Code Enforcement Board
Meeting Minutes
October 20, 2022

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, October 20, 2022 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.	Board Member	
Verna Hughes	Board Member	
Sharri Scott	Board Member	
Michael Simpson	Board Member	arrived at 6:06

MEMBERS ABSENT:

Edward Green	Vice-Chairman
David Lightholder	Board Member

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: October 20, 2022

Chairman Lloyd Roberts noted changes to the agenda (Items complied, tabled and withdrawn)

Motion by Mr. Brown, seconded by Ms. Hughes, to approve to the agenda of October 20, 2022. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: September 15, 2022.

Motion by Ms. Hughes, seconded by Mr. Brown, to approve to the minutes of September 15, 2022. Vote on the motion carried unanimously.

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

CASES:

1. CE-21-0872 – 1223 Holmes St

This case complied.

2. 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 was in violation of ***I 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 Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until November 19, 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. Brown, seconded by Ms. Scott, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

3. CE-22-0261 – 408 N Kentucky Ave.

This case complied.

4. CE-22-0316 – 1212 Myrtle Ln

This case was tabled.

5. CE-22-0329 – 1056 Mitchell 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, Sec 6-1003 (a), Roofs and Drainage, Sec 6-1003 (g)*** *and Weeds, Sec 6-1001 (d)* of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until November 19, 2022 (30 days) to come into compliance or impose an amended fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: Priscilla Vojtech, 1370 Island Dr. Merritt Island

Manger Bunt and Chairman Roberts discussed the roof where the sheathing seemed to be bowing. Mrs. Vojtech discussed the roof and stated that it is not leaking. Manager Bunt asked Code Enforcement Officer Gonzalez where he got the mailing address information. Officer Gonzalez stated from Brevard County Property Appraisers. Manager Bunt recommended that she get in contact with the Building Department as he didn't believe this would be just a repair and would need a permit. Manger Bunt let the Board know that he had spoken with Mrs. Vojtech in 2017 about the roof with Steve Angeline. More discussion amongst the Board members, staff and the property owner.

Motion by Mr. Brown, seconded by Ms. Scott, to amend Staff's recommendation and give the property owner (90 days) January 19, 2023 with (30 day) updates to the Code Enforcement Board and find the Property Owner in violation. Vote on the motion carried unanimously.

6. CE-22-0543 – 117 Sara Lou Circle

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, Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and Trailers In Yard, Ch 6 Sec 6-900 (b) (15)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until November 19, 2022 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

7. CE-22-0074 – 1304 S Lakemont Dr.

This case complied

8. CE-22-0078 – 1315 S Lakemont Dr.

This case complied.

9. CE-22-0628 – 1205 Westview Drive - Repeat

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 repeat violation of ***Protective Treatment Ch 6 Sec. 6-1003(b)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner for a repeat violation and start the fine on September 14, 2022 until October 4, 2022 for 21 days which brought the property into compliance and impose a fine of five hundred dollars ($500.00) per day for 21 days as compliance was achieved.

Property owner was sworn in: Domenic Giordano, 1490 Ashboro Cir SE, Palm Bay

Chairman Roberts asked about the repeat violation and Manager Bunt explained the process for a repeat violation. Attorney Babb-Nutcher explained the fine can go up to five hundred dollars a day. Manager Bunt gave an overview of what a repeat violation is about. Mr. Giordano explained that they own over 200 properties. He doesn't understand why they are getting fines because of another property that had the same violation. Mr. Giordano says he has too many properties and he feels that the fine is outrageous. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Ms. Scott, to amend Staff's recommendation and reduce the fine to seventy-five dollars ($75.00) for the 21 days and find the Property Owner in compliance. Vote on the motion carried unanimously.

10. CE-21-0681 – 732 Bernard St.

This case was removed.

11. CE-22-0682 – 3645 Longbow Rd. - Repeat

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 repeat violation of ***II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d*** of the City Code.

Officer Folger requested that the Board find the Property Owner for a repeat violation and start the fine on September 27, 2022 until brought into compliance a fine of five hundred dollars ($500.00) per day until found in compliance.

Discussion amongst the Board members and staff.

Motion by Ms. Scott, seconded by Ms. Hughes, to approve Staff's recommendation and a fine of five hundred dollars ($500.00) per day and find the Property Owner in repeat violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE-21-0747 – 802 Paw Paw 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 ***Parking In Yard, Ch 6 Sec. 6-900 (b) (9), Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and Accum. Of Trash and Litter, Ch 6 Sec. 6-900 (b) (1) (a-d)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on August 18, 2022 and property owner remains in violation.

Discussion amongst the Board members and staff.

Motion by Mr. Brown 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

Request for Foreclosure on Code Liens for 618 S. Varr Ave.

Code Enforcement Manager Dennis Bunt provided an overview of the Case history and presented exhibits for the Board's review. This Property has 2 code cases with running liens. 1.) Case #19-01160 **$33,510.00** 2.) Case# 21-00127 **$46,010.00** for a total of **$79,520.00**. The current value of the property based on the Property Appraiser is **$124,660.00.** Code Enforcement is bringing this before the Board to ask permission to move forward with a foreclosure after not gaining in compliance on the property. After a consultation with the City Manager Code Enforcement was asked to move forward with the foreclosure on the liens and on the property.

Manager Bunt state that he has talked to Ms. Ruth Collins the heir to the estate to explain what is being done. Manager Bunt stated that Code just wanted permission to start the process for the foreclosure. Attorney Babb-Nutcher explained to the Board Members that this is required under Ch 162 that the Board authorize foreclosure.

Property representative was sworn in: Rodger Collins, 742 Bernard St.

Mr. Collins stated that he is the caregiver for Ruth Collins his mom. They had to get a blanket trespass against Derek Collins Jr. and anyone else on the property so that they could go in and clean up the property. Manager Bunt explained they want the property to be cleaned up to stop the liens. Attorney Babb-Nutcher had questions about Derek Collins and how long he will be incarcerated so they can get the property cleaned up. Manager Bunt explained again that Code Enforcement is just asking to start the process for the foreclosure on the property. Chairman Roberts asked Attorney Babb-Nutcher would the Code Board Members make a motion like a normal case or what is the process. Attorney Babb-Nutcher explained that Code Board Members make a motion to start the foreclosure proceedings. Mr. Simpson wanted to make sure once cleaned up this wouldn't happen again. Mr. Collins stated that once the property was cleaned up it would be kept cleaned. Chairman Roberts had other questions about whether they did or did not foreclose what would happen. More discussion amongst the Board members, staff and Mr. Collins.

Motion by Ms. Scott seconded by Mr.. Brown, to approve Staff's recommendation to move forward with the foreclosure. Vote on the motion carried unanimously.

LIEN REDUCTIONS

1. CE-09-0473 – 1050 Olive St.

The Code Enforcement Board held a public hearing on **5/19/2011**, at which time the Board found the owner, **STEVEN D. WAGNER** in violation of the following: **Weeds, Sec. 6-1001 (d), Protective Treatment, Sec. 6-1003 (b), Exterior Walls, Sec. 6-1003 (f), Accessory Structures, Sec. 6-1001 (g), Building Permits, Sec 6-2003 and Rental Business Tax, Sec 6-2003.**

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 recorded against the property effective **11/15/2009.** The lien ran at **$150.00** per day from **11/15/2009** until compliance was achieved on **12/7/2020**. The total fine was in the amount of **$606,010.00.** The length of time the property was in violation **11 years and 22 Days.**

Staff's recommendation is that the fine/lien be reduced to **$1,001.88** 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. Mr. Wagner is requesting that the lien be reduced to **$0**.

The property owner was sworn in: Steven Wagner, 559 Piazza Point, Oviedo, FL

Mr. Wagner stated that he didn't even know about the violations until he talked to Code Enforcement in July 2022 as he was signing a contract to finally sell the house after owning it for 17 years. Mr. Wagner stated that he had pulled several permits for the property and was not aware of a running lien. Mr. Wagner said he had documentation showing that he spoke with Code Enforcement Officer Chad Buell and thought the violations had be resolved. Manager Bunt went over how the Code Department works with cases that have running liens since he has been Manager. Code Enforcement Officer goes by the property every 30 days to check to see if in compliance so that the lien can be stopped. Code Enforcement was run differently before as once the case went for noncompliance no inspections were ever done after. Manager Bunt explained that the cost sheet which only shows the time and cost it took to prosecute the case. Attorney Babb-Nutcher asked what day was he given to come into compliance before the fines started. Attorney Babb-Nutcher stated that she thought there was a bit of an evidentiary problem. More discussion amongst the Board members and staff. Mr. Brown made a recommendation to lower the reduction to one thousand ($1000.00) which Ms. Scott disagreed with and made a motion to have no fine ($0).

Motion by Ms. Scott, seconded by Ms. Hughes, to amend staff's recommendation to City Council and the lien reduction be in the amount of zero dollars ($0). Vote on the motion (3-1) Mr. Brown opposed.

2. CE-20-1347 – 1301 Jackson St.

The Code Enforcement Board held a public hearing on **5/16/2019**, at which time the Board found the owner, **YSM 1001 PROPERTIES LLC** in violation of the following: **Storing Outdoors, Sec. 6-900 (b)(11), Roofs & Drainage, Sec. 6-1003 (g), Protective Treatment, Sec. 6-1003 (b), Weeds, Sec. 6-1001(d), Accessory Structures, Sec. 6-1001 (g), Boarded Up Buildings, Sec. 6-900 (b)(5), Accum. Of Trash and Litter, Sec. 6-900 (b)(1)a-d, Landscape Requirements, App A Art. XIII Sec 22 (a-i), Exterior General Condition, Sec. 6-1003 (a), Parking in Yard, Sec. 6-900 (b)(9), Permit required (fences), App A Art. XIII Sec 5 (c), Maint of Struct/Grounds, Sec. 6-900 (b)(4) a-c and Site Plan Required, Sec. 12-17**.

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 recorded against the property effective **5/22/2021.** The lien ran at **$250.00** per day from **5/22/2021** until compliance was achieved on **1/13/2022**. Code records show onsite inspections were conducted by Officer Carver, and I. The case was closed **on 1/13/2022** leaving a fine of **$59,010.00**.The current owner, **YSM 1001 PROPERTIES LLC**, is requesting that the lien be reduced to **City Costs of Service**.

Property representative was sworn in: Kathrine Crittenton, 1394 Pineapple Ave, Melbourne

Ms. Crittenton agreed to pay the cities cost. Chairman Roberts asked why they didn't come before the board for an extension. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Ms. Scott, to approve staff's recommendation to City Council the lien reduction be in the amount of three thousand seventy-two dollars and eighty-eight cents **($3,072.88).** Vote on the motion carried unanimously.

Manager Announcements:

None

OTHER BUSINESS:

None

NEXT MEETING:

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

ADJOURNMENT:

There being no further business the meeting adjourned at 8:03 PM.

Approved on this 19 day of January, 2023.

Lloyd Roberts, Chairman

Darla Crowl, Recording Secretary

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