

CITY OF COCOA
CODE ENFORCEMENT BOARD
MEETING MINUTES
FEBRUARY 18, 2016

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, February 18, 2016 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Vice-Chairman George Brown, Jr. called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

George Brown, Jr.	Vice-Chairman
Michael Cicerrella	Board Member
Michael Klug	Board Member
David Lightholder	Board Member
Bill Terrell	Board Member
Virginia Weaver	Board Member

MEMBERS ABSENT:

Jim Gifford	Chairman
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OTHERS PRESENT:

Brenda Warner	Councilwoman
Steven Belden	Community Services Director
Christopher Counsellor	Code Enforcement Supervisor
Russell Zervos	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Joy Lombardi	Board Secretary

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: February 18, 2016

Vice-Chairman George Brown, Jr. noted changes to the agenda (Items complied, tabled, and withdrawn).

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve the agenda of February 18, 2016 as amended. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: January 21, 2016

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve the minutes of January 21, 2016, as written. Vote on the motion carried unanimously.

CASES:

1. CE 15-1091 – 1110 Mitchell St.

Code Enforcement Officer Russell Zervos provided an overview of the Case history and presented exhibits for the Board's review. Officer Zervos testified that the Respondent is in violation of Section 6-900(b)(1), Accumulation of Trash & Debris; and Section 105.1, Required Permits, of the Florida Building Code (FBC); as adopted by Section 6-101 of the City of Cocoa Code.

Officer Zervos respectfully requested that the Board find the Respondent in violation and be given until March 3, 2016 to come into compliance or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to accept Staff's recommendation and find the Respondent in violation. Vote on the motion carried unanimously.

2. CE 15-1125 – 220 Smith Ln.

Code Enforcement Officer Russell Zervos provided an overview of the Case history and presented exhibits for the Board's review. Officer Zervos testified that the Respondent is in violation of Section 6-900(b)(1), Accumulation of Trash & Debris; Section 6-1003(b), Protective Treatment; and Section 6-1003(m), Windows, of the City of Cocoa Code.

Officer Zervos respectfully requested that the Board find the Respondent in violation and be given until March 10, 2016 to come into compliance or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

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

3. CE 15-1129 – 3675 Shellie Ct.

Code Enforcement Officer Russell Zervos provided an overview of the Case history and presented exhibits for the Board's review. Officer Zervos testified that the Respondent is in violation of Section 6-902(b)(1-2), Storing, Parking, or Leaving Abandoned Property/Inoperable Vehicle, of the City of Cocoa Code.

Officer Zervos respectfully requested that the Board find the Respondent in violation and be given until February 28, 2016 to come into compliance or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

Motion by Mr. Klug, seconded by Ms. Weaver, to accept Staff's recommendation and find the Respondent in violation. Vote on the motion carried unanimously.

4. CE 15-1139 – 1050 Mitchell St.

This Case was found in compliance.

5. CE 16-002 – 2218 Spring Cir.

This Case was found in compliance.

6. CE 16-008 – 2744 Cherbourg Rd.

This Case was tabled.

7. CE 16-009 – 246 Orange St.

This Case was tabled.

8. CE 16-012 – 2239 Norwood Ct.

This Case was found in compliance.

9. CE 16-017 – 409 N. Fiske Blvd.

This Case was found in compliance.

10. CE 16-021 – 144 Lynell Ln.

This Case was found in compliance.

11. CE 15-1004 – 1312 Hillsdale Dr.

This Case was withdrawn from the agenda.

12. CE 15-1005 – 1402 Hillsdale Dr.

This Case was found in compliance.

13. CE 15-1006 – 1321 Donna Ave.

This Case was found in compliance.

14. CE 15-1026 – 907 Acacia Way.

This Case was found in compliance.

15. CE 15-1040 – 909 Bristol Dr.

This Case was withdrawn from the agenda.

16. CE 15-1097 – 2009 N. Cocoa Blvd.

This Case was withdrawn from the agenda.

NON-COMPLIANCE:

1. CE 15-999 – 1111 Northview Dr.

Code Enforcement Supervisor Chris Counsellor provided an overview of the Case history and presented exhibits for the Board's review. Mr. Counsellor testified that the Respondent is in violation of Section 6-900(b)(1), Accumulation of Trash & Debris; Section 6-900(b)(9), Vehicle Parked in Yard; Section 900(b)(15), Trailers, of the City of Cocoa Code.

Mr. Counsellor stated that the Case was heard on January 21, 2016 and the Respondent was given until February 10, 2016 to correct the violation or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

Mr. Counsellor respectfully requested that the Board find the Respondent in non-compliance and impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

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

2. CE 15-989 – 708 Ixora Ave.

This Case was found in compliance.

3. CE 15-1083 – 909 School St.

Code Enforcement Officer Russell Zervos provided an overview of the Case history and presented exhibits for the Board's review. Officer Zervos testified that the Respondent is in violation of Section 6-1003(l), Handrails and Guards; Section 6-1003(m), Windows; Section 6-1003(o), Doors; and Section 6-1001(g), Accessory Structure, of the City of Cocoa Code.

Officer Zervos stated that the Case was heard on January 21, 2016 and the Respondent was given until February 5, 2016 to correct the violation or impose a fine in the amount of one hundred and fifty dollars (\$150.00) per day until found in compliance; in the event of a re-occurrence three hundred dollars (\$300.00) per day.

Officer Zervos respectfully requested that the Board find the Respondent in non-compliance and impose a fine in the amount of one hundred and fifty dollars (\$150.00) per day until found in compliance; in the event of a re-occurrence three hundred dollars (\$300.00) per day.

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

4. CE 15-1099 – 531 Blake Ave.

Code Enforcement Officer Russell Zervos provided an overview of the Case history and presented exhibits for the Board's review. Officer Zervos testified that the Respondent is in violation of Section 6-900(b)(1), Accumulation of Trash & Debris, of the City of Cocoa Code.

Officer Zervos stated that the Case was heard on January 21, 2016 and the Respondent was given until January 31, 2016 to correct the violation or impose a fine in the amount of twenty-five dollars (\$25.00) per day until found in compliance; in the event of a re-occurrence fifty dollars (\$50.00) per day.

Officer Zervos respectfully requested that the Board find the Respondent in non-compliance and impose a fine in the amount of twenty-five dollars (\$25.00) per day until found in compliance; in the event of a re-occurrence fifty dollars (\$50.00) per day.

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

5. CE 15-1110 – 504 S. Kentucky Ave.

Code Enforcement Officer Russell Zervos provided an overview of the Case history and presented exhibits for the Board's review. Officer Zervos testified that the Respondent is in violation of Section 6-900(b)(1), Accumulation of Trash & Debris; and Section 6-1001(d), Weeds, of the City of Cocoa Code.

Officer Zervos stated that the Case was heard on January 21, 2016 and the Respondent was given until January 31, 2016 to correct the violation or impose a fine in the amount of one hundred dollars (\$100.00) per day until found in compliance; in the event of a re-occurrence one hundred and fifty dollars (\$150.00) per day.

Officer Zervos respectfully requested that the Board find the Respondent in non-compliance and impose a fine in the amount of one hundred dollars (\$100.00) per day until found in compliance; in the event of a re-occurrence one hundred and fifty dollars (\$150.00) per day.

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

LEIN REDUCTION:

1. CE 14-571 – 809 Washington St.

Code Enforcement Supervisor Chris Counsellor presented the Staff report for the lien reduction request. Mr. Counsellor stated on November 20, 2014 the Code Enforcement Board found the property owner, US Bank NA Trustee, in violation of Section 6-1001(g), Accessory Structure (fence); and Section 6-1003(m), Windows.

The lien ran at fifty dollars (\$50.00) per day from December 5, 2014 until compliance was achieved on December 4, 2015. The total amount of the lien is \$18,200.00 and the current owner, Pedro Mendoza, is requesting that the lien be reduced to \$3,200.00.

Staff recommends the lien be reduced to three thousand two hundred dollars (\$3,200.00) as requested.

Pedro Mendoza, property owner, stated that he purchased the property in November and it was in bad shape. He explained that he cleaned up the property and repaired the broken windows to comply with the violations; therefore, he's requesting that the lien be reduced to \$3,200.00.

Mr. Terrell questioned whether the requested amount was too high and suggested the lien be reduced to ten percent of the amount of the lien. Discussion followed.

Motion by Mr. Terrell, seconded by Ms. Weaver, to amend Staff's recommendation and recommend that Council reduce the lien to one thousand eight hundred and twenty dollars (\$1,820.00). Vote on the motion carried unanimously.

2. CE 11-208 – 1040 Willow Ln.

Code Enforcement Supervisor Chris Counsellor presented the Staff report for the lien reduction request. Mr. Counsellor stated on May 19, 2011 the Code Enforcement Board found the property owner, Countrywide Home Loans, in violation of Section 6-1001(g), Accessory Structure (fence); and Section 6-1003(b), Protective Treatment. The lien ran at one hundred dollars (\$100.00) per day from June 20, 2011, until compliance was achieved on August 31, 2012. The total amount of the lien is \$43,800.00 and the current owner, Ventures Trust 2013-LNH, is requesting that the lien be forgiven.

Staff recommends the lien be reduced to five hundred dollars (\$500.00).

Robert Vazquez, representative for Countywide Realty Partners, LLC, stated that he agreed with Staff's recommendation.

Motion by Mr. Terrell, seconded by Ms. Weaver, to accept Staff's recommendation and recommend that Council reduce the lien to five hundred dollars (\$500.00). Vote on the motion carried unanimously.

3. CE 15-092 – 202 N. Fiske Blvd.

Code Enforcement Supervisor Chris Counsellor presented the Staff report for the lien reduction request. Mr. Counsellor stated on February 18, 2016 the Code Enforcement Board found the property owner, Lorenzo Toney, in violation of Section 6-900(b)(1)a-d, Accumulation of Junk and Debris; Section 6-900(b)(4), Maintenance of a Structure (fascia); Section 6-1001(g), Roofs and Drainage; Section 6-1001(c), Driveways/Parking Areas; Section 6-1003(m)(1&2), Windows; Section 6-1003(o), Doors; and Section 6-1304(a-c), Electrical. The lien ran at one hundred dollars (\$100.00) per day from March 21, 2015 until compliance was achieved on January 22, 2016. The lien is \$30,700 and the owner, Lorenzo Toney, is requesting that the lien be forgiven.

Mr. Counsellor stated that most of the violations have been corrected but the property is not in full compliance as there are still existing violations. Therefore, staff recommends the Code Enforcement Board recommend a partial release of property located at 1856 Timbers West Blvd., Rockledge, from the Code Enforcement lien placed on property at 202 N. Fiske Blvd. and the lien on the property not be forgiven or reduced at this time.

Steven Belden, Community Services Director, explained that the initial violations on the property were found in compliance; however, there is an ongoing issue with vandalism and property maintenance. As a result, it has been difficult to maintain the building in an acceptable condition. Mr. Toney has been working with Code Enforcement to address the on-going property maintenance issues; therefore, Staff recommends a partial release on Mr. Toney's home in Rockledge so he is able to refinance the home and recommends that the existing lien remain on the commercial property on Fiske Blvd.

Lorenzo Toney, property owner, testified that the Code violations were imposed six months after he purchased the property and his intentions were to address the maintenance issues after he completed the repairs to his home. Mr. Toney stated that he wanted the building to provide a youth educational program.

Motion by Ms. Weaver, seconded by Mr. Cicerrella, to accept Staff's recommendation and recommend that Council approve a partial release of property located at 1856 Timbers West Blvd., Rockledge, from the Code Enforcement lien placed on property at 202 N. Fiske Blvd. Vote on the motion carried unanimously.

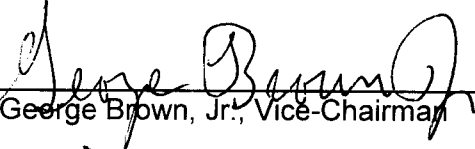
NEXT MEETING:

The Board members established that the next meeting would be held on March 17, 2016.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:32 P.M.

Approved on this 17 day of March, 2016.


George Brown, Jr., Vice-Chairman

 (signing for)
Joy Lombardi, Board Secretary