Code Enforcement Board
Meeting Minutes
August 17, 2023

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, August 17, 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
Verna Hughes	Board Member
David Lightholder	Board Member
Aurora Ramirez	1rst Alternate
Josue Otero	2nd Alternate

MEMBERS ABSENT:

Sharri Scott	Board Member -Excused

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Augusto Gonzalez-Ruiz	Code Enforcement Officer
Vince Buonocore	Code Enforcement Officer
Kristin Eick	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: August 17, 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Chairman Lloyd Roberts noted changes to the agenda (Items complied, tabled and withdrawn)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 August 17, 2023. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: July 20, 2023.

Motion by Ms. Hughes, seconded by Mr. Davis, to approve to the minutes of July 20, 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-23-225 – 1049 Alamanda Ln

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 ***Storing Vehicles, Ch 6 Sec. 6-900 (b)(8)***, ***Business Tax Receipt Ch 12 Sec. 12-1 (a)(b),*** *Rental Business Tax, Ch 6 Sec. 6-2003, Parking in Yard Ch 6 Sec. 6-900 (b)(9) and* ***Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until September 16, 2023 (30 days) to come into compliance or impose an amended fine of **twenty-five dollars ($25.00)** ***Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), twenty-five dollars ($25.00) Storing Vehicles, Ch 6 Sec. 6-900 (b)(8) and ten dollars ($10.00) Business Tax Receipt Ch 12 Sec. 12-1 (a)(b),*** per day until found in compliance and be given until October 16, 2023 (60 days) an amended date.

Ms. Hughes asked staff about the additional fines per day for the business tax receipt. Manager Bunt stated based on case law the fines are per violation that is on the agenda. The Code Officer will read in each violation with the amount of fine. Mr. Davis requested the fines be placed by each violation on the agenda moving forward. Attorney Eick wanted to address the business tax receipt amount. A daily fine cannot occur on a business tax receipt only a onetime fine of two hundred fifty dollars ($250.00). More discussion amongst the Board members and staff.

Motion by Ms. Hughes, seconded by Mr. Davis, to amend Staff's recommendation for the business tax receipt amount to a onetime fine of two hundred fifty dollars ($250.00). Vote on the motion carried unanimously. Motion by Mr. Davis, and second by Ms. Hughes to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

2. CE-23-417 – 1211 Myrtle Ln

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 ***Storage of Rec. Vehicles, App A Art. XIII Sec 14 (a-d), Business Tax Receipt Ch 12 Sec. 12-1 (a)(b), Rental Business Tax, Ch 6 Sec. 6-2003, and Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until September 16, 2023 (30 days) to come into compliance or impose a fine of **twenty-five dollars ($25.00)** ***Storage of Rec. Vehicles, App A Art. XIII Sec 14 (a-d) and Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** per day until found in compliance. **A onetime fee of two hundred twenty-five dollars ($250.00)** ***Business Tax Receipt Ch 12 Sec. 12-1 (a)(b) and a onetime fee of two hundred twenty-five dollars ($250.00) Rental Business Tax, Ch 6 Sec. 6-2003.***

Property tenant was sworn in: Lisa Dundas, 1211 Myrtle Ln

Mrs. Dundas stated in house for 11 year and the property owners is out of the country in the Army. Gave an overview of the violations stating that the boat and trailer have been there 6 years. The tenant stated they did not receive the notices. Manager Bunt explained they are not the property owner and would not receive the notice. Manager Bunt went over what the violations were. Mr. Davis asked Mrs. Dundas if thirty days (30 days) would be enough time to remedy the violations she said yes. Mr. Simpson wanted to make sure the tenant understood the all of the violations. More discussion amongst the Board members, property owner and staff.

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.

3. CE-22-855 – 2224 Catawba Dr

This case complied.

4. CE-22-873 – 1801 Calvados Dr

This case complied.

5. CE-22-689 – 1330 Jackson St.

This case complied.

6. CE-22-731 – 1057 Bellefonte Ave.

This case complied.

7. CE-22-732 – 1053 Bellefonte 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 ***Accessory Structures Ch 6 Sec. 6-1001 (g), Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Exterior General Condition Ch 6 Sec. 6-1003 (a) and Parking in Yard Ch 6 Sec. 6-900 (b)(9)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until September 16, 2023 (30 days) to come into compliance or impose a fine of **twenty-five dollars ($25.00)** ***Accessory Structures Ch 6 Sec. 6-1001 (g), twenty-five dollars ($25.00) Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, fifty dollars ($50.00) Exterior General Condition Ch 6 Sec. 6-1003 (a) and twenty-five dollars ($25.00) Parking in Yard Ch 6 Sec. 6-900 (b)(9)*** 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.

8. CE-22-451 – 1056 Bellefonte 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 ***Permit Required App A Art. XV Sec 2 (a), Storage of Rec. Vehicles, App A Art. XIII Sec 14 (a-d) 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 September 16, 2023 (30 days) to come into compliance or impose a fine of **fifty dollars ($50.00)** ***Permit Required App A Art. XV Sec 2 (a), twenty-five ($25.00) Storage of Rec. Vehicles, App A Art. XIII Sec 14 (a-d) and twenty-five dollars ($25.00) Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** per day until found in compliance.

Discussion amongst the Board members and staff.

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

REPEAT VIOLATION CASES:

1. CE-23-767 – 215 Riverside 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 repeat violation of ***Permit Required App A Art. XV Sec 2 (a)*** of the City Code.

Officer Gonzales requested that the Board find the Property Owner for a repeat violation and start the fine on July 5, 2023 until brought into compliance a fine of five hundred dollars ($500.00) per day until found in compliance.

Mr. Davis asked Officer Gonzalez several questions about the case. More discussion between staff and the Board.

Motion by Mr. Davis seconded by Mr. Lightholder, 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-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 July 27, 2023 and property owner remains in violation.

Property owner's father was sworn in: Timothy Levensaler, 2260 Sykes Creek Dr, Merritt Island

Mr. Levensaler wanted to discuss why the millings for the parking had not been removed. Mr. Levensaler was having trouble getting a civil engineer to do a site plan for the property because they were all too busy. Chairman Roberts explained to Mr. Levensaler at this point he was either in compliance or in noncompliance no more time could be given. Mr. Davis explained to Mr. Levensaler that he understood at the last meeting he was given ninety days (90 days) more to come into compliance. Mr. Lightholder wanted to explain that the millings were a subbase for whatever is put on top of the millings. Mr. Lightholder was giving reasons why Mr. Levensaler needed more time. Manager Bunt explained that this property is in the Federal Consent Decree zoning. Meetings were held with the City Manager and City Attorney. Mr. Davis explained again that Manager Bunt was very detailed about what the requirements were. Mr. Lightholder gave Mr. Levensaler, Bowman & Associates for a contact person. Attorney Eick stated that More discussion amongst the Board members and staff.

Motion by Mr. Lightholder seconded by Mr. Brown, to amend Staff's recommendation and table until September 17, 2023 thirty days (30 days) with a timeline and find the Owner in noncompliance. Vote on the motion carried unanimously.

2. CE-22-622 – 708 Rosa L Jones 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 ***Accum. Of Trash and Litter, Sec. 6-900 (b) (1) a-d, Storing Outdoors, Ch. 6 Sec. 6-900 (b) (11), District and Intent – RU-1-7, App. A Art XI. Sec. 3 and Permit Required, App. A Art. XV Sec. (a)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on July 27, 2023 and property owner remains in violation.

Property owner was sworn in: Terrance Thomas, 704 Rosa L Jones, Stephanie Carder Gallon

Mr. Thomas went over each violation and why it has not been corrected. Chairman Roberts asked about the permit that was required. Manager Bunt stated that he was supposed to sign an agreement for the fence. Manager Bunt said the agreement was never signed or turned in. The fence permit was not pulled or approved. The conex boxes need to be removed or a permit pulled. Ms. Gallon asked what needs to be done to clear up the violations. More discussion amongst the Board members, property owner and staff.

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.

3. CE-22-673 – 150 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 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 July 27, 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.

4. CE-22-828 – 1050 W King 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 ***Accum. Of Trash and Litter, Sec. 6-900 (b) (1) a-d, Boarded Up Buildings, Sec. 6-900 (b) (5), Exterior General Condition, Sec. 6-900 (b) (1) a-d and Roofs & Drainage, Sec. 6-1003 (g)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on July 27, 2023 and property owner remains in violation.

Property owner was sworn in: Joe Francheno, 4022 Canaveral Groves Blvd,

Mr. Francheno stated that they have been constantly cleaning the property. Pit Crew roofing was contracted to do the work and they won't start for at least 4 weeks. Manager Bunt went over each violation that has still not been corrected. Manager Bunt stated the case started in November of 2022 and still looks the same. Permit was approved on August 1, 2023. Discussion amongst the Board members and staff.

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

NEW BUSINESS

None

LIEN REDUCTIONS

None

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on September 21, 2023.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:37 P.M.

Approved on this 21 day of September, 2023.

Lloyd Roberts, Chairman

Darla Crowl, Recording Secretary

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