

**Code Enforcement Board
Meeting Minutes
April 20, 2017**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, April 20, 2017 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
Michael Cicerrella	Board Member
Michael Klug	Board Member

MEMBERS ABSENT:

David Lightholder	Board Member
Bill Terrell	Board Member
Stephanie Moretta	Alternate Board Member

OTHERS PRESENT:

Nancy A. Bunt	Deputy Community Services Director
Dennis Bunt	Code Enforcement Manager
Eric Austin	Police Department - Major
Steven Murdick	Code Enforcement Officer
Michael Mack	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Rachel Unruh	Recording Secretary
Don Boisvert	Liaison

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Meeting Agenda: April 20, 2017

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled, and withdrawn).

Motion by Ms. Weaver, seconded by Mr. Cicerrella, to approve the agenda of April 20, 2017 as amended. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: March 16, 2017

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve the minutes of March 16, 2017, as amended. Vote on the motion carried unanimously.

NEW BUSINESS:

None

CASES:

1. CE 17-051 – 1413 Stetson Dr. East

Code Enforcement Officer Michael Mack provided an overview of the Case history and presented exhibits for the Board's review. Officer Mack testified that the Property Owner is in violation of Section 6-1001 (g) Accessory structures, Section 6-1003 (b) Protective treatment, Section 6-1003 (f) Exterior walls and Section 6-900 (b) (1) a-d Accumulation of trash / debris of City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until May 17, 2017 to come into compliance or impose a fine in the amount of one hundred dollars (\$100.00) per day until found in compliance.

Hashi Richards of Richards Legal LLC represented US Bank. Ms. Richards testified

Motion by Mr. Cicerella, seconded by Mr. Klug, to approve Staff's recommendation, amending the time frame from May 17, 2017 to June 21, 2017 and find the Property Owner in violation. Vote on the motion carried unanimously.

2. CE 17-056 – 1202 Princeton Rd.

This Case was found in compliance.

3. CE 17-073 – 504 N Fiske Blvd.

This Case was found in compliance.

4. CE 17-074 – 1107 Avon Pl.

Code Enforcement Officer Michael Mack provided an overview of the Case history and presented exhibits for the Board's review. Officer Mack testified that the Property Owner is in violation of Section 6-1003 (b) Protective treatment and Section 6-2003 Rental - local business tax receipt of City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until May 17, 2017 to come into compliance or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance.

Tony Helman, 1107 Avon Place, was sworn in. Mr. Helman testified that the home is not a rental that his mother purchased the home for him. Mr. Helman agreed to the time frame that staff recommended.

Discussion amongst the Board members, staff and Ms. Richards.

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

5. CE 16-438 – 3640 Brian Ct.

This Case was found in compliance.

6. CE 16-597 – 5555 Hwy 524

This Case was tabled.

7. CE 16-772 – 714 Johnson St.

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. Officer Mack testified that the Property Owner is in violation of Section 6-1003 (a) Exterior structure, Roof Damage, Section 6-1003 (b) Protective treatment, Roof Section 6-1003 (d) Structural Member, wall and foundation, Section 6-1003 (f) Exterior structure, exterior walls, Section 6-1003 (h) Decorative features, trim and corner pieces, Section 6-1003 (m) Window, door and frame, Window damage, Section 6-1003 (m) (1) Window Glazing, Window damage, Section 6-1003 (m) (2) window operational, Window damage, Section 6-1003 (n) Insect screens, Screen damage, Section 6-1003 (o) Doors, Exterior door damage, Section 6-1004 (c) Maintenance of interior structure, Holes in the ceiling, walls, and floor, Section 6-1204 (a-d) Water systems, Hot water heater, Section 6-1304 (a-c) Electrical equipment, exposed electrical wires Section 6-900 (b) (4) a-c, Maintenance of structure and grounds and Section 6-1203 (a-c) Plumbing fixtures, Sink, toilet, and shower of City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until May 30, 2017 to come into compliance or impose a fine in the amount of two hundred and fifty dollars (\$250.00) per day until found in compliance.

Elford N Phillip, 992 Woodycrest, Bronx, NY, was sworn in. Mr. Philips testified that the damage to the property is caused by the tenant. Mr. Phillip stated that the tenants will be moved out of the home by the end the month. He also stated that the tenant calls the police every time he arrives at the home to make repairs. Mr. Phillip explained he wants to demo the home instead of remodeling the home.

Discussion amongst the Board members, staff and Mr. Phillip.

Motion by Mr. Cicerrella, seconded by Mr. Klug, to amend Staff's recommended time frame from May 20, 2017 to June 21, 2017 and find the Property Owner in violation. Vote on the motion carried unanimously.

8. CE 16-822 – 436 Stone St.

This Case was tabled.

9. CE 16-796 – 17 Travis St.

Moved to non-compliance, # 8.

10. CE 17-044 – 2381 W Sherwood Cir.

This Case was found in compliance.

11. CE 17-067 – 310 Churchill 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 is in violation of Section 6-1001 (g) Accessory structures, fence damage of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until May 20, 2017 (30 days) to come into compliance or impose a fine in the amount of twenty-five dollars (\$25.00) per day until found in compliance. The Owner was not present. Discussion amongst the Board members and Staff. Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

12. CE 17-087 – 712 S Fiske Blvd.

This Case was found in compliance.

13. CE 17-088 – 531 Blake Ave.

This Case was tabled.

14. CE 17-129 – 208 Aurora St.

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 is in violation of Section 6-1001 (g) Fence damage, Section 6-1001 (d) High grass & weeds and Section 6-1003 (d) Protective treatment of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until May 20, 2017 (30 days) to come into compliance or impose a fine in the amount of seventy-five dollars (\$75.00) per day until found in compliance. The Owner was not present. Discussion amongst the Board members and Staff. Motion by Mr. Klug, seconded by Mr. Cicerrella, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

15. CE 17-210 – 2753 Cherbourg Rd.

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 is in violation of App. A, Art. XIII, Sec. 22, Tree protection and preservation of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and enter an Order of irreversible/irreparable and a onetime fine of two thousand and five hundred dollars (\$2,500.00).

Lora Creecy, 2753 Cherbourg Rd, was sworn in. Ms. Creecy testified that she was unaware that the trees belonged to the City and that there are rules for trimming trees in the City.

Discussion amongst the Board members and Ms. Creecy.

Manager Dennis Bunt stated for the record that the City Arborist has been to the property and inspected the trees.

Ms. Weaver asked if the trees can be mitigated and replaced by the City.

Additional discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Cicerrella, to approve Staff's recommendation and find the Property Owner in violation and a onetime fine of two thousand and five hundred dollars (\$2,500.00). Vote on the motion carried 4 to 1, Ms. Weaver objected.

NON-COMPLIANCE:

1. CE 10-225 – 915 School St.

This Case was withdrawn.

2. CE 16-771 – 1052 Myrtle Ln.

This Case was tabled.

3. CE 16-787 – 1214 Princeton Dr.

This Case was found in compliance

4. CE 16-809 – 1059 Cypress Ln.

Code Enforcement Officer Michael Mack provided an overview of the Case history and presented exhibits for the Board's review. Officer Mack testified that the Property Owner is in violation of Section 6-2003 Rental business tax of the City of Cocoa Code. Officer Mack stated that the Case was heard on February 16, 2017 and the Property Owner was given until March 8, 2017 to correct the violation or impose a fine in the amount of two hundred and fifty dollars (\$250.00) plus the cost of the Rental Business Tax Receipt. Officer Mack requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of two hundred and fifty dollars (\$250.00) plus the cost of the Rental Business Tax Receipt.

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to accept Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously.

5. CE 17-007 – 717 Ixora Ave.

This Case was found in compliance

6. CE 17-032 – 515 S Carolina Ave.

This Case was tabled.

7. CE 17-037 – 1055 Mitchell St.

Code Enforcement Officer Steve Murdick gave testimony that the property owner has filed an eviction and staff recommends tabling the case until the court case has been resolved.

Motion by Mr. Brown, seconded by Mr. Klug, to accept Staff's recommendation and tabled until May 18, 2017 CEB meeting. Vote on the motion carried unanimously.

8. CE 16-796 – 17 Travis St.

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 is in violation of Section. 6-1003 (g) Roofs and drainage, Roof damage, Section. 6-1003 (b) Protective treatment, Peeling, flaking, stained paint and Section. 6-1001 (d) High grass, weeds, and overgrowth of the City of Cocoa Code. Officer Murdick stated that the Case was heard on February 16, 2017 and the Property Owner was given until April 3, 2017 to correct the violation or impose a fine in the amount of seventy-five dollars (\$75.00) per day until found in compliance. Officer Murdick requested that

the Board find the Property Owner in non-compliance impose a fine in the amount of seventy-five dollars (\$75.00) per day until found in compliance until found in compliance.

Aaron Reninger, 307 Delannoy Ave, was sworn in. Mr. Reninger testified that he and his step-brother have been working on the property and they have painted, repaired the roof and mowed. Mr. Reninger explained he was confused on what date the property needed to be in compliance by.

Officer Murdick stated that the property has improved greatly since the initial photos were taken, however the repair on the roof hasn't been completed.

Discussion amongst Board members, staff and Mr. Reninger.

Debra Babb-Nutcher stated the Board can table the case until next meeting but if the property doesn't comply by that date the fine will start from the original Board Order dated February 16, 2017.

Motion by Mr. Brown, seconded by Mr. Cicerrella, to table the case until May 18, 2017 meeting. Vote on the motion carried unanimously.

Mr. Cicerrella departed meeting at 6:56pm.

9. CE 17-029 – 1723 Dixon Blvd.

Code Enforcement Officer Michael Mack provided an overview of the Case history and presented exhibits for the Board's review. Officer Mack testified that the Property Owner is in violation of Section 6-900 (b) (4) a-c maintenance of structure / grounds and Section 6-1003 (b) Protective Treatment of the City of Cocoa Code. Officer Mack stated that the Case was heard on March 16 18, 2017 and the Property Owner was given until April 16, 2017 to correct the violation or impose a fine in the amount of two hundred and fifty dollars (\$250.00) per day until found in compliance. Officer Mack requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of two hundred and fifty dollars (\$250.00) per day until found in compliance.

Motion by Ms. Weaver, seconded by Mr. Klug, to accept Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously, Mr. Cicerrella was not present for vote.

LIEN REDUCTION/FORGIVENESS:

1. 920 Grove Ave.

This Case was withdrawn.

DEMOLITION APPEALS:

1. 1105 Grove Ave.

Manager Dennis Bunt gave background for the property at 1105 Grove Ave. Mr. Bunt stated that current property owner is Amy Y. Ambrosch and the property was condemned by Scott Davis, Building Official on January 24, 2017. As of today the property still remains open and unsecured. The property has had no running water since April 2009. The property has a water lien in the amount of \$447.12, which was recorded on 8/21/2015. Ms. Ambrosch appealed the demolition at the February 16, 2017 and was given 60 days to remove her personal belongings and sell it or the City will move forward with the demolish process. Mr. Bunt stated that the Deputy Director

requested Ms. Ambrosch provide monthly progress updates, Ms. Ambrosch agreed she would and she has not provided any monthly progress updates, however she has requested an additional 60 days.

Mr. Bunt stated staff request permission to continue with the demolition process as the property is unsafe, unsecured and deemed a public nuisance.

Amy Ambrosch, 1718 Palmer Ln, Rockledge, was sworn in. Ms. Ambrosch testified she miss placed the Order she received regarding the time frame. She stated she has been working on the home and stated she needs more time. Ms. Ambrosch explained she has a buyer for the house.

Mr. Cicerrella returned to the meeting at 7:02pm.

Discussion amongst the Board members and Ms. Ambrosch.

Lionel Cuggia, 3050 Boulevard Becancour, Canada, was sworn in. Mr. Cuggia stated he wants to buy the property and to rehab the house.

Additional discussion amongst Board members, staff, Mr. Cuggia and Ms. Ambrosch.

Debra Babb-Nutcher explained to the Board member that a motion could be made that Ms. Ambrosch has a specified date and once that date expires the demo could proceed by order of the Board.

Mr. Gifford recommended that the Board follow counsel's suggestion.

Motion by Mr. Brown, seconded by Mr. Klug, to give the property owner 30 days to provide the City with a detailed time frame of the work to be completed or the City moves forward with the demo process. Vote on the motion carried unanimously.

2. 1057 Park Dr.

This Case was found in compliance.

3. 902 N Varr Ave.

This Case was withdrawn.

4. 1047 Park Dr.

Manager Bunt gave background for the property at 1047 Park Drive was condemned by Scott Davis the Building Official on February 9, 2017. Mr. Bunt stated that the current property owner is Grand International Holdings USA Inc, 3050 Boulevard, Bécancour QC G9H 3V9, Canada. The representative, Mr. Lionel Cuggia has requested to appeal the demolition of the structure located at 1047 Park Drive, Cocoa. As of today, the property still has code violations. The property has had no running water since February 2014.

Mr. Bunt stated staff recommends the property owner be given 120 days to correct all code violations outlined by the Building Official or the City will continue with the demolition process. Additionally, the property owner shall provide to staff within 30 days a timeline for correction.

Mr. Lionel Cuggia has been sworn in. Mr. Cuggia stated that the staff's recommendation is acceptable.

Mr. Bunt explained to Mr. Cuggia what the City will need on the timeline that he will provide to the City regarding the repairs.

Motion by Mr. Cicerrella, seconded by Mr. Klug, to approve staff's recommendation. Vote on the motion carried unanimously.

5. 1205 Japonica Ln.

Manager Dennis Bunt gave background for the property at 1205 Japonica Lane was condemned by Scott Davis the Building Official on March 10, 2017. Mr. Bunt stated that the current property owner is Innova Investment Group LLC; Izaro Etxea Llc, C/O South Milhausen Pa, 1000 Legion Pl Ste 1200, Orlando FL 32801. The representative, Mr. Nicolas Camino has requested to appeal the demolition of the structure located at 1205 Japonica Lane, Cocoa. As of today, the property still has code violations. The property has had no running water since October 2011.

Mr. Bunt stated staff recommends the property owner be given 120 days to correct all code violations outlined by the Building Official or the City will continue with the demolition process. Additionally, the property owner shall provide to staff within 30 days a timeline for correction.

Owner was not present.

Mr. Bunt stated for the record that the property owner was given notice of the Hearing.

Motion by Ms. Weaver, seconded by Mr. Cicerrella, to approve staff's recommendation. Vote on the motion carried unanimously.

6. 630 Peachtree St.

Manager Dennis Bunt gave background for the property at 630 Peachtree Street was condemned by Scott Davis the Building Official on March 10, 2017. Mr. Bunt stated that the current property owner is Cindy Ann Mc Farr & Paul H Burcham Jr. Et Al, 1401 Elizabeth Avenue, Cocoa FL 32922. The property owner has requested to appeal the demolition of the structure located at 630 Peachtree Street, Cocoa. As of today, the property still has code violations. The property has had no running water since April 2014.

Mr. Bunt stated staff recommends the property owner be given 120 days to correct all code violations outlined by the Building Official or the City will continue with the demolition process. Additionally, the property owner shall provide to staff within 30 days a timeline for correction.

Cindy McFarr, 1401 Elizabeth Ave, was sworn in.

Rory McFarr, 129 Grace Ave, was sworn in.

Raymond McFarr, 1401 Elizabeth Ave, was sworn in.

Raymond McFarr testified that Ms. McFarr and her family inherited the property when her mother passed away. Mr. McFarr stated they are the only ones involved in repairing the home. He continued with saying they have already begun to clean up the yard and have completed some repairs. He also stated they have had a few estimates given to them for the roof. Mr. McFarr explained that 120 days would not be enough time.

Discussion amongst the Board and the McFarr family.

Mr. Bunt explained to the Board the 120 days that is being recommended is what is in the Code. And the City will need to see progress in order for the time frame of the 120 days to be extended and that determination would be made by the Building Official.

Additional discussion amongst the Board members, staff and the McFarr Family.

Motion by Ms. Weaver, seconded by Mr. Klug, to approve staff's recommendation. Vote on the motion carried unanimously.

7. 1333 Audubon Dr.

Manager Dennis Bunt gave background for the property at 1333 Audubon Drive was condemned by Scott Davis the Building Official on March 10, 2017. Mr. Bunt state that the current property owner is Gladys Thomas, 36 Madison Circle, Rockledge, FL 32955. On behalf of the property owner, Jim Thomas, her son has requested to appeal the demolition of the structure located at 1333 Audubon Drive, Cocoa. As of today, the property still has code violations. The property has had no running water since November 2014.

Mr. Bunt stated staff recommends the property owner be given 120 days to correct all code violations outlined by the Building Official or the City will continue with the demolition process. Additionally, the property owner shall provide to staff within 30 days a timeline for correction.

Joe Thomas, 1915 Stonehurst, Winter Park, was sworn in. Mr. Thomas testified that he had a dumpster delivered to the property and the property has been cleaned out. Mr. Thomas stated he has the property being mowed on a regular basis, it's been boarded up and it's posted for no trespassing. Mr. Thomas agreed to the staff recommendation and asked for staff to meet with him to review what all needs to be done to the structure to be it into compliance.

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve staff's recommendation. Vote on the motion carried unanimously.

8. 1208 Yale Ln.

This Case was withdrawn.

9. 915 Grove Ave.

This Case was tabled.

OTHER BUSINESS:

I. Rental Business Tax Receipts

1. CE-17-220 - 1128 Lake Dr.

2. CE-17-221 - 900 Dixon Blvd.

This Case was found in compliance.

3. CE-17-222 - 304 Edinburgh Dr.

This Case was found in compliance.

4. CE-17-223 - 3715 Crossbow Dr.

This Case was found in compliance.

5. CE-17-224 - 1209 Cypress Ln

This Case was found in compliance.

6. CE-17-225 - 357 Stone St.

7. CE-17-226 - 1863 Longleaf Rd.

This Case was found in compliance.

8. CE-17-227 - 1329 Audubon Dr.

This Case was found in compliance.

9. CE-17-228 - 140 Lynell Ln

10. CE-17-229 - 2821 Kenyon Ave.

This Case was found in compliance.

11. CE-17-230 -1514 Clearlake Rd. #31

This Case was found in compliance.

12. CE-17-231 - 800 N Fiske Blvd Unit 103

This Case was found in compliance.

13. CE-17-232 - 1711 Dixon Blvd Unit 197

14. CE-17-233 - 440 S Cocoa Blvd

This Case was found in compliance.

15. CE-17-234 - 590 W King St.

This Case was found in compliance.

16. CE-17-235 - 1050 N Fiske Blvd Unit 303

This Case was found in compliance.

17. CE-17-236 - 614 S Carolina Ave.

18. CE-17-237 - 1800 University Ln 104

This Case was found in compliance.

19. CE-17-238 - 1045 Alamanda Ln

This Case was found in compliance.

20. CE-17-241 - 140 Grimes St

This Case was found in compliance.

21. CE-17-244 - 1837 Baylor Ct

This Case was found in compliance.

22. CE-17-248 - 508 Donley St.

This Case was found in compliance.

Manager Dennis Bunt recommended that the cases CE-17-220, CE-17-225, CE-17-229, CE-17-230, CE-17-232 and CE-17-236 be found in non-compliance for the violation of Section 6-2003 Rental/Business Tax Receipt.

Motion by Mr. Brown, seconded by Ms. Weaver, to find the above addresses in non-compliance. Vote on the motion carried unanimously.

II. Lien Reduction Settlement

1. 909 School St.

CS Deputy Director Nancy Bunt gave a brief report to the history of the property and presented the Settlement Agreement to the Board for review.

Mrs. Bunt stated staff has requested that the Board approve the Code Enforcement Lien Reduction Agreement drafted by the City Attorney's office pursuant to 6-707 of the Cocoa City Code. Upon the Code Enforcement Board and City Council conditionally agreeing to reduce the code liens to One thousand nine hundred ninety six dollars and sixty six cents (\$1,996.66), which is the amount of the fixed liens, plus \$750 for administrative costs.

Motion by Mr. Cicerella, seconded by Mr. Klug, to approve staff's recommendation for the agreement on the property. Vote on the motion carried unanimously.

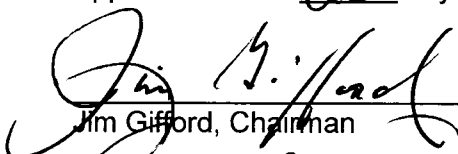
NEXT MEETING:

The Board members established that the next meeting would be held on May 18, 2017.

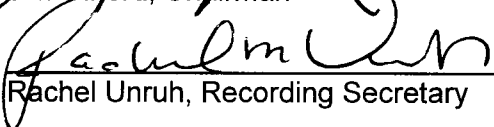
ADJOURNMENT:

There being no further business the meeting adjourned at 7:46 PM.

Approved on this 20th day of April, 2017.



Jim Gifford, Chairman



Rachel Unruh, Recording Secretary

