Code Enforcement Board
Meeting Minutes
March 16, 2023

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, March 16, 2023 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Roberts called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Lloyd Roberts	Chairman
George Brown Jr.	Vice-Chairman
Michael Simpson	Board Member
Chris Davis	Board Member
Verna Hughes	Board Member
Aurora Ramirez	1rst Alternate

MEMBERS ABSENT:

David Lightholder	Board Member - Excused
Sharri Scott	Board Member - Excused
Josue Otero	2nd Alternate - Excused

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Augusto Gonzalez-Ruiz	Code Enforcement Officer
Vince Buonocore	Code Enforcement Officer
Michael Folger	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: March 16, 2023

Chairman Lloyd Roberts noted changes to the agenda (Items complied, tabled and withdrawn)

Motion by Mr. Davis, seconded by Ms. Hughes, to approve to the agenda of March 16, 2023. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: February 16, 2023.

Motion by Ms. Hughes, seconded by Mr. Davis, to approve to the minutes of February 16, 2023. Vote on the motion carried unanimously.

3. Submit to the record of all documents & notices for all cases on the Agenda.

NEW BUSINESS:

None

CASES:

1. CE-22-0541 – 418 Churchill Dr.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Trailers In Yard, Ch 6 Sec. 6-900 (b)(15),*** *Landscape Requirements App A Art. XIII Sec 22 (a-i)* ***and Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until April 15, 2023 (30 days) to come into compliance or impose an amended fine of seventy-five dollars ($75.00) per day until found in compliance.

Property Representative was sworn in: Ms. Manuel 1768 Fay, Cocoa and Crystal Lawson, 418 Churchill

Representatives for the property explained that the property has been cleaned up since the pictures were taken. Manager Bunt asked Ms. Manuel to contact Officer Gonzalez once the property was completely cleaned up and the case will be closed. Mr. Davis had questions for the representative of the property. Attorney Babb-Nutcher explained that the pictures on the phone cannot be entered as evidence unless emailed to Code Enforcement. Discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Simpson, to amend Staff's recommendation and a fine of seventy-five dollars ($75.00) and find the Property Owner in violation. Vote on the motion carried unanimously.

2. CE-22-0584 – 132 Aurora St.

This case was tabled.

3. CE-22-0365 – 1117 W Highland Dr.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***Accessory Structures Ch 6 Sec. 6-1001 (g) and Roofs & Drainage, Ch 6 Sec. 6-1003 (g)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until April 15, 2023 (30 days) to come into compliance and impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: Tracy Wade, 1117 W Highland Dr

Ms. Wade explained that she has contacted a contractor. She is waiting on the insurance company and estimates from roofers. She asked about the shed and stated that she would take it down. Discussion amongst the Board members and staff. Manager Bunt stated that Code would not have a problem giving her (120 days). More discussion amongst the Board members and staff.

Motion by Mr. Simpson, seconded by Mr. Davis, to amend Staff's recommendation and give the property owner until September 15, 2023 (180 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

4. CE-22-0622 – 708 Rosa L Jones

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, District and Intent – RU-1-7 App. A Art XI. Sec. 3, Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and Permit Required App A Art. XV Sec 2 (a)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until April 15, 2023 (30 days) to come into compliance and a fine be imposed and a fine of one hundred dollars ($100.00) per day until found in compliance.

Property owner was sworn in: Terrance Thomas, 704 Rosa L Jones

Manager Bunt let the Board know that Mr. Thomas was granted a variance for the fence for security purposes only. The fence permit was never issued. Attorney Babb-Nutcher asked what the violation for District and Intent was for. Manager Bunt stated you cannot use a vacant lot in a single-family residential neighborhood for storage without a primary structure. Mr. Thomas wanted to explain the history of the property. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Brown, to amend Staff's recommendation and give the property owner until July 15, 2023 (120 days) a fine of one hundred dollars ($100.00) per day and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-22-0820 – 122 Rosa L Jones

This case was tabled.

6. CE-22-0620 – 1205 Purdue Way

This case complied.

7. CE-22-0701 – 1353 Stetson Dr. S

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner was in violation of ***Permit Required App A Art. XV Sec 2 (a),*** *Protective Treatment Ch 6 Sec. 6-1003 (b),* ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Storing Outdoors Ch 6 Sec. 6-900 (b) (11) and Premises Identification Ch 6 Sec. 6-1003 (c)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until April 15, 2023 (30 days) to come into compliance or impose an amended fine of one hundred dollars ($100.00) per day until found in compliance.

Discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Ms. Hughes, to amend Staff's recommendation and find the Property Owner in violation and a fine of one hundred dollars ($100.00) be imposed per day until found in compliance. Vote on the motion carried unanimously.

8. CE-22-0658 – 2426 Clemson Dr

Code Enforcement Officer Michael Folger provided an overview of the Case history and presented exhibits for the Board's review. Officer Folger testified that the Property Owner was in violation of ***Protective Treatment Ch 6 Sec. 6-1003 (b)*** of the City Code.

Officer Folger requested that the Board find the Property Owner in violation and be given until April 15, 2023 (30 days) to come into compliance and a fine be imposed of twenty-five dollars ($25.00) per day until found in compliance.

Discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Davis, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

9. CE-22-0705 – 2213 Spring Dr.

Code Enforcement Officer Michael Folger provided an overview of the Case history and presented exhibits for the Board's review. Officer Folger testified that the Property Owner was in violation of ***Trailers In Yard, Ch 6 Sec. 6-900 (b)(15) and Storing Outdoors Ch 6 Sec. 6-900 (b) (11)*** of the City Code.

Officer Folger requested that the Board find the Property Owner in violation and be given until April 15, 2023 (30 days) to come into compliance and impose a fine of fifty dollars ($50.00) per day until found in compliance.

Discussion amongst the Board members and staff.

Motion by Mr. Simpson, seconded by Mr. Brown, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

REPEAT VIOLATION CASES:

None

NON-COMPLIANCE:

1. CE-22-0489 – 517 S Fiske Blvd

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner is in violation of ***Exterior General Condition, Ch 6 Sec. 6-1003 (a), Storing Junk or Autos, Ch. 6 Sec. 6-902 (b)(1)(2), Weeds, Ch. 6 Sec. 6-1001 (d) and Prhibited Uses and Structures, Art. XI Sec. 11 (D)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on March 2, 2023 and property owner remains in violation.

Property owner was sworn in: Shawn Rhynes, 630 Moore Rd.

Discussion amongst the Board members, property owner and staff.

Motion by Mr. Brown seconded by Mr. Davis, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

2. CE-22-0582 – Parcel ID: 24-36-33-39-B-6

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner is in violation of ***Exterior General Condition, Ch 6 Sec. 6-1003 (a), Roofs & Drainage, Ch Sec. 6-1003 (g) and Maint. Of Interior Struct, Ch 6 Sec. 6-1004 (a)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on March 2, 2023 and property owner remains in violation.

Property owner was sworn in: Troy Stephan, 100 Harrison St.

Mr. Stephan wanted to let everyone on the Board know about his properties and how long he has been involved with the City of Cocoa. He wanted to give an overview of what is going on with the building that is in non-compliance. More discussion amongst the Board members and staff.

Motion by Mr. Brown seconded by Mr. Simpson, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

3. CE-22-0588 – 1233 Jackson St

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner is in violation of ***Exterior General Condition, Ch 6 Sec. 6-1003 (a), Storing Vehicles, Ch 6 Sec. 6-900 (b) (8) and District and Intent – RU-1-7, Single-Family Residence, App. A Art. XI, Sec. 3*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on March 6, 2023 and property owner remains in violation.

Motion by Mr. Davis seconded by Ms. Hughes, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

4. CE-22-0680 – Parcel ID: 24-36-32-75-23-13

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner is in violation of ***Accum. Of Trash and Litter, Ch. 6 Sec. 6-900 (b) (1) a-d and District and Intent – C-N, Neighborhood Commercial, App. A Art. XI, Sec. 4A*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on March 6, 2023 and property owner remains in violation.

Motion by Mr. Davis seconded by Ms. Hughes, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

5. CE-22-0326 – 809 N Fiske Blvd

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner is in violation of ***Permit Required App A Art. XV Sec. 2 (a)*** of the City of Cocoa Code. Officer Buonocore stated a Notice of Hearing was sent on February 22, 2023 and property owner remains in violation.

Property owner was sworn in: Mr. Patel, 1600 Babcock St.

Motion by Mr. Davis seconded by Mr. Simpson, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

6. CE-22-0503 – 3629 E Malory Ct

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner is in violation of ***Accum. Of Trash and Litter, Ch. 6 Sec. 6-900 (b) (1)a-d, Permit Required (fence) App A Art. XIII Sec. 5(c), Storing Outdoors Ch 6 Sec. 6-900(b)(11), Permit Required App A Art. XV Sec. 2 (a), Landscape Requirements App A Art. XIII Sec.22 a-l, Protective Treatment Ch 6 Sec. 6-1003(b), Clearance of land required Ch 6 Sec. 6-901 and Storing Vehicles Ch 6 Sec. 6-900 (b)(8)*** of the City of Cocoa Code. Officer Buonocore stated a Notice of Hearing was sent on February 22, 2023 and property owner remains in violation.

Motion by Mr. Davis seconded by Mr. Simpson, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

7. CE-22-0527 – 803 Kensington Dr.

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner is in violation of ***Roofs & Drainage Ch 6 Sec. 6-1003 (g), Boarded Up Buildings Ch 6 Sec. 6-900 (b)(5), Window Glazing Ch 6 Sec. 6-1003 (m)(1) and Protective Treatment Ch 6 Sec. 6-1003(b)*** of the City of Cocoa Code. Officer Buonocore stated a Notice of Hearing was sent on February 22, 2023 and property owner remains in violation.

Property representative was sworn in: Jessica Burgess, Attorney for Title Company

Motion by Mr. Davis seconded by Ms. Hughes, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

NEW BUSINESS

None

LIEN REDUCTIONS

1. CE-19-1410 – 123 Factory St.

The Code Enforcement Board held a public hearing on **9/17/2020**, at which time the Board found the owner, **Matthew, Hall** in violation of the following: **12-1 (a) (b) Business Tax Receipt and Sec. 6-902 (b) (1)(2) Storing Junk or Autos**

The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a Non-Compliance Hearing was held on **1/21/2021.** The lien ran at **$50.00** per day from **10/17/2020** until compliance was achieved on **11//2022**. Code records show onsite inspections were conducted by Officer Murdick and myself. The case was closed leaving a fine of $37,960.00.The current owner, **Mathew Hall**, is requesting that the lien be reduced to **Staff's Hard Costs**

Staff utilized the following factors in making its recommendation to reduce the lien:

- Whether the current owner owned the property at the time the violation(s) occurred; **Yes**
- Applicant resides at the property: **No, Vacant Land used as a business**
- The number of violations related to the subject lien; **Two**
- Number of Inspections performed: **27**
- Property Taxes: **Taxes paid through 2022**
- Other Liens: **Records show no outstanding liens on the property. No Water Liens**
- Property Inspection: **3/14/2023 and was in compliance before Code Board Hearing. An inspection will occur prior to the Council Meeting**

The current market value of the subject property; the current market value is **$102,190.00** according the Brevard County Property Appraiser as a vacant residential lot. Property was cited with a home.

Staff submits their cost sheet and the in the total amount of **$3,329.13**

Staff's recommendation is that the fine/lien be reduced to **$3,329.13** which is the cost of staff to prosecute this case**.** This reduction is based on the gravity of the violations, the length of time it took the property to come into compliance, and the total amount of the City's Cost.

Property representative was sworn in: Matthew Hall, 1640 Harbor Dr, Merritt Island

Mr. Hall wanted to give the Board a history of the property. Manager Bunt let the Board know that the property is located in the Federal Consent Decree. Manager Bunt gave a full history of what has been going on with the property even before Mr. Hall owned it. More discussion amongst the Board members and staff.

Motion by Mr. Simpson, seconded by Mr. Davis, to amend staff's recommendation to City Council the lien reduction be in the amount of one thousand dollars **($1,000.00).** Vote on the motion carried unanimously.

Manager Announcements:

None

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on April 20, 2023.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:00 P.M.

Approved on this 20 day of April, 2023.

Lloyd Roberts, Chairman

Darla Crowl, Recording Secretary

Notary Public State of Florida
Darla D Crowl
My Commission HH 327608
Expires 11/11/2025