Code Enforcement Board
Meeting Minutes
September 17, 2020

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, September 17, 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
David Lightholder	Board Member
Lloyd Roberts	Board Member
Kimberly Curtis	Board Member

MEMBERS ABSENT:

Virginia Weaver	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Police Lieutenant
Steve Murdick	Code Enforcement Officer
Kadi Carver	Code Enforcement Officer
Don Boisvert	Councilman/Liaison
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Jake Williams	Mayor
Lorraine Koss	Council woman

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: September 17, 2020

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

2. Approval of Meeting Minutes: August 20, 2020.

Motion by Mr. Roberts, seconded by Mr. Lightholder, to approve the minutes of August 20, 2020. Vote on the motion carried unanimously.

OLD BUSINESS

None

ABATEMENT APPEAL:

1. **CE-20-1116 – 1044 Gray 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 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 requested that the Board find the Property Owner in violation and be given until August 29, 2020 (10 days) or to appeal the decision of the Code Enforcement Officer. If you fail to timely abate the nuisance or appeal the Code Enforcement Officer's decision, the Code Enforcement Officer shall be authorized to abate the nuisance or cause the abatement of such nuisance and the cost thereof will be levied as an assessment against the property in accordance with Section 6-903 of the City Code.

Assistant City Engineer Abigail Morgan gave some background about the culvert on Gray Road. She stated the culvert was part of a private driveway and that it is public works understanding that the culverts on Gray Road are to be owned and maintained by the adjacent property owners. On January 16, 2018, this was reinforced by the City attorney's office. Assistant City Engineer Mrs. Morgan showed photos of the culvert for 1044 Gray Road which shows the flow capacity is half from the culvert down the road. The pipe is constricted this could lead to upstream flooding this cause failure at any time. This could cause property damage and to the city roadway. The collapse of this culvert could have an impact on 34 acres in the immediate neighborhood but additional impacts could be realized further upstream. Mrs. Morgan stated that the culvert needed to be replaced as soon as possible. Chairman Gifford asked staff if the abatement had already been done since this was an appeal. Manager Bunt stated the abatement was posted and they had 10 days to appeal which they did and they could come before the Code Enforcement Board to be heard. Attorney Babb-Nutcher asked for the code for

the abatement. Officer Murdick read the violation and code to the attorney. The attorney asked about the City code. Manager Bunt stated it was the Sec. 6-900 code.

Mr. Brown asked if this was the same case that was brought before the board after the storms and Manager Bunt explained that was a different culvert and case which was heard back in 2018. Manager Bunt explained how the culverts were different from the other case. The culvert are over 20 years old. There are four property owners for each culvert.

Property owners were sworn in: Kathryn Cobb, 1044 Gray Rd. & Donna Wolfe, 4885 Rayburn Rd.

Chairman Gifford asked if they were speaking for the four property owners. Manager Bunt wanted to verify that they were there for an appeal and all four property owners sent in for an appeal. Mrs. Cobb stated that yes she was speaking for the property owners. Attorney Babb-Nutcher asked if four notices went out and four owners have appealed. Manager Bunt stated yes that was correct. Mrs. Cobb wanted to let the board know that they had contacted a contractor and would like have more time. There was a meeting at the property with the contractor and someone from the Public works department to go over what need to be done and the codes to abide by for the repair. Mrs. Wolfe explained several contractors have let the property owners know that if they try to fix the culvert and a storm comes through it could cause more damage to the properties than if they left it alone until the dry season. Mr. Gifford asked Manager Bunt if he was in the loop for the dates and he stated that he was not. Mrs. Morgan stated that they had a meeting with the property owners and asked about dates for start and completion. No contractor will start the work as it is too dangerous. Mr. Green asked the City Engineer questions about the culvert and asked if there was any immediate hazard. The City Engineer stated that one of the property owner was a contractor and Mrs. Wolfe stated that it was her son. Mr. Green if this was an immediate hazard or could they wait until the dry season to do the repairs. Manager Bunt stated that they had the same discussion on the last culvert and due to the erosion that it is pulling apart the actual walls in the culvert and sliding in a sleeve was difficult rather than putting in an actual culvert. This is a very dangerous situation and they need to get their permits and see what is needed. Mr. Lightholder asked the property owners if they had contacted any site engineers and Mrs. Wolfe stated that no one will touch it. Mrs. Wolfe stated that if the city would do it they would pay for it. Mayor Williams spoke up and asked Chairman Gifford if he could commit on this. Mayor Williams stated that he knew about what was going that Kathi Kim Rd and a few others had already been flooded. Mayor Williams also stated that if they don't fix it that it could possibly collapse and still have the same situation. Mayor Williams stated that the City has equipment on standby if that does happen.

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

CASES:

1. CE-20-572 – 3645 Longbow

This case was removed.

2. CE-20-598 – 125 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 was in violation of *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXII.Permit Required App A Art. XV Sec 2 (a) 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 September 20, 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. Green, seconded by Mr. Brown, to approve Staff's recommendation and to give the property owner until September 20, 2020 (30 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

3. CE-20-609 – 413 Thomas 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 XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* of the City Code.

Property owner was sworn in: Jason Davis, 313 Delannoy Ave.

Discussion amongst the Board members and staff.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 20, 2020 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Motion by Mr. Brown, seconded by Mr. Roberts, to approve Staff's recommendation and to give the property owner until September 20, 2020 (30 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

4. CE-19-59056 – 712 S 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 XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g)* of the City Code.

Property owner was sworn in: Jason Davis, 313 Delannoy Ave.

Discussion amongst the Board members and staff.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 20, 2020 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Motion by Mr. Brown, seconded by Mr. Roberts, to approve Staff's recommendation and to give the property owner until September 20, 2020 (30 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-20-4075 – 123 Factory 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 *XIV.Landscape Requirements App A Art. XIII Sec 22 (a-i) and Rubbish and garbage storage facilities. Sec. 6-1006(a) (1)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 20, 2020 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Representative was sworn in: Jerry Davis, 409 Peachtree St.

Discussion amongst the Board members and staff. Mr. Davis discussed the violations on the property. Waiting on Planning & Zoning and Waste Management with the dumpsters. Manager Bunt gave an overview of what needed to be done on the property to come into compliance. (shrubs, dumpster gates and fence) Mr. Gifford asked if 30 days would be sufficient for Mr. Davis to be done with the property. Mr. Gifford asked Manager Bunt if staff would have a problem with giving the property Mr. Davis 60 days to fix the violations. Mr. Roberts had other questions about the violations from a previous case.

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

6. CE-20-12417 – 930 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 *XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d 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 September 20, 2020 (30 days) to come into compliance or impose a fine of one hundred dollars ($100.00) per day until found in compliance.

Representative for the property was sworn in: Lawrence Sinclair, 1052 Mitchell St, Cocoa, FL

Mr. Sinclair want to know if anyone on the Board had contacted by phone, text message or email by Jake Williams concerning this case. Mr. Sinclair asked for a verbal acknowledgement from the Board Members whether they have or have not. Mr. Gifford stated that they would not discuss a case as it is against the law. Mr. Sinclair stated that the property was under his control and that all departments have a power of attorney on file and blanket authorizations for him. Mr. Sinclair said he spoke with Officer Murdick the week before when he was posting the property. An overview was given by Mr. Sinclair about what has been happening on the property. Mr. Gifford told Mr. Sinclair that he needed to address the code violations that were brought by Code Enforcement. Mr. Sinclair continued to talk about the issues on the property. Mr. Gifford went over how the process worked for notices mailed as per State Statue. Manager Bunt spoke about the property being under a corporation which is the owner of record. The BCPA and Sunbiz are checked for agents/representatives and notices are sent. More 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.

7. CE-20-962 – 1610 Harvard Drive

Code Enforcement Officer Kadi Carver provided an overview of the Case history and presented exhibits for the Board's review. Officer Carver testified that the Property Owner was in violation of *Grading & Drainage Ch.6 Sec. 6-1001 (b), XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g), I.Accessory Structures Ch 6 Sec. 6-1001 (g), Sidewalks & Driveways Ch.6 Sec. 6-1001 (c) , XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XV.Maint of Struct/Grounds Ch 6 Sec. 6-900 (b)(4) a-c, XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and XXIII.Permit Required (fences) App A Art. XIII Sec 5 (c)* of the City Code.

8. CE-20-1059 – 1301 Jackson Street

This case was removed.

9. CE-20-849 – 1220 Duke Way

This case was removed.

NON-COMPLIANCE:

1. CE-20-927 – 1146 Lake Dr.

Code Enforcement Officer Kadi Carver provided an overview of the Case history and presented exhibits for the Board's review. Officer Carver testified that the Property Owner was in violation of *XXXIV.Temp Storage, App A Art. XIII Sec 30 (a)(3), II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, V.Business Tax Receipt Ch 12 Sec. 12-1 (a)(b) and XXII.Permit Required App A Art. XV Sec 2 (a)* of the City Code. Officer Carver stated a Notice of Hearing was sent on August 20, 2020 and property owner remains in violation.

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.

LIEN REDUCTION:

1. CE-14-285 – 1004 Montclair Rd

Dennis Bunt, Code Enforcement Manager, presented a staff report for the lien reduction request. Manager Bunt stated The Code Enforcement Board held a public hearing on 6/19/2014, at which time the Board found the owner, Danericorp Inc. in violation of the following: Accum. Of Trash and Utter Ch *6* Sec. *6-900* (b)(1)a-d Window Glazing Ch *6* Sec. 6-1003 (m) (1) *Roofs* & *Drainage Ch* 6 *Sec. 6-1003 (g) Exterior Maintenance Ch* 6 *Sec. 6-1003 and* Accessory Structures (Fence) Ch *6* Sec. 6-1001 of the City Code. The lien ran at $50.00 per day from 7/4/2014 until compliance was achieved on 6/25/2018. The total fine is $217,800.00 Code records show onsite inspections were conducted and contact was made. The current owner Samuel Newton & Setara Glover, is requesting that the lien be reduced to $0, due to the fact that they were not the owners at the time of the violations.

The current market value of the subject property; the current market value is $44,210.00 according the Brevard County Property Appraiser.

Total Amount of both Liens: $217,800.00 and Staff submits their cost sheet for Case# 14-285 in the amount of $1,379.29.

Property owner was sworn in: Setara Glover, 1004 Montclair Rd.

Chairman Gifford went over the staff's cost to explain that if this was excepted by the Board then it would still have to go before the City Council for the final approval. Mr. Gifford asked Ms. Glover if the fee of $1,379.29 sounded like a fair number and Ms. Glover said yes it does.

Motion by Mr. Brown, seconded by Mr. Roberts, to approve staff's recommendation to City Council the lien reduction be in the amount of One thousand three hundred seventy-nine dollars and twenty-nine cents ($1,379.29.). Vote on the motion carried unanimously.

2. CE-17-682 – 2406 Mercer Dr.

Code Officer Murdick, presented a staff report for the lien reduction request. The Code Enforcement Board held a public hearing on **7/19/2018**, at which time the Board found the owner, **Watton, Catherine Christine** in violation of the following: *Exterior General Condition Ch 6 Sec. 6-1003 (a), Weeds, Ch 6 Sec. 6-1001(d)* **and** *Accessory Structures Ch 6 Sec. 6-1001 (g) of the City Code.* The Code Enforcement Board provided the owner time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was recorded against the property effective 08/22/2018. The lien ran at $50.00 per day from 8/21/2018 until compliance was achieved on 7/15/2020. The total fine is $52,060.00 Code records show onsite inspections were conducted and contact was made. The current owner Watton, Catherine Christine/Richard Hutchcraft is requesting that the lien be reduced to $0. New Owner Richard Hutchcraft.

The current market value of the subject property; the current market value is **$87,640.00** according the Brevard County Property Appraiser.

Total Amount of both Liens: $52,060.00 and Staff submits their cost sheet for Case # 17-682 in the amount of $2,202.86.

Staff's recommendation is based on the gravity of the violations, the amount of time it took the property to come into compliance, and the total amount of the fines. Reduction to the total amount of $2,202.86 (staff costs).

Property owner sworn in: Richard Hutchcraft, 101 Silver Hill, Cocoa

Chairman Gifford stated that this is a recommendation to the City Council. The amount of reduction is based on the actual cost to the City in the amount of $2,208.86. Mr. Gifford asked Mr. Hutchcraft if that sounded like a fair number to him. Mr. Hutchcraft stated that was not a fair number. Mr. Gifford asked for a fair number other than zero. Mr. Hutchcraft stated that $500.00 was a good number. and Mr. Hutchcraft about the property. Mr. Hutchcraft stated that 58 people were interested in the property until they

found out about all of the liens on the property. Manager Bunt stated that Mr. Hutchcraft was correct about people interested in the property. The amount of the liens were because no one was interested in fixing the property once they were told there was a running lien. Attornery Babb-Nutcher asked Manager Bunt if it was a bank sale. Manager Bunt stated that yes it was a bank sale. The bank took to property back from the previous owner and sold it. Mr. Green asked questions about what the staffs cost was based on. Mr. Hutchcraft stated that the title insurance came back and said the Cocoa lien was barred by statue because the deceased person was not notified. Attorney Babb-Nutcher stated that this was unlikely and would like to see the paperwork and Mr. Hutchcraft said he would email her the documents. More discussion amongst the Board members and staff.

Motion by Mr. Green, seconded by Mrs. Curtis, to amend staff's recommendation to City Council the lien reduction be in the amount of one thousand one hundred dollars ($1,100.00). Vote on the motion carried (5-1) Mr. Roberts opposed.

3. CE-17-908 – 3649 Crossbow Dr.

Code Officer Murdick, presented a staff report for the lien reduction request. The Code Enforcement Board held a public hearing on 11/15/2018, at which time the Board found the owner, Brunais, Christopher M in violation of the following: AAP. A, ART. XII, SEC. 3 Minimum standards for the design of off-street parking/driveways and *Permit Required App A Art. XV Sec 2 (a) of the City Code.* 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 12/16/2018 The lien ran at $50.00 per day from 1/19/2018 until compliance was achieved on 10/9/2010. Code records show onsite inspections were conducted by Officer Murdick. The current owner, Brunais, Christopher M., is requesting that the lien be reduced to zero.

The current market value of the subject property; the current market value is $149,450.00 according the Brevard County Property Appraiser.

Staff submits their cost sheet for $1,636.84. 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 recommends a reduction to the amount of cost $1,636.84.

Chairman Gifford asked if the gentleman was the attorney for the property owner and he stated that is name was Steve Spara and Chris Brunais would like to also speak.

Property owner was sworn in: Chris Brunais, 3649 Crossbow Dr.

Attorney Spara stated the property was is currently in foreclosure and started as of September 2019 and is set for foreclosure on September 30, 2020. Try to do a short sale but not able to with the lien outstanding. The attorney did an overview of what they

are trying to do to get the house sold. Attorney Babb-Nutcher asked about the property owner paying off the water lien that that would not be taken off. She also asked Attorney Spara what the amount was that they were willing to pay for the lien reduction. Attorney Spara stated that he understands the City has cost. Mr. Green asked when it would be going to City Council because it would not make the September 30, 2020 date. The next City Council meeting that would be available would be October 13, 2020. Don Boisvert, Councilman/Liaison spoke that the next City Council meeting was on Wednesday, September 23, 2020. More discussion amongst the Board members and staff.

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

4. CE-17-719 & CE-15-852 – 228 Orange St.

This case is removed.

DEMOLITION APPEALS: (Payment amount)

1. CE-19-503 – 228 Orange St.

Motion by Mr. Lightholder, seconded by Mr. Green, to deny the appeal for the demolition appeal for payment amount. Vote on the motion carried unanimously.

Manager Announcements:

None

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on October 15, 2020.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:50 PM.

Approved on this 15 day of October, 2020.

Jim Gifford, Chairman

Darla Crowl, Recording Secretary

