

**Code Enforcement Board
Meeting Minutes
September 19, 2019**

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, September 19, 2019 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Jim Gifford 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
Virginia Weaver	Board Member – arrived @ 6:04
David Lightholder	Board Member
Scott Hannon	Board Member
Edward Green	Board Member

MEMBERS ABSENT:

Lloyd Roberts	Board Member
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OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Mike Cantaloupe	Police Chief
Julian Briggs	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
Don Boisvert	Councilman/Liaison
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Jake Williams	Mayor
Lorraine Koss	Councilwoman

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: September 19, 2019

Motion by Mr. Lightholder, seconded by Mr. Green, to approve changes to the agenda of September 19, 2019. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: August 15, 2019.

Motion by Mr. Brown, seconded by Mr. Lightholder, to approve the minutes of August 15, 2019. Vote on the motion carried unanimously.

CASES:

1. CE-18-617 – 320 Mcleod Dr.

Complied

2. CE-8-618 – 193 Scenic 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 *XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and X.Exterior Walls Ch 6 Sec. 6-1003 (f)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until October 19, 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. Lightholder, seconded by Mr. Brown, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

3. CE-19-126 – 1202 Princeton Road

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), XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and X.Exterior Walls Ch 6 Sec. 6-1003 (f)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until October 19, 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. Brown, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

4. CE-19-143 – 1206 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 *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 be given until October 19, 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 Ms. Weaver, seconded by Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-19-144 – 1202 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 *I. Accessory Structures Ch 6 Sec. 6-1001 (g) and Overhang extensions Ch 6 Sec. 6-1003 (i)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until October 19, 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 Ms. Weaver, seconded by Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

6. CE-19-164 – 806 Kensington Dr.

This case has complied.

7. CE-19-180 – 911 Kensington 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 *IV. Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5), 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 be given until October 19, 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. Brown, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

8. CE-19-200 – 3011 Oxbow Circle

This case was tabled.

9. 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 was 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 Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until October 19, 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 Ms. Weaver, seconded by Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

10. CE-19-332 – 1110 Willow Ln

This case was tabled.

11. CE-19-494 – 1205 Cypress Ln

This case was tabled.

12. CE-19-482 – 127 Aurora St.

Code Enforcement Officer Julian Briggs provided an overview of the Case history and presented exhibits for the Board's review. Officer Briggs testified that the Property Owner was 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*, *XXXVI.Weeds, Ch 6 Sec. 6-1001(d)* and *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until October 19, 2019 (30 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Property Owner was sworn in: Larry Dean, 127 Aurora St, Cocoa
Renter of Property was sworn in: Thomas Hudson, 127 Aurora St Unit B

Mr. Dean stated that he cleaned up and mowed the property but the renter would be the person that was going to take care of all of the items in the yard. Mr. Hudson discussed with the Board the items in the yard and all of the vehicles were operable and tagged. Mr. Gifford stated that the vehicle on the trailer did not look like it was operable. Officer Briggs agreed to meet the renter at the property to discuss what needs to be removed. Manager Bunt wanted clarification that there are two (2) units on this property. Mr. Hudson stated that there is a unit A and unit B and that he lives in unit B. Mr. Hannon asked Mr. Hudson if 30 days would give him plenty of time to take care of all the violations. Manager Bunt stated that staff would not have a problem giving Mr. Hudson 60 days (November 19, 2019) as long as progress was being made on the property. Mr. Green stated that there was no discussion about the protective treatment. Mr. Gifford asked if Mr. Dean could also meet with Officer Briggs about unit A. More discussion amongst the Board members and staff.

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

13. CE-19-493 – 1114 Rosa L Jones

This case complied.

14. CE- 19-495 – Adj Pineda & Fern St.

Code Enforcement Officer Julian Briggs provided an overview of the Case history and presented exhibits for the Board's review. Officer Briggs testified that the Property Owner was in violation of *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 Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until October 19, 2019 (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: Kevin Barfield,
Fencing contractor was sworn in: Chris Cates, 13750 122nd St, Fellsmere, F

Mr. Barfield discussed the property and reason why they put up the fence. Mr. Brown asked Mr. Barfield if there are 2 pieces of property or just 1. Mr. Barfield stated that the property with the trucks is zoned commercial and the other piece of property according to Mr. Barfield is zoned residential. Mr. Gifford asked Mr. Barfield if he was going to apply for a Business Tax Receipt and apply for a fence permit. Mr. Lightholder asked if

there was a complaint turned in on this property and Manager Bunt stated no complaint was turned in. Manager Bunt also stated that Code Enforcement noticed the fence on the property without a structure. Manager Bunt stated that he would like to have the addresses of these lots because the Building code requires a primary structure before an accessory and the Zoning Code requires a primary structure before the accessory. Manager Bunt stated that Mr. Barfield would probably need more than 30 days depending on what he is wanting to do with the property. There is commercial and residential property. Mr. Cates stated that the Building Department told him he could start putting up the fence while the permit was being processed. Mr. Gifford suggested that this case needed to be tabled and someone needed to make a motion. Mr. Lightholder made a motion to table for 60 days (November 19, 2019) with the understanding that Mr. Barfield had to come up with a development plan for these properties or correct the violations within the 60 day period. More discussion about the property between the staff and property owner. Mr. Gifford stated that there was a motion on the floor by Mr. Lightholder.

Motion by Mr. Lightholder, seconded by Ms. Weaver, to amend Staff's recommendation and table for 60 days and find the Property Owner in violation. Vote on the motion carried unanimously.

FIRE DEPARTMENT CODE CASE:

None

NON-COMPLIANCE:

1. CE-18-651 – 1001 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 *XXII. Permit Required App A Art. XV Sec 2 (a)*, *XXIII. Permit Required (fences) App A Art. XIII Sec 5 (c)* and *XXIV. Pools and Spas Ch 6 Sec. 6-1002 (a)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on August 23, 2019 and property owner remains in violation.

Property representative: Attorney.

Attorney for the property wanted to go over the violations with the Code Board Members. He stated that the property owner had gotten permits for the work and she was looking for the documentation. The Attorney also stated that a public records request has been put in with the Clerk's office to find out if permits were pulled or not for this property. Ms. Weaver verified with Mr. Gifford that the Board Members were there to determine whether or not the property was in compliance and not to discuss about the permitting whether they were or were not pulled. Manager Bunt stated that Code has checked all of the permitting. The violations that are before the Board are more recent except for the fence which shows that it did fail inspection and was never corrected. Manager Bunt also discussed the HVAC permit that was pulled and has now expired without a final. The roof issue was discussed and determined no permit was pulled for this work which a picture was shown. Mr. Gifford explained the process to the Attorney since he asked for more time to fix the property. Mr. Gifford stated the property is still in noncompliance and no more time can be given. More discussion between staff, property Attorney and Code Board Members.

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

2. CE-19-178 – 907 Kensington 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 *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 23, 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.

LIEN REDUCTION:

1. CE-14-205 – 811 Eden St.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Manager Bunt stated the Code Enforcement Board held a public hearing on March 20, 2014 the Code Enforcement Board found the property owner, Thailisse Morales, in violation of 6-1303 (b-c) Electrical Facilities, 6-1003 (b) Protective

Treatment, 6-1004 (c) Maintenance to Interior Surfaces, 6-1403 (a-c) Fire Protection Systems, 6-1204 (a-d) Water System, 6-1203 (a-c) Plumbing Fixtures, 6-1003 (f) Exterior Walls and 6-1301 (b-d) Heating System of the City of Cocoa Code. The lien ran at two hundred fifty dollars (\$250.00) per day from April 20, 2014 until compliance was achieved on July 15, 2019. The total amount of the lien is \$478,010.00 and the current owner, Thailisse Morales is requesting that the lien be reduced to as low as possible due to the fact that the owner is selling another home.

Manager Bunt based the reduction on the following factors. Whether the current owner owned the property at the time of the violation which Thailisse Morales did. How many if any previous Code Enforcement violation were on the property or the current property owner at this time Thailisse Morales has none.

The number of violations subject to the lien were six (6). Manager Bunt stated that the property value is \$43,710.00 according to Brevard County Property Appraiser.

Based on the factors in the staff report, staff recommended the lien be reduced to \$8,742.00.

Property owners father was sworn in: Walter Morales, 2 Buckingham Pl, Rockledge

Discussion amongst Board members and staff. Mr. Morales gave an over view of his daughter's case and stated that he never received a letter that she was in violation. Manager Bunt stated that as of the noncompliance hearing they were not in compliance. More discussion and Mr. Brown suggested that the lien be reduced to \$2,100.00.

Motion by Mr. Brown, seconded by Mr. Lightholder, to amend staff's recommendation to City Council the lien reduction be in the amount of two thousand one hundred dollars (\$2,100.00). Vote on the motion carried unanimously.

ABATEMENT APPEALS:

1. CE-19-358 – 316 Loquat St.

Property owner was sworn in: Jennette J. Cooper, 841 Tiffany Pl, Rockledge

Discussion amongst staff the Board members. Manager Bunt stated that the property has never had to be cut by the City. Ms. Cooper stated that the mail was going to the sister's house that was ill. Board members asked Ms. Cooper questions about the property.

Motion by Ms. Weaver, seconded by Mr. Green, to amend Staff's recommendation and reduce the fee to \$100.00. Vote on the motion carried unanimously.

Manager Announcements:

Code Enforcement has gone to a new system and Code case numbers will be longer.
Officer Rodriguez has resigned.

DEMOLITION APPEALS:

None

OTHER BUSINESS:

None

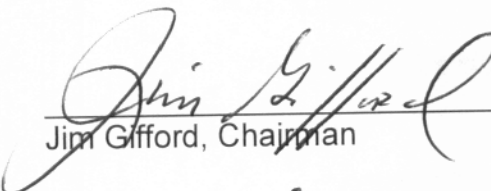
NEXT MEETING:

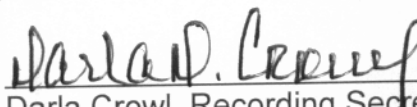
The Board members established that the next meeting would be held on October 17, 2019.

ADJOURNMENT:

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

Approved on this 17 day of October, 2019.


Jim Gifford, Chairman


Darla Crowl, Recording Secretary

