Code Enforcement Board
Meeting Minutes
November 16, 2023

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, November 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
Chris Davis	Board Member
Michael Simpson	Board Member-6:02
Verna Hughes	Board Member
Sharri Scott	Board Member
Josue Otero	Board Member
Melissa Acosta	1rst Alternate
Dik Muller	2nd Alternate

MEMBERS ABSENT:

None

OTHERS PRESENT:

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

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: November 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Chairman Lloyd Roberts noted changes to the agenda (Items complied, tabled and withdrawn)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 November16, 2023. Vote on the motion carried unanimously.

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

Motion by Mr. Davis, seconded by Mr. Brown, to approve to the minutes of October 19, 2023. Vote on the motion carried unanimously.

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

CASES:

1. CE-22-629 – 412 Prospect 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 was in violation of ***Exterior General Condition Ch 6 Sec 6-1003(a-p) 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 December 16, 2023 (30 days) to come into compliance or impose a fine of **twenty-five dollars ($25.00)** ***Exterior General Condition Ch 6 Sec 6-1003(a-p) and fifty dollars ($50.00) Permit Required, App A Art. XV Sec. 2 (a)*** per day until found in compliance.

Discussion amongst the Board members and staff.

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

2. CE-22-687– 144 Ruth 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 ***Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and Weeds, Ch. 6 Sec. 6-1001 (d)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until December 16, 2023 (30 days) to come into compliance or impose a fine of **twenty-five dollars ($25.00)** ***Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), twenty-five dollars ($25.00) Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and twenty-five dollars ($25.00) Weeds, Ch. 6 Sec. 6-1001 (d)*** per day until found in compliance.

Property owner was sworn in: Arthur Dean, 148 Ruth St.

Mr. Dean stated that the property was in compliance. Chairman Roberts asked Mr. Dean if all of the violation on the property have been taken care of. Manager Bunt said that the Code Enforcement Officer would be out to the property the next day. Mr. Dean stated he was ready. Discussion amongst the Board members and staff.

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

3. CE-22-691 – 1310 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 ***Temp Storage, App. A Art. XIII Sec. 30 (a) (3) and Storage of Rec. Vehicles, App. A Art. XIII Sec. 14 (a-d)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until December 16, 2023 (30 days) to come into compliance or impose a fine of **twenty-five dollars ($25.00)** ***Storage, App. A Art. XIII Sec. 30 (a) (3) and twenty-five dollars ($25.00) Storage of Rec. Vehicles, App. A Art. XIII Sec. 14 (a-d)*** per day until found in compliance.

Property owner was sworn in: Arthur Dean, 148 Ruth St.

Mr. Dean said he moved his camper and the conex box will be removed within the next few days. Chairman Roberts reminded Mr. Dean to make sure to contract the Code Enforcement Officer for inspection. Discussion amongst the Board members and staff.

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

4. CE-22-799 – 309 Churchill Dr.

This case complied.

5. CE-23-194 – 401 Churchill Dr.

This case complied.

6. CE-23-694 – 2303 Michigan Ave.

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 ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d), Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), Permit Required App A Art. XV Sec 2 (a), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and Business Tax Receipt Ch 12 Sec. 12-1 (a)(b)*** of the City Code.

Officer Folger requested that the Board find the Property Owner in violation and be given until December 16, 2023 (30 days) to come into compliance or impose a fine of *twenty-five ($25.00) Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d), twenty-five ($25.00) Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2),* ***twenty-five ($25.00) Permit Required App A Art. XV Sec 2 (a),*** *twenty-five ($25.00) Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and twenty-five ($25.00) Business Tax Receipt Ch 12 Sec. 12-1 (a)(b)* per day until found in compliance.

Property owners were sworn in: Holly Bennett, 2303 Michigan Ave.

Ms. Bennett said she is not getting letters that are sent. Ms. Bennett stated that she is not running a business from that location and the vehicles work. She was not aware of needing a permit for the canopy on the property. Chairman Roberts told Ms. Bennett she needs to contact the Building Department about what is needed for the permit. Pictures were shown to the staff and Board Members. Mr. Simpson asked about the vehicle's violation. Mr. Brown inquired about needing a permit for the canopy and the wind speed. Manager Bunt explained the wind loads and how it works. Manager Bunt stated she needs to send the Code Coordinator a copy of the pictures on her phone. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Simpson, to amend Staff's recommendation and give them (60 days) January 16, 2024 and find the Property Owner in violation. Vote on the motion carried unanimously.

7. CE-23-832 – 3732 N Sherwood Cir.

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 ***Tree Protection and Preservation, App A Art, XIII Sec. 22 (E) (1-4)*** of the City Code.

Officer Folger requested that the Board find the Property Owner in violation and be given no time and a fine of **five thousand dollars ($5000.00)** ***Tree Protection and Preservation, App A Art, XIII Sec. 22 (E) (1-4)*** until found in compliance.

Property owner was sworn in: Shawn Reed, 3732 N Sherwood Cir.

Mr. Reed stated the tree was destroying his property and the sidewalk in front of his house. He was unaware he couldn't cut the tree down without a permit. Mr. Davis asked if he was aware he needed to get a permit to cut the City tree down. Mr. Reed replied he did not know. Attorney Babb-Nutcher asked where it was in the ordinance for the tree mitigation. Manager Bunt was giving information as to the violation and where he needed to go for the permit. Manager Bunt stated that Abigail Morgan in Public Works is the person to talk to about the tree removal. Chairman Roberts wanted to table the case. Manager Bunt thought giving a date and an amount rather than table the case. Ms. Scott wanted him to be clear that it isn't a permit that needs to be issued it is to remedy the tree being cut down. Manager Bunt said he would be available on Monday to meet with him and Abigail to make things clear. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Ms. Scott, to amend Staff's recommendation and give **(60 days) January 18, 2024 and a fine of two hundred fifty dollars ($250.00) per day** *and* find the Property Owner in violation. Vote on the motion (6-1) Mr. Brown - Nay.

NON-COMPLIANCE:

1. CE-22-475 – 213 Factory 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 ***Site Plan Approval Required, App. A Art. XIII, Sec. 1 (B)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on November 2, 2023 and property owner remains in violation.

Property owner was sworn in: Timothy Levensaler, 2260 Sykes Creek Dr

Mr. Davis asked Officer Gonzalez if a meeting was held with the City Manager and others about this property. Mr. Levensaler said he gave Officer Gonzalez an update on the progress. The millings have been removed per Mr. Levensaler. Construction meetings have been held for the permit process. Manager Bunt stated the property address is still the same. An application to adjoin the properties has been applied for

but has not been approved. Manager Bunt let the Board know he has not even applied for the site plan yet. He reminded the Board that this was a noncompliance hearing. The property is in the federal decent decree. More discussion amongst the Board members 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-22-694 – 310 Brevard 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 ***Exterior General Condition, Ch. 6 Sec. 6-1003 (a-p), Permit Required App A Art. XV Sec 2(a) and Roofs & Drainage, Ch. 6 Sec. 6-1003 (g)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on November 2, 2023 and property owner remains in violation.

Discussion amongst the Board members and staff.

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.

3. CE-23-109 – 15 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 is in violation of ***Exterior General Condition, Ch. 6 Sec. 6-1003 (a-p),*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on November 2, 2023 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

NEW BUSINESS

None

FORECLOSURE:

None

LIEN REDUCTIONS

1. CE-19-1157 – 1221 Cypress Ln

The Code Enforcement Board held a public hearing on **November 19, 2020**, at which time the Board found the owner, **Kersey, Ricky Hayes** in violation of the following:

- **Exterior General Condition, Sec. 6-1003 (a)**
- **Maintenance of Interior Structure, Sec. 6-1004 (a)**
- **Pools and Spas, Sec. 6-1002 (a)**
- **Accessory Structures, Sec. 6-1001 (g)**
- **Weeds, Sec. 6-1001 (d)**
- **Failure to Secure Structure, Sec. 6-900 (b) (7)**
- **Accum. Of trash and Litter, Sec. 6-900 (b) (1) (a-d)**
- **Premises Identification, Sec. 6-1009 (c)**
- **Wrongful Disposal of Excrement into Natural Inlet, Art. I Sec. 22-4**

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 **May 20, 2021.**

The lien ran at **$225.00** per day from **December 19, 2020** until compliance was achieved on **August 10, 2021**. Code records show onsite inspections were conducted by **Officers Carver, Murdick, Buonocore and myself**. The case was closed leaving a fine of **$52,660.00**.The current owner, **SILVER ENTERPRISES SERVICES LLC**, is requesting that the lien be reduced to **$0.00**

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; **No**
- Applicant resides at the property: **No, this is a rental property.**
- The number of violations related to the subject lien; **Nine**
- Number of Inspections performed: **38**
- Property Taxes: **The property was listed for a tax deed auction in December of this year. The taxes were paid on October 16, 2023 and is no amounts owed.**

- Other Liens: **Records show no outstanding liens on the property. No Water Liens**

- Property Inspection: **The property was inspected this morning, November 16, 2023 and was in-compliance before the Code Board Hearing. An inspection will also occur prior to the Council Meeting**

The current market value of the subject property; the current market value is **$122,960.00** according the Brevard County Property Appraiser as a **Single-Family Residence**. Property was cited with a home.

Staff submits their cost sheet and the in the total amount of **$3,756.37**

Property owner was sworn in: Luis David Silva, 119 Lake Dr, Oviedo, FL 32765

Mr. Silva stated that he was listening to other property owners discussing their lien reductions. Property owners saying they didn't know and their property managers didn't tell them and those type of statements. Mr. Silva said he was aware of the violation since he bought the property since day one. He explained that he bought the property on October 30, 2020. Kadi Carver was his first contact with Code Enforcement on November 19, 2020. He explained that he had documentation of emails and other document for proof of contact. The day of closing Mr. Silva knew about the violations and bought the property anyway. Once he bought the property he set up a meeting with the Code Officer to walk the property to fix the property. Mr. Silva explained that every time he requested and inspection there were more violations. Mr. Silva explained that the lien started on December 19, 2020 and ended on May 10, 2021 at $225.00 per day. He stated that he had text messages and permits pulled during that entire time. Mr. Silva said he was in contact with Code Enforcement and the Building Department and had no idea that the liens was running. Mr. Silva stated that he had a letter to the previous owner while the property was his on December 19, 2020. The letter was sent to the previous owner on November 19, 2020 and then was revised on December 28, 2020. Mr. Silva stated that he was not aware of the lien. Mr. Silva called Code Enforcement to talk about the lien and was explained to Mr. Silva why there was a lien. He wanted to meet with Code Enforcement at the property and inspection was done and the lien stopped. Mr. Silva stated he has been trying to get a lien reduction since then. Mr. Silva explained why he thought his lien should be zero even though he was aware of the violations. Vice Chairman Brown asked Mr. Silva if he bought the property knowing about the violations. Mr. Brown asked if he did a title search and Mr. Silva stated that he knew about the violations but they were just violations. Mr. Silva told the title company that he still wanted to close knowing what was going on at the property. Manger Bunt wanted to explain to the Board what has been going on at the property for 3 years. Some items were about the violations and the lien and the other issues were about trying to get a lien reduction. The previous owner had warrants issued, the pool was green and Mr. Silva did not own the property at that time. Mr. Silva purchase the property after the first hearing. Mr. Silva purchased the property between the first

hearing and the noncompliance hearing. Kadi Carver sent the notice for noncompliance to Mr. Silva because he took ownership of the property. Mr. Silva started working on the property and getting permits. Once the violations were corrected around $50,000.00 he was done. Manager Bunt stated that he did apply for a lien reduction but the property has to be in full compliance before he can go for a lien reduction. Mr. Silva had a few items not permitted (hot water heater). Manger Bunt stated that he was in compliance with the original notice for some time but there was outside storage and other issues like the plumbing issue without a permit before the last Code Board meeting. Attorney Babb-Nutcher had a question about the lien reduction application and didn't see the actual orders in the packet. The dates on the application show the lien was imposed on May 20, 2021 and compliance date was September 8, 2020 which doesn't make sense. Mr. Davis asked how much the property was purchased for ($70,000.00) and how much did he spend on the rehab of the property ($60,000.00). Mr. Davis asked Mr. Silva if the title company did explain there were violations on the property before the purchase of the property. Mr. Silva stated yes. Mr. Davis asked Mr. Silva why he didn't know the amount of the fines before purchasing. Mr. Silva said he thought if he had the violations corrected before the date he would not have any liens and if he did they would be removed is how he thought it worked. Mr. Davis asked Manager Bunt if Mr. Silva was sent the notice of noncompliance? Manager Bunt said yes, he was sent the notice. Mr. Silva said he has never seen the notice. Manager Bunt explained do to a change in staff the noncompliance hear was in May of 2021. Attorney Babb-Nutcher asked if the notice was sent to Silver Enterprises and Manager Bunt stated yes. Manger Bunt explained the notice was sent and the property is posted with the notice also. Mr. Davis asked if Mr. Silva was at the meeting in May. Manager Bunt stated he was not. Mr. Brown asked how much the amount of the fine was for. Chairman Roberts asked after the rehab when were tenants put in the property? Tenants were moved in January 2022. Vice Chair Brown wanted to make a motion that the lien be reduced from $52,660.00 to $3,800.00. Mr. Davis said he had a problem with someone that did a title search and bought the property anyway. Mr. Davis stated you were noticed to come to the hearing even though you state you didn't receive it and your holding the notice in front of you. Mr. Silva stated that the address was incorrect. Manager Bunt reminded the Board that the notice was mailed certified and posted on the property. Mr. Silva said he didn't see the sign and he again stated he didn't get the notice. Mr. Otero asked Mr. Silva how long he had been doing this type of work and he replied since around 2019. Mr. Silva stated that he has done about 4 or 5 homes this way. Mr. Otero said you are familiar with the process with Code Enforcement and Mr. Silva replied yes. Mr. Otero said you are telling me the sign was posted and you walked by the sign on your property without seeing it knowing the process. More discussion amongst the Board members and staff.

Motion by Mr. Otero, seconded by Ms. Hughes, to approve staff's recommendation to City Council the lien reduction be in the amount of three thousand seven hundred fifty-six dollars and thirty-seven cents **($3,756.37).** Vote: Yay (5) Nay (2) Motion Past

Manager Announcements:

Manager Bunt had a quick announcement. He wanted to introduce Mike Mack as the new Code Enforcement Officer that will start on November 27, 2023.

OTHER BUSINESS:

Motion by Chairman Roberts , seconded by Mr. Davis to not have a meeting in December. Vote: Yay (5) Nay (2) Motion Past.

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on January 18, 2024.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:11P.M.

Approved on this 18 day of January, 2024.

George Brown, Vice Chairman

Darla Crowl, Recording Secretary

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