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West Melbourne

F L O R I D A

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CODE ENFORCEMENT BOARD

MINUTES

February 20, 2020

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Vice Chair Sandra Michelson called the meeting to order at 5:31 pm and led the Pledge of Allegiance.

2. ROLL CALL

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

Absent: Chair Chris Gibbs and Board Member Arvind Maddikonda.

Board Member Weaver moved to excuse Chair Gibbs and Board Member Maddikonda. Seconded by Board Member Shipton, motion carried 5-0.

Also present: Council Member Barbara Smith, 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 January 16, 2020 hearing. Seconded by Board Member Lubber, motion carried 5-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. OLD BUSINESS

Case No. 2013-106

Violation of Section 26-206. Vehicles in inoperable condition

Building Official Tom Forbes presented Case No. 2013-106 for property located at 116 McClain Drive and owned by David A. Butler, et al.

Building Official Forbes was sworn in and testified he would like to request an order releasing liens. The property owner needs the order released as no liens ever accrued.

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

6. NEW BUSINESS

Case No. 2020-0006

Violation of Section 26-64. Property maintenance

Violation of Section 26-100. Prohibited accumulations of garbage and trash

Violation of Section 26-207. Storing, depositing or keeping abandoned property

Violation of Section 26-241. Maintenance requirements

Building Official Tom Forbes presented Case No. 2020-0006 for property located at 157 Woodland Drive and owned by Gail T. Floyd, et al.

Building Official Forbes was sworn in and testified on behalf of Code Enforcement Inspector Trude Hull:

- Tenant and others live at the residence without electric or water
- Code Enforcement Inspector Roy Black took updated photos today
- Updated photos were passed around to the property owner and board members
- Yard sale items accumulate daily and tenant has continual yard sales
- Property will be posted as uninhabitable

Tiffany Martinez, of 265 Isla Street, West Melbourne, niece of Property Owner Gail Floyd, was sworn in and testified:

- Tenant's name is Pete and he has many people living in the house
- Tenant does not have water or electric at the residence
- They've asked him verbally, on many occasions, to move from the residence
- Property owner also sent a personal letter via certified mail asking him to leave the residence
- Utilities were in the property owner's name
- Tenant has not paid any utility bills

- Tenant refused to sign a lease agreement; a month to month verbal agreement is in place
- Tenant has been there for three years and adds items for yard sales on a regular basis
- Property is getting worse over time
- They intend to clean up the property once the tenant is removed from the premises
- They request an extension to get an attorney to start eviction process

Attorney Morris Richardson stated respondent and tenant have a month-to-month verbal lease agreement. Short order procedures are available to evict the tenant. He strongly urges they consult with an attorney so tenant is legally removed from the premises. Respondent is responsible for the property and any accrued liens. As the landowner they cannot self-help themselves onto the property with the tenant's personal property being at the residence. They must go through the formal eviction process. The tenant was legally allowed to move into the residence. Attorney Richardson strongly urges they contact an attorney, read Chapter 95 of the Florida statutes or go to the Clerk of Court and attempt to complete the forms but it is a complicated procedure without an attorney.

Attorney Richardson stated it would take some doing for the City to legally remove the tenant from the residence.

Mr. Dick Pettit was sworn in and stated he has lived at 343 Meadowood Lane, West Melbourne since 1958. Mr. Pettit stated the property at 157 Woodland Drive is hell to look at and looks like a dump. He has spoken to Trude, knows her very well and has received some relief. He wants the Board to know Laila Park was a nice place at one time. Many homes have been renovated and the neighborhood looks pretty good. Mr. Pettit stated the sooner 157 Woodland gets cleaned up the better. It has gone on far too long.

Building Official Forbes recommends the Board find the violations.

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

Building Official Forbes recommends, on behalf of Code Enforcement Inspector Trude Hull, to grant thirty days to come into compliance, if not in compliance by March 21, 2020, a fine of \$50/a day until compliance is reached.

Attorney Richardson stated if the Board rules in favor of the thirty day recommendation and the property owner has commenced the legal process, she can come to the next hearing and request additional time, if she needs it. The Board needs to rule on the penalty tonight.

Board Member Shipton moved to grant an extension of thirty days to come into compliance, if not in compliance by March 21, 2020, a fine of \$50/a day until compliance is reached. Board Member Shipton grants the property owner a chance to return to the next hearing if an extension is needed. Seconded by Board Member Lubber, motion carried 5-0.

Building Official Forbes will post the property as uninhabitable and he will speak with Attorney Richardson regarding next steps after posting.

Attorney Richardson stated he believes it's a criminal violation to enter the premises.

Case No. 2019-0153

Violation of Section 26-64. Property maintenance

Violation of Section 26-206. Vehicles in inoperable condition

Violation of Section 18-175. Posting, dimensions & coloration of numerals

Building Official Tom Forbes presented Case No. 2019-0153 for property located at 647 Dundee Drive and owned by Bruce & Lauren Pooser, et al.

Building Official Forbes was sworn in and testified on behalf of Code Enforcement Inspector Trude Hull:

- Violations of property maintenance and posting of address numerals have complied

Code Enforcement Inspector Roy Black was sworn in and testified:

- One inoperable vehicle remains on the property and the Respondent has told him they should have it removed within thirty days

Building Official Forbes asked the Board to find the violations.

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

Building Official Forbes recommends, on behalf of Code Enforcement Inspector Trude Hull, to grant an extension of thirty days to come into compliance, if not in compliance by March 21, 2020, a fine of \$50/a day until compliance is reached.

Board Member Shipton, moved to grant an extension of thirty days to come into compliance, if not in compliance by March 21, 2020, a fine of \$150/a day until compliance is reached. Seconded by Board Member Weaver, motion carried 4-1 with Board Member Lubber opposing.

Case No. 2020-0004

Violation of Section 26-206. Vehicles in inoperable condition

Violation of Section 18-175. Posting, dimensions & coloration of numerals

Building Official Tom Forbes presented Case No. 2020-0004 for property located at 5700 Morris Court and owned by LSF9 Master Participation Trust, et al.

Building Official Forbes was sworn in and testified on behalf of Code Enforcement Inspector Trude Hull:

- Violation of posting of address numerals has complied
- One inoperable red vehicle is parked by the fence to the left of the garage

Code Enforcement Inspector Roy Black stated the inoperable vehicle must be in an enclosed building or garage. It must be operational with a current tag to be parked in the yard.

Building Official Forbes recommends the Board find the violations.

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

Building Official Forbes recommends, on behalf of Code Enforcement Inspector Trude Hull, to grant an extension of ten days to come into compliance, if not in compliance by March 1, 2020, a fine of \$50/a day until compliance is reached.

Board Member Luber moved to grant an extension of ten days to come into compliance, if not in compliance by March 1, 2020, a fine of \$50/a day until compliance is reached. Seconded by Board Member Shipton, motion carried 5-0.

7. ADJOURNMENT

There being no further business, hearing was adjourned.