

**Code Enforcement Board
Meeting Minutes
February 15, 2018**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, February 15, 2018 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
Stephanie Moretto	Board Member
Michael Klug	Board Member
David Lightholder	Board Member
Michael Cicerella	Board Member

MEMBERS ABSENT:

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Mike Cantaloupe	Police Chief
Micheal Mack	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
Don Boisvert	Councilman
Debra Babb-Nutcher	Board Attorney
Rachel Unruh	Recording Secretary

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Meeting Agenda: February 15, 2018

Motion by Mr. Cicerella, seconded by Mr. Lightholder, to approve the agenda of February 15, 2018 as amended. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: January 18, 2018

Motion by Mr. Lightholder, seconded by Mr. Cicerella, to approve the minutes of January 18, 2018, as amended. Vote on the motion carried unanimously.

NEW BUSINESS:

None

CASES:

2. CE-17-410 3645 Longbow Rd.

This case complied

3. CE-17-487 21 Highland St.

This case complied

7. CE-17-658 1035 Peachtree St.

This case complied

4. CE-17-495 1048 Avon Pl.

Code Enforcement Officer Micheal 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 Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Maint of Struct/Grounds Ch 6 Sec. 6-900 (b)(4) a-c, Protective Treatment, Ch 6 Sec. 6-1003 (b) and Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) of City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until March 17, 2018 (30 days) to come into compliance or impose a fine for one hundred dollars (\$100.00) per day until found in compliance.

Eddie Obler, 1048 Avon Pl, was sworn in. Mr. Obler stated that he will be able to get all the work completed it has just been a matter of time due to being out of town. He continued to explain that he is closing on another property he owns and he will have the money and the time to complete the clean-up and a re-roof.

Mr. Gifford asked what time frame he would need to complete the work since he will need to obtain a permit.

Mr. Obler explained that he could possibly get the work completed within 60 days.

Motion made by Ms. Weaver and discussion, motion failed.

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

Motion by Ms. Weaver, seconded by Ms. Moretto, to approve Staff's recommendation amending the time frame from 30 days to 90 days and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-17-590 1208 Oxford Way

Code Enforcement Officer Micheal 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 Protective Treatment, Ch 6 Sec. 6-1003 (b) of City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until March 17, 2018 (30 days) to come into compliance or impose a fine for twenty-five dollars (\$25.00) per day until found in compliance.

Mark Herberg, 1208 Oxford Way, was sworn in. Mr. Herberg stated he started the project two year ago and worked until the hot was too much for him to continue at the time. He stated that once the weather cooled down he resumed working. Mr. Herberg was delayed again with his wife's illness and then passing away. Mr. Herberg asked for time consideration for the weather and his age.

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

Motion by Mr. Brown, seconded by Ms. Weaver, to approve Staff's recommendation amending the time frame from 30 days to 120 days and find the Property Owner in violation. Additional discussion amongst the Board members and Mr. Herberg. Vote on the motion carried unanimously.

1. CE-17-285 4002 Pinyon 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 Permit Required (fences) App A Art. XIII Sec 5 (c), of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until March 17, 2018 (30 days) to come into compliance or impose a fine for twenty-five dollars (\$25.00) per day until found in compliance.

Niurka Barrial, 5050 Saturday Pl, was sworn in.

Kenneth E Morgan, 808 Topaz Dr, Rockledge FL., was sworn in. Mr. Morgan stated he is the contractor and that he will be taking care of pulling the permits.

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

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.

6. CE-17-599 1305 Dixon Blvd.

Code Enforcement Officer Micheal 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 Accessory Structures Ch 6 Sec. 6-1001 (g), Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Maint of Struct/Grounds Ch 6 Sec. 6-900 (b)(4) a-c, Permit Required App A Art. XV Sec 2 (a), Parking in Yard Ch 6 Sec. 6-900 (b)(9), Storing Outdoors Ch. 6 Div. 3 Sec. 6-900(b) (11) and Trailers in the Yard, Ch. 6 Sec. 6-900(b) (15)* of City of Cocoa Code. Officer Mack requested that the Board find the Property Owner in violation and be given until March 17, 2018 (30 days) to come into compliance or impose a fine for one hundred seventy-five dollars (\$175.00) per day until found in compliance.

Discussion amongst the Board members and staff

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

8. CE-17-761 1127 W King St.

Code Enforcement Officer Micheal 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 Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and Storage of Rec. Vehicles, App A Art. XIII Sec 14 (a-d) of City of Cocoa Code.

Dennis Bunt, Code Manager, gave a brief update to the Board members regarding the case. Mr. Bunt explained that the Code Department spoke with Planning and Zoning regarding the RV on site being used as an onsite security, he continued with explaining Mr. Rude has not submitted for onsite security as of that date.

Kevin Rude, 430 Sundoro Ct, MI, was sworn in. Mr. Rude testified that he doesn't live in the RV at 1127 W King Street.

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

Mr. Bunt explained that the City Code states that a RV cannot be set up for use and having the RV on the property is not a problem but explained having it set up for use is a violation.

Mr. Rude explained that all dealers in this line of work have RV's and use them in this manner.

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

Mr. Bunt stated that there have been several complaints regarding someone living in the RV.

Additional explanations given to Mr. Rude from Mr. Bunt and Board members regarding what he can do.

Mr. Lightholder asked if Mr. Rude had a motor vehicle dealer license.

Mr. Rude explained that he has a motor vehicle license; he stated he is a motorcycle dealer.

Additional discussion amongst the Board members, Chief, staff and Mr. Rude.

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

Additional statements made by Mr. Rude and discussion with Board members.

NON-COMPLIANCE:

3. CE-17-714 710 W King 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 Protective Treatment, Ch 6 Sec. 6-1003 (b) and Abatement Procedures Ch 6 Sec. 6-903, of the City of Cocoa Code. Officer Murdick stated that the Case was heard on November 16, 2017 and the Property Owner was given until January 17, 2018 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 from dates January 18, 2018 to February 1, 2018 (14 days) and impose a fine for seven hundred dollars (\$700).

Khaled Alian, 214 Las Palmas St, Royal Palm, FL., was sworn in.

No discussion amongst Board members and Mr. Alian.

Motion by Mr. Lightholder, seconded by Mr. Moretto, to find the property in compliance. Vote on the motion carried unanimously.

1. CE-17-372 240 Orange 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 Protective Treatment, Ch 6 Sec. 6-1003 (b), of the City of Cocoa Code. Officer Murdick stated that the Case was heard on September 21, 2017 and the

Property Owner was given until January 18, 2018 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 for twenty five dollars (\$25.00) per day until found in compliance.

Aleck Greenwood, 640 Brevard Ave, was sworn in. Mr. Greenwood stated the areas shown in the photos from staff were missed by his employee's and that he is in violation.

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

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

2. CE-17-391 252 Orange 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 Protective Treatment, Ch 6 Sec. 6-1003 (b), Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), APP. A, ART. XII, SEC. 3 Minimum standards for the design of off-street parking, of the City of Cocoa Code. Officer Murdick stated that the Case was heard on September 21, 2017 and the Property Owner was given until October 21, 2017 to correct the violation or impose a fine in the amount of seventy five dollars (\$75.00) per day until found in compliance. Officer Murdick requested that the Board find the Property Owner was given until October 21, 2017 to correct the violation or impose a fine in the amount of seventy five dollars (\$75.00) per day until found in compliance.

Aleck Greenwood, 640 Brevard, was sworn in. Mr. Greenwood stated that he feels that the code that is being used for the driveways is flawed. Mr. Greenwood gave a belief history of the events and conversations that have been held over the last month.

Discussion amongst Board members and staff.

Debra Babb-Nutcher, City Attorney, clarified the letter that was provided to the Board members was from Kristin Eick of Garganese, Weiss, D'Agresta & Salzman P.A.

David Lightholder asked if Mr. Greenwood received a letter from City staff addressing the approval of the material used at 252 Orange.

Dennis Bunt, Code Manager, stated that Cindy Thurman, Senior Planner, reviewed all the documents provided by Mr. Greenwood and spoke with Public Works Division and staff decided that the request for the gravel driveway is disapproved.

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

Motion by Mr. Lightholder, seconded by Mr. Klug, to accept Staff's recommendation and find the Property Owners in non-compliance. Discussion by the Board members and Mr. Greenwood. Vote on the motion carried (4-3) Objections: Mr. Gifford, Ms. Weaver and Mr. Brown.

LIEN REDUCTION:

Per the Request of Jay Thakkar, Esq with Cantwell & Goldman, P.A, lien reduction case CE-16-410 was heard before Non-compliance case due to a conflict in Mr. Thakkar's time to make a flight.

3. CE-16-410 502 Brevard Ave.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on July 21, 2016 for CE-16-410 the Code Enforcement Board found the property owner, Thomas & Alice Mandros & Tina Sotiria Kyros., in violation of Section 6-1003(b) Protective Treatment and the lien ran at one hundred fifty dollars (\$150.00) per day from August 11, 2016 until compliance was achieved on December 15, 2017. The total amount of the lien is \$73,800.00 and the current owner, Thomas & Alice Mandros & Tina Sotiria Kyros, is requesting that the lien be reduced to the amount of \$1000.00.

Based on the factors in the staff report, staff recommended the lien be reduced to \$7,380.00.

Jay Thakkar Esq. with Cantwell & Goldman P.A, represented the Mandros family. Mr. Thakkar stated that the owner is elderly and didn't understand the gravity of the violations. Mr. Thakkar explained the elderly wife didn't know about the lien and the family is selling the properties they owned for the widowed wife. Mr. Thakkar has asked for a reduction of \$1,000 to cover the City cost.

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

Motion by Mr. Brown, seconded by Mr. Cicerrella, to recommend to City Council the lien reduction in the amount of two thousand dollars (\$2,000). Discussion amongst the Board members, staff and Mr. Thakkar. Vote on the motion carried unanimously.

NON-COMPLIANCE CONTINUED:

4. CE-17-316 1040 Avon Pl.

Code Enforcement Officer Micheal 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 Permit Required App A Art. XV Sec 2 (a), of the City of Cocoa

Code. Officer Mack stated that the Case was heard on August 18, 2017 and the Property Owner was given until October 18, 2017 to correct the violation or impose a fine for one hundred dollars (\$100.00) per day until found in compliance. Officer Mack requested that the Board find the Property Owner in non-compliance and impose a fine for one hundred dollars (\$100.00) per day until found in compliance. Owner not present. Discussion amongst the Board members and staff. Motion by Mr. Cicerella, seconded by Mr. Klug, to accept Staff's recommendation and find the Property Owners in non-compliance. Vote on the motion carried unanimously.

LIEN REDUCTION CONTINUED:

1. CE-17-239 1222 Amherst Ct.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on June 15, 2017 for CE-17-239 the Code Enforcement Board found the property owner, Yuling Properties LLC., in violation of Section 6-900(b)(1)a-d Accumulation of trash and litter, Section 6-1003 (b) Protective Treatment, Section 6-2003 Rental Business Tax and Section 6-902 (b)(1) (2) Storing Junk Autos and the lien ran at one hundred dollars (\$100.00) per day from July 16, 2017 until compliance was achieved on January 8, 2018. The total amount of the lien is \$177,000 and the current owner, Yuling Properties LLC, is requesting that the lien be reduced to the amount of \$150.00.

Based on the factors in the staff report, staff recommended the lien be reduced to \$14,540.00.

Lei Xu, 500 Williams St, Melbourne, was sworn in. Mr. Xu stated that his mother passed away last year and he was a student in college at the time. Mr. Xu stated that the tenants in the home did not tell him that there were any code violations on the property, he explained in October of 2017 he returned to his homeland to bury his mother. Once he returned back to Cocoa, he started the eviction process.

Discussion amongst the Broad members and staff.

Rita Czaya, Property Manager, was sworn in. Ms. Czaya asked staff to check the dates and the calculation for the numbers of dates in violation.

Discussion amongst the Broad members, staff and Ms. Czaya, staff determined the number of days was 259 and the lien amount should be \$25,900.00.

Staff amended recommendation to reflect the correct amount of the lien, new amount recommended was \$2,500.00.

Motion by Mr. Brown, seconded by Ms. Weaver, to recommend to City Council the lien reduction in the amount of two thousand dollars (\$2,000). Vote on the motion carried unanimously.

2. CE-12-961 1315 South Lakemont Dr.

Dennis Bunt, Code Enforcement Manager, gave a brief history statement. Mr. Bunt stated that this case is a Settlement Agreement drafted by the City Attorney's office and staff has no objections to the agreement.

Rick Taylor, 1034 Jacaranda Cir, Rockledge, was sworn in. Mr. Taylor stated at the closing the agent did not disclose the Code case or the foreclosure case at the closing. Mr. Taylor explained that it took seven months to get a building permits, he had been in California on business.

Debra Babb-Nutcher, explained the history of the sale of the property and how Mr. Taylor inherited the lien without his knowledge. She explained the lien reduction is contingent to Mr. Taylor meeting all the required in the agreement in a timely manner.

Staff is requesting that the Board approve the Code Enforcement Lien Reduction Agreement drafted by the City Attorney's office pursuant to 6-707 of the Cocoa City Code. Upon the Code Enforcement Board and City Council conditionally agreeing to reduce the code lien to Three Thousand Two Hundred dollars (\$3,200.00).

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

Motion by Ms. Moretto, seconded by Mr. Cicerrella to recommend to City Council to approve the Lien Settlement Agreement. Vote on the motion carried unanimously.

ABATEMENT APPEALS:

None

DEMOLITION APPEALS:

1. CE-18-21 731 W King St.

This case was withdrawn.

OTHER BUSINESS:

I. Manager Announcements

Mr. Bunt gave the Board members a brief description of a Cost Sheet that will be used in the future for lien reduction cases.

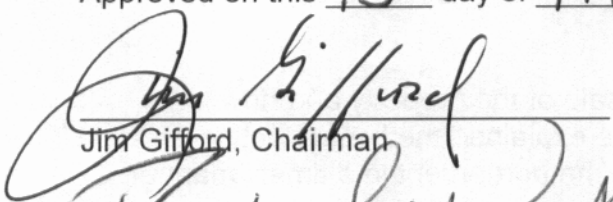
NEXT MEETING:

The Board members established that the next meeting would be held on March 15, 2018.

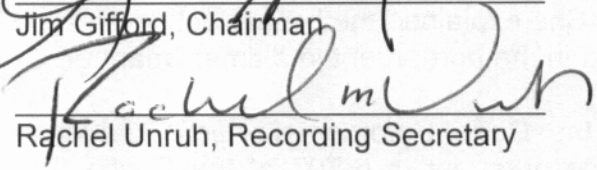
ADJOURNMENT:

There being no further business the meeting adjourned at 7:55 PM.

Approved on this 15 day of March, 2018.



Jim Gifford, Chairman



Rachel Unruh, Recording Secretary