Code Enforcement Board
Meeting Minutes
November 19, 2020

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, November 19, 2020 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
Edward Green	Board Member
Kimberly Curtis	Board Member

MEMBERS ABSENT:

Virginia Weaver	Board Member
David Lightholder	Board Member
Lloyd Roberts	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Police Lieutenant
Steve Murdick	Code Enforcement Officer
Kadi Carver	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Loraine Koss	Councilwoman
Stockton Whitten	City Manager

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: November 19, 2020

Motion by Mr. Brown, seconded by Mr. Green, to approve the agenda of November 19, 2020. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: October 15, 2020.

Motion by Mr. Green, seconded by Ms. Curtis, to approve the minutes of October 15, 2020. Vote on the motion carried unanimously.

CASES:

1. CE-20-662 – 606 Stone St.

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented an exhibit packet 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), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and I.Accessory Structures Ch 6 Sec. 6-1001 (g)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until December 19, 2020 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Representative for the property: JoAnne Narciso, 606 Stone St

Ms. Narciso went over the items needing to be fixed on the property. She asked about the wall and if she needed a permit to take it down. Officer Murdick instructed her to speak with the Building Department. Ms. Narciso asked for more time to fix the violations. Discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Green, to amend Staff's recommendation and give the property owner until January 19, 2021, (60 days) to come into compliance and find the Property Owner in violation. Vote on the motion carried unanimous

2. CE-20-1317 – 212 Bedford Place

Code Enforcement Officer Steve Murdick provided an overview of the Case history and would like to submit an evidence packet into the record. Officer Murdick testified that the Property Owner was in violation of Ch.6, Sec. 6-600(a)(10) Any building, structure, property or portion thereof that is unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.in accordance with FS162, *Ch 6 Sec. 6-900 (b)(1)a-d II.Accum. Of Trash and Litter, Ch 6 Sec. 6-902 (b)(1)(2) – Storing Junk Autos and Sec. 6-1303 (c) - Electrical system hazards or property, and* of the City Code.

Officer Murdick requested that the Board finds the Property Owner in violation and be given until November 8, 2020 (10 days) to come into compliance or impose a fine of two hundred fifty dollars ($250.00) per day until found in compliance. Staff recommends in

Case # 20-1317 that the Board finds that the violations on the property constitute a serious threat to the public health, safety and welfare as provided in Chapter 162.06(4). If the violations are not corrected by the compliance date, in addition to the fines, the Board requests that the City be notified and take appropriate abatement action. The costs of any abatement action shall be included in the fine imposed of $250.00 be imposed for each day the violation(s) remains, until compliance is achieved.

Chairman Gifford asked what the compliance date was. Manager Bunt stated they were given10 days as the date for compliance before the city would go in and clean the property. Manager Bunt gave each Board member a copy of Chapter 162.06 which explains the code section for public health, safety and welfare. Mr. Brown wanted to know if the property was occupied. Manager Bunt stated the owner of record was deceased but there is a relative that occupies the property.

Representative for the property were sworn in: Jonathon Brewer & Janice Soriah, 212 Bedford Pl, Cocoa

Chairman Gifford asked Mr. Brewer if any attempts have been made to clean up the property. Some attempts by Mr. Brewer to clean up the property but feels he cannot do it on his own. Vehicles on the property have no tag or registration. Officer Murdick was giving the Board an overview of past and current conditions of the property. Chairman Gifford explained to Mr. Brewer that if the property is not cleaned up in the allowed time the city will abate the property at the cost to him which the city will put a lien on the property. Attorney Babb-Nutcher asked the property representative if the property was in probate and if they understood the property was a serious threat to the public health, safety and welfare. Mr. Brewer agreed about the condition of the property and they were working on getting the property in his name. Mr. Green wanted the property representatives to understand what all is being discussed. Mr. Green stated that it might be in their best interest to let the city abate the property which would be a fixed lien and not a running lien. Attorney Babb-Nutcher explained that as long as the violations are there they will have a running lien and once the city steps in this would be a new separate fixed lien from the city.

Neighbor of the property owner was sworn in: Lorraine Treyossi, 218 Bedford Pl

The neighbor wanted to speak about what was going on at the property in question Ms. Treyossi spoke about the police activity because of domestic violence going on. More discussion about the property by Ms. Treyossi. Attorney Babb-Nutcher spoke up and stated that the discussion is about the code case. Chairman Gifford explained that this is the first time this case came before the board. More discussion amongst the Board members, Ms. Treyossi and staff.

Motion by Mr. Green, seconded by Mr. Brown, to amend Staff's recommendation and find the property constitutes a serious threat to the public health, safety and welfare as provided in Chapter 162.06(4). If the violations are not corrected within (10 days) in addition to the fines the board request that the city be notified and take appropriate abatement action.

The cost of any abatement action in addition to the fine imposed of two hundred fifty dollars ($250.00) for each day the violation remains until compliance is achieved. Vote on the motion carried unanimously.

3. CE-20-709 – 415 Thomas Ave.

This case was removed.

4. CE-20-7775 – 602 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 was in violation of *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5), I.Accessory Structures Ch 6 Sec. 6-1001 (g), XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) 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 December 19, 2020 (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. Manager Bunt stated that they do no fall under the repeat violation. Mr. Brown asked about the boat on the property.

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

5. CE-20-7777 – 5 N Wilson Avenue

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 *I.Accessory Structures Ch 6 Sec. 6-1001 (g) 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 December 19, 2020 (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. Brown, seconded by Mr. Green, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

6. CE-20-7778 – 9 N Wilson Avenue

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 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 December 19, 2020 (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. Brown, seconded by Ms. Curtis, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

7. CE-20-12411 – 712 S 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), I.Accessory Structures Ch 6 Sec. 6-1001 (g), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b) and Sec. 6-1003. - Exterior structure (i) Overhang extensions* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until December 19, 2020 (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 sworn in: Carlos Paez, 5800 N Dean Rd, Orlando

Discussion about what needs corrected on the property and Mr. Paez is requesting extra time to fix and sell. He requested extra time to fix. Discussion amongst the Board members and staff. Manager Bunt explained the sign with the electrical outlets have to be covered and the boards on the building need to be taken down and the windows need to be fixed.

Motion by Ms. Curtis, seconded by Mr. Brown, to amend Staff's recommendation and give the property owner until January 19, 2021 (60) days and find the Property Owner in violation. Vote on the motion carried unanimously.

8. CE-20-1267 – 1305 Dixon Blvd.

This case was removed.

9. CE-20-1163 – 1041 Hickory Ln.

Code Enforcement Officer Kadi Carver 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), XXXVI.Weeds, Ch 6 Sec. 6-1001(d), I.Accessory Structures Ch 6 Sec. 6-1001 (g), XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* of the City Code.

Officer Carver requested that the Board find the Property Owner in violation and be given until December 19, 2020 (30 days) to come into compliance or impose a fine of one hundred twenty-five dollars ($125.00) per day until found in compliance.

Property owner was sworn in: Daniel Austin Jr., 935 Bowing Ln, Rockledge

Chairman Gifford asked Mr. Austin if he planned on fixing the property and he stated that he has a contractor. Staff was trying to explain to Mr. Austin the items on the property that need to be fixed. Attorney Babb-Nutcher asked staff to put all of the information to Mr. Austin in writing so that he understands the violations. 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-20-1160 – 618 S. Varr Avenue

Code Enforcement Officer Kadi Carver 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)* of the City Code.

Officer Carver requested that the Board find the Property Owner in violation and be given until December 19, 2020 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: Derek Spencer Collins Sr, 618 S. Varr Ave.

Code Board members asked about all of the items on the property and if Mr. Collins was running a business at the property and he stated that he was not. Chairman Gifford asked staff if the fine be reduced to twenty-five ($25.00) and take off the Business Tax Receipt. Discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Green, to amend Staff's recommendation and the fine be reduced to twenty-five dollars ($25.00) and find the Property Owner in violation. Vote on the motion carried unanimously.

11. CE-20-1157 – 1221 Cypress Lane

Code Enforcement Officer Kadi Carver 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 *IX.Exterior General Condition Ch 6 Sec. 6-1003 (a), XVII.Maint. of Interior Struct Ch 6 Sec. 6-1004 (a), XXIV.Pools and Spas Ch 6 Sec. 6-1002 (a), I.Accessory Structures Ch 6 Sec. 6-1001 (g), XXXVI.Weeds, Ch 6 Sec. 6-1001(d), 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, XXVI.Premises Identification Ch 6 Sec. 6-1003 (c) and Wrongful Disposal of excrement Etc. on property or into natural inlet Art.I Sec.22-4* of the City Code.

Officer Carver requested that the Board find the Property Owner in violation and be given until December 19, 2020 (30 days) to come into compliance or impose a fine of two hundred twenty-five dollars ($225.00) per day until found in compliance.

Mr. Brown asked if the property was vacant and Officer Carver explained that it was. Chairman Gifford asked if the pool was secured and Officer Carver stated that it was not and had them look at the pictures of the fence that was falling down. Attorney Babb-Nutcher asked Officer Carver why she was giving 30 days for an open pool. Staff recommended that the violation for *Pools and Spas and the fencing be given only 3 days as it is a serious threat.* More 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.

12. CE-20-827 – 1035 West King Street

Code Enforcement Officer Kadi Carver 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 *XXIII.Permit Required (fences) App A Art. XIII Sec 5 (c), IX.Exterior General Condition Ch 6 Sec. 6-1003 (a) and II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d* of the City Code.

Officer Carver requested that the Board find the Property Owner in violation and be given until December 19, 2020 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Motion by Mr. Brown, seconded by Ms. Curtis., to amend Staff's recommendation a fine of two hundred fifty dollars ($250.00) and find the Property Owner in violation. Vote on the motion carried unanimously.

13. CE-20-820 – 1050 West King Street

This case was tabled due to the technical difficulties.

Motion by Mr. Green, seconded by Ms. Curtis. Vote on the motion carried unanimously.

14. CE-20-702 – 7 North Cocoa Blvd.

This case was tabled.

NON-COMPLIANCE:

1. CE-19-531 – 28 Prospect Avenue

This case was removed.

2. CE-20-7289 – 820 Rosa L Jones

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 *XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5), XXXIII.Window, Door & Frame, Ch 6 Sec. 6-1003 (m), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g), XI.Fail to Secure Struct Ch 6 Sec. 6-900 (b)(7), XXII.Permit Required App A Art. XV Sec 2 (a) and Sidewalks and driveways, Ch 6 Sec. 6-1001 (c)* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on August 20, 2020 and property owner remains in violation.

Attorney Babb-Nutcher asked Officer Murdick if any of the violations have come into compliance and he stated that they have not complied. Discussion amongst the Board members and staff. Attorney Babb-Nutcher suggested that the case be tabled until January due to technical difficulties and the property owner was told that this doesn't give him more time just that the case is tabled.

Property owner was sworn in: Jahzer Mohamid, 14828 Pellicer Dr, Orlando

Motion by Ms. Curtis seconded by Mr. Green, to table until the January due to technical difficulties. Vote on the motion carried unanimously.

3. CE-20-4075 – 123 Factory Street

This case was tabled due to the technical difficulties.

Motion by Mr. Green, seconded by Mr. Brown. Vote on the motion carried unanimously.

LIEN REDUCTION:

1. CE-19-126 & CE-18-378 – 1202 Princeton Rd.

CE-18-378

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. The Code Enforcement Board provided the owner sufficient time to correct said violation: Ch 6 Sec. 6-900 Accum. Of Trash and Litter, Ch 6 Sec. 6-900 (b)(8) Storing Vehicles and Ch 6 Sec. 6-1001 (g) Accessory Structures. The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was recorded against the property effective **11/15/2018** The lien ran at **$75.00** per day from **10/19/2018** until compliance was achieved on **10/14/2020**. Code records show onsite inspections were conducted by Officer Murdick. The current owner, **Jonathan Cronkhite**, is requesting that the lien be reduced to **zero**, due to the fact that he acquired the property and brought it into compliance.

CE-19-126

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. The Code Enforcement Board provided the owner sufficient time to correct said violation: Ch 6 Sec.6-900 (b)(11) Storing Outdoors, Ch 6 Sec. 6-1003 (g) Roofs & Drainage, Ch 6 Sec. 6-1003 (b) Protective Treatment and Ch 6 Sec. 6-1003 (f) Exterior Walls. The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was recorded against the property effective **11/21/2019** The lien ran at **$100.00** per day from **10/19/2019** until compliance was achieved on **10/14/2020**. Code records show onsite inspections were conducted by Officer Murdick. The current owner, **Jonathan Cronkhite**, is requesting that the lien be reduced to **zero**, due to the fact that he acquired the property and brought it into compliance.

The current market value of the subject property; the current market value is **$55, 250.00** according the Brevard County Property Appraiser.

Property owner was sworn in: Jonathan Cronkhite, 694 Hammock Rd, Melbourne

Mr. Cronkhite wanted to discuss the property and getting the property and correcting the violations. Chairman Gifford explained the process of how the amount for the City cost is determined. More discussion between staff and the property owner.

Staff submits their cost sheet for both cases **18-378 - $1,476.24** and **19-126 - $1,401.38** Staff recommends to reduce the 2 liens to City Cost of both cases to the combined amount of **$2878.86.**

Motion by Mr. Brown, seconded by Mr. Green, to amend staff's recommendation to City Council the lien reduction be in the amount of Two thousand five hundred dollars ($2,500.00). Vote on the motion carried unanimously.

Appeals (Demo):

None

Manager Announcements:

Agenda's

OTHER BUSINESS:

1. 2600 Clearlake Road – Update by Officer Carver

NEXT MEETING:

The Board members established that the next meeting would be held on January 21, 2021. Motion by Ms. Curtis, seconded by Mr. Green. Vote on the motion carried unanimously.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:56 PM.

Approved on this 21 day of January, 2021.

Jim Gifford, Chairman

Darla Crowl, Recording Secretary

Notary Public State of Florida
Darla D Crowl
My Commission GG 266684
Expires 11/11/2022