

**Code Enforcement Board
Meeting Minutes
January 19, 2017**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, January 19, 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 Cicerrella	Board Member
Michael Klug	Board Member
Bill Terrell	Board Member
David Lightholder	Board Member

MEMBERS ABSENT:

OTHERS PRESENT:

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

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Meeting Agenda: January 19, 2017

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled, and withdrawn).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 19, 2017 as amended. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: November 17, 2016

Motion by Mr. Cicerrella, seconded by Mr. Lightholder, to approve the minutes of November 17, 2016, as amended. Vote on the motion carried unanimously.

NEW BUSINESS:

None

CASES:

1. CE 16-779 – 550 Cidco Rd.

This Case was tabled.

2. CE 16-518 – 1049 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 App. A, Art. XIII, Sec 22 (a-i) Landscape requirements of the City of Cocoa Code. Officer Murdick requested that the Board find the Property Owner in violation and be given until February 19, 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. Brown, seconded by Mr. Cicerella, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

3. CE 16-567 – 139 Olive St.

This Case was found in compliance.

4. CE 16-576 – 922 Grove Ave

This Case was found in compliance.

5. CE 16-585 – 1050 Olive 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 Section 6-1003 (f) Exterior walls and Section 6-1003 (g) Roof damage, missing fascia of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until February 19, 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.

Steven Wagner, 377 Sugar Sand Ln, Oviedo, was sworn in. Mr. Wagner gave testimony to his plan to correct the violations, he explained that he had an approval from the BOA to build a new front porch and that plans have been submitted to the Building Division for review.

Mr. Gifford asked Mr. Wagner what his time frame is on starting construction of the front porch.

Discussion amongst the Board members and Mr. Wagner.

Mr. Wagner clarified that the delay for the Building permit is due to him not replying to comments that the Building Division provided to him. Mr. Wagner explained his proposed plan for correcting the violations in order for the Board to give a recommendation on a time frame.

Additional discussion amongst the Board members and Mr. Wagner.

Mr. Wagner asked for 30 days to reply to the comments and pull the permit.

Nancy Bunt, Deputy Director, asked Mr. Wagner when he received the comments from the Building Division. Mr. Wagner stated about 9 months to a year ago.

Discussion amongst Board Members, Mrs. Bunt and Mr. Wagner.

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

6. CE 16-597 – 5555 Hwy 524

This Case was tabled.

7. CE 16-600 – 27 Derby St.

This Case was found in compliance.

8. CE 16-624 – 433 Whaley St.

This Case was found in compliance.

9. CE 16-625 – 228 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 Section 6-1001 (g) Fence damage 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 February 19, 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.

Edward Williams, 530 Lucas Pl, Merritt Island, was sworn in. Mr. Williams gave testimony that he had a medical issue that had delayed him from addressing the violations. Mr. Williams stated he is prepared to correct the violations and has an estimate for the cost of the work.

Discussion amongst the Board members and Mr. Williams. Motion by Mr. Cicerrella, seconded by Mr. Klug, to approve Staff's recommendation and find the Property Owner in violation, Mr. Gifford asked for any other discussion from the Board members. Ms. Weaver recommended additional time from 30 days to 60 days for Mr. Williams to come into compliance. Motion by Mr. Cicerrella, seconded by Mr. Klug, to amend the original motion from 30 days to 60 days and to find the Property Owner in violation. Vote on the motion carried unanimously.

10. CE 16-556 – 487 Peachtree 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 Section 6-902(b)(1)(2) In-operable, unregistered, junk vehicles and App. A, Art. XIII, Section 28(H)(2) Vehicles parked on the grass of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until February 19, 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.

Thomas J Price, 1996 US Hwy 1, Rockledge, was sworn in. Mr. Price gave a brief history of the property and testimony that the property is compliance. Discussion amongst the Board members and Mr. Price.

Mr. Price stated that the vehicles are owned by a dealer and all the work on the vehicles are completed within the building. Mr. Price also stated that the tenant and Steven Belden, Director of Community Services, have an arrangement regarding the parking of the vehicles. Additional discussion amongst the Board members, staff and Mr. Price regarding the required screening for the vehicles. Mrs. Bunt explained that the case had been brought before the Board because the property needed to have a fence and the vehicles cannot be parked on the grass.

Motion by Mr. Lightholder, seconded by Mr. Klug, to table the case until the February 16, 2017 meeting. Vote on the motion carried unanimously.

11. CE 16-658 – Tax # 2443917

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 Sec. 6-1001 (g) Fence damage of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until February 19, 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. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

12. CE 16-684 – 2526 Stanford Dr.

This Case was found in compliance.

13. CE 16-698 – 2820 Tulane Dr.

This Case was found in compliance.

14. CE 16-763 – 616 S 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 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 February 19, 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. The Owner was not present.

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

15. CE 16-772 – 714 Johnson St.

This Case was tabled.

16. CE 16-773 – 1925 Quail Ridge Ct.

This Case was tabled.

17. CE 16-782 – 512 N Carolina 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 Section 6-900 (b) (1) a-d, Accumulation, junk, trash, and debris and Section 6-902 (b) (1) (2) Storing junk or autos, unregistered/in-operable vehicles of the City of Cocoa Code.

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

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.

18. CE 16-789 – 313 Churchill Dr.

This Case was found in compliance.

19. CE 16-791 – 125 Polaris 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 Section 6-902 (b) (1) (2), Storing junk or autos, unregistered/in-operable vehicles and Section 6-900 (b) (9) Parking in yard of the City of Cocoa Code.

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

Willie Sampson, 125 Polaris St, was sworn in. Mr. Sampson gave testimony that the vehicles are operable but need tags and he is working on getting the tags. Mr. Sampson agreed to not park the yard and to line the vehicles up on the driveway to be in compliance.

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

20. CE 16-792 – 122 Polaris St.

This Case was found in compliance.

21. CE 16-096 – 965 N Cocoa Blvd.

This Case was found in compliance

22. CE 16- 525 – 1321 College Ave.

This Case was tabled.

23. CE 16-530 – 1047 W. Hillcrest Dr.

This Case was tabled.

24. CE 16-659 – 116 Grimes St.

This Case was tabled.

25. CE 16-702 – 938 Dixon Blvd.

This Case was found in compliance.

26. CE 16-765 – 1901 Exeter Dr.

This Case was found in compliance.

27. CE 16-768 – 901 Westview Dr.

This Case was found in compliance

28. CE 16-771 – 1052 Myrtle Ln.

This Case was tabled.

29. CE 16-778 – 1046 Myrtle Ln.

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 6-1001 (g) Fence of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until February 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. 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.

30. CE 16-787 – 1214 Princeton Dr.

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 App. A Art. XII Section 5 (c) Permits required (fences) of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until February 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 not present. 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.

31. CE 16-795 – 1207 Dixon Blvd.

This Case was tabled.

32. CE 16-803 – 2315 N Cocoa Blvd.

This Case was found in compliance.

33. CE 16-804 – 1110 Willow Ln.

This Case was found in compliance.

34. CE 16-805 – 2009 Ivy Dr.

This Case was found in compliance.

35. CE 16-796 – 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 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 February 19, 2017 (30 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. Motion by Mr. Klug, seconded by Mr. Cicerrella, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE 16-100 – 700 S Carolina 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 Section 6-1003(f) Exterior walls, mildew, Section 6-1003(m) Windows, repair/replace and Section 6-1003(g) Roof of the City of Cocoa Code.

Officer Murdick stated that the Case was heard on August 18, 2016 and the Property Owner was given until October 20, 2016 to correct the violation or impose a fine in the amount of one hundred dollars (\$100.00) per day until found in compliance. Officer Murdick requested that the Board find the Property Owner in non-compliance. Mr. Cicerrella departed from the Board meeting at 6:56pm.

Esther Clarke, 418 A Lane, was sworn in. Joseph Colombo, Ms. Clarke's attorney, gave testimony that the foreclosure on the property is still pending. Mr. Colombo stated that the December 2016

date for trial has been postponed until April 2017. He stated that the bank is still working towards a loan modification for Ms. Clarke.

Mr. Gifford explained that the property is still in non-compliance so the Board has one option to find the owner in non-compliance. Mr. Gifford continued with explaining that once the property is brought into compliance, Ms. Clarke can apply for a lien reduction. Ms. Clarke gave a brief history to the home. Discussion amongst the Board members, Ms. Babb-Nutcher, Ms. Clarke and Mr. Colombo. Mr. Cicerrella returned to the Board meeting at 7:02pm, Mr. Cicerrella was not present for testimony and didn't vote. Motion by Mr. Brown, seconded by Mr. Klug, to accept Staff's recommendation and find the property owner in non-compliance. Vote on the motion carried unanimously (6-0).

2. CE 16-424 – 112 Derby 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 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.

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

3. CE 16-619 – 1114 Rosa L Jones Dr.

This Case was found in compliance.

4. CE 16-657 – 504 S Kentucky Ave.

This Case was found in compliance.

5. CE 16-670 – 26 Carmalt St.

This Case was found in compliance.

6. CE 16-548 – 2604 Dade Ct

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. 6-1001(g) fence and Section 6-1003 (b) Protective Treatment of the City of Cocoa Code. Officer Mack stated that the Case was heard on November 18, 2016 and the Property Owner was given until December 18, 2016 to correct the violation or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance. Officer Mack 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.

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.

7. CE -16-603 – 2017 Rollins Dr.

This Case was found in compliance.

8. CE 16-666 – 1043 Avon

This Case was found in compliance.

LIEN REDUCTION/FORGIVENESS:

1. 414 N Fiske Blvd

Deputy Director Nancy Bunt presented the first of two (2) staff reports for the lien reduction request. Mrs. Bunt stated on October 15, 2015 for CE-15-826 the Code Enforcement Board found the property owner, Federico Laracuate, in violation of Section 6-900(b)(1)- Accumulation of Trash & Debris, Section 6-1001 (d) Weeds & Overgrowth and Section 6-1001(g)- Accessory Structure (fence)

The lien ran at twenty-five dollars (\$25.00) per day from November 17, 2015 until compliance was achieved on December 15, 2016. The total amount of the lien is \$9,870 and the current owner, Federico Laracuate, is requesting that the lien be reduced to City cost.

Mrs. Bunt presented the second Staff report for the lien reduction request. Mrs. Bunt stated on August 18, 2016 for CE 16-431 the Code Enforcement Board found the property owner, Federico Laracuate, in violation of Section 6-2003 – Rental Business Certificate, Section 6-900 (b)(11) Outdoor Storage- junk, trash & debris and Section 6-1001 (d) Weeds & Overgrowth.

The lien ran at seventy-five dollars (\$75.00) per day from August 28, 2016 until compliance was achieved on December 15, 2016. The total amount of the lien is \$8,175.00 and the current owner, Federico Laracuate, is requesting that the lien be reduced to City cost. Staff recommends the lien be reduced to three thousand dollars (\$3,000.00).

Federico Laracuate, property owner, was sworn in. Mr. Laracuate gave testimony that the lien and fines were unknown to him and he was not receiving the letters. Mr. Laracuate stated the address at 200 N Courtney Pwky has not been his address for 10+ years.

Ms. Babb-Nutcher, Board Attorney, explained to Mr. Laracuate that the address on the Brevard County Property Appraisers site was the address that the City has to go by for mailing notices to property owners.

Mr. Laracuate explained that the property was posted but he again didn't receive the notice and contact wasn't made by Code Enforcement and himself makes it applicable for reduction. He explained that the violations have not existed for about 10 years. He also stated that the violations he was cited for didn't exist. Mr. Gifford reiterated to Mr. Laracuate the same statement Ms. Babb-Nutcher stated above. Discussion amongst the Board members and Mr. Laracuate. Mrs. Bunt stated that she had reviewed the case file and would provide Mr. Laracuate a copy showing the date stamp pictures of the violations and the posted notices if he so requested.

Motion by Ms. Weaver to reduction the lien to \$1,500.00, motion dies from a lack of a second. Motion by Mr. Cicerella, seconded by Mr. Lightholder, to accept Staff's recommendation and recommend to Council the lien reduction in the amount of three thousand dollars (\$3,000.00). Vote on the motion carried unanimously.

2. 1149 Masterson St, Melbourne

Deputy Director Nancy Bunt presented the first of four Staff reports for the lien reduction request. Mrs. Bunt stated on June 19, 2014 for CE 14-263 the Code Enforcement Board found the property owner, Gladys Thomas, in violation of Section 6-1003(o) Doors, Section 6-1003(b) - Protective Treatment, Section 6-1003(g) - Roofs and Drainages and Section 6-900 (b) (4) (a-c) Maintenance to a Structure.

The lien is currently running at \$50.00 per day from July 15, 2014 until compliance is achieved. As of today the lien is approximately \$45,950.00.

Mrs. Bunt presented the second Staff report for the lien reduction request. Mrs. Bunt stated on October 17, 2008 for CE 08-654 the Code Enforcement Board found the property owner, Gladys Thomas, in violation of Section 6-105(a) Building Permits Required and Section 6-900 (b) (4) (a-c) Maintenance to a Structure.

The lien ran at \$100.00 per day from November 2, 2008 until compliance was achieved on December 10, 2015. As of today the lien is \$259,700.00.

Mrs. Bunt presented the third Staff report for the lien reduction request. Mrs. Bunt stated on May 21, 2009 for CE 09-235 the Code Enforcement Board found the property owner, Gladys Thomas, in violation of Section 6-902(c) (1) (2) Storing Junk or Autos, Section 6-105(a) Building Permits Required and Section 6-900 (b) (4) (a-c) Maintenance to a Structure.

The lien ran at \$200.00 per day from June 22, 2009 until compliance was achieved on December 10, 2015. As of today the lien is \$472,600.00.

Mrs. Bunt presented the last Staff report for the lien reduction request. Mrs. Bunt stated on February 18, 2010 for CE 09-618 the Code Enforcement Board found the property owner, Gladys Thomas, in violation of Section 6-900 (b) (4) (a-c) Maintenance to a Structure and Section 6-1003 (c) Premises Identification.

The lien is currently running at \$100.00 per day from March 22, 2010 until compliance is achieved. As of today the lien is \$249,500.00 and the current owner, Brevard Neighbor Development Coalition, is requesting a partial release for only the 1149 Masterson Street, Melbourne. Staff recommends the partial release lien of the property located at 1149 Masterson Street, Melbourne with a two hundred and fifty dollars (\$250.00) administrative fee for processing the partial release.

Ms. Babb-Nutcher explained to the Board members that the request is different from a lien reduction/forgiveness and continued to explain that the partial release is only for the Melbourne property. Ms. Babb-Nutcher stated that the liens will still exist with the properties in Cocoa and any other properties in the county that are owned by Gladys B. Thomas. Discussion amongst to Board members, Board attorney and staff.

Lynn Brockwell-Carey, BNDC Executive Director, 2130 Cedarwood Dr, Melbourne, was sworn in. Ms. Carey gave a brief history of the property and the non-profits involvement to the property. Mrs. Carey explained the title search had been completed but the lien was missed on the title search so BNDC moved forward in the closing. She stated that a donor had their legal team look at the title

search and he found the missed lien. That is why BNDC is requesting a partial release. Ms. Carey explained they are unable to move forward with the construction of the building until the lien is cleared.

Additional discussion amongst the Board members and Board attorney. Motion by Mr. Lightholder, second by Cicerrella, to approve staff's recommendation of a \$250.00 administrative processing fee and a partial release for 1149 Masterson Street, Melbourne.

DEMOLITION APPEALS:

None

OTHER BUSINESS:

1. 10 South Street

Mrs. Bunt gave a brief update regarding the property and the status of the case. Mrs. Bunt stated the new property owner was present to speak.

Jim Strippling, 41 River Ridge, Rockledge, was sworn in. Mr. Strippling gave brief statement regarding the update to the property and his intentions. Mr. Strippling stated as of January 18, 2017 he is the new owner and he is prepared to pay for the demolition cost. Mr. Strippling stated he is prepared to apply for a lien reduction for the second lien on the property. Discussion amongst the Board members, Board attorney and Mr. Strippling.

Motion by Mr. Klug, seconded by Mr. Cicerrella, to withdrawn the City's request for foreclosure. Vote on the motion carried unanimously.

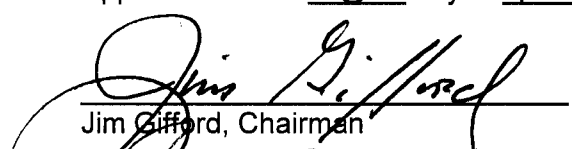
NEXT MEETING:

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

ADJOURNMENT:

There being no further business the meeting adjourned at 7:56PM.

Approved on this 16th day of February, 2017.


Jim Clifford, Chairman


Rachel Unruh, Recording Secretary