Code Enforcement Board
Meeting Minutes
July 20 2023

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, July 20, 2023 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Roberts called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Lloyd Roberts	Chairman
George Brown Jr.	Vice-Chairman
Chris Davis	Board Member
Michael Simpson	Board Member
Sharri Scott	Board Member
Verna Hughes	Board Member
Aurora Ramirez	1rst Alternate
Josue Otero	2nd Alternate

MEMBERS ABSENT:

David Lightholder	Board Member

OTHERS PRESENT:

Dennis Bunt	Code Enforcement Manager
Augusto Gonzalez-Ruiz	Code Enforcement Officer
Vince Buonocore	Code Enforcement Officer
Michael Folger	Code Enforcement Officer
Debra Babb-Nutcher	City Attorney
Darla Crowl	Recording Secretary

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: July 20, 2023

Chairman Lloyd Roberts noted changes to the agenda (Items complied, tabled and withdrawn)

Motion by Mr. Davis, seconded by Mr. Simpson, to approve to the agenda of July 20, 2023. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: May 18, 2023.

Motion by Mr. Davis, seconded by Mr. Simpson, to approve to the minutes of May 18, 2023. Vote on the motion carried unanimously.

3. Submit to the record of all documents & notices for all cases on the Agenda.

CASES:

1. CE-22-583 – 128 Aurora St

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***Permit Required, App A Art. XV Sec. 2 (a)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until August 19, 2023 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) per day until found in compliance.

Property representative was sworn in: Anthony Delos Santos 873 Cadet St.

Mr. Delos Santos as the representative requested a 4-month extension to have the corrections done on the property and give the contractor time to complete the work. Chairman Roberts aske Officer Gonzalez about the work that was done. Roof and windows according to the representative was the unpermitted work. Manager Bunt stated that they needed an after the fact permit for the work that was done. More discussion amongst the Board members and staff.

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

2. CE-22-725 – 356 Pomolo St

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the

Property Owner was in violation of ***Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d, Business Tax Receipt Ch 12 Sec. 12-1 (a)(b), Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and District and Intent – RU – 1-7, Single- Family Residence App. A Art. XI, Sec. 3*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until August 19, 2023 (30 days) to come into compliance or impose a fine of one hundred dollars ($100.00) per day until found in compliance.

Property owner was sworn in: Willie Lee Drake, 356 Pomolo St

Mr. Drake stated that he was trying to purchase the property next to him that the City owns. The property owner wants to build a garage to store all of his stuff for his business. Mr. Davis asked if he had permission to use the Cities property for his stuff. Mr. Drake stated that he did not have permission to use the property. More discussion amongst the Board members, property owner and staff.

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

3. CE-22-508 – 125 Polaris St

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***Parking in Yard Ch 6 Sec. 6-900 (b)(9), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and Storing Junk or Autos, Ch. 6 Sec. 6-902 (b)(1)(2)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until August 19, 2023 (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: Willie Sampson, 125 Polaris St

Mr. Sampson explained that he was working on getting the vehicles working. Manager Bunt stated that the vehicles need current registration and operable. Manager Bunt also stated that he was not willing to take any of the violations off. Mr. Sampson parks in the yard frequently and is not the first time he has been before the Board for the same violations. Discussion amongst the Board members and staff.

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

4. CE-23-599 – 1126 Peachtree St

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***Permit Required App A Art. XV Sec 2 (a) and Storage of Rec. Vehicles, App A Art. XIII Sec 14 (a-d)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until August 19, 2023 (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: Erick Vogeler, 1124 Peachtree St.

Mr. Vogeler stated he was unclear on the Zoning violations and didn't have time to research. Mr. Vogeler said he wanted to use the millings for the flooding of the property. Manager Bunt stated millings is an unapproved substance. Mr. Vogeler would have to go to the City Engineer and Community Services for approval and a permit. These are 2 separate lots which means he can't park his RV on. Mr. Brown asked if the RV was being lived in. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Ms. Hughes, to amend Staff's recommendation and give the property owner until September 19, 2023 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-22-841 – 1402 N Fiske Blvd

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner was in violation of ***Permit Required App A Art. XV Sec 2 (a), Storing Outdoors Ch 6 Sec. 6-900 (b)(11),*** *Sec. 20-58 Parking buses, large trucks in residential areas or on street and Business Tax Receipt Ch 12 Sec. 12-1 (a)(b)* of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until August 19, 2023 (30 days) to come into compliance and impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

Property representative was sworn in: Pastor Luis Barillas, 4201 Brantley Cir, Rockledge

Property representative spoke on the owners behave. Manager Bunt explained to the Board he extended the house on the back of the property. The property owner would need to get an Engineers letter to be submitted with the permit so it could be issued and signed off per the Engineer letter. Manager Bunt discussed the patio in the pictures

stating the it was up against the fence and doesn't meet the setbacks. He either needs to redesign or take down the patio. Mr. Davis asked if he could go before the Board of Adjustments to have the patio approved. Manger Bunt explained that he could go before the Board of Adjustments if he wanted to pay the fee. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Simpson, to amend Staff's recommendation and give until September 19, 2023 (60 days) and an amended fine of fifty dollars ($50.00) and find the Property Owner in violation. Vote on the motion carried unanimously.

6. CE-23-14 – 801 Dixon Blvd

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner was in violation of ***Exterior General Condition Ch 6 Sec. 6-1003, Roofs & Drainage Ch 6 Sec. 6-1003(g), Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d and Exterior General Condition Ch 6 Sec. 6-1001***of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until August 19, 2023 (30 days) to come into compliance and impose a fine of one hundred dollars ($100.00) per day until found in compliance.

Property Representatives was sworn in: Cindy Kilgallon, 3329 Primrose Willow Dr, Harmony, FL 34773 & Patrick Facey, 5769 South West 20th St, West Park, FL 33023

Ms. Kilgallon told the Board that they have found an Engineer to do the inspection and give her a letter showing the condition of the roof. Manager Bunt stated that he handed out copies of the Engineer letter to the Board Members. Ms. Kilgallon discussed each of the violations. The trash around the property is a weekly occurrence and can't control the dumpling. Manager Bunt went through the pictures to show the property violations have not been fixed. Mr. Davis asked if the property was occupied by tenants and receiving rental income, Mr. Davis reminded Ms. Kilgallon there wasn't any follow up with Code Enforcement as discussed at the last meeting with a time line. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Brown, to amend Staff's recommendation and a fine of one hundred fifty dollars ($150.00) be imposed and find the Property Owner in violation. Vote on the motion carried unanimously.

7. CE-23-102 – 1420 Stetson Dr East

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the

Property Owner was in violation of ***Permit Required, App A. Art. XV Sec. 2 (a)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until August 19, 2023 (30 days) to come into compliance and impose a fine of twenty-five dollars ($25.00) per day until found in compliance.

Property owner was sworn in: Katherine W Bouck, 5025 Temper Lane Dr.

Ms. Bouck stated that the Cocoa Police Department had visited this property several times to do raids because of her son. No permit was pulled for the windows. She was unable to find documents for the windows to pull the permit. Ms. Bouck has contracted a window contractor to pull the permit for the window. (Window World) Mr. Davis asked if she had received a quote and was she going to move forward with the permit. Ms. Bouck stated she was going to hire the contractor for the work to clear the violation. More discussion amongst the Board members and staff.

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

8. CE-23-426 – 1202 Vassar Ln

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner was in violation of ***Storing Junk or Autos Ch 6 Sec. 6-902 (b)(1)(2) and Storing Outdoors Ch 6 Sec. 6-900 (b)(11)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner in violation and be given until August 19, 2023 (30 days) to come into compliance and impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: Risa Fuller, 4345 James Rd., Cocoa

Mrs. Fuller explained that she was having issues with the renters and the boats were gone. Mrs. Fuller plans on selling the property. Discussion amongst the Board members and staff.

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

9. CE-22-742 – 2422 Stanford Dr.

Code Enforcement Officer Michael Folger provided an overview of the Case history and presented exhibits for the Board's review. Officer Folger testified that the Property

Owner was in violation of ***Weeds, Ch 6 Sec. 6-1001(d) and Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2)*** of the City Code.

Officer Folger requested that the Board find the Property Owner in violation and be given until August 19, 2023 (30 days) to come into compliance and impose a fine of fifty dollars ($50.00) per day until found in compliance.

Property owner was sworn in: Christine Rotta, 1890 N Atlantic Ave, Cocoa Beach

Ms. Rotta was concerned that the vehicles were called junk. Ms. Rotta discussed what she has been doing at the property to come into compliance. Manager Bunt explained why the cars were considered inoperable. Mr. Davis stated that the pictures showed the tags are expired. Discussion amongst the Board members and staff.

Motion by Ms. Ramirez, seconded by Mr. Simpson, to amend Staff's recommendation give until September 19, 2023 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

10. **CE-22-729 – 304 Washington St.**

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11) and Parking in Yard Ch 6 Sec. 6-900 (b)(9)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until August 19, 2023 (30 days) to come into compliance and impose a fine of seventy-five dollars ($75.00) per day until found in compliance.

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

11. **CE-22-590 – 501 S Wilson Ave**

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner was in violation of ***Exterior General Condition Ch 6 Sec. 6-1003 (a-p),*** *Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2), Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)* ***and Permit Required App A Art. XV Sec 2 (a)*** of the City Code.

Officer Gonzalez requested that the Board find the Property Owner in violation and be given until August 19, 2023 (30 days) to come into compliance and impose a fine of one hundred dollars ($100.00) per day until found in compliance.

Property owner was sworn in: Nigel K J Schroeter, 501 S Wilson Ave, Cocoa

Mr. Schroeter went over all of the violations to explain which items have been corrected. Mr. Schroeter stated that the address on the notice was incorrect is why he did not receive the notices. Mr. Davis had questions about the address on the notice. Officer Gonzalez resent the notices to the correct address. Manager Bunt stated the case was started on August 30, 2022 almost a year. Manager Bunt explained the violations and why he was not in compliance. Chairman Roberts asked questions about the violation for the Exterior General Conditions. Permits are required for the air conditioners and the shed. The smaller dwelling needs the roof fixed also. More discussion amongst the Board members and staff.

Motion by Mr. Davis, seconded by Mr. Simpson, to amend Staff's recommendation give until September 19, 2023 (60 days) and a fine of fifty dollars ($50.00) and find the Property Owner in violation. Vote on the motion was (6 -Yes) (Ms. Scott – 1-Nay).

12. **CE-23-21 – 311 Edinburgh Dr.**

This case complied.

13. **CE-23-181 – 3707 Crossbow Dr.**

This case complied.

REPEAT VIOLATION CASES:

1. CE-23-627 – 1112 W. Hillcrest Dr.

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner was in repeat violation of ***Storing Outdoors Ch 6 Sec. 6-900(b)(11)*** of the City Code.

Officer Buonocore requested that the Board find the Property Owner for a repeat violation and start the fine on June 1, 2023 until brought into compliance a fine of five hundred dollars ($500.00) per day until found in compliance.

Motion by Ms. Scott seconded by Mr. Davis, to approve Staff's recommendation and a fine of five hundred dollars ($500.00) per day and find the Property Owner in repeat violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE-22-516 – 122 Polaris St.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner is in violation of ***Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and Storing Outdoors, Ch 6 Sec. 6-900 (b)(11)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on July 6, 2023 and property owner remains in violation.

Property owner was sworn in: JoDawn Sparo & Jaquan Harvey, 122 Polaris St.

Ms. Sparo stated that the car has been registered. She brought the tag and registration with her. Mr. Harvey stated the car under the cover does run and the cover keeps his speakers from being ruined. Manager Bunt let the Board make the decision whether they are incompliance and no fines be imposed. If found in violation again a Repeat would start to run the day of the violation.

More discussion amongst the Board members and staff.

Motion by Mr. Davis seconded by Ms. Ramirez, to amend Staff's recommendation and find the Owner to have been in Non-Compliance and are incompliance as of the date of the Hearing, July 20, 2023 and no fines shall be imposed. If found in violation again a Repeat would start to run the day of the violation. Vote on the motion carried unanimously.

2. CE-22-695 – 49 Parkway St.

Code Enforcement Officer Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Officer Gonzalez testified that the Property Owner is in violation of ***Permit Required App A Art. XV Sec 2(a)*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on July 6, 2023 and property owner remains in violation.

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

3. CE-23-220 – Tax # 2413928 (24-36-17-53-13-12)

This case was tabled at the request of Lucy in Planning and Zoning as she is waiting on the final documents for his tree replacement plan. This will not change the compliance date of June 17, 2023.

Motion by Mr. Davis seconded by Mr. Simpson, to amend Staff's recommendation and table until the August 17, 2023. Vote on the motion carried unanimously.

4. CE-22-768 – 1110 W Hillcrest Dr.

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner is in violation of ***Storing Junk or Autos, Ch 6 Sec. 6-902 (b)(1)(2) and Accum of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d*** of the City of Cocoa Code. Officer Buonocore stated a Notice of Hearing was sent on June 9, 2023 and property owner remains in violation.

Discussion amongst the Board members and staff.

Motion by Mr. Simpson seconded by Ms. Hughes, to amend Staff's recommendation and find the Owner to have been in Non-Compliance and are incompliance as of the date of the Hearing, July 20, 2023 and no fines shall be imposed. If found in violation again a Repeat would start to run the day of the violation. Vote on the motion carried unanimously.

5. CE-23-32 – 1205 Westview Dr.

Code Enforcement Officer Vince Buonocore provided an overview of the Case history and presented exhibits for the Board's review. Officer Buonocore testified that the Property Owner is in violation of ***Permit Required App A Art. XV Sec 2(a)*** of the City of Cocoa Code. Officer Buonocore stated a Notice of Hearing was sent on July 5, 2023 and property owner remains in violation.

Property owner was sworn in: Dominick Giordano, 3220 N Cocoa Blvd.

Mr. Giordano stated that he acquired a permit on July 18, 2023, permit #BR23-893. Mr. Davis had questions about the permit not covering the full scoop of work. Mr. Giordano found a new contractor but the permit has not been issued. Discussion amongst the Board members and staff.

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

6. CE-22-94 – 1206 Yale Ln.

This case complied as of July 18, 2023.

Motion by Mr. Davis seconded by Mr. Simpson, to approve Staff's recommendation and find the Owner in Compliance. Vote on the motion carried unanimously.

7. CE-22-327 – 2111 Otterbein Ave.

Code Enforcement Officer Michael Folger provided an overview of the Case history and presented exhibits for the Board's review. Officer Folger testified that the Property Owner is in violation of ***Permit Required App A Art. XV Sec 2(a)*** of the City of Cocoa Code. Officer Folger stated a Notice of Hearing was sent on June 6, 2023 and property owner remains in violation.

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.

8. CE-22-874 – 2716 Cherbourg Rd.

Code Enforcement Officer Michael Folger provided an overview of the Case history and presented exhibits for the Board's review. Officer Folger testified that the Property Owner is in violation of ***Permit Required (fences) App A Art. XIII Sec 5 (c)*** of the City of Cocoa Code. Officer Folger stated a Notice of Hearing was sent on July 3, 2023 and property owner remains in violation.

Discussion amongst the Board members and staff.

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

9. CE-22-884 – 3645 Longbow Rd.

Code Enforcement Officer Michael Folger provided an overview of the Case history and presented exhibits for the Board's review. Officer Folger testified that the Property Owner is in violation of ***Unsafe structures Ch 6 Sec 6-805 (a-e) and Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d*** of the City of Cocoa Code. Officer Folger stated a Notice of Hearing was sent on June 6, 2023 and property owner remains in violation.

Property Owner Daughter: was sworn in: Shawna Freitas, 619 Washington Ave, Washington

Ms. Freitas discussed property that is owned by her mother. Officer Gonzalez gave her resources to help Ms. Tucker. Mr. Davis told Ms. Freitas to continue to use Code Enforcement Officers as a resource for help. More discussion amongst the Board members and staff.

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

NEW BUSINESS

None

LIEN REDUCTIONS

1. CE- 22-680 – Tax ID # 2424920 (24-36-32-75-23-13)

The Code Enforcement Board held a public hearing on **1/19/2023**, at which time the Board found the owner, **GARCIA, JOSE** in violation of the following:

- **Sec. 6-900 (b) (1) a-d, Accum. Of Trash and Litter**
- **App. A Art. 11, Sec. 4A, District and Intent – C-n, Neighborhood Commercial**

The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a Non-Compliance Hearing was held on **3/16/2023.**

The lien ran at **$50.00** per day from **2/18/2023** until compliance was achieved on **4/3/2023**. Code records show onsite inspections were conducted by Officer Murdick and myself. The case was closed leaving a fine of $2,210.00.The current owner, **Jose Garcia**, is requesting that the lien be reduced to **$0.00**.

Staff utilized the following factors in making its recommendation to reduce the lien:

- Whether the current owner owned the property at the time the violation(s) occurred; **Yes**
- Applicant resides at the property: **No, this is vacant commercial land**
- The number of violations related to the subject lien; **Two**
- Number of Inspections performed: **10**
- Property Taxes: **Taxes paid through 2023**
- Other Liens: **Records show no outstanding liens on the property. No Water Liens**
- Property Inspection: **The property was inspected this morning, July 20, 2023 and was in compliance before the Code Board Hearing. An inspection will also occur prior to the Council Meeting**

The current market value of the subject property; the current market value is **$52,340.00** according the Brevard County Property Appraiser as a vacant commercial lot. Property was cited with a home.

Staff submits their cost sheet and the in the total amount of **$1,564.13**

Staff's recommendation is that the fine/lien be reduced to **$1,564.13** which is the cost of staff to prosecute this case**.** This reduction 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 the City's Cost.

Property owner's daughter was sworn in: Mayra Garcia, 1318 Avalon Dr. Rockledge

Mr. Davis asked if the property was for sell and how much the property is being sold for. Ms. Garcia stated that she believes $190,000.00. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Davis, to amend staff's recommendation to City Council the lien reduction be in the amount of two thousand dollars **($2,000.00).** Vote on the motion carried unanimously.

2. CE-15-335 – 2744 Cherbourg Rd.

The Code Enforcement Board held a public hearing on **1/19/2023**, at which time the Board found the owner, **MORACCHINI, CHRISTIANE** in violation of the following:

Ch. 6 Sec 6-1003(g), Roof and Fascia
Ch. 6 Sec 6-1001(g) Fence
Ch. 6 Sec 6-900(b)(1)a-d Front Porch

The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a Non-Compliance Hearing was held on **6/18/2015.** The lien ran at **$100.00** per day from **5/16/2015** until compliance was achieved on **12/8/2017**. Code records show onsite inspections were conducted by Officer Murdick and myself. The case was closed leaving a fine of $93,720.00. The current owner, **Christiane Moracchini**, is requesting that the lien be reduced to **$0.00**.

Staff utilized the following factors in making its recommendation to reduce the lien:

- Whether the current owner owned the property at the time the violation(s) occurred; **No**

- Applicant resides at the property: **No**

- The number of violations related to the subject lien; **Three**
- Number of Inspections performed: **11**
- Property Taxes: **Taxes paid through 2022**
- Other Liens: **Records show no outstanding liens on the property. No Water Liens**
- Property Inspection: **6/21/2023 and was in compliance before Code Board Hearing. An inspection will occur prior to the Council Meeting**

The current market value of the subject property; the current market value is **$134,520.00** according the Brevard County Property Appraiser as a vacant commercial lot. Property was cited with a home.

Staff submits their cost sheet and the in the total amount of **$1,454.04**

Staff's recommendation is that the fine/lien be reduced to **$1,454.04** which is the cost of staff to prosecute this case**.** This reduction 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 the City's Cost.

Property owner Real Estate Broker was sworn in: Edward Gelles, 421 S Brevard Ave Cocoa Beach, AJ Atkinson, 1275 Creekside Cir

Mr. Gelles explained how they found out about the liens from the previous owners which were Quit Claimed. Mr. Davis asked if the new property owner intended on living at the property? Mr. Gelles stated yes. Mr. Brown asked what the original fine was ($93,710.00). Mr. Davis asked the sell price of the property ($200,000.00). Attorney Babb-Nutcher explained that this was only a recommendation for the City Council. Ms. Atkinson spoke about the property owner that was selling the property. Not title search was done. Attorney Babb-Nutcher explained that the Board does not have to reduce one cent. This is a process afforded to people who want it to be considered. More discussion amongst the Board members and staff Mr. Gelles.

Motion by Mr. Brown, seconded by Mr. Simpson, to amend staff's recommendation to City Council the lien reduction be in the amount of two thousand dollars **($2,000.00).** Mr. Davis asked to amend the motion to five thousand dollars **($5,000.00)** seconded by Chairman Roberts. Roll call vote: Yay (4) Nay (3) Past

OTHER BUSINESS:

1. CE-06-95 – 1041 Hickory Ln

Code Enforcement Officer Augusto Gonzalez stated that while working a lien reduction application request for the above property, staff discovered a lien was recorded for this property but due to changes in software we could not locate any further information regarding the fine, violations or case details; however, case #06-95 has been complied but not released.

Staff recommends a $500 administrative fee be assessed in order to release the lien for CE 06-945.

Attorney Babb-Nutcher asked the Coordinator if this was the case information that was inquired about. Order was filed in 2007 and do to software changes Officer Gonzalez was unclear of when it came into compliance. The property owner is requesting for a future lien reduction on newer cases. **Bk 5743 PG 2114**

Motion by Mr. Davis, seconded by Mr. Brown, to approve Staff's recommendation. Vote on the motion carried unanimously.

Announcements:

Reappointment of George Brown. Chairman Roberts said that he was part of a mentoring group for the Masonic Lodge. They do volunteer/mentoring work and they are present at the meeting.

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on August 17, 2023.

ADJOURNMENT:

There being no further business the meeting adjourned at 9:26 P.M.

Approved on this 17 day of August, 2023.

Lloyd Roberts, Chairman

Darla D. Crowl

Darla Crowl, Recording Secretary

Notary Public State of Florida
Darla D Crowl
My Commission HH 327608
Expires 11/11/2026