

**Code Enforcement Board  
Meeting Minutes  
July 19, 2018**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, July 19, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

**OPENING MATTERS:**

Chairman Jim Gifford called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

**MEMBERS PRESENT:**

|                   |               |
|-------------------|---------------|
| Jim Gifford       | Chairman      |
| George Brown, Jr. | Vice-Chairman |
| Virginia Weaver   | Board Member  |
| Stephanie Moretto | Board Member  |
| Michael Cicerella | Board Member  |

**MEMBERS ABSENT:**

|                   |              |
|-------------------|--------------|
| David Lightholder | Board Member |
|-------------------|--------------|

**OTHERS PRESENT:**

|                    |                          |
|--------------------|--------------------------|
| Dennis Bunt        | Code Enforcement Manager |
| Anthony Marchica   | Lieutenant               |
| Steve Murdick      | Code Enforcement Officer |
| Brian Fose         | Code Enforcement Officer |
| Debra Babb-Nutcher | Board Attorney           |
| Patrick Brackens   | Staff Attorney           |
| Rachel Unruh       | Recording Secretary      |
| Jeri Blanco        | Deputy Mayor             |

The Board Secretary swore in all Staff members giving testimony.

**APPROVAL OF AGENDA AND MINUTES:**

1. Approval of Meeting Agenda: July 19, 2018

Motion by Ms. Weaver, seconded by Mr. Cicerella, to approve the agenda of July 19, 2018 as amended. Vote on the motion carried unanimously(5-0).

2. Approval of Special Meeting Minutes: June 5, 2018

Motion by Mr. Cicerella, seconded by Ms. Weaver, to approve the minutes of June 5, 2018, as written. Vote on the motion carried unanimously(5-0).

3. Approval of Nuisance Abatement Meeting Minutes: June 21, 2018

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve the minutes of June 21, 2018, as amended. Vote on the motion carried unanimously(5-0).

4. Approval of Meeting Minutes: June 21, 2018

Motion by Mr. Cicerrella, seconded by Ms. Weaver, to approve the minutes of June 21, 2018, as amended. Vote on the motion carried unanimously(5-0).

**NEW BUSINESS:**

None

**MOTION TO STAY:**

1. 2607 N Indian River Dr.

Kim Rezenka provided the Board members a brief recap of the June 5, 2018 meeting, she provided a copy of the Finding of the Facts to each of the Board members and she made her request for the Motion of Stay.

Discussion amongst the Broad members and Debra Babb-Nutcher, Board Attorney.

Patrick Bracken, Staff Attorney, stated his agreement against the approval of the Motion of Stay.

Mrs. Rezenka stated her rebuttal to Mr. Brackens stated.

Additional discussion amongst the Broad members, Mrs. Debra Babb-Nutcher and Mrs. Rezenka.

Motion by Mr. Cicerrella, seconded by Mr. Brown, to deny the Motion of Stay. Vote on the motion carried unanimously (4-1). Ms. Weaver objected.

**CASES:**

1. **CE-18-069 1041 Avon Pl.**

This case complied.

2. **CE-18-283 1049 Olive St.**

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 is in violation of Boarded Up Buildings Ch 6. Section 6-900(b)(5) and Business Tax Receipt Ch 12 Section 12-1(a)(b), of the City of Cocoa 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 for fifty dollars (\$50.00) per day until found in compliance.

Discussion amongst Board members and staff.

Perfecto Ramirez, owner of 1049 Olive St. was sworn in.

Discussion amongst the Board members, and Mr. Ramirez.

Dennis Bunt, Code Manager, explained the property owner called for the first time today.

Mr. Ramirez stated he will remove the boards over the weekend.

Additional discussion amongst Board members, staff and Mr. Ramirez.

Motion by Mr. Brown, seconded by Mr. Cicerrella, to approve Staff's recommendation and find the Property Owner in violation. . Vote on the motion carried unanimously (5-0).

### **3. CE-18-282 1110 Willow Ln.**

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 is in violation of Storing Outdoors Ch 6 Section 6-900(b)(11), Parking in Yard Ch 6 Section 6-900(b)(9) and Trailers in Yard Ch 6 Section 6-900(b)(15), of the City of Cocoa 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 for seventy-five dollars (\$75.00) per day until found in compliance. Owner was not present. Discussion amongst the Board members and staff. Motion by Mr. Cicerrella, seconded by Mr. Moretto, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

### **4. CE-18-008 2009 Ivy Dr.**

This case was withdrawn.

### **5. CE-17-605 2908 Slippery Rock 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 Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), Storage of Rec.

Vehicles, App A Art. XIII Sec 14 (a-d), Protective treatment, Ch 6 Sec. 6-1003 (b) and Weeds, Ch 6 Sec. 6-1001(d), of the City of Cocoa Code.

Officer Murdick 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 for one hundred dollars (\$100.00) per day until found in compliance. Owner was not present. Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Mr. Cicerella, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

**6. CE-17-635 2916 Slippery Rock 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 Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and Weeds, Ch 6 Sec. 6-1001(d), of the City of Cocoa Code.

Officer Murdick 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 for fifty dollars (\$50.00) per day until found in compliance. Owner was not present. Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Ms. Moretto, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

**7. CE-17-660 2803 Tulane Dr.**

This case was complied

**8. CE-17-661 2820 Tulane 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 Weeds, Ch 6 Sec. 6-1001(d) and Pools and Spas Ch 6 Sec. 6-1002 (a), of the City of Cocoa Code.

Officer Murdick 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 for fifty dollars (\$50.00) per day until found in compliance. Owner was not present. Discussion amongst the Board members and staff. Motion by Mr. Cicerella, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

**9. CE-17-682 2406 Mercer 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 Exterior General Condition Ch 6 Sec. 6-1003 (a), Weeds, Ch 6 Sec. 6-1001(d) and Accessory Structures Ch 6 Sec. 6-1001 (g) of the City of Cocoa Code.

Officer Murdick 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 for seventy-five dollars (\$75.00) per day until found in compliance.

Owner was not present.

Larry Ogden, 2227 Michigan Ave, was sworn in. Mr. Ogden provided a little history of the property.

Discussion amongst the Board members and staff.

Motion by Mr. Cicerella, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

**10. CE-17-683 2402 Mercer 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 Accessory Structures Ch 6 Sec. 6-1001 (g) and Weeds, Ch 6 Sec. 6-1001(d), of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until July 21, 2018 (30 days) to come into compliance or impose a fine for fifty dollars (\$50.00) per day until found in compliance.

Owner was not present.

Larry Ogden, was sworn in from pervious case. Mr. Ogden provided a statement on behalf of the owners of the property.

Dennis Bunt, Code Manager, explained staff had a phone conversation with the property and the owner property stated he is a professor for University State of Nebraska. Mr. Bunt stated he explained to the property owner the case had been open for over a year and the condition of the sheds have worsened. Mr. Bunt stated to the Board members that the property owner has requested until December to make the corrections and Mr. Bunt explained to the property owner the staff's recommendation that will be made to the Board.

Mr. Ogden stated that the property owner is trying to get a flight to come into town on August 10, 2018.

Discussion amongst the Board members and staff.

Mr. Gifford asked if staff objected to providing the property owner 60 days?

Mr. Bunt stated staff didn't object to 60 days.

Additional discussion amongst staff and Mr. Ogden.

Motion by Mr. Cicerrella, seconded by Ms. Moretto, to approve Staff's recommendation amending the time frame from 30 days to 60 days and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

**11.CE-17-691 3236 Forest Hill 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 Exterior General Condition Ch 6 Sec. 6-1003 (a), Pools and Spas Ch 6 Sec. 6-1002 (a), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) of the City of Cocoa Code.

Officer Murdick 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 for one hundred dollars (\$100.00) per day until found in compliance. Owner was not present. Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Mr. Cicerrella, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

**12.CE-18-120 500 S Cocoa Blvd.**

This case was withdrawn.

**13.CE-18-147 615 N Cocoa Blvd.**

This case was withdrawn.

**14.CE-18-164 5555 Hwy 524**

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 Exterior General Condition Ch 6 Sec. 6-1003 (a) and Accessory Structures Ch 6 Sec. 6-1001 (g), of the City of Cocoa Code.

Officer Murdick 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 for fifty dollars (\$50.00) per day until found in compliance. Owner was not present. Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Mr. Cicerrella, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

**15.CE-18-099 2320 Hwy 524**

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 Exterior General Condition Ch 6 Sec. 6-1003 (a), Weeds, Ch 6 Sec. 6-1001(d), Accessory Structures Ch 6 Sec. 6-1001 (g) and Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, of the City of Cocoa Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until July 21, 2018 (30 days) to come into compliance or impose a fine for one hundred dollars (\$100.00) per day until found in compliance. Owner was not present. Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Ms. Moretto, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously (5-0).

Mr. Cicerrella left meeting at 7:10pm

**NON-COMPLIANCE:**

**1. CE-17-610 699 Hughlett 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 Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), Protective Treatment, Ch 6 Sec. 6-1003 (b) and Rubbish and garbage, refrigerators Ch 6 Sec. 6-1006 (b)(2), of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on June 20, 2018 and the property remains in violation. Owner was not present. Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Ms. Moretto, to find the property in non-compliance. Vote on the motion carried unanimously (4-0), Mr. Cicerrella was not present for vote.

**2. CE-17-638 340 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 is in violation of Weeds, Ch 6 Sec. 6-1001(d), Storing Outdoors, Ch 6 Sec. 6-

900 (b)(11), Accessory Structures Ch 6 Sec. 6-1001 (g) and Landscape requirements – APP. A, ART. XIII, SEC. 22 (a-i), of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on June 20, 2018 and the property remains in violation.

Ron Howse, 3531 Indian River Dr, was sworn in.

Mr. Gifford explained to Mr. Howse this was a Non-Compliance Hearing and what the Board can and can't do in this case

Mr. Howse stated that he has spoken with Officer Murdick and he is currently not in town on a regular basis. Mr. Howse provided a history of the case and his property; he also explained he and the City have been in negotiations for the purchase of the property for about a year.

Mr. Cicerrella returned to the meeting at 7:18pm.

Mr. Howse explained he visiting the Planning and Zoning Department for a copy of the landscape plans and the City doesn't have a copy of the plans. He continued with explaining that he wasn't sure of the violations and he needed additional explanation in order to correct the issues.

Dennis Bunt explained that since the City didn't have a Landscape Plan to provide it was determined nothing was needed at this time but if the property was ever rented again then one would need to be provided.

Additional discussion amongst staff and Mr. Howse.

Discussion amongst the Board members, staff and Mr. Howse to table the case.

Motion by Mr. Brown, seconded by Ms. Weaver, to table the case until August 16, 2018 meeting. Vote on the motion carried unanimously (5-0).

### **3. CE-17-681 1649 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 Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and Ch.17, Art.I, Sec. 17-1. - Use for display or sale of goods prohibited; exceptions, of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on June 4, 2018 and the property remains in violation.

Owner not present.

Autumn Sand, 5943 Homestead Ave, was sworn in. Ms. Sand is one of the tenants in the plaza. Ms. Sand stated she is not clear on the violations, Ms. Sand stated she has a

letter for the property owner north of her that gave her permission to display some items on his property.

Discussion amongst the Board members and Ms. Sand.

Dennis Bunt explained the Code for outdoor displays and the displays are prohibited.

Mr. Gifford stated to Ms. Sand that the property owner is the one in violation and they are the ones being cited for the violations.

Additional discussion amongst the Board members, staff and Ms. Sand.

Ms. Sand explained that she places the items outside because no one knows her business is there.

Motion by Mr. Cicerella, seconded by Mr. Brown, to find the property in non-compliance. Vote on the motion carried unanimously (5-0).

#### **4. CE-17-590 1208 Oxford Way**

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 is in violation of Protective Treatment, of the City of Cocoa Code. Owner was not present. Discussion amongst the Board members and staff. Motion by Ms. Moretto, seconded by Ms. Weaver, to find the property in non-compliance. Vote on the motion carried unanimously(4-0).

#### **LIEN REDUCTION:**

##### **1. CE-15-999 1111 Northview Dr.**

Mr. Tom Yardley with Yardley Law Group spoke on behalf of Mr. and Mrs. Tilley. Mr. Yardley explained the property is now in compliance and the owners have the property list for sale.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on January 21, 2016 for CE-15-999 the Code Enforcement Board found the property owners were found in violation of Accumulation of Trash & Debris Section 6-900(b)(1), Parking in Yard Section 6-900(b)(9) and Trailers Section 6-900(b)(15) and the lien ran at fifty dollars (\$50.00) per day from February 10, 2016 until compliance was achieved on March 25 , 2018. Mr. Bunt explained the property was unable to come before the Board sooner because new violations existed on the property. He stated the lien is only for the original violations for CE-15-999.

Mr. Gifford explained the cost sheet from the City to Mr. Yardley.

Mr. Yardley agreed to the staff's cost.

Motion by Ms. Moretto, seconded by Mr. Brown, to recommend to City Council the lien reduction in the amount of two thousand forty-six dollars and fifty-five cents (\$2,046.55). Vote on the motion carried unanimously(5-0). (Note: Motion amended to reflect the correct amount)

## **2. CE-15-1091 1110 Mitchell St.**

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on February 18, 2016 for CE-15-1091 the Code Enforcement Board found the property owner, Housing League Holdings 5 LLC., in violation of Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1) and Section 105.1, Required Permits, of the Florida Building Cod and the lien ran at fifty dollars (\$50.00) per day from March 3, 2016 until compliance was achieved on July 7, 2016. The total amount of the lien is \$6,250.00 and the current owner, Housing League Holdings 5 LLC, is requesting that the lien be reduced to the amount of \$0. Mr. Bunt read the Cost Sheet into record at \$2,016.45.

Discussion amongst Board members and staff.

Motion by Mr. Brown, seconded by Ms. Weaver, to recommend to City Council the lien reduction in the amount of one thousand dollars (\$1,000). Vote on the motion carried unanimously(4-0).

### **ABATEMENT APPEALS:**

None

### **DEMOLITION APPEALS:**

#### **1. 1111 Japonica Ln.**

Manager Dennis Bunt gave background for the property at 714 Johnson St. Mr. Bunt stated that current property owner is Nathaniel Phillips and the property was condemned by Scott Davis, Building Official. Mr. Bunt stated that Mr. Phillips provided an appeal request to the Building Department for the Cost Certification. Mr. Bunt explained that Mr. Phillips has requested credit for fruit trees that were removed during the demolition of the home. Mr. Bunt stated that during the demolish process the contractor removes items that are in the way of the removal of the structure.

#### **2. 507 Paw Paw**

Manager Dennis Bunt gave background for the property at 714 Johnson St. Mr. Bunt stated that current property owner is Nathaniel Phillips and the property was condemned by Scott Davis, Building Official. Mr. Bunt stated that Mr. Phillips provided an appeal request to the Building Department for the Cost Certification. Mr. Bunt explained that Mr. Phillips has requested credit for fruit trees that were removed during the demolition of the home. Mr. Bunt stated that during the demolish process the contractor removes items that are in the way of the removal of the structure.

Additional discussion amongst the Board members, staff and Mr. Phillips.

Motion by Mr. Brown, seconded by Mr. Klug, to accept the Cost Certification at \$4,875.05. Vote on the motion carried unanimously(4-0).

**OTHER BUSINESS:**

I. Manager Announcements

Dennis Bunt announced that Rachel Unruh will be moving to a different department within the City.

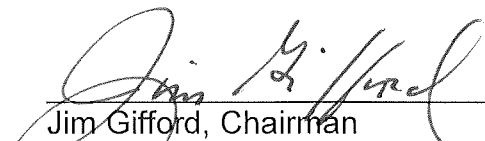
**NEXT MEETING:**

The Board members established that the next meeting would be held on August 16, 2018.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 8:21 PM.

Approved on this 20 day of September, 2018.

  
\_\_\_\_\_  
Jim Gifford, Chairman

  
\_\_\_\_\_  
Rachel Unruh, Recording Secretary