

**Code Enforcement Board
Meeting Minutes
August 15, 2019**

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, July 18, 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 @ 6:03
David Lightholder	Board Member
Lloyd Roberts	Board Member

MEMBERS ABSENT:

Scott Hannon	Board Member
Edward Green	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Police Lieutenant
Julian Briggs	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
Johaquin Rodriguez	Code Enforcement Officer
Don Boisvert	Councilman/Liaison
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 Agenda: August 15, 2019

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

2. Approval of Meeting Minutes: July 18, 2019.

Motion by Mr. Lightholder, seconded by Ms. Weaver, to approve the minutes of July 18, 2019. Vote on the motion carried unanimously.

CASES:

1. CE-19-159 – 1053 Park Dr.

Chairman Gifford asked Manager Bunt if he wanted to make a change to the Agenda order. Manager Bunt asked for case #11 be moved to the top of the Agenda since they had been waiting.

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 *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 September 16, 2019 (30 days) to come into compliance or impose a fine of twenty-five dollars (\$25.00) per day until found in compliance.

Attorney for property owner: Charles Barger, Law Firm of Nance Cacciatore, 525 N. Harbor City Blvd, Melbourne, FL

Discussion amongst the Board members and staff. Manager Bunt verified with Officer Briggs that the only item that needed to be corrected was the replaced fascia portions with protective treatment and Officer Briggs agreed. Attorney Babb-Nutcher asked if there would only be one (1) violation left and Manager Bunt wanted to amend the fee to twenty-five dollars (\$25.00) per day until found in compliance. Attorney Barger stated that he was confused about the violations and thought that the property was in compliance. Mr. Lightholder explained that the wood was not painted and this is what the protective treatment covers in the violation. Attorney Barger stated that the violation letter did not say that the property needed to be painted. Attorney Babb-Nutcher asked Attorney Barger if the violation letter show protective treatment as a violation. More discussion about the protective treatment so that the property owner and Attorney were clear.

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. Case number correction for this case is CE-19-485 to be added into the minutes.

2. CE-19-400 – 1311 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 was in violation of *XXII. Permit Required App A Art. XV Sec 2 (a), APP A, ART XI, Sec. 3. District and Intent—RU-1-7, Single-Family Residential District. and XXXIII. 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, 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: Victoria Estrada & Anthony Avera, 1311 N Fiske Blvd.

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.

3. CE-19-202 – 2511 Stanford Dr.

This case complied.

4. CE-19-201 – 3001 Oxbow Circle

This case complied.

5. CE-19-200 – 3011 Oxbow Circle

This case was tabled.

6. CE-19-121 – 26 Forrest 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 was in violation of *IX. Exterior General Condition Ch 6 Sec. 6-1003 (a), XI. Fail to Secure Struct Ch 6 Sec. 6-900 (b)(7), II. Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b) (1) a-d and Sidewalks and Driveways Sec. 6-1001 (c)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until October 16, 2019 (60 days) to come into compliance or impose a fine of one hundred dollars (\$100.00) per day until found in compliance.

Property Representative sworn in: Lisa Miller, 402 High Point Dr. STE 101, Cocoa

Property representative explained the contractor was delayed in coming to the property. Ms. Miller stated that the contractor was going to be fixing the patches and paint the whole building one color which would be easier. Mr. Gifford asked Ms. Miller if 60 days would give them plenty of time to fix the property and she stated that it would. Manager Bunt stated he was fine with giving the property owner the extra time to do the repairs.

Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Mr. Brown, to amend Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

7. CE-19-120 – 100 Delannoy 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 was in violation of, *XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b) 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 September 16, 2019 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Property Representative sworn in: Lisa Miller, 402 High Point Dr. STE 101, Cocoa

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-19-089 – 337 King 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, *V. Business Tax Receipt Ch 12 Sec. 12-1 (a)(b) and XXXIII. 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, 2019 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Property owner and son sworn in: Scott Holmes, 8102 Ridgewood Ave, Cape Canaveral & Jeffrey Holmes, 1215 N Montego Bay, Merritt Island

Discussion amongst the Board members and staff. Officer Murdick stated that as of today the property was in compliance. Mr. Holmes explained that he has been storing dumpsters on the property. Manager Bunt gave an overview of the case so the Board Members understood and explained that the dumpsters could not come back or this would be considered a repeat violation unless they were given approval by Planning and Zoning and given a Business Tax Receipt.

Motion by Ms. Weaver, seconded by Mr. Lightholder, to amend Staff's recommendation and find the Property Owner was in noncompliance but have been found in compliance and no fines shall be imposed. Vote on the motion carried unanimously.

9. CE-19-183 – 1113 Hickory Ln.

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 *XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)*, *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* and *XXIX. Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until September 16, 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 Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously. Case number correction for this case is CE-19-483 to be added into the minutes.

10. CE-19-304 – 1059 Cypress Ln

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 *XXXVI.Weeds, Ch 6 Sec. 6-1001(d)*, *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)* and *XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until September 16, 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. Roberts, seconded by Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

11. CE-19-209 – 1055 Bellefonte Ave.

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 *XXXVI.Weeds, Ch 6 Sec. 6-1001(d)*, *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b) II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, IV.Boarded Up Buildings Ch. 6 Sec.6-900 (b)(5)* and *XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until September 16, 2019 (30 days) to come into compliance or impose a fine of one hundred twenty-five dollars (\$125.00) 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. Case number correction for this case is CE-19-484 to be added into the minutes.

12. CE-19-261 – 536 S Varr Ave.

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 XXXI.Storing Vehicles, Ch 6 Sec. 6-900 (b)(8) and XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until September 16, 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. Case number correction for this case is CE-19-486 to be added into the minutes.

FIRE DEPARTMENT CODE CASE:

None

NON-COMPLIANCE:

1. CE-18-644 – 1311 Elizabeth 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 *II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d*, *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)*, *XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* and ** Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5)*, of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on July 29, 2019 and property owner remains in violation.

Property owner was not present.

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.

2. CE-18-196 – 506 Abby Ln

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 *XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)*, of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on July 29, 2019 and property owner remains in violation.

Property owner was not present.

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.

ABATEMENT APPEALS:

None

LIEN REDUCTION:

- 1. CE-14-205 – 811 Eden St. - Tabled**

Manager Announcements:

Manager Bunt wanted to welcome Mr. Roberts as the new Code Board Member and introduce him to the Code Enforcement Staff. Manager Bunt also introduced Johaquin Rodriguez the Code Officer to the Board Members.

DEMOLITION APPEALS:

None

OTHER BUSINESS:

None

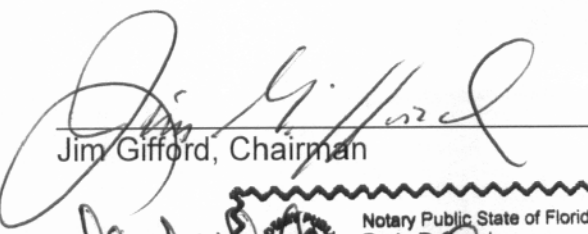
NEXT MEETING:

The Board members established that the next meeting would be held on September 19, 2019.

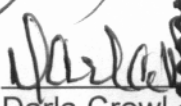
ADJOURNMENT:

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

Approved on this 19 day of September, 2019.



Jim Gifford, Chairman



Darla Crowl, Recording Secretary

Notary Public State of Florida
Darla D Crowl
My Commission GG 266694
Expires 11/11/2022