

**Code Enforcement Board
Meeting Minutes
November 21, 2019**

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, November 21, 2019 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 - 6:02
George Brown, Jr.	Vice-Chairman
David Lightholder	Board Member
Scott Hannon	Board Member
Edward Green	Board Member
Lloyd Roberts	Board Member

MEMBERS ABSENT:

Virginia Weaver	Board Member
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OTHERS PRESENT:

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

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: November 21, 2019

Motion by Mr. Lightholder, seconded by Mr. Hannon, to approve to the agenda of November 21, 2019. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: October 17, 2019.

Motion by Mr. Green, seconded by Mr. Lightholder, to approve the minutes of October 21, 2019. Vote on the motion carried unanimously.

CASES:

1. CE-19-122 – 409 Center 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 *IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5)*, *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)* and *XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until December 21, 2019 (30 days) to come into compliance or impose a fine of seventy-five dollars (\$75.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

2. CE-19-123 – 413 Center 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 *XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*, *IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5)*, *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)* and *XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until December 21, 2019 (30 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

3. CE-19-124 – 420 Willard 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 *XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*, *XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)*, *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b) and XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until December 21, 2019 (30 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

4. CE-19-193 – 1501 Harvard Dr.

This case was tabled.

5. CE-19-196 – 1206 Westview 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) 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 December 21, 2019 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Discussion amongst the Board members and staff

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

6. CE-19-198 – 1502 Harvard 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 *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) and I.Accessory Structures Ch 6 Sec. 6-1001 (g)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until December 21, 2019 (30 days) to come into compliance or impose a fine of seventy-five dollars (\$75.00) per day until found in compliance.

Discussion amongst the Board members and staff

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

7. CE-19-459 – 615 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 *Landscape Requirements, App A Art XIII Sec 22 (a-i)* of the City Code.

Officer Murdick requested that the Board find the Property Owner was in violation and is now in compliance.

Property owner was sworn in: Jim Thistle, 615 N Cocoa Blvd, Cocoa, FL

Manager Bunt gave an overview of what has been going on at this location and stated that if this happens again it would be a repeat violation. Property owner Mr. Thistle wanted to explain that the vehicles that are parking on sidewalk and grass are customers and he feels he is not responsible for them. He is looking into possibly expanding his lot to alleviate the issue of parking on the sidewalk and grass. Manager Bunt stated that he has talked to Mr. Thistle about his inventory and keeping it off the right of way or this would be considers a repeat violation. Customer parking spots are for customers not inventory. Discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Roberts, to approve Staff's recommendation and find the Property Owner in compliance and no fines imposed. Vote on the motion carried unanimously.

8. CE-2019-0030 – 1508 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), XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), I. Accessory Structures Ch 6 Sec. 6-1001 (g), National Electrical Code, Temporary wiring used as permanent prohibited and . APP. A, ART. XI, Sec. 3 – Operating a business -District and Intent – RU-1-7, Single Family Residential District* of the City Code.

Officer Murdick requested that the Board find the Property Owner was in violation and is now in compliance.

Property owner was not present.

Discussion amongst the Board members and staff.

Motion by Mr. Green, seconded by Mr. Brown, to approve Staff's recommendation and find the Property Owner in compliance and no fines imposed. Vote on the motion carried unanimously.

9. CE-2019-40953 – 731 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 was in violation of *XXII. Permit Required App A Art. XV Sec 2 (a), XXXVII. Window Glazing, Ch 6 Sec. 6-1003(m)(1) and XXXVI. Weeds, Ch 6 Sec. 6-1001(d)* of the City Code.

Property owner was sworn in: Mark Patacer, 731 W King St, Cocoa, FL 32922

Mr. Patacer stated he thought the property was in compliance after speaking with Scott Davis (Building Official at the time). He has gotten a few estimates on steal roll up shutters because the windows keep getting broken. Manager Bunt stated that Mr. Patacer had spoken with Mr. Davis but the permits had expired in October. Manager Bunt stated that Code Enforcement put the hurricane fencing and tape up because homeless people were breaking out the windows and living in the building. Mr. Patacer's wife did a blanket trespass to keep the homeless from going on the property. Manager Bunt stated that this same address is on the Agenda for a Demo Appeal. This property was condemned by Scott Davis and was given 180 days which was when the permit was pulled. The Building Department still has an active Administrative Order and notice of violation on the demolition. The Building Official wants to move forward with the demolition since the appeal time has expired. Discussion amongst the Board

members and staff. Mr. Lightholder stated that he would like to give the property owner until February 20, 2020 (90 days) to come into compliance.

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

FIRE DEPARTMENT CODE CASE:

None

NON-COMPLIANCE:

1. CE-19-121 – 26 Forrest Ave.

Removed.

2. CE-19-126 – 1202 Princeton Rd.

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 XXVII.*Protective Treatment*, Ch 6 Sec. 6-1003 (b), XXXIII.*Storing Outdoors*, Ch 6 Sec. 6-900 (b)(11), XXIX.*Roofs & Drainage*, Ch 6 Sec. 6-1003 (g) and X.*Exterior Walls* Ch 6 Sec. 6-1003 (f) of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on October 30, 2019 and property owner remains in violation.

Property owner was not present.

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.

3. CE-19-211 – 547-549 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 II.*Accum. Of Trash and Litter* Ch 6 Sec. 6-900 (b)(1)a-d, V.*Business Tax Receipt* Ch 12 Sec. 12-1 (a)(b), XXVII.*Protective Treatment*, Ch 6 Sec. 6-1003 (b) and IV.*Boarded Up Buildings* Ch. 6 Sec. 6-900 (b)(5) of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on October 30, 2019 and property owner remains in violation.

Property owner's son was sworn in: Loren McClanahan, 2995 Savannahs Trails, Merritt Island FL

Mr. McClanahan the son of the property owners gave background on his parent's health conditions. Mr. McClanahan said that he spoke with Code Enforcement Officer Julian Briggs about the violations at the property but never heard back from him after they spoke. Mr. Hannon asked Mr. McClanahan how much time he thought he would need to take care of the violations on the property. He asked for 30 days and the Board decided to move it to the January Code Board. More discussion amongst the Board members and staff. Mr. Gifford asked Manager Bunt if they could table the case until the January Code Board meeting and Manager Bunt stated whatever the preference of the Board decided was fine with him. Mr. Gifford asked Mr. McClanahan to ask Code Enforcement to inspect the property once violations corrected.

Motion by Mr. Hannon seconded by Mr. Lightholder, to amend Staff's recommendation and table this case to the January Code Board meeting and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

4. CE-2019-0045 – 1803 N Indian River 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 *XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)*, *XXIV. Pools and Spas Ch 6 Sec. 6-1002 (a)* 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 October 31, 2019 and property owner remains in violation.

Property owner was not present.

Motion by Mr. Lightholder seconded by Mr. Hannon, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously. NaviLine number CE-19-506.

5. CE-19-321 – 1045 Alamanda Ln.

This case complied.

6. CE-19-304 – 1059 Cypress 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 is in violation of XXVII.*Protective Treatment*, Ch 6 Sec. 6-1003 (b), XXXIII.*Storing Outdoors*, Ch 6 Sec. 6-900 (b)(11) 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 October 31, 2019 and property owner remains in violation.

Property owner was not present.

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

7. CE-19-483 – 1113 Hickory 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 is in violation of XXVII.*Protective Treatment*, Ch 6 Sec. 6-1003 (b), 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 and XXIX.*Roofs & Drainage*, Ch 6 Sec. 6-1003 (g) 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.

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

8. CE-19-484 – 1055 Bellefonte Ave.

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. (Julian Briggs case) Officer Murdick testified that the Property Owner is in violation of XXVII.*Protective Treatment*, Ch 6 Sec. 6-1003 (b), XXXIII.*Storing Outdoors*, Ch 6 Sec. 6-900 (b)(11), II.*Accum. Of Trash and Litter* Ch 6 Sec. 6-900 (b)(1)a-d, IV.*Boarded Up Buildings* Ch. 6 Sec.6-900 (b)(5) 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 October 31, 2019 and property owner remains in violation.

Property owner's sister was sworn in: Therisa Workman, 1055 Bellefonte Ave, Cocoa, FL 32922

Discussion amongst the Board members and staff. Mr. Gifford explained to Ms. Workman what the non-compliance hearing is about.

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.

9. CE-19-485 – 1053 Park Dr.

This case was removed.

REPEAT VIOLATION:

1. CE-2019-43878 – 904 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 was in repeat violation of XXXVI. *Weeds, Ch 6 Sec. 6-1001(d), II. Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XXIX. Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)* of the City Code.

Property owner was not present: Ibtihel M Ben Messaoud Trust; Oirghemi, Zouhair

Officer Murdick requested that the Code Enforcement Board find the property owner mentioned above is found to be in repeat violation of the above mentioned repeat violations and that the owner be fined \$250.00 per day from October 16, 2019 until compliance is achieved.

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 Repeat Violation. Vote on the motion carried unanimously. NaviLine case #CE-19-507.

LIEN REDUCTION:

1. CE-16-487 – 540 Peachtree St.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on August 18, 2016 for CE-16-487 the Code Enforcement Board found the property owner N.A.T Of Brevard in violation of High Grass & Weeds Ch 6 Sec. 6-1001 (d), Unregistered Boat Ch 6 Sec. 6-900 (b) (8), Outdoor Storage, Junk & Trash Ch 6 Sec. 6-900 (b) (1) a-d and Protective Treatment Ch 6 Sec. 6-1003 (b) and the lien ran at one hundred dollars (\$100.00) per day from October 29, 2016 until compliance was achieved on December 7, 2017. Code records show inspections of the inside of the home where the violations occurred prior to this hearing. The total amount of the lien is \$46,600.00 and the current owner, N.A.T Of Brevard, is requesting that the lien be reduced to the amount of \$3,000.00, due to the fact that the owner is selling the property.

Based on factors in the staff report, staff recommended the lien be reduced to \$3,000.00 the amount requested by the Applicant.

Discussion amongst staff and Code Board Members.

Motion by Mr. Hannon, seconded by Mr. Lightholder, to recommend to the City Council the lien reduction be in the amount of three thousand dollars (\$3,000.00). Vote on the motion carried unanimously.

Manager Announcements:

None

DEMOLITION APPEALS:

1. CE-19-503 – 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 XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g), XXXV.Weeds, Ch 6 Sec. 6-1001(d), XXXVII.Window, Door & Frame, Ch 6 Sec. 6-1003(m) and I.Accessory Structure, Ch 6 Sec. 6-1001 (g) of the City of Cocoa Code. This case remains open since September 21, 2017. Manage Bunt gave background testimony on the property. The case came before the Code Board for the above violations mentioned by Code

Officer Murdick. No permit pulled for taking down the screened in porch but a permit pulled for windows. Manager Bunt stated the house is continuously open with people in and out of it with the front door left open. When the property came before the Code Board was on the condemnation list. Property not fixed so it has placed at the top of the Demo list. Notice of Administrative Action and Notice of Violation for the demolition of this property and the property owner's relative has requested an appeal. The owner is deceased. Manager Bunt stated that Code Enforcement has received several calls about the property going through probate and someone is looking to purchase the property. The relative came in after the appeal date but they wanted to come before the Board to appeal the demolition. The Building Official made the decision to demo the property. Manager Bunt stated he does not know what the property owners plans are since the Code case they have not fixed or repaired anything on the property since the non-compliance hearing other than mowing the grass and removing the chain link fence.

Property representative was sworn in: Hosmare Hernandez,

The representative for the property stated that he is making the appeal for him and his partner so that they can fix and purchase the property. He is asking for more time for probate (Judge) decision. Mr. Gifford asked for confirmation to find out if the house has gone to probate. Manager Bunt told the Board that he had received an email from the Attorney after the house was posted he was taking it to probate. Manager Bunt also stated that it was his understanding that as of today it has not gone to court or to probate.

2. CE-18-21 – 731 W. King St.

See case CE-2019-40953

OTHER BUSINESS:

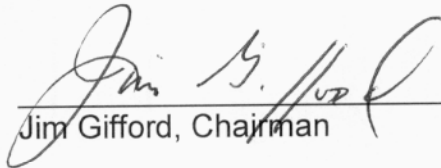
NEXT MEETING:

The Board members established that the next meeting would be held on January 16, 2020.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:30 PM.

Approved on this 16 day of January, 2020.



Jim Gifford, Chairman



Darla Crowl, Recording Secretary

