

MAYOR
Hal J. Rose

DEPUTY MAYOR
John Dittmore

COUNCIL MEMBERS
Daniel Batcheldor
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

MINUTES

June 18, 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 and Robert Luber.

Also present: Building Official Tom Forbes, Code Enforcement Inspectors Trude Hull and 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 February 20, 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. OLD BUSINESS

Case No. 2018-0069

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. 2018-0069 for property located at 5281 Martin Lane and owned by Kevin L. Brown and Hattie E. Brown, et al.

Inspector Hull stated the property owner's family is requesting a lien reduction because they are going to refurbish the house to make it ADA compliant for Ms. Brown who is in a nursing home. The family wants to bring her home. They'll need to apply for a loan but need the lien reduced and released.

Inspector Hull recommends the Board consider a reduction of the lien from \$7,500 to \$2,000. We have a check in hand for \$2,000 from the family.

Board Member Jones moved to reduce the lien to \$2,000. Seconded by Board Member Luber, motion carried 6-0.

Inspector Hull recommends the Board release the lien of \$2,000 on the property.

Board Member Shipton moved to release the lien of \$2,000. Seconded by Board Member Palardy, motion carried 6-0.

Case No. 2019-0162

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

Code Enforcement Inspector Trude Hull presented Case No. 2019-0162 for property located at 4255 Norfolk Parkway and owned by West Melbourne Holdings, II LLC., et al.

Inspector Hull stated the AMC Theatre has paid the \$1,000 fine and she recommends the Board release the lien.

Board Member Luber moved to release the lien of \$1,000. Seconded by Board Member Palardy, motion carried 6-0.

6. NEW BUSINESS

Case No. 2019-0150

Violation of Section 18-151. Required (permits)

Code Enforcement Inspector Trude Hull presented Case No. 2019-0150 for property located at 129 W. Laila Drive and owned by Teresa Van Valkenburg, et al.

Inspector Hull stated this matter is tabled due to no service of summons. Building Official Forbes will post the property for the July hearing.

Case No. 2020-0018

Violation of Section 18-151. Required (permits)

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

Code Enforcement Inspector Trude Hull presented Case No. 2020-0018 for property located at 2909 W. New Haven Ave and owned by Joseph Dipola, et al.

Inspector Hull stated this matter is tabled due to no service of summons. Building Official Forbes will post the property for the July hearing.

Case No. 2020-0010

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

Code Enforcement Inspector Trude Hull presented Case No. 2020-0010 for property located at 207 Laurel Oak Street and owned by Edwin L. Drake, et al.

Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- Mr. Black stated over the past three years he has spoken to the property owner regarding the extreme overgrowth in the front and back yards
- Photos have been taken since February 21, 2020 of the overgrowth
- Property owner was in the backyard today weed whacking
- Property owner is trying but never has completely complied in three years
- Mr. Black has been patient with Mr. Drake but stated it was time to bring before the Board

Edwin L. Drake, of 207 Laurel Oak Street, was sworn in and testified:

- He stated he is 100 percent totally and permanently disabled and has degenerative disc disease in his back
- He has recently hired someone to help with the lawn and they will come and mow every month
- He requests until the end of June to get the lawn mowed

Inspector Black recommends the Board find the violations.

Vice Chair Michelson moved to find the violations at 207 Laurel Oak Street. Seconded by Board Member Palardy, motion carried 6-0.

Inspector Black recommends the Board grant 10 days to come into compliance, if not in compliance in 10 days a fine of \$50/a day thereafter.

Board Member Luber moved to grant 12 days to come into compliance, if not in compliance in 12 days a fine of \$25/a day thereafter. Seconded by Board Member Shipton, motion carried 6-0.

Case No. 2020-0024

Violation of Section 2-93 Repeat violations

Violation of Section 26-206 Vehicles in inoperable condition

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

Code Enforcement Inspector Trude Hull presented Case No. 2020-0024 for property located at 196 Hollywood Blvd., and owned by Deborah A. Raskett, et al.

Attorney Richardson asked Ms. Morales to give the Board background as to Ms. Raskett asking the City Clerk for a continuance for tonight's hearing. Ms. Morales stated Ms. Raskett requested a continuance through the City Clerk, Cynthia Hanscom. We were willing to grant Ms. Raskett the continuance but Ms. Raskett then stated her tenant, Moriya McNulty, would be attending the hearing to speak on the issues at 196 Hollywood Blvd.

Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- Mr. Black contacted Ms. Raskett on multiple occasions regarding new violations
- He gave her verbal warnings before initiating a new (repeat) case
- Significant complaints come in for the property so he had to initiate a new case
- On June 3, 2020 he opened a new repeat case
- Tonight's case is based off the following cases: Case No.19-0144 for an inoperable vehicle; the Board issued a finding of violation and Case No.19-0082 for major recreational equip; the Board also issued a finding of violation
- There is a black Ford truck, with flat tires, in the front yard with an expired registration from December 2019
- Also, on the north side of the house there is a boat trailer which is partially in the front of the house and on the City right of way
- Photos of the violations have been taken from June 3 to June 18th
- As of today, June 18th, the violations remain
- The boat trailer is in the same location but it may be slightly closer to the house
- The black Ford truck had its tires re-inflated and was backed up onto the north side of house
- Tires are beginning to flatten on the truck

Board Member Jones stated Mr. McNulty is the tenant and is ultimately not responsible.

Moriya McNulty, the tenant at 196 Hollywood Blvd, was sworn in and testified:

- Mr. McNulty questioned Inspector Black as to the violations against him for tonight's hearing
- Mr. McNulty stated the trailer was moved Sunday afternoon and is on the side of the house
- He stated the truck tires were flat and tags are expired and it's a criminal offense to have invalid tags
- Mr. McNulty stated he spent Saturday and Sunday cleaning the house and laying mulch and the house looks great
- He stated the boat trailer is recreational equipment

Inspector Black recommends the Board find the repeat violations.

Vice Chair Michelson moved to find the violations at 196 Hollywood Blvd. Seconded by Board Member Jones, motion carried 6-0.

Inspector Black recommends the Board place the repeat fine on the property for thirteen (13) days at \$250/a day for a total of \$3,250.

Board Member Shipton moved to place a fine on the property at 196 Hollywood Blvd. for thirteen (13) days at \$250/a day for a total of \$3,250. Seconded by Board Member Jones, motion carried 6-0.

7. ADJOURNMENT

There being no further business, hearing was adjourned.

