

**Code Enforcement Board
Meeting Minutes
March 28, 2019**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, March 28, 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
Michael Klug	2 nd Alternate

MEMBERS ABSENT:

Stephanie Moretto	Board Member
David Lightholder	Board Member
Edward Green	Board Member
Michael Cicerella	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Mike Dellatorre	Police Lieutenant
Julian Briggs	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
Don Boisvert	Councilman/Liaison
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: March 28, 2019

Motion by Ms. Weaver, seconded by Mr. Brown, to approve the agenda of March 28, 2019 as amended. Vote on the motion carried unanimously (4-0).

2. Approval of Minutes: February 21, 2019

Motion by Mr. Brown, seconded by Mr. Klug, to approve the minutes of February 21, 2019 as written. Vote on the motion carried unanimously (4-0).

NEW BUSINESS:

None

CASES:

1. CE-18- 084 – 2901 Slippery Rock 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 *I.Accessory Structures Ch 6 Sec. 6-1001 (g)*, *II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d* and *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 April 28, 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. Brown, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (4-0).

2. CE-18-103 – 540 St. John 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 was in violation of *IX.Exterior General Condition Ch 6 Sec. 6-1003 (a)*, *XXXVI.Weeds, Ch 6 Sec. 6-1001(d)*, *I.Accessory Structures Ch 6 Sec. 6-1001 (g)* and *XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until February 28, 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: David L. McConnell, 540 St John St, Cocoa

David McConnell spoke to the Board members stating that he would need more time to fix the property. Code Enforcement Manager Bunt gave more background about items to be corrected and stated that he would need to get in contact with the Planning and Zoning Department.

Mr. Gifford asked Officer Murdick if he had visited the property and he stated that he had not but has talked with the property owner on the phone several times. Manager Bunt also discussed fixing the life safety issues for the property to come into compliance. Mr. Brown asked about the yard waste on the property in the pictures and why it hadn't been picked up. Mr. McConnell discussed the yard waste on the property was not being picked up by Waste Management and stated that he pays for this service. Manager Bunt explained to the Board members and Mr. McConnell that for commercial property you have to call and schedule for a pick up and pay for it or take it to the landfill and drop it off. Discussion amongst the Board members and staff to amend the amount of days to (60 days) May 28, 2019 to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Motion by Ms. Weaver, seconded by Mr. Klug, to amend Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (4-0).

3. CE-18-109 – 409 Prospect 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 *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 April 28, 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: Rachel M Jackson & Rakelle Rowe, P O Box 237901, Cocoa, FL 32922

Ms. Jackson gave an overview of what was going on with the property and the insurance company. A company came out and did mold remediation on the property and stated to the property owner that she would have to gut the house down to the studs. Manager Bunt stated that the contractor doing the mold remediation was required to pull a permit for in interior demolition. Ms. Jackson gave Officer Murdick a copy of the attorney letter and the contractor's information.

Discussion amongst the Board members to amend the amount of day to (90 days) June 27, 2019 to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Motion by Ms. Weaver, seconded by Mr. Brown, to amend the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (4-0).

4. CE-18-202 – 724 Stone 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 was in violation of 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 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 April 28, 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 not present.

Motion by Mr. Brown, seconded by Ms. Weaver, to approve the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (4-0).

5. CE-18-331 – 122 Rosa L Jones 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 XXVII.*Protective Treatment, Ch 6 Sec. 6-1003 (b)*, XXIX.*Roofs & Drainage, Ch 6 Sec. 6-1003 (g)*, XXXII.*Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)* 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 April 28, 2019 (30 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance. Mr. Brown asked if anyone had been inside the property and Officer Murdick stated that he had not. Manager Bunt stated due to the condition of the home it should be considered for demolition. Discussion amongst the Board members and staff to amend the amount of days to (60 days) May 28, 2019 to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Property owner was not present.

Motion by Mr. Klug, seconded by Mr. Brown, to amend the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (4-0).

6. CE-18-345 – 3221 Nottingham 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 *I.Accessory Structures Ch 6 Sec. 6-1001 (g)* and *XXXVI.Weeds, Ch 6 Sec. 6-1001(d)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until April 28, 2019 (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: James L Conley Jr., 3221 Nottingham Ln, Cocoa

Discussion amongst the Board members and staff. Mr. Conley stated that he was supposed to be out of town for just a few months but was not able to return for 30 months due to work. Mr. Conley explained that he would be able to clean up the property within the 30 days.

Motion by Mr. Klug, seconded by Ms. Weaver, to approve the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (4-0).

7. CE-18-449 – 324 Bellair 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 *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 requested that the Board find the Property Owner in violation and be given until April 28, 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.

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 (4-0).

8. CE-18-488 – 1630 Ridge Dr.

This case was complied.

9. CE-18-505 – 304 Edinburgh 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 *XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until April 28, 2019 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Property representative and tenant were sworn in: Rebekka Townsend, 3770 Bryce St, Cocoa, Daniel McLane (tenant) 304 Edinburgh Dr. Cocoa

Discussion amongst the Board members and staff. Mr. McLane and Ms. Townsend had questions about the screen porch items. Officer Murdick and Manager Bunt explained that the items shown in the pictures were items that cannot be stored on a screen porch. Ms. Townsend had questions about putting a fence on her property. Manager Bunt explained what was needed for fencing and that she would need to contact the Building Department for more information.

Motion by Mr. Klug, seconded by Ms. Weaver, to approve the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (4-0).

10. CE-19-044 – 907 Fern Ave.

This case was complied.

11. CE-18-623 – 1035 W King 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 *XV. Maint of Struct/Grounds Ch 6 Sec. 6-900 (b)(4) a-c and XVIII. Min. Maint. To Struct Ch 6 Sec. 6-1000 (a,b)* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until April 28, 2019 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Property Representative was sworn in: Damon Bastin (Maintenance Manager), 2060 Leather Fern Dr, Ocoee, FL 34761

Manager Bunt stated that he spoke with a representative for the company and they requested a (90 day extension) to fix the overhang where the gas pumps used to be, the sign facing and the yard waste. Staff does not object to the (90 days). Mr. Bastin representative for the property went over the items that needed to be fixed. Mr. Bastin said that (60 days) should be sufficient time to fix all of the items. Discussion amongst the Board members and staff to amend the amount of days to (60 days) May 28, 2019 to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Motion by Ms. Weaver, seconded by Mr. Klug, to amend the Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (4-0).

12. CE-18-491 – 1219 Cypress Ln.

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 *XXXII. Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and Ch 20, ART III Sec 20-58 - Parking buses, large trucks in residential areas or on streets* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until April 28, 2019 (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: James Hill, 1219 Cypress Ln, Cocoa

Discussion amongst the Board members and staff. Mr. Gifford had questions about the big trucks parked in the yard. Manager Bunt explained to Mr. Brown that there are cars parked in the yard at different times with or without tags which is not permitted. Mr. Brown stated that he will move the tractor trailer, stop parking the random cars in the yard and get a tag for the vehicle that is under the carport.

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 (4-0).

REPEAT VIOLATION:

None

NON-COMPLIANCE:

1. CE-18-023 – 801 Dixon 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 *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 February 27, 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. Klug, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (4-0).

2. CE-17-700 – 515 Paw Paw 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 *XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*, *XXXVI. Weeds, Ch 6 Sec. 6-1001(d)*, *Ch 6 Sec. 6-1003(a)* and *Ch 6 Sec. 6-900(b)(7) Fail to Secure Structure*, of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on February 27, 2019 and property owner remains in violation.

Property owner was not present.

Discussion amongst the Board members and staff. Officer Murdick stated that this case was brought before the Board and at that time there was a demo in the works. Officer Murdick also stated that somehow the property was able to get power restored. At this time FPL has disconnected the power and the demo had been put on hold for that period of time. Officer Murdick has been in contact with the property manager prior but has not had any further contact. Manager Bunt stated that the Board gave her extended length of time because she had quotes from a roofing contractor and was going to get a general contractor. Code Enforcement waited for her to get in contact with them but as of September of 2018 there has still been no contact. Manager Bunt stated that the demo will be moving forward as this property is a safety issue.

Discussion amongst the Board members and staff. 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 (4-0).

3. FD-2018-02 – 1066 Clearlake Rd.

Fire Inspector Nick Gerry 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 Ch 6 Sec. 6-205 *Fire Alarm System*, of the City of Cocoa Fire Code. Fire Inspector Gerry stated a Notice of Hearing was sent on March 6, 2019 and property owner remains in violation.

Property owner was not present.

Discussion amongst the Board members and staff. Fire Inspector Gerry gave an overview of the case. The Code Board gave an extension of time of (160 days) the date of February 16, 2019 and keep in contact with the Fire Inspector every (90 days) to let him know how the process is coming on the property. Fire Inspector Gerry received a copy of the Notice of Hearing and an attached construction estimate for a Fire Alarm System for the property at 1068 Clearlake Rd in the amount of \$23,550.00 from Archangel Engineering with no explanation for the estimate. Fire Inspector Gerry did a Fire inspection on February 19, 2019 and the property failed the inspection.

Discussion amongst the Board members and staff. 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 (4-0).

LIEN REDUCTION:

1. CE-11-628 – 703 N. Carolina Ave.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Manager Bunt stated the Code Enforcement Board held a public hearing on September 15, 2016 the Code Enforcement Board found the property owner, Susan Holcomb, in violation of Ch 6 Sec. 6-900(b)(1) (a-d) Entire Property, Ch 6 Sec. 6-1203(a-c) Clean Out Cap, Ch 6 Sec. 6-900(b)(4) (a-c) Screen and Ch 6 Sec 6-2003 Rental Tax Receipt, of the City of Cocoa Code. The lien ran at twenty-five dollars (\$25.00) per day from August 4, 2011 until compliance was achieved on February 15, 2019. The total amount of the lien is \$8,130.00 and the current owner, Ocala LLC is requesting that the lien be reduced to \$500.00 due to the fact that the violations were imposed against the previous owner and he was not responsible until after the purchase.

Manager Bunt based the reduction on the following factors. Whether the current owner owned the property at the time of the violation which Ocala LLC did not. How many if any previous Code Enforcement cases were on the property or the current property owner at this time Ocala LLC has none.

The number of violations subject to the lien were four (4). Manager Bunt stated that the property value is \$43,430.00 according to Brevard County Property Appraiser.

Based on the factors in the staff report, staff recommended the lien be reduced to \$1,606.86.

Property owner was present but did not wish to speak.

Motion by Ms. Weaver, seconded by Mr. Brown, to recommend to City Council the lien reduction be in the amount of one thousand six hundred six dollars and eighty-six cents (\$1,606.86). Vote on the motion carried unanimously.

2. CE-17-550 – 105 Stone St.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Manager Bunt stated the Code Enforcement Board held a public hearing on March 15, 2018 the Code Enforcement Board found the property owner, John P. Holmquist, in violation of Protective Treatment, Ch 6 Sec. 6-1003(b), Storing Outdoors, Ch 6 Sec. 6-900b)(11), Roofs & Drainage, Ch 6 Sec. 6-1003(g), Permit Required App A Art. XV Sec 2(a) and Weeds, Ch 6 Sec. 6-1001(d), of the City of Cocoa Code. The lien ran at one hundred twenty-five dollars (\$125.00) per day from April 14, 2018 until compliance was achieved on October 15, 2018. The total amount of the lien is \$22,750.00 and the current owner, John P Holmquist is requesting that the lien be reduced to \$0.00 due to the departure of the Building Official (who left on 7/13/2018) and funding for the project.

Manager Bunt based the reduction on the following factors. Whether the current owner owned the property at the time of the violation which Mr. Holmquist did. How many if any previous Code Enforcement cases were on the property or the current property owner at this time Mr. Holmquist four (4). The number of violations subject to the lien were five (5). Manager Bunt stated that the property value is \$68,230.00 according to Brevard County Property Appraiser.

Based on the factors in the staff report, staff recommended the lien be reduced to \$2,004.01.

Property owner was sworn in: John P. Holmquist, 105 Stone St., Cocoa

Discussion amongst Board members and staff. Mr. Holmquist was giving an overview of the property. He bought the property in 2010. Mr. Holmquist went over the dates of the violations which started in 2010 which he stated he was not the owner of the property when that violation accorded. In 2012 Mr. Holmquist said he was out of the country and he had his brother taking care of the property and his mail stating that he was just made aware of those violations. Mr. Homquist wanted to go over the emails with a timeline for the Code Board members. He stated that he did not understand what the violation codes meant.

Mr. Holmquist stated that he contacted Officer Murdick and cleared up all of the violations except for the roof structure. According to Mr. Holmquist the roof damage was caused by the hurricanes. Mr. Holmquist stated that he started the permit process in March of 2018 and gave a timeline and persons he had been in contact with for the roofing permit process. Manager Bunt went over some of the items that Mr. Holmquist discussed to make sure the Code Board members were aware that his property was not in full compliance even though the roof was complete. Mr. Holmquist had outside storage issues which is why he was unable to come before the Board for a lien reduction. Manager Bunt explained to the Board the length of time it took for Mr. Holmquist to turn in the proper documentation for the roofing system to the Building Department is why the permit was held up. Engineering drawings were the documents needed for the roof structure.

Motion by Mr. Brown, seconded by Mr. Klug, to amend what staff recommended to City Council the lien reduction be in the amount of one thousand five hundred dollars (\$1,500.00). Vote on the motion carried (3-1).

OTHER BUSINESS:

Manager Bunt told the Code Board members that Officer Fose was no longer with the City of Cocoa as he moved to Jacksonville, FL for a military job.

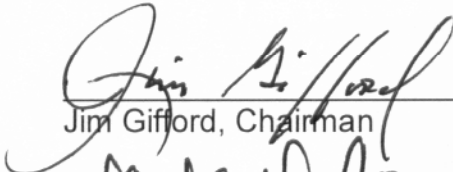
NEXT MEETING:

The Board members established that the next meeting would be held on April 18, 2019.

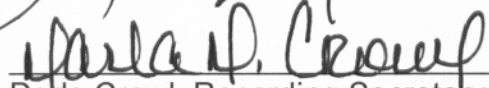
ADJOURNMENT:

There being no further business the meeting adjourned at 7:31 PM.

Approved on this 18 day of April, 2019.



Jim Gifford, Chairman



Darla Crowl, Recording Secretary

