Code Enforcement Board
Meeting Minutes
October 21, 2021

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, October 21, 2021 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Gifford called the meeting to order at 6:00 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
Demetrius Thomas	1rst Alternate

MEMBERS ABSENT:

Kimberly Curtis	Board Member
Sharri Scott	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Police Lieutenant
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
Rip Dyal	Councilman/Liaison

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: October 21, 2021

Chairman Jim Gifford noted changes to the agenda (Items complied, tabled and withdrawn)

Motion by Mr. Brown, seconded by Mr. Roberts, to approve to the agenda of October 21, 2021. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: September 16, 2021.

Motion by Mr. Green, seconded by Mr. Roberts, to approve to the minutes of September 16, 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-21-166 – 1205 Cypress Ln

This case complied.

2. CE-21-169 – 1210 Cypress Ln

This case complied.

3. CE-21-173 – 1214 Cypress Ln

This case complied.

4. CE-21-171 – 1212 Cypress Ln

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9) and XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until November 21, 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. Brown, seconded by Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-21-167 – 1207 Cypress Ln

This case complied.

6. CE-21-174 – 811 Eden St.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until November 21, 2021 (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: Walter Morales, 811 Eden St.

Mr. Morales stated that he has spoken with the tenant and they have taken care of the violations on the property. More discussion amongst the Board members and staff.

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

7. CE-21-236 – 1208 Rosa L Jones Drive

This case Tabled.

8. CE-21-237 – 1300 Rosa L Jones 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 was in violation of ***IV.Boarded Up Buildings Ch. 6 Sec.6-900 (b)(5) and XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)*** of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until November 21, 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. Roberts, seconded by Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

9. CE-21-226 – 547-549 Peachtree 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 was in violation of ***I.Accessory Structures Ch 6 Sec. 6-1001 (g), 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 and APP. A, ART. XI, Sec. 3. - District and intent—RU-1-7, Single-Family Residential District*** of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until November 21, 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. Green, seconded by Mr. Roberts, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

10. CE-21-351 – 302 Brevard Avenue

This case complied.

11. CE-21-0116 – 1905 Exeter Drive

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 ***II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11z)*** of the City Code.

Officer Pettengill requested that the Board find the Property Owner in violation and be given until November 21, 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. Roberts, seconded by Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

12. CE-21-0257 – 2020 Rollins Drive

This case complied.

13. CE-21-0260 – 2005 Rollins Drive

This case complied.

14. CE-21-0261 – 1420 Stetson Drive East

This case complied.

15. FD 2021-001 – 234 Rosa L. Jones Dr.

Fire Inspector Sam Schaller provided an overview of the Case history and presented exhibits for the Board's review. Inspector Schaller testified that the Property Owner was in violation of ***Ch. 6 Sec 6-205 Standard Fire Prevention and Life Safety Codes Adopted*** of the City Code.

Inspector Schaller requested that the Board find the Property Owner in violation and be given until November 21, 2021 (30 days) to come into compliance or impose a fine of two hundred fifty dollars ($250.00) per day until found in compliance.

Property representative was sworn in: Cheryl Stahl, Rockledge, FL

Attorney Babb-Nutcher asked for more information on the violations. Inspector Schaller went through each picture and explained the violations. Property representative went over each item shown in the pictures. Discussion amongst the Board members and staff.

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

16. FD 2021-002 – 440 Shearer Blvd.

Fire Inspector Sam Schaller provided an overview of the Case history and presented exhibits for the Board's review. Inspector Schaller testified that the Property Owner was in violation of ***Ch. 6 Sec 6-205 Standard Fire Prevention and Life Safety Codes Adopted*** of the City Code.

Inspector Schaller requested that the Board find the Property Owner in violation and be given until November 21, 2021 (30 days) to come into compliance or impose a fine of one hundred fifty dollars ($150.00) per day until found in compliance.

Business owner was sworn in: James Timberlake, 440 Shearer Blvd

Attorney Babb-Nutcher asked for more information on the violations and the photos do not show a date so unclear when the pictures were taken. Mr. Timberlake stated that he has spoken with the property owner to correct the violations. Pictures were shown to Mr. Lightholder of the items that were corrected. Mr. Timberlake stated that he was given a copy of the inspection report. More discussion amongst the Board members and staff.

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

17. FD 2021-003 – 415 Delannoy Ave.

This case complied.

18. FD 2021-004 – 1600 Flower Mound Lane

Fire Inspector Sam Schaller provided an overview of the Case history and presented exhibits for the Board's review. Inspector Schaller testified that the Property Owner was in violation of ***Ch. 6 Sec 6-205 Standard Fire Prevention and Life Safety Codes Adopted*** of the City Code.

Inspector Schaller requested that the Board find the Property Owner in violation and be given until November 21, 2021 (30 days) to come into compliance or impose a fine of two hundred fifty dollars ($250.00) per day until found in compliance.

Property representative was sworn in: Leslie Nieves, 1651 Flower Mound Ln #802, Cocoa, Maintenance Man, Gerald Santanko, 201 Plantation Club Dr, #1416, Melbourne, FL

Attorney Babb-Nutcher asked for more information on the violations in each photo. Ms. Nieves went over the items that needed to be corrected. Mr. Roberts asked which building this was in Mr. Santanko stated that it was different buildings. Inspector Schaller said to modify or replace fire alarm any component needs to have a permit pulled before the work is done. Manager Bunt requested that the Fire Inspector put into the record of when the last photos were taken on the property and he stated August 2, 2021. More discussion amongst the Board members and staff.

Motion by Mr. Green, seconded by Mr. Roberts, to amend Staff's recommendation and give the property owner (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

19. FD 2021-005 – 710 W King St STE 105

Fire Inspector Sam Schaller provided an overview of the Case history and presented exhibits for the Board's review. Inspector Schaller testified that the Property Owner was in violation of ***Ch 6. Sec 6-208 Fire Inspection Fees*** of the City Code.

Inspector Schaller requested that the Board find the Property Owner in violation and be given until November 21, 2021 (30 days) to come into compliance or impose a fine of two hundred fifty dollars ($250.00) one time fine and an additional payment of one hundred dollars ($100.00) for the original fire inspection fee until found in compliance.

Attorney Babb-Nutcher wanted clarification as to where the $250.00 fine was coming from. Discussion amongst the Board members and staff.

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

20. FD 2021-006 – 1046 Dixon Blvd STE 128

This case complied.

21. FD 221-007 – 813 W King ST

Manager Bunt requested that this item also be tabled.

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

22. FD 2021-008 – 1216 Dixon Blvd

This case complied.

NON-COMPLIANCE:

1. CE-21-0114 – 4150 W King 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 ***XXII.Permit Required App A Art. XV Sec 2 (a)*** of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on October 1, 2021 and property owner remains in violation.

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

2. CE-21-0121 – 1059 W King 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 ***V.Business Tax Receipt Ch 12 Sec. 12-1 (a)(b), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and XXII.Permit Required App A Art. XV Sec 2 (a)*** of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on October 1, 2021 and property owner remains in violation.

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

3. CE-21-0151 – 1011 Montclair Road

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 ***I.Accessory Structures Ch 6 Sec. 6-1001 (g), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b),*** *XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)* ***and XXXVI.Weeds, Ch 6 Sec. 6-1001(d)*** of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on October 1, 2021 and property owner remains in violation.

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

LIEN REDUCTION:

None

Manager Announcements:

None

NEXT MEETING:

The Board members established that the next meeting would be held on November 18, 2021.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:05 PM.

Approved on this 18 day of November, 2021.

Jim Gifford, Chairman

Darla Crowl, Recording Secretary

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