Code Enforcement Board
Meeting Minutes
March 21, 2024

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, March 21, 2024 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Roberts called the meeting to order at 6:03 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Lloyd Roberts	Chairman
George Brown Jr.	Vice-Chairman
Josue Otero	Board Member
Michael Simpson	Board Member
Sharri Scott	Board Member
Dik Muller	2nd Alternate

MEMBERS ABSENT:

Chris Davis	Board Member-unexcused
Melissa Acosta	1rst Alternate

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

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: March 21, 2024

Chairman Roberts noted changes to the agenda (Items complied, tabled and withdrawn)

Motion by Mr. Brown, seconded by Mr. Otero, to approve to the agenda of March 21, 2024. Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: February 15, 2024.

Motion by Mr. Brown, seconded by Mr. Otero, to approve to the minutes of February 15, 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-23-802 – 1041 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 ***Roofs & Drainage, Ch 6 Sec. 6-1003 (g), 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 Trailers In Yard, Ch 6 Sec. 6-900(b)(15)*** of the City Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until April 20, 2024 (30 days) to come into compliance or impose a fine of **twenty-five dollars ($25.00)** ***Roofs & Drainage, Ch 6 Sec. 6-1003 (g),*** **fifty dollars ($50.00)** ***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)** ***Trailers In Yard, Ch 6 Sec. 6-900(b)(15)*** per day until found in compliance.

Discussion amongst the Board members and staff.

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

2. CE-23-63 – 1050 Mitchell St.

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) and Off-Street Parking and Loading, App. A Art. XII Sec. 3(a-o)*** of the City Code.

Officer Mack requested that the Board find the Property Owner in violation and be given until April 20, 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 fifty dollars ($50.00)** ***Off-Street Parking and Loading, App. A Art. XII Sec. 3 (a-o)*** per day until found in compliance.

Property owner was sworn in: Cindy Galdamez, 1050 Mitchell St.

Chairman Roberts asked for clarification on the violations. Interim Code Enforcement Manager Gonzalez explained it was his case before Officer Mack took it over. He went over each violation and gave an overview for the Board members. Ms. Galdamez said she spoke with Public Works and they told her they were working on the water lines in that area. She was told to talk to Planning and Zoning about the driveway. Chairman Roberts asked why she didn't pull a permit. She explained her permit was denied. Interim Code Enforcement Manager Gonzalez told the property owner to contact him the next day and he would help her with finding the paperwork for a variance. More discussion amongst the Board members and staff.

Motion by Mr. Otero, seconded by Ms. Scott, to amend Staff's recommendation and give the property owner until June 19, 2024 (90 days) and find the Property Owner in violation. Vote on the motion carried unanimously.

3. CE-23-28 – 710 Hughlett Ave

Complied.

4. CE-23-843 – 1206 Tulip Ln

Tabled

NON-COMPLIANCE:

1. CE-23-649 – 535 S Kentucky

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 is in violation of *Accum. Of Trash and Litter, Ch.6 Sec. 6-900 (b)(1)(a-d),* ***Storing Outdoors, Ch.6 Sec. 6-900(b)(11), Permit Required, App. A Art. XV Sec. 2(a) and Exterior General Condition, Ch.6 Sec. 6-1003 (a-p)*** of the City of Cocoa Code. Officer Mack stated a Notice of Hearing was sent on March 7, 2024 and property owner remains in violation.

Property owner was sworn in: Wesley Wilhelm, 2810 Shepard Dr, Rockledge

Mr. Wilhelm said he didn't understand the violation. Chairman Roberts asked if he had contact with the Code Officer and explained that he did. Officer Mack went over each of the violations and what still needed to be corrected. More discussion amongst the Board members and staff.

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

2. CE-23-533 – 1221 Holmes St.

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 is in violation of ***Accessory Structures, Ch.6 Sec. 6-1001(g),*** *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. Officer Mack stated a Notice of Hearing was sent on March 7, 2024 and property owner remains in violation.

More discussion amongst the Board members and staff.

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

3. CE-23-156 – 1106 Mitchell St.

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 is in violation of ***Roofs & Drainage, Ch. 6 Sec. 6-1003(g)*** of the City of Cocoa Code. Officer Mack stated a Notice of Hearing was sent on March 7, 2024 and property owner remains in violation.

More discussion amongst the Board members and staff.

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

4. CE-23-654 – 908 Carson St.

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 ***Accessory Structures, Ch.6 Sec. 6-1001(g),*** *Parking In Yard, Ch.6 Sec. 6-900(b)(9), Storing Vehicles, Ch.6 Sec. 6-900(b)(8), Boarded Up Buildings, Ch.6 Sec. 6-900(b)(5), District and Intent – RUI-1-7 Single Famile Residntial District, App. A, Art. XI, Sec. 3(a-f),* ***Premisis Identification, Ch.6 Sec. 6-1003(c),*** *Storing Outdoors, Ch.6 Sec. 6-900(b)(11) and Business Tax Receipt, Ch.12 Sec. 12-1(a)(b)* of the City of Cocoa Code. Officer Folger stated a Notice of Hearing was sent on March 7, 2024 and property owner remains in violation.

More discussion amongst the Board members and staff.

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

5. CE-23-1232 – 211 Coquina 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 is in violation of ***Accum. Of Trash and Litter, Ch.6 Sec. 6-900(b)(1)(a-d), Maint. Of Fences, App. A Art. XIII Sec. 5(g)(1-6),*** *Parking In Yard, Ch.6 Sec. 6-900(b)(9),* ***Permit Required, App. A Art. XV Sec. 2(a), Storing Junk or Autos, Ch.6 Sec. 6-902(b)(1)(2), Weeds, Ch.6 Sec. 6-1001(d), Exterior Property Areas, Ch.6 Sec. 6-1001(c) and District and Intent – RUU-1-7 Single Family Residential District, App. A, Art. XI, Sec. 3. (a-f)*** of the City of Cocoa Code. Officer Folger stated a Notice of Hearing was sent on March 7, 2024 and property owner remains in violation.

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.

6. CE-23-788 – 409 Delannoy Ave.

Code Enforcement Officer 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 ***Exterior General Condition, Ch.6 Sec. Sec-1003(a), Maint. Of Structure/Grounds, Ch.6 Sec. 6-900(b)(4), Permit Required, App. A Art. XV Sec. 2(a), Storing Outdoors, Sec. 6-900(b)(11), Electrical Facilities, Ch.6 Sec. 6-1301(d) and Illicit/Illegal Discharge, Ch. 22 Sec. 22-58*** of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on March 8, 2024 and property owner remains in violation.

Property owner was sworn in: Troy Stephan, 1195 Audubon Rd, Merritt Island

Mr. Brown asked if the pictures were current. Mr. Otero had questions about some of the pictures for the electrical and other items. Mr. Stephan asked to give packets he made for the Board Members. Mr. Stephan wanted give testimony about his property and about what was in the packets. Attorney Babb-Nutcher explained to Mr. Stephan that you cannot bring new evidence into a noncompliance hearing. Mr. Stephan wanted to go over the codes that he felt was incorrect at the last meeting. Attorney Babb-Nutcher stated that at the January hearing Mr. Stephan should brought forth his evidence as this was not an evidentiary hearing. This hearing was to determine whether or not he was in noncompliance or not. Mr. Roberts explained that the lease with the tenant does not make them responsible for the violations. The property owner's responsibility is to correct violations. Ms. Scott asked Mr. Stephan why all the evidence was not given at the January meeting. New evidence cannot be presented tonight. Attorney Babb-Nutcher let Mr. Stephan know that only evidence that can be presented is evidence that you took action to comply with the Boards order. Not disputing whether there was or was not a violation. More discussion amongst the Board members, property owner and staff.

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

7. CE-23-789 – 114 Harrison St.

Code Enforcement Officer 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, ***Illicit/Illegal Discharge, Ch. 22 Sec. 22-58,*** *Storing Outdoors, Sec. 6-900(b)(11) and Grease Interceptor Regulations, Ch. 22 Sec. 22-16* of the City of Cocoa Code. Officer Gonzalez stated a Notice of Hearing was sent on March 8, 2024 and property owner remains in violation.

Property owner was sworn in: Troy Stephan, 1195 Audubon Rd, Merritt Island

Mr. Brown asked if different people were using the property to get rid of the grease. Officer Gonzalez explained it was left over grease from a previous tenant. Mr. Stephan handed out a packet for the Board Members. Mr. Otero asked Officer Gonzalez if there was a gate blocking the alley way. Officer Gonzalez explained there wasn't a gate as there are no lot lines as it was in the Village. Because the grease interceptor is located in the alley and there should be a maintenance schedule that allows Code Enforcement to go where it is located. The complaint came from the tenant. Mr. Otero asked if a warrant was necessary to gain access. Officer Gonzalez stated the complaint came from the state as well as the tenant. He does not need permission to enter the alley way not private property. More discussion amongst the Board members, property owner and staff.

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

LIEN REDUCTIONS

1. CE-12-178 – 1044 Myrtle Ln

The Code Enforcement Board held a public hearing on **4/19/2012**, at which time the Board found the owner, **German O Perez** in violation of the following:

- **Storing Junk, 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 **5/17/2012.**

The lien ran at **$25.00** per day from **5/4/2012** until compliance was achieved on **9/2/2017**. Code records show onsite inspections were conducted by **Officers Murdick, Buonocore and Myself**. The case was closed leaving a fine of **$48,655.00**.The current owner, **Scott Leidich**, 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 is a home which is not homesteaded to the owner**
- The number of violations related to the subject lien; **One**
- Number of Inspections performed: **10**
- 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, March 21, 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 **$137,810** according the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submits their cost sheet and the in the total amount of **$2,202.21**

Staff's recommendation is that the fine/lien be reduced to **$2,202.21** 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: Scott Leidich, 2523 Hooper Rd

Mr. Otero asked how many days Code Enforcement worked on it. Officer Gonzalez stated it was hard to track because it was such an old case. The dates from start to finish was May 4, 2012 until September 2, 2017. Mr. Leidich bought the property in 2014 and wasn't aware of the lien. Mr. Leidich gave an overview of what has been going on with the property. Attorney Babb-Nutcher asked if it was a mortgage foreclosure, Mr. Leidich stated it was. Attorney Babb-Nutcher stated that the City should have been listed on the foreclosure. Code Enforcement was not aware of any foreclosure. More discussion amongst the Board members, property owner and staff.

Motion by Mr. Muller, seconded by Ms. Scott, to amend staff's recommendation to City Council the lien reduction be in the amount of five hundred dollars **($500.00).** Vote: Yay (5) Nay (1) Motion Past.

2. CE-20-1371 – 722 Johnson St.

Tabled.

3. CE-22-720 – 722 Johnson St.

Tabled.

4. CE-22-317 – 1212 Myrtle Ln.

The Code Enforcement Board held a public hearing on **5/18/2023**, at which time the Board found the owner, **Keo Ly** in violation of the following:

- **Maint. Of Interior Structure, Sec. 6-1004(a-f)**
- **Permit Required App. A Art. 15 Sec. 2(a)**

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 **9/21/2023.**

The lien ran at **$50.00** per day from **8/17/2023** until compliance was achieved on **2/1/2024**. Code records show onsite inspections were conducted by **Me**. The case was closed leaving a fine of **$8,410.00**.The current owner, **Keo Ly**, 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 a rental home**
- The number of violations related to the subject lien; **Two**
- Number of Inspections performed: **20**
- 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, March 21, 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 **$195,890** according the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submits their cost sheet and the in the total amount of **$2,778.09**

Staff's recommendation is that the fine/lien be reduced to **$2,778.09** 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: Keo Ly, 4675 Leone St, Louisville, Ohio

Mr. Otero wanted to know how many days the case was worked. Officer Gonzalez stated the date started August 17, 2023 until compliance was achieved on February 1, 2024. Ms. Ly had tenants at the property and stated the tenants were causing the issues. After Officer Gonzalez contacted her she took care of cleaning the property. Officer Gonzalez stated he had contact with the property owner while she was working on the property. Ms. Ly had contractor issues is why it took so long to fix. Mr. Otero asked how the case started. Officer Gonzalez said it started off as a rental inspection and moved forward from there. More discussion amongst the Board members, property owner and staff.

The lien reduction for staff's cost was denied.

Motion by Ms. Scott, seconded by Mr. Otero, to amend staff's recommendation to City Council the lien reduction be in the amount of eight thousand four hundred ten dollars **($8,410.00).** Vote: Yay (4) Nay (2) Motion Past.

5. CE-23-767 – 215 Riverside Dr.

The Code Enforcement Board held a public hearing on **8/17/2023**, at which time the Board found the owner, **Parkside Properties LLC** in **repeat** violation of the following:

- **Permit Required App. A Art. 15 Sec. 2(a)**

This was a repeat violation and the Code Enforcement Board found the owner in violation and issued an order imposing penalty on a repeat violation on **August 17, 2024**.

The lien ran at **$500.00** per day from **7/5/2023** until compliance was achieved on **12/27/2023**. Code records show onsite inspections were conducted by **Me**. The case was closed leaving a fine of **$87,510.00**.The current owner, **Parkside Properties LLC**, 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; **Yes**
- Applicant resides at the property: **No, this is an apartment rental**
- The number of violations related to the subject lien; **One**
- Number of Inspections performed: **17**
- 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, March 21, 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 **$903,650** according the Brevard County Property Appraiser as **Low Rise Apartments**.

Staff submits their cost sheet and the in the total amount of **$2,531.34**

Staff's recommendation is that the fine/lien be reduced to **$2,531.34** 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.

Mr. Otero asked Officer Gonzalez how many days the property was in violation. Officer Gonzalez gave the date of July 5, 2023 until compliance was achieved on December 27,2023. Attorney Thakkar stated that Officer Gonzalez was phenomenal to work with. Attorney Thakkar stated the property was a rental and the property owner lives in Maine and was unaware of the violations. Attorney Thakkar said the notices were not going to the correct address. He gave testimony that the work being done by a contractor for windows which a permit was not pulled for. Attorney Babb-Nutcher asked if the notices were sent to what the property appraisers had listed. Officer Gonzalez stated the notices are always sent from the mailing address listed on the property appraiser's

website. Officer Gonzalez went on to explain how he verifies the different LLC's with the registered agents on property appraisers and Sunbiz website to make sure they are the correct person. Attorney Thakkar wanted the Board to take into consideration of the notices sent to the wrong address which meant he wasn't properly noticed. Attorney Babb-Nutcher commented on the notice issue, that she respectfully disagreed that should be taken into consideration because under Chapter 162 you look on property appraisers for the mailing address. Attorney Babb-Nutcher read the address from the property appraisers where it was sent and on the Sunbiz website. Mr. Otero had questions about the air conditioner units which did have permits. More discussion amongst the Board members, property owner and staff.

The lien reduction for staff's cost was denied.
The first motion in the amount of $44,000.00 was also denied.

Motion by Mr. Simpson, seconded by Mr. Otero, to amend staff's recommendation to City Council the lien reduction be in the amount of fifty thousand dollars **($50,000.00).** Vote: Yay (4) Nay (2) 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 April 18, 2024.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:52 PM.

Approved on this 18 day of April, 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