

**Code Enforcement Board
Meeting Minutes
May 16, 2019**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, May 16, 2019 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Jim Gifford called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Jim Gifford	Chairman
George Brown, Jr.	Vice-Chairman
Virginia Weaver	Board Member
Edward Green	Board Member
David Lightholder	Board Member

MEMBERS ABSENT:

Michael Cicerrella	Board Member
--------------------	--------------

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Police Lieutenant
Julian Briggs	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
Johaquin Rodriguez	Code Enforcement Officer
Lorraine Koss	Councilwoman
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Nick Gerry	Fire Inspector

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Meeting Agenda: May 16, 2019

Motion by Ms. Weaver, seconded by Mr. Lightholder, to approve the agenda of May 16, 2019. Vote on the motion carried unanimously (5-0).

2. Approval of Minutes: April 18, 2019

Motion by Mr. Lightholder, seconded by Ms. Weaver, to approve the minutes of April 18, 2019. Vote on the motion carried unanimously (5-0).

NEW BUSINESS:

None

CASES:

1. CE-18-196 – 506 Abbey Ln.

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner was in violation of *XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until June 16, 2019 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Property Manager was sworn in: Cherie Williams, 4087 US Hwy 1 Suite 3, Rockledge, FL 32955.

Property Manager was in contact with Officer Murdick about the property. The Property Manager contacted G & W Roofing for them to fix the leak. The Property Manager stated that G & W Roofing checked the roof and they were not in need of a whole new roof. G & W Roofing contacted the tenant and made the necessary repairs. According to Ms. Williams it is in the lease that the tenant contact maintenance to let them know if something needs repairs instead she contacted Code Enforcement to say the roof was still leaking. Discussion continued about the miscommunication between the tenant and the Property Manager. Officer Murdick did an additional inspection after it had rained and before Code Board. Officer Murdick noticed during his inspection of the roof that it was still leaking. Pictures showed the staining inside the apartment on the ceiling. Mr. Gifford asked if Code Enforcement had any objection to giving the Property Manager (60 days) to have the repairs done. Manager Bunt stated that staff does not object to giving the property owner until July 16, 2019 (60 days).

Discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Ms. Weaver, to amend Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

2. CE-18-489 – 126 Factory St.

This case was closed.

3. CE-18-616 – 900 Friday Road

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner was in violation of XXXVI. Weeds, Ch 6 Sec. 6-1001(d), XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b), Rubbish and garbage, Ch 6, Sec. 6-1006 (b)(1), I. Accessory Structures Ch 6 Sec. 6-1001 (g), Sidewalks and driveways, Ch 6 Sec. 6-1001(c) and XXIX. Roofs & Drainage, Ch 6 Sec. 6-1003 (g) of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until June 16, 2019 (30 days) to come into compliance or impose a fine of one hundred seventy-five dollars (\$175.00) per day until found in compliance.

Property Representative sworn in: Latoya T Dukes, 1028 Sycamore Dr, Rockledge, FL

Chairman Gifford asked the Representative what she was going to do to get the violations taken care of. Ms. Dukes stated that most of the violations were taken care of on November 29, 2018. Officer Murdick sent an email after his visit with pictures to Ms. Dukes so that she could see the violations that still needed to be corrected. Ms. Dukes stated that all has been taken care of except for the signs on the property. Ms. Dukes explained to the Board that the facility is a place for people that are close to living on the street to come and stay for a short period of time. More information about the property was given to the Code Board Members by Ms. Dukes to explain why the property needed to be repaired continuously. Mr. Gifford asked Ms. Dukes what her plan was for taking care of the painting on the exterior of the building and other items. Ms. Dukes and Officer Murdick discussed the pictures that were sent to her. Officer Murdick explained that those were some examples for her items that needed to be corrected. Mr. Brown asked Officer Murdick about some of the pictures and about if the property was required to have signs. Officer Murdick stated that it is a requirement. Officer Murdick stated that Ms. Dukes is working with a sign contractor to make sure the signs are done per Code. Manager Bunt suggested to Ms. Dukes to contact Officer Murdick so they can walk the property to make sure she understands what is still needed to come into compliance.

Discussion amongst the Board members and staff.

Motion by Mr. Lightholder, seconded by Mr. Brown, to approve the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

4. CE-18-644 – 1311 Elizabeth Ave.

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner was in violation of *II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d*, *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)*, *XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* and *IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until June 16, 2019 (30 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Property Representative was sworn in: Beatrice Moomoxe, 1026 Home Grove Dr., Winter Garden, FL 34787

Ms. Moomoxe stated that she has not been receiving her mail as it was being sent to 1311 Elizabeth Ave. the physical address. Ms. Moomoxe gave an overview of the property and the violations that she felt had been corrected. Manager Bunt stated that permits were not pulled for this property by the contractor. Discussion amongst the Board members and staff. After getting clarification from Attorney Babb-Nutcher the Code Board Members amended the order to (60 days) July 16, 2019 to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Motion by Mr. Lightholder, seconded by Mr. Green, to amend the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

5. CE-18-648 – 123 St. Charles St.

This case complied.

6. CE-18-651 – 1001 N Indian River Dr.

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner was in violation of *XXII.Permit Required App A Art. XV Sec 2 (a)*, *XXIV.Pools and Spas Ch 6 Sec. 6-1002 (a)* and *XXIII.Permit Required (fences) App A Art. XIII Sec 5 (c)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until June 16, 2019 (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 not present.

Motion by Mr. Lightholder, seconded by Mr. Brown, to approve the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

7. CE-19-116 – 500 S Cocoa Blvd

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner was in violation of Chapter 12, Section 12-11 – Doing business without, or under a fraudulently obtained local business tax receipt, Appendix A Zoning, Article XIII, Sec. 28 Sales or rental of new and/or used automotive vehicles, agricultural equipment, major recreational equipment, minor recreational vehicles, and mobile homes, with accessory uses, (a) Subsection 28 (F) Junk – Used or discarded vehicle parts and equipment are not fully screened from view from public rights-of-way and adjacent properties through the use of privacy fences or other opaque screening techniques. (c) Subsection 28 (G) Loading and unloading – Loading and unloading is occurring on the public rights-of-way and not on private property. (d) Subsection 28 (H)(1.) Parking and vehicle storage - One parking space per employee and one parking space per 3,600 square feet or outside display area for customers has not been provided. (e) Subsection 28 (H)(3.) Parking and vehicle storage – All primary site ingress and egress ways are not open and available to customers during normal business hours. (f) Subsection 28 (H)(4.) Parking and vehicle storage – Parking areas designated for employees and customers are not marked and set apart from the outside display area or accessory storage or repair area. (g) Subsection 28 (H)(5.) Parking and vehicle storage – Vehicles for sale are not parked in accordance with the scaled drawing received by the City and are parked within the right-of-way. Appendix A, Article XII, Sec. 1(46)–Handicapped parking space(s) are required according to this section of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until June 16, 2019 (30 days) to come into compliance or impose a fine of two hundred dollars (\$200.00) per day until found in compliance.

Property tenant was not present.

Manager Bunt asked the Board to look at the Supplemental Packet given to the Board which shows when they came in for a Business Tax Receipt in 2017. The tenant was given a list of items that were needed to come into compliance for zoning purposes. The Business Tax Receipt was never picked up but Manager Bunt explained that they have been operating a business there since 2017 without any Business Tax Receipt. Manager Bunt continued to go over the information in the packet so the Board Members could understand how long they have been running the business. Discussion amongst the Board members and staff. The Code Board Members amended the order to (60 days) July 16, 2019 to come into compliance or impose a fine of two hundred dollars (\$200.00) per day until found in compliance.

Motion by Mr. Lightholder, seconded by Ms. Weaver, to amend the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

8. CE-19-205 – 500 S Cocoa Blvd

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner was in violation of Ch. 12, Section 12-21 – Property owners allowing persons to engage in business upon real property without a required local business tax receipt.) of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until June 16, 2019 (30 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Property owner was sworn in: Grant Strength, 327 Coral Reef Dr, Satellite Bch

Manager Bunt requested to Chairman Gifford that he wanted to amend staffs motion to match the previous case and change to (60 days) July 16, 2019 and on the Agenda it says one hundred dollars (\$100.00) and it should say twenty-five dollars (\$25.00) per day as Officer Murdick read into the record. Mr. Gifford asked Mr. Strength if he wanted to speak. Mr. Strength was asked if he thought he could make sure his tenant could get the Business Tax Receipt in the next (60 days). Manager Bunt stated that he keeps in contact by email with Mrs. Strength and will check in with her to make sure the tenant has received his Business Tax Receipt. Discussion amongst the Board members and staff.

Motion by Ms. Weaver, seconded by Mr. Lightholder, to amend this case. Vote on the motion carried (5-0).

9. CE- 19-207 – 1040 Mitchell St.

This case complied.

10. CE-18-198 – 402 N Carolina Ave.

This case was removed.

11. CE-19-206 – 1052 Peachtree St

Code Enforcement Officer Julian Briggs provided an overview of the Case history and presented exhibits for the Board's review. Officer Briggs testified that the Property Owner was in violation of *XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)*, *XXIX. Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* and *XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City Code.

Attorney for the property owner: Chris Coleman, 1311 Bedford Dr., Melbourne, FL

Officer Briggs requested that the Board find the Property Owner in violation and be given until June 16, 2019 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Attorney Coleman representative for the property wanted to go over the last Code Board meeting and what was still in violation and what has been corrected. Attorney Coleman stated that the trash (beer cans) are not always there. Attorney Babb-Nutcher explained that if it shows up at different times then it is considered to be a reoccurring violation. Manager Bunt told the Board that according to the pictures at the last Code Board meeting that there was a dispute between Officer Briggs pictures and the Representatives pictures due to the angle. Manager Bunt went over the pictures of the last Code Board meeting and compared them to the current pictures taken. Attorney Coleman stated that the discussion is about the daily trash problem. Code Board members stated that the items in the yard and the beer cans on the ground need to be put in the trash can/recycle can. Attorney Babb-Nutcher stated again that it is considered a reoccurring violation if it has not been taken care of before the Code Board. Discussion amongst the Board members and staff continued. Attorney Babb-Nutcher stated that the discussion was over as there was a motion on the floor.

Motion by Mr. Green, seconded by Ms. Weaver, to approve this case. Vote on the motion carried (5-0).

Fire Department:

1. FD-2019-01 – 9 Stone St.

Fire Inspector Nick Gerry provided an overview of the Case history and presented exhibits for the Board's review. Inspector Gerry testified that the Property Owner is in violation of FL NFPA 101 2015 Life Safety Code Chapter 7 Means of Egress 7.2.2.4.1.1 - Excerpt: Stairs and ramps shall have handrails on both sides. Fire Inspector Gerry stated a Notice of Hearing was sent on April 24, 2019 and property owner remains in violation.

Inspector Gerry requested that the Board find the Property Owner in violation and be given until June 3, 2019 (30 days) to come into compliance or impose a fine of two hundred dollars (\$200.00) per day until found in compliance and also a re-inspection fee due of one hundred eighty dollars (\$180.00).

Property Owner/Representative was present: Troy Stephan, Registered Agent & Stephan Properties of Florida, Inc.

Troy Stephan stated the tenants have occupied the building since 2012 and if there was any life safety issue this should have been corrected with the previous property owner. Mr. Stephan is requesting (60 days) rather than the (30 days) that the tenants are requesting. Inspector Gerry did not object to the Code Board amended the order to (60 days) July 16, 2019 to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance also to include the re-inspection fee of one hundred eighty dollars (\$180.00).

Property tenant was sworn in: Diana Lynn, 9 Stone St.

The tenant Diana Lynn was given time to speak on this matter. Ms. Lynn stated that there were over 12 violations which she corrected and paid out almost ten thousand dollars (\$10,000.00). She gave an overview of what has been going on at the property. She is concerned that they are giving Mr. Stephan too much time to fix the violations and is requesting that the property owner be given (30 days) and a fine of two hundred fifty dollars (\$250.00) be imposed until the violation is corrected. Mr. Gifford stated that Mr. Lightholder being a contractor and his stating that the property owner should be given (60 days) for the repairs.

Discussion amongst the Board members and staff. Motion by Mr. Lightholder, seconded by Mr. Brown, to amend Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (4-1) Ms. Weaver objected.

NON-COMPLIANCE:

1. CE-18-323 – 17 Travis Street

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner was in violation of *IX.Exterior General Condition Ch 6 Sec. 6-1003 (a) and XXXVI.Weeds, Ch 6 Sec. 6-1001(d)* of the City Code. Officer Murdick stated a Notice of Hearing was sent on January 30, 2019 and property owner remains in violation.

Property owner was not present.

Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Mr. Brown, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (5-0).

2. CE-18-449 – 324 Bellaire Ave.

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. Officer Murdick testified that the Property Owner was in violation of *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), IX.Exterior General Condition Ch 6 Sec. 6-1003 (a) and XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City Code. Officer Murdick stated a Notice of Hearing was sent on March 28, 2019 and property owner remains in violation.

Property owner was not present.

Discussion amongst the Board members and staff. Motion by Mr. Brown, seconded by Mr. Lightholder, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (5-0).

LIEN REDUCTION:

None

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on June 20, 2019.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:30 PM.

Approved on this 20 day of June, 2019.


Jim Gifford, Chairman


Darla Crowl, Recording Secretary

