CITY OF COCOA BEACH
CITY COMMISSION
MINUTES
June 19, 2025

A. MEETING CALLED TO ORDER

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

1. Pledge of Allegiance
2. Invocation by Mark Wodka, Reverend, Space Coast Seafarers Ministry
3. Roll Call

Commission Members Present:
Mayor Keith Capizzi
Vice-Mayor Skip Williams
Commissioner Joshua Jackson
Commissioner Tim Tumulty

Commission Members Absent:
Commissioner Jeremy Hutcherson

Administrative Members Present:
City Attorney Becky Vose
Acting City Manager AJ. Hutson
City Clerk Karin Grooms
Development Services Dave Dickey
Deputy Development Services Brian
Deputy Finance Director Devan Taly
Finance Director Hana Juman
Finance Tina Adams
Fire Marshall Sal Liberto
Human Resources Cindy DePina
Information Technology Michael Ledesma
Police Chief Wes Mullins
Police Major Manny Hernandez
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.)

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

C. SPECIAL PRESENTATIONS

1. Proclamation - Aging Matters in Brevard --Kimberly Butler, Senior Director of Human Resources ~~Yessenia Perez, Senior Director of Finance~~

Mayor Capizzi read a proclamation recognizing Aging Matters in Brevard. Ms. Kimberly Butler, Senior Director of Human Resources, accepted the proclamation and expressed her appreciation for the recognition. She provided a brief overview of the organization's services, reflected on its 60-year history, and spoke about its future direction. Vice-Mayor Williams shared personal remarks on how the program had positively impacted his family.

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, a resident, spoke about the county taxes and the exemptions. Ms. Scott also discussed the Brevard County Planning Board and evacuation terms and plans.

Ms. Angela Cobb, discussed the issues with spray suntan products. She requested the commission to ban the spray suntan lotions from the local beaches.

E. STAFF REPORTS AND ANNOUNCEMENTS

Interim City Manager AJ Hutson briefed the Commission on recent activities. He noted the completion of a hurricane preparedness run-through and shared that staff is now producing weekly CBNN updates for hurricane season.

Mr. Hutson mentioned initial meetings with major event organizers and reported that Geomar completed its annual beach lighting study, identifying homes out of compliance. Courtesy notices will be issued by Code Enforcement.

He also discussed ongoing water reclamation work, including manhole inspections.

Lastly, Mr. Hutson recognized Permit Technician Gidgett Vici for being praised on a local media page. Mayor Capizzi and the Commission echoed residents' appreciation for her outstanding service.

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

City Attorney had no reports.

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Tumulty mentioned the 60th Cocoa Beach High School reunion that occurred over the previous week. Also, wished his son a Happy 30th Birthday. Reminded residents of Friday Fest was the next day and noted the heat.

H. COMMUNITY REDEVELOPMENT AGENCY (CRA)
City Commission will temporarily recess, and then convene as the Cocoa Beach Downtown Community Redevelopment Agency for the following item(s):

Mayor Capizzi closed the commission and reopened it as the Community Redevelopment Board.

1. Approve the October 24, 2024 Minutes
   Staff Representative: City Clerk
   Recommendation: Approve

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

2. Request approval of a Commercial Visual Improvement Grant in the amount of $50,000 for The Pointe Church located at 82 N Atlantic Ave, Cocoa Beach FL, 32931.
   Staff Representative: Devan Taly, Deputy Finance Director/CRA
   Recommendation: Approve

MOTION BY WILLIAMS/JACKSON TO DISCUSS
Ms. Devan Taly, Deputy Finance Director and CRA Administrator, introduced the Commercial Visual Improvement Grant (CVIG) application submitted by The Pointe Church, located at 82 N. Atlantic Avenue. Ms. Taly informed the Commission that the applicant was present and prepared to deliver a presentation outlining the project. Mayor Capizzi noted that he had reviewed the supporting materials and expressed comfort with the proposed project. Commissioner Tumulty requested that the applicant proceed with the presentation in the interest of transparency.

Vice-Mayor Williams raised a question regarding the property's tax status, noting it is owned by a church. In response, Pastor Derek Howell explained that The Pointe Church does pay property taxes, as the church generates revenue from its parking lot, resulting in only a partial exemption.

The Commission discussed the eligibility criteria for the grant, specifically noting that tax-exempt properties do not qualify. Commissioner Tumulty elaborated on the CRA's intent and the importance of addressing blighted areas. He emphasized that improvements to this property would positively impact the surrounding area. Commissioner Tumulty further highlighted the church's revenue-generating parking operations and inquired whether such activity should result in taxable status. Ms. Vose, City Attorney, confirmed that profit-generating uses such as paid parking typically warrant taxation.

Further discussion ensued regarding the grant process and the matching requirement associated with the $50,000 request.

Commissioner Jackson sought clarification from the City Attorney regarding the property tax implications and the broader purpose of the grant. Ms. Vose advised that additional legal research would be needed to provide a definitive answer.

Mayor Capizzi reiterated that the entire parcel is subject to Ad Valorem taxes and explained how that supports the applicant's eligibility.

Commissioner Jackson concluded by commenting on the current appearance of the area and the potential visual improvements the project could bring to the city.

MOTION BY WILLIAMS/JACKSON
I MOVE TO APPROVE UP TO $50,000
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

3. Request approval of a Commercial Visual Improvement Grant in the amount of $25,000 for the Catalyst Shop located at 109 N Orlando Ave, Cocoa Beach FL 32931
   Staff Representative: Devan Taly, Deputy Finance Director/CRA
   Recommendation: Approve

Commission will reconvene for the remaining items.

Vice-Mayor Williams requested that more information could be required that was was previously provided to in the commission packet.
Mr. Eric (no last name provided) a Catalyst representative, discussed the upgrades already done with the property. He spoke of additional upgrades that would need to be completed to include cleaning of the roof area and painting of the building.
Mayor Capizzi inquired what the overall appearance of the building would be, and it was mentioned he had no renderings.
The representative did mention they would only need $10,000 due to the size of the project. However, they did not have a breakdown of what was needed to be completed.
Mayor Capizzi spoke on quotes and it was noted by the vice-mayor it was not required.
The commission discussed the need to spend $20,000 to receive $10,000.

MOTION BY WILLIAMS/TUMULTY
I MOVE TO APPROVE UP TO $10,000
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

I. CONSENT AGENDA

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

1. Approve the June 5th, 2025 Commission Meeting Minutes
   Staff Representative: City Clerk Department
   Recommendation: Approve

2. Resolution No. 2025-10 A Resolution OF THE CITY COMMISSION OF the City of Cocoa Beach, Florida, pursuant to subsection (11), Section 13.5-38, "Exemptions" of Article III, "Exemptions", of Chapter 13.5, "Noise"; providing findings; allowing an exception to the city's noise ordinance for certain concrete pours at 1300 N. Atlantic Avenue, in order to maintain appropriate construction standards and safety at times not otherwise allowed under the city code AND PROVIDING AN EFFECTIVE DATE.

   This is a Noise Resolution Exception - Allowing an exception to the city noise ordinance for certain concrete pours at 1300 N. Atlantic Avenue, in order to maintain appropriate construction standards and safety at times not otherwise allowed.
   Staff Representative: David Dickey, Development Services Director
   Recommendation: Approve

J. ITEMS REMOVED FROM THE CONSENT AGENDA

K. UNFINISHED BUSINESS

1. Approve the replacement Rooftop Unit (RTU) HVAC system for the Police Department in the amount of $50,390 from Southeast Services of CFL, Inc. Four proposals were received for this unit. Southeast Services performs work for the City of Cape Canaveral, Brevard County School Board and Port Canaveral among others. This is not a budgeted item in FY25.
   Staff Representative: Brad Kalsow, Water Reclamation and Public Works Director, Wes Mullins, Chief of Police
   Recommendation: Approve

MOTION BY WILLIAMS/ TUMULTY
I MOVE TO APPROVE
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Mr. John Dillon requested the commission ensure the new unit has a coating on the coils to help preserve the unit longer.

L. NEW BUSINESS

1. Approve Ordinance 1698 on first reading- An Ordinance of the City of Cocoa Beach, Florida, amending Chapter 26.5, "Vacation Rentals", of the Code of Ordinances of the City of Cocoa Beach; revising provisions as to occupancy to prevent the use of vacation rentals as "party houses" and to not include infants under two years of age in the occupant count; and providing for conflicts, codification, severability, and an effective date.

Staff Representative: David Dickey, Development Services Director
Recommendation: Approve

MOTION BY WILLIAMS/JACKSON
I MOVE TO APPROVE ORDINANCE 1698 ON FIRST READING
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Ms. Janice Scott mentioned hurricane season and having a rental policy regarding hurricane season. She expressed concern regarding hurricane parties at the vacation rentals.

Mr. Riley, expressed his concern about the proposed ordinance. He noted different hotels and expectations and was concerned with the 15-minute time limit regarding occupancy within the units. Mr. Riley gave examples of situations that could occur at his units. He expressed how local residents are able to hold parties at home, and how someone renting a home is unable to do so. He mentioned that the city is a hospitality town.

Mayor Capizzi inquired about a previous statement, which was clarified. He acknowledged the points raised by Mr. Riley and explained the intent behind the ordinance.

City Attorney Becky Vose clarified that the ordinance does not apply to owner-occupied properties. She stated that if this is not clearly specified in the current version, it will be added by the second reading.

The Commission requested additional details from Development Services Director David Dickey. Mr. Dickey explained that the ordinance responds to complaints identifying certain homes as "party houses," with recent issues centering around parking and large gatherings. He emphasized that most vacation rentals are located in residential neighborhoods.

Mayor Capizzi asked about the timing of complaints, which was confirmed to be during the daytime. Ms. Vose read the applicable section of the ordinance related to vacation rental owners.

Vice-Mayor Williams expressed support for the ordinance as written. He acknowledged the speaker's point on economic benefits but voiced concerns over the negative impacts of vacation rentals on neighborhoods, including the displacement of families, declining school enrollment, and potential drops in property values. He also referenced hurricane concerns. Ms. Vose noted that west coast communities require vacation rentals to evacuate under emergency orders—language which could be considered in the future.

Commissioner Tumulty asked about the 15-minute response time included in the ordinance. Ms. Vose explained it as an enforcement mechanism, tied to determining

violations. Chief Mullins added that while proving violations can be difficult, action is necessary, and the ordinance provides a framework, though enforcement will rely on officer discretion and be complaint-driven.

Vice-Mayor Williams clarified that response times would be tied to the nature of the complaint. Chief Mullins confirmed the process would be complaint-based.

Commissioner Tumulty acknowledged Mr. Riley's longstanding participation in discussions and noted that while some operators follow all the rules, many do not. Mr. Riley requested that the 15-minute response time be limited to nighttime hours and expressed concern over potential misuse of the complaint process, providing statistics on long- vs. short-term rentals.

Mayor Capizzi observed that permanent residents typically host one party per year, compared to frequent events by vacationers. He emphasized the need for regulation without overreach. Commissioner Tumulty reiterated that the ordinance simply provides tools for Code Enforcement and the Police Department.

Mayor Capizzi also inquired about how nuisance callers would be handled. Chief Mullins explained that per state statute, code enforcement complaints cannot be anonymous and addressed concerns regarding the misuse of 911. He explained how officers would manage such situations and provide reasonable warnings when appropriate.

2. Accept the Engineers Recommendation of Award for the bid submitted by CK Contractors & Development, LLC. in the amount of $2,214,480.00 for bid #CB25-005, A1A Sewer Pipe Replacement Project. Allow staff to enter into contract with CK Contractors & Development, LLC. This is a budgeted Capital Project.
   Staff Representative: Brad Kalsow, Water Reclamation and Public Works Director
   Recommendation: Approve

MOTION BY WILLIAMS/TUMULTY
I MOVE TO APPROVE
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Mayor Capizzi explained the project and the locations of sewer pipes that will need repair.

3. **PULLED ON 6/19/25**
   ~~FY 2025-2026 Budget request for CPI increases from June 2017 to the current City Attorney agreement with CPI adjustment for years going forward.~~
   ~~Staff representative: City Attorney, Becky Vose~~
   ~~Recommendation: Consider~~

M. GENERAL PUBLIC COMMENT
(Only if not accommodated in the 30-minute Public Comment period earlier)

N. ADJOURNMENT

The meeting was adjourned at 8:13 PM.

Karin Grooms, MPA CMC
City Clerk

Keith Capizzi
Mayor-Commissioner