke with a resident who called and worked with her. What is the clearly audible expectations?

Mayor Capizzi inquired from the Commission how to modify or if they wish to modify. Commissioner Williams suggested instead of the commission deciding, defer to the City Attorney, City Manager and the Police Chief decide and bring it back.

Ms. Vose noted could take care of the issues without changing the ordinance. The police department has discretion. They can decide how they handle situations.

Mayor Capizzi expressed his concerns without having something in writing.

Ms. Vose explained how it worked previously. If the chief changes we could revisit the ordinance.

Commissioner Williams noted everyone will not be there forever, and should not be worried about it at this time.

Commissioner Williams noted no changes at this time, and if the city manager, city attorney, or the Interim Chief come up with an epiphany to make this better.

Commissioner Jackson request staff to address the civil complaint and how we can ensure that one person can not take them hostage. What levels should a business to be at to stay in compliance. Researched and found their are ways to focus on such as base tones.

Commissioner Williams expressed his concerned with putting in numbers in the ordinance.

Commissioner Woulas requested something that chronic complainers to not shut down businesses.

Mayor Capizzi will go with the Interim Chief and the departments discretion.

Commissioner Woulas asked for a report.

It was agreed that the commission requested staff to work together to see if there is a way to improve this and bring it back.

K. NEW BUSINESS

1. Approve the Scope of Services for Engineering and Design and fee estimates totaling \$185,040 from Kimley Horn to design rehabilitation improvements for Lift Station #3 under Task Order #2, Lift Station #6 under Task Order #3 and Lift Station #15 under Task Order 4. The engineering and design for this project is a budgeted item this fiscal year.  
Representative: Brad Kalsow, Water Reclamation Director  
Recommendation: Approve

The City Attorney read item K1.

MOTION BY HUTCHERSON/ WOULAS  
I MOVE TO APPROVE ITEM K1 AS WRITTEN

Vice-Mayor Hutcherson requested Mr. Brad Kalsow, Water Reclamation Director to the podium. The vice-mayor applauded Mr. Kalsow for his detail in items brought before the Commission. Vice Mayor Hutcherson did inquire for all items brought before the commission if there was recurring cost built in for items in the future for maintenance etc.

Mr. Kalsow confirmed there is a standard and is built into the budget going forward. Noted operation needs.

VOICE VOTE ON THE MOTION CARRIED 5:0.

2. Approve the purchase of a Closed Circuit Television Transit Van and associated equipment for sewer inspections from CUES, Inc. through a piggyback agreement with Houston-Galveston Area Council in the amount of \$303,453. This is a budgeted Capital Item this fiscal year.  
Representative: Brad Kalsow, Water Reclamation Director  
Recommendation: Approve

The City Attorney read item K2.

MOTION BY WILLIAMS/ HUTCHERSON  
I MOVE TO APPROVE AS READ.

Mayor Capizzi requested clarification of what this item is for approval for a camera system.

Mr. Kalsow, explained the need for new equipment as it is outdated. Explain the van will not go away, it will turn into the electrician's van. Clarified the need and what the new system will be able to do for the sewer system within the city.

Mayor Capizzi noted that in the future we will collaborate with neighboring cities. Vice-Mayor Hutcherson agreed with the increased utilization.

VOICE VOTE ON THE MOTION CARRIED 5:0.

Commissioner Williams noted the beach rake and it did not work out. Items rusted in the

past. The mayor noted that there would be clear instructions for maintenance.

Vice-Mayor Hutcherson noted the number of cities in a small area and discussed the operations. Noted the work with the fire department with the access of usage.

3. Approve the expenditure of \$191,700 for Gregori Construction, Inc. to perform milling and paving work at three (3) locations in the City – East St. Lucie Lane, Marion Lane, and the intersection of Ocean Beach Boulevard and East Cocoa Beach Causeway, and road repair on North Banana River Boulevard. This is a budgeted item.

Representative: Bob Torres, Public Works Director

Recommendation: Approve

The City Attorney read item K3.

MOTION BY WILLIAMS/ HUTCHERSON

I MOVE TO APPROVE AS READ.

VOICE VOTE ON THE MOTION CARRIED 5:0.

L. GENERAL PUBLIC COMMENT

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

M. ADJOURNMENT

The meeting was adjourned at 8:30 pm.

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Karin Grooms, MPA, CMC  
City Clerk

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Keith Capizzi,  
Mayor-Commissioner