

**Code Enforcement Board
Meeting Minutes
January 16, 2020**

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, January 16, 2020 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman George Brown 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
David Lightholder	Board Member
Scott Hannon	Board Member
Edward Green	Board Member
Lloyd Roberts	Board Member
Virginia Weaver	Board Member

MEMBERS ABSENT:

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Mike Cantaloupe	Police Chief
Steve Murdick	Code Enforcement Officer
Jeff Dargatis	Code Enforcement Officer
Don Boisvert	Councilman/Liaison
Debra Babb-Nutcher	Board Attorney
Kadi Carver	Recording Secretary

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: January 16, 2020

Motion by Mr. Lightholder, seconded by Ms. Weaver, to approve to the agenda of January 16, 2020. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: November 21, 2019.

Motion by Mr. Brown, seconded by Ms. Weaver, to approve the minutes of November 21, 2019. Vote on the motion carried unanimously.

CASES:

1. CE-19-193 – 1501 Harvard 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 was in violation of *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until February 16, 2020 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

2. CE-19-348 – 1238 Amherst Court

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 *XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until February 16, 2020 (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: Lela Johnson, 1238 Amherst Court, Cocoa

Property owner stated that she has vinyl siding on her house which was pressure washed back in August. Officer Murdick stated the gutters still needed to be cleaned or painted. There was more discussion amongst the Board members and staff. Mr. Roberts suggested that this case be tabled until the next meeting.

Motion by Mr. Roberts, seconded by Mr. Hannon, to Amend Staff's recommendation and Table until the next meeting. Vote on the motion carried unanimously.

3. CE-19-349 - 1242 Amherst Court

This case complied.

4. CE-19-390 – 703 Thomas Ave.

This case complied.

5. CE-19-395 – 1512 Cambridge 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 was in violation of *XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until February 16, 2020 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

6. CE-19-396 – 1215 Vassar Ln.

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 *XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)*, *XX. Parking in Yard Ch 6 Sec. 6-900 (b)(9)*, *XXII. Permit Required App A Art. XV Sec 2 (a)*, *XXXII. Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)* and *XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until February 16, 2020 (30 days) to come into compliance or impose a fine of one hundred twenty-five dollars (\$125.00) per day until found in compliance.

Property owner was sworn in: Gisselle Garcia, 370 Pioneer Rd, Merritt Island, FL 32953

Property owner stated that she spoke to Officer Murdick and her tenants about parking in the yard. Officer Murdick went over the pictures with the property owner and Code Board members so they had a better understanding of the violation. The violation for the permit required is for the structure added to the front portion of the property. Mr. Gifford explained to the property owner where to go to pull the permit for the structure. Manager Bunt explained that a contractor would need to pull the permit for the work on the property since the property is rental property. Manager Bunt stated if the structure is removed from the property a permit would not be required. More discussion amongst the Board members and staff about the other violations on the property. The property owner will contact Officer Murdick once violations are corrected he can go by and verify. Mr. Hannon did not think she would be able to complete everything within the 30 days and Manager Bunt agreed. Manager Bunt suggested that (60 days) March 19, 2020 be given to into compliance.

Motion by Mr. Brown, seconded by Ms. Weaver, to amend Staff's recommendation to give the property owner (60 days) March 19, 2020 and find the Property Owner in violation. Vote on the motion carried unanimously.

7. CE-19-398 – 23 Travis 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 was in violation of *XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and XXII.Permit Required App A Art. XV Sec 2 (a)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until February 16, 2020 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Property owner Representative was sworn in: Terrasina Wynn, 5325 Fay Blvd, PSJ

Mr. Gifford spoke to the property owner stating that she should needed to obtain a permit for the shed before starting the work. Ms. Wynn explained that the property was Quick Claimed and she was contacting an attorney to see what her options were. Attorney Babb-Nutcher stated that the property did not show the property had been Quick Claimed. Discussion amongst the Board members and staff.

Motion by Mr. Roberts, seconded by Mr. Hannon, to amend Staff's recommendation to give the property owner (60 days) March 19, 2020 and find the Property Owner in violation. Vote on the motion carried unanimously.

8. CE-19-436 – 1504 Harvard 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 was in violation of *I. Accessory Structures Ch 6 Sec. 6-1001 (g), XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (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 been given until February 16, 2020 (30 days) to come into compliance or impose a fine of seventy-five dollars (\$75.00) per day until found in compliance.

Property owner was sworn in: Mary Rubar, 4125 Juanita St, PSJ

Ms. Rubar stated that the property was owned by herself and her (2) two siblings. Ms. Rubar explained she has been responsible for all of the repairs done to the property. She stated that she has someone cut the grass and the cleanup of the backyard the biggest complaint. Ms. Rubar explained that she will have the house pressured washed and thought that the fence had been taken care of. Officer Murdick explained the fence violation. She has contacted a lawyer with the intent to have herself and her sister's name taken off the property leaving the brother as the sole owner of the property. More discussion amongst the Board members and staff.

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

9. CE-2019-42111 – 1706 Pineda Street

This case complied.

10. CE-2019-42112 – 1519 Cambridge Drive

This case complied.

11. CE-2019-42327 – 1408 Stetson Drive East

This case complied.

12. CE-2019-43880 – 513 Washington 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 was in violation of XXVII. *Protective Treatment*, Ch 6 Sec. 6-1003 (b), I. *Accessory Structures* Ch 6 Sec. 6-1001 (g), XXXVI. *Weeds*, Ch 6 Sec. 6-1001(d) and APP. A, ART. XI, SEC. 3, *District and Intent, Single-Family Residential District*. 6-1103 A-G, *Occupancy limitations*. of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until February 16, 2020 (30 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Property owner representative was sworn in: Kelvin McNeil, 17358 DiVaughn St, Orlando, FL 32803

Mr. McNeil explained to the Board Members that he was at the property in October and now he is cutting the grass every two weeks. Manager Bunt explained to the property owner what the pictures were showing as far as the grass, the fascia and the fencing. Manager Bunt stated that he was not concerned with the scrubs and plants because Code Enforcement does not tell a property owner how to take care of those. Manager Bunt explained to the property owner that Officer Murdick could come out to the property and explain what needed to be fixed. Mr. Hannon had questions about the violation concerning the Boarding House. Manager Bunt stated that he received a complaint from one of the tenants because of an argument between tenants and stated that the Police Department had been called out to the property over tenant disputes and found out they were renting rooms to individuals. Manager Bunt explained rentals and that a family could live in the front house and family could live in the back house but that you can not rent rooms to 9 different people. Mr. Hannon asked when the Residential Rental Tax Receipt was revoked and Manager Bunt stated back in October. More discussion amongst the Board members and staff. Mr. Gifford asked if (30 days) would be enough time to correct the violations. Mr. McNeil stated that he would need more time. Manager Bunt state he would not object to (60 days) March 19, 2020

Motion by Mr. Lightholder, seconded by Mr. Roberts, to amend Staff's recommendation to give the property owner (60 days) March 19, 2020 and find the Property Owner in violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE-19-122 – 409 Center Street

This case complied.

2. CE-19-123 – 413 Center Street.

This case complied.

3. CE-19-124 – 420 Willard Street

This case complied.

4. CE-19-198 – 1502 Harvard 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 *II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and I.Accessory Structures Ch 6 Sec. 6-1001 (g)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on December 27, 2019, and property owner remains in violation.

Property owner was not present.

Motion by Mr. Brown seconded by Ms. Weaver, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

5. CE-19-211 – 547-549 Peachtree Street

This case complied.

6. CE-19-482 – 127 Aurora 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 *XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), and XXXVI.Weeds, Ch 6 Sec. 6-1001(d)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on December 27, 2019 and property owner remains in violation.

Property owner was sworn in: Larry Dean,

Mr. Dean stated that he took pictures of the items outside which have been cleaned up and the swimming pool has also been taken care of. Mr. Dean said Officer Murdick

would come out and walk the property to see if he has fixed the violations. Mr. Gifford explained that he was unable to give him more time.

Motion by Mr. Lightholder seconded by Mr. Green, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

7. CE-19-495 – Tax # 2424473 & 2424472

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 *V.Business Tax Receipt Ch 12 Sec. 12-1 (a)(b), XXIII.Permit Required (fences) App A Art. XIII Sec 5 (c) and XXII.Permit Required App A Art. XV Sec 2 (a)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on October 31, 2019 and property owner remains in violation.

Property owner was not present.

Manager Bunt gave an overview of the last meeting about this property. The property owner was given (90 days). Discussion amongst the Board members and staff.

Motion by Ms. Weaver seconded by Mr. Roberts, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

REPEAT VIOLATION:

None

LIEN REDUCTION:

1. CE-18-183 – 315 Belmont Drive

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Manager Bunt stated a public hearing was held on February 21, 2019 and the lien ran at one hundred dollars (\$100.00) per day from March 24, 2019 until compliance was achieved on November 25, 2019. The total amount of the lien is \$24,610.00. The attorney for the estate of Francesco Di Bello is requesting the lien be reduced to zero, due to the owner is deceased and the property is going through probate with his family.

Based on factors in the staff report, staff recommended the lien be reduced to \$1,677.50.

Attorney for the Estate: Jessica Silva

The attorney for the property spoke about the property. Discussion amongst staff and Code Board Members.

Motion by Mr. Brown, seconded by Mr. Hannon, to recommend to the City Council the lien reduction be in the amount of two thousand dollars (\$2,000.00). Vote on the motion carried unanimously.

Manager Announcements:

None

DEMOLITION APPEALS:

None

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on February 20, 2020.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:15 PM.

Approved on this 20 day of February, 2020.



Jim Gifford, Chairman



Darla Crowl, Recording Secretary



