Code Enforcement Board
Meeting Minutes
February 16, 2023

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, February 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
David Lightholder	Board Member
Sharri Scott	Board Member
Aurora Ramirez	1rst Alternate
Josue Otero	2nd Alternate

MEMBERS ABSENT:

None

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Ellison Gaulding	Police Officer
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
Rip Dyal	City Councilman

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: February 16, 2023

Chairman Lloyd Roberts noted changes to the agenda (Items complied, tabled and withdrawn)

Motion by Mr. Brown, seconded by Mr. Davis, to approve to the agenda of February 16, 2023. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: January 19, 2023.

Motion by Mr. Brown, seconded by Mr. Simpson, to approve to the minutes of January 19, 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-22-0058 – 5555 Highway 524

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 ***Business Tax Receipt Ch 12 Sec. 12-1 (a)(b), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), Temp Storage, App A Art. XIII Sec 30 (a)(3) and District and Intent – C-F, General Commericial District Art XI Sec. 12*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until March 18, 2023 (30 days) to come into compliance or impose a fine of one hundred dollars ($100.00) per day until found in compliance.

Property Representative was sworn in: Carmine Ferraro, 4265 Quechua Rd.

Mr. Ferraro gave an overview of the steps he is doing to try and get the property in compliance. Planning and Zoning has been contacted about a possible variance. If they are unable to get a variance they will have to take legal steps to remove the tenant. Mr. Lightholder asked the type of lease that was between the property owner and the tenant. Mr. Ferraro was not sure what type of lease drawn up on the property. Chairman Roberts asked why it has taken them almost a year to take care of the property. More discussion amongst the Board members and staff.

Motion by Mr. Davis to approve Staff's recommendation and give the property owner until March 18, 2023 (30 days) and find the Property Owner in violation. The motion was denied.

Motion by Mr. Lightholder, seconded by Ms. Scott, to amend Staff's recommendation and give the property owner until May 20, 2023 (90 days) and find the Property Owner in violation. Vote on the motion (5-1). (Nay- Mr. Davis).

2. CE-22-0587 – 1231 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 was in violation of ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Permit Required App A Art. XV Sec 2 (a), Exterior General Condition Ch 6 Sec. 6-1003 (a) 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 March 18, 2023 (30 days) to come into compliance or impose a fine of one hundred dollars ($100.00) per day until found in compliance.

Property Owner was sworn in: Peter Longhi, 1231 Jackson St

Mr. Longhi discussed the items in the pictures that have been corrected. Mr. Davis asked for clarification about the violations in the pictures. Mr. Longhi stated that he was going to have the house torn down once he was able to afford it. His plan is to have the house rebuilt. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Lightholder, to amend Staff's recommendation and give the property owner until August 15, 2023 (180 days) for the ***Roofs & Drainage, Ch 6 Sec. 6-1003 (g) one hundred dollars ($100.00)*** *per days with 30 day updates* and approve Staff's recommendation and give the property owner until March 18, 2023 for the other 3 violations listed and find the Property Owner in violation. 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 was in violation of ***Exterior General Condition Ch 6 Sec. 6-1003 (a),*** *Permit Required App A Art. XV Sec 2 (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 Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until March 18, 2023 (30 days) to come into compliance and impose an amended fine of two hundred fifty dollars ($250.00) per day until found in compliance.

More discussion amongst the Board members and staff. Mr. Davis wanted to amend the amount of days to March 3, 2023 (15 days).

Motion by Ms. Scott, seconded by Mr. Lightholder, to amend Staff's recommendation and give the property owner until March 3, 2023 (15 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

4. CE-22-0590 – 501 S Wilson Ave

Removed

5. CE-22-0611 – 1052 Park 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 ***Roofs & Drainage, Ch 6 Sec. 6-1003 (g),*** *Weeds, Ch 6 Sec. 6-1001(d)* ***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 March 18, 2023 (30 days) to come into compliance and an amended fine be imposed and a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: James Dodd, 1052 Park Dr.

Mr. Dodd explained to the Board Members that he was in bad health and was unable to keep up the maintenance on the property. Ms. Scott asked Manager Bunt if there were programs that could assist Mr. Dodd. Manager Bunt stated that the Housing Department at City Hall would be the department to ask for assistance. More discussion amongst the Board members and staff.

Motion by Ms. Scott, seconded by Mr. Brown, to amend Staff's recommendation and give the property owner until August 15, 2023 (180 days) a fine of fifty dollars ($50.00) per day and find the Property Owner in violation. Vote on the motion (5-1). (Nay- Mr. Simpson).

6. CE-22-0615 – 1235 Holmes 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 was in violation of ***Exterior General Condition Ch 6 Sec. 6-1003 (a), Roofs & Drainage, Ch. 6 Sec. 6-1003 (g), 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 March 18, 2023 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Property owner was sworn in: Johnny Dennis, 1235 Holmes St

Mr. Dennis stated that he has a contractor to take care of the property. Discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Ms. Hughes, to approve Staff's recommendation and give the property owner until March 18, 2023 (30 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

7. CE-22-0820 – 122 Rosa L Jones Dr.

Removed.

8. CE-22-0627 – 3675 Shellie Ct

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 *Permit Required App A Art. XV Sec 2 (a),* ***Parking in Yard Ch 6 Sec. 6-900 (b)(9) and Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)*** of the City Code.

Officer Folger requested that the Board find the Property Owner in violation and be given until March 18, 2023 (30 days) to come into compliance with an amended fine and impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: Tori Wilson, 3675 Shellie Ct.

Ms. Wilson discussed all of the issues on the property. Mr. Davis asked if the time that is given would be plenty of time. Discussion amongst the Board members and staff.

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

9. CE-22-0742 – 2422 Stanford Dr.

Removed.

10. CE-22-0491 – 1412 Hillsdale 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 was in violation of ***Sec. 20-58 Parking buses, large trucks in residential areas or on street*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until March 18, 2023 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) per day until found in compliance.

Property owner was sworn in: Jack Parton, 1412 Hillsdale Dr.

Mr. Parton stated that he looked up the ordinance and thought he could park the truck at the location. The ordinance was from Palm Bay and not the City of Cocoa. Mr. Davis asked if the truck could be parked there anytime and Officer Buonocore stated that he cannot. Manager Bunt stated that he has been doing this since 2014. If found in violation this would be a repeat violation the next time. Discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Simpson, to amend Staff's recommendation and give the property owner May 18, 2023 (90 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

11. CE-22-0645 – 1048 Avon Pl.

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 ***Roofs & Drainage, Ch 6 Sec. 6-1003 (g)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until March 18, 2023 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) per day until found in compliance.

Property owner was sworn in: Eddie Obler, 1048 Avon Pl

Mr. Obler gave out handouts to the Board Members and read a statement about his health issues. Manager Bunt stated Mr. Obler did obtain a permit 2 years ago and was given an extension which is good until March15th. Manager Bunt stated that this has been going on since 2014 and he has been before the Code Board before. 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 August 15, 2023 (180 days) find the Property Owner in violation. Vote on the motion carried unanimously.

12. CE-22-0768 – 1110 W Hillcrest 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 was in violation of ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and Storing Junk or Auto, Ch 6 Sec. 6-902 (b)(1)(2)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until March 18, 2023 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: Stanley Preskitt, 1110 W Hillcrest Dr.

Mr. Preskitt stated that he was working on getting the violations cleared up. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Simpson, to amend Staff's recommendation and give the property owner May 18, 2023 (90 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

REPEAT VIOLATION CASES:

None

NON-COMPLIANCE:

1. CE-22-0238 – Parcel ID: 24-36-07-00-557

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 ***Permit Required, App A Art. XV Sec. 2(a) and Site Plan Approval Required, App. A Art XIII, 1 (B)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on January 5, 2023 and property owner remains in violation.

Property owner was sworn in: Gerard Aubuchon, 1730 Marcello Dr.

Discussion amongst the Board members and staff.

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.

2. CE-22-0164 – Tax #2413928

Complied.

3. CE-22-0260 – 907 Fern Ave

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 ***Storing Junk or Autos, Ch. 6 Sec. 6-902 (b) (1) (2) and Storing Outdoors, Ch. 6 Sec. 6-900 (b) (11)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on January 26, 2023 and property owner remains in violation.

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

4. CE-22-0543 – 117 Sara Lou Cir

Complied.

5. CE-21-0587 – Tax # 2425074

Complied.

NEW BUSINESS

None

LIEN REDUCTIONS

1. CE-16-0772 – 714 Johnson St

Code Enforcement Officer Augusto Gonzalez-Ruiz provided an overview of the Case history and presented exhibits for the Board's review. The Code Enforcement Board held a public hearing on **4/17/2017**, at which time the Board found the owner, **Nathaniel Phillips** in violation of the following:

Sec. 6-1003 (a) Exterior structure, Roof Damage
Sec. 6-1003 (b) Protective treatment, Roof
Sec. 6-1003 (d) Structural Member, wall and foundation

Sec. 6-1003 (f) Exterior structure, exterior walls
Sec. 6-1003 (h) Decorative features, trim and corner pieces
Sec. 6-1003 (m) Window, door and frame, Window damage
Sec. 6-1003 (m) (1) Window Glazing, Window damage
Sec. 6-1003 (m) (2) window operational, Window damage
Sec. 6-1003 (n) Insect screens, Screen damage
Sec. 6-1003 (o) Doors, Exterior door damage
Sec. 6-1004 (c) Maintenance of interior structure, Ceiling, walls, and floor
Sec. 6-1204 (a-d) Water systems, Hot water heater
Sec. 6-1304 (a-c) Electrical equipment, exposed electrical wires
Sec. 6-900 (b) (4) a-c, Maintenance of structure and grounds
Sec. 6-1203 (a-c) Plumbing fixtures, Sink, toilet, and shower

The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was imposed against the property effective **6/17/2016.** The lien ran at **$250.00** per day from **6/17/2016** until compliance was achieved on **3/30/2018**. Code records show onsite inspections were conducted by Officer Murdick and Gonzalez, and I. The case was closed leaving a fine of $62,780.00.The current owner, **Nathaniel Phillips**, is requesting that the lien be reduced to **$2,500 or Staff's Hard Costs**

Staff's recommendation is that the fine/lien be reduced to **$1681.98** 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: Jeniffer Wessel, 14201 W Sunrise Blvd #104

Jeniffer Wessel stated that the property is still owned by the daughter through probate. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Davis, to amend staff's recommendation to City Council the lien reduction be in the amount of two thousand dollars **($2,000.00).** Vote on the motion carried unanimously.

2. CE-21-0674 – 1206 N Cocoa Blvd

Code Enforcement Officer Augusto Gonzalez-Ruiz provided an overview of the Case history and presented exhibits for the Board's review. The Code Enforcement Board held a public hearing on **4/17/2017**, at which time the Board found the owner, **QABLAWI, NEZAR** in violation of the following: ***I.Accessory Structures Ch 6 Sec. 6-1001 (g),***

II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b) and XXXVI.Weeds, Ch 6 Sec. 6-1001(d).
The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was imposed against the property effective **3/17/2022.** The lien ran at **$100.00** per day from **4/17/2022** until compliance was achieved on **1/9/2023**. Code records show onsite inspections were conducted by Officer Murdick and Gonzalez, and I. The case was closed leaving a fine of $26,830.00.The current owner, **QABLAWI, NEZAR**, is requesting that the lien be reduced to **$0 Total Forgiveness**

Staff's recommendation is that the fine/lien be reduced to **$2,384.14** 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 owner was sworn in: Nezar Qablawi, 307 Taft Ave, Cocoa Beach

Mr. Qablawi stated that he was upset about not receiving his mail and not knowing about the violations. Manager Bunt reminded the Board Members that per Ch. 162 Code Enforcement is required to get the property owner information from the property appraiser's website. Hearing notices are sent certified and Code Enforcement also post the property. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Simpson, to amend staff's recommendation to City Council the lien reduction be in the amount of two thousand five hundred dollars **($2,500.00).** Vote on the motion carried unanimously.

3. CE-21-0675 – 1202 N Cocoa Blvd

Code Enforcement Officer Augusto Gonzalez-Ruiz provided an overview of the Case history and presented exhibits for the Board's review. The Code Enforcement Board held a public hearing on **4/17/2017**, at which time the Board found the owner, **QABLAWI, NEZAR** in violation of the following: ***I.Accessory Structures Ch 6 Sec. 6-1001 (g), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b) and XXXVI. Weeds, Ch 6 Sec. 6-1001(d).***

The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was imposed against the property effective **3/17/2022**. The lien ran at **$100.00** per day from **4/17/2022** until compliance was achieved on **1/9/2023**. Code records show onsite inspections were conducted by Officer Murdick and Gonzalez, and I. The case was closed leaving a fine of $26,830.00.The current owner, **QABLAWI, NEZAR**, is requesting that the lien be reduced to **$0 Total Forgiveness.**

Staff's recommendation is that the fine/lien be reduced to **$2,337.39** 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 owner was sworn in: Nezar Qablawi, 307 Taft Ave, Cocoa Beach

Mr. Qablawi stated that he was upset about not receiving his mail and not knowing about the violations. Manager Bunt reminded the Board Members that per Ch. 162 Code Enforcement is required to get the property owner information from the property appraiser's website. Hearing notices are sent certified and Code Enforcement also post the property. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Simpson, to amend staff's recommendation to City Council the lien reduction be in the amount of two thousand five hundred dollars **($2,500.00).** Vote on the motion carried unanimously.

Manager Announcements:

None

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on March 16, 2023.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:25 P.M.

Approved on this 16 day of March, 2023.

Lloyd Roberts, Chairman

Darla Crowl, Recording Secretary

Notary Public State of Florida
Darla D Crowl
My Commission HH 327608
Expires 11/11/2026