Code Enforcement Board
Meeting Minutes
April 18, 2024

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, April 18, 2024 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Vice-Chairman Brown called the meeting to order at 6:06 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

George Brown Jr.	Vice-Chairman
Josue Otero	Board Member
Michael Simpson	Board Member
Melissa Acosta	Board Member
Dik Muller	2nd Alternate

MEMBERS ABSENT:

Lloyd Roberts	Chairman - excused
Chris Davis	Board Member-excused
Sharri Scott	Board Member - excused

OTHERS PRESENT:

Augusto Gonzalez	Interim Code Enforcement Manager
Micheal Mack	Code Enforcement Officer
Michael Folger	Code Enforcement Officer
Debra Babb-Nutcher	Board Attorney
Darla Crowl	Recording Secretary
Matthew Barringer	City Councilman – Liaison

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: April 18, 2024

Chairman Roberts noted changes to the agenda (Items complied, tabled and withdrawn)

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

2. Approval of Meeting Minutes: March 21, 2024.

Motion by Mr. Simpson, seconded by Mr. Muller, to approve to the minutes of March 21, 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-23-230 – 2705 N Cocoa Blvd

Tabled.

2. CE-23-1262 – 1514 Clearlake Rd #28

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 ***Boarded up Buildings Ch. 6 Sec 6-900(b)(5), Accum Of Trash and Litter Ch. 6 Sec 6-900(b)(1)a-d, Storing Outdoors Ch. 6 Sec 6-900(b)(11), Window Glazing Ch. 6 Sec 6-1003(m)(1), Unsafe or Dangerous Building Ch. 6 Sec 6-600(a)(10) and 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 May 18, 2024 (30 days) to come into compliance or impose a fine of **twenty-five dollars ($25.00)** B***oarded up Buildings Ch. 6 Sec 6-900(b)(5), fifty dollars ($50.00) Accum Of Trash and Litter Ch. 6 Sec 6-900(b)(1)a-d, fifty dollars ($50.00) Storing Outdoors Ch. 6 Sec 6-900(b)(11), fifty dollars ($50.00) Window Glazing Ch. 6 Sec 6-1003(m)(1),*** **fifty** ***dollars ($50.00) Unsafe or Dangerous Building Ch. 6 Sec 6-600(a)(10) and*** **twenty-five dollars ($25.00)** ***Permit Required, App. A Art. XV Sec. 2(a),*** per day until found in compliance.

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

3. CE-23-843 – 1206 Tulip Ln

Code Enforcement Manager Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Code Enforcement Manager Gonzalez testified that the Property Owner was in violation of ***Rental Business Tax, Ch.6 Sec. 6-2003, District and Intent – RU-1-7-Single Family Residential, App. A Art. XV, Sec. 3, Permit Required, App. A Art. XV Sec. 2(a) and Occupancy Limitations, Ch.6 Sec. 1103(a-g)*** of the City Code.

Code Enforcement Manager Gonzalez requested that the Board find the Property Owner in violation and be given until May 18, 2024 (30 days) to come into compliance

or impose a fine of twenty-five dollars ($25.00) *Rental Business Tax, Ch.6 Sec. 6-2003,* ***twenty-five dollars ($25.00) District and Intent – RU-1-7-Single Family Residential, App. A Art. XV, Sec. 3, fifty dollars ($50.00) Permit Required, App. A Art. XV Sec. 2(a) and fifty dollars ($50.00) Occupancy Limitations, Ch.6 Sec. 1103(a-g),*** per day until found in compliance.

Property owner was sworn in: Imran Qureshi, 1207 Rosencrans Ave, Fullerton, CA

Mr. Qureshi told the Board that he did do some alterations to the property. Mr. Qureshi is having trouble finding a contractor to do the work. Mr. Qureshi stated he now has a contractor for the work. The Board Members were shown the contract which did not have a lot of details. Vice-Chairman Brown asked how much time he needed. Mr. Qureshi asked for 3 to 6 months more time. Vice-Chairman Brown asked Manager Gonzalez if Code Enforcement could work something out as far as time or an extension of time. Manager Gonzalez was fine with whatever the Code Board recommended. Mr. Muller asked if the property is single family why the property broken up into 2 units? Mr. Qureshi said there is only one tenant in the property. Mr. Muller asked to see the contract and if there was a timeline on the contract. Mr. Qureshi stated there is no timeline on the contract. Manager Gonzalez told the Board that the way to correct the violations is to restore it back to its original floor plan. Manager Gonzalez said that he spoke with several contractors that came to the property and there were structural issues they were not willing to deal with. There would also need to be engineering for the alterations. More discussion amongst the Board members and staff.

Motion by Ms. Acosta, seconded by Mr. Simpson, to amend Staff's recommendation and give the property owner July 18, 2024 (90 days) with follow ups, engineering letter and restored back to the original floor plan and find the Property Owner in violation. Vote on the motion carried unanimously.

4. CE-23-869 – 902 W Highland Dr.

Code Enforcement Manager Augusto Gonzalez provided an overview of the Case history and presented exhibits for the Board's review. Code Enforcement Manager Gonzalez testified that the Property Owner was in violation of ***Business Tax Receipt, Ch. 12 Sec. 12-1, 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.

Code Enforcement Manager Gonzalez requested that the Board find the Property Owner in violation and be given until May 18, 2024 (30 days) to come into compliance or impose a fine of **a onetime charge of two hundred fifty dollars ($250.00) for *Business Tax Receipt, Ch. 12 Sec. 12-1, twenty-five dollars ($25.00) Exterior General Condition Ch 6 Sec. 6-1003(a-p),*** *twenty-five dollars ($25.00) Storing Junk or Autos, Ch.6 Sec. 6-902(b)(1)(2),* ***twenty-five dollars ($25.00) Storing Outdoors, Ch. 6***

Sec. 6-900(b)(11) and twenty-five dollars ($25.00) Permit Required, App. A Art. XV Sec. 2(a) per day until found in compliance.

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

Mrs. Reyes gave testimony they are waiting on insurance to fix the roof. Discussion about pavers that he needs to talk to the Building Department for approval. Mr. Otero asked if they had documentation from the insurance company for fixing the roof. Vice-Chairman Brown asked about the outdoor storage. Manager Gonzalez went over the items shown in the picture date stamped the day of the Board Meeting. Ms. Acosta went over the length of time they have had to fix the violations. More discussion amongst the Board members and staff.

Motion by Mr. Otero, seconded by Ms. Acosta, to amend Staff's recommendation and give the property owner July 18, 2024 (90 days) for ***Exterior General Condition Ch 6 Sec. 6-1003(a-p)*** *with follow up and* find the Property Owner in violation. Vote on the motion carried unanimously.

5. CE-23-222 – 1043 Azalea Ln

Tabled.

6. CE-23-452 – 404 N Kentucky Ave

Code Enforcement Officer Micheal Mack provided an overview of the Case history and presented exhibits for the Board's review. Code Enforcement Officer Mack testified that the Property Owner was in violation of ***Permit Required, App. A Art. XV Sec. 2(a) and Exterior General Condition Ch 6 Sec. 6-1003(a-p)*** of the City Code.

Code Enforcement Officer Mack requested that the Board find the Property Owner in violation and be given until May 18, 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)*** **and** ***twenty-five dollars ($25.00) Exterior General Condition Ch 6 Sec. 6-1003(a-p)*** per day until found in compliance.

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

7. CE-23-474 – 603 S Varr Ave

Tabled.

NON-COMPLIANCE:

None

LIEN REDUCTIONS

1. CE-22-503 – 3629 E Malory Ct.

Tabled.

2. CE-16-809 – 1059 Cypress Ln

The Code Enforcement Board held a public hearing on **2/16/2017**, at which time the Board found the owner, **Janet Johnson & Thomas Matlock** in violation of the following:

- **Rental Business Tax, Sec. 6-2003**

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 **April 20, 2017.**

The lien ran at **$250.00** per day from **3/9/2017** until compliance was achieved on **7/9/2019**. Code records show onsite inspections were conducted by **Officers Mack, Buonocore, myself**. The case was closed leaving a fine of **$212,990.00**.The current owner, **Kim Andersen**, is requesting that the lien be reduced to **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 is a vacant single-family residence**
- The number of violations related to the subject lien; **One**
- Number of Inspections performed: **12**
- Property Taxes: **Taxes are paid through 2024**
- Other Liens: **Records show no outstanding liens on the property. No water liens**
- Property Inspection: **The property was inspected this morning, April 18, 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 **$135,880** according the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submits their cost sheet and the in the total amount of **$2,202.50**

Staff's recommendation is that the fine/lien be reduced to **$2,202.50** 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: Kim Anderson, 2350 Pineapple Pl, Merritt Island

Mr. Anderson stated that the property was purchased a year and half ago and correcting the violations on the property. Mr. Otero asked the property owner if he lived at the property, was he planning on selling the property and what were his intentions for the property. Mr. Anderson responded no to questions asked. He is a truck driver and plans to live at the property when home. More discussion amongst the Board members, property owner and staff.

Motion by Ms. Acosta, seconded by Mr. Simpson, to amend staff's recommendation to City Council the lien reduction be in the amount of one thousand five hundred dollars **($1,500.00).** Vote: Yay (3) Nay (2) (Mr. Otero & Vice-Chairman Brown) Motion Past.

3. CE-19-304 – 1059 Cypress Ln

The Code Enforcement Board held a public hearing on **8/15/2019**, at which time the Board found the owner, **Janet Johnson & Thomas Matlock** in violation of the following:

- **Weeds Sec, 6-1003 (d)**
- **Protective Treatment, Sec. 6-1003 (b)**
- **Storing Outdoors, Sec. 6-900 (b)(11)**

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 **November 21, 2019.**

The lien ran at **$75.00** per day from **9/16/2019** until compliance was achieved on **4/27/2023**. Code records show onsite inspections were conducted by **Officers Briggs, Buonocore, myself**. The case was closed leaving a fine of **$98,840.00**.The current owner, **Kim Andersen**, is requesting that the lien be reduced to **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 is a vacant single-family residence**
- The number of violations related to the subject lien; **Two**
- Number of Inspections performed: **19**
- Property Taxes: **Taxes are paid through 2024**
- Other Liens: **Records show no outstanding liens on the property. No water liens**
- Property Inspection: **The property was inspected this morning, April 18, 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 **$135,880** according the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submits their cost sheet and the in the total amount of **$2,622.08**

Staff's recommendation is that the fine/lien be reduced to **$2,622.08** 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: Kim Anderson, 2350 Pineapple Pl, Merritt Island

Discussion amongst the Board members, property owner and staff.

Motion by Mr. Otero, seconded by Mr. Muller, to approve staff's recommendation to City Council the lien reduction be in the amount of two thousand six hundred twenty-two dollars and eight cents **($2,622.08).** Vote: Yay (4) Nay (1) (Ms. Acosta) Motion Past.

NEW BUSINESS:

None

OTHER BUSINESS:

None

ABATEMENT APPEALS:

None

Manager Announcements:

None

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on May 16, 2024.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:23 PM.

Approved on this 16 day of May, 2024.

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