

**Code Enforcement Board
Meeting Minutes
July 21, 2016**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, July 21, 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:

Jim Gifford	Chairman
George Brown, Jr.	Vice-Chairman
Michael Klug	Board Member
Virginia Weaver	Board Member- late 6:10pm
Michael Cicerrella	Board Member
Bill Terrell	Board Member

MEMBERS ABSENT

David Lightholder	Board Member
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OTHERS PRESENT:

John Titkanich	City Manager
Steven Belden	Community Services Director
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: July 21, 2016**

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled, and withdrawn). The Case Analysis was added to the agenda.

Motion by Mr. Cicerrella, seconded by Mr. Klug, to approve the agenda of July 21, 2016 as amended. Vote on the motion carried unanimously.

2. **Approval of Meeting Minutes: June 16, 2016**

Motion by Mr. Cicerrella, seconded by Mr. Klug, to approve the minutes of June 16, 2016, as written. Vote on the motion carried unanimously.

NEW BUSINESS:

1. Case Analysis Schedule

Steven Belden, Community Development Director, introduced the Cost Analysis and gave a brief description of the figures and how the Staff derived the figures.

Discussion among the Board members and Staff.

John Titkanich, City Manager, made brief statement to the Board members.

CASES:

1. CE 16-100 – 700 South Carolina Ave

This Case was tabled per the request of the attorney representing the property owner.

2. CE 16-184 – 710 Hughlett Ave

This Case was tabled for improper service.

3. CE 16-197 – 2941 Denham Rd

This Case was found in compliance.

4. CE 16-198 – 4002 Sandgate Ct

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 Junk, Trash & Debris and Sec. 6-900(b)(15) Utility Trailer in Corner Side Yard, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until July 31, 2016 (10 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.

Robert Smith, 4002 Sandgate Ct., was sworn in. Mr. Smith gave testimony that he wants to keep the axle and wants to build a wooden structure around the axle. He also gave testimony that the trailer placement has not been a problem in the past.

Staff and Board members discussed the options that Mr. Smith has for the placement of the trailer, the items on the porch and the axle.

Motion by Mr. Terrell, seconded by Mr. Cicerrella, to accept Staff's recommendation, amending the date of compliance to August 21, 2016 (30 days) and find the Respondent in violation. Vote on the motion carried unanimously.

5. CE 16-236 – 2002 Muskingum Ave

This Case was found in compliance.

6. CE 16-287 – 618 S Varr 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 Appendix A, Art. XIII Sec. 5 (c) Fence Without a Permit, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until July 31, 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.

Derrick Spencer Collins Sr., 618 S Varr Ave, was sworn in. Mr. Collins gave testimony that he was unaware he needed to obtain a building permit when he installed a wooden fence inside an already existing chain link fence. He stated he gets paid on the 3rd of each month, once he received his check he would apply for the permit. Mr. Collins requested until the 15th of August to comply.

Discussion among the Board members, Staff and the Violator. Mr. Terrell recommended a time extension for Mr. Collins to obtain a building permit for the fence.

Motion by Mr. Terrell, seconded by Ms. Weaver, to accept Staff's recommendation, amending the date of compliance to August 15, 2016 (25 days) and find the Respondent in violation. Vote on the motion carried unanimously.

7. CE 16-301 – 538 Peachtree St

This Case was found in compliance.

8. CE 16-308 – 811 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 is in violation of Sec. 6-900 (b)(1)a-d Outdoor Storage, Junk Trash, & debris, Sec. 6-902 (b)(1)(2) Inoperable/Unregistered Junk Vehicles, and Sec. 6-1001 (d) High Grass & Weeds, Overgrowth, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until July 31, 2016 (10 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.

Supervisor Counsellor gave testimony that he has spoken with the property owner.

Discussion among Staff and Board members.

Wayne Wright, 811 Peachtree St, was sworn in. Mr. Wright gave testimony as to what he uses the property for and he has spoken to Steve Biel, Senior Planner has to permitted uses for the property.

Discussion among the Board members, Staff and the Respondent.

Steven Belden, Community Services Director, stated the permitted uses for the property based on its zoning and the regulations for a mechanic shop.

Supervisor Counsellor explained the differences between a mechanic shop and a salvage yard per the City Code.

There was further discussion among the Respondent, Staff and Board members.

Mr. Gifford suggested that the Board table this case in order for the property owner and City Staff to meet to discuss the options Mr. Wright has for is property.

Motion by Mr. Cicerrella, seconded by Mr. Klug, that the case be tabled until the August 18, 2016 meeting. Vote on the motion carried unanimously.

9. CE 16-313 – 216 Orange St

This Case was found in compliance.

10. CE 16-339 – 1047 Park 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 Sec. 6-1003 (o) Exterior Structure, Doors, Sec. 6-900(b)(7) Failure To Secure Structure, Sec. 6-1003(n) Window Insect Screens, Sec. 6-1003(m)(1) Windows, and Sec. 6-1003(b) Protective Treatment, Mildew, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until August 10, 2016 (20 days) to come into compliance 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.

Respondent not present.

Discussion among Staff and Board members.

Ms. Weaver recommended that the fine be increased from Staff's recommendation.

Motion by Mr. Terrell, seconded by Mr. Cicerrella, to accept Staff's recommendation and find the Respondent in violation. Vote on the motion carried 5 to 1, Ms. Weaver objected.

11. CE 16-340 – 821 Paw Paw

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) Accessory Structures, 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 requested that the Board find the Property Owner in violation and be given until August 20, 2016 (30 days) to come into compliance or impose a fine in the amount of one hundred 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.

Respondent not present.

Supervisor Counsellor gave testimony that contact has been made with the tenant but not with the property owner.

Motion by Mr. Cicerrella, seconded by Mr. Klug, to accept Staff's recommendation and find the Respondent in violation. Vote on the motion carried unanimously.

12. CE 16-343 – 402 N Carolina Ave.

This Case was found in compliance.

13. CE 16-346 – 1115 Broadmoor Dr.

This Case was found in compliance.

14. CE 16-352 – 31 Olive St

This Case was found in compliance.

15. CE 16-353 – 3600 London Blvd

This Case was tabled due to foreclosure

16. CE 16-354 – 3650 Brian Ct

This Case was found in compliance.

17. CE 16-359 – 562 W King St

This Case was found in compliance.

18. CE 16-347 – 401 N Kentucky Ave.

This Case was found in compliance.

19. CE 16-361 – 408 N Kentucky 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. 6-900(b)(1)a-d Outdoor Storage Junk, Trash, & Debris, Sec. 6-900(b)(15)

Trailer Stored on Vacant Property and Sec. 6-900(b)(8) Boat Stored on Vacant property, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until July 31, 2016 (10 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.

Respondent not present.

Officer Murdick gave testimony that he has spoken with the owner of the property.

Motion by Mr. Klug, seconded by Mr. Cicerrella, to accept Staff's recommendation and find the Respondent in violation. Vote on the motion carried unanimously.

20. CE 16-374 – 1053 Bellefonte 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 Appendix A, Art. XV Sec. 2(A) Unpermitted Structures, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until July 31, 2016 (10 days) to come into compliance 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.

Respondent not present.

Discussion among the Board members and Staff.

Motion by Mr. Cicerrella, seconded by Mr. Klug, to accept Staff's recommendation and find the Respondent in violation. Vote on the motion carried unanimously.

21. CE 16-192 – 1319 N Cocoa Blvd

Supervisor Counsellor entered into evidence a request to the Board for an extension from the Property Owner, because he was unable to attend the meeting. Supervisor Counsellor explained that this is the second request for an extension by the property owner, as staff granted an extension last month because he was unable to attend the June meeting. Motion by Mr. Terrell, seconded by Mr. Cicerrella, to accept Staff's recommendation to deny the request for a second extension and to hear the case.

Code Enforcement Officer Michael Mack 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. 6-805(a)(1) Unsafe Structures and Equipment, 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 Murdick requested that the Board find the Property Owner in violation and be given until August 20, 2016 (30 days) to come into compliance 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.

Discussion among the Board members and Staff.

Motion by Mr. Terrell, seconded by Mr. Cicerrella, to accept Staff's recommendation and find the Respondent in violation. Vote on the motion carried unanimously.

Mr. Cicerrella exited the meeting at 7:12pm.

22. CE 16-229- 827 Stone St

This Case was found in compliance.

23. CE 16-251 – 306 Forest Hill Dr.

This Case was tabled due to foreclosure

24. CE 16-253 – 1205 Japonica Ln

This Case was found in compliance.

25. CE 16-254 – 1003 N Cocoa Blvd

This Case was withdrawn due to new ownership

26. CE-16-258 – 969 N Cocoa Blvd

This Case was tabled.

27. CE 16-282 – 314 Fairmont 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. 6-1001(d) High Grass & Weeds, of the City of Cocoa Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until July 21, 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.

Motion by Ms. Weaver, seconded by Mr. Terrell, to accept Staff's recommendation and find the Respondent in violation. Vote on the motion carried unanimously.

Mr. Cicerrella was not present for the vote for Case # 16-282.

28. CE 16-318 – 907 Kensington Dr.

This Case was found in compliance.

29. CE 16-328 – 1806 Baylor Ct.

This Case was found in compliance.

30. CE 16-329 – 1837 Baylor Ct.

This Case was found in compliance.

31. CE 16-330 – 814 Hillsdale Dr.

This Case was found in compliance.

32. CE 16-327 – 1204 Montclair Rd.

This Case was found in compliance.

33. CE 16-362 – 1790 Dixon Blvd

This Case was found in compliance.

34. CE 16-363 – 1930 Ivy Dr.

This Case was found in compliance.

35. CE 16-364 – 1205 Willow Ln

This Case was found in compliance.

36. CE 16-365 – 1204 Princeton

This Case was found in compliance.

37. CE 16-369 – 1802 Dixon Blvd

This Case was found in compliance.

38. CE 16-410 – 502 Brevard Ave.

Code Enforcement Supervisor Chris Counsellor provided an overview of the Case history and presented exhibits for the Board's review. Supervisor Counsellor testified that the Property Owner is in violation of Sec. 6-1001(d) High Grass & Weeds and Sec. 6-1003 (b) Protective Treatment, of the City of Cocoa Code.

Supervisor Counsellor requested that the Board find the Property Owner in violation and be given until June 30, 2016 (10 days) to come into compliance 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.

Motion by Ms. Weaver, seconded by Mr. Klug, to accept Staff's recommendation and find the Respondent in violation. Vote on the motion carried unanimously.

Mr. Cicerrella returned to the meeting at 7:18pm was not present for the vote of Case # CE 16-410.

REPEAT VIOLATIONS:

CE 16-202 – 531 Blake 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 repeat violation of Sec. 6-900(b) (1) a-d Accumulation Junk, Trash & Debris, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in repeat violation and shall come into compliance immediately or impose a fine in the amount of fifty dollars (\$50.00) per day until compliance is achieved; in the event of a re-occurrence two hundred and fifty dollars (\$250.00) per day.

Respondent not present.

Discussion among the Board members, Staff and City attorney.

Motion by Mr. Cicerrella, seconded by Mr. Klug, to accept Staff's recommendation and find the Respondent in repeat violation. Vote on the motion carried 5 to 1, Ms. Weaver objected.

NON-COMPLIANCE:

1. **CE 16-091 – 1402 College Park**

This Case was tabled due to new ownership

2. **CE 16-060 – 920 Grove 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. 6-1003 (g) Exterior Structure, Roof & Drainage, Sec. 6-1003 (b) Exterior Structure, Protective Treatment, of the City of Cocoa Code.

Officer Murdick stated that the Case was heard on May 19, 2016 and the Property Owner was given until June 20, 2016 to correct the violation 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.

Officer Murdick requested that the Board find the Property Owner in non-compliance and 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.

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

3. CE 16-121 – 2938 Colchester 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 Sec. 6-1003 (b) Exterior Structure, Protective Treatment, of the City of Cocoa Code.

Officer Murdick stated that the Case was heard on May 19, 2016 and the Property Owner was given until June 20, 2016 to correct the violation 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.

Officer Murdick requested that the Board find the Property Owner in non-compliance and 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.

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

4. CE 16-112 -- 2110 Clairemont 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 Sec. 6-1003 (g) Exterior Structure, Roof & Drainage, Sec. 6-1003 (b) Exterior Structure, Protective Treatment, of the City of Cocoa Code.

Officer Murdick stated that the Case was heard on May 19, 2016 and the Property Owner was given until July 20, 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 Respondent in non-compliance. Vote on the motion carried unanimously.

LIEN REDUCTION/FORGIVENESS:

1. CE 13-211 – 1104 Azalea Ln

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 seven hundred dollars (\$700.00).

Mr. Belden stated that the applicant spoke with him and he had to leave.

Applicant left meeting and was not present to hear the Case.

Motion by Mr. Terrell, seconded by Mr. Cicerrella, to approve Staff's recommendation and recommend that City Council reduce the lien to seven hundred dollars (\$700.00)). Vote on the motion carried unanimously.

ABATEMENT LIENS:

1. CE 15-909 – 703 Aurora St.
2. CE 16-261 – 1053 Mitchell St.
3. CE 16-221 – Tax ID 2425074
4. CE 16-131 – 4 Washington St.
5. CE 16-222 – 119 St Charles St.
6. CE 16-260 – 401 N Carolina Ave.
7. CE 16-238 – 427 Stone St.
8. CE 16-241 – 430 Satsuma St.
9. CE 16-272 – 609 S Georgia Ave.
10. CE 16-223 – 627 S Varr Ave.
11. CE 16-266 – 715 S Wilson Ave.
12. CE 16-267 – 805 Blake Ave.
13. CE 16-271 – Vacant Lot Tax ID 2424848
14. CE 16-270 – Vacant Lot Tax ID 2425319
15. CE 16-265 – 703 S Varr St.

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

OTHER:

1. Demolition Appeal – 227 Lemon St.

Supervisor Chris Counsellor testified that he has not had contact with the owner since the last meeting and gave a brief update on the property located at 227 Lemon Street. Mr. Counsellor stated that City Building & Permitting Division reviewed the permit application that Ms. Malave

submitted. Mr. Counsellor further testified that the Building & Permitting Division provided comments for Ms. Malave to address before the permit can be approved and issued.

Neither Ms. Malave nor any representative was present for the hearing.

Motion by Mr. Cicerrella, seconded by Mr. Klug, to continue the case until the next meeting on August 18, 2016. Vote on the motion carried unanimously.

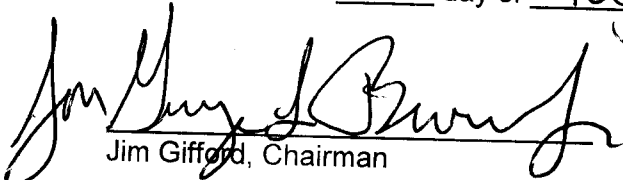
NEXT MEETING:

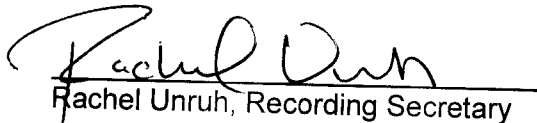
The Board members established that the next meeting would be held on August 18, 2016.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:43 P.M.

Approved on this 19th day of August, 2016.


Jim Gifford, Chairman


Rachel Unruh, Recording Secretary

