

**Code Enforcement Board
Meeting Minutes
July 18, 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
David Lightholder	Board Member
Edward Green	Board Member

MEMBERS ABSENT:

Scott Hannon	Board Member
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OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Police Lieutenant
Julian Briggs	Code Enforcement Officer
Steve Murdick	Code Enforcement Officer
Don Boisvert	Councilman/Liaison
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Jake Williams	Mayor
Lorraine Koss	Councilwoman

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: July 18, 2019

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

2. Approval of Meeting Minutes: June 20, 2019.

Motion by Mr. Brown, seconded by Ms. Weaver, to approve the minutes of June 20, 2019. Vote on the motion carried unanimously.

CASES:

1. CE-18-522 – 105 Brevard Ave.

This case was tabled.

2. CE-19-025 – 100 Harrison St.

This case was tabled.

3. CE-19-186 – 101 Harrison St.

This case was tabled.

4. CE-19-187 – 409 Delannoy Ave.

This case was tabled.

5. CE-19-148 – 934 Dixon 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 XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b), XXIX. Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and Overhag extensions, Ch 6 Sec. 6-1003 (f) of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until August 19, 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: Antonio Lovett, 280 Lean St, Merritt Island, FL 32953.

Mr. Lovett stated he is working on the violations that Officer Murdick brought before the Board. Discussion amongst the Board members and staff. Mr. Gifford asked Mr. Lovett if he was clear on what was needed to be done to come into compliance and if the (30 days) would be enough time. Mr. Lovett stated he would have no problem getting it done.

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. CE-19-151 – 808 Dixon 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 *II. Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b) and IV. Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until August 19, 2019 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Property owner was not present.

Mr. Gifford asked Officer Murdick which of the violations had been corrected since he has reduced the fine. Officer Murdick stated they have not been corrected but it has been minimized. Officer Murdick also stated that the property owner was trying to talk to Planning and Zoning about the site plan to figure out what they can do about the items on the sidewalk and the parking lot area. Mr. Gifford wanted to make sure he understood Officer Murdick that the displays were not allowed outdoors. Manager Bunt explained they are not allowed to block access to the front door with displays which they sometimes do. Manager Bunt also explained they are not allowed to be no more than 10 feet away from the building unless he has a designated display section as the rest of that is designed parking. 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.

7. CE-19-178 – 907 Kensington 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 was in violation of *XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and XXXVI. Weeds, Ch 6 Sec. 6-1001(d)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until August 19, 2019 (30 days) to come into compliance or impose a fine of fifty dollars (\$50.00) per day until found in compliance.

Property owner was not present.

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.

8. CE-19-284 – 801 Mediterranean Ln.

This case complied.

9. CE-19-321 – 1045 Alamanda 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 *XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), II. Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XX. Parking in Yard Ch 6 Sec. 6-900 (b)(9) and XXXII. Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until August 19, 2019 (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.

Mr. Brown asked Officer Briggs about the fence in the pictures. Officer Briggs explained that the fence was a new violation and has not been sited. Manager Bunt went through the pictures showing that the front of the property was cleaned up. Manager Bunt stated that the property owner propped the fence up so the backyard could not be seen. His wife told Manager Bunt that he is collecting the items for scrapping as a hobby. Mr. Brown asked if it was considered a business. Discussion amongst the Board members and staff.

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

10. CE-19-286 – 919 School St.

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 August 19, 2019 (30 days) to come into compliance or impose a fine of twenty five dollars (\$25.00) per day until found in compliance.

Property owner's husband was sworn in: Timothy Levensaler, P O Box 542349, Merritt Island, FL 32954

Mr. Levensaler explained that 3 of the 6 units him and his wife own. Mr. Levensaler explained that he owns about 50 other properties in the City. He did an overview of all of his properties located on School St. Mr. Levensaler stated that he did not want to put a lot of money into these properties as the market was down. Attorney Babb-Nutcher asked the Chairman if he wanted her to speak on the matter. Mr. Gifford stated that Mr. Levensaler was getting away from what the violation on the property was (mold, mildew and staining) which needed to be either pressure washed and or painted. Manager Bunt stated that Mr. Levensaler received a settlement agreement with the City which at that time he was going to paint the other units which has been well over 1 year ago. Manager Bunt stated that the Thorton case had nothing to do with this case. Mr. Gifford asked the property owner if he plans on taking care of the violation which Mr. Levensaler stated he did not think that he should have to take care of this violation until the other case has been settled. Attorney Babb-Nutcher again asked to speak about the other case that Mr. Levensaler is talking about. Attorney Babb-Nutcher explained that Michael Thorton is unable to be located whom owns the other unit which there is a case and liens running on this property. Manager Bunt and Mr. Levensaler continued to discuss the property and that it needs to be cleaned up. Mr. Levensaler asked for an extension which he was denied. Mr. Lightholder stated that the cost for pressure washing and or painting would not cost the amount he was quoting. Mr. Levensaler asked how he could appeal the motion and Attorney Babb-Nutcher explained he could appeal to the Circuit Court. Discussion amongst the Board members and staff.

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.

11. CE-19-287 – 917 School St.

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 August 19, 2019 (30 days) to come into compliance or impose a fine of twenty five dollars (\$25.00) per day until found in compliance.

Property owner was sworn in: Timothy Levensaler, P O Box 542349, Merritt Island, FL 32954

Mr. Lightholder asked why the property was partially pressured washed and painted. Mr. Levensaler explained as he did in the prior case that he didn't want to put more

money into the property until the other was resolved. 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.

12. CE-19-8 – 136 Lynell 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)* and *XXXV. Trailers In Yard, Ch 6 Sec. 6-900 (b)(15)* of the City Code.

Officer Briggs requested that the Board find the Property Owner in violation and be given until August 19, 2019 (30 days) to come into compliance or impose a fine of twenty five dollars (\$50.00) per day until found in compliance.

Property owner's husband was sworn in: Timothy Levensaler, P O Box 542349, Merritt Island, FL 32954

Discussion amongst the Board members and staff. Manager Bunt stated that the fee needed to be amended to twenty five dollars (\$25.00) per day until found in compliance.

Motion by Mr. Green, seconded by Ms. Weaver, to table until the next meeting. Vote on the motion carried unanimously.

FIRE DEPARTMENT CODE CASE:

None

NON-COMPLIANCE:

1. CE-18-345 – 3221 Nottingham Lane

Discussion amongst the Board members and staff. Property was in noncompliance for 80 days. Property was found in compliance. No fines are imposed on the property.

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

2. CE-18-651 – 1001N 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 *XXII. Permit Required App A Art. XV Sec 2 (a)*, *XXIV. Pools and Spas Ch 6 Sec. 6-1002 (a)* and *XXIII. Permit Required (fences) App A Art. XIII Sec 5 (c)*, of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on June 27, 2019 and property owner remains in violation.

Property owner was not present.

Manager Bunt gave an over view of the property and stated that the property owner is keeping in contact with Code Enforcement via email. Discussion amongst the Board members and staff.

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

3. CE-18-620 – 215 Riverside Drive

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 *XXVII. Protective Treatment, Ch 6 Sec. 6-1003 (b)*, *XXII. Permit Required App A Art. XV Sec 2 (a)* and *Handrails/guardrails Ch 6 Sec. 6-1003 (l)*, of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on June 27, 2019 and property owner remains in violation.

Property owner was not present.

Discussion amongst the Board members and staff. Motion by Ms. Weaver seconded by Mr. Green, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously.

4. CE-18-103 – 540 St. Johns Street

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 *IX. Exterior General Condition Ch 6 Sec. 6-1003 (a)*,

XXXVI. *Weeds, Ch 6 Sec. 6-1001(d), I. Accessory Structures Ch 6 Sec. 6-1001 (g) and XXXIII. Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on June 27, 2019 and property owner remains in violation.

Property representative was sworn in: David Mc Connell, 540 St Johns Street

Officer Murdick gave an over view of the property. Manager Bunt went over the pictures with the property owner and the Code Enforcement Board to show them what is still in noncompliance and what needs to be corrected. The property was cited on March 23, 2018. Discussion amongst the Board members and staff.

Motion by Mr. Lightholder seconded by Mr. Green, 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-17-881 – 1055 Mitchell St.

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 April 17, 2019. The lien was \$31,725.00. Staff recommendation was for a Settlement Agreement in the amount of \$2,500.00.

Discussion amongst the Board members and staff. Attorney Babb-Nutcher explained that this a Conditional Agreement which means that the fine of \$31,725.00 will be conditionally agreeing to reduce it to \$2,500.00 as long as certain criteria that is set forth in the agreement is met. If the criteria has not been met within (30 days) then it reverts back to \$31,725.00. The release of lien is also conditional which means all of the conditions have to be met that are in the settlement agreement. Mr. Lightholder suggested that a copy of the purchase agreement of the property be put in with the settlement agreement to cover the City. Attorney Babb-Nutcher asked the Board if their recommendation was to have a copy of the purchase agreement of the property be turned in with the settlement agreement packet to given to Council. Mr. Lightholder stated that was his recommendation before he would pass on the motion.

Motion by Mr. Lightholder, seconded by Ms. Weaver, to approve Staff's recommendation to approve the Settlement Agreement to go before Council with the stipulation that a copy of the Purchase Agreement be also attached. Vote on the motion carried unanimously.

Manager Announcements:

None

DEMOLITION APPEALS:

None

OTHER BUSINESS:

None

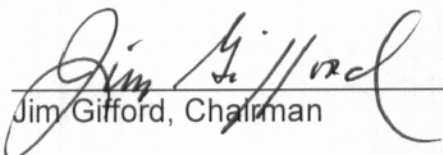
NEXT MEETING:

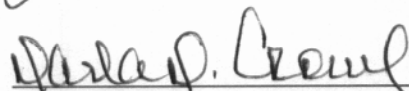
The Board members established that the next meeting would be held on August 15, 2019.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:10 PM.

Approved on this 20 day of August, 2019.


Jim Gifford, Chairman


Darla Crowl, Recording Secretary

