Code Enforcement Board
Meeting Minutes
March 18, 2021

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, March 18, 2021 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
Edward Green	Vice-Chairman
George Brown Jr.	Board Member
Lloyd Roberts	Board Member
Sharri Scott	Board Member

MEMBERS ABSENT:

Kimberly Curtis	Board Member - Excused
David Lightholder	Board Member - Excused

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
John Hankins	Interim Police Chief
Steve Murdick	Code Enforcement Officer
Kadi Carver	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: March 18, 2021

Motion by Mr. Brown, seconded by Mr. Green, to approve to the agenda of March 18, 2021. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: February 18, 2021.

Motion by Mr. Green, seconded by Mr. Roberts, to approve the minutes of February 18, 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-20-908 – 614 Stone 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 ***II.Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, XXXVI.Weeds, Ch 6 Sec. 6-1001(d) and APP. A, ART. XI, Sec. 4. - District and intent—Principle uses and structures*** of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until April 18, 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. 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-20-997 – 601 Lucas Ln.

This case was tabled.

3. CE-20-1145 – 708 Rosa L Jones

This case was removed. The property owner has entered a fencing agreement with the City of Cocoa. Manager Bunt stated Code Enforcement was asking the Board because it was on the Agenda last month and was tabled to return to the Board in (30 days). Manager Bunt wanted to bring it before the Board for the update. If they fulfill the agreement it will not have to be brought back before the Board.

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.

4. **CE-20-1171 – 3236 Forest Hill 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 ***XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b),***

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 been given until April 18, 2021 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner's father was sworn in: Rodney Bankston, 780 Highland Terrace, Titusville

Mr. Bankston gave an overview of his daughter's property and why she hasn't cleaned up the property. Mr. Gifford asked if (30 days) would be enough time for the property to get taken care of. 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-20-1254 – 616 S Cocoa Blvd

This case was tabled per the request of the property owner's attorney.

6. CE-20-1272 – 623 N Cocoa Blvd

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) and Site plan approval required. App.A, Art.XIII, Sec.1(B)*** of the City Code.

Officer Murdick requested that the Board find the Property Owner in violation and been given until April 18, 2021 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: James Thistle, 623 N Cocoa Blvd.

Questions by the Board members and the Attorney as to why the permit was required and the site plan was needed. Officer Murdick stated that he would let the property owner explain why. Mr. Thistle explained that he had hired a contractor to pave the property. He was told to speak to Abigail at City of Cocoa Engineering to find out what was needed to correct. Discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Roberts, to amend Staff's recommendation and give the property owner until June 18, 2021 (90 days) with (30 day) updates and find the Property Owner in violation. Vote on the motion carried unanimously.

7. CE-21-0013 – 139 Circle 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 ***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 been given until April 18, 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. Roberts, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

8. CE-20-1186 – 1110 West Hillcrest 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 ***XXXIV.Temp Storage, App A Art. XIII Sec 30 (a)(3) and XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** *of* the City Code.

Officer Carver requested that the Board find the Property Owner in violation and been given until April 18, 2021 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: Stanley Preskitt, 1110 West Hillcrest Drive

Mr. Preskitt told the Board Members the ice maker water line busted and flooded the house. Mr. Preskitt stated the storage containers on the outside of the house have been there for (10 months). Mr. Gifford asked how much longer it would take for him to clean up the violations. More discussion amongst the Board members and staff. Manager Bunt stated that he would need to get approval from Planning and Zoning to allow him to have the pod on the property for (60 days) as per the order given by the Board to extend the normal (30 days).

Motion by Mr. Brown, seconded by Mr. Roberts, to amend Staff's recommendation and give the property owner until May 18, 2021 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

9. CE-20-1287 – 806 Warren Avenue

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 ***XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), V.Business Tax Receipt Ch 12 Sec. 12-1 (a)(b)*** *and XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)* of the City Code.

Officer Carver requested that the Board find the Property Owner in violation and be given until April 18, 2021 (30 days) to come into compliance or impose a fine of fifty dollars ($50.00) per day until found in compliance.

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.

10. CE-20-1322 – 1203 Peachtree Street

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 ***I.Accessory Structures Ch 6 Sec. 6-1001 (g), XXXVI.Weeds, Ch 6 Sec. 6-1001(d) and XXXII.Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)*** of the City Code.

Officer Carver requested that the Board find the Property Owner in violation and be given until April 18, 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: Stanley Williams, 2000 Victoria Park Drive, Davenport, Florida

Mr. Williams gave an overview of the property and other issues why he hasn't been able to correct the violations. Mr. Williams wanted to replace the fence on the now vacant property. Manager Bunt and Attorney Babb-Nutcher explained without a primary structure he would be unable to replace the fence. He would also not be able to use the lot for personal storage of the vehicles per the zoning code. Manager Bunt stated that he would meet the property owner at the property to go over what needs to be corrected. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Roberts, to amend Staff's recommendation and give the property owner (60 days) May 18, 2021 and find the Property Owner in violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE-19-529 – 2600 Clearlake Road

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 is in violation of ***XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), I.Accessory Structures Ch 6 Sec. 6-1001 (g), Grading & Drainage Ch.6 Sec. 6-1001 (b), XXIX.Roofs & Drainage, Ch 6 Sec. 6-1003 (g), Sidewalks & Driveways Ch.6 Sec. 6-1001(c), 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 of Cocoa Code. Officer Carver stated a Notice of Hearing was sent on March 1, 2021 and property owner remains in violation.

Property manager was sworn in: Amy Therenzo, 2600 Clearlake Road, Ashley Waterhouse, 2600 Clearlake Road

Property manager discussed why the property after (120 days) is still not in compliance. Went over all of the contractors that they have hired and why it is taking so long. They requested more time. Chairman Gifford explained either in compliance or in noncompliance the only two options. Manager Bunt stated that after the property has been brought into full compliance they could apply for a lien reduction. More discussion amongst the Board members and staff.

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.

2. CE-20-708 – 411 Thomas 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 ***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 of Cocoa Code. Officer Murdick stated a Notice of Hearing was sent on March 1, 2021 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

3. CE-19-809 – 915 Grove 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 ***X.Exterior Walls Ch 6 Sec. 6-1003 (f) and 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 March 1, 2021 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

4. CE-20-814 – 907 Fern Avenue

This case complied.

5. CE-20-1132 – 1104 West Highland 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 is in violation of ***XXXIII.Storing Outdoors, Ch 6 Sec. 6-900 (b)(11), XX.Parking in Yard Ch 6 Sec. 6-900 (b)(9), XXVII.Protective Treatment, Ch 6 Sec. 6-1003 (b), XXVIII.Rental Business Tax, Ch 6 Sec. 6-2003 and XXXVI.Weeds, Ch 6 Sec. 6-1001(d)*** of the City of Cocoa Code. Officer Carver stated a Notice of Hearing was sent on March 1, 2021 and property owner remains in violation.

Motion by Mr. Roberts 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-12-734 – 1268 Amherst Ct.

This case was removed.

2. CE-18-331 – 122 Rosa L Jones

The Code Enforcement Board held a public hearing on 3/28/2019, at which time the Board found the owner, Rembert, Gary P in violation of the following: Sec. 6-1001(g) Fencing & shed in disrepair, Sec. 6-1001 (3) (g), Roofs and Drainage, Sec. 6-1001 (3)(b) Protective Treatment and Sec. 6-902 (b) (1 &2) Storing Junk Autos.

The Code Enforcement Board provided the owner time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a lien was started against the property effective 5/27/2019. The lien ran at $100.00 per day from 5/28/2019 until compliance was achieved on 3/3/2021. The total fine is $64,610.00 Code records show onsite inspections were conducted and contact was made. The current owner Sue Ercolani, is requesting that the lien be reduced to City Cost.

Property owner was sworn in: Sue Ercolani, 485 Norwood Ave, Satellite Beach

Sue Ercolani stated that she was good with the City cost of $1,336.81.

Motion by Mr. Green, seconded by Mr. Brown, to approve staff's recommendation to City Council the lien reduction be in the amount of one thousand three hundred thirty-six dollars and eighty-one cents ($1,336.81). Vote on the motion carried unanimously.

Manager Announcements:

None

NEXT MEETING:

The Board members established that the next meeting would be held on April 15, 2021.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:20 PM.

Approved on this 15 day of April, 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