

NEW BUSINESS

None

FORECLOSURE:

None

LIEN REDUCTIONS

1. CE-19-1157 – 1221 Cypress Ln

The Code Enforcement Board held a public hearing on **November 19, 2020**, at which time the Board found the owner, **Kersey, Ricky Hayes** in violation of the following:

- **Exterior General Condition, Sec. 6-1003 (a)**
- **Maintenance of Interior Structure, Sec. 6-1004 (a)**
- **Pools and Spas, Sec. 6-1002 (a)**
- **Accessory Structures, Sec. 6-1001 (g)**
- **Weeds, Sec. 6-1001 (d)**
- **Failure to Secure Structure, Sec. 6-900 (b) (7)**
- **Accum. Of trash and Litter, Sec. 6-900 (b) (1) (a-d)**
- **Premises Identification, Sec. 6-1009 (c)**
- **Wrongful Disposal of Excrement into Natural Inlet, Art. I Sec. 22-4**

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 **May 20, 2021**.

The lien ran at **\$225.00** per day from **December 19, 2020** until compliance was achieved on **August 10, 2021**. Code records show onsite inspections were conducted by **Officers Carver, Murdick, Buonocore and myself**. The case was closed leaving a fine of **\$52,660.00**. The current owner, **SILVER ENTERPRISES SERVICES LLC**, 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; **No**

- Applicant resides at the property: **No, this is a rental property.**
- The number of violations related to the subject lien: **Nine**
- Number of Inspections performed: **38**
- Property Taxes: **The property was listed for a tax deed auction in December of this year. The taxes were paid on October 16, 2023 and is no amounts owed.**
- Other Liens: **Records show no outstanding liens on the property. No Water Liens**
- Property Inspection: **The property was inspected this morning, November 16, 2023 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 **\$122,960.00** according the Brevard County Property Appraiser as a **Single-Family Residence**. Property was cited with a home.

Staff submits their cost sheet and the in the total amount of **\$3,756.37**

Property owner was sworn in: Luis David Silva, 119 Lake Dr, Oviedo, FL 32765

Mr. Silva stated that he was listening to other property owners discussing their lien reductions. Property owners saying they didn't know and their property managers didn't tell them and those type of statements. Mr. Silva said he was aware of the violation since he bought the property since day one. He explained that he bought the property on October 30, 2020. Kadi Carver was his first contact with Code Enforcement on November 19, 2020. He explained that he had documentation of emails and other document for proof of contact. The day of closing Mr. Silva knew about the violations and bought the property anyway. Once he bought the property he set up a meeting with the Code Officer to walk the property to fix the property. Mr. Silva explained that every time he requested and inspection there were more violations. Mr. Silva explained that the lien started on December 19, 2020 and ended on May 10, 2021 at \$225.00 per day. He stated that he had text messages and permits pulled during that entire time. Mr. Silva said he was in contact with Code Enforcement and the Building Department and had no idea that the liens was running. Mr. Silva stated that he had a letter to the previous owner while the property was his on December 19, 2020. The letter was sent to the previous owner on November 19, 2020 and then was revised on December 28, 2020. Mr. Silva stated that he was not aware of the lien. Mr. Silva called Code Enforcement to talk about the lien and was explained to Mr. Silva why there was a lien. He wanted to meet with Code Enforcement at the property and inspection was done and the lien stopped. Mr. Silva stated he has been trying to get a lien reduction since

then. Mr. Silva explained why he thought his lien should be zero even though he was aware of the violations. Vice Chairman Brown asked Mr. Silva if he bought the property knowing about the violations. Mr. Brown asked if he did a title search and Mr. Silva stated that he knew about the violations but they were just violations. Mr. Silva told the title company that he still wanted to close knowing what was going on at the property. Manager Bunt wanted to explain to the Board what has been going on at the property for 3 years. Some items were about the violations and the lien and the other issues were about trying to get a lien reduction. The previous owner had warrants issued, the pool was green and Mr. Silva did not own the property at that time. Mr. Silva purchased the property after the first hearing. Mr. Silva purchased the property between the first hearing and the noncompliance hearing. Kadi Carver sent the notice for noncompliance to Mr. Silva because he took ownership of the property. Mr. Silva started working on the property and getting permits. Once the violations were corrected around \$50,000.00 he was done. Manager Bunt stated that he did apply for a lien reduction but the property has to be in full compliance before he can go for a lien reduction. Mr. Silva had a few items not permitted (hot water heater). Manager Bunt stated that he was in compliance with the original notice for some time but there was outside storage and other issues like the plumbing issue without a permit before the last Code Board meeting. Attorney Babb-Nutcher had a question about the lien reduction application and didn't see the actual orders in the packet. The dates on the application show the lien was imposed on May 20, 2021 and compliance date was September 8, 2020 which doesn't make sense. Mr. Davis asked how much the property was purchased for (\$70,000.00) and how much did he spend on the rehab of the property (\$60,000.00). Mr. Davis asked Mr. Silva if the title company did explain there were violations on the property before the purchase of the property. Mr. Silva stated yes. Mr. Davis asked Mr. Silva why he didn't know the amount of the fines before purchasing. Mr. Silva said he thought if he had the violations corrected before the date he would not have any liens and if he did they would be removed is how he thought it worked. Mr. Davis asked Manager Bunt if Mr. Silva was sent the notice of noncompliance? Manager Bunt said yes, he was sent the notice. Mr. Silva said he has never seen the notice. Manager Bunt explained do to a change in staff the noncompliance hearing was in May of 2021. Attorney Babb-Nutcher asked if the notice was sent to Silver Enterprises and Manager Bunt stated yes. Manager Bunt explained the notice was sent and the property is posted with the notice also. Mr. Davis asked if Mr. Silva was at the meeting in May. Manager Bunt stated he was not. Mr. Brown asked how much the amount of the fine was for. Chairman Roberts asked after the rehab when were tenants put in the property? Tenants were moved in January 2022. Vice Chair Brown wanted to make a motion that the lien be reduced from \$52,660.00 to \$3,800.00. Mr. Davis said he had a problem with someone that did a title search and bought the property anyway. Mr. Davis stated you were noticed to come to the hearing even though you state you didn't receive it and your holding the notice in front of you. Mr. Silva stated that the address was incorrect. Manager Bunt reminded the Board that the notice was mailed certified and posted on the property. Mr. Silva said he didn't see the sign and he again stated he didn't get the notice. Mr. Otero asked Mr. Silva how long he had been doing this type of work and he replied since around 2019. Mr. Silva stated that he has done about 4 or 5 homes this

way. Mr. Otero said you are familiar with the process with Code Enforcement and Mr. Silva replied yes. Mr. Otero said you are telling me the sign was posted and you walked by the sign on your property without seeing it knowing the process. More discussion amongst the Board members and staff.

Motion by Mr. Otero, seconded by Ms. Hughes, to approve staff's recommendation to City Council the lien reduction be in the amount of three thousand seven hundred fifty-six dollars and thirty-seven cents (**\$3,756.37**). Vote: Yay (5) Nay (2) Motion Past

Manager Announcements:

Manager Bunt had a quick announcement. He wanted to introduce Mike Mack as the new Code Enforcement Officer that will start on November 27, 2023.

OTHER BUSINESS:

Motion by Chairman Roberts, seconded by Mr. Davis to not have a meeting in December. Vote: Yay (5) Nay (2) Motion Past.

NEXT MEETING:

The next regular meeting of the Code Enforcement Board will be held on January 18, 2024.

ADJOURNMENT:

There being no further business the meeting adjourned at 8:11P.M.

Approved on this _____ day of _____, 2023.

Lloyd Roberts, Chairman

Darla Crowl, Recording Secretary