

**Code Enforcement Board
Meeting Minutes
March 16, 2017**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, March 16, 2017 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Jim Gifford called the meeting to order at 6:01 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Jim Gifford	Chairman
George Brown, Jr.	Vice-Chairman
Michael Cicerrella	Board Member
Michael Klug	Board Member
Bill Terrell	Board Member
David Lightholder	Board Member
Stephanie Moretta	Alternate Board Member

MEMBERS ABSENT:

Virginia Weaver	Board Member – arrived 6:06 and departed 6:29
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OTHERS PRESENT:

John Titkanich	City Manager
Mike Cantaloupe	Police Chief
Nancy A. Bunt	Deputy Community Services Director
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: March 16, 2017

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled, and withdrawn).

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

2. Approval of Meeting Minutes: February 16, 2017

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

NEW BUSINESS:

John Titkanich, Jr., City Manager, shared with the Board members the relocation of the Code Enforcement Division to the Police Department. Mr. Titkanich also announced the new Code Enforcement Manager, Dennis Bunt. Mr. Titkanich gave a brief statement to the Board members of the new direction for Code Enforcement Division will take and some of the goals.

CASES:

1. CE 16-556 – 487 Peachtree St. (Officer Murdick)

This Case was withdrawn.

2. CE 16-597 – 5555 Hwy 524 (Officer Murdick)

This Case was tabled.

3. CE 16-761 – 1051 Mitchell St (Officer Murdick)

This Case was withdrawn.

4. CE 16-773 – 1925 Quail Ridge Ct. (Officer Murdick)

This Case was tabled.

5. CE 16-779 – 550 Cidco Rd. (Officer Murdick)

This Case was tabled.

6. CE 16-780 – 3645 Longbow Rd. (Officer Murdick)

This Case was tabled.

7. CE 16-802 – 2320 Hwy 524 (Officer Murdick)

This Case was withdrawn.

8. CE 16-822 – 436 Stone St. (Officer Murdick)

This Case was tabled.

9. CE 17-032 – 515 S Carolina Ave. (Officer Murdick)

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 (b) Protective treatment, peeling, flaking paint of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until April 16, 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. Cicerella, seconded by Mr. Klug, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

10. CE 17-036 – 1059 Mitchell St. (Officer Murdick)

This Case has complied.

11. CE 17-037 – 1055 Mitchell St. (Officer Murdick)

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 6-900 (b) (11) Outdoor storage, Section 6-1001 (d) High grass, weeds, and overgrowth, Section 6-902 (b) (1) (2) Inoperable, unregistered vehicle and Section 6-2003 Rental Business Tax Certificate of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until April 16, 2017 (30 days) to come into compliance or impose a fine in the amount of one hundred and fifty dollars (\$150.00) per day until found in compliance and a fine of \$250.00 plus the cost of the local Business Tax Receipt. The 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 Property Owner in violation. Vote on the motion carried unanimously.

12. CE 17-053 – 927 Grove Ave. (Officer Murdick)

This Case was withdrawn.

13. CE 17-067 – 310 Churchill Dr. (Officer Murdick)

This Case was tabled.

14. CE 16- 525 – 1321 College Ave. (Officer Mack)

This Case was tabled.

15. CE 16-659 – 116 Grimes St. (Officer Mack)

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 6-1002 (a) Pool and Spas. Clean and sanitary conditions and Section 6-1003 (b) Protective treatment of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until April 16, 2017 (30 days) to come into compliance or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance.

Chris Coleman, 1311 Bedford Dr., Melbourne, was sworn in. Mr. Coleman asked for staff to clarify what is not in compliance based off the photos provided by staff. Officer Mack reviewed the photos again per the request of Mr. Coleman.

Mr. Coleman addressed each photo as the Officer presented them. Mr. Coleman stated the pool has a permit and will be fixed no later than July. He also stated that a roof permit was pulled and the contractor should have fixed the fascia. He also explained the back yard would be repaired once the pool company has corrected the drainage issue and the back wall and door would be repaired as well.

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

Motion by Mr. Cicerrella, seconded by Mr. Klug, to approve Staff's recommendation, amending the time frame from April 16, 2017 to July 20, 2017 and find the Property Owner in violation. Vote on the motion carried unanimously.

16. CE 16-795 – 1207 Dixon Blvd. (Officer Mack)

This Case was tabled.

17. CE 16-820 – 1409 N Fiske Blvd. (Officer Mack)

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 5 (g) 1-6 Maintenance of fence, Section 6-900 (b) (7) Failure to secure structure, Section 6-1003 (b) Protective Treatment, Section 6-900 (b) (4) a-c maintenance of structure / grounds and Section 6-900 (b) (1) a-d Accumulation of trash / debris of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until April 16, 2017 (30 days) to come into compliance or impose a fine in the amount of two hundred fifty dollars (\$250.00) per day until found in compliance.

Joe Thomas, son of property owner Gladys Thomas, 1915 Stonehurst, Winter Park, was sworn in. Mr. Thomas gave a brief statement regarding the properties that Ms. Thomas owns and the history of his involvement with the properties.

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

Mr. Thomas asked if the Board could give him 45 days for the repairs.

Motion by Mr. Brown, seconded by Mr. Terrell, to approve Staff's recommendation amending the time frame from April 16, 2017 to May 1, 2017 and find the Property Owner in violation. Mr. Gifford asked for discussion. Mrs. Bunt noted for the record to Mr. Thomas that the Building Inspector looked at the pictures and determined that a permit would need to be pulled for the demolition of the back portion of the house. Vote on the motion carried unanimously.

18. CE 17-020 – 1318 N Fiske Blvd. (Officer Mack)

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, Section 6-1003 (g) Roofs and drainage, and Section 6-902 (b) (1) (2) Storing junk or autos of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until April 16, 2017 (30 days) to come into compliance or impose a fine in the amount of one hundred twenty-five dollars (\$125.00) per day until found in compliance.

Mr. Thomas had remained at the podium, once the Officer made his presentation, Mr. Thomas gave his testimony. He stated that he spoke with the resident living in the home and asked for them to clean up and get the vehicles fixed or towed. Mr. Thomas also explained that he didn't want to fix it up with the residents living in the home since his mother was allowing them to stay in the house without paying rent.

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

Mr. Thomas asked the Board members for 45 days.

Motion by Mr. Cicerrella, seconded by Mr. Lightholder, to approve Staff's recommendation, amending the time frame for April 16, 2017 to May 1, 2017 and find the Property Owner in violation. Vote on the motion carried unanimously.

19. CE 17-029 – 1723 Dixon Blvd. (Officer Mack)

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 6-900 (b) (4) a-c maintenance of structure / grounds of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until April 16, 2017 (30 days) to come into compliance or impose a fine in the amount of two hundred fifty dollars (\$250.00) per day until found in compliance. The owner was not present. Discussion amongst the Board members and staff. Motion by Mr. Terrell, seconded by Mr. Cicerrella, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

20. CE 17-030 – 2707 N Indian River Dr. (Officer Mack)

This Case was tabled.

21. CE 17-040 – 1402 Audubon Dr. (Officer Mack)

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) (8) Storing boats / autos (Unregistered vehicle) and Section 6-902 (b) (1) (2) Storing junk or autos (inoperable vehicle/no license plate) of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until March 31, 2017 (15 days) to come into compliance or impose a fine in the amount of seventy-five dollars (\$75.00) per day until found in compliance. Jerita F Richardson, 1402 Audubon Dr., was sworn in. Discussion amongst the Board members and staff.

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

22. CE 17-051 – 1413 Stetson Dr. East

This Case was tabled.

23. CE 17-073 – 504 N Fiske Blvd.

This Case was tabled.

NON-COMPLIANCE:

1. CE 16-518 – 1049 W King St. (Officer Murdick)

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 (a-i) Landscape requirements of the City of Cocoa Code. Officer Murdick stated that the Case was heard on January 19, 2017 and the Property Owner was given until February 19, 2017 to correct the violation or impose a fine in the amount of twenty-five dollars (\$25.00) per day until found in compliance. Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of twenty- five dollars (\$25.00) per day until found in compliance. Discussion amongst Board members and Staff.

Motion by Mr. Brown, seconded by Mr. Cicerrella, to accept Staff's recommendation and find the property owner in non-compliance. Vote on the motion carried unanimously.

2. CE 16-585 – 1050 Olive St. (Officer Murdick)

This Case was tabled.

3. CE 16-658 – Tax # 2443917 (Officer Murdick)

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 of the City of Cocoa Code. Officer Murdick stated that the Case was heard on January 19, 2017 and the Property Owner was given until February 19, 2017 to correct the violation or impose a fine in the amount of twenty-five dollars (\$25.00) per day until found in compliance. Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of twenty- five dollars (\$25.00) per day until found in compliance. Discussion amongst Board members and Staff.

Motion by Mr. Cicerrella, seconded by Mr. Klug, to accept Staff's recommendation and find the property owner in non-compliance. Vote on the motion carried unanimously.

4. CE 16-763 – 616 S Cocoa Blvd. (Officer Murdick)

This Case has complied.

5. CE 16-791 – 125 Polaris St. (Officer Murdick)

This Case has complied.

6. CE 16-798 – 1049 Bellefonte Ave. (Officer Murdick)

This Case has complied.

7. CE 16-808 – 413 Thomas Ave. (Officer Murdick)

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 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 March 8, 2017 to correct the violation or impose a fine in the amount of fifty dollars (\$50.00) per day until found in

compliance. Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance. Discussion amongst Board members and Staff.

Motion by Mr. Cicerella, seconded by Mr. Lightholder, to accept Staff's recommendation and find the property owner in non-compliance. Vote on the motion carried unanimously.

8. CE 16-821 – 503 N Georgia Ave. (Officer Murdick)

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 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 March 8, 2017 to correct the violation or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance. Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance. Discussion amongst Board members and Staff.

Motion by Mr. Terrell, seconded by Mr. Cicerella, to accept Staff's recommendation and find the property owner in non-compliance. Vote on the motion carried unanimously.

9. CE 16-771 – 1052 Myrtle Ln. (Officer Mack)

This Case was tabled.

10. CE 16-787 – 1214 Princeton Dr. (Officer Mack)

This Case was tabled.

11. CE 16-809 – 1059 Cypress Ln. (Officer Mack)

This Case was tabled.

LIEN REDUCTION/FORGIVENESS:

None

DEMOLITION APPEALS:

None

OTHER BUSINESS:

Foreclosures:

1. 712 Stone Street

Mrs. Bunt gave background testimony on the property located at 712 Stone Street and stated the Board has been provided testimony and documents from previous cases.

David Myers II, 889 Green Leaf, Vero Beach, was sworn in. Mr. Myers gave testimony that no phone calls have been met from the City to him and anytime. Mr. Myers stated that he has

provided his mailing address for documents and he had received no copies of the case file from the City.

Mr. Gifford stated reminded Mr. Myers that he himself stated he would come to the City for the copy of the file; the documents wouldn't have been mailed out by the City. Discussion amongst the Board members and Mr. Myers continued.

Mrs. Debra Babb-Nutcher, Board Attorney, stated to Mr. Gifford that the argument Mr. Myers was presenting wasn't relevant to the Hearing that night, the Board was voting on giving the City consent to foreclosure on the code liens.

Additional statements from Mr. Myers. Additional discussion amongst the Board members and Mr. Meyers. Mr. Meyers asked that the Board vacate the request from the City for foreclosure.

Mrs. Bunt stated to the Board that in lieu of foreclosure Mr. Myers could pay off the demo lien and ask for lien reduction on case # 13-772.

Mrs. Babb-Nutcher explained that each case is reviewed before the foreclosure process is started to verify that service was provided properly. And that the Board's approval of the request to proceed with foreclosure gives the City the right to move forward. She would carefully review the files to ensure due process was provided prior to proceeding with the foreclosure.

Additional discussion amongst the Board members, staff and Mr. Myers.

Motion by Mr. Cicerrella, seconded by Mr. Klug, to approve the request to proceed with foreclosure on the above listed address. Vote on the motion carried unanimously.

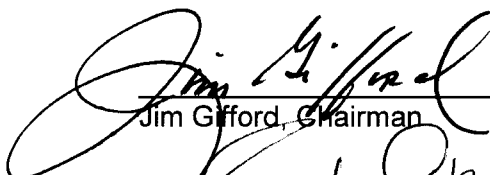
NEXT MEETING:

The Board members established that the next meeting would be held on April 20, 2017.

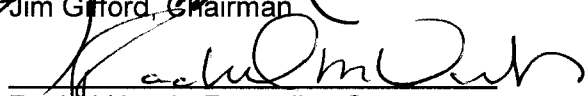
ADJOURNMENT:

There being no further business the meeting adjourned at 7:26 PM.

Approved on this 20th day of April, 2017.



Jim Gifford, Chairman



Rachel Unruh, Recording Secretary