Code Enforcement Board
Meeting Minutes
September 21, 2023

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, September 21, 2023 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Roberts called the meeting to order at 6:11 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
Verna Hughes	Board Member
Sharri Scott	Board Member
Josue Otero	2nd Alternate

MEMBERS ABSENT:

David Lightholder	Board Member - Unexcused
Aurora Ramirez	1rst Alternate - Excused

OTHERS PRESENT:

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

A motion was made by Mr. Davis, seconded by Ms. Hughes to make Mr. Lightholders seat vacant per the City Charter for absences. Vote on the motion carried unanimously.

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: September 21, 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Chairman Lloyd Roberts noted changes to the agenda (Items complied, tabled and withdrawn)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 September 21, 2023. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: August 17, 2023.

Motion by Ms. Hughes, seconded by Mr. Simpson, to approve to the minutes of August 17, 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-23-230 – 2705 N Cocoa Blvd

This case was tabled.

2. CE-23-618 – 801 Dixon Blvd

This case complied.

3. CE-22-597 – 1048 Olive 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-p),) Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) 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 October 21, 2023 (30 days) to come into compliance or impose a fine of fifty dollars **($50.00)** ***Exterior General Condition, Ch. 6 Sec. 6-1003 (a-p),) twenty-five dollars ($25.00) Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and fifty dollars ($50.00) Roofs & Drainage, Ch. 6 Sec. 6-1003 (g)*** per day until found in compliance.

Property owner was sworn in: Shelby Lakes, LaTroy Lakes, 1048 Olive St.

Mrs. Lakes explained to the Board Members she could not afford to replace her roof with the quotes she has received. She explained that her roof doesn't leak. Manager Bunt wanted to explain that the shingles have no grit and waves in the sheathing. Chairman Roberts had questions about the roof and other violations. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Otero, to amend Staff's recommendation and give (180 days), March 19, 2024 and find the Property Owner in violation. Vote on the motion carried unanimously.

4. 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 was in violation of ***IX.Exterior General Condition Ch 6 Sec. 6-1003 (a-p), XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and XXII.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 October 21, 2023 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) ***IX.Exterior General Condition Ch 6 Sec. 6-1003 (a-p), fifty dollars ($50.00) XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and fifty dollars ($50.00) XXII.Permit Required App A Art. XV Sec 2 (a)*** per day until found in compliance.

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.

5. CE-22-816 – 930-940 Peachtree 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 ***Prohibited Uses and Structures, App A Art. XI Sec. 11 (D) (1-4), Accum. Of Trash and Litter, Ch. 6 Sec. 6-900 (b) (1) a-d and Exterior Property Areas, Ch. 6 Sec. 6-1003 (a-p)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until October 21, 2023 (30 days) to come into compliance or impose a fine of **fifty dollars ($50.00)** ***Prohibited Uses and Structures, App A Art. XI Sec. 11 (D) (1-4), twenty-five dollars ($25.00) Accum. Of Trash and Litter, Ch. 6 Sec. 6-900 (b) (1) a-d and twenty-five ($25.00) Exterior Property Areas, Ch. 6 Sec. 6-1003 (a-p)*** per day until found in compliance.

Property owner was sworn in: Pinukumar Patel, 3080 Water Oak Dr, Merritt Island

Mr. Pinukumar explained he has done on the property to fix it. Mr. Davis said he felt 742 in service Police calls was excessive and inappropriate. Mr. Davis also asked what Mr. Pinukumar planned to do about the prohibited use at the property. He asked how many calls were made. Officer Gonzalez stated 742 in service calls from November 2022 until September 21, 2023 by the Police Department. Manager Bunt explained that he does have a blanket trespass for the property and if the Police were called they would make them leave. Mr. Patel requested a sixty-day (60 days) period to clean up the violations. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Otero, to amend Staff's recommendation and give the property owner sixty days (60 days) November 21, 2023 and find the Property Owner in violation. Vote on the motion carried unanimously.

6. CE-23-77 – 11 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 ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and District and Intent – C-N, Neighborhood Commericial District, App A, Art. XI Sec. 11 (a-d)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until October 21, 2023 (30 days) to come into compliance or impose a fine of twenty-five dollars **($25.00)** ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and twenty-five dollars ($25.00) District and Intent – C-N, Neighborhood Commericial District, App A, Art. XI Sec. 11 (a-d)*** per day until found in compliance.

Chairman Roberts asked about what the district and intent was for. Manager Bunt stated that they are using the property not covered by zoning code. Ms. Scott asked how is the property owner supposed to secure the parking lot. Chairman Roberts stated that they do have church on Sunday at this location. More 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.

7. 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 was in violation of ***Exterior General Condition, Ch. 6 Sec. 6-1003 (a-p)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until October 21, 2023 (30 days) to come into compliance or impose a fine of **fifty dollars ($50.00)** ***Exterior General Condition, Ch. 6 Sec. 6-1003 (a-p)*** per day until found in compliance.

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

REPEAT VIOLATION CASES:

1. CE-23-1019 – 418 Churchill 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 repeat violation of ***Accum. Of trash and litter Ch 6 Sec. 6-900(b)(1)a-d and Storing Outdoors Ch 6 Sec. 6-900(b)(11)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner for a repeat violation and start the fine on August 16, 2023 until brought into compliance a fine of five hundred dollars ($500.00) per day until found in compliance.

Property owners were sworn in: Krystal Clawson, 418 Churchill Dr., Hugh Emanuel, 1768 Fay St, Dana Emanuel, 1768 Fay St.

Ms. Clawson gave an overview at the property. Ms. Clawson stated that she has pictures showing that the property has been cleaned up. Manager Bunt stated that the posting she is talking about on the property was for a lawn abatement. She has two (2) cases on her property. Manager Bunt explained that a repeat violation starts the day the violation is found at the property. Mr. Davis asked Ms. Clawson if she took pictures of the property after she cleaned it. Ms. Clawson showed the Board Members the property. Chairman Roberts asked when the last time Officer Buonocore had spoken to the property owner. The day Cocoa Police Department called him out to the property which was August 16, 2023. Attorney Babb-Nutcher asked Officer Buonocore if a notice was left showing it was a repeat violation. Officer Buonocore stated certified and posted at the property. Manager Bunt stated that there were 2 notices sent. There was a notice for a repeat and a lawn abatement notice. Mr. Davis asked why the fine was the maximum fine. Manager Bunt stated that when the Code Officer is called out by dispatch and DCF there is a problem. The neighbors were also calling about the property. Officer Buonocore stated that the posting on the property was for no water. Attorney Babb-Nutcher had an issue with the notice that was sent. She thinks that's where the confusion was with the property owner. Mrs. Scott wanted to make it clear that the address on the property appraisers was where the notice was sent to. Manager Bunt explained to the Chairman that Code Enforcement always send the notice certified

and post the property. Mr. Davis felt that Officer Buonocore showing up at the same time as Ms. Clawson's arrest may have had a prejudicial effect on this case. Manager Bunt stated that Code Enforcement typically asks for five hundred dollars ($500.00) the maximum for a repeat but the Board usually never fines are not given for five hundred dollars ($500.00). Mrs. Scott stated that she did not agree the Code Office was being prejudice and wanted it on the record. More discussion between staff, the property owner and the Board.

Motion by Mr. Davis seconded by Mr. Simpson, to amend Staff's recommendation and give the property owner (5 days) September 26, 2023 to fix the violation or a total fine of two hundred dollars ($200.00) per day one hundred ($100.00) ***Accum. Of trash and litter Ch 6 Sec. 6-900(b)(1)a-d and one hundred dollars ($100.00) Storing Outdoors Ch 6 Sec. 6-900(b)(11) per da***y and find the Property Owner in repeat violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE-22-645 – 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 is in violation of ***Roofs & Drainage Ch 6 Sec. 6-1003(g)*** of the City of Cocoa Code. Officer Buonocore stated a Notice of Hearing was sent on August 25, 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.

2. CE-23-14 – 801 Dixon 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 ***Accum. Of Trash and Litter, Sec. 6-900 (b) (1) a-d, Exterior General Condition Ch 6 Sec. 6-1003, Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and Exterior General Condition Ch 6 Sec. 6-1001*** of the City of Cocoa Code. Officer Buonocore stated a Notice of Hearing was sent on August 25, 2023 and property owner remains in violation.

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.

3. CE-23-102 – 1420 Stetson Dr. East

This case complied.

4. CE-22-317 – 1212 Myrtle Ln.

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 ***Main. Of Interior Struct, Ch. 6 Sec. 6-1004 (a-f) and Permit Required, App. A Art. XV Sec. 2 (a)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on September 7, 2023 and property owner remains in violation.

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

5. CE-22-583 – 128 Aurora 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 ***Permit Required, App. A Art. XV Sec. 2 (a)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on September 7, 2023 and property owner remains in violation.

Property representative was sworn in: Anthony Delos Santos 873 Cadet St.

Mr. Delos Santos was asked by Stoa Acquisitions, LLC to let the Board Members know that the property owner has been working to correct the violations on the property. They hired a property management company who hired a contractor.

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.

6. CE-22-587 – 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 is in violation of ***Roofs & Drainage, Sec. 6-1003 (g)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on September 7, 2023 and property owner remains in violation.

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.

7. CE-22-611 – 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 is in violation of ***Roofs & Drainage, Sec. 6-1003 (g) and Permit***

Required, App. A Art. XV Sec. 2 (a) of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on September 7, 2023 and property owner remains in violation.

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

Mr. Dodd spoke with Manager Bunt about getting different types of help with the cost of the roof. Mr. Davis stated that his one hundred eighty day (180 days) has expired and that he could apply for a lien reduction once the violations have been corrected. More discussion amongst the property owner, Board members and staff.

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

8. CE-22-725 – 356 Pomolo St.

This case complied.

9. CE-23-220 – Tax ID #2413928

This case complied.

NEW BUSINESS

None

FORECLOSURE:

None

LIEN REDUCTIONS

None

Manager Announcements:

None

OTHER BUSINESS (Abatement Appeal):

1. CE-22-866 - Tax ID: 3014094

Motion by Mr. Davis seconded by Ms. Scott, to Deny the property owners request for appeal for lawn abatement cost. Vote on the motion carried unanimously.

2. CE-22-867 – Tax ID: 2425857

Motion by Mr. Davis seconded by Ms. Hughes, to Deny the property owners request for appeal for lawn abatement cost. Vote on the motion carried unanimously.

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on October 19, 2023.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:57 P.M.

Approved on this 19 day of October, 2023.

George Brown, Vice Chairman

Darla Crowl, Recording Secretary

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