

**Code Enforcement Board
Meeting Minutes
November 16, 2017**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, September 21, 2017 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Jim Gifford called the meeting to order at 6:13 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Jim Gifford	Chairman
George Brown, Jr.	Vice-Chairman
Virginia Weaver	Board Member
Stephanie Moretto	Alternate Board Member
David Lightholder	Board Member

MEMBERS ABSENT:

Michael Cicerrella	Board Member
Michael Klug	Board Member
Bill Terrell	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
John Hankins	Police Department - Major
Michael Mack	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney – via phone
Rachel Unruh	Recording Secretary

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Meeting Agenda: November 16, 2017

Motion by Mr. Brown, seconded by Ms. Weaver, to approve the agenda of September 21, 2017 as amended. Vote on the motion carried unanimously (5-0).

2. Approval of Meeting Minutes: September 21, 2017

Motion by Ms. Weaver, seconded by Mr. Lightholder, to approve the minutes of August 17, 2017, as written. Vote on the motion carried unanimously (5-0).

NEW BUSINESS:

None

CASES:

1. CE-17-676 1103 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 Maint of Struct/Grounds Ch 6 Sec. 6-900 (b)(4) a-c and Roofs & Drainage, Ch 6 Sec. 6-1003 (g) of City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until December 17, 2017 (30 days) to come into compliance or impose a fine for fifty dollars (\$50.00) per day until found in compliance. Owner was not present. Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Ms. Moretto, to approve Staff's recommendation, motion failed due to a lack of vote. Motion by Weaver, seconded by Lightholder to approve Staff's recommendation amending the fine amount from \$50.00 to \$100.00 and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

2. CE-17-678 1114 Rosa L. Jones 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 Accessory Structures Ch 6 Sec. 6-1001 (g) Parking in Yard Ch 6 Sec. 6-900 (b)(9) and Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, of City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until December 17, 2017 (30 days) to come into compliance or impose a fine for seventy-five dollars (\$75.00) per day until found in compliance.

Natasha Smith, 1114 Rosa L Jones, was sworn in. Ms. Smith explained that the refrigerator in the home went bad and they replaced it with the one by the front door. She further explained that they had a death in the family and that explains the parking in the yard.

Discussion amongst the Board members, staff and Ms. Smith.

Ms. Smith agreed that 30 days was enough time to make the corrections.

Additional discussion amongst the Board members, staff and Ms. Smith.

Motion by Mr. Lightholder, seconded by Ms. Moretto, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

3. CE-17-709 1205 Counts St.

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 Accessory Structures Ch 6 Sec. 6-1001 (g) and 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 December 17, 2017 (30 days) to come into compliance or impose a fine for fifty dollars (\$50.00) per day until found in compliance.

Edward B. Brown, 1205 Counts St, was sworn in. Mr. Brown stated the boarded window has been corrected and he explained that the fence belongs to the neighbor that has passed away.

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

Mr. Brown has agreed to remove the fence and place it at the curb for Waste Management.

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

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 (5-0).

4. CE-17-298 242 Smith 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 Trailers In Yard, Ch 6 Sec. 6-900 (b)(15), Weeds, Ch 6 Sec. 6-1001(d) Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and Accessory Structures Ch 6 Sec. 6-1001 (g), of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until November 27, 2017 (30 days) to come into compliance or impose a fine for one hundred dollars (\$100.00) per day until found in compliance.

Owner was not present, Dennis Bunt stated for the record the owner was unable to attend the meeting but provided a letter for the Board members to review. Dennis also explained that the owner of the property submitted photos of other addresses in the area of other violations and Code Enforcement has taken those photos as a complaint.

Discussion amongst the Board members and staff.

Motion by Mr. Lightholder, seconded by Mr. Brown, to approve Staff's recommendation amending the fine amount from \$100.00 to \$200.00 and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

5. 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 Accessory Structures Ch 6 Sec. 6-1001 (g), of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until December 17, 2017 (30 days) to come into compliance or impose a fine for fifty dollars (\$50.00) per day until found in compliance.

Owner was not present, Dennis Bunt stated for the record the owner was unable to attend the meeting but provided a letter for the Board members to review.

Discussion amongst the Board members and staff.

Motion by Mr. Lightholder, seconded by Ms. Weaver, to approve Staff's recommendation amending the time frame from 30 days to 60 days (January 17, 2018) and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

6. CE-17-716 2607 N Indian River Dr.

This case was withdrawn.

NON-COMPLIANCE:

Chairperson Gifford asked for the following case to be heard as a single motion; CE-17-247 906 Westview Dr., CE-17-383 2228 Salem Dr., CE-17-347 115 St. Charles St. and CE-17-392 244 Orange St. Owner's not present for meeting. Code Manager, Dennis Bunt requested that the Board find the Property Owners in non-compliance and impose a fine as stated in the Finding of the Facts. Motion by Ms. Weaver, seconded by Mr. Cicerella, to accept Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously (5-0).

2. CE-17-315 1040 W Hillcrest 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 Permit Required App A Art. XV Sec 2 (a), Protective Treatment, Ch 6 Sec. 6-1003 (b), Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5) and Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, of the City of Cocoa Code. Officer Mack stated that the Case was heard on July 20, 2017 and the Property Owner was given until September 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.

Larry Robinson, 1040 W Hillcrest Dr, was sworn in. Mr. Robinson explained he is working on the property and he will get it in compliance. Mr. Robinson stated he has not spoken with the Code Officer.

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

Code Manager Dennis Bunt stated that Mr. Robinson should contact the Building Department regarding the work that has been completed on the property without a permit.

Motion by Mr. Brown, seconded by Mr. Lightholder, to accept Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously (5-0).

3. CE-17-429 2228 Iona 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 Protective Treatment, Ch 6 Sec. 6-1003 (b) and Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) of the City of Cocoa Code. Officer Mack stated that the Case was heard on August 17, 2017 and the Property Owner was given until September 16, 2017 to correct the violation or impose a fine for 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 for fifty dollars (\$50.00) per day until found in compliance.

Bruce Gimzek, 2228 Iona Dr., was sworn in. Mr. Gimzek stated he just received the first letter regarding the issues.

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

Code Manager Bunt stated for the record that the letters were mailed standard & certified and property was posted.

Motion by Ms. Weaver, seconded by Mr. Lightholder, to accept Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously (5-0).

4. CE-17-475 1108 W Hillcrest 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 Permit Required App A Art. XV Sec 2 (a), Roofs & Drainage, Ch 6 Sec. 6-1003 (g), Maint of Struct/Grounds Ch 6 Sec. 6-900 (b)(4) a-c, Protective Treatment, Ch 6 Sec. 6-1003 (b), Accessory structures Ch 6 Sec. 1001 (g), of the City of Cocoa Code. Officer Mack stated that the Case was heard on August 17, 2017 and the Property Owner was given until September 16, 2017 to correct the violation or impose a fine for two-hundred fifty dollars (\$250.00) per day until found in compliance. Officer Mack requested that the Board find the Property Owner in non-compliance and impose a fine for two-hundred fifty dollars (\$250.00) per day until found in compliance.

Shahbaz Shuja, 778 Bear Creek Cir, Winter Springs, was sworn in. Mr. Shuja asked staff if they had the current photos that he provided to staff on Monday 13th showing the property is in compliance.

Code Manager Bunt stated the photos entered into evidence are current photos of the location taken by staff. Mr. Bunt went thru each of the photos explaining the violations that still exist. Mr. Bunt stated that Mr. Shuja has made several repairs but will need to contact the Building Department regarding the repairs and permits that are required for the work completed.

Mr. Shuja again stated that the repairs have been completed. And he has had a roof specialist to inspect the roof and what repairs are needed.

Mr. Lightholder explained that the overhang that is in question is not repaired to code. He continued to explain to Mr. Shuja that he will need a Structural Engineer to address the sag in the roof.

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

Mr. Shuja stated that the painting had not been completed so that the Officer can see the repairs that have been made.

Additional discussion amongst the staff and Mr. Shuja.

Mr. Bunt stated Mr. Shuja has done work to the home however that worked completed is still in violation because it was not done to code. Mr. Bunt and Steve Angeline, City Building Inspector, have been on location to inspect the repairs and the integrity of the roof.

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

Officer Mack stated that his initial inspection was for Minimum Housing Standards. At the time of the inspection he found illicit discharge, leaking in the roof, plumbing issues and electrical issues.

Motion by Mr. Lightholder, seconded by Ms. Morretto, to accept Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously (5-0).

5. CE-17-531 1227 Jackson St.

This case was tabled.

6. CE-17-268 927 Grove 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 Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and Weeds, Ch 6 Sec. 6-1001(d), of the City of Cocoa Code. Officer Murdick stated that the Case was heard on July 20, 2017 and the Property Owner was given until September 20, 2017 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 and impose a fine for fifty dollars (\$50.00) per day until found in compliance.

Timothy Harris, 1175 Wentworth Cir, Rockledge, was sworn in.

Mr. Gifford asked what was left to bring the property into compliance.

Officer Murdick stated the fascia in the front of the house and the overgrowth on the right side of the property still needs to be corrected.

Mr. Harris stated that they will have it completed within a week.

Motion by Mr. Lightholder, seconded by Mr. Brown, to table the case until January 18 2018 meeting. Vote on the motion carried unanimously (5-0).

7. CE-17-300 1055 Park 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 Parking in Yard Ch 6 Sec. 6-900 (b)(9) and Accum. Of Trash and Litter Ch 6 Sec. 6-

900 (b)(1)a-d, of the City of Cocoa Code. Officer Murdick stated that the Case was heard on May 18, 2017 and the Property Owner was given until July 20, 2017 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 and impose a fine for one hundred dollars (\$100.00) per day until found in compliance.

Douglas John Masic, 1055 Park Dr., was sworn in. Mr. Masic stated he parks in the yard sometimes in order to be closer to the door since he is partially disabled. Mr. Masic stated he would move the axel behind the fence.

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

Motion by Mr. Lightholder, seconded by Ms. Weaver, to table the case until January 18, 2018 meeting. Vote on the motion carried unanimously (5-0).

8. CE-17-322 731 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 is in violation of Exterior General Condition, Ch 6 Sec. 6-1003 (a), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and Accessory Structures, Ch 6 Sec. 6-1001(g), of the City of Cocoa Code. Officer Murdick stated that the Case was heard on August 17, 2017 and the Property Owner was given until October 18, 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 in non-compliance and impose a fine for seventy-five dollars (\$75.00) per day until found in compliance.

Cerise Patacer, 4160 Rosewood Ave, Malabar, was sworn in. Mrs. Patacer stated they had a handy man that was schedule to come out to start right before the hurricane. She explained after the hurricane the handy man was unable to start the job and they have been unable to find anyone else to do the work. She stated that her husband send in a letter asking for an extension, Mrs. Patacer asked if the letter had been received.

Officer Murdick stated he has spoken with the husband regarding an extension and that since the compliance date had passed Code is unable to extend any additional time.

Discussion amongst, Board members, staff and Mrs. Patacer.

Motion by Mr. Brown, seconded by Mr. Lightholder, to accept Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously (5-0).

9. CE-17-328 1227 Holmes St.

This case was withdrawn.

10. CE17-330 706 S Fiske Blvd.

This case was tabled.

11. CE-17-345 357 Stone 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 Roofs & Drainage, Ch 6 Sec. 6-1003 (g), Exterior Walls, Ch 6 Sec. 6-1003 (f), Protective Treatment, Ch 6 Sec. 6-1003 (b) and Decorative Features, Ch 6 Sec. 6-1003(h), of the City of Cocoa Code. Officer Murdick stated that the Case was heard on August 17, 2017 and the Property Owner was given until October 18, 2017 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 and impose a fine for seventy-five dollars (\$75.00) per day until found in compliance.

Daniel Austin, was sworn in. Mr. Daniel gave brief statement regarding the history of the violations.

Mr. Bunt clarified that Mr. Austin, at the August CEB hearing, may need a permit for the work that has been completed at the location and the Building Department would have been the ones that placed a stop work order on the structure.

Mr. Austin stated that he hasn't applied for a permit as of yet for the work that has been done. He further explained that he had to get drawings from an Engineer and has been working on getting a contractor to pull the permits and has been unsuccessful.

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

Motion by Ms. Weaver, seconded by Mr. Lightholder, to table the case until January 18, 2018 meeting. Vote on the motion carried unanimously (5-0).

12. CE-17-386 223 Orange St.

This case was tabled.

13. 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) and AAP. 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 20, 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 in non-compliance and impose a fine for seventy-five dollars (\$75.00) per day until found in compliance.

Aleck Greenwood, 640 Brevard Ave, was sworn in. Mr. Greenwood stated that all the violations are corrected with the exception of the vehicles. He stated he was too aggressive in thinking that he could have them moved in the 30 days he agreed too. Mr. Greenwood explained he was

meeting Cindy Thurman on November 7th regarding a project at a different location but asked about the gravel driveway for 252 Orange St. Mr. Greenwood stated that Mrs. Thurman explained she has no problem with it and she has given her approval. He briefly stated the painting has been completed and asked to see the before photos. Mr. Greenwood also stated that he is unable to remove the vehicles across a neighboring vacant lot and he has to remove the gravel parking area and the fence in order to remove the vehicles for the property, he stated in the conversation the van belongs to him.

Mr. Bunt stated that Mr. Greenwood, Mrs. Thurman, Karen Hamilton and he met and in the meeting Mr. Greenwood was told he would have to get an approved engineered plan for the gravel driveway. Mr. Bunt further explained that at the meeting on November 7th there was no mention that the gravel driveway had been approved and the office has not been notified of the approval by Community Services staff. Mr. Bunt clarified for Mr. Greenwood the areas that still need to be painted on the structure.

Mr. Greenwood stated he spoke with Cindy after the November 7th meeting and he thought nothing more of the driveway since he had her approval. Mr. Greenwood addressed the painting on the area around the window a/c unit.

Discussion amongst the Board meetings, staff and Mr. Greenwood regarding the removal of the vehicles.

Mr. Gifford asked to table the case until the January 18, 2018 CEB hearing.

Mr. Bunt asked if the Board recommends tabling the case until the next meeting, that Mr. Greenwood provide a letter from Community Services addressing the approval of the gravel driveway at the January 18, 2017 CEB meeting.

Motion by Mr. Brown, seconded by Ms. Moretto, to table the case until January 18, 2018. Vote on the motion carried unanimously (5-0).

LIEN REDUCTION:

1. Settlement Agreement

Code Manager Dennis Bunt gave a brief statement regarding the Non-Profit organization Broadmoor Acres Community Restoration and Preservation LLC has entered into a settlement agreement with the City to build affordable homes on six lots in cocoa.

Discussion amongst the Broad members and staff.

Motion by Mr. Lightholder, seconded by Ms. Weaver to except staff recommendation and send the settlement agreement to City Council for approval. Vote on the motion carried unanimously (5-0).

DEMOLITION APPEALS:

None

OTHER BUSINESS:

I. Manager Announcements

None

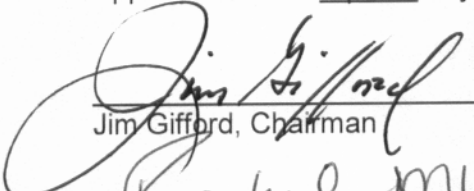
NEXT MEETING:

The Board members established that the next meeting would be held on January 18, 2018.

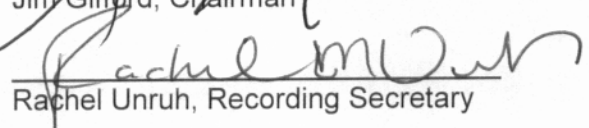
ADJOURNMENT:

There being no further business the meeting adjourned at 8:10 PM.

Approved on this 18th day of January, 2018.



Jim Gifford, Chairman



Rachel Unruh, Recording Secretary