

CITY OF COCOA BEACH, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
COCOA BEACH COUNTRY CLUB - 5000 TOM WARRINER BOULEVARD, COCOA
BEACH
MINUTES
September 11, 2024

A. Call to Order

1. Roll Call
2. Approval of Minutes

B. New Cases

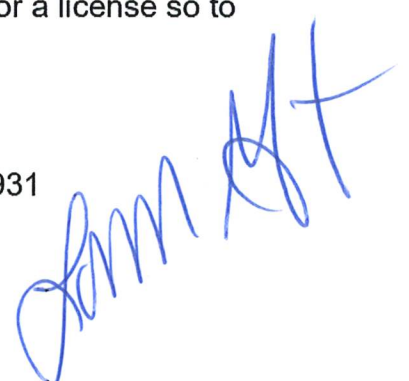
1. Case No. DSCE-24-46
Respondent: Minh Chi Ta and Van Thi Le
Address of Property: 5840 N Atlantic Ave Cocoa Beach FL 32931
Parcel ID#: 24-37-26-CG-102-1
Legal Description: AVON BY THE SEA LOTS 1, 2 & 3 AND W 1/2 OF LOT 4
BLK 102

Respondents Minh Chi Ta and Van Thi Le were not present at the duly noted hearing. Code Enforcement Officer Danielle Crawford provided an overview of the Case history and presented exhibits for review. Officer Crawford testified that the Respondents were in violation of Sec. 13-21. - Doing business without a license/temporary permit. Officer Crawford requested that the Respondents be ordered to come into compliance within 30 days.

City Attorney Becky Vose and Special Magistrate entered into a discussion regarding fines; based on FL Statute, a fine of \$250 is recommended for non-compliance. The Special Magistrate found the Respondents to be in violation, ordered that Respondents come into compliance within 30 days of the hearing, and imposed a fine of \$250. The Respondents shall be responsible to notify Officer Crawford to verify compliance.

Code Section/Violations: Sec. 13-21. - Doing business without a license/temporary permit; false statement in application. It shall be unlawful for any person, firm, or corporation to engage in any business, occupation, pursuit, profession, or trade, or to keep or maintain any institution, establishment, article, utility, or commodity, without first procuring and paying for a license so to do, as required by this chapter.

2. Case No. DSCE-24-136
Respondent: Rachael Aragon
Address of Property: 645 S Atlantic Ave Cocoa Beach FL 32931
Parcel ID#: 25-37-14-DD-7-7

A handwritten signature in blue ink, appearing to be 'John M. H.', is located in the bottom right corner of the page.

Legal Description: COCOA BEACH LOT 7 RESUBD BLK 7

Respondent Rachael Aragorn was not present at the duly noted hearing. Officer Crawford provided an overview of the case history and presented exhibits for review.

Officer Crawford testified that the Respondent was in violation of Sec. 13-2. - License/permit required, Sec. 26.5-21. - Registration required, and Sec. 26.5-53. - Maximum occupancy. Officer Crawford testified that the Respondent had reduced their listing advertisement and had since come into compliance regarding Sec. 26.5-53. - Maximum Occupancy.

The City Attorney suggested that the respondent be given 10 days to come into compliance and that a daily fine of \$250 a day be issued by the Special Magistrate if compliance is not achieved.

The Special Magistrate found the Respondent in violation of Sec. 13-2. - License/permit required, Sec. 26.5-21. - Registration required, and previously in violation of, and Sec. 26.5-53. - Maximum occupancy and ordered the Respondent to come into compliance within 10 days; if compliance is not achieved then a daily, fine of \$250 will begin until compliance is achieved.

Code Section/Violations: Sec. 13-2. - License/permit required. Any nonexempt person, corporation, firm, partnership, joint venture, syndicate, or other group or combination acting as a unit, association or corporation, estate, trust business, trust, trustee, executor, administrator, receiver, or other fiduciary who maintains a business location or branch office within the city for the privilege of engaging in or managing any business, profession, or occupation not exempt by general law, shall first procure a license from the occupational license administrator by paying the amount of license fee provided therefore. Occupational licenses will only be issued when a business is located within the city limits of Cocoa Beach, Florida and has an address in a permanent or portable structure. When the business location is in a temporary structure, only a temporary permit will be issued. For purposes of this section, a business location includes a rental unit and a rental unit located within the municipal boundaries of the city is considered a business location.

Sec. 26.5-21. - Registration required. Every vacation rental owner, either personally or through an agent, shall register with the City of Cocoa Beach utilizing forms promulgated by the city and/or the city's third-party vendor responsible for such registrations. A separate registration shall be required for each vacation rental. The operation of a vacation rental without registration after the date registration is required shall be a violation of this ordinance, except in the instance of providing accommodations to fulfil a pre-existing contract as provided hereinafter. Every day of such operation without registration

shall constitute a separate violation.

Sec. 26.5-53. - Maximum occupancy based on site capacity/limitations/grandfathering/previous rentals. (a) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to the lesser of: (1) Two (2) occupants (as defined herein) per bedroom (as defined herein), plus two (2) occupants. (2) A total of eight (8) occupants per vacation rental.

3. Case No. DSCE-24-203

Respondent: Mark Sahf Jr. and Mandy Thomas

Address of Property: 104 W Leon Cocoa Beach FL 32931

Parcel ID#: 24-37-26-CI-31-16

Legal Description: COCOA OCEAN BEACH SUBD LOT 16 BLK 31

Respondent Mandy Thomas and Respondents' Attorney Nathan Meloon were present at the duly noted hearing. Officer Crawford provided the exhibits to everyone to which the Respondent's Attorney objected to a page of text messages. City Attorney requested to remove page 33 from evidence. The Special Magistrate agreed to remove page 33 and stated it would not be considered in his judgment. The packet was then entered as evidence.

Officer Crawford provided an overview of the Case history and presented exhibits for review. Officer Crawford testified that the Respondents were in violation of Sec. 6-4, (c) Permits (1) Permit and permit fee required.

Respondent's attorney then cross-examined Officer Crawford. Respondent's requested a continuance until the October 10, 2024, hearing and the Special Magistrate agreed. Respondents' attorney and City attorney entered into a discussion and a resolution was reached. Respondents will come into compliance within 10 days by applying for the after-the-fact permit.

The Special Magistrate accepted the resolution and ordered a continuance for the October 10, 2024, hearing.

Sec. 6-4, (c) Permits (1) Permit and permit fee required. It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the City of Cocoa Beach without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

4. Case No. DSCE-24-252

Respondent: Mark Sahf Jr. and Mandy Thomas

Address of Property: 104 W Leon Cocoa Beach FL 32931

Parcel ID#: 24-37-26-CI-31-16

Legal Description: COCOA OCEAN BEACH SUBD LOT 16 BLK 31

Respondent Mandy Thomas and Respondents' Attorney Nathan Meloon were present at the duly noted hearing. After much back and forth discussion between councils, the City dismissed the case.

Repeat Violation: The Special Magistrate ordered: "The properties are, or have been, being utilized by the Respondent as, in essence, mini motels with rooms that are separately rented, which is not permitted...." *** "The Respondent shall cease and desist in renting the properties 30 days from May 8, 2024." Respondent continues to violate both these portions of the Order.

C. Unfinished Business

1. Consolidated Case No. 24-21 AND 24-24

Respondent: Mark Sahf

Address of Properties: 104 W Leon Ln AND 126 W Alachua Ln Cocoa Beach, FL 32931

Parcel ID#: 25-37-26-CI-31-16 AND 25-37-26-CI-31-30-13)

Legal Description: COCOA OCEAN BEACH SUBD LOT 16 BLK 31 AND COCOA OCEAN BEACH SUBD LOT 13 BLK 30

Code Section/Violations: AFFIDAVIT OF COMPLIANCE

D. Adjournment

Magistrate meeting Adjourned at 11:44 A.M.