

**Code Enforcement Board
Meeting Minutes
January 30, 2019**

A special meeting of the Code Enforcement Board of the City of Cocoa was held on Wednesday, January 30, 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
Stephanie Moretto	Board Member
Edward Green	Board Member
David Lightholder	Board Member
Michael Cicerrella	Board Member
Michael Klug	2 nd Alternate

MEMBERS ABSENT:

None

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Mike Cantaloupe	Police Chief
Brian Fose	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
Julian Briggs	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Jake Williams	Mayor
Alex Goins	Council Member
Lorraine Koss	Council Member

The Board Secretary swore in all Staff members giving testimony.

NEW BUSINESS:

1. Election of Chairperson and Vice-Chairperson

Motion by Ms. Weaver, seconded by Mr. Cicerrella, to reappoint Mr. Gifford as Chairperson and Mr. Brown as Vice-Chairperson. Vote on the motion carried unanimously.

Manager Bunt introduced Julian Briggs as the new Code Enforcement Officer.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: January 30, 2019

Chairperson Gifford noted changes to the agenda (Items complied, tabled, and withdrawn)

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve the agenda of January 30, 2019. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: November 15, 2018.

Motion by Mr. Lightholder, seconded by Mr. Cicerrella, to approve the minutes of November 15, 2018. Vote on the motion carried unanimously.

CASES:

1. CE-18-100 – 1500 N Cocoa 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 was in violation of IX.Exterior General Condition Ch 6 Sec. 6-1003 (a), 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 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 February 17, 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.

Discussion amongst Board members and staff. Mr. Lightholder had questions about what the Accessory Structure was and asked what else was on the property that was in violation. Office Murdick explained that the fencing and the structure type building in the picture some of the violations.

Attorney Babb-Nutcher also wanted to make sure that the property owners were properly notified of the new meeting date.

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

2. CE-18-161 – 1214 Dixon Blvd.

This case was removed.

3. CE-18-190 – 212 Bedford Place

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 Parking and storage or use of major recreational equipment, Sec. 14, Parking in Yard, Sec. 6-900 (b)(9), Discarding junk, inoperable or abandoned motor vehicles, Sec. 6-902.(b)(1)(2), Exterior structure, Sec. 6-1003.(b), Roofs and drainage, Sec. 6-1003 (g), Accumulation of Trash and Litter, Sec. 6-900 (b)(1)a-d, Storing outdoor Sec. 6-900 (b)(11) and Sec. 6-1001 (g) Accessory Structures of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until February 17, 2019 (30 days) to come into compliance or impose a fine of two hundred dollars (\$200.00) per day until found in compliance.

Property owner was not present.

Officer Murdick explained to the Board that he has been out to the property 10 times after receiving multiple complaints. Officer Murdick has been in contact with the property owner and some improvements have been made.

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.

4. CE-18-323 – 17 Travis 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) 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 February 17, 2019 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Aaron Reninger was sworn in. 1180 Potomac Dr. Merritt Island. Mr. Reninger stated Dustin Smith was unable to come to the meeting.

Discussion amongst Board members and staff. Mr. Reninger requested an extension of time of 60 days. Mr. Gifford asked staff if they had any objections. Manager Bunt stated that he did not have any objections to giving the property owner 60 days (March 31, 2019). Manager Bunt also discussed all of the violations that are still on the property. Manager Bunt stated that he would meet with the property owner to go over what needed to be corrected. Officer Murdick stated that Mr. Reninger was not a representative for the property.

Motion by Mr. Cicerella, seconded by Mr. Lightholder, to amend Staff's recommendation to 60 days and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-18-327 – 108 St Charles St.

This case was removed.

6. CE-18-516 – 123 Factory 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 *V. Business Tax Receipt Ch 12 Sec. 12-1 (a)(b) 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 February 17, 2019 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Owner of the property sworn in: Aaron Reninger, 1180 Potomac Dr. Merritt Island

Discussion amongst Board members and staff. Manager Bunt gave an overview of the property. Business Tax Receipt for Endless Auto LLC at this location and was denied by Community Services Department on October 30, 2018. Manager Bunt explained that this information was given to Code Enforcement by the Community Services Department. This property is in the Federal Consent Decree with a CW zoning. Mr. Reninger wanted to discuss his Business Tax Receipt and the zoning CW (Section 15) for this property. The BTR is for warehousing and storage which was not the violation that was brought before the Board. Code Board members had questions for Manager Bunt and Mr. Reninger. Manager Bunt reminded the Board that the discussion was about the business Endless Auto LLC that was trying to run this business on the property that had already been denied not about Mr. Reninger's BTR. Manager Bunt had a copy of the denied BTR for Endless Auto LLC which Attorney Babb-Nutcher reviewed and asked if this could be tabled to a later date. Attorney Babb-Nutcher stated that

they needed to discuss only what violations were brought before the Board tonight. Manager Bunt explained to the Board that Mr. Reninger has not met with planning and zoning about this type of business so this should be brought before the Board once he has applied. Mr. Lightholder asked to amend the amount of time to 60 days which staff did not have any objection.

Motion by Ms. Weaver, seconded by Mr. Brown, to amend Staff's recommendation to 60 days and find the Property Owner in violation. Vote on the motion carried unanimously.

7. CE-18-542 – 2380 W Sherwood Circle

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*, *XXII.Permit Required App A Art. XV Sec 2 (a)* and *XXIII.Permit Required (fences) App A Art. XIII Sec 5 (c)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until February 17, 2019 (30 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Property owners sworn in: Nathan Sacasa, 2380 W Sherwood Circle

Discussion amongst Board members and staff. Manager Bunt showed the pictures and explained the debris from the shed and the repair to the fence needs to be completed for compliance. Also, the property owners will need to contact the Building Official for the shed that was not permitted for setbacks. After discuss Mr. Lightholder asked if this case could be tabled since the violations should be corrected before the 30 days. Manager Bunt explained once violations corrected to call Officer Murdick or the case would back before the Board.

Motion by Mr. Lightholder, seconded by Ms. Moretto, to table this case. Vote on the motion carried unanimously.

8. CE 18-380 – 1104 Abington Street

Code Enforcement Officer Brian Fose provided an overview of the Case history and presented exhibits for the Board's review. Officer Fose testified that the Property Owner was in violation of *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)* and *II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d* of the City Code.

Officer Fose requested that the Board find the Property Owner in violation and be given until February 17, 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: Rebecca S Miller, 1104 Abington Street

Discussion amongst Board members and staff. Ms. Miller stated that she was not financially able to paint the house. Manager Bunt discussed the pictures with the Board members and explained to Ms. Miller to contact Officer Fose for companies that might be able to assist her with help cleaning up her property. Manager Bunt stated he did not object to giving Ms. Miller 60 days to come into compliance.

Motion by Mr. Cicerrella, seconded by Ms. Moretto, to amend Staff's recommendation to 60 days and find the Property Owner in violation. Vote on the motion carried unanimously.

9. CE- 18-342 – 1611 Cambridge

This case was removed.

10. CE- 18-371 – 1822 Dixon Blvd.

This case was removed.

11. CE- 18-623 – 135 W King St.

This case was removed.

FIRE DEPARTMENT CODE CASE:

1. FD-2018-003 – 1072 Clearlake Rd.

This case was removed.

NON-COMPLIANCE:

1. CE-18-077 – 93 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 is in violation of *XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), I. Accessory Structures Ch 6 Sec. 6-1001 (g) and XXXVI. Weeds, Ch 6 Sec. 6-1001(d)* of the City Code. Officer Murdick stated a Notice of Hearing was sent on January 18, 2019 and property owner remains in violation.

Property representative was sworn in: Tommy Youngblood, 93 Prospect Avenue

Manager Bunt explained to the Board that the water was shut off for at least three (3) years and it was posted. The windows are still boarded up and people are still living at the property. Attorney Babb-Nutcher had questions concerning the property being properly posted for no water. Discussion amongst Board members and staff. Mr. Youngblood asked for more time to complete the work. Mr. Gifford explained that once it has come to the Board for non-compliance Mr. Youngblood would have to bring the property into compliance before the fines would stop.

Motion by Mr. Lightholder, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously.

2. CE-18-170 – 916 Kensington Drive

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 *XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), Sec. 6-900 (b)(1)a-d Accumulation of Trash and Litter. Sec.6-1001 (g) Accessory Structures Sec. 6-900 (b)(5) Boarded Up Buildings and XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)* of the City Code. Officer Murdick stated a Notice of Hearing was sent on January 18, 2019 and property owner was in violation for 57 days but now is in compliance..

Discussion amongst Board members and staff. Mr. Lightholder recommended that the property be found in compliance. Manager Bunt did not have any objections on Board recommendation.

Motion by Mr. Lightholder, seconded by Mr. Cicerrella, amended Staff's recommendation and find the Property Owner in compliance and no fines be imposed. Vote on the motion carried unanimously.

3. CE-18-17-908 – 3649 Crossbow Drive

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.Permits Required App A Art. XV Sec 2 (a) and Minimum standards for off-street parking APP. A, ART.XII, SEC. 3* of the City Code. Officer Murdick stated a Notice of Hearing was sent on January 18, 2019 and property owner remains in violation.

Discussion amongst Board members and staff. Manager Bunt stated that he spoke with Mr. Brunais in passing at City Hall. Mr. Brunais told Manager Bunt he was working on it and this was the last contact that was made with the property owner.

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

4. CE-17-919 – 708 Thomas Avenue

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)*, of the City Code. Officer Murdick stated a Notice of Hearing was sent on January 18, 2019 and property owner was in violation for 44 days but now is in compliance.

Motion by Mr. Lightholder, seconded by Ms. Weaver, amended Staff's recommendation and find the Property Owner in compliance and no fines be imposed. Vote on the motion carried unanimously.

5. CE- 18-483 – 1401 Pineda Street

This case was removed.

ABATEMENT APPEALS:

1. CE- 18-533 – TAX ID #2425260 (East of 602 Stone Street)

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 Ch 6 Sec. 6—1001(d) Weeds of the City Code.

Officer Murdick gave the dates for all of the notices and postings: October 2, 2018 mailed certified letter for the Abatement, October 3, 2018 posted and photographed the property, October 15, 2018 photographed and referred the property to the City contractor to be abated, October 29, 2018 confirmed and photographed the property after it had been abated by the contractor and December 17, 2018 Mr. Austin requested an appeal of the abatement fee. Attorney Babb-Nutcher requested a list of all of the dates given by Officer Murdick.

Discussion amongst Board members and staff.

Property owner was sworn in: George Austin Jr., 844 Shoshoni Trail, Patrick AFB

Manager Bunt explained to the Board that the property owner Mr. Austin does not feel that he should have been charged the abatement fee. Mr. Austin brought a letter from his lawn contractor stating the property was mowed before the City contractor. Mr. Austin stated that he never received a letter or didn't see the posting. Manager Bunt explained the process for Abatements.

Motion by Mr. Cicerrella, seconded by Mr. Brown, amended Staff's recommendation and no fines be imposed. Vote on the motion carried unanimously.

LIEN REDUCTION:

1. CE-07-227 – 1205 Montclair Rd.

This case was removed.

2. CE-16-513 – 1050 Grove 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, Jerry Lee & Melissa Lynn Stout, in violation of Section 6-1001(d) High Grass & Weeds, Sec. 6-900(b)(11) Outdoor Storage and Sec. 6-1001(g) Fence in Disrepair, of the City of Cocoa Code. The lien ran at seventy-five dollars (\$75.00) per day from September 30, 2016 until compliance was achieved on December 8, 2017. The total amount of the lien is \$32,475.00 and the current owner, Daniel J Barber is requesting that the lien be reduced to the administrative cost.

Manager Bunt based the reduction on the following factors. Whether the current owner owned the property at the time of the violation which Mr. Barber did not. How many if any previous Code Enforcement cases were on the property or the current property owner at this time Mr. Barber has none. The number of violations subject to the lien were three (3). Manager Bunt stated that the property value is \$39,620.00 according to Brevard County Property Appraiser.

Based on the factors in the staff report, staff recommended the lien be reduced to \$1,440.79.

Discussion amongst Board members and staff. Mr. Brown questioned why the property looked in the shape it was in. Manager Bunt stated that since Mr. Barber took over the property he has taken care of all the violations.

Property owner sworn in: Dan Barber, 275 Bonita Dr., Merritt Island, FL

Mr. Barber explained that he has applied for an electrical permit and once he has electricity he will pull a permit for the air conditioner. Officer Fose suggested the property needed to be painted.

Attorney Babb-Nutcher and Manager Bunt reminded Mr. Barber that the lien reduction will now have to go before City Council to be approved.

Motion by Mr. Brown, seconded by Mr. Cicerrella, to recommend to City Council the lien reduction be in the amount of one thousand four hundred forty dollars and seventy nine cents (\$1,440.79). Vote on the motion carried unanimously.

Manager Announcements:

None

DEMOLITION APPEALS:

None

OTHER BUSINESS:

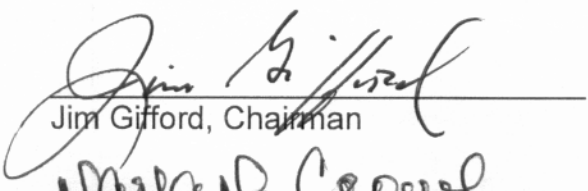
NEXT MEETING:

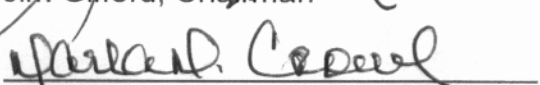
The Board members established that the next meeting would be held on February 21, 2019.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:33 PM.

Approved on this 21 day of February, 2019.


Jim Gifford, Chairman


Darla Crowl, Recording Secretary

