

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

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, February 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
Virginia Weaver	Board Member
Michael Klug	Board Member
Bill Terrell	Board Member
David Lightholder	Board Member
Stephanie Moretta	Alternate Board Member

MEMBERS ABSENT:

Michael Cicerella	Board Member
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OTHERS PRESENT:

Steven Belden	Community Services Director
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: February 16, 2017

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled, and withdrawn).

Motion by Mr. Brown, seconded by Mr. Lightholder, to approve the agenda of February 16, 2017 as amended. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: January 19, 2017

Motion by Ms. Weaver, seconded by Mr. Lightholder, to approve the minutes of January 19, 2017, as written. Vote on the motion carried unanimously.

NEW BUSINESS:

None

CASES:

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

This Case was tabled.

2. CE 16-530 – 1047 W. Hillcrest Dr. (Officer Mack)

This Case was complied.

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

This Case was tabled.

4. CE 16-771 – 1052 Myrtle Ln. (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 8, 2017 (20 days) to come into compliance or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance. The 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 Property Owner in violation. Vote on the motion carried unanimously.

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

This Case was tabled.

6. CE 16-797 – 2228 Salem Dr. (Officer Mack)

This Case was complied.

7. CE 16-809 – 1059 Cypress Ln. (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 6-2003 Rental business tax of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until March 8, 2017 (20 days) to come into compliance or impose a fine in the amount of two hundred and fifty dollars (\$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. Klug, seconded by Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

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

This Case was tabled.

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

This Case was tabled.

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

This Case was tabled.

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

This Case was tabled.

12. CE 16-556 – 487 Peachtree 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 reminded the Board members that the case had been tabled from January's meeting in order for the property owner, Mr. Price to meet with City Staff. Officer Murdick gave a brief statement regarding the agreement that the Community Services Director, on behalf of the City and Mr. Price came to. Steven Belden, Director gave a brief statement regarding the code about fencing of the property. Mr. Belden also stated that the City and Mr. Price agreed to the location of the fence and the time frame for completing the fence. Discussion amongst the Board members and Staff.

Ms. Nix, Board Attorney, stated the Board could find the property in compliance since City staff stated the property has complied with the cited violations. Mrs. Bunt, Deputy Director, asked the Board not to find the property in compliance but to table the case. Motion by Mr. Lightholder, seconded by Mr. Klug, to table the case. Vote on the motion carried unanimously.

13. CE 16-763 – 616 S Cocoa Blvd. (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) (5) Boarded up building and Section. 6-1003 (m) (1) Broken window of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until March 8, 2017 (20 days) to come into compliance or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance. The 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.

14. CE 16-772 – 714 Johnson 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. 6-1003 (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 the City of Cocoa Code.

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

Property owner Nathaniel Phillips, 992 Woody Crest Ave., Bronx, New York, was sworn in. Mr. Phillips gave testimony that the current tenant caused the damage to the home. Mr. Phillips stated he has purchased \$600.00 worth of windows and had attempted to replace the windows but she has not given him access to the home to complete the work. Mr. Phillips stated he has a court case against her and she has been served with an eviction notice. Discussion amongst the Board members and Staff. Mrs. Bunt stated that the City is willing to give Mr. Phillips the opportunity to complete the eviction process and once the tenant has vacated the property he would bring the structure into compliance. Additional discussion amongst the Board members and staff.

Motion by Mr. Klug, seconded by Ms. Weaver, to table the case for 60 days. Vote on the motion carried unanimously.

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

This Case was tabled.

16. CE 16-796 – 17 Travis 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. 6-1003 (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 requested that the Board find the Property Owner in violation and be given until April 3, 2017 (45 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. Terrell, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

17. CE 16-798 – 1049 Bellefonte 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. 6-900 (b) (1) a-d Accumulation of Junk, trash, and Debris of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until March 8, 2017 (20 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. Brown, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

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

This Case was withdrawn.

19. 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. 6-900 (b) (9) Parking in yard and Section. 6-902 (b) (1) (2) in-operable, unregistered vehicle of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until March 8, 2017 (20 days) to come into compliance or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance. The 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 Property Owner in violation. Vote on the motion carried unanimously.

20. 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. 6-902 (b) (1) (2) in-operable, unregistered vehicle of the City of Cocoa Code. Officer Murdick requested that the Board find the Property Owner in violation and be given until March 8, 2017 (20 days) to come into compliance or impose a fine in the amount of fifty dollars (\$50.00) 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. Klug, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

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

This Case was tabled.

22. CE 17-007 – 717 Ixora 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 March 8, 2017 (20 days) to come into compliance or impose a fine in the amount of twenty-five dollars (\$25.00) per day until found in compliance.

Property owner, Lisa J Johnson-Ford, 717 Ixora Ave, was sworn in, Ms. Johnson gave testimony that she was aware that her home needs to be painted and needs a new roof. Ms. Johnson stated

she has a quote for the work and she is prepared to start the work, she also stated she is painting the whole house not just the fascia. Motion by Ms. Weaver, seconded by Mr. Klug, to give the Property Owner 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. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE 16-778 – 1046 Myrtle Ln. (Officer Mack)

This Case was found in compliance.

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

This Case was tabled.

3. CE 16-782 – 512 N 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 6-1001(g) fencing & shed in disrepair of the City of Cocoa Code. Officer Murdick stated that the Case was heard on November 17, 2016 and the Property Owner was given until December 17, 2016 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 Ms. Weaver, to accept Staff's recommendation and find the property owner in non-compliance. Vote on the motion carried unanimously.

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

This Case was tabled.

LIEN REDUCTION/FORGIVENESS:

1. 10 South Street

Deputy Director Nancy Bunt presented a staff report for the lien reduction request. Mrs. Bunt stated on April 19, 2012 for CE-12-061 the Code Enforcement Board found the property owner, Debra A Mauch, in violation of Section 6-1003(j) Stairs, Decks, Porches, Section 6-1003(b) Protective Treatment, Section 6-1003(f) Exterior Walls, and Section 6-1203(a-c) Plumbing Fixtures

The lien ran at twenty-five dollars (\$100.00) per day from March 18, 2012 until compliance was achieved on March 11, 2016. The total amount of the lien is \$145,400.00 and the current owner, Jim Stripling, is requesting that the lien be reduced to City cost.

Jim Stripling (property owner), 41 River Ridge Dr, Rockledge, was sworn in. Mr. Stripling wanted to state for the record that the date for compliance was February 29, 2016 when the structure was demolished.

Motion by Mr. Terrell, second by Mr. Lightholder, to accept Staff's recommendation and recommend to Council the lien reduction in the amount of one thousand dollars (\$1,000.00). Vote on the motion carried unanimously.

2. DEMOLITION APPEALS:

1105 Grove Ave

Deputy Director Bunt gave background testimony on the property at 1105 Grove Ave. Currently, the property does not have electrical power nor running water since April 2009. Mrs. Bunt stated that the property was condemned by Scott Davis the Building Official on January 24, 2017. Ms. Ambrosch met with the Building Official on February 14, 2017, and was given a list of code violations that needed to be corrected within 60 days. If not corrected the City will continue the demolition process.

The property owner, Amy Ambrosch, 1718 Palmer Ln, Rockledge, was sworn in. Ms. Ambrosch testified that she was unable to repair the structure so she was going to sell it "as is." However, when she went out to the house to meet the Building Official she discovered that the home had been broken into several times and has exterior and interior damage. She stated that a neighbor approached her while she was meeting with the Building Official and was interested in purchasing the home. However, she wants to remove her personal belongings from the structure before she will sell it. She requested time to remove her personal belongings. She also stated that her health was not well and it would be difficult for her to take on this endeavor quickly. Discussion amongst the Board members and Ms. Ambrosch occurred.

Motion by Mr. Terrell, seconded by Mr. Klug, to give the property owner 60 days to remove her personal belongings and sell it or the City will move forward with the demolish process. Deputy Director Bunt requested Ms. Ambrosch provide monthly progress updates, Ms. Ambrosch agreed she would. The vote on the motion carried unanimously.

OTHER BUSINESS:

I. Foreclosures:

Nancy Bunt, Deputy Director gave a brief statement regarding the City's request for foreclosure on the below listed addresses and case numbers. She stated that since the property owner for 712 Stone Street was present she would present this foreclosure case separately. The board agreed.

1. 401 N Carolina Avenue
2. 1102 Broadmoor Drive
3. 1050 Bellefonte Avenue
4. 707 N Georgia Avenue
5. 1059 Olive Street
6. 514 S. Wilson Street

Discussion amongst the Board members and Staff.

Mrs. Bunt requested that the Board approve the request for foreclosure of the above listed addresses and case numbers. Motion by Mr. Brown, seconded by Mr. Klug, to approve the request for foreclosure of the above listed addresses and case numbers. Vote on the motion carried unanimously.

II. 712 Stone Street

Mrs. Bunt gave background testimony on the property located at 712 Stone Street.

David Meyers II, 889 Green Leaf, Vero Beach, was sworn in. Mr. Meyers gave testimony he received no notice. He stated the case went from no notice of any kind. He received no notice of code enforcement action, no notice of demolition. Mr. Meyers stated that when he got notified that the property was being torn down it was by the individual that was planning on buying the house. Mr. Meyers stated that he had three (3) buyers set up at the time to purchase the home when the house was torn down. Mr. Meyers explained he had no knowledge any kind of liens.

Chairman Gifford asked Mr. Meyers if he was the owner of the record of this property for some time.

Mr. Meyers stated since 2014.

Chairman Gifford stated the first lien was filed in 2013 but that lien would have been apparent to Mr. Meyers when he purchased the property.

Mr. Meyers stated he never purchased a property; the property had been quit claimed over to him. At the time it was quit claimed over to him there were no liens on the property. He stated the only thing that was wrong with the property was the window sticker that said the property could not be inhabited because it had no water. He continued with saying the tenant that had been living in house previous had run up an unpaid water bill and moved out.

Discussion amongst the Board members and Mr. Meyers continued.

Mr. Meyers was upset that the City didn't have papers regarding the lien for the previous cases.

Jennifer Nix, Board Attorney, stated the reason the City wouldn't have the information Mr. Meyers was referring to is because it wasn't a substance rehearing of those matters, so the City would not have provided or needed to provide those documents.

Mrs. Bunt stated the City can provide the files for both cases and she also testified that she and the director entered the structure with the building official because the sliding glass door was broken and house was empty. That is why the City followed up three (3) years later with the Demolition.

Additional discussion amongst the Board members, Staff and Mr. Meyers.

Mr. Meyers wanted to state for the record that three (3) years ago the front sliding glass door couldn't have been unsecured. He stated he had people living in the house at that point in time. Mr. Belden, Director testified that he was onsite when the structure was unsecured. The sliding glass door was removed and the structure was wide open so anyone could walk into the house. Mr. Belden stated that it was vacant, nobody was living there and since it was an unsecured, unsafe structure at the time the City proceeded with demolition. With demolition the City completed a title search and notified any and all interested parties by certified mail. Mr. Belden stated that the City takes the demolition process very seriously and the City makes every effort to

make sure the property owner is given every opportunity to come before the board to appeal the demolition. Mr. Belden stated that the City prefers a property be brought into compliance rather than be demolished, unfortunately in this case that's what the result was.

Additional discussion amongst the Board members, Staff and Mr. Meyers.

Motion by Mr. Lightholder, seconded by Ms. Weaver, to table the case until March 16, 2017, CEB meeting. Vote on the motion carried unanimously.

III. Elections:

Election of Board Chair and Vice-Chair

Motion by Ms. Weaver, second by Mr. Lightholder, for Jim Gifford to remain as Chairman and George Brown to remain as Vice-Chairman. Vote on the motion carried unanimously.

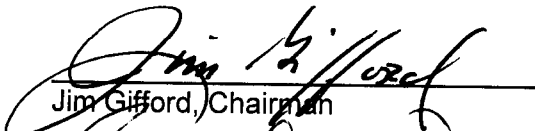
NEXT MEETING:

The Board members established that the next meeting would be held on March 16, 2017.

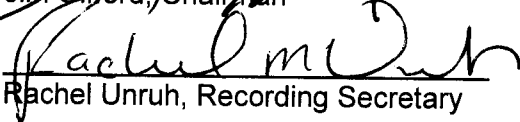
ADJOURNMENT:

There being no further business the meeting adjourned at 7:24 PM.

Approved on this 16th day of March, 2017.



Jim Gifford, Chairman



Rachel Unruh, Recording Secretary