

**Code Enforcement Board
Meeting Minutes
October 18, 2018**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, October 18, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Jim Gifford called the meeting to order at 6:03 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Jim Gifford	Chairman
George Brown, Jr.	Vice-Chairman
Virginia Weaver	Board Member
Stephanie Moretto	Board Member
Edward Green	Board Member
Scott Hannon	Alternate

MEMBERS ABSENT:

David Lightholder	Board Member
Michael Cicerella	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Mike Cantaloupe	Police Chief
Brian Fose	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
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 Meeting Agenda: October 18, 2018

Motion by Ms. Weaver, seconded by Mr. Green, to approve the agenda of October 18, 2018. Vote on the motion carried unanimously (6-0).

2. Approval of Meeting Minutes: September 20, 2018

Motion by Ms. Weaver, seconded by Mr. Green, to approve the minutes of September 20, 2018, as amended. Vote on the motion carried unanimously (6-0).

NEW BUSINESS:

None

CASES:

1. CE-17-722 – 412 Churchill Dr

This case complied.

2. CE-17-764 – 815 Highland 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 *I. Accessory Structures Ch 6 Sec. 6-1001 (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 be given until November 18, 2018 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Discussion amongst Board members and staff.

Maria Lopez, daughter of the property owner was sworn in.

Daughter stated that she will tear the structures down. She will keep in contact with Officer Murdick.

Motion by Ms. Moretto, seconded by Mr. Brown, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (6-0).

3. CE-18-307 - 1087 Clearlake Rd.

Code Enforcement Officer Brian Fose provided an overview of the Case history and presented exhibits for the Board's review. Officer Fose testified that the Property Owner was in violation of *II. Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d* of the City Code.

Officer Fose requested that the Board find the Property Owner in violation and be given until November 18, 2018 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Property owner not present.

Code Enforcement Manager Bunt gave a brief overview of the property history for the Board Member.

Discussion amongst the Board members. Mr. Brown stated after hearing all of the facts that he wanted to amend the amount of the fines to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Motion by Mr. Brown, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (6-0).

4. CE-18-442 – 810 Warren Ave

This case complied.

5. CE-18-444 – 803 Warren Ave.

Code Enforcement Officer Brian Fose provided an overview of the Case history and presented exhibits for the Board's review. Officer Fose testified that the Property Owner was in violation of *II. Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XX. Parking in Yard Ch 6 Sec. 6-900 (b)(9) and XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)* of the City Code.

Officer Fose requested that the Board find the Property Owner in violation and be given until November 18, 2018 (30 days) to come into compliance or impose a fine of seventy-five dollars (\$75.00) per day until found in compliance.

Motion by Mr. Brown, seconded by Ms. Moretto, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (6-0).

6. CE-18-424 – 1221 Holmes St.

Code Enforcement Officer Brian Fose provided an overview of the Case history and presented exhibits for the Board's review. Officer Fose testified that the Property Owner was in violation of *XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b) and IV. Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5)* of the City Code.

Officer Fose requested that the Board find the Property Owner in violation and be given until November 18, 2018 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Motion by Mr. Green, seconded by Mr. Brown, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (6-0).

7. CE-18-365 – 1966 Furman Ct.

Code Enforcement Officer Brian Fose provided an overview of the Case history and presented exhibits for the Board's review. Officer Fose testified that the Property Owner was in violation of *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b) and X.Exterior Walls Ch 6 Sec. 6-1003 (f)* of the City Code.

Officer Fose requested that the Board find the Property Owner in violation and be given until November 18, 2018 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Motion by Mr. Green, seconded by Ms. Moretto, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (6-0).

NON-COMPLIANCE:

1. CE-17-701 – 507 Paw Paw 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 *XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), 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 August 16, 2018 and property owner remains in violation.

Rudolph Caesar, 507 Paw Paw St, Cocoa was sworn in. Also Rudolph Caesar Jr. son of the property owner was sworn in.

Rudolph Caesar Jr. had a discussion with the Code Board Members and Officer Murdick. Chairman Gifford and Code Enforcement Manager Bunt explained that once the property is in compliance his father could come in and request a lien reduction.

Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Mr. Green., to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (6-0).

2. CE-17-942 – 650 Dixon 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 *Roofs & Drainage, Ch 6 Sec. 6-1003 (g), Weeds, Ch 6 Sec. 6—1001(d) and Protective Treatment, Ch 6 Sec. 6-1003 (b)* of the City Code.

Officer Murdick stated a Notice of Hearing was sent on July 27, 2018 and property owner remains in violation.

Code Enforcement Manager Bunt explained to the board that he spoke with the property manager and they were unable to make the meeting. A request by email for a postponement was sent by Bonnie Reinberg the VP for the property.

Discussion amongst the Board members and staff.

Motion by Ms. Weaver, seconded by Ms. Moretto, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (6-0).

3. CE-18-099 – 2320 Highway 524

Discussion amongst the Board members and staff. Property was found in compliance as of October 10, 2018. No fines are imposed on the property.

Motion by Ms. Weaver, seconded by Ms. Moretto, to approve Staff's recommendation and find the Owner in compliance. Vote on the motion carried unanimously (6-0).

4. CE-18-203 – 707 S Varr Ave.

Code Enforcement Officer Brian Fose provided an overview of the Case history and presented exhibits for the Board's review. Officer Fose testified that the Property Owner is in violation of IX.Exterior General Condition Ch 6 Sec. 6-1003 (a), XXXII. Storing Outdoors, Ch 6 Sec 6-900 (b) (11), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and I. Accessory Structures Ch 6 Sec 6-1001 (g) of the City Code. Officer Fose stated a Notice of Hearing was sent on August 16, 2018 and property owner remains in violation.

Motion by Mr. Brown, seconded by Mr. Hannon, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously (6-0).

*Before the Code Board continued on to the Lien Reduction section of the meeting Mr. Gifford asked for a short break. Mr. Gifford had a discussion with the City Attorney. Time on the meeting clock was 52:25 and resumed at 55:30.

LIEN REDUCTION:

1. CE-14-263 – 1333 Audubon Dr.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on June 19, 2014 for CE-14-263 the Code Enforcement Board found the property owner, Gladys Thomas, in violation of Maint of Struct/Grounds Ch. 6 Sec. 6-900 (b) (4) a-c, Side Exterior Doors Ch. 6 Sec. 6-1003 (o), Roof Ch. 6 Sec. 6-1003 (g), Carport Ch. 6 Sec. 6-900 (b) (1) a-d and Fascia Ch. 6 Sec. 6-1003 (b) and the

lien ran at fifty dollars (\$50.00) per day from July 15, 2014 until compliance was achieved on July 6, 2017 and demoed. The total amount of the lien is \$54,350.00 and the current owner, Gladys Thomas, is requesting that the lien be reduced to the amount of zero.

Based on factors in the staff report, staff recommended the lien be reduced to \$5,435.00. Since this case was old staff did a cost estimation of \$2,100.00.

Discussion amongst staff, Code Board Members and Code Board Attorney that the property owner is aware of all of the liens on the property including the fixed liens. Code Enforcement Manager Bunt stated that the property owner and the property owner's attorney are aware of all of the liens per email.

Mr. Victor Watson who is the property owner's attorney discussed the history and back ground of Gladys Thomas life. Mr. Watson is requesting the lien to be reduced to \$2,100.00. Mr. Watson understands that the fixed liens on the property are not eligible for reduction and will need to be paid in full.

Motion by Mr. Brown, seconded by Ms. Weaver, to recommend to the City Council the lien reduction be in the amount of two thousand one hundred dollars (\$2,100.00). Vote on the motion carried unanimously (6-0).

2. CE-08-654 & CE-09-235 -1040 Azalea Ln.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on October 16, 2008 for **CE-08-654** the Code Enforcement Board found the property owner, Gladys Thomas, in violation of Side of House Ch. 6 Art. I Sec. 6 -105 (a) and Exterior Ch. 6 Sec. 6-900 (b) (4) a-c and the lien ran at one hundred dollars (\$100.00) per day from October 30, 2008 until compliance was achieved on December 10, 2015 and demoed. The total amount of the lien is \$259,700.00 and the current owner, Gladys Thomas, is requesting that the lien be reduced to the amount of zero.

Discussion amongst staff, Code Board Members and Code Board Attorney that the property owner is aware of all of the liens on the property including the fixed liens. Code Enforcement Manager Bunt stated that the property owner and the property owner's attorney are aware of all of the liens per email.

Based on factors in the staff report, staff recommended the lien be reduced to the amount of \$2,100.00 per case.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on May 21, 2009 for **CE-09-235** the Code Enforcement Board found the property owner, Gladys Thomas, in violation of Two Vehicles Ch. 6 Sec. 6-902 (b) (1) (2), Windows Ch. 6 Art. I Sec. 6-105 (a), Fence Ch. 6 Sec. 6-900 (b) (4) a-c,

Green Trailer Ch. 6 Sec. 6-900-(b) (15) and Small Trailer Ch. 6 Sec. 6-900 (b) (15) the lien ran at two hundred dollars (\$200.00) per day from June 21, 2009 until compliance was achieved on December 10, 2015 and demoed. The total amount of the lien is \$472,600.00 and the current owner, Gladys Thomas, is requesting that the lien be reduced to the amount of zero.

Discussion amongst staff, Code Board Members and Code Board Attorney that the property owner is aware of all of the liens on the property including the fixed liens. Code Enforcement Manager Bunt stated that the property owner and the property owner's attorney are aware of all of the liens per email.

Based on factors in the staff report, staff recommended the lien be reduced to the amount of \$2,100.00 per case.

Code Enforcement Manager Bunt recommended the combined total for case CE-08-654 & CE-09-235 be in the amount of \$4,200.00.

Motion by Ms. Weaver, seconded by Mr. Green, to recommend to the City Council the lien reduction be in the amount of four thousand two hundred dollars (\$4,200.00). Vote on the motion carried unanimously (6-0).

3. CE-09-618 & CE-16-820 1409 N Fiske Blvd.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on April 15, 2010 for **CE-09-618** the Code Enforcement Board found the property owner, Gladys Thomas, in violation of Entire Property Ch. 6 Sec. 6-900 (b) (1) a-d, Entire Property Ch. 6 Sec. 6-1001 (d), Entire Property Ch. 6 Sec. 6-1003 (b), Front Ch. 6 Sec. 6-1003 (c), Overhang Ch. 6 Art. I Sec. 6-1005 (a), Chain Link Fence Ch. 6 Sec. 6-900 (b) (4) a-c and Screen Room Ch. 6 Sec. 6-900 (b) (4) a-c and the lien ran at one hundred dollars (\$100.00) per day from April 16, 2010 until compliance was achieved on October 12, 2018. The total amount of the lien is \$252,100.00 and the current owner, Gladys Thomas, is requesting that the lien be reduced to the amount of zero.

Discussion amongst staff, Code Board Members and Code Board Attorney that the property owner is aware of all of the liens on the property including the fixed liens. Code Enforcement Manager Bunt stated that the property owner and the property owner's attorney are aware of all of the liens per email.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on June 15, 2017 for **CE-16-820** the Code Enforcement Board found the property owner, Gladys Thomas, in violation of Entire Property App. A Art. XIII Sec. 5 (g) 1-6, Entire Property Ch. 6 Sec. 6-900 (b) (7), Entire Property Ch. 6 Sec. 6-1003 (b), Entire Property Ch. 6 Sec. 6-900 (b) (4) a-c, Entire Property Ch. 6 Sec. 6-900 (b) (1) a-d and Entire Property Ch. 6 Sec. 6-900 (b) (15) and the lien ran at two hundred

fifty dollars (\$250.00) per day from May 2, 2017 until compliance was achieved on September 19, 2018. The total amount of the lien is \$126,250.00 and the current owner, Gladys Thomas, is requesting that the lien be reduced to the amount of zero.

Discussion amongst staff, Code Board Members and Code Board Attorney that the property owner is aware of all of the liens on the property including the fixed liens. Code Enforcement Manager Bunt stated that the property owner and the property owner's attorney are aware of all of the liens per email.

Motion by Mr. Brown, seconded by Ms. Weaver, 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 (6-0).

Manager Announcements:

None

DEMOLITION APPEALS:

None

ABATEMENT APPEALS:

None

OTHER BUSINESS:

Chairman Gifford wanted to discuss amongst the Board Members about the Board packets being sent by email rather than being hand delivered. There was a discussion and the following members would like their packets emailed: Mr. Green, Mr. Hannon, Ms. Moretto and Attorney -Debra Babb-Nutcher. The members that would like to have their packets hand delivered are: Mr. Gifford, Ms. Weaver, Mr. Brown.

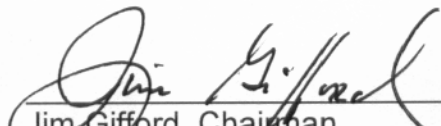
NEXT MEETING:

The Board members established that the next meeting would be held on November 15, 2018.

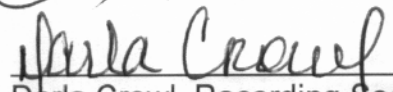
ADJOURNMENT:

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

Approved on this 15 day of November, 2018.



Jim Gifford, Chairman



Darla Crowl, Recording Secretary

