Code Enforcement Board
Meeting Minutes
August 19, 2021

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, August 19, 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

MEMBERS ABSENT:

David Lightholder	Board Member - Excused
Lloyd Roberts	Board Member - Excused

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Anthony Marchica	Police Lieutenant
Steve Murdick	Code Enforcement Officer
Gerald Pettengill	Code Enforcement Officer
Augusto Gonzalez-Ruiz	Code Enforcement Officer
Rip Dyal	Councilman/Liaison
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: August 19, 2021

Motion by Mr. Brown, seconded by Ms. Curtis, to approve to the agenda of August 19, 2021. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: June 17, 2021.

Motion by Mr. Green, seconded by Ms. Curtis, 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-21-0048 – 841 N Cocoa Blvd.

This case was removed.

2. CE-21-0058 – 308 Edinburgh 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 *IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5), XXXV.Trailers In Yard, Ch 6 Sec. 6-900 (b)(15),* ***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 September 19, 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 Ms. Curtis, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

3. CE-21-0060 – 118 Cocoa Pl.

Officer Murdick stated that the attorney for the property requested the case be moved to the September board as he was unable to be at the meeting due to a schedule conflict. The property owner was also unable to attend as they were sick.

Motion by Mr. Brown, seconded by Mr. Green, to approve Staff's recommendation and table the case to the September 16, 2021 Code Board meeting. Vote on the motion carried unanimously.

4. CE-21-68 – 1305 W King St.

Code Enforcement Officer Steve Murdick provided an overview of the Case history and presented exhibits for the Board's review (Kadi Carver case). Officer Murdick testified that the Property Owner was in violation of *XXII.Permit Required App A Art. XV Sec 2 (a)* ***and Sales or rental of new and/or used automotive vehicles, agricultural equipment, major recreational equipment, minor recreational vehicles, and mobile homes, with accessory uses. Art XIII Sec. 28*** of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 19, 2021 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) per day until found in compliance.

Property owner was sworn in: Chester Chalk, 940 Saint Catherine Ave, Christmas, FL

Mr. Chalk spoke to the board about the cars that were parked on his property. He gave the car lot permission to use his lot to rotate cars which is the issue. He spoke with car lot owner who was parking the vehicles on Hwy 520 and asked him to stop. Mr. Chalk has new tenants at the property and they have applied for their license (state, business tax, license from Dept. of Agriculture and all other license needed). More discussion amongst the Board members and staff.

Motion by Mr. Green, seconded by Mr. Brown, to amend Staff's recommendation and give the property owner until October 19, 2021 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-21-0094 – 304 Edinburgh 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 *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)*** *and XXXV.Trailers In Yard, Ch 6 Sec. 6-900 (b)(15)* of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 19, 2021 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) 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.

6. CE-21-114 – 4150 W King 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 ***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 September 19, 2021 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) per day until found in compliance.

Discussion amongst the Board members and staff.

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

7. CE-21-0121 – 1059 W King 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 ***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 Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 19, 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. Green, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

8. CE-21-0338 – 3831 Parapet Dr.

This case was removed.

9. CE-21-0126 – 1004, 1006, 1008 Counts St.

This case was removed.

10. CE-21-0143 – 1046 Cypress Ln

This case complied.

11. CE-0151 – 1011 Montclair 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 ***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 Code.

Officer Murdick requested that the Board find the Property Owner in violation and be given until September 19, 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 Ms. Curtis, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

12. 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 was 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 Code.

Officer Pettengill requested that the Board find the Property Owner in violation and be given until September 19, 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 Ms. Scott, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

13. CE-21-0337 – 3833 Parapet Dr.

This case was removed.

14. CE-21-0056 – 2205 Westminster 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 ***Sec. 5-32. - Keeping, maintaining, breeding, etc. of domestic and non-domestic animals*** of the City Code.

Officer Pettengill requested that the Board find the Property Owner in violation and be given until September 19, 2021 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) per day until found in compliance.

Ms. Scott asked Officer Pettengill with the fence panel up how would he know whether the chickens were still there. Manager Bunt stated that the property owner would need to contact the code officer to let him know that they have been removed so the case would be closed. Councilman/Liaison Rip Dyal stated that he has been talking and working with the City Manager about bringing back the program for the chickens. Councilman Dyal thought this case was tabled until the City Manager could get an ordinance in front of the City Council. Manager Bunt stated that this case has been open since November. It was taken off of the June agenda to see if the City Council would do anything and there has be no vote or change in the code. Manager Bunt stated that other cases have been brought before the board and have been found in violations for chickens. Attorney Babb-Nutcher wants more on the record as to why the code officer thinks the chickens are still at the location. Mr. Gifford asked more questions to Councilman Dyal and Manager Bunt stated that if questions were being asked that he thought he might need to be sworn in as he is giving testimony. Attorney Babb-Nutcher said he would not need to be sworn in because he was not giving testimony. More discussion amongst the Board members and staff. Staff or the board were not aware that the property owner was in chambers.

Property owner was sworn in: Lauren Willis, 2205 Westminster Dr

Ms. Willis was asked to get rid of the rooster which she did. She stated that if the chickens needed to go she would get rid of them. Ms. Willis stated the reason she did not get rid of the chickens was because Councilman Dyal had told the property owner not to worry about the chickens because it was going to council.

Motion by Mr. Green, seconded by Ms. Scott, to amend Staff's recommendation and give the property owner until October 19, 2021 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

15. CE-0176 – 803 Kensington Dr.

This case was removed.

NON-COMPLIANCE:

1. CE-19-785 – 704 Ixora 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 is in violation of ***I.Accessory Structures Ch 6 Sec. 6-1001 (g), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and 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 June 30, 2021 and property owner remains in violation.

Property owners son was sworn in: Jerome Bell, 704 Ixora Ave.

Mr. Bell stated that he thought the violations had been taken care of. Officer Murdick stated there are still items on the property that are in violations. More discussion amongst the Board members and staff.

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

2. CE-20-769 – 1402 Hillsdale 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 is in violation of IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5), **XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), 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 June 30, 2021 and property owner remains in violation.

Property owners son was sworn in: Norris West II, 1402 Hillsdale Dr.

Mr. West discussed what he thought had been brought into compliance. More discussion amongst the Board members and staff.

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

3. CE-20-774 – 903 Carson 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 is in violation of ***XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on June 30, 2021 and property owner remains in violation.

Property owner was sworn in: Jeff Brown, 903 Carson St.

Mr. Brown stated that everything on the property was incompliance. Officer Murdick stated that since he has already been to the board and given time to clean up the property that all of the items needed to be gone before the property would be incompliance. More discussion amongst the Board members and staff.

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

4. CE-20-1389 – 114 Harrison 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 is in violation of ***XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b)*** of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on June 30, 2021 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

5. 21-0044 – 228 Beverly 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 is 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, XXII.Permit Required App A Art. XV Sec 2 (a) and Tents as accessory structures is prohibited APP. A,ART.XIII, Sec.6*** of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on July 29, 2021 and property owner remains in violation.

Property owner was sworn in: Joe Rexford Shaffer, 228 Beverly Rd.

Mr. Shaffer gave an overview of what is going on with the property that he purchased 3 years ago. More discussion amongst the Board members and staff.

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

6. 21-0101 – 487-497 Peachtree 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 is in violation of ***XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on July 29, 2021 and property owner remains in violation.

Property tenant was sworn in: Kenneth Ball, 4885 Hemp Way

Mr. Ball stated that he put the fence up. Officer Murdick stated that the items are still seen from the road. More discussion amongst the Board members and staff.

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

7. 21-0127 – 618 S Varr 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 is in violation of ***XXII.Permit Required App A Art. XV Sec 2 (a), 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 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 July 29, 2021 and property owner remains in violation.

Staff recommends that the board find that the violations on the property constitute a serious threat to public health and safety or welfare CH 162.06 (4). The violations were not corrected by the compliance date. In addition to the fines the board request that the city be notified and take appropriate abatement action. The cost of any abatement action shall be included in the fine imposed of one hundred dollars ($100.00) for each day.

Attorney Babb-Nutcher wanted Officer Murdick to explain why this is a serious threat to public health and safety or welfare. Manager Bunt explained all of the items in the yard, chemicals, tools, glass bottles, fire extinquisers and other items are dangerous to the

public. Manager Bunt also stated that someone drove through his property the other day and ran over a lot of items.

Property owner was sworn in: Derek Collins, 618 S Varr Ave.

Mr. Collins gave an overview of what is going on with the items on his property. Mr. Collins stated that since the car ran through his property all the items were gone. Mr. Green asked if this case was still a serious threat to public health and safety or welfare to life and a nuisance abatement. Manager Bunt stated that yes, the property was still a life safety issue. Manager Bunt stated that Mr. Collins has pictures on his phone and they need to be added into evidence. More discussion amongst the Board members and staff. Mr. Gifford stated that he did not want the nuisance abatement in the motion. They decided to take out the serious threat to public health and safety or welfare and the nuisance abatement wording. Another motion was made.

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

8. 20-1243 – 502 Brevard 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 is in violation of **XXII.Permit Required App A Art. XV Sec 2 (a), Site plan approval required. App.A, Art.XIII, Sec.1(B) and Accessory mobile vending prohibited in central business district. App. A, Art. XIII, Sec. 32(d)(5)** of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on June 30, 2021 and property owner remains in violation.

Property representative was sworn in: David Lemon, 502 Brevard Ave.

Mr. Lemon was unclear of what the violations were on the property. Mr. Gifford asked what the permit was needed for. Officer Murdick stated that the awning and the site plan was for the barrels they were using them for extra seating. Manager Bunt stated the site plan that was turned in before was different from the site plan that he has now and has not been approved by planning and zoning. More discussion amongst the Board members and staff.

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

9. CE-20-1399 – 1105 Clearlake Rd.

This case has complied.

10. CE-20-1336 – 1043 Olive St.

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 **XI.Fail to Secure Struct Ch 6 Sec. 6-900 (b)(7), IX.Exterior General Condition Ch 6 Sec. 6-1003 (a), IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5) and XVI.Maint. of Fences App A Art XIII Sec. 5(g)1-6** of the City of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on July 29, 2021 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

LIEN REDUCTION:

None

Manager Announcements:

Introduction of new Code Enforcement Officer, Augusto Gonzalez, Ruiz.

NEXT MEETING:

The Board members established that the next meeting would be held on September 16, 2021.

ADJOURNMENT:

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

Approved on this 16 day of September, 2021.

Jim Gifford, Chairman

Darla Crowl, Recording Secretary

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