

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

COUNCIL MEMBERS
Daniel Batchelder
Pat Bentley
Adam Gaffney
Barbara A. Smith
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, October 15, 2020
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 September 17, 2020 hearing.

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

- A. Case No. 2020-0018 (2909 W. NEW HAVEN AVENUE)
JOSEPH DIPOLA, et al.
Violation of Section 18-151. - Required
Violation of Section 18-178. - Work starting before permit issuance
Order imposing penalties & liens

7. **NEW BUSINESS**

- B. Case No. 2020-0059 (3027 GRACE STREET)
VAN PROPERTY GROUP, LLC, et al.
Violation of Section 26-166. - Certain locations and vehicles prohibited
Order finding violation

- C.** Case No. 2020-0070 (351 N. LAILA DRIVE)
VANCE B. HARLESS, et al.
Violation of Section 302.1. - Sanitation
Order finding violation
- D.** Case No. 2020-0052 (3170 W. NEW HAVEN AVE)
PLAZA WEST SHOPPING CENTER, LLC, et al.
Violation of Section 26-65. - Commercial, business & institutional est. trash
Violation of Section 74.119. - Unpaved parking lots
Violation of Section 74-120. - Curbing
Order finding violations
- E.** Case No. 2020-0060 (3008 GRACE STREET)
JOSEPH H. FULKERSON, JR, et al.
Violation of Section 26-166. - Certain locations and vehicles prohibited
Violation of Section 26-206. - Vehicles in inoperable condition
Violation of Section 98-1008. - Parking, storage or use of major recreational equip.
Order finding violations
- F.** Case No. 2020-0073 (5140 TREND ROAD)
SUSAN HILLMAN-COOK, et al.
Violation of Section 26-206. - Vehicles in inoperable condition
Violation of Section 62-2108. - Farm animals and fowl
Order finding violations
- G.** Case No. 2020-0076 (7630 CORAL DRIVE)
JOSE GARCIA, et al.
Violation of Section 26-207. – Storing, depositing, keeping property in encl. bldg.
Order finding violation

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

September 17, 2020

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, Robert Luber and George Bosch.

Absent: Board Member Arvind Maddikonda.

Board Member Weaver moved to excuse Board Member Maddikonda. Seconded by Board Member Jones, motion carried 6-0.

Also present: Building Official Tom Forbes, Code Enforcement Inspector Roy Black, Administrative Support Specialist Doreen 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 July 16, 2020 hearing. Seconded by Board Member Palardy, motion carried 6-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. NEW BUSINESS

Case No. 2020-0066

Violation of Section 2-94. Emergency actions
Violation of Section 98-562. Principal uses and structures
Violation of Section 98-565. Prohibited uses and structures

Building Official Tom Forbes presented Case No. 2020-0066 for property located at 9075 Ellis Road and owned by Madison Holdings of Brevard, LLC, et al.

Building Official Forbes was sworn in and testified:

- A written request for a two week extension was received from the Respondent
- This request was granted with the caveat Respondent abstain from any tree/debris burning until the hearing on October 1, 2020
- Tabled until hearing on October 1, 2020

6. OLD BUSINESS

Case No. 2014-0056

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

Building Official Tom Forbes presented Case No. 2014-0056 for property located at 7561 Tropicana Avenue and owned by Kathy Popiel, et al.

Building Official Forbes was sworn in and testified:

- A written request was received from a title company to release an order of findings on this property
- Mr. Forbes recommends a release of the order of findings

City Attorney Richardson explained to the Board why title companies require releases of orders. He also informed the Board no liens were ever imposed on this property.

Board Member Jones moved to release the order of findings. Seconded by Board Member Shipton, motion carried 6-0.

Case No. 2017-0124

Violation of Section 26-64. Property maintenance
Violation of Section 26-102. Removal of certain growth of grass and weeds

Building Official Tom Forbes presented Case No. 2017-0124 for property located at 3232 Irene Street and owned by Roberta L. Moore, et al.

Building Official Forbes was sworn in and testified:

- A forced mow lien was paid in full
- Mr. Forbes recommends a release of the mow lien

Board Member Palardy moved to release the order imposing the forced mow lien. Seconded by Board Member Jones, motion carried 6-0.

Case No. 2020-0018

Violation of Section 18-151. Required

Violation of Section 18-178. Work starting before permit issuance

Building Official Tom Forbes presented Case No. 2020-0018 for property located at 2909 W. New Haven Avenue and owned by Joseph Dipola, et al.

Building Official Forbes was sworn in and testified:

- Case was presented to the Board two months ago
- Respondent was granted 60 days to submit a minor site plan
- 60 days has passed and no minor site plan has been submitted
- The Respondent is requesting an additional 30 days

Joseph Dipola was sworn in and testified:

- Curbing has been removed
- One of his employees was overzealous and completed the work after speaking with Home Depot
- The employee wasn't aware a modification was needed
- Mr. Dipola wants to rectify the situation and apologizes
- He requests an additional 30 days to submit the site plan

Contractor Patrick Wall of Wall Brothers Construction was sworn in and testified:

- Mr. Wall stated he initially applied for a permit, after the work was completed
- He thought a building permit would rectify the situation
- Mr. Wall has not applied for a site plan modification at this time
- He stated he has tried on numerous occasions to reach Ms. Fischer
- Mr. Wall stated he will call Ms. Fischer tomorrow and get the minor site plan submitted

Building Official Forbes stated the concrete ramp has been removed into the adjacent parking lot. He also suggests taking out the slabs over the water lines and believes the Planning and Zoning Department needs to be involved to go over what is allowed and what is not.

Mr. Forbes stated Mr. Dipola needs to submit a minor site plan for review. He is fine with granting an additional 30 days to the Respondent. An order of findings is in place with fines beginning in 30 days.

Board Member Weaver is concerned the Respondent cannot meet the 30 day deadline.

Board Member Jones moved to grant a 30 day extension to get the site plan to the Planning & Zoning Department. Seconded by Board Member Palardy, motion passed 6-0.

ANNOUNCEMENT REGARDING THE SPECIAL HEARING OF OCTOBER 1, 2020.

City Attorney Richardson advised the Board to be prepared for a two to three hour hearing on October 1, 2020.

7. ADJOURNMENT

There being no further business, hearing was adjourned at 5:50 pm.

Chair Chris Gibbs, or designee

Doreen A. Morales
Recording Secretary