

**Code Enforcement Board
Meeting Minutes
October 20, 2016**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, October 20, 2016 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Jim Gifford called the meeting to order at 6:05 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Jim Gifford	Chairman
George Brown, Jr.	Vice-Chairman
David Lightholder	Board Member
Virginia Weaver	Board Member
Michael Cicerella	Board Member
Bill Terrell	Board Member

MEMBERS ABSENT:

Michael Klug	Board Member
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OTHERS PRESENT:

Nancy Dresser	Deputy Community Services Director
Steven Murdick	Code Enforcement Officer
Michael Mack	Code Enforcement Officer
Jennifer Nix	Board Attorney
Rachel Unruh	Recording Secretary

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: October 20, 2016

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled, and withdrawn).

Motion by Ms. Weaver, seconded by Mr. Cicerella, to approve the agenda of October 20, 2016 as amended. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: September 15, 2016

Motion by Mr. Cicerella, seconded by Mr. Lightholder, to approve the minutes of September 15, 2016, as amended. Vote on the motion carried unanimously.

NEW BUSINESS:

Nancy Dresser, Deputy Director, stated for the record that Jennifer Nix was filling in for Debra Babb-Nutcher and that Supervisor Chris Counsellor would not be present due to a death in the family.

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NEW BUSINESS:

Nancy Dresser, Deputy Director, stated for the record that Jennifer Nix was filling in for Debra Babb-Nutcher and that Supervisor Chris Counsellor would not be present due to a death in the family.

Trash & Debris, Section 6-900(b)(9) Parking in Yard and Section 6-902(b)(1)(2) Inoperable or Junk Vehicle of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until November 4, 2016 (15 days) to come into compliance or impose a fine in the amount of twenty-five dollars (\$25.00) per day until found in compliance; in the event of a re-occurrence fifty dollars (\$50.00) per day.

Natasha Smith, 1114 Rosa L Jones, was sworn in. Ms. Smith, the daughter of the property owner, gave testimony that they had a lot of the debris cleaned up until Hurricane Matthew. Ms. Smith also stated that two of the vehicles have current tags and run, she is working on having the inoperable vehicle towed. She explained that the fence suffered additional damage by Hurricane Matthew and that they are waiting on the insurance company to settle her claim. Ms. Smith stated that the front yard and the side yard have been cleaned up prior to the meeting.

Mr. Gifford and Ms. Smith discussed the City code regarding parking vehicles in the yard and what options Ms. Smith and her family have for parking. Additional discussion amongst the Board members, staff and Ms. Smith occurred. Chairman Gifford recommended tabling the case until next CEB meeting due to the owner having to work with the insurance company for the repair of the fence.

Motion by Mr. Terrell, seconded by Ms. Weaver, to table the case until November 17, 2016. Vote on the motion carried unanimously.

7. CE 16-492 – 1313 N Fiske Blvd. (Officer Mack)

This Case was withdrawn due to foreclosure.

8. CE 16-529 – 1049 W Hillcrest Dr. (Officer Mack)

This Case was found in compliance.

9. CE 16-592 – 2024 Rollins Dr. (Officer Mack)

This Case was found in compliance.

10. CE 16-603 – 2017 Rollins Dr. (Officer Mack)

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 6-1003(b) Protective Treatment, of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until November 4, 2016 (15 days) to come into compliance or impose a fine in the amount of twenty-five dollars (\$25.00) per day until found in compliance; in the event of a re-occurrence fifty dollars (\$50.00) per day.

Paul Stultz, 2017 Rollins Dr., was sworn in. Mr. Stultz gave testimony that he has been working on painting but he needs more time. Mr. Stultz agreed to the Board's recommendation to extend the time from November 4, 2016 to November 16, 2016.

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve Staff's recommendation finding the owner in violation and amend the timeframe from November 4, 2016 to November 16, 2016. Vote on the motion carried unanimously.

CE 16-563 – 1059 Grove Ave. & CE 16-564 – 1055 Grove Ave.

At 6:29pm Mr. Douglas approached the podium and requested to speak on behalf of cases: CE 16-563 - 1059 Grove Ave. and CE 16-564 -1055 Grove Ave. Code Enforcement Board reopened the case as requested by Mr. Douglas. James Douglas, 1059 Grove Ave, was sworn in. Mr. Douglas gave testimony that he had been cleaning up the property until the Hurricane Matthew, Mr. Douglas stated he needed more time. Discussion amongst the Board members, staff and Mr. Douglas occurred. Mr. Douglas agreed to the extension from November 4, 2016 to November 16, 2016.

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to amend the original motion for Case CE 16-563 and CE 16-564 to increase the time frame for completion from November 4, 2016 to November 16, 2016. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE 16-308 – 811 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 6-900 (b)(1) a-d Outdoor Storage, Junk Trash, & Debris and Section. 6-902 (b)(1)(2) In-operable/Unregistered Junk Vehicles, 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 September 18, 2016 to correct the violation or impose a fine in the amount of seventy-five dollars (\$75.00) per day until found in compliance; in the event of a re-occurrence one hundred and fifty dollars (\$150.00) per day.

Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of seventy- five dollars (\$75.00) per day until found in compliance; in the event of a re-occurrence one hundred and fifty dollars (\$150.00) per day.

Wayne Wright, 811 Peachtree St, was sworn in. Mr. Wright submitted a letter of Commencement for a fence to be installed by a contractor. Mr. Wright stated that he was told by Steve Belden, Community Services Director that if he installed a fence around the perimeter of the property he would be in compliance. Nancy Dresser, Deputy Community Services Director stated that Officer Murdick identified the violations as: Section 6-900 (b)(1) a-d Outdoor Storage, Junk Trash, & Debris and Section. 6-902 (b)(1)(2) In-operable/Unregistered Junk Vehicles and she understood from Mr. Belden that a local business tax receipt for auto repair needed to be obtained and with that a fence would need to be installed around the property. Additionally, Mr. Wright needed to come into compliance with Outdoor Storage, Junk Trash, & Debris.

Ms. Nix advised that the Board look at the original order and the date that was given for compliance and whether the property was in compliance on or before that date. Mr. Lightholder suggested that the case be tabled in order to get clarification from Zoning Division since there are no representatives at the meeting. Additional discussion amongst Board members, staff, City Attorney and Mr. Wright continued.

Motion by Mr. Lightholder, seconded by Mr. Terrell, to table the case until the November 17, 2016 meeting. Vote on the motion carried unanimously.

2. CE 16-487 – 540 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 6-900 (b)(1) a-d Outdoor Storage, Junk Trash, & Debris and Section 6-1003(b) Protective Treatment, Boarded Windows & Stained Walls, 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 August 28, 2016 to correct the violation or impose a fine in the amount of one hundred dollars (\$100.00) per day until found in compliance; in the event of a re-occurrence two hundred dollars (\$200.00) per day.

Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of one hundred dollars (\$100.00) per day until found in compliance; in the event of a re-occurrence two hundred dollars (\$200.00) per day.

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

3. CE 16-513 – 1050 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 Section 6-1001(d) High Grass & Weeds, Section 6-900(b) (11) Outdoor Storage, Trash & Debris and Section 6-1001(g) Fence in Disrepair, of the City of Cocoa Code.

Officer Murdick stated that the Case was heard on September 15, 2016 and the Property Owner was given until September 30, 2016 to correct the violation or impose a fine in the amount of seventy-five dollars (\$75.00) per day until found in compliance; in the event of a re-occurrence one hundred and fifty dollars (\$150.00) per day.

Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of seventy-five dollars (\$75.00) per day until found in compliance; in the event of a re-occurrence one hundred and fifty dollars (\$150.00) per day.

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.

4. CE 16-552 – 1115 Broadmoor 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 Section 6-900(b)(1) a-d Accumulation of Junk, Trash & Debris and Section 6-902(b)(1)(2) Parking on Vacant Lot, of the City of Cocoa Code.

Officer Murdick stated that the Case was heard on September 15, 2016 and the Property Owner was given until September 30, 2016 to correct the violation or impose a fine in the amount of two hundred and fifty dollars (\$250.00) per day until found in compliance; in the event of a re-occurrence five hundred dollars (\$500.00) per day.

Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of two hundred and fifty dollars (\$250.00) per day until found in compliance; in the event of a re-occurrence five hundred dollars (\$500.00) per day.

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

5. CE 16-476 – 1003 N Cocoa Blvd

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(d) Weeds, Section 6-1001(g) Fence, Section 6-1003(b) Protective Treatment and Section 6-900(b)(4) a-c Maintenance of Structure/Grounds, of the City of Cocoa Code.

Officer Mack stated that the Case was heard on August 18, 2016 and the Property Owner was given until September 18, 2016 to correct the violation or impose a fine in the amount of one hundred and twenty-five dollars (\$125.00) per day until found in compliance; in the event of a re-occurrence two hundred and fifty dollars (\$250.00) per day.

Officer Mack requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of one hundred and twenty-five dollars (\$125.00) per day until found in compliance; in the event of a re-occurrence two hundred and fifty dollars (\$250.00) per day.

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.

6. CE 16-497 – 1101 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 6-902(b)(1)(2) Inoperable Vehicle(s) and Section 6-900(b)(8) Unregistered Vehicle(s), of the City of Cocoa Code.

Officer Mack stated that the Case was heard on September 15, 2016 and the Property Owner was given until October 15, 2016 to correct the violation or impose a fine in the amount of twenty-five dollars (\$25.00) per day until found in compliance; in the event of a re-occurrence fifty dollars (\$50.00) per day.

Officer Mack 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; in the event of a re-occurrence fifty dollars (\$50.00) per day.

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.

LIEN REDUCTION:

None

OTHER:

Board member Mr. Brown asked City staff to inquire into the types material that are acceptable for a resident to use for a driveway.

DEMOLITION APPEALS:

None

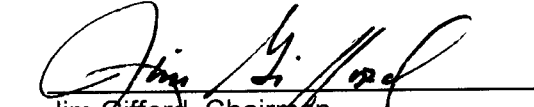
NEXT MEETING:

The Board members established that the next meeting would be held on November 17, 2016.

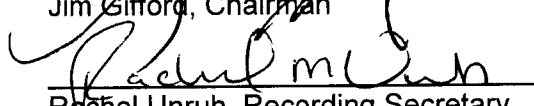
ADJOURNMENT:

There being no further business the meeting adjourned at 6:55 P.M.

Approved on this 17th day of November, 2016.



Jim Gifford, Chairman



Rachel Unruh, Recording Secretary

Roofer Name: _____ State/ County Lic #: _____
Address: _____ Zip Code: _____ Phone: _____

Drywall Name: _____ State/ County Lic #: _____
Address: _____ Zip Code: _____ Phone: _____

Other Name: _____ State/ County Lic #: _____
Address: _____ Zip Code: _____ Phone: _____

APPLICANT AFFIDAVIT

Application is hereby made to do the work and installation as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit may be required for ELECTRIC, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, AIR CONDITIONERS, FIRE SPRINKLERS, FIRE ALARMS, ETC.

I also acknowledge the following:

- A Permit is conditional and subject to time limitations.
- Issuance of a Permit is not authorization to violate code or restrictions, public or private.
- Failure to comply with applicable codes may result in the withholding of future Permits.
- Submission of any false information or misrepresentation is a violation of law and may result in revocation of your Permit(s).
- **By signing, applicant affirms that all above is true and correct and that he/she is an authorized agent of the contractor or owner of the property and will submit a copy of the signed contract or proposal for this permit.**

AFFIDAVIT: I certify that the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

Printed Name: Wayne Wright

Signature: [Signature]
Owner / Agent / Contractor

Sworn to and subscribed before me this

29th day of Sept, 2016

Personally known to me _____ OR produced

FL DL# as Identification.

NOTARY PUBLIC (As to Quorum)
My Commission Expires:
Seal:



TERRY J. SHELTON
COMMISSION # FH 034000
EXPIRES: July 7, 2017
Bonded Thru Budget Notary Services

DISCLAIMER: The City of Cocoa's approval of this development permit does not create any right for the permittee to obtain a permit from a state or federal agency. Further, pursuant to section 166.033, Florida Statutes, the City of Cocoa shall not be liable for issuance of this development permit in the event a permittee fails to obtain any other required approval, fails to fulfill obligations imposed by a state or federal agency, or undertakes actions that result in a violation of state or federal law.

The issuance of this development permit is expressly conditioned upon the permittee obtaining all other applicable state or federal permits, if any, prior to the commencement of the development authorized by the City's development permit.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

HOLD HARMLESS AGREEMENT/INDEMNIFICATION AGREEMENT

The undersigned hereby executes in favor of the City of Cocoa, Florida, its' officers, employees, agents and assigns, this Hold Harmless Agreement/Indemnification Agreement.

WITNESSETH:

WHEREAS, pursuant to Chapter 6 of the Code of the City of Cocoa, Florida, the City may issue fence permits within incorporated City of Cocoa; and

WHEREAS, the City of Cocoa City Council has adopted criteria relative to issuing a fence permit; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the sufficiency of which is acknowledged by the execution hereof, the undersigned agrees as follows:

Applicant, WAYNE WRIGHT, hereby agrees that it shall indemnify, defend and hold harmless the City of Cocoa, Florida, any licensed utility company or independent contractor, and any of their officers, employees and agents in both their office and official and individual capacity. From any and all liability, claims, damages and expenses, including attorney's fees and litigation costs through all appeals, resulting from or arising out of the removal or alteration of any existing fence permitted to exist in or around any public easement and right-of-way, deemed necessary by the City or licensed utility for the purpose of installing, removing, repairing, or maintaining any utilities planned for existing in or around any public easement and right-of-way. The undersigned acknowledges that specific consideration has been given for this hold harmless and indemnity provision.

IN WITNESS WHEREOF, the undersigned hereby sets his/her hand, this 29th day of Sept, 20 16.

Wayne Wright
Applicant Name (Please Print)

[Signature]
Applicant (Signature)

WITNESS:

Michael Murphy
Witness Name (Please Print)

[Signature]
Witness (Signature)

STATE OF FLORIDA
BREVARD COUNTY

The foregoing instrument was acknowledged before me this 29th day of Sept, 20 16, by WAYNE WRIGHT, who is personally known to me or has produced FL DL # as indemnification.



TERRY J SHELTON
MY COMMISSION # FF 034000
EXPIRES: July 7, 2017
Bonded Thru Budget Notary Services

[Signature]
NOTARY PUBLIC at LARGE

FOR OFFICE USE ONLY

State training fee: \$ _____
Plan review fee (50%): \$ _____
Penalty fee: \$ _____
Total permit fee: \$ _____

Future Land Use: _____ Zoning: _____ Flood Zone: _____
Setbacks: Front _____ Side _____ Rear _____
Planner Comments/Special Conditions/Requirements: _____

APPROVALS

☐ Approved ☐ Approved as Noted: _____

Planning & Zoning By: _____ Date: _____

☐ Approved ☐ Approved as Noted: _____

Fire Inspector By: _____ Date: _____

☐ Approved ☐ Approved as Noted: _____

Building Division By: _____ Date: _____

wright

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