



Agenda

CODE ENFORCEMENT BOARD

REGULAR MEETING

March 20, 2025

6:00 PM

Opening Matters

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Swearing in Officers

Approval of Agenda & Minutes

1. Approval of Meeting Agenda: March 20, 2025
2. Approval of Minutes for February 20, 2025
3. Approval of Workshop Minutes for February 13, 2025.
4. Submittal of Document Packet

CASES

1. CE-24-13 – 1304 S Lakemont
2. CE-24-526 – 705 Howard St
3. CE-24-750 – 1009 Westview

NON-COMPLIANCE

None

LIEN REDUCTIONS:

1. CE-09-00102 – 1112 Myrtle Ln
2. CE-21-875 – 1040 Myrtle Ln

NEW BUSINESS

None

Other Business:

None

Abatement Appeals:

None

Manager Announcements

None

Next Meeting Date

April 17, 2025

Adjournment**Notice to Public:**

This meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The facility where this public hearing will be held is accessible to the physically handicapped. Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. Written comment from the public with regard to the application will also be accepted.

Information pertaining to the above may be inspected at the [Code Enforcement Board] at [65 Stone St.] Cocoa, Florida between 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning the Friday before the Board Meeting March 20, 2025, or by calling (321)-433-8508

CODE BOARD AGENDA ITEM

Memo Date: 02/28/2025
Agenda Date: 3/20/2025
Prepared By: Darla Crawl, Code Enforcement Coordinator
Through: Thomas Wilkinson, Code Enforcement Manager
Requested Action: Approve the agenda of the March 20, 2025 Code Board Meeting as presented or with amendments.

BACKGROUND:

PRIORITY AREA CONNECTION:

Public Safety/Community Standards

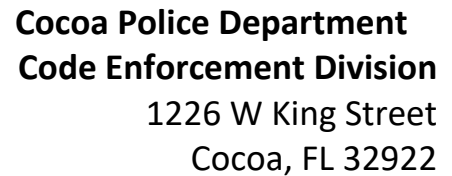
BUDGETARY IMPACT:

None

PREVIOUS ACTION:

RECOMMENDED MOTION:

Approve the agenda of the March 20, 2025 Code Board Meeting as presented or with amendments.



2. Case# 24-526 705 Howard St Code Manager Tom Wilkinson

NOV Mailed: 1/14/25

NOH:03/07/25—Certified Mail

Property Owner: McGriff, Almitra

Parcel # 24-36-32-79-*2

Violations Cited:

1. City of Cocoa Code Chapter 6 Buildings, Art. III, Div. 4, Sec. 6-1003 Exterior Structure (a)
2. City of Cocoa Code Appendix A Zoning, Art. XIII, Sec. 5 Visual Screens (g)
3. City of Cocoa Code Chapter 6 Buildings, Art. III, Div. 3, Sec. 6-900 General Conditions of Property which Constitutes Nuisance (b) (11)

3. Case# 24-750 1009 Westview Code Manager Tom Wilkinson

NOV Mailed: 02/21/25

NOH:03/07/25—Certified Mail

Property Owner: Sai Re Holdings LLC

Parcel # 24-36-20-BV-*215

Violations Cited:

1. City of Cocoa Code Chapter 6 Buildings, Art. III, Div. 3, Sec. 6-902, Discarding junk, inoperable or abandoned motor vehicles (b) (1-2)
2. City of Cocoa Code Chapter 6 Building, Art. III, Div. 3, Sec. 6-900 Generally (b) (9, 11, 15)

NON-COMPLIANCE / MACEY CASES:

None

Lien Reductions:

1. CE-09-102 / 1112 Myrtle Lane
2. CE-21-875 / 1040 Myrtle Lane

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 17, 2025**

ADJOURNMENT:

Notice to Public:

This meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The facility where this public hearing will be held is accessible to the physically handicapped. Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. Written comment from the public regarding the application will also be accepted.

Information pertaining to the above may be inspected at the [Code Enforcement Board] at 65 Stone St. Cocoa, Florida between 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning the Friday before the Board Meeting **March 20th, 2025**, or by calling 321-433-8508.

CODE BOARD AGENDA ITEM

Memo Date: 02/28/2025
Agenda Date: 3/20/2025
Prepared By: Darla Crawl, Code Enforcement Coordinator
Through: Thomas Wilkinson, Code Enforcement Manager
Requested Action: Approval of the Minutes of the Code Enforcement Regular Meeting held on February 20, 2025, either as written or with amendments.

BACKGROUND:

PRIORITY AREA CONNECTION:

Public Safety/Community Standards

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

RECOMMENDED MOTION:

Approval of the Minutes of the Code Enforcement Regular Meeting held on February 20, 2025, either as written or with amendments.

**Code Enforcement Board
Meeting Minutes
February 20, 2025**

A meeting of the Code Enforcement Board of the City of Cocoa was held on Thursday, February 20, 2025 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Roberts called the meeting to order at 6:02 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Lloyd Roberts	Chairman
Josue Otero	Board Member
Sharri Scott	Board Member
Michael Simpson	Board Member
Melissa Acosta	Board Member
Dik Muller	Board Member
Gloria Weatherspoon	1st Alternate

MEMBERS ABSENT:

George Brown Jr.	Vice Chairman
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OTHERS PRESENT:

Tom Wilkinson	Code Enforcement Manager
Micheal Mack	Code Enforcement Officer
Justin Simpson	Code Enforcement Officer
Jason Brimm	Code Enforcement Officer
Kristin Eick	Board Attorney
Darla Crowl	Recording Secretary
Anthony Marchica	Commander
Mark Baaden	Lieutenant
Pedersen	Police Officer
Ms. Weeks	City Councilwoman – Liaison

The Board Secretary swore in all Staff members giving testimony.

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Agenda: February 20, 2025

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

Motion by Vice Chair Otero, seconded by Ms. Acosta, to approve to the agenda of February 20, 2025.
Vote on the motion carried unanimously.

2. Approval of Meeting Minutes: January 16, 2025.

Motion by Mr. Muller, seconded by Mr. Simpson, to approve to the minutes of January 16, 2025. Vote on the motion carried unanimously.

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

4. Election of Code Enforcement Vice Chairman

Mr. Brown – No votes

Melissa Acosta - No votes

Motion by Mr. Muller, seconded by Mr. Simpson, to nominate Mr. Otero for Vice Chair. Vote on the motion (6-yay) 1-Nay (Ms. Acosta).

CASES:

1. CE-24-311 – 638 Brevard Ave.

Code Enforcement Officer Justin Simpson provided an overview of the Case history and presented exhibits for the Board's review. Officer Simpson testified that the Property Owner was in violation of **Chapter 12 Local Business Taxes, Sec. 12-1 (a), (b) Business Tax Receipt Required. and Code Appendix A Zoning, Art. XI, Sec. 13 District and Intent – CBD, Central Business District, (C) (6) Special Exceptions, Bar or Lounge, with or without a package store.** of the City Code.

Officer Simpson requested that the Board find the Property Owner in violation and be given until March 19, 2025 (30 days) to come into compliance or impose a **one-time fine of two hundred fifty dollars (\$250.00), Chapter 12 Local Business Taxes, Sec. 12-1 (a), (b) Business Tax Receipt Required., to have been in violation Code Appendix A Zoning, Art. XI, Sec. 13 District and Intent – CBD, Central Business District, (C) (6) Special Exceptions, Bar or Lounge, with or without a package store** per day until found in compliance.

Attorney Eick had questions about violation 2 for dates and how long the property owner was given. She also wanted to remind the Board for Business Tax Receipts it is a one- time fee and does not run daily.

Violation (1) Motion by Vice Chairman Otero, seconded by Ms. Acosta, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried unanimously.

Violation (2) Motion by Vice Chairman Otero, seconded by Ms. Scott, to approve Staff's recommendation and find the Property Owner to have been in violation. Vote on the motion carried unanimously.

2. CE-24-860 – 900 Friday Rd

Code Enforcement Officer Justin Simpson provided an overview of the Case history and presented exhibits for the Board's review. Officer Simpson testified that the Property Owner was in violation of **Accum. Of Trash and Litter, Sec. 6-900 (b) (1) (a-d), Exterior Structure (Window, Skylight and Door Frames), Sec. 6-1003 (m) (1) (2), 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 Simpson requested that the Board find the Property Owner in violation and be given until March 19, 2025 (30 days) to come into compliance or impose a fine of **two hundred fifty dollars (\$250.00) Accum. Of Trash and Litter, Sec. 6-900 (b) (1) (a-d), two hundred fifty dollars (\$250.00) Exterior**

Structure (Window, Skylight and Door Frames), Sec. 6-1003 (m) (1) (2), two hundred fifty dollars (\$250.00) Permit Required App. A Art. XV Sec. 2 (a) and two hundred fifty dollars (\$250.00) Site Plan Approval Required, App. A Art. XIII Sec. 1 (B) per day until found in compliance.

Benjamin Weismann: attorney for the property owner.

Attorney Eick asked why a site plan is required? Officer Simpson stated that there was not a site plan on file for the work that was being done on the property. The property owner contacted Planning and Zoning about converting the units into apartments. He was told at that time he would need to turn in a site plan if he was going to convert to apartments. Attorney Eick gave the Board Members more information on when a site plan would be required. Chairman Roberts asked about the stop work orders placed on the property. Officer Simpson explained Officer Gonzalez posted stop work orders and several stop work orders were placed on the property which were either taken down or covered up. Attorney Weismann gave his view of the case. Attorney Weismann went through each violation stating why he thought the violations were not valid. Chairman Roberts stated that people do not put up signs for leasing if they don't plan to lease. Attorney Weismann gave pictures and documentation of the property to the Board Members with no dates. More discussion amongst the Board members, staff, City attorney and the property owner's attorney.

The first motion by Mr. Simpson and Vice Chair Otero was withdrawn. The motion past.

Accum. Of Trash and Litter, Sec. 6-900 (b) (1) (a-d) was found to have been in violation and no fines at this time. **Exterior Structure (Window, Skylight and Door**

Frames), Sec. 6-1003 (m) (1) (2) was found to have been in violation and no fines at this time.

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

Permit Required, App. A Art. XV Sec. 2 (a) with a two hundred fifty dollars (\$250.00) and **Site Plan Approval Required, App. A Art. XIII Sec. 1 (B)** was removed with no fines.

Motion by Vice Chair Otero, seconded by Mr. Simpson, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried (6-1) Nay Chairman Roberts.

3. CE-24-336 – 1106 Abington St.

Code Enforcement Officer Jason Brimm provided an overview of the Case history and presented exhibits for the Board's review. Code Enforcement Officer Brimm testified that the Property Owner was in violation of **Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and Exterior General Condition Ch 6 Sec. 6-1003 (a)(b)(f)(g)** of the City Code.

Code Enforcement Officer Brimm requested that the Board find the Property Owner in violation and be given until March 19, 2025 (30 days) to come into compliance or impose a fine of two hundred fifty dollars (\$250.00) **Roofs & Drainage, Ch 6 Sec. 6-1003 (g) and two hundred fifty dollars (\$250.00) Exterior General Condition Ch 6 Sec. 6-1003 (a)(b)(f)(g)** per day until found in compliance.

Chairman Roberts asked what the fees were based on. Officer Brimm referred the question to Manager Wilkinson. Ms. Scott asked about the third violation. Officer Brimm explained two of the violations covered the same type of violation so he took it off the agenda. More discussion amongst the Board members and staff.

Motion by Ms. Acosta, seconded by Ms. Scott, to approve Staff's recommendation and find the Property Owner in violation. Vote on the motion carried (5-2) (2-Nays – Mr. Simpson and Ms. Weatherspoon)

4. CE-24-417 – 803 Eden St

Complied.

NON-COMPLIANCE:

None

LIEN REDUCTIONS

1. CE-19-01336 – 1043 Olive St

The Code Enforcement Board held a public hearing on **May 20, 2021**, at which time the Board found the owner, **Carol & Alan Bassett** in violation of the following:

- XI.Fail to Secure Struct Ch 6 Sec. 6-900 (b)(7)
- IX.Exterior General Condition Ch 6 Sec. 6-1003 (a)
- IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5)
- XVI.Maint. of Fences App A Art XIII Sec. 5(g)1-6

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 **August 19, 2021**.

The lien ran at **\$100.00** per day from **June 20,2021** until compliance was achieved on **June 27, 2024** Code records show onsite inspections were conducted by **Officers Steven Murdick, Augusto Gonzalez and Myself**. The case was closed leaving a fine of **\$110,310.00**.The current owner (Nicholas Critelli), is requesting that the lien be reduced to **admin cost**.

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: **yes**
- The number of violations related to the subject lien; **Four**
- Number of Inspections performed: **16**
- 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, February 20, 2025, 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 **\$160,030.00** according to the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submitted their cost sheet in the amount of **\$2,130.53**

Staff's cost for the fine/lien would be reduced to **\$2,130.53** 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: Nicholas Critelli, 1043 Olive St.

Mr. Critelli explained that he knew about the violations but the realtor told him the bank was supposed to fix the violation. Mr. Critelli said he ran into a Code Enforcement Officer in the field which let him know there was a running lien. He stated that if he knew there was still a running lien on the property he would not of purchased. He bought the property in 2021 per Manager Wilkinson. Officer Mack told the Board Members that the property owner came to the office several times to find out about the violations. Officer Mack went out to the property with the property owner to go over the violations. Mr. Critelli worked to get the violations corrected. Vice Chair Otero asked if there were more pictures. Manager Wilkinson stated this was the picture from today. More discussion amongst the Board members, property owner and staff.

Motion by Chairman Roberts, seconded by Mr. Simpson, to amend staff's recommendation to City Council the lien reduction be in the amount of one thousand eighty dollars and fifty cents (**\$1,080.50**).
Vote: Yay (6) Nay (1) (Ms.Scott) Motion Past.

2. CE-18-283 – 1049 Olive St.

The Code Enforcement Board held a public hearing on **July 19,2018**, at which time the Board found the owner, **Migdalina Yomara Cardona** in violation of the following:

IV.Boarded Up Buildings Ch. 6 Sec. 6-900 (b)(5)
Business Tax Receipt Ch. 12 sec 12-1 (a) (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 **September 20, 2018**.

The lien ran at **\$50.00** per day from **August 21, 2018** until compliance was achieved on **December 13, 2023** Code records show onsite inspections were conducted by **Officer Augusto Gonzalez and Myself**. The case was closed leaving a fine of **\$97,030.00**. The current owner (GLENDY ADALI BARRIOS) is requesting that the lien be reduced to **admin cost**.

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: **yes**
- The number of violations related to the subject lien; **Two**
- Number of Inspections performed: **18**

- 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, February 20, 2025, 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 **\$207,570** according to the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submitted their cost sheet in the amount of **\$2,374.25**

Staff's cost for the fine/lien would be reduced to **\$2,374.25** 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.

The property owner was sworn in: Ms. Morales (daughter translating for mother), 1049 Olive St

Ms. Morales (daughter) stated that when they found out about the violations they made sure to correct. Ms. Acosta asked when the property was purchased. The response was 2018. Officer Brimm wanted to let the Board Members know that him and Officer Mack did an inside and out inspection of the property. Officer Mack stated that they were working with Officer Gonzalez on this case. The boards were taken down because the broken windows were replaced. More discussion amongst the Board members, property owner and staff.

Motion by Ms. Weatherspoon, seconded by Mr. Simpson, to amend staff's recommendation to City Council for the lien reduction be in the amount of one thousand two hundred ninety-three dollars and fifty cents (**\$1,293.50**). Vote: Yay (6) Nay (1) (Ms. Acosta) Motion Past.

3. CE-17-582 – 312 Belmont Dr

The Code Enforcement Board held a public hearing on **June 21, 2018**, at which time the Board found the owner, **James Yoder** in violation of the following:

XXVIII Roofs & Drainage, Ch 6 Sec 6-1003 (G)
1003(b)

XXVI Protective Treatment Ch 6 Sec 6-

XXXV Weeds, Ch 6 Sec 6-1001 (d)

The Code Enforcement Board provided the owner with sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a Non-Compliance Hearing was held on **August 16, 2018**.

The lien ran at **\$50.00** per day from **July 21, 2018** until compliance was achieved on **December 27, 2024** Code records show onsite inspections were conducted by **Officers Steven Murdick, Augusto Gonzalez and Myself**. The case was closed leaving a fine of **\$117,550.00**. The current owner (**James Yoder**), is requesting that the lien be reduced to **City's cost**.

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: **yes**
- The number of violations related to the subject lien; **Three**
- Number of Inspections performed: **20**
- 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, February 20, 2025, 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 **\$115,580.00** according to the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submitted their cost sheet in the amount of **\$\$2,587.16**

Staff's cost for the fine/lien would be reduced to **\$2,587.16** 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: James Yoder, 312 Belmont Dr.

Mr. Yoder explained that Code Enforcement let him know that his roof was in bad shape. Mr. Yoder gave more testimony he was not notified there were still violations on the property. He thought his property was in compliance. Vice Chair Otero asked about the weeds on his property and will he maintain the yard. More discussion amongst the Board members, property owner and staff.

Motion by Mr. Simpson, seconded by Ms. Acosta, to amend staff's recommendation to City Council for the lien reduction be in the amount of one hundred dollars (**\$100.00**). Vote: Yay (6) Nay (1) (Vice Chair Otero) Motion Past.

5. CE-22-00884 – 3645 Longbow Rd

The Code Enforcement Board held a public hearing on **April 20,2023**, at which time the Board found the owner, **Victora Tucker** in violation of the following:

Accum. Of Trash and Litter Ch 6 Sec. 6-900 (b)(1)a-d
Unsafe structures Ch 6 Sec 6-805 (a-e)

The Code Enforcement Board provided the owner with sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board's Order a Non-Compliance Hearing was held on **July 20,2023**.

The lien ran at **\$50.00** per day from **May 20,2023** until compliance was achieved on **March 1, 2024** Code records show onsite inspections were conducted by **Officer Mike Folger and myself**. The case was closed leaving a fine of **\$14,330.00**. The current owner is requesting that the lien be reduced to **city's cost**.

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; **Two**
- Number of Inspections performed: **6**
- 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, February 20, 2025, 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 **\$103,830.00** according to the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submitted their cost sheet in the amount of **\$1,546.68**

Staff's cost for the fine/lien be reduced to **\$1,546.68** 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: Kevin Kader, 421 Blue Jacket Ln, Orlando

Manager Wilkinson let the Board Members know that the property owner is planning on selling the property. Mr. Kader stated he bought the property with the lien on the property which he was unaware of. There was a fire at the property prior to him purchasing. Mr. Muller asked at the closing if he was told that the title was clear. Mr. Kader stated it was bought as is and he was not told.

Motion by Ms. Weatherspoon, seconded by Vice Chair Otero, to amend staff's recommendation to City Council the lien reduction be in the amount of one hundred dollars (**\$100.00**). Vote: (7-0) Motion Past.

6. CE-16-00461 – 1235 Holmes St.

The Code Enforcement Board held a public hearing on **May 18, 2017**, at which time the Board found the owner, **Johnny & Lillie Dennis** in violation of the following:

Section 6-1001 (g) Damage Fence
Section 6-1003(b) Protective treatment
Section 6-900 (b) (9) Parking in the grass
Section 6-1001 (d) High Grass and Weeds

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 **September 21, 2017**.

The lien ran at **\$100.00** per day from **June 18, 2017** until compliance was achieved on **September 20, 2017** Code records show onsite inspections were conducted by **Officers Steven Murdick, Augusto**

Gonzalez and Myself. The case was closed leaving a fine of **\$9,400.00**. The property owner (**Johnny & Lillie Dennis**), is requesting that the lien be reduced to **cost**.

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: **yes**
- The number of violations related to the subject lien; **Four**
- Number of Inspections performed: **15**
- 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, February 20, 2025, 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 **\$370,720.00** according to the Brevard County Property Appraiser as a **Single-Family Residence**.

Staff submitted their cost sheet in the amount of **\$2,268.77**

Staff's cost for the fine/lien be reduced to **\$2,268.77** 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.

Motion by Chairman Roberts, seconded by Mr. Simpson, to amend staff's recommendation to City Council the lien reduction be in the amount of zero dollars (**\$0.**). Vote: (7-0) 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 March 20, 2025.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:12 PM.

Approved on this _____ day of _____, 2025.

Lloyd Roberts, Chairman

Darla Crowl, Recording Secretary

CODE BOARD AGENDA ITEM

Memo Date: 03/03/2025
Agenda Date: 3/20/2025
Prepared By: Darla Crawl, Code Enforcement Coordinator
Through: Thomas Wilkinson, Code Enforcement Manager
Requested Action: Approve the minutes of the February 13, 2025 Code Board Workshop as presented or with amendments.

BACKGROUND:

PRIORITY AREA CONNECTION:

Public Safety/Community Standards

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

RECOMMENDED MOTION:

Approve the minutes of the February 13, 2025 Code Board Workshop as presented or with amendments.

**Code Enforcement Board
WorkShop
Meeting Minutes
February 13, 2025**

A meeting of the Code Enforcement Board Workshop of the City of Cocoa was held on Thursday, February 13, 2025 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Roberts called the meeting to order at 5:05 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Lloyd Roberts	Chairman
George Brown Jr.	Vice-Chairman
Sharri Scott	Board Member
Josue Otero	Board Member
Dik Muller	Board Member

MEMBERS ABSENT:

Michael Simpson	Board Member -excused
Melissa Acosta	Board Member - excused
Gloria Weatherspoon	1st Alternate - excused

OTHERS PRESENT:

Tom Wilkinson	Code Enforcement Manager
Micheal Mack	Code Enforcement Officer
Justin Simpson	Code Enforcement Officer
Jason Brimm	Code
Kristin Eick	Board Attorney
Darla Crowl	Recording Secretary
Evander Collier IV	Police Chief

APPROVAL OF AGENDA AND MINUTES:

1. Approval of Meeting Workshop Agenda: February 13, 2025

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

ITEMS:

1. Notices of Violation

Code enforcement case is initiated by code enforcement officer (remember, not members of the Board) by issuing a notice of violation (NOV).

"Code inspector shall notify the violator and give him or her a reasonable time to correct the violation." Sec. 162.06(2), F.S.

a. Except: Reasonable time to correct not required for:

- i. Repeat violations
- ii. Violation presents a serious threat to the public health, safety, and welfare
- iii. Violation is irreparable or irreversible in nature

NOV must specifically notify the violator by citing the specific code section at issue and providing a description of the manner in which the violation can be corrected. **There may be multiple code violations cited in the NOV.**

Board can find a violation of all, some, or none of the cited violations. That is the BOARD's decision.

Discussion amongst Board Attorney and staff.

2. Notices of Violation - Multiple violations

New case: Violator/owner appealed from a final judgment of foreclosure of a municipal lien in favor of the City of Largo in the amount of \$590,295. Code Enforcement Board imposed \$250 per day fine after finding multiple violations including:

Business Tax Receipt
IPMC Roods and Drainage
IPMC Exterior Structure; Handrails & Guardrails
IPMC Exterior Structure; Stairways, Decks, Porches & Balconies
IPMC Plumbing Systems
IPMC Heat Supply Required
IPMC Exterior Structure; Windows, Skylights & Door Frames
IPMC Exterior Structure; Protective Treatment
Building without permits
Inoperable vehicles

Argued at the time of foreclosure (6 years after the liens imposed) that it had remedied most or all of the violations and the City assessed the fines without breaking down what the specific violations were or dropping the fines for each matter corrected.

Midway through the case, filed counterclaims against the City and the CEB, including claim that the imposition of a single fine for multiple violations and failure to have a mechanism to reduce the \$250 daily fine as the property owner corrects individual code violations amounted to a violation of the Due Process Clause of the Florida Constitution.

Court of Appeals ultimately found the Owner/violator waived its arguments by failing to timely appeal the CEB's order.

After this case, Board Attorney has recommended the Board impose a separate fine for each violation listed in the NOV for which sufficient evidence is presented by the code officer to demonstrate a violation. Board may also impose different dates for compliance for each violation listed in the NOV.

Discussion amongst Board Attorney and staff.

3. Determining Fine Amounts

For each violation the Board will consider factors:

- 1) The gravity of the violation;
- 2) Any actions taken by the violator to correct the violation; and
- 3) Any previous violations committed by the violator.

Max Fines: \$250/day; \$500/day repeat violation; \$5,000 for irreparable, irreversible violation.

No Fine

Find violation but impose no fine where the violation was corrected after the reasonable time provided by the code inspector but before the Board hearing.

Recurring Violations

If a notice of violation is issued and the violation was corrected but recurs before the time to correct in the NOV, the case can be presented to the Board.

Serious Threat Violation

Pursuant to 162.06(4), F.S., if a violation presents a “serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature,” the officer need only make a reasonable effort to contact violator and can immediately request a code hearing. If the code board makes a finding of serious threat, the City Council determines whether or not should do the repairs.

Discussion amongst Board Attorney and staff.

4. Massey Hearings

Purpose of a Massey hearing is to provide the Violator the opportunity to contest the imposition of the fine by asserting that they did in fact timely come into compliance as Ordered by the Board. (Due Process)

Massey v. Charlotte County, 842 So.2d 142 (2nd DCA 2003). CEB violated property owner’s procedural due process rights when it summarily approved imposition of fines and lien based solely on an affidavit from the code inspector that the owner had not corrected the violation, without notice to the owner or providing an opportunity for the owner to be heard. No avenue for owner to challenge statements of the code inspector. Lack of process created serious risk of deprivation of property.

If the code inspector agrees that compliance is achieved in a timely manner, not brought back to the Board because no need to give owner chance to contest the officer’s testimony.

If the code inspector believes Owner/Violator does not bring the property into compliance (for some or all of the violations) by the date set forth in the order, the case comes back to the Board for a “Massey” hearing. The code enforcement officer presents evidence the property has not come into compliance. Previously listed on the CEB agendas as “Non-Compliance” Cases. Will be labeled as “Massey Hearings” going forward. It is not a “given” that every violation failed to come into compliance in a timely manner as previously ordered by the Board.

Discussion amongst Board Attorney and staff.

5. Massey Hearings – Multiple Violations

May find that Owner failed to comply within the time specified by the Board in its Order for all, some, or none of the violations. That is the BOARD’s decision. Code inspector presents evidence that after the time provided for compliance in Board’s order, some or all of the violations remained in noncompliance. For cases in which daily fine imposed per violation, the CEB must determine whether or not compliance was achieved for each violation listed. Owner must be given opportunity to challenge officer’s testimony regarding noncompliance for each violation.

For multiple violations, the Code officers can announce at the beginning of the Massey case whether any of the violations found came into compliance within the time ordered by the Board. Board does not need to make further findings on those.

Discussion amongst Board Attorney and staff.

6. Examples

Staff will introduce Massey hearings as follows in the future (example):

On August 15, 2024, the Code Enforcement Board found the following violations:

Accessory Structure, Sec 6-1001(g)

Accumulation of Trash and Litter – Sec 6-900(b)(1)

Storing Junk or Autos – Sec 6-902(b)

The Board ordered the Respondent to come into compliance by September 26, 2024. The Code Enforcement Officer believes the Respondent failed to come into compliance within the time period ordered for the violation of Sec 6-1001(g) Accessory Structure for the following reasons and that the fine should be imposed as provided in the Board’s Order.

The Respondent timely complied with the Board's Order for Violations of Sec 6-900(b)(1) and Sec 6-902(b).

Staff Request/Recommendation at conclusion of Massey hearing presentation:

Staff is requesting that the Board find the property owner failed to comply with the Board's prior Order for the following violations listed below and that the fine be imposed as set forth in that Order.

Sec 6-1001(g) Accessory Structure

Discussion amongst Board Attorney and staff.

7. Quasi-Judicial Procedures

Quasi-judicial decisions have an impact on a limited number of individuals and are "contingent on facts adduced at a hearing and where the decision can be functionally viewed as policy application rather than policy setting." *Board of County Com'rs of Brevard County v. Snyder*, 627 So.2d 469 (Fla. 1993).

QUASI-JUDICIAL	NOT QUASI-JUDICIAL
Variances Waivers Special Exceptions Plat approval Site specific rezones Code enforcement	Comprehensive Plan amendments Text amendments to LDRs Code lien reduction program

3 Requirements for a Quasi-Judicial Hearing – (1) Afford procedural due process; (2) observe essential requirements of law; (3) decision must be based on competent and substantial evidence.

1. Procedural Due Process:

Due Process requires reasonable notice of the hearing and an opportunity to be heard on the matters (should inquire about whether proper notice has been given). Florida statutes establishes required notice for code enforcement cases.

Parties must be able to present evidence, cross-examine witnesses (participants), and be informed of all facts presented to the quasi-judicial body (evidence presented in the record).

Impartial decision maker – approach in an unbiased and fair manner, without prejudgment of the issues (recusal).

Ex parte communications – contacts made by an interested party to a proceeding with a decision maker outside the presence of the other parties – must be disclosed on the record at the beginning of the hearing. Undermines the concept of an impartial, neutral decision maker. TIP: If approached by an interested party, ask them to come to the meeting and provide comments there. Let them know you should not be receiving information outside of the hearing.

Discussion amongst Board Attorney and staff.

8. Ex-Parte Communications

The Board should avoid ex-parte communications concerning the cases.

The Board members may not knowingly initiate or consider ex-parte communications not disclosed on the record which concern the merits of quasi-judicial cases before the Board.

Direct non-city staff contacting Board members to discuss cases to the City Manager or Code Enforcement Manager.

If the Board receives or sends any ex-parte communications, the communications must be publicly disclosed.

Written communications should be disclosed by forwarding the communication to the Code Board Clerk.

Verbal communications shall be disclosed by announcing to the Board prior to the commencement of a case hearing the name of the contact person, date of the communication, and substance of the communication.

The substance of ex-parte communications will be placed on the record when the application is heard.
Discussion amongst Board Attorney and staff.

9. Don't Forget

1. Sunshine Law
2. Public Records
3. Code of Ethics

10. Questions

Chairman Roberts had questions about what was and wasn't on the Power Point. He liked the way it was presented before with more pictures. Chairman Roberts wants changes to the Power Point and the Agenda.

Chief Collier IV explained the he wanted things to move forward with the way Code Board is running (Power Point, Agenda).

Chairman Roberts had questions about the Board Orders and the way they used to be done and the new way. He didn't understand before it was one fee on the old Board Orders and now the Board Orders there is a fine with each violation. Kristen explained that if a violation comes into compliance that fine would stop for that violation so not to charge the one fee for all fees even if others had been corrected.

More discussion between the Board Members and the Board Attorney.

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on February 20, 2025 at 6:00 P.M.

ADJOURNMENT:

There being no further business the meeting adjourned at 6:30 PM.

Approved on this _____ day of _____, 2025.

Lloyd Roberts, Chairman

Darla Crawl, Recording Secretary