

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

COUNCIL MEMBERS
Daniel Batchelder
Pat Bentley
Daniel McDow
Stephen Phrampus
Andrea Young



Building Department
Tom Forbes, Building Official
City Hall
2240 Minton Road
West Melbourne, FL 32904
Phone: (321) 837-7776
Fax: (321) 952-9542
www.westmelbourne.org

CODE ENFORCEMENT BOARD

AGENDA

Thursday, August 19, 2021
5:30 p.m.
City Council Chambers

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADOPTION OF MINUTES**

The Board is asked to approve the minutes of the May 20, 2021 hearing.

5. **SWEARING IN OF THOSE PRESENTING TESTIMONY**
6. **NEW BUSINESS**

- A. Case No. 2021-0068 (206 Pine St.)
Timothy L. Wade, et al.
Violation of Section 26-100. – Prohibited accumulations of garbage & trash
Violation of Section 26-102. - Removal of growth of grass and weeds
Violation of Section 26-206. - Vehicles in inoperable condition
Violation of Section 26-207. - Storing, depositing or keeping abandoned
Order of findings and penalties
- B. Case No. 2021-0051 (66 Westover Drive)
John Laisi, et al.
Violation of Section 26-206. - Vehicles in inoperable condition
Violation of Section 26-207. - Storing, depositing or keeping abandoned
Order of findings and penalties
- C. Case No. 21-0103 (2820 Minton Road)
Grace Church Melbourne, Inc., et al.
Violation of Section 18-331. – Use and occupancy
Order of findings and penalties

- D.** Case No. 21-0081 (682 Thomas Jefferson Lane)
Barbara Hogan, et al.
Violation of Section 18-151. – Required
Order of findings and penalties
- E.** Case No. 21-0067 (2395 Minton Road)
S & A Minton Road Corp, et al.
Violation of Section 71-107. – Required – Trees removed from vacant lot
Order of findings & penalties
- F.** Case No. 21-0107 (2395 Minton Road)
S & A Minton Road Corp, et al.
Violation of Section 71-118. – Plant material
Order of findings & penalties
- G.** Case No. 21-0095 (1380 W. New Haven Ave)
Michael Kawohl, et al.
Violation of Section 50-152. – Business tax receipt required
Violation of Section 18-151. - Required
Order of findings & penalties
- H.** Case No. 21-0069 (1380 W. New Haven Ave)
Michael Kawohl, et al.
Violation of Section 302.1. – Sanitation
Order of findings & penalties

7. ADJOURNMENT

All persons wishing to be heard should appear in person at these hearings or send written comments to the City Clerk. All persons and parties are hereby advised that if they should decide to appeal any decision made by the City with respect to any matter considered at the public meeting or hearing described in this notice, they will need a record of the proceedings, and for such purpose, said person or party 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 (Chapter 286, Florida Statutes). In compliance with American with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at 321-837-7774 at least 48 hours before the hearing.

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CODE ENFORCEMENT BOARD

MINUTES

MAY 20, 2021

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, Vice Chair Sandra Michelson, Board Members Andrew Jones, James Shipton, Linda Palardy, Carl Weaver and George Bosch.

Absent: Board Member Bosch moved to excuse Board Member Luber, seconded by Board Member Shipton, motion carried 6-0.

Also present: Building Official Tom Forbes, Code Enforcement Inspectors Roy Black and Tommy Ramsey, City Attorney Morris Richardson, Planning & Economic Director Christy Fischer, Administrative Support Specialist Doreen A. Morales and other members of the public.

3. ADOPTION OF THE MINUTES

Vice Chair Michelson moved to approve the minutes from April 15, 2021. Seconded by Board Member Weaver, motion carried 6-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. NEW BUSINESS

Case No. 2021-0049

Violation of Section 98-525. Prohibited uses and structures

Code Enforcement Inspector Roy Black presented Case No. 2021-0049 for property located at 7629 Coral Drive and owned by Xa Thi Tran, et al.

Inspector Black was sworn in and testified:

- December 2020 - No business was being conducted and the property was cleared per The Sunset Clause between Respondents and the City
- March 2021 – Salvage vehicles reappeared at the property
- April 2021 – Additional vehicles appeared and customers were coming and going
- Contact was made with the tenant, Mr. Dietrich and he claimed Respondents told him he could run the business as a salvage yard. He was selling their old stock of cars and was restocking the yard
- Mr. Dietrich had many zoning and business related questions. Was then referred to Ms. Fischer in the Zoning Department
- A Notice of Violation and Summons were mailed to Respondents and tenants

Christy Fischer, Planning & Economic Development Director, was sworn in and testified:

- Respondents were notified the Sunset Clause was ending at the end of December 2020
- Many realtors and business owners were inquiring as to the allowable uses at the property
- Realtors and business owners were told about the Sunset Clause and how it would transfer to new property owners
- Respondents and their new tenants were aware of the Sunset Clause
- All junk vehicles and junk parts should be removed. Inoperable vehicles, salvage parts or salvage vehicles are not allowed at the location at any time

Attorney Richardson stated the auto salvage business was in place and was grandfathered. In September 2005 the owners and the City entered into the Sunset Clause. The agreement specifically stated the allowable uses and the expiration date of the Sunset Clause. The Sunset Clause is recorded with the Clerk of Court and anyone interested in purchasing the property will find the agreement.

Respondent, Xa Thi Tran, of 3703 Lasistor Street, Orlando, Florida, and her translator were sworn in and testified:

- Ms. Tran is aware of the agreement with the City and they are working with the new tenant to clean up the property
- Ms. Tran requests an extension to May 25th because the wrecker company has been delayed and they need more time to clean up the property
- The new tenant will use the property as a used car dealership

Inspector Black recommends finding the violations at 7629 Coral Drive.

Board Member Jones moved to find the violations at 7629 Coral Drive. Board Member Palardy seconded, motion carried 6-0.

Inspector Black recommends granting an extension, at the Board's discretion, but recommends a maximum fine of \$250/a day thereafter until complied.

Board Member Shipton moved to grant an extension to June 21, 2021 and a fine of \$250/a day thereafter until complied. Board Member Jones seconded, motion carried 6-0.

The tenant, Mr. Dietrich, stated he cannot get any business licensing from the City because of the violations. He does not know where to relocate vehicles until compliance.

Ms. Fischer stated the tenant does have another lot he can use for the vehicles until in compliance.

Attorney Richardson stated Inspector Black can inspect the property for compliance. Once complied, if the same re-occurs the fines will begin on the day the repeat violations are found. No notice is required for repeat violations.

Attorney Richardson recommended the Respondents submit an M1 site plan to the Zoning Department for review.

Case No. 2021-0043

Violation of Section 98-1122. – Maintenance of walls and fences

Code Enforcement Inspector Roy Black presented Case No. 2021-0043 for property located at 3009 SW Elizabeth Street and owned by Elizabeth Ann Maples, et al.

Inspector Black was sworn in and testified:

- Respondents fence has been falling apart for over two years
- April 2021 – Contact was made with the Respondents
- Respondents told him they would pick up the old fence panels
- Fence panels were laid on the ground and fence is in disrepair
- Notice of Violation and Summons were sent

Building Official Tom Forbes was sworn in and testified:

- Respondent's fence can either be removed entirely or replaced
- A fence permit is required

Inspector Black recommends the Board find the violations at 3009 SW Elizabeth Street.

Board Member Weaver moved to find the violations at 3009 SW Elizabeth Street. Board Member Jones seconded, motion carried 6-0.

Inspector Black recommends granting thirty days to come into compliance and \$50/a day thereafter until complied.

Board Member Weaver moved to grant ten days to come into compliance and \$100/a day thereafter until complied. Board Member Palardy seconded, motioned carried 6-0.

6. ADJOURNMENT

There being no further business, hearing was adjourned at 6:02 pm.

Chair Chris Gibbs, or designee

Doreen A. Morales
Recording Secretary