

would be half of the cost for the lien. Mrs. Acosta stated that half the lien would be \$28,875.00.

Property owner was sworn in: Rufus Murphy Jr., 633 S Varr Ave

Mr. Murphy explained why it took the length of time to fix the violations. Mr. Murphy was a contractor for the military in the middle east since 2015 working on nuclear plants. Mr. Murphy returned home in 2022 and was unaware of any violations or liens on the property as his wife was in late stages of multiple sclerosis did not let him know what was going on with the property. While Mr. Murphy was overseas when Covid 19 hit and he was unable to reenter the country. Mr. Murphy explained since he returned he made sure the violations were fixed. Vice Chair Brown wanted to make a motion and Chairman Roberts explained that there was no way that a motion was to be made for half of the lien when a business was given staff's cost. Attorney Babb-Nutcher explained also that Mr. Murphy's testimony was that he fixed the property before the Code Officer's could confirm it. If that's the testimony and its unrebutted testimony then that total fine should actually be a lot less. Mr. Otero asked questions of Mr. Murphy about who was living at the property when he was out of the country. More discussion amongst the Board members and staff.

Motion by Mr. Brown, seconded by Mr. Otero, to approve staff's recommendation to City Council the lien reduction be in the amount of two thousand six hundred fifty-four dollars and seventy-seven cents (**\$2,654.77**). Vote: Yay (2) Nay (3) **Motion does not pass.**

Motion by Mrs. Acosta, seconded by Mr. Roberts, 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 on the motion carried unanimously.

### **3. CE-22-50 – 2546 N Indian River Dr.**

The Code Enforcement Board held a public hearing on **5/19/2022**, at which time the Board found the owner, **Jason S. ValaVanis & Louis A ValaVanis** in violation of the following:

- **Site Plan Approval Required, App. A Art. XIII Sec. 1(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 **9/15/2022**.

The lien ran at **\$250.00** per day from **8/18/2022** until compliance was achieved on **10/30/2023**. Code records show onsite inspections were conducted by **Me**. The case was closed leaving a fine of **\$109,510.00**. The current owner, **Jason & Lois ValaVanis**, 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 vacant residential land**
- The number of violations related to the subject lien; **One**
- 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, February 15, 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 **\$66,000.00** according the Brevard County Property Appraiser as a **Vacant residential land**.

Staff submits their cost sheet and the in the total amount of **\$3,033.26**

Staff's recommendation is that the fine/lien be reduced to **\$3,033.26** 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: Lois ValaVanis, 3640 N Indian River Dr.

Mrs. ValaVanis stated that she didn't know anything about the lien as her husband was handling this property. Mrs. ValaVanis stated that she would except staff's cost. Attorney Babb-Nutcher said she remember this case as being a very extensive case. Attorney Babb-Nutcher said she believed that her office was involved in this case. Officer Gonzalez Acting Code Enforcement Manager stated that different options were given for him to correct the violations. More discussion amongst the Board members and staff.

Motion by Mrs. Acosta, seconded by Mr. Roberts, to approve staff's recommendation to City Council the lien reduction be in the amount of three thousand thirty-three dollars and twenty-six cents (**\$3,033.26**). Vote on the motion carried unanimously.