

**Code Enforcement Board
Meeting Minutes
September 15, 2016**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, September 15, 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:

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

MEMBERS ABSENT:

None

OTHERS PRESENT:

Nancy Dresser	Deputy Community Services Director
Chris Counsellor	Code Supervisor
Steven Murdick	Code Enforcement Officer
Michael Mack	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Rachel Unruh	Recording Secretary

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: September 15, 2016

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled, and withdrawn).

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve the agenda of September 15, 2016 as amended. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: August 18, 2016

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve the minutes of August 18, 2016, as amended. Vote on the motion carried unanimously.

NEW BUSINESS:

None

CASES:

1. CE 16-467 – 418 Churchill Dr.

This Case was found in compliance

2. CE 16-478 – 1218 Myrtle Ln.

This Case was found in compliance

3. CE 16-495 – 1212 Willow Ln.

This Case was found in compliance

4. CE 16-496 - 1201 Myrtle Ln.

This Case was found in compliance

5. 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 Sec. 6-902(b)(1)(2) Inoperable Vehicles and Sec. 6-900(b)(8) Unregistered Vehicles, of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until September 25, 2016 (10 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.

The Property Owner was not present.

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

6. CE 16-516 301 Carleton 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 App. A Article XIII Section 22 (E)(8) Nuisance Tree and Debris, of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until October 15, 2016 (30 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.

The Property Owner was not present

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

7. CE 16-502 – 106 Polaris St.

This Case was found in compliance

8. CE 16-504 – 132 Aurora St.

This Case was found in compliance

9. CE 16-507 – 1045 Olive St.

This Case was found in compliance

10. CE 16-512 – 2380 W Sherwood Cir.

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 Sec. 6-1001(g) Fence in Disrepair, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 30, 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.

Josel Garcia, 370 Pioneer Rd, Merritt Island, was sworn in. Ms. Garcia gave testimony that her father, Orlando Sacasa, recently passed away and her mother was in the hospital. She agreed that 15 days was enough time to correct the violation.

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

11. 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, Sec. 6-900(b)(11) Outdoor Storage and Sec. 6-1001(g) Fence in Disrepair, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until October 15, 2016 (30 days) to come into compliance 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.

The Property Owner was not present.

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

12. CE 16-518 – 1049 W King St. (Officer Murdick)

This Case was tabled.

13. CE 16-519 – 4000 Pinyon Dr. (Officer Murdick)

This Case was tabled.

14. CE 16-532 – 2401 Clearlake Rd. (Officer Murdick)

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 App. A, Art. XIII, Sec. 5(c) Unpermitted Work (fence), Sec. 6-900(b)(1) a-d Junk, Trash & Debris and Sec. 6-902(b)(1)(2) Inoperable, Unregistered Vehicles of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 30, 2016 (15 days) to come into compliance 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.

Tim Ballard, 2401 Clearlake Rd, was sworn in, Mr. Ballard give testimony he is the tenant at 2401 Clearlake Rd. He stated that he has been working to comply but requests more time. Mr. Ballard testified that he replaced an existing fence and didn't realize it required a permit. Mr. Ballard agreed with the Board's recommendation of 30 days to comply.

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

Motion by Mr. Cicerrella, seconded by Mr. Lightholder, to approve Staff's recommendation amending the compliance date from September 30, 2016 to October 15, 2016 and find the Property Owner in violation. Vote on the motion carried unanimously.

15. CE 16-552 – 1115 Broadmoor Dr. (Officer Murdick)

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 Junk, Trash & Debris and Sec. 6-902(b)(1)(2) Parking on Vacant Lot, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 18, 2016 (30 days) to come into compliance or impose a fine in the amount of fifty (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

The Property Owner was not present

Motion by Mr. Cicerrella, seconded by Mr. Lightholder, to approve staff's recommendation amending the fine from \$50 for 1st offense per day and \$100 for the 2nd offense per day to \$250 for 1st per day and \$500 for 2nd per day. Vote on the motion carried unanimously.

CE 16-497 – 1101 Myrtle Ln

Supervisor Counsellor announced that the property owner for 1101 Myrtle Ln, case CE 16-497, has arrived and has asked to testify, time was 6:32pm.

Amanda O'Connor, 1101 Myrtle Ln, was sworn in. Mr. O'Connor gave testimony she moved the vehicle back and she is a single parent with a sick child. She requested more time to have the vehicle fixed and running, she stated it is registered but keeps the tag in storage.

Mr. Gifford stated to Ms. O'Connor that the Board had made a decision on the case.

Discussion amongst the Board members and Debra Babb-Nutcher, the City Attorney. Ms. Babb-Nutcher advised the Board that the case could be re-opened if that is what the Board chooses to do so.

Additional discussion amongst staff and the Board members occurred. Staff agreed with the Board amending the date for compliance from September 15, 2016 (15 days) to October 20, 2016 (30 days).

Motion by Mr. Lightholder, seconded by Mr. Klug, to amend the first motion to approve staff's recommendation of a compliance date of October 15, 2016 (30 days).

NON-COMPLIANCE:

1. CE 16-192 – 1319 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 Sec. 6-900(b)(1) a-d Accumulation of Trash & Debris, Sec. 6-1003(a) Exterior Structure, Sec. 6-1003 (b) Protective Treatment, Sec. 6-900(b)(4) a-c Maintenance of Structure or Grounds and Sec. 6-900(b)(5) Boarded Up Buildings of the City of Cocoa Code.

Officer Mack stated that the Case was heard on July 21, 2016 and the Property Owner was given until August 20, 2016 to correct the violations 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 Mack 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.

Roger Naumann, 1605 Indian River Dr, was sworn in.

Mr. Gifford explained to Mr. Naumann the process for Code Enforcement. He further added that there were only two (2) options for this night's meeting, to find the property in compliance or to find it in non-compliance.

Mr. Naumann testified that he has been out of town and has shown the plans for the property to City staff.

Discussion amongst the Board members and Mr. Naumann continued. Mr. Naumann offered plans for the Board members to review; Mr. Gifford explained that the Board is unable to amend the time frame. Board members explained that once the property is in compliance Mr. Naumann could apply for a Lien Reduction.

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

Mr. Naumann asked additional discussion regarding the date the fines begin to accrue and the date for compliance occurred. Officer Mack departed from the meeting to retrieve a copy of the Finding of the Facts for Mr. Naumann; time was 6:52pm. Case was placed on temporary hold until Officer Mack returned with the information.

2. CE 16-340 – 821 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 Sec. 6-1001(g) Fence, Sec. 6-900(b)(1)a-d Outdoor Storage Junk, Trash, & Debris, Sec. 6-902(b)(1)(2) Junk, In-Operable, Unregistered Vehicles, Sec. 6-900(b)(9) Vehicles Parked in the yard and Sec. 6-1003(f) Exterior Walls, Deteriorated Wood, of the City of Cocoa Code.

Officer Murdick stated that the Case was heard on July 21, 2016 and the Property Owner was given until August 20, 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 Murdick 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. Klug, to accept Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously.

3. CE 16-393 – 306 Loquat 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 Sec. 6-1001(g) Fence and Sec. 6-1001(d) High Grass & Weeds, 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 and fifty dollars (\$150.00) per day until found in compliance; in the event of a re-occurrence two hundred and fifty dollars (\$250.00) per day.

Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

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

4. CE 16-431 – 414 N Fiske 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 Sec. 6-1001(d) High Grass & Weeds, Sec. 6-900(b)(1) Outdoor Storage, Junk, Trash & Debris and Sec. 6-2003 Residential Rental Tax, 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 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. Klug, to accept Staff's recommendation and find the Property Owner in non-compliance. Vote on the motion carried unanimously.

5. CE 16-440 – 915 Fern Ave. (Officer Murdick)

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 Sec. 6-1001(h) Unregistered Vehicle and Sec. 6-900(b)(9) Vehicle Parked in the Front Yard, 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 fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

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

6. CE 16-463 – 708 Ixora Ave. (Officer Murdick)

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 Sec. 6-900(b)(1) a-d Outdoor Storage, Junk, Trash & Debris and Sec. 6-902(b)(1)(2) Unregistered, Inoperable Vehicle, 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 fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

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

7. CE 16-475 – 1103 Broadmoor Dr. (Officer Murdick)

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 Sec. 6-900(b)(1) a-d Outdoor Storage, Junk, Trash & Debris, 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 fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

Officer Murdick requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

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

CE 16-192 – 1319 N Cocoa Blvd.

Officer Mack returned to meeting 7:01 and Board returned to case CE-16-192 (non-compliance). Board members returned to the discussion the case with staff and Mr. Naumann. Mr. Naumann was provided a copy of the Finding of the Facts. Mr. Gifford explained each of the violations. Discussion amongst Board members and Mr. Naumann.

Mr. Gifford explained again the Lien Reduction process to Mr. Naumann. Mr. Naumann stated he didn't understand the City Codes and what was required of him. Additional discussion amongst Board members, staff and Mr. Naumann to clarify what he needed to do in order to be in compliance.

Mr. Cicerrella and Mr. Lightholder departed from the meeting; the time was 7:12pm.

8. CE 16-439 – 1610 Harvard 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 Sec. 6-900(b)(1)a-d Outdoor Storage, Junk, Trash & Debris, 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 8, 2016 to correct the violation or impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

Officer Mack requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of fifty dollars (\$50.00) per day until found in compliance; in the event of a re-occurrence one hundred dollars (\$100.00) per day.

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

Mr. Lightholder returned to the meeting, the time was 7:16. Mr. Cicerella returned to the meeting, time was 7:17pm. Neither Board member was present for the hearing of the case or the vote.

9. CE 16-481 – Tax ID 2425789 (Officer Murdick)

This Case was found in compliance

10. CE 16-484 – 792 Cressa Cir. (Officer Murdick)

This Case was found in compliance

11. CE 16-487 – 540 Peachtree St. (Officer Murdick)

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 Sec. 6-900 (b)(8) Unregistered Boats, Sec. 6-900 (b)(1)a-d Outdoor Storage, Junk Trash, & Debris and Sec. 6-1003(b) Protective Treatment, 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.

Tomislav Saronja, 494 S Atlantic Ave #110, Cocoa Beach, FL, was sworn in. Mr. Saronja testified that the boat was registered per the tenant but was unable to provide proof of registration. He also explained that he had worked on cleaning the property up over the past weekend. He also added that they will be evicting the tenants that are not complying.

Discussion amongst Board members, staff and Mr. Saronja.

Jim Gifford recommended the case be tabled until next month, staff agreed to table the case.

Motion by Mr. Cicerella, seconded by Ms. Weaver, to table the case until October 20, 2016 CEB meeting. Vote on the motion carried unanimously.

12. CE 16-410 – 502 Brevard Ave.

Supervisor Chris Counsellor 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 Sec. 6-1003(b) Protective Treatment, of the City of Cocoa Code.

Supervisor Counsellor stated that the Case was heard on July 21, 2016 and the Property Owner was given until August 10, 2016 to correct the violation or impose a fine in the amount of one

hundred and fifty dollars (\$150.00) per day until found in compliance; in the event of a re-occurrence two hundred and fifty dollars (\$250.00) per day.

Supervisor Counsellor requested that the Board find the Property Owner in non-compliance and impose a fine in the amount of one hundred and fifty dollars (\$150.00) 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. Terrell, 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:

1. CE 15-225 1253 Amherst Ct.

Code Enforcement Supervisor Chris Counsellor presented the Staff report for the lien reduction request. Mr. Counsellor gave brief history of the Case and stated that property is in compliance at this time. Mr. Counsellor stated Staff's recommendation is to reduce the lien to four thousand eight hundred and twenty-five dollars (\$4,825.00).

Jose Said, 3138 Zaharias Dr., Orlando, FL, was sworn in. Mr. Said testified he purchased the property in tax deed and was unaware of any liens. He stated that the home was occupied and it took time to evict the residents from the home.

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

Motion by Mr. Terrell that the lien be reduced to \$900.00, motion dead from a lack of a second.

Motion by Mr. Brown, seconded by Ms. Weaver, to amend Staff's recommendation and recommend that City Council reduce the lien to two thousand dollars (\$2,000.00). Vote on the motion carried unanimously.

2. CE 12-961 1315 South Lakemont Dr.

This Case was tabled.

ABATEMENT LIENS:

1. CE 16-441 Tax ID 2443917
2. CE 16-449 609 S Georgia Ave.
3. CE 16-442 Tax ID 2424848
4. CE 16-446 703 S Varr Ave.
5. CE 16-447 629 S Georgia Ave.
6. CE 16-324 702 S Georgia Ave.
7. CE 16-448 627 S Varr Ave.
8. CE 16-430 300 N Varr Ave.

9. CE 16-429 1050 Bellefonte Ave.

10. CE 16-428 1047 Mitchell St.

11. CE 16-273 1333 Audubon Dr.

12. CE 16-450 207 Lemon St.

13. CE 16-371 1042 Hickory Ln.

Supervisor Counsellor requested that the Board approve the Order to Impose a Lien for the abatement of the above listed addresses and case numbers.

Motion by Mr. Terrell, seconded by Ms. Weaver, to approve the Orders to Impose a Lien for the abatement of said addresses and case numbers. Vote on the motion carried unanimously.

OTHER:

None

DEMOLITION APPEALS:

None

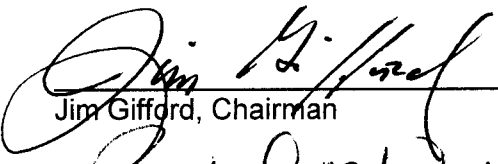
NEXT MEETING:

The Board members established that the next meeting would be held on October 20, 2016.

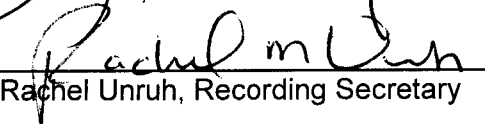
ADJOURNMENT:

There being no further business the meeting adjourned at 7:47 P.M.

Approved on this 20th day of October, 2016.



Jim Gifford, Chairman



Rachel Unruh, Recording Secretary

