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CODE ENFORCEMENT BOARD

MINUTES

MAY 16, 2019

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Chris Gibbs called the meeting to order at 5:30 pm and led the Pledge of Allegiance.

2. ROLL CALL

Present: Chair Chris Gibbs, Board Members Andrew Jones, James Shipton, Linda Palardy, Carl Weaver, Robert Luber and George Bosch.

Absent: Vice Chair Sandra Michelson and Board Member Arvind Maddikonda.

Board Member Weaver moved to excuse Vice Chair Sandra Michelson and Board Member Arvind Maddikonda. Seconded by Board Member Palardy, motion carried 5-0.

Also present: Council Members Barbara Smith and Andrea Young, Code Enforcement Inspectors Trude Hull and Roy Black, Deputy Building Official James Parker, Administrative Support Specialist Doreen A. Morales, City Attorney Morris Richardson and other members of the public.

3. ADOPTION OF MINUTES

Board Member Shipton moved to approve the minutes from the January 17, 2019 hearing. Seconded by Board Member Palardy, motion carried 5-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. OLD BUSINESS

Case No. 2018-23

Violation of Section 26-100 Prohibited accumulations of garbage & trash

Violation of Section 26-207 Storing, depositing or keeping abandoned property in an enclosed building

Violation of Section 26-241 Maintenance requirements

Code Enforcement Inspector Trude Hull presented Case No. 2018-23 for property located at 340 Park Hill Blvd. and owned by Virginia Elizabeth Hughes Revocable Trust, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- June 2018 - the Board found the violations; which granted 10 days to come into compliance or \$250/a day thereafter
- After 10 days – no compliance was reached and observations and photographs were made daily and/or weekly
- Residents appeared to have moved out in January 2019
- January 16, 2019 – substantial compliance was reached and liens were calculated to be \$49,250
- Summonses were posted and mailed monthly and photos were taken

Inspector Black recommends the Board impose the penalties and liens of \$49,250.

Board Member Luber moved for an order imposing penalties and liens of \$49,250 against the Respondent(s). Seconded by Board Member Shipton, motion carried 5-0.

Case No. 2018-69

Violation of Section 26-100 Prohibited accumulations of garbage & trash

Violation of Section 26-102 Removal of certain growth of grass & weeds

Violation of Section 27-7 Requirements for collection set out

Code Enforcement Inspector Trude Hull presented Case No. 2018-69 for property located at 5281 Martin Lane and owned by Kevin Lee Brown & Hattie E. Brown, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- October 18, 2018 - the Board found the violations; which granted 10 days to come into compliance; if not complied \$50/a day thereafter
- Photographs were taken on a regular basis
- Inspector Black displayed evidentiary photos to the Board
- March 26, 2019 - compliance was reached for total fines of \$7,450

Administrative Support Specialist Doreen A. Morales explained to the Board the fines began accruing on October 29, 2018 to March 26, 2019 at \$50/a day for a total of \$7,450.

Martin Brown was sworn in and testified:

- His Mother is in a nursing home and his brother cannot do anything; he is over 600 lbs.
- He thought he was in compliance after speaking with Inspector Black
- After several months he learned they were not in compliance

Inspector Black recommends the Board impose the lien of \$7,450.

Board Member Jones moved for an order imposing penalties and liens of \$7,450 against the Respondent(s). Seconded by Board Member Shipton, motion carried 4-1.

6. NEW BUSINESS

Case No. 2018-114

Violation of Section 30-5 Penalty of violation of fire prevention codes

Code Enforcement Inspector Trude Hull presented Case No. 2018-114 for property located at 7900 Greenboro Drive and owned by Garrett's Run Condominium Association, et al. Inspector Hull stated Fire Inspector Charles Crowell has granted an extension as substantial progress had been made.

Case No. 2019-07

Violation of Section 2-93 Repeat violations

Violation of Section 98-1008 Parking, storage or use of major rec. equip.

Code Enforcement Inspector Trude Hull presented Case No. 2019-07 for property located at 196 Hollywood Blvd., and owned by Deborah A. Raskett, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- March 5, 2019 - a complaint was received regarding a large boat in the driveway since March 3, 2019
- Evidentiary pictures were taken on March 5, 6, 7, 8, 9, 11, 12 and 13, 2019
- March 7, 2019 - property owner, Ms. Raskett, had been notified regarding the repeat violation(s)
- Five consecutive days of repeat violation(s) was noted with evidentiary pictures being displayed to Respondent(s) and Board Members

- March 13, 2019 - the boat was removed and a Notice of Repeat Violation was requested and mailed

Mariah McNulty was sworn in and testified:

- He stated he is the tenant at 196 Hollywood Blvd., West Melbourne, FL 32904
- Boat trailer needed repairs and could not be moved until repairs were made
- Does not believe this to be a repeat violation but is currently in violation and will pay a fine

Deborah Raskett was sworn in and testified:

- She is the property owner of 196 Hollywood Blvd., West Melbourne, FL 32904
- She does not believe this is a repeat violation due to the property being in compliance and she had been told by Inspector Black she didn't have to appear at the hearing in July 2018; she would like a copy of the tape from the hearing

Administrative Support Specialist Doreen A. Morales explained to Ms. Raskett she would have to contact the City Clerk for the recording.

City Attorney Morris Richardson stated there was a prior ruling in July 2018 for an order of findings which was signed by Chair Gibbs and recorded at the Clerk of the Court. Respondents were granted ten days to come into compliance and \$75/a day thereafter. There was no ruling for the imposition of liens due to photographs not being presented. Mr. Forbes later decided to comply and close the case. Mr. Richardson stated the case before the Board tonight is a repeat violation case.

Board Member Weaver asked for clarification regarding prior cases. Inspector Black explained the case was tabled due to lack of evidentiary pictures and the Building Official ultimately closed the case. Inspector Hull stated the case was tabled at the imposition hearing and subsequently the case was closed within the department by Mr. Forbes the Building Official.

Board Member Bosch asked if anyone spoke to Ms. Raskett regarding the violation after the three days. Inspector Black stated he did speak with Ms. Raskett. Mr. Bosch asked if any receipts were available regarding the broken trailer or if Inspector Black received any phone calls regarding the broken trailer. Inspector Black stated he did not hear from anyone regarding a broken trailer.

Chair Gibbs reiterated this case is a repeat violation and asked Inspector Black for his recommendation.

Inspector Black recommends the Board find the repeat violations.

Board Member Luber moved to find the violations. Seconded by Board Member Shipton, motion carried 5-0.

Inspector Black recommends, for the repeat violations, a fine of \$250 per day for the five days the boat was in the driveway, for a total fine of \$1,250.

Board Member Luber moved for a fine of \$100/a day for five days while the boat was in the driveway for a \$500 fine. Seconded by Board Member Jones, motion carried 5-0.

Case No. 2019-08
Violation of Section 18-451 Fence permit required

Code Enforcement Inspector Trude Hull presented Case No. 2019-08 for property located at 1162 Hailey Street and owned by IH6 Property Florida, LP, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy M. Black.

Inspector Black was sworn in and testified:

- On January 22, 2019 – a complaint was received regarding a fence being erected without a permit
- Residence is a rental property and photographs were taken
- Numerous attempts were made to reach the property owners, Invitation Homes
- On May 5, 2019 - Misty with Space Coast Property Management stated a request had been made to the ARC Committee but had been denied and they were told to take the fence down
- Space Coast Property Management was informed they can pull a fence permit, have a final inspection or simply remove the fence. Either would close the Code Enforcement case
- No permit had been applied for as of March 13, 2019 and the fence has not been removed

Inspector Black recommends the Board find the violations.

Board Member Jones moved to find the violations. Seconded by Board Member Palardy, motion carried 5-0.

Inspector Black recommends five days and a fine of \$250/per day thereafter until compliance is reached.

Board Member Shipton moved for five days and a fine of \$250 per day until compliance is reached. Seconded by Board Member Palardy, motion carried 5-0.

Case No. 2019-33

Violation of Section 26-166 Certain locations & vehicles prohibited

Violation of Section 98-1008 Parking, storage or use of major rec. equip.

Code Enforcement Inspector Trude Hull presented Case No. 2019-33 for property located at 351 Park Hill Blvd., and owned by Kirk Lang, et al. Inspector Hull stated the property has complied.

Case No. 2019-15

Violation of Section 98-1008 Parking, storage or use of major rec. equip.

Code Enforcement Inspector Trude Hull presented Case No. 2019-15 for property located at 157 E. Laila Drive and owned by Casey & Amanda Rebensky, et al. Inspector Hull stated this case is tabled at this time.

7. ADJOURNMENT

There being no further business, hearing was adjourned by Chair Chris Gibbs, or designee.