

**Code Enforcement Board
Meeting Minutes
August 16, 2018**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, August 16, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Jim Gifford called the meeting to order at 6:01 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Jim Gifford	Chairman
George Brown, Jr.	Vice-Chairman
Virginia Weaver	Board Member – arrived 6:01
David Lightholder	Board Member
Michael Cicerella	Board Member
Edward Green	Board Member

MEMBERS ABSENT:

Stephanie Moretto	Board Member
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OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Mike Cantaloupe	Police Chief
Brian Fose	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
Don Boisvert	Councilman/Liaison
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Nick Gerry	Fire Inspector

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Meeting Agenda: August 16, 2018

Motion by Mr. Brown, seconded by Mr. Lightholder, to approve the agenda of August 16, 2018 as amended. Vote on the motion carried unanimously (6-0).

2. Approval of New Agenda Items: August 16, 2018

**Case CE-18-306 – 1419 N Lakemont Dr - Complied
Fire Code Case – Tractor Supply – 801 Dixon Blvd – Complied
Lien Reduction – CE 17-383 – 2228 Salem Dr. – Added to agenda**

Motion by Mr. Brown, seconded by Mr. Lightholder, to approve the agenda of August 16, 2018 as amended. Vote on the motion carried unanimously (6-0).

NEW BUSINESS:

None

CASES:

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 was in violation of Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), Protective Treatment, Ch 6 Sec. 6-1003 (b), Storing Outdoors, Ch 6 Sec 6-900 (b)(11) and Weeds, Ch6 Sec 601001 (d) of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 16, 2018 (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 not present.

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 (6-0).

2. CE-17-705 – 804 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 was in violation of Parking in Yard Ch 6 Sec. 6-900 (b)(9) and 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 September 16, 2018 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance. Office Murdick stated that the property now has Outdoor Storage. There have been 9 cases on this property (junk, thrash, debris and abandon vehicles). Discussion amongst the Board members and staff.

Property owner was not present.

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

3. CE-18-076 – 904 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 was in violation of Protective Treatment, Ch 6 Sec. 6-1003 (b), Accum. Of Trash and Litter, Ch 6 Sec. 6-900 (b)(1)a-d, Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and Wees, Ch6 Sec. 6-1001(d) of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 16, 2018 (30 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Property owner not present

Tom Studstill, 419 Roosevelt Ave. was sworn in. Mr. Studstill provided a little history of the property.

Discussion amongst the Board members to amend the amount of day to (60 days) October 16, 2018 to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance. Mr. Gifford asked Mr. Studstill to keep in contact with Officer Murdick on the progress.

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 (6-0).

4. CE-18-087 – 317 Lucerne

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 Boarded Up Buildings Ch 6 Sec. 6-900 (b)(5), Protective Treatment, Ch 6 Sec. 6-1003 (b) and Storing Outdoors Ch 6 Sec. 6-900 (b)(11) of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 16, 2018 (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 Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (6-0).

5. CE-17-923 – 1304 S. LAKEMONT DR.

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 Parking in Yard, Ch 6 Sec. 6-900(b)(9), Trailers In Yard, Ch 6 Sec. 6-900(b)(15) and Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) of the City Code.

This was Officer Mack's case that Officer Fose took over.

Burton Baum 1304 S. Lakemont Dr. was sworn in and the son of the property owner gave history on the property. According to Mr. Baum this property is occupied.

Officer Fose requested that the Board find the Property Owner in violation and be given until September 16, 2018 (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. Board members amended the officers request and the property owner was given until September 30, 2018 (45 days) to come in compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

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 (6-0).

6. CE-18-306 - 1419 North Lakemont Dr.

This case was complied.

7. 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 was in violation of Exterior General Condition Ch 6 Sec. 6-1003 (a), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), Accum. Of Trash and Litter Ch 6 Sec. 6-900(b)(1)a-d and Accesorry Structures Ch 6 Sec. 6-1001 (g) of the City Code.

Officer Fose requested that the Board find the Property Owner in violation and be given until August 21, 2018 (30 days) 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).

FIRE CODE CASES:

8. Dexter Group Inc. – 315 Brevard Ave.

Fire Inspector Nick Gerry provided an overview of the Case history and presented exhibits for the Board's review. Fire Inspector Gerry testified that all of the violations were corrected except for the Fire Alarm Ch 6 Sec. 6-205 of the Florida Fire Prevention Code.

Fire Inspector was in contact with ADS Security and spoke with Karen Olexa. The property owner has not been in touch with ADS to have a permit pulled for the property.

Fire Inspector Gerry requested that the Board find the Property Owner in violation and be given until November 16, 2018 (120 days) to come into compliance or impose a fine of two hundred dollars (\$200.00) per day until found in compliance.

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

9. ATS Clearlake LLC – 1066 Clearlake Rd.

Fire Inspector Nick Gerry provided an overview of the Case history and presented exhibits for the Board's review. Fire Inspector Gerry testified that a Fire Alarm System is not

Robert Chasin 485 Gus Hipp Blvd was sworn in and gave a history of property. He has tried to get a contractor to do this work and there is a time issue.

Discussion amongst the Board members and staff.

Fire Inspector Gerry requested that the Board find the Property Owner in violation and be given until February 16, 2018 (160 days) and to keep in contact the Fire Inspector every (90 days) to come into compliance or impose a fine of two hundred dollars (\$200.00) per day until found in compliance.

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

10. Tractor Supply – 801 Dixon Blvd

This case was complied.

NON-COMPLIANCE:

1. CE-17-719 - 228 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 Roofs & Drainage, Ch 6 Sec. 6-1003 (g), Window, Door & Frame, Ch 6 Sec. 6-1003 (m), Weeds, Ch 6 Sec. 6—1001(d), and Accessory Structure Ch 6 Sec. 6-1001(g) of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on July 27, 2018 and property owner remains in violation.

Phyllis Cross 926 Derby Ln, Rockledge and Edward Williams 530 Lucas Pl, Merritt Island representatives of the property. Mr. Williams & Ms. Cross misunderstood the violation about the roof. Mr. Gifford explained to the representatives that they need to keep in contact with Officer Murdick on the progress.

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

2. CE-17-582 - 312 Belmont 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 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.

James Yoder 312 Belmont Dr. owner of the property.

No permits have been pulled.

Discussion amongst the Board members and staff.

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

3. CE-17-594 - 2610 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 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) and Defacement of Property , graffiti, Ch 6 Sec. 6-1001(i) of the City Code. Officer Murdick stated a Notice of Hearing was sent on July 17, 2018 and property owner remains in violation.

Mr. Larry Curvin 225 Florida Blvd, Merritt Island owner of the property. Mr. Curvin having a hard time getting a contractor. Code Enforcement Manager Dennis Bunt told Mr. Curvin to contact the building department for help.

Discussion amongst the Board members and staff.

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

4. CE-17-717 - 314 Fairmont 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 Roofs & Drainage, Ch 6 Sec. 6-1003 (g), Weeds, Ch 6 Sec. 6-1001(d) of the City Code. Officer Murdick stated a Notice of Hearing was sent on July 17, 2018. On August 9, 2018 Office Murdick went by the property and states that the property owner is now in compliance

Discussion amongst the Board members and staff. No fines are imposed on the property.

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

5. CE-17-685 - 2218 Michigan 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), Weeds, Ch 6 Sec. 6-1001(d), Doors Ch 6 Sec. 6-1003 (o) and Storing Outdoors Ch 6 Sec. 6-900(b)(11), of the City Code. Officer Murdick stated a Notice of Hearing was sent July 27, 2018 and property owner remains in violation.

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

6. CE-17-907 - 2607 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:

1. Violation: APP. A, ART. XI, Sec. 3. - District and intent—RU-1-7 (A)(B), Single-Family Residential District Owner has violated App. A, Art. XI, Sec. 3.(A)(B) which allows one single-family dwelling on property within the RU-1-7, by allowing a second dwelling unit (a mobile home) on the property. Further, the mobile home does not meet the definition of a single-family dwelling, as defined in App. A, Art. V of the Code. A "dwelling, mobile home" is also defined in App. A, Art. V of the Code.

2. Violation: APP. A, ART. XI, Sec. 3. - District and intent—RU-1-7, Single-Family (A) (D) Owner has violated App. A, Art. XI, Sec. 1(A)(1) and (D)(1) by operating a bed and breakfast, as defined in App. A., Art. V of the Code, on the property. A bed and breakfast is not a permitted use in the RU-1-7 and is prohibited.

3. Violation: APP. A, Art. XIII, Sec. 6 – Accessory Structures. Owner has violated App. A, Art. XIII, Sec., 6, which prohibits accessory buildings containing living quarters on any lot in any residential district, by parking a mobile home on the property. Accessory structures are defined in App. A, Art. V of the Code. Officer Murdick stated a Notice of Hearing was sent on August 3, 2018 and property owner remains in violation.

Representative for the property owners Kim Rezanka of Cantwell & Goldman PA. Ms. Rezanka states the Circuit Court has entered a motion to temporary stay until the court can make a ruling on the motion.

Discussion amongst the Board members and staff.

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

LIEN REDUCTION:

CE- 17-383 – 2228 Salem Dr.

Code Enforcement Manager Dennis Bunt provided an overview of the Case history and presented exhibits for the Board's review. The property came into compliance on May 21, 2018. The lien was \$34,250.00. Staff recommendation was for the lien to be reduced to \$3,000.00.

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 (6-0).

DEMOLITION APPEALS:

None

ABATEMENT APPEALS:

OTHER BUSINESS:

I. Manager Announcements

Code Enforcement Manager Dennis Bunt introduced Darla Crowl as the new Code Enforcement Coordinator. Jim Gifford introduced the new board member Edward Green.

II. Elections for Chairman and Vice-Chairman

III. Discussion of Fines

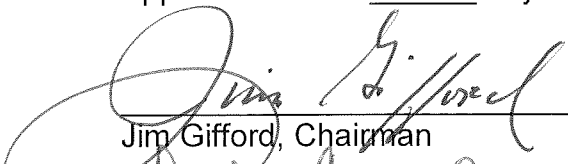
NEXT MEETING:

The Board members established that the next meeting would be held on September 20, 2018.

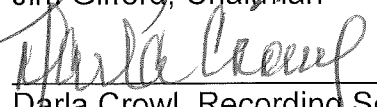
ADJOURNMENT:

There being no further business the meeting adjourned at 7:36 PM.

Approved on this 20 day of September, 2018.



Jim Gifford, Chairman



Darla Crowl, Recording Secretary