Code Enforcement Board
Meeting Minutes
September 16, 2021

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, September 16, 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
Kimberly Curtis	Board Member
Sharri Scott	Board Member
David Lightholder	Board Member
Lloyd Roberts	Board Member

MEMBERS ABSENT:

None

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Police Lieutenant
Steve Murdick	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: September 16, 2021

Motion by Mr. Lightholder, seconded by Ms. Curtis, to approve to the agenda of September 16, 2021. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: August 19, 2021.

Motion by Mr. Green, seconded by Mr. Roberts, to approve to the minutes of August 19, 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-21-0060 – 118 Cocoa Place

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 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 October 16, 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.

2. CE-21-189 – 114 Cocoa Place

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), XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2),* ***XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), XXII.Permit Required App A Art. XV Sec 2 (a) 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 October 16, 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 Mr. Brown, seconded by Mr. Roberts, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

3. CE-21-242 – 715 S Kentucky Avenue

This case complied.

4. CE-21-243 – 711 S 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 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 October 16, 2021 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property representative was sworn in: Samuel Wiggins, 5180 Areca Palms St

Mr. Wiggins gave an overview of what he has done to the property to correct the violations. Discussion amongst the Board members and staff.

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

5. CE-21-244 – 707 S 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 was in violation of ***XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), XXXIV.Temp Storage, App A Art. XIII Sec 30 (a)(3) and*** *XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until October 16, 2021 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Property representative was sworn in: Herbert Ellis Jr., 707 S Kentucky Ave.

Mr. Ellis told the Board members why he hasn't been able to correct the violations as he is disabled. Chairman Gifford stated that sometimes they can find volunteers in the City to help with the painting or other things on the property. Manager Bunt stated that Mr. Ellis could go to Planning and Zoning and fill out the application for the temporary box

so that it would give him a certain length of time to keep it. More discussion amongst the Board members and staff.

Motion by Mr. Roberts, seconded by Ms. Scott, to amend Staff's recommendation and give the property owner until December 16, 2021 (90 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

6. **CE-21-247 – 715 S Varr Avenue**

This case complied.

7. **CE-21-249 – 711 S Carolina 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 ***XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) 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 October 16, 2021 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property representative was sworn in: Jontavious Johnson

Mr. Johnson gave an overview of the property and what he intends to do to clean up property. Manager Bunt stated that the cars were not part of this case. More discussion amongst the Board members and staff.

Motion by Mr. Green, seconded by Mr. Lightholder, to amend Staff's recommendation and give the property owner until November 16, 2021 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

8. CE-21-250 – 633 S Varr 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), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) 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 October 16, 2021 (30 days) to come into compliance or impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Property representative was sworn in: Scott Wetzil, 18384 Wakefield Rd.

Mr. Wetzil discussed the property owner and stated she was in bad health. Chairman Gifford went over the items and asked when this would be corrected. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Ms. Curtis, to amend Staff's recommendation and give the property owner until November 16, 2021 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

9. CE-21-253 – 1114 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 ***XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9),*** *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 October 16, 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 Ms. Curtis, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

10. CE-21-350 – 210 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 was in violation of ***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 October 16, 2021 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) per day until found in compliance.

Officer Murdick explained that the Building Official gave the property owner a check sheet of what needed to be done to pull a permit. Mr. Lightholder asked staff if they would consider giving the property owner 90 days as it takes 60 to 90 days to get engineer drawings. Manager Bunt stated that he would prefer 60 days but would leave it up to the Board. Mr. Roberts asked if there was no permit who would be responsible for pulling the permit. Mr. Brown wanted to recommend 90 days. Discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Ms. Scott, to amend Staff's recommendation and give the property owner until December 16, 2021 (90 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

None

LIEN REDUCTION:

1. CE-17-907 – 2607 N. Indian River Dr.

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review. The Code Enforcement Board held a public hearing on **6/5/2018**, at which time the Board found the owner, **Xaysana Inthanam** in violation of the following: APP. A, ART. XI, Sec. 3. - District and intent—*RU*-1-7 (A)(B), SF, APP. A, ART. XI, Sec. 3. - District and intent—*RU*-1-7, SF (A) (D), Ch. 6, Art. IV, Sec. 6-1600(c) – Mobile Home Parks Generally and APP. A, Art. XIII, Sec. 6 – 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 **08/16/2018** The lien ran at **$100.00** per day from **7/7/2018** until compliance was achieved on **7/11/2019**. Code records show onsite inspections were conducted by Officer Murdick. The current owner, **Xaysana Inthanam**, is requesting that the lien be reduced to **$1,000.00**, due to the fact he spent money to correct the violation, improve the property, and legal fees to his attorney. The current lien amount is **$37,030.00.** An inspection will occur prior to the Council Meeting.

The current market value of the subject property; the current market value is **$268,510.00** according the Brevard County Property Appraiser.

Staff submits their cost sheet and the Attorney's Cost Sheet for this case, court, and appeals in the total amount of **$77,296.87.**

Staff's recommendation is that no reduction in the fine be given as city costs are greater than the fine of **$37,030.00.** This 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 & Attorney time.

The property owner was sworn in: Xaysana Inthanam, 2607 N Indian River Dr

Mr. Gifford explained the process to the property owner. Mr. Inthanam explained that this case went to court several times. Mr. Inthanam stated that he received a notice for the violations on the property and contacted the City on how to resolve the issue. Chairman Gifford corrected Mr. Inthanam that the City did not sue him he sued the City. Manager Bunt stated there were numerous meetings with Mr. Inthanam and his attorney, a Special Code Board with attorney's that lasted 3 hours. There was testimony and testimony from experts and the Board made its ruling and more discussion about the past meetings. Attorney Babb-Nutcher stated that Manager Bunt was accurate that the Code Board meeting was very lengthy with several Board members where in attendance. Attorney Babb-Nutcher stated that she never recalled the property owner ever stating that he was willing to remove the structure. The property owners took it to court lost and appealed that appeal. More discussion amongst the Board members and staff.

Motion by Mr. Green, seconded by Ms. Lightholder, to approve staff's recommendation to City Council and no lien reduction to be given and the amount be in the amount of Thirty-seven thousand and thirty dollars ($37,030.00). Vote on the motion carried (6-1) Mr. Roberts – Nay.

Manager Announcements:

Augusto Gonzalez-Ruiz is a Level 1 training.

NEXT MEETING:

The Board members established that the next meeting would be held on October 21, 2021.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:58 PM.

Approved on this 21 day of October, 2021.

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