Code Enforcement Board
Meeting Minutes
November 18, 2021

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, November 18, 2021 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Gifford called the meeting to order at 6:01 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Jim Gifford	Chairman	
Edward Green	Vice-Chairman	
George Brown Jr.	Board Member	
David Lightholder	Board Member	
Lloyd Roberts	Board Member	(arrived at 6:15)
Kimberly Curtis	Board Member	
Sharri Scott	Board Member	

MEMBERS ABSENT:

Demetrius Thomas	1rst Alternate
Jocelyn Scott	2nd Alternate

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Jeff Taylor	Police Corporal
Steve Murdick	Code Enforcement Officer
Augusto Gonzalez-Ruiz	Code Enforcement Officer
Gerald Pettengill	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: November 18, 2021

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled and withdrawn)

Motion by Mr. Green, seconded by Mr. Lightholder, to approve to the agenda of November 18, 2021. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: October 21, 2021.

Motion by Ms. Curtis, seconded by Mr. Brown, to approve to the minutes of October 21, 2021. Vote on the motion carried unanimously.

3. Submit to the record of all documents & notices for all cases on the Agenda.

NEW BUSINESS:

None

CASES:

1. CE-21-209 – 2491 Robin Hood 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 ***XXII.Permit Required App A Art. XV Sec 2 (a), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)*** of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until December 18, 2021 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

2. CE-21-236 – 1208 Rosa L Jones 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 ***XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b) and XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)*** of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until December 18, 2021 (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: Cassandra Evans, 1782 Mission Bay Cir

Ms. Evans spoke about the car in the yard and the protective treatment. Mr. Gifford told Ms. Evans that she could have the car towed and it would take care of the violations. Manager Bunt stated that the City could red tag the vehicle if the property owner would allow them to come on the property. Mr. Roberts wanted to know who would be billed for the car being towed. Manager Bunt explained the car owner. Discussion amongst the Board members and staff.

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

3. CE-21-430 – 616 S 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 was in violation of ***XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b),*** *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 18, 2021 (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. Green, seconded by Mr. Roberts, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

4. CE-21-432 – 630 S 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 was in violation of ***XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d 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 December 18, 2021 (30 days) to come into compliance or impose a fine of one hundred dollars ($100.00) 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.

5. CE-21-433 – 504 S 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 was in violation of ***XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9), XXXV.Trailers In Yard, Ch 6 Sec. 6-900 (b)(15) 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 December 18, 2021 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

6. CE-21-540 – 2610 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 was in violation of ***I.Accessory Structures Ch 6 Sec. 6-1001 (g), XI.Fail to Secure Struct Ch 6 Sec. 6-900 (b)(7), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g),*** *XXXVI.Weeds, Ch 6 Sec. 6-1001(d), Exterior property areas, graffit, Sec. 6-1001(i) and II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until December 18, 2021 (30 days) to come into compliance or impose a fine of one hundred dollars ($100.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

7. CE-21-174 – 811 Eden St.

This case complied.

8. CE-21-0188 – 904 Avon Pl

This case complied.

9. CE-21-0355 – 907 Kensington Dr.

This case complied.

10. CE-21-0552 – 803 N Fiske Blvd

This case complied.

11. CE-21-0553 – 7 Rosa L Jones Dr.

Code Enforcement Officer Gerald Pettengill provided an overview of the Case history and presented exhibits for the Board's review. Officer Pettengill testified that the Property Owner was in violation of ***V.Business Tax Receipt Ch 12 Sec. 12-1 (a)(b)*** of the City Code.

Officer Pettengill at a duly noticed Code Enforcement Board Hearing the Respondent was found in non-compliance. It is hereby Ordered that the City of Cocoa shall impose a onetime fine in the amount of two hundred fifty dollars ($250.00) in addition to the costs of the Rental/Business Tax Receipt.

Property owner was sworn in: Robert Hoog, 210 Jefferson St, Cape Canaveral

Mr. Hoog stated the business at this location was Jazzy Styles. The owner of Jazzy Styles stated that she had a Business Tax Receipt. Manger Bunt let the Board Members know that Community Services had no record of a business tax receipt for this business at this location. More discussion amongst the Board members and staff.

Motion by Mr. Roberts, seconded by Ms. Curtis, to amend Staff's recommendation and table this case and find the Property Owner in violation. Vote on the motion carried unanimously.

12. CE-21-0556 – 310 Brunson Ave Suite 106

This case complied.

13. CE-21-557 – 310 Brunson Ave Suite 107

This case complied.

14. CE-21-0558 – 465 Forrest Ave Suite 126

Code Enforcement Officer Gerald Pettengill provided an overview of the Case history and presented exhibits for the Board's review. Officer Pettengill testified that the Property Owner was in violation of ***V.Business Tax Receipt Ch 12 Sec. 12-1 (a)(b)*** of the City Code.

Officer Pettengill at a duly noticed Code Enforcement Board Hearing the Respondent was found in non-compliance. It is hereby Ordered that the City of Cocoa shall impose a onetime fine in the amount of two hundred fifty dollars ($250.00) in addition to the costs of the Rental/Business Tax Receipt.

More discussion amongst the Board members and staff.

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

15. CE-21-0559 – 465 Forrest Ave Suite 125

This case complied.

16. CE-21-0560 – 467 Forrest Ave Suite 121

This case complied.

17. CE-21-0563 – 1234 Dixon Blvd

This case complied.

18. CE-21-0564 – 100 Harrison St.

This case complied.

19. CE-0565 – 615 N Cocoa Blvd.

This case complied.

20. CE-21-0567 – 215 Riverside Dr.

This case complied.

21. CE-21-0562 – 467 Forrest Ave Suite 120

Code Enforcement Officer Gerald Pettengill provided an overview of the Case history and presented exhibits for the Board's review. Officer Pettengill testified that the Property Owner was in violation of ***V.Business Tax Receipt Ch 12 Sec. 12-1 (a)(b)*** of the City Code.

Officer Pettengill at a duly noticed Code Enforcement Board Hearing the Respondent was found in non-compliance. It is hereby Ordered that the City of Cocoa shall impose a onetime fine in the amount of two hundred fifty dollars ($250.00) in addition to the costs of the Rental/Business Tax Receipt.

Business Owner was sworn in: Jacquelin Davidson, 119 Grimes (Life Time Fitness)

Ms. Davidson gave an overview of what is going on with her business license.

Manager Bunt requested that this item also be tabled since she has turned in her application and just waiting to be issued/approved.

Motion by Mr. Roberts, seconded by Ms. Curtis, to amend Staff's recommendation and table this case and find the Property Owner in violation. Vote on the motion carried unanimously.

22. FD 2021-010 – 520 Brevard Ave.

This case complied.

23. FD 2021-011 – 526 Brevard Ave.

This case complied.

NON-COMPLIANCE:

1. CE-21-0060 – 118 Cocoa Pl.

This case complied.

2. CE-20-1362 – 1206 Yale Ln.

Code Enforcement Officer Gerald Pettengill provided an overview of the Case history and presented exhibits for the Board's review. Officer Pettengill testified that the Property Owner is in violation of ***V.Business Tax Receipt Ch 12 Sec. 12-1 (a)(b),***

XXVIII.Rental Business Tax, Ch 6 Sec. 6-2003 and XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) of the City of Cocoa Code. Officer Pettengill stated a Notice of Hearing was sent on November 5, 2021 and property owner remains in violation.

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

DEMO COST APPEAL:

1. 1004, 1006, 1008 Counts Street

Removed by Applicant.

LIEN REDUCTIONS

1. **CE-13-596 – 514 N Carolina Ave** – Removed.

2. **CE-20-1350 – 514 N Carolina Ave** – Removed.

3. **CE-13-765 – 514 N Carolina Ave** – Removed.

4. **CE-18-620 – 215 Riverside Dr.**

The Code Enforcement Board held a public hearing on 4/18/2019, at which time the Board found the owner, Parkside Properties Llc in violation of the following: **Permit Required App A Art. XV Sec 2 (a), Handrails/ Guardrails Ch 6 Sec. 6-1003 (l) and Protective Treatment, Ch 6 Sec. 6-1003 (b).** The Code Enforcement Board provided the owner time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was started against the property effective 05/19/2021. The lien ran at $75.00 per day from 5/19/2021 until compliance was achieved on 9/2/2021. The total fine is $62,860.00 Code records show onsite inspections were conducted and contact was made. The current owner Parkside Properties Llc, is requesting that the lien be reduced to staff costs.

Jay Thacker the attorney for the property stated that his client lives in Maine and would pay staffs cost of $2,227.39. Mr. Gifford explained the process of the Code Board recommendation and then goes to City Council for their approval.

Motion by Mr. Brown, seconded by Mr. Green, to approve staff's recommendation to City Council the lien reduction be in the amount of two thousand two hundred twenty-seven dollars and thirty-nine cents ($2,227.39). Vote on the motion carried unanimously.

Manager Announcements:

None

NEXT MEETING:

Discussion to not have a meeting in December due to the holidays.

Motion by Mr. Roberts, seconded by Ms. Curtis to not have a meeting in December.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:52 PM.

Approved on this 21 day of January, 2022.

Jim Gifford

Jim Gifford, Chairman

Darla D. Crowl

Darla Crowl, Recording Secretary

Notary Public State of Florida
Darla D Crowl
My Commission GG 266694
Expires 11/11/2022