Code Enforcement Board
Meeting Minutes
April 21, 2022

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, April 21, 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
Kimberly Curtis	Board Member
David Lightholder	Board Member (6:23 arrived)

MEMBERS ABSENT:

Lloyd Roberts	Board Member
Sharri Scott	Board Member
Jocelyn Scott	1rst Alternate (3rd meeting missed per Chairman Gifford)

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Jason Collins	Police Officer
Augusto Gonzalez-Ruiz	Code Enforcement Officer
Michael Potts	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Rip Dyal	Councilman/Liaison

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: April 21, 2022

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled and withdrawn)

Motion by Mr. Green, seconded by Mr. Brown, to approve to the agenda of April 21, 2022. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: March 17, 2022.

Motion by Mr. Brown, seconded by Mr. Green, to approve to the minutes of March 17, 2022. Vote on the motion carried unanimously.

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

NEW BUSINESS:

Introduce one of the new Code Enforcement Officers Michael Potts.

CASES:

1. CE-21-0080 – 1112 Alamanda 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 was in violation of *XXII.Permit Required App A Art. XV Sec 2 (a*) and ***Parking and Storage of Major Recreational Equipment Art XIII Sec. 14 (d)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until May 26, 2022 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) per day until found in compliance.

Board members and Attorney Babb-Nutcher asked about the term housekeeping. Manager Bunt stated the pop outs on the trailer would be defined as housekeeping status. Manager Bunt wanted to clarify the motion. The property owner has an active building permit so that violation is technically in compliance but do to the fact a Stop Work Order was posted to make them get a permit in the beginning. The first permit has already expired and are asking to have been in violation so if the new permit expired it would be a repeat violation from that point on. Code is asking for a separate motion on the RV being used for housekeeping purposes ***Art XIII Sec. 14 (d).*** *More discussion about the first permit between Manager Bunt, Board Members and Attorney Babb-Nutcher about to have been in violation.*

Property owner sworn in: Brianne J Valyi and Robert Valyi, 1112 Alamanda Ln

Robert Valyi gave an overview since 2019 on the property. Chairman Gifford stated that the Board is only interested in his RV not the others in the neighborhood. Mrs. Valyi was confused about the violation. Vice Chairman Green asked questions about how the RV was being used. Mrs. Valyi stated that there was food in the refrigerator

and using for zoom meetings which means the RV is being used for housekeeping. More discussion amongst the Board members and staff.

Motion by Mr. Green, seconded by Mr. Brown, to amend Staff's recommendation and a fine of twenty-five dollars ($25.00) and find the Property Owner in violation. Vote on the motion carried unanimously.

2. CE-21-0589 – 1110 Myrtle Ln.

This case complied.

3. CE-21-0634 – 1108 Kirkland 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 ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until May 26, 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: Fausto Martinez, 1108 Kirkland Dr.

Mr. Martinez stated that the violations are correct and gave an overview of the property violations. Officer Gonzalez stated that he has spoken with the property owner and has given extensions. Chairman Gifford asked if 90 days would give him time to correct the violations and Mr. Martinez agreed. More discussion amongst the Board members and staff.

Motion by Ms. Curtis, seconded by Mr. Lightholder, to amend Staff's recommendation and give the property owner (90 days) until July 26, 2022 and find the Property Owner in violation. Vote on the motion carried unanimously.

4. CE-21-0654 – 503 N Georgia 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 ***Parking in Yard Ch 6 Sec. 6-900 (b)(9), Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) 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 May 26, 2022 (30 days) to come into compliance or impose a fine of one hundred dollars ($100.00) per day until found in compliance.

Property Manager was sworn in: Stephanie Maracite

Officer Gonzalez stated that he has spoken with the Property Management to educate them on the violations. Chairman Gifford asked to see the more current pictures not the old pictures. Manager Bunt let the Board Members know that he has do his presentation where he shows all of the pictures and the explanation of the violation so they are on the record for them to understand each violation before a decision is made. Property Manager went over the corrections they have made on the property. The mulch was not one of the violations. More discussion amongst the Board members and staff.

Motion by Mr. Lightholder, seconded by Mr. Green, to amend Staff's recommendation and give the property owner (90 days) until July 26, 2022 and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-21-0689 – 1102 Azalea 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 was in 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 Gonzalez requested that the Board find the Property Owner in violation and be given until May 26, 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 Mr. Green, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

6. CE-21-0697 – 1050 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 ***Temp Storage, App A Art. XIII Sec 30 (a)(3),*** *Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and 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 May 26, 2022 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Property owner was sworn in: Jean Peterson, 1050 Park Dr.

Mrs. Peterson stated she was not aware they were not able to have the temporary storage unit without a permit. Mrs. Peterson stated that she will contact Planning and Zoning and the Building Official about the unit. More 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 (90 days) until July 26, 2022 a fine of twenty-five dollars ($25.00) and find the Property Owner in violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. 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 is in violation of ***Accessory Structures Ch 6 Sec. 6-1001 (g) and Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on April 1, 2022 and property owner remains in violation.

Manager Bunt wanted to let Chairman Gifford know that one of the violations was incorrect on the presentation and wanted to read in the correction which was ***Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) not Protective Treatment.***

Property owner was sworn in: Doug Masic, 1055 Park Dr.

Chairman Gifford explained to Mr. Masic that he was either in compliance or in non-compliance. The Board Members could not give him more time. More discussion amongst the Board members and staff.

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

LIEN REDUCTIONS

1. CE-19-927 – 1146 Lake Dr.

The Code Enforcement Board held a public hearing on **8/20/2020**, at which time the Board found the owner, **Korth, Brian C** in violation of the following: ***Temp Storage, App A Art. XIII Sec 30 (a)(3), Business Tax Receipt Ch 12 Sec. 12-1 (a)(b), Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and Permit Required App A Art. XV Sec 2 (a).***

The Code Enforcement Board provided the owner time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was started against the property at a Non-Compliance Hearing on **09/17/20.** The lien ran at **$100.00** per day from **8/30/2020** until compliance was achieved on **1/4/2022**. The total fine is **$53,610.00** Code records show onsite inspections were conducted and contact was made. The current owner **LAKE DR LLC** , is requesting that the lien be reduced to **$0**.

Property Owner was sworn in: Jack Brown, 1146 Lake Dr.

Manager Bunt explained that Mr. Brown was not the property owner at the time of the violations Mr. Korth owned the property. Mr. Brown was the original owner sold to Mr. Korth and has now bought the property back. Chairman Gifford explained Code Board Members make a recommendation and City Council will make the final decision on the reduction.

Motion by Mr. Brown, seconded by Mr. Lightholder, to approve staff's recommendation to City Council the lien reduction be in the amount of One thousand nine dollars and eighty-four cents ($1009.84). Vote on the motion carried unanimously.

Manager Announcements:

Manager Bunt gave an overview of the new presentations that will start being shown at the Code Board Meetings. Discussion between Manager Bunt, Code Board Members and Attorney Babb-Nutcher.

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on May 19, 2022.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:45 PM.

Approved on this 19 day of May, 2022.

Jim Gifford, Chairman

Darla Crowl, Recording Secretary

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