Code Enforcement Board
Meeting Minutes
July 18, 2024

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, July 18, 2024 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
Michael Simpson	Board Member
Sharri Scott	Board Member
Josue Otero	Board Member
Dik Muller	Board Member
Gloria Weatherspoon	1rst Alternate

MEMBERS ABSENT:

Melissa Acosta	Board Member - excused

OTHERS PRESENT:

Augusto Gonzalez-Ruiz	Interim Code Enforcement Manager
Micheal Mack	Code Enforcement Officer
Michael Folger	Code Enforcement Officer
Kristin Eick	Board Attorney
Darla Crowl	Recording Secretary
Lorraine Koss	Councilwoman
S. Wedlowe #48	Police Officer

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: July 18, 2024

Motion by Mr. Brown, seconded by Mr. Otero, to approve to the agenda of July 18, 2024. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: May 16, 2024.

Motion by Mr. Brown, seconded by Mr. Simpson, to approve to the minutes of May 16, 2024. Vote on the motion carried unanimously.

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

CASES:

1. CE-23-459 – 411 Mc Leod 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 ***Permit Required App A Art XV Sec 2 (a) (Pavers)*** of the City Code.

Officer Folger requested that the Board find the Property Owner in violation and be given until August 17, 2024 (30 days) to come into compliance or impose a fine **twenty-five dollars ($25.00)** ***Permit Required App A Art XV Sec 2 (a) (Pavers)*** per day until found in compliance.

Property owner was sworn in: David Rogan, 411 McLeod Dr

Mr. Rogan wanted to give the Board Members an overview of the property and the pavers. Mr. Rogan was having a pool installed which brought the Building inspector out to the property for an inspection. The Building inspector noticed the pavers and contacted Public Works and Code Enforcement about the pavers. More discussion amongst the Board members, staff and the property owner.

Motion by Ms. Weatherspoon, seconded by Mr. Simpson, to amend Staff's recommendation and Table until August 15, 2024 meeting and find the Property Owner in violation. Vote on the motion carried unanimously.

2. CE-23-1000 – 3814 Parapet Dr.

Complied.

3. CE-23-1171 – 3700 Crossbow 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 ***Permit Required, App. A Art. XV Sec. 2 (a)*** of the City Code.

Officer Folger requested that the Board find the Property Owner in violation and be given until August 17, 2024 (30 days) to come into compliance or impose a **fine of twenty-five dollars ($25.00)** ***Permit Required, App. A Art. XV Sec. 2 (a) (windows)*** per day until found in compliance.

Property owner was sworn in: Cequair Fleurima, 3700 Crossbow Dr.

Mr. Fleurima stated he replaced three (3) windows without a permit. He was not aware he was not able to put windows in without permits. The Building Department when doing an inspection on the roof noticed the property owner had installed windows without a permit and contacted the

Code Enforcement Department. Chairman Roberts explained to the property owner that it looked like he did more than just replace the windows. Chairman Roberts said it looked like he replaced the beams over the windows which is structural. More discussion amongst the Board members and staff.

Motion by Mr. Simpson, seconded by Mr. Brown, to amend Staff's recommendation and give the property owner until September 16, 2024 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

4. CE-23-1254 – 1046 Dixon Blvd

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 ***Exterior General Condition, Ch. 6 Sec. 6-1003 (a)(b)(f)(g)(h)(i)(m)(o)(p), Boarded Up Buildings Ch 6 Sec 6-900 (b)(5), Exterior property areas Ch 6 Sec 6-1001 (b) (c) and Signs Ch. 3 Art 2 Sec 3-23 (i)(6)*** of the City Code.

Officer Folger requested that the Board find the Property Owner in violation and be given until August 17, 2024 (30 days) to come into compliance or impose a **fine of fifty dollars ($50.00)** ***Exterior General Condition, Ch. 6 Sec. 6-1003 (a)(b)(f)(g)(h)(i)(m)(o)(p), twenty-five dollars ($25.00) Boarded Up Buildings Ch 6 Sec 6-900 (b)(5), fifty dollars ($50.00) Exterior property areas Ch 6 Sec 6-1001 (b) (c) and*** *twenty-five dollars ($25.00) Signs Ch. 3 Art 2 Sec 3-23 (i)(6)* per day until found in compliance.

Property owner was sworn in: Errol Beckford, 1703 Sun Gazer Blvd, Rockledge

Mr. Beckford wanted to see current pictures from the day of the Board. Chairman Roberts explained the pictures were dated from the day of the Board. Mr. Beckford requested more time to fixed the violations. Chairman Roberts said you have had 224 days to work on the property and stay in contact with Code Enforcement. Chairman Roberts said Code Enforcement normally will walk the property with you and wanted to know why the case was in front of the Board. Mr. Beckford stated they have not completed the job and need more time. Vice Chairman Brown asked Officer Folger about the signs. Officer Folger stated the signs have been corrected. Mr. Otero asked Officer Folger if he felt 60 days would be enough time to fix the violations. Officer Folger explained there is a lot of roof damage to that building. Tenants in the building has a lot of water damage because of the roof leaking. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Otero, to amend Staff's recommendation and give the property owner until November 17, 2024 (120 days) with 30 day updates and find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-23-532 – 724 Aurora St.

Interim Code Manager Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Interim Code Manager Gonzalez testified that the Property Owner was in violation of ***Exterior General Condition Ch. 6 Sec. 6-1003(a)(b)(f))*** of the City Code.

Interim Code Manager Gonzalez requested that the Board find the Property Owner in violation and be given until August 17, 2024 (30 days) to come into compliance or impose a fine of **twenty-five dollars ($25.00)** ***Exterior General Condition Ch. 6 Sec. 6-1003 (a)(b)(f)),*** per day until found in compliance.

Interim Code Manager Gonzalez stated the property owner was given 1 year and 79 days to correct. More discussion amongst the Board members and staff.

Motion by Mr. Otero, seconded by Mr. Brown, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion (5) Yay (2) Nay Ms. Weatherspoon and Chairman Roberts.

6. CE-23-681 – 4220 W King St.

Tabled.

7. CE-23-775 – 223 Orange St.

Interim Code Manager Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Interim Code Manager Gonzalez testified that the Property Owner was in violation of ***Exterior General Condition Ch. 6 Sec. 6-1003(b)(g) and Storing Outdoors, Ch. 6 Sec. 6-900 (b) (11)*** of the City Code.

Interim Code Manager Gonzalez requested that the Board find the Property Owner in violation and be given until August 17, 2024 (30 days) to come into compliance or impose a fine of **twenty-five dollars ($25.00)** ***Exterior General Condition Ch. 6 Sec. 6-1003 (b)(g) and*** *twenty-five dollars ($25.00) Storing Outdoors, Ch. 6 Sec. 6-900* ***(b) (11)*** per day until found in compliance.

Property owner family member was sworn in: Pamela Legette, 8427 Stonewall Jackson Dr, Jonesboro, GA and Barbara Ellis Camp, 7834 S Burnham Ave, Chicago

Ms. Legette gave testimony on what has been going on with the property. Chairman Roberts asked if someone is living in the property and Ms. Legette said no. Interim Code Manager Gonzalez went through the pictures to clarify the violations that Chairman Roberts had questions. The property owner is deceased and no probate filed. Mr. Otero had questions for Interim Manager Gonzalez about the date the property owner past away when the violations occurred. Ms. Camp gave her view of what was going on with the property. According to Ms. Camp, Mary Ellis the property owner past away in 1975. Chairman Roberts asked Interim Manager Gonzalez what could be fixed without a permit. Interim Manager Gonzalez stated that the representative needs to contact the Building Department for questions to what they are able to do on the property. More discussion amongst the Board members, property representative and staff.

Motion by Ms. Scott, seconded by Mr. Simpson, to amend Staff's recommendation and give the property owner until January 17, 2025 (180 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

8. CE-23-1233 – 923 Barbara Jenkins St.

Interim Code Manager Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Interim Code Manager Gonzalez testified that the Property Owner was in violation of ***Accum Of Trash and Litter, Ch. 6 Sec. 6-900 (b)(1) a-d and Permit Required, App. A Art. XV Sec. 2 (a)*** of the City Code.

Interim Code Manager Gonzalez requested that the Board find the Property Owner in violation and be given until August 17, 2024 (30 days) to come into compliance or impose a fine of twenty-five dollars ($25.00) *Accum Of Trash and Litter, Ch. 6 Sec. 6-900 (b)(1) a-d* ***and twenty-five dollars ($25.00) Permit Required, App. A Art. XV Sec. 2 (a)*** per day until found in compliance.

Property Representative was sworn in: Anna Terry, 4515 Babcock St, Palm Bay, Executive Director for Habitat for Humanity

Ms. Terry explained they have submitted for a permit and plans turned into the Building Department. Ms. Terry is requesting for 60 days to get the violations corrected. Discussion amongst the Board members and staff.

Motion by Mr. Simpson, seconded by Mr. Brown, to amend Staff's recommendation and give the property owner until September 16, 2024 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

9. CE-23-624 – 1044 W. Hillcrest Dr.

Code Enforcement Officer Micheal Mack provided an overview of the Case history and presented exhibits for the Board's review. Officer Mack 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) and Parking In Yard, Ch. 6 Sec. 6-900 (b) (9)*** of the City Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until August 17, 2024 (30 days) to come into compliance or impose a fine of ***twenty-five dollars ($25.00) Permit Required, App. A Art. XV Sec. 2 (a),*** *twenty-five dollars ($25.00) Storing Outdoors, Ch. 6 Sec. 6-900 (b) (11) and twenty-five dollars ($25.00) Parking In Yard, Ch. 6 Sec. 6-900 (b) (9)* per day until found in compliance.

Property owner was sworn in: Pedro Mendoza, 1332 Richwood Cir, Rockledge

Permit for the pavers was turned in the day of the Code Board per Officer Mack. Mr. Mendoza was requesting 30 days to get the work done. Interim Code Manager Gonzalez explained to the Board Members the 60 days may be needed since he will have to get a permit through Public Works also for the right-of-way. More discussion amongst the Board members and staff.

Motion by Mr. Otero, seconded by Mr. Simpson, to amend Staff's recommendation and give the property owner until September 16, 2024 (60 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

NON-COMPLIANCE:

1. CE-23-1262 – 1514 Clearlake Rd. #28

Tabled.

2. CE-23-869 – 902 W Highland Dr.

Interim Code Manager Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Interim Code Manager Gonzalez testified that the Property Owner is in violation of **Buisness Tax Receipt, Ch. 12 Sec. 12-1 (a)(b)** ***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 of Cocoa Code. Interim Code Manager Gonzalez stated a Notice of Hearing was sent on **May 18, 2024** and property owner remains in violation.

Property owner was sworn in: Henry Reyes, 902 W Highland Dr.

Chairman Roberts explained to the property owner you are either in compliance or in noncompliance. Mr. Reyes wanted clarification on the picture for the driveway. Interim Code Manager Gonzalez explained to Mr. Reyes that he would need to contact Public Works for the pavers in the right-of-way. Interim Code Manager Gonzalez explain to Mr. Reyes that the paperwork he had was from the state from Sunbiz and that he would need to talk to the Building Department about a Business Tax Receipt. More discussion amongst the Board members and staff.

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

Lien Reductions:

21-626 – 730 Thomas Ln

The Code Enforcement Board held a public hearing on **September 15, 2022**, at which time the Board found the owner, **Madison Alamosa HECM LLC** in violation of the following:

- **Exterior General Condition, Sec. 6-1003 (a)**
- **Fail to Secure Structure, Sec. 6-900 (b)(7)**

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 **January 19th, 2023.**

The lien ran at **$50.00** per day from **October 15, 2022** until compliance was achieved on **June 22nd, 2023.** Code records show onsite inspections were conducted by **Officers Murdick, and Myself**. The case was closed leaving a fine of **$12,510.00**.The current owner, **Kerei Stampfel**, is requesting that the lien be reduced to **the cost of staff**.

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, this home is vacant**
- The number of violations related to the subject lien; **Two**
- Number of Inspections performed: **21**
- Property Taxes: **Taxes are 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 18th, 2024 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 **$179,510** according the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submits their cost sheet and the in the total amount of **$2,677.50**

Staff's recommendation is that the fine/lien be reduced to **$2,677.50** 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 was sworn in: Kerei Stampfel, 410 Artemis Blvd, Merritt Island

Ms. Stampfel stated she did know about the running lien and contacted Code Enforcement to let them know she would be pulling permits on the property. Ms. Stampfel explained the process took longer than she thought as she ran into problems with materials. She explained that she kept in contact with Interim Code Manager Gonzalez and he was very helpful through the whole process. Chairman Roberts asked what her what her plans were for the property. Ms Stampfel stated that she was planning on selling the property but have not had any good offers at this time. More discussion amongst the Board members, property Attorney Hardy and staff.

Motion by Mr. Otero, seconded by Mr. Brown, to approve staff's recommendation to City Council the lien reduction be in the amount of two thousand six hundred seventy-seven dollars and fifty cents ($2,677.50). Vote on the motion carried unanimously.

CE-22-527 – 803 Kensington Dr.

The Code Enforcement Board held a public hearing on **January 19th, 2023**, at which time the Board found the owner, **Federal National Mortgage Association** in violation of the following:

- **Roofs & Drainage, Sec. 6-1003 (g)**
- **Boarded Up Buildings, Sec. 6-900 (b) (5)**

- **Window Glazing, Sec. 6-1003 (m)(1)**
- **Protective Treatment, Sec. 6-1003 (b)**

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 **March 16th, 2023.**

The lien ran at **$100.00** per day from **February 18th, 2023** until compliance was achieved on **February 9th, 2024** Code records show onsite inspections were conducted by **Officers Buonocore, Folger, and Myself**. The case was closed leaving a fine of **$35,610.00**.The current owner, **Federal National Mortgage Association**, is requesting that the lien be reduced to **$1,500 + Cost of Staff**.

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 home is vacant**
- The number of violations related to the subject lien; **Four**
- Number of Inspections performed: **29**
- Property Taxes: **Taxes are 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 18th, 2024 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 **$210,810** according the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submits their cost sheet and the in the total amount of **$3,154.71**
Staff's recommendation is that the fine/lien be reduced to **$3,154.71** 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.

Ms. Burgess stated she was the attorney for Fanny Mae which stems from a foreclosure case that began in 2018. Ms. Burgess gave the Board Members an overview of the property issues. Several trespasses were done on the property because people were living in the home after breaking them to enter. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Otero, to amend staff's recommendation to City Council the lien reduction be in the amount of four thousand six hundred fifty-four dollars and seventy-one cents ($4,654.71). Vote was (5) yay (2) Nay Mr. Simpson and Chairman Roberts.

NEW BUSINESS

None

Other Business:

None

ABATEMENT APPEALS:

CE-24-393 – Parcel ID: 24-36-28-BP-*-12.01

Interim Code Manager Gonzalez requested to Table the appeal because the property owners are not present even though they requested for the appeal. The property owners were told the date and time. More discussion amongst the Board members and staff.

Motion by Chairman Roberts, seconded by Mr. Simpson, to deny the abatement appeal. Vote was (4) yay (3) Nay Ms. Scott, Ms. Weatherspoon and Vice Chairman Brown.

Manager Announcements:

None

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on August 15, 2024.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:47 PM.

Approved on this 15 day of AUGUST, 2024.

George Brown, Vice Chairman

Darla Crowl, Recording Secretary

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