Code Enforcement Board
Meeting Minutes
January 20, 2022

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, January 20, 2022 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

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

MEMBERS PRESENT:

Jim Gifford	Chairman
Edward Green	Vice-Chairman
George Brown Jr.	Board Member
Lloyd Roberts	Board Member
Sharri Scott	Board Member

MEMBERS ABSENT:

Kimberly Curtis	Board Member
David Lightholder	Board Member
Demetrius Thomas	1rst Alternate
Jocelyn Scott	2nd Alternate

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Police Lieutenant
Augusto Gonzalez-Ruiz	Code Enforcement Officer
Gerald Pettengill	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Abigail Morgan	Asst City Engineer/Street & Stormwater Manager

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: January 20, 2022

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled and withdrawn)

Motion by Mr. Roberts, seconded by Ms. Scott, to approve to the agenda of January 20, 2022. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: November 18, 2021.

Motion by Mr. Green, seconded by Mr. Roberts, to approve to the minutes of November 18, 2021. Vote on the motion carried unanimously.

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

NEW BUSINESS:

1. Election of Code Enforcement Board Chairman

Motion by Mr. Brown to nominate Mr. Gifford, seconded by Mr. Green to nominate Mr. Gifford. Vote on the motion carried unanimously.

2. Election of Code Enforcement Vice Chairman

Motion by Mr. Brown to nominate Mr. Green, seconded by Mr. Roberts to nominate Mr. Green. Vote on the motion carried unanimously.

CASES:

1. CE-21-0426 – 2419 Auburn Dr.

Code Enforcement Officer Gerald Pettengill provided an overview of the Case history and presented exhibits for the Board's review. Officer Pettengill testified that the Property Owner was in violation of ***IX.Exterior General Condition Ch 6 Sec. 6-1003 (a)*** of the City Code.

Officer Pettengill requested that the Board find the Property Owner in violation and be given until February 20, 2022 (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: Sharon Beck, 5300 Tapscott Ave

Ms. Beck gave an overview of the property. She stated that the property is under contract to sell March 1, 2022. Discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Green, to amend Staff's recommendation and give the property owner until April 20, 2022 (90 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

2. CE-21-0447 – 1208 Princeton Rd.

This case was removed.

3. CE-21-0599 – 2307 Mercer Dr.

This case was removed.

4. CE-21-0601 – 2306 Mercer Dr.

This case is removed.

5. CE-21-0671 – 1222 Dixon Blvd.

Code Enforcement Officer Gerald Pettengill provided an overview of the Case history and presented exhibits for the Board's review. Officer Pettengill testified that the Property Owner was in violation of ***XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), XI.Fail to Secure Struct Ch 6 Sec. 6-900 (b)(7), IX.Exterior General Condition Ch 6 Sec. 6-1003 (a), XXXIV.Temp Storage, App A Art. XIII Sec 30 (a)(3), I.Accessory Structures Ch 6 Sec. 6-1001 (g), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9)*** of the City Code.

Officer Pettengill requested that the Board find the Property Owner in violation and be given until February 20, 2022 (30 days) to come into compliance or impose a fine of two hundred dollars ($200.00) per day until found in compliance.

Property owner was sworn in: Errol Beckford, 1222 Dixon Blvd

Mr. Beckford went over the pictures and what is going on with the property. Mr. Beckford stated that he was trying to make the City a better place. He is requesting 90 days. Discussion amongst the Board members and staff.

Motion by Mr. Roberts, seconded by Ms. Scott, to amend Staff's recommendation and give the property owner until April 20, 2022 (90 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

6. CE-21-0080 – 1112 Alamanda Ln.

This case was tabled.

7. CE-21-0627 – 200 N Cocoa 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 was in violation of ***XXII.Permit Required App A Art. XV Sec 2 (a) and VI.Clearance of land required Ch.6 Sec. 6-901*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until February 20, 2022 (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: Leonard Hevia, 200 N Cocoa Blvd

Mr. Hevia gave an overview of the property and about people throwing trash on the property. Mr. Hevia wanted to do a boat shop on the property He is trying to get the zoning changed. Manager Bunt asked if the permits were active. Manager Bunt asked if he has a permit from FDOT. Manager Bunt wants the property back to grade and FDOT's right of way needs to be restored. Discussion amongst the Board members and staff.

Motion by Mr. Green, seconded by Mr. Brown, to amend Staff's recommendation and give the property owner until April 20, 2022 (90 days) with (30 day) updates and find the Property Owner in violation. Vote on the motion carried unanimously.

8. CE-21-0370 – 312 N 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 was in violation of ***I.Accessory Structures Ch 6 Sec. 6-1001 (g) and XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until February 20, 2022 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

9. CE-21-0421 – 903 Avon Pl

This case was removed.

10. CE-21-0422 – 905 Avon Pl

This case was removed.

11. CE-21-0457 – 1055 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 ***I.Accessory Structures Ch 6 Sec. 6-1001 (g),*** *XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9),* ***XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902*** *(b)(1)(2)* ***and XXXIII.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 February 20, 2022 (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: Douglas Masic 1055 Park Dr,

Mr. Masic wanted to discussed the items in the pictures and gave Board Members pictures to look at. Officer Gonzalez stated that he had been out that morning and took pictures and only the violation that has been corrected is Parking in the Yard. Manager Bunt stated that this address has been sited several times. More discussion amongst the Board members and staff.

Motion by Mr. Green, seconded by Mr. Roberts, to amend Staff's recommendation and give the property owner until March 20, 2022 (60 days) and a fine of fifty dollars ($50.00) per day and find the Property Owner in violation. Vote on the motion carried unanimously.

12. CE-21-0485 – 1041 W. Hillcrest 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 ***I.Accessory Structures Ch 6 Sec. 6-1001 (g), XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9),*** *XXIII.Permit Required (fences) App A Art. XIII Sec 5 (c),* ***XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g), XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and XXXIII.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 February 20, 2022 (30 days) to come into compliance or impose a fine of one hundred fifty dollars ($150.00) per day until found in compliance.

Board members had questions about the pictures and violations. Mr. Gifford asked about the roof. Manager Bunt stated the shingles did not have any grit. Manager Bunt said the roof was in bad condition and thought he should replace the roof. Discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Roberts, to amend Staff's recommendation and give the property owner until May 20, 2022 (120 days) with (30 day) updates and the fine be amended to one hundred twenty-five dollars ($125.00) and find the Property Owner in violation. Vote on the motion carried unanimously.

13. CE-21-0489 – 1103 W. Hillcrest Dr.

This case was tabled.

14. CE-21-0495 – 1112 Hillcrest Dr.

This case was removed.

15. CE-21-0659 – 1042 Alamanda Ln

This case was removed.

NON-COMPLIANCE:

1. CE-21-0121 – 618 S Varr Avenue

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner is in violation of ***XXII.Permit Required App A Art. XV Sec 2 (a), XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on January 4, 2022 and property owner remains in violation.

Property owner was sworn in: Derick Spencer Collins, 618 S Varr Avenue

Mr. Collins gave an overview of the property. Manager Bunt wanted to remind the Board that this was a non-compliance case and give an updated before Mr. Collins gives testimony. The City Manager and City Council have asked for something to be done. Manager Bunt stated they were directed by City Attorney's office asked that this be brought back as non-compliance and update the Board of the fine and ask for the original motion. Attorney Babb-Nutcher asked if Manager Bunt knew what the fine was at this time. The fine amount is in the presentation around $18,000.00. Attorney Babb-Nutcher asked staff to do his presentation. Code Manager spoke with the Asst. City Attorney Kristen Ike and she suggested to bring this back before the Board and to Abate this property under Ch. 162 or move forward with foreclosure. Attorney Babb-Nutcher stated this case already has a fine that is running. Staff is asking to reconsider to abate the property. Attorney Ike believed that you could declare a nuisance. Attorney Babb-Nutcher said she wanted to have this removed from the Agenda. More discussion amongst the Board members and staff. Staff withdrew from the Agenda and will be doing an abatement.

2. CE-21-209 – 2491 Robin Hood Drive

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner is in violation of ***XXII.Permit Required App A Art. XV Sec 2 (a), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on January 4, 2022 and property owner remains in violation.

Property representative was sworn in: Secret Wilson, 2491 Robin Hood Dr.

Discussion amongst the Board members and staff.

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

3. CE-21-226 – 547-549 Peachtree Street

This case was removed.

4. CE-21-236 – 1208 Rosa L Jones Drive

This case was removed.

5. CE-21-21-244 – 707 S Kentucky Avenue

This case was removed.

6. CE-21-249 – 711 S Carolina Avenue

This case was removed.

7. CE-21-250 – 633 S Varr Avenue

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner is in violation of ***I.Accessory Structures Ch 6 Sec. 6-1001 (g), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and XXXVI.Weeds, Ch 6 Sec. 6-1001(d)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on January 4, 2022 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

8. CE-21-350 – 210 King St

This case was removed.

9. CE-21-430 – 616 S Kentucky Ave.

This case was removed.

10. CE-21-432 – 630 S Kentucky Ave.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner is in violation of ***XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and XXXVI.Weeds, Ch 6 Sec. 6-1001(d)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on January 4, 2022 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

11. CE-21-433 – 504 S Kentucky Ave.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner is in violation of ***XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9), XXXV.Trailers In Yard, Ch 6 Sec. 6-900 (b)(15) and XXXVI.Weeds, Ch 6 Sec. 6-1001(d)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on January 4, 2022 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

12. CE-21-540 – 2610 N Cocoa Blvd.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner is in violation of ***I.Accessory Structures Ch 6 Sec. 6-1001 (g), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XI.Fail to Secure Struct Ch 6 Sec. 6-900 (b)(7) and XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on January 4, 2022 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

13. CE-21-0171 – 1212 Cypress Ln.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner is in violation of ***XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on January 4, 2022 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

DEMO COST APPEAL:

1. 1004, 1006, 1008 Counts Street

Removed by Applicants Attorney.

LIEN REDUCTIONS

None

Manager Announcements:

Manager Bunt let the Code Board members know that Code Enforcement Officer Gerald Pettengill will be leaving and going back to Oklahoma.

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on February 17, 2022.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:34 PM.

Approved on this 17 day of March, 2022.

Jim Gifford, Chairman

Darla Crowl, Recording Secretary

Notary Public State of Florida
Darla D Crowl
My Commission GG 266694
Expires 11/11/2022