

**Code Enforcement Board
Meeting Minutes
June 21, 2018**

A regular meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, June 21, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Jim Gifford called the meeting to order at 6:29 P.M. The Board Secretary called the roll at 6:00 for Nuisance Abatement Board, note no change in roll call.

MEMBERS PRESENT:

Jim Gifford	Chairman
George Brown, Jr.	Vice-Chairman
Virginia Weaver	Board Member
Michael Klug	Board Member

MEMBERS ABSENT:

David Lightholder	Board Member
Stephanie Moretto	Board Member
Michael Cicerella	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Lieutenant
Pat Dovale	Lieutenant
Steve Murdick	Code Enforcement Officer
Brian Fose	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 AND MINUTES:

1. Approval of Meeting Agenda: June 21, 2018

Motion by Ms. Weaver, seconded by Mr. Klug, to approve the agenda of June 21, 2018 as amended. Vote on the motion carried unanimously(4-0).

2. Approval of Meeting Minutes: May 17, 2018

Motion by Mr. Brown, seconded by Mr. Klug, to approve the minutes of May 17, 2018, as written. Vote on the motion carried unanimously(4-0).

NEW BUSINESS:

None

CASES:

1. 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), 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 July 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. Klug, seconded by Mr. Brown, to give 30 days for resident to seek help from a local agency for help and no fine was set, case is set to return to July 19, 2018 CEB. Discussion against the Board members. Vote on the motion carried unanimously (4-0).

2. CE-17-880 537 Bernard St

This case was tabled.

3. CE-18-165 4301 Highway 524

This case was tabled.

4. CE-17-911 1318 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 is in violation of Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), Weeds, Ch 6 Sec. 6-1001(d) Window, Door & Frame, Ch 6 Sec. 6-1003 (m) 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 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.

Harold Joseph Thomas, 1915 Stonehurst Rd, Winter Park, was sworn in. Mr. Thomas stated he received the notice but had a tenant in the home. Mr. Thomas explained his mother health is failing and he now has power of attorney for her properties. He

tenant not paying. He has evicted the tenant as of last month, since that he has secured the property. Mr. Thomas stated he has placed his mother's house up for sale and once it sale he will begin working this home. He also state he is having a dumpster delivered and a contractor will be replacing the doors in the coming week.

Mr. Gifford asked for a time frame from Mr. Thomas.

Mr. Thomas explained that 60 to 90 days he hopes to it completed but he will be starting clean up in the coming week.

Discussion amongst the Board members, staff and Mr. Thomas.

Code Manager, Dennis Bunt stated staff didn't object to giving Mr. Thomas 60 days to correct the violations on the property.

Mt. Thomas stated he can't remove the vehicle because he doesn't own the vehicle.

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

Motion by Mr. Brown, seconded by Mr. Klug, 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 (4-0).

5. CE-17-904 119 Coquina Dr.

This case was withdrawn.

6. CE-17-942 650 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 is in violation of Exterior General Condition Ch 6 Sec. 6-1003 (a), Weeds, Ch 6 Sec. 6-1001(d), Windows Operational, Ch 6 Sec. 6-1003 (m)(2) and Exterior property areas - Grading and drainage, 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 seventy-five dollars (\$75.00) per day until found in compliance. Owner was not present. Discussion amongst the Board members and staff. Motion by Ms. Weaver, seconded by Mr. Brown, to approve Staff's recommendation amending the time frame from 30 days to 90 days and find the Property Owner in violation. Vote on the motion carried unanimously (4-0).

7. 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), Doors Ch 6 Sec. 6-1003 (o), 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 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 Mr. Brown, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. . Vote on the motion carried unanimously (4-0).

8. CE-18-099 2320 Highway 524

This case was tabled.

9. CE-17-882 1061 Mitchell 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 Protective Treatment, Ch 6 Sec. 6-1003 (b) and Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), of the City of Cocoa Code.

Officer Fose 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.

Donna & Kenneth Delashment, 1061 Mitchell St, was sworn in. Kenneth Delashment asked for clarification on protective treatment.

Code Manager, Dennis Bunt clarified both violations and gave examples from photos.

Discussion amongst the Board members, staff and Mr. Delashment.

Mr. Delashment agreed that 30 days was enough time to correct violations.

Mrs. Delashment asked about the smoker and chairs on the front porch.

Mr. Bunt stated the items that are designed to be out doors can be there.

Discussion amongst Board members, staff and Mrs. Delashment.

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 (4-0).

10.CE-17-625 1203 Cypress 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 Protective Treatment, Ch 6 Sec. 6-1003 (b), of the City of Cocoa Code.

Officer Fose 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 twenty-five dollars (\$25.00) per day until found in compliance.

Tongerla Browder, 1203 Cypress Ln, was sworn in. Ms. Browder stated she called Officer Mack when she was first cited and explained she is one the list for SHIP program. Ms. Browder explained she had someone to come out to pressure wash but was told that it would chip more paint off and she is on the list for help from the City. She explained that she doesn't have the funds to paint at this time.

Mr. Bunt explained the SHIP program and the time frame for those on the list for the program. He also explained the areas that need to be immediate attention until the whole home can be painted.

Discussion amongst Board members, staff and Ms. Browder.

Motion by Ms. Weaver, seconded by Mr. Klug, 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 (4-0).

11.CE-17-485 1712 Cambridge Dr.

This case was complied.

12.CE-18-024 1221 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 Accessory Structures Ch 6 Sec. 6-1001 (g), Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Maint of Struct/Grounds Ch 6 Sec. 6-900 (b)(4)a-c, Ch 6 Sec. 6-901, Clearance of Lane Required and Protective Treatment, Ch 6 Sec. 6-1003 (b) of the City of Cocoa Code.

Officer Fose 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 Mr. Brown, seconded by Ms. Weaver, to approve Staff's recommendation and find the Property Owner in violation. . Vote on the motion carried unanimously (4-0).

13.CE-18-280 1055 Park Rd.

This case was withdrawn.

NON-COMPLIANCE:

1. CE-17-550 105 Stone 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 Protective Treatment, Ch 6 Sec. 6-1003 (b), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), Roofs & Drainage, Ch 6 Sec. 6-1003 (g), Permit Required App A Art. XV Sec 2 (a) and Weeds, Ch 6 Sec. 6-1001(d), 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.

John Holmquist, 105 Stone St, was sworn in.

Chairperson Mr. Gifford explained to Mr. Holmquist that his case is before for Non-Compliance and he explained the options the Board members have for moving forward in the case.

Mr. Holmquist recapped the information provided to the Board at the Hearing for June when the Board tabled the case until this Hearing. Mr. Holmquist stated the holdup is Zoning Department is having trouble determining if his property is commercial or residential.

Debra Babb-Nutcher, Board Attorney, asked if determination of residential or commercial matters for signing off on the plans.

Code Manager, Dennis Bunt stated no and he stated he spoke with the Building Department and there are several issues with the plans that need to be addressed. Mr. Bunt has asked the Board to find him in non-compliance and once the property is in compliance then Mr. Holmquist can ask for a lien reduction.

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

Motion by Ms. Weaver, seconded by Mr. Klug, to find the property in non-compliance. Vote on the motion carried unanimously (4-0).

2. CE-17-495 1048 Avon Pl.

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, Ch 6 Sec. 6-1003 (b), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), Maint of Struct/Grounds, Ch 6 Sec. 6-900 (b)(4) and Accum. Of Trash & Debris, Ch. 6 Sec. 6-900 (b)(1)a-d, of the City of Cocoa Code. Officer Fose stated Mr. Obler has corrected 2 of the 4 original violations and progress has been made.

Discussion amongst the Board members and staff.

Eddie Obler, 1048 Avon Pl, was sworn in. Mr. Obler provided documents for the Board members as exhibits. Mr. Obler explained in the documents his delays and why the violations haven't been corrected yet. He also explained he corrected all the violations that were low cost due to a lack of funds. Mr. Obler stated he will be refinancing another property in North Carolina and will use the money to make the repairs for this home.

Ms. Weaver asked what staff's recommendation is.

Mr. Bunt stated staff's recommended he is found in non-compliance and once the property is in compliance then Mr. Obler can ask for a lien reduction since has had sufficient time to make the corrections.

Discussion amongst Board members, staff and Mr. Obler.

Motion by Ms. Weaver, seconded by Mr. Klug, to find the property in non-compliance. Vote on the motion carried unanimously(4-0).

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

Break 7:51-7:59pm

LIEN REDUCTION:

1. CE-17-185 209 Riverside Dr.

Steve Murdick, Code Enforcement Officer, presented a staff report for the lien reduction request. Officer Murdick stated on May 18, 2017 for CE-17-185 the Code Enforcement Board found the owner, 209 Riverside LLC, in violation of Sec. 6-1003(f) Exterior walls, Sec.6-1003(b) Protective treatment and App. A, Art. XV, Sec. 2(A) Permit required and the fine ran at \$75.00 per day from June 18, 2017 until compliance was achieved and documented on May 29, 2018. The total amount of the lien is \$25,875 and the current owner, 209 Riverside LLC, is requesting that the lien be reduced to \$1,293.75.

Based on the factors in the staff report, staff recommended the lien be reduced to \$2,748.23.

Rebecca Sparks-Apollo Realty, 1485 N Atlantic Ave Suite 105, Cocoa Beach, was sworn in. Ms. Sparks stated they accept staff's recommendation and asked for clarification of the cost sheet and the cost provided on the sheet.

Discussion amongst the Board members and Ms. Sparks.

Motion by Mr. Klug, seconded by Mr. Brown, to recommend to City Council the lien reduction in the amount of two thousand eight hundred thirty dollars (\$2,830). Vote on the motion carried unanimously(4-0).

2. CE-17-902 1049 W King St.

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Mr. Bunt stated on January 18, 2018 for CE-17-902 the Code Enforcement Board found the property owner, Mc Vey Properties No 9 LLC., in violation of Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Accessory Structures Ch 6 Sec. 6-1001 (g) and Weeds, Ch 6 Sec. 6-1001(d) and the lien ran at one hundred fifty dollars (\$150.00) per day from March 18, 2018 until compliance was achieved on April 11, 2018. The total amount of the lien is \$3,600 and the current owner, Mc Vey Properties No 9 LLC, is requesting that the lien be reduced to the amount of \$500.

Charles Nix, Law Offices of Nishad & Khan, 617 E Colonial Dr, Orlando. Mr. Nix explained that his law office represents the new owners, TJ One LLC. Mr. Nix stated they purchased the property as of April 24, 2018. Mr. Nix stated his client requested a lien reduction of \$500 since they have corrected the violations and have invested money in the property making improvements that include a dumpster enclosure and no loitering signs.

Mr. Bunt explained he has spoken with Mr. Carswell regarding improvements.

Discussion amongst Board members and Mr. Nix.

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).

3. CE-17-906 1049 W King St. Repeat

Dennis Bunt Code Enforcement Manager didn't present a staff report, Board members moved forward into discussion.

Discussion amongst Board members, staff and Mr. Nix.

Dennis Bunt stated staff's recommendation of \$7,700 and City cost is \$2,748.23. Mr. Bunt provided a brief review of the violations to the Board members.

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

Motion by Mr. Brown, seconded by Mr. Klug, to recommend to City Council the lien reduction in the amount of two thousand dollars (\$2,000). Vote on the motion carried unanimously(4-0).

ABATEMENT APPEALS:

None

DEMOLITION APPEALS:

1. 1111 Japonica Ln.

This case was withdrawn, owner didn't attend meeting.

2. 714 Johnson St.

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.

Debra Babb-Nutcher explained to the Board members the code regarding appeals for Cost Certification. Mrs. Babb-Nutcher stated that the code doesn't allow for the Board to reduce the amount of the demolition because the owner feels there are damages on the property; she stated it is a civil issue.

Discussion amongst the Board members and staff.

Nathaniel Phillips, 992 Woodycrest Ave, Bronx, YN, was sworn in. Mr. Phillips explained the trees were in the back of the property and the fence was not in the way of the equipment. He also explained he just purchased a new A/C unit and is gone now.

Mr. Bunt explained that the property owner had an opportunity to remove anything from the property that was of value before the structure was removed.

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

No announcements.

NEXT MEETING:

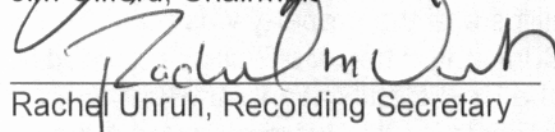
The Board members established that the next meeting would be held on July 19, 2018.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:35 PM.

Approved on this 19th day of July, 2018.


Jim Gifford, Chairman


Rachel Unruh, Recording Secretary



RACHEL M. UNRUH
MY COMMISSION # GG 049001
EXPIRES: June 14, 2020
Bonded Thru Budget Notary Services