

**Code Enforcement Board
Meeting Minutes
April 18, 2019**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, April 18, 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 Arrived 6:06
Michael Klug	2 nd Alternate
Edward Green	Board Member

MEMBERS ABSENT:

David Lightholder	Board Member
Michael Cicerella	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
Alex Goins	Councilman
Jake Williams	Mayor
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: April 18, 2019

Motion by Mr. Green, seconded by Mr. Brown, to approve the agenda of April 18, 2019. Vote on the motion carried unanimously (4-0).

2. Approval of Minutes: March 28, 2019

Motion by Mr. Brown, seconded by Mr. Klug, to approve the minutes of March 28, 2019. Vote on the motion carried unanimously (4-0).

NEW BUSINESS:

As of April 12, 2019 Stephanie Moretto has resigned from the Code Board.

CASES:

1. CE-18-161 – 1214 Dixon Blvd

This case was tabled.

2. CE-18-312 – 3205 Nottingham Lane

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)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until May 18, 2019 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Property owner was not present.

Code Enforcement Manager Bunt stated that he has spoken with the owner several times and was told that their attorney provided a letter which was given to each Board Member to look over. The letter was based on the case from the hurricane which discussed the home owners insurance and the amount of money to get the repairs done. The property owner understood why this was being brought before the Code Board because of the length of time of violation. Manager Bunt stated that the property owner was aware that if any liens were put on the property that they could ask for a lien reduction once the property was repaired and in compliance.

Discussion amongst the Board members and staff.

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

3. CE-18-542 – 2380 W Sherwood Cir.

This case complied.

4. CE-18-635 – 3011 Sandgate Ct.

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 *XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), I. Accessory Structures Ch 6 Sec. 6-1001 (g) and XXII. Permit Required App A Art. XV Sec 2 (a)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until May 18, 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.

Discussion amongst the Board members and staff.

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

5. CE-18-659 - 4002 Sandgate Ct.

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 *XX. Parking in Yard Ch 6 Sec. 6-900 (b)(9), XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and I. Accessory Structures Ch 6 Sec. 6-1001 (g)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until May 18, 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. Brown, 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).

6. CE-19-116 – 500 S Cocoa Blvd.

This case was tabled.

7. CE-18-620 – 215 Riverside Drive

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)*, *XXII.Permit Required App A Art. XV Sec 2 (a)* and *XII.Handrails/ Guardrails Ch 6 Sec. 6-1003 (l)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until May 18, 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 not present.

Discussion amongst the Board members and staff. Mr. Klug asked if the property was occupied. Officer Murdick stated that the property was occupied and the handrails had been removed then replaced without a permit.

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

8. CE-19-079 – 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)* and *XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until May 18, 2019 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

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

Attorney Coleman brought pictures that were taken of the property as of April 18, 2019 according to the person that took the pictures. The Code Board members and Attorney Babb Nutter asked if the pictures that he provided were taken that day and he stated yes they were. Attorney Coleman stated that he was unclear of what was still in violation on the property as far as the outdoor storage. Manager Bunt stated that he wanted staff to confirm that all of the outdoor storage had been cleaned up before closing the case since the pictures that Officer Briggs had been taken earlier that day which still showed none of the items had been removed. Manager Bunt stated that Code Enforcement would go to the property with the Attorney and clarify what needed to be removed. Code Board members stated that the pictures did not match the pictures Officer Briggs had provided. Manager Bunt stated that the protective treatment and fascia were still not taken care of. Manager Bunt stated that he would give the property owner 30 days to clear up the violations. Attorney Coleman disagreed with Code Enforcement about the property not being in compliance. Manager Bunt and Officer Briggs stated the house still needed to be painted and the mold and mildew needs to be taken care of.

Chairman Gifford stated that he thought the Board should table this case until Officer Briggs and the property owner can go to the property together to make clear what items are still in violation.

Motion by Mr. Green, seconded by Mr. Klug, to table this case. Vote on the motion carried (4-1) Ms. Weaver opposed.

9. CE- 19-114 – 1102 Lake Dr.

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 *Il.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until May 18, 2019 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Discussion amongst the Board members and staff. Mr. Gifford asked if he spoke with the owner and Officer Briggs stated that the property was owner not too concerned. Manager Bunt stated that this was an ongoing problem.

Motion by Ms. Weaver, seconded by Mr. Green, to amend the Staff's recommendation and find the Property Owner in violation and a fine of \$125.00 per day until found in compliance. Vote on the motion carried unanimously (5-0).

10. CE-18-198 – 402 N Carolina Ave.

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 *Animals & Fowl Ch 5 Art II Sec 5-35* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until May 18, 2019 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Property owner was sworn in: James Bifano, 1925 Tournament Dr., Apopka, FL 32712

Discussion amongst the Board members and staff. Mr. Bifano stated that he rents this property and the chickens do not belong to him or his tenants. Attorney Babb Nutter asked Manager Bunt what the code language was for chickens. Manager Bunt stated that they are prohibited unless you get a permit from Planning & Zoning and are able to have up to 4 if they are caged. Manager Bunt gave an overview of the case which went back as far as Officer Mack. There was a chicken coop on the property with the chickens that are shown in the pictures. Manager Bunt stated the tenant took down the coop and let the chickens roam but the chickens always come back to the property. Mr. Klug asked if the chickens could be picked up. Officer Briggs explained that he had spoken with Mr. Bifano and told him of the fee of \$55.00 per chicken to be picked up. Mr. Bifano was disputing what he was told by Manager Bunt prior. Manager Bunt explained that yes he did talk to Mr. Bifano about other chickens on N Georgia but the chickens on Mitchell and N Carolina come to his property. Mr. Bifano stated that the chickens that were at the property were taken off and Officer Briggs stated that he goes through the neighborhood every day and the chickens are still there at that location. The Board explained that he needed to either get rid of the chickens or Code Board calls animal control and Mr. Bifano be charged for the chickens.

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

Fire Department:

1. FD-2019-01 – 9 Stone St.

Fire Inspector Nick Gerry asked the Board members to table as there was an issue with service.

Motion by Mr. Brown, seconded by Ms. Weaver, to table the case. Vote on the motion carried unanimously (5-0).

This case was table.

NON-COMPLIANCE:

1. CE-18-516 – 123 Factory 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 *V.Business Tax Receipt Ch 12 Sec. 12-1 (a)(b) and XXXVI.Weeds, Ch 6 Sec. 6-1001(d)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on April 7, 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. Green, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (5-0).

2. CE-18-323 – 17 Travis St.

This case was tabled.

3. CE-18-195 – 1320 N Fiske 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 is in violation of *IX.Exterior General Condition Ch 6 Sec. 6-1003 (a), XXXV.Trailers In Yard, Ch 6 Sec. 6-900 (b)(15), XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9) and XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on April 7, 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. Klug, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (5-0).

4. CE-18-183 – 315 Belmont 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 *IX.Exterior General Condition Ch 6 Sec. 6-1003 (a)*, *II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d*, *I.Accessory Structures Ch 6 Sec. 6-1001 (g)* and *XXXVI.Weeds, Ch 6 Sec. 6-1001(d)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on April 7, 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. Green, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (5-0).

5. CE-18-095 – 515 S Wilson 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 is in violation of *II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d*, *XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* and *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on April 7, 2019 and property owner remains in violation.

Property owner was not present.

Chairman Gifford requested that this case be tabled until the next meeting. Manager Bunt stated he had no objection. Motion by Mr. Green, seconded by Ms. Weaver, to table. Vote on the motion carried unanimously (5-0).

6. CE-18-043 – 410 N Fiske 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 is in violation of *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)*, *I.Accessory Structures Ch 6 Sec. 6-1001 (g)*, *XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9)* and *XXII.Permit Required App A Art. XV Sec 2 (a)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on April 7, 2019 and property owner was in compliance 21 days after the date of the Board Order.

Property owner was present.

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

7. CE-18-190 – 212 Bedford Pl.

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 *XXX.Storage of Rec. Vehicles, App A Art. XIII Sec 14 (a-d), XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9), XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and I.Accessory Structures Ch 6 Sec. 6-1001 (g) of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on April 7, 2019 and property owner remains in violation.*

Property owner was sworn in: Jonathon Brewer, 212 Bedford Pl, Cocoa, FL 32922

Discussion amongst the Board members and staff. Mr. Brewer stated that he inherited the property and was trying to clean up property. Mr. Gifford went over the process and explained that he needed to get the property cleaned up and get an inspection so that the fines stop. The property is still listed in his grandmother's name.

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

8. FD-2018-03 – 1072 Clearlake Rd.

Fire Inspector Nick Gerry provided an overview of the Case history and presented exhibits for the Board's review. Fire Inspector Gerry testified that the Property Owner is in violation of Fire Alarm Ch 6 Sec. 6-205 of the Florida Fire Prevention Code. FL NFPA 01 2015 Chapter 13 Fire Protection Systems, of the City of Cocoa Code. Fire Inspector Gerry stated a Notice of Hearing was sent on March 27, 2019 and property owner remains in violation.

Property owner was not present.

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

9. FD-2018-04 – 1030 Clearlake Rd.

Fire Inspector Nick Gerry provided an overview of the Case history and presented exhibits for the Board's review. Fire Inspector Gerry testified that the Property Owner is in violation of Fire Protection and Prevention, Chapter 6 Sec. 6-205, adopted Florida Fire Prevention Code NFPA 1 Fire Code, Chapter 18, Sec. 18.2.3.5.3 Fire lanes shall be within sight of the traffic flow and be a maximum of 60 feet apart with such signs 12 in by 18 inches, of the City of Cocoa Code. Fire Inspector Gerry stated a Notice of Hearing was sent on March 27, 2019 and property owner remains in violation.

Property owner was not present.

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

10. FD-2018-05 - 1072 Clearlake Rd.

Fire Inspector Nick Gerry provided an overview of the Case history and presented exhibits for the Board's review. Fire Protection and Prevention, Chapter 6 Sec.6-205, adopted Florida Fire Prevention Code NFPA 25 Standard for Water Base Fire Protection Systems Chapter 4, Sec. 4.1.10.1 Sprinkler Impairments and NFPA 14 Standard for Installation of Standpipe and Hose Systems Ch. 6 Sec. 6.4.6 Fire Dept. Connection Height shall not be more than 48" in above ground, of the City of Cocoa Code. Fire Inspector Gerry stated a Notice of Hearing was sent on March 27, 2019 and property owner remains in violation.

Property owner was not present.

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

LIEN REDUCTION:

1. CE-11-665 – 1220 Duke Way

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

This case was tabled.

2. CE -12-909 – 1220 Duke Way

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

This case was tabled.

OTHER BUSINESS:

Manager Bunt introduced the New Code Enforcement Officer Johaquin Rodriguez.

Attorney Babb Nutcher informed the Board members that the Tiny Home property owners appealed and just recently received order affirming the Boards order. Manager Bunt stated that the fines will start as of the date of the Boards Order.

NEXT MEETING:

The Board members established that the next meeting would be held on May 16, 2019.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:04 PM.

Approved on this 16 day of May, 2019.


Jim Gifford, Chairman


Darla Crowl, Recording Secretary

