Code Enforcement Board
Meeting Minutes
October 15, 2020

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, October 15, 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
David Lightholder	Board Member
Edward Green	Board Member
Lloyd Roberts	Board Member

MEMBERS ABSENT:

Virginia Weaver	Board Member
Kimberly Curtis	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Mike Cantaloupe	Police Chief
Steve Murdick	Code Enforcement Officer
Don Boisvert	Councilman/Liaison
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Abigail Morgan	Assistant City Engineer
Matt Fuhrer	Assistant City Manager

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: October 15, 2020

Motion by Mr. Brown, seconded by Mr. Green, to approve the agenda of October 15, 2020. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: September 17, 2020.

Motion by Mr. Green, seconded by Mr. Brown, to approve the minutes of September 17, 2020. Mr. Green had a correction. Vote on the motion carried unanimously.

CASES:

1. CE-20-572 – 3645 Longbow Rd.

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

Officer Murdick requested that the Board find the Property Owner in violation and be given until November 15, 2020 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Attorney Babb-Nutcher asked Officer Murdick if he would like to add the packets into evidence. Officer Murdick stated that he would like to submit a packet of evidence into the record. 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.

2. CE-20-705 – 240 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 was in violation of *II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)(complied), XXVIII.Rental Business Tax, Ch 6 Sec. 6-2003 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 15, 2020 (30 days) to come into compliance or impose an amended fine of seventy-five dollars ($75.00) per day until found in compliance.

Representative for the property: Attorney Paul Brightis

Officer Murdick would like to submit an evidence packet into the record. 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.

3. CE-20-828 – 699 Hughlett 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 *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, XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)(complied), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b) and XXVIII.Rental Business Tax, Ch 6 Sec. 6-2003 and* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until November 15, 2020 (30 days) to come into compliance or impose an amended fine of one hundred dollars ($100.00) per day until found in compliance.

Representative for the property: Attorney Paul Brightis

Officer Murdick would like to submit an evidence packet into the record. 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.

4. CE-20-3128 – 803 Kensington

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), I.Accessory Structures Ch 6 Sec. 6-1001 (g), IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)(complied) 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 November 15, 2020 (30 days) to come into compliance or impose an amended 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.

5. CE-20-6577 – 817 W Highland Dr.

This case complied.

6. CE-20-10939 – 1401 Donna 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 *IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5), XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9), 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 November 15, 2020 (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 Mr. Lightholder, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE-19-531 – 28 Prospect Avenue

This case was tabled.

2. CE-19-58905 – 511 N Kentucky 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 is in violation of *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXXV.Trailers In Yard, Ch 6 Sec. 6-900 (b)(15), 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 of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on September 29, 2020 and property owner remains in violation.

Discussion amongst the Board members and staff.

Motion by Mr. Lightholder seconded by Mr. Brown, to approve Staff's recommendation and find the Owner in Non-Compliance. Vote on the motion carried unanimously. CE-19-1288 NaviLine

3. CE-19-59058 – 531 Blake 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 is in violation of *II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d* of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on September 29, 2020 and property owner remains in violation.

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. CE-19-1346 NaviLine

4. CE-20-7289 – 820 Rosa L Jones

This case was tabled.

LIEN REDUCTION:

1. CE-18-323 – 17 Travis St.

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: *Exterior General Condition Ch 6 Sec. 6-1003 (a)* and *Weeds, Ch 6 Sec. 6-1001(d).* Therefore, consistent with the Code Enforcement Board's Order a lien was recorded against the property effective **04/01/2019.** The lien ran at **$50.00** per day from **4/1/2019** until compliance was achieved on **6/18/2020**. Code records show onsite inspections were conducted by Officer Murdick. The current owner, **Smith, Dustin**, is requesting that the lien be reduced to **zero**, because the Demolition was $10,000.00 and was a great benefit.

The current market value of the subject property; the current market value is **$21,450** according the Brevard County Property Appraiser. Staff submits their cost sheet for **$1,145.34** and recommends to reduce the lien to City Cost. Staff's recommendation is based on the gravity of the violations, the length of time it took the property to come into compliance, and the total amount of staff time.

Property representative was sworn in: David Dischler, 6513 Aberdeen Ave, Cocoa

Mr. Dischler discussed with the Board members that the property was up for sale and had a few interested parties but he was having zoning issues. They decided to demo the property to stop the violations. Discussion amongst the Board members and staff.

Motion by Mr. Lightholder, seconded by Mr. Green, to approve staff's recommendation to City Council the lien reduction be in the amount of One thousand one hundred forty-five dollars and thirty-four cents ($1,145.34). Vote on the motion carried unanimously.

2. CE-14-302 – 1053 Hickory

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. The Code Enforcement Board held a public hearing on **7/17/2014**, at which time the Board found the owner, **Kenneth & Susan Davenport** in violation of the following: ***Accumulation of Junk, Trash, & Debris.***

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 **08/09/2017** The lien ran at **$50.00** per day from **8/9/2014** until compliance was achieved on **6/29/2017**. Code records show onsite inspections were conducted by Officer Murdick. The current owner, **Innova Investment Group Llc; Via Lam Llc**, is requesting that the lien be reduced to **$3,800**, without a reduction the property may fall into foreclosure and take longer to resolve.

The current market value of the subject property; the current market value is **$49,810** according to the Brevard County Property Appraiser.

Staff submits their cost sheet for **$2,604.91** and recommends to reduce the lien to the Applicant's request of **$3,800.00.** Staff's recommendation is based on the gravity of the violations, the length of time it took the property to come into compliance, and the total amount of staff time. Attorney Babb-Nutcher gave an overview of the conversation between herself and the attorney for the property owner. Discussion amongst the Board members and staff.

Motion by Mr. Lightholder, seconded by Mr. Roberts, to approve staff's recommendation to City Council the lien reduction be in the amount of Three thousand eight hundred dollars ($3,800.00). Vote on the motion carried unanimously.

Appeals (Demo):

1. CE-20-1116 – 1044 Gray Road (Abatement appeal)

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented an evidence packet and photos taken during his visits to the

property for the Board's review. Officer Murdick testified that the Property Owner was in violation of Sec. 6-900(b)(4)(c) Maintenance of any structure or grounds, visible from any property, in a defective, deteriorated, or unrepaired condition which is either: (a) unsightly and interferes with the reasonable enjoyment of property by neighbors; (b) detrimentally affects property values in the surrounding neighborhood; or (c) which is otherwise dangerous to the health, safety, comfort, convenience and general welfare Sec. 6-900(b)(10). When the topography, geology, or configuration of land, either in its natural state or due to grading operations, excavation, or fill, causes erosion to adjoining property, subsistence, or surface water drainage problem of the City Code.

Officer Murdick stated that he sent an abatement notice on August 19, 2020 per the request of the City Engineer as per the abatement code the property owners have requested an appeal to come before the Board. Officer Murdick stated the Assistant City Engineer Abigail Morgan would give more information as needed. Attorney Babb-Nutcher reminded the Board this case came before them last month with testimony given by two of the property owners. Attorney Babb-Nutcher reminded the Board members of the discussion at the last Code Enforcement Board meeting. Chairman Gifford stated that at the last Board there were only two property owners present. Manager Bunt wanted to put in staff's recommendation for this property because there is history. Manager Bunt did research after the last meeting and reminded them of Ms. Langoni which had the same culvert issue back in 2018. Manager Bunt stated that she came before the Board and her culvert was deemed a nuisance and she was given 6 months to come into compliance. After reviewing the Ms. Langoni case, staff wants to recommend to the Board for consideration, after they hear all of the testimony that staff ask the Board to find a nuisance exist in this case and that the property owners all four (4) that share a resolve to this to be given six (6) months to abate the nuisance however they see fit. Manager Bunt would also like for it to made in the motion that if the culvert collapses or becomes a threatening issue during the six (6) month period given by the Board. Prior to the completion of the property owners within twenty-four (24) hour's they need to rectify the situation and complete the abatement. Otherwise, the City is authorized immediately to enter the property and abate the nuisance by the collapsed culvert materials and debris and may access the cost of the removal or replacement of a structure if needed to provide access to the property and a lien will be placed against the property owners as per Article 3 of the City code.

Property owner representative sworn in: Allen Cowart, 2560 Hooper Rd.

Property owner sworn in: David Wolfe, 4885 Rayburn Rd.

Allen Cowart spoke to the Board about rectifying the issue for the property owners. Mr. Cowart stated that he is an underground utility contractor and he used to own all of the

property in that area. Mr. Cowart stated that he put the culverts in over 20 years ago and worked on one of the other culverts before. He gave an overview of what is going on at these locations and had questions for the Board members. Discussion between Mr. Cowart and the Assistant City Engineer Abigail Morgan to discuss if anyone had been down in the culvert. Mr. Cowart and Assistant City Engineer had a discussion back in forth about the condition of the culvert. Chairman Gifford spoke up and stated that the conversation needs to get back on topic. More discussion between staff, Code Board members and the property owner. Manager Bunt reminded the Board members of what he read in earlier about giving the property owners six (6) months. Mr. Lightholder asked the other Board members to give the property owners seven (7) months and forty-eight hours not twenty-four (24) hours as to give the City more time to respond. Assistant City Manager Matt Fuhrer asked to speak to the Board. Mr. Fuhrer stated the Assistant City Engineer gave a presentation about the collapsing culverts and he gave an overview of that meeting. Mr. Fuhrer also stated the City would be able to respond within twenty-four (24) hours. There was more conversation and discussion about whether this is a nuisance. Attorney Babb-Nutcher stated it was a two-step request by the City. The first step is by virtue of this appeal Board members are being asked to uphold the cities determination that there is a nuisance which the property owners are not disputing. The second step that the city is adding here is a request that if you are going to give them an extended amount of time to fix the nuisance. Then to address the possible collapse of the culvert within the six months period that the Board members give them a very short time table to clear out the nuisance. If they do not within that short time table then the city has the authority to go in clear it out and make it accessible and then lien the properties for the cost.

Chairman Gifford stated that he wanted to defer to Mr. Lightholder as a developer and go with his recommendation to go with seven months rather than six and forty-eight hours be given rather than twenty-four hours. Chairman Gifford asked if the City was opposed to that recommendation and Manager Bunt stated City has no objections. He stated the Board that makes that decision. Manager Bunt wanted it to be declared a nuisance first, then the timetable can be whatever the Board sees fit.

Motion by Mr. Lightholder, seconded by Mr. Roberts, to amend Staff's recommendation. Give the property owners seven months and forty-eight hours to fix if the culvert collapses and find the Property Owners in violation. Vote on the motion carried unanimously.

2. CE-19-958 – 1046 Peachtree St (Demand for Payment fees)

Removed.

Manager Announcements:

None

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on November 19, 2020.

ADJOURNMENT:

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

Approved on this 19 day of December, 2020.

Jim Gifford, Chairman

Darla Crowl, Recording Secretary

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