

MAYOR
Hal J. Rose

DEPUTY MAYOR
Pat Bentley

COUNCIL MEMBERS
John Dittmore
Adam Gaffney
Bill Mettrick
Barbara A. Smith
Andrea Young



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CODE ENFORCEMENT BOARD

AGENDA

Thursday, November 15, 2018
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 October 18, 2018 hearing.

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

- A. Case No. 2017-113 (134 Bossieux Blvd.)
NGA TO PHAM, et al.
Violation of Section 26-102 Removal of certain growth of grass & weeds
Violation of Section 26-241 Maintenance requirements
Order imposing for City mow

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

OCTOBER 18, 2018

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Present: Chair Chris Gibbs, Board Members Linda Palardy, Carl Weaver, George Bosch and Arvind Maddikonda.

Absent: Vice Chair Sandra Michelson, Board Members Andrew Jones, James Shipton & Robert Luber.

Board Member Weaver moved to excuse Vice Chair Sandra Michelson, Board Members Andrew Jones, James Shipton and Robert Luber. Seconded by Board Member Palardy, motion carried 4-0.

Also present: Council Members Barbara Smith and Andrea Young, Code Enforcement Inspectors Trude Hull and Roy Black, Code Enforcement Secretary Doreen A. Morales, Building Official Thomas Forbes, City Attorney Morris Richardson and other members of the public.

3. ADOPTION OF MINUTES

Board Member Bosch moved to approve the minutes from the September 20, 2018 hearing. Seconded by Board Member Palardy motion carried 4-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. OLD BUSINESS

Case No. 2018-21

Violation of Section 26-166 Certain locations and vehicles prohibited

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

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

Code Enforcement Inspector Trude Hull presented Case No. 2018-21 for property located at 196 Hollywood Blvd. and owned by Deborah Raskett, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- On 5/2/18 – Responded to a complaint and spoke to a female tenant who advised she would pass the warning onto her boyfriend, also a tenant. There was a disabled Mercedes in the front yard. The tenant stated it belonged to the landlord, who refused to move it. A red warning sticker was placed on the vehicle and shortly thereafter the vehicle was removed.
- 5/9/18 - Contact was attempted with no answer and no compliance.
- 5/12/18 - Spoke with male tenant who advised he had to fly to Arizona, hence the non-compliance.
- 5/19/18 - No compliance. Male tenant was removing items from an enclosed trailer as I approached him. He stated he was gathering tools he needed but the trailers and boat would be removed by the end of the weekend.
- 5/23/18 - No compliance. A notice of violation was mailed to the property owners and tenants. Inspector Black stated he has driven by the property on multiple occasions since the initial contact, the trailers, boat and household trash remain at the property.
- 6/19/18 – Pictures were taken; only compliance is the trash and abandoned property (appliances, etc.) were removed from side of house.
- 6/21/18 - Tabled due to substantial compliance.
- 6/22/18 - Re-inspected and only in partial compliance.
- 7/5/18 - Violations persisted and a trailer had returned. The boat remained in the driveway or in the right of way daily.

- 8/4/18 – Boat returned
- 8/7/18 - Boat was still at the house beyond the 24 hr. limit. Also, the hot tub was broken up and on the side of the house.
- 9/20/18 – Compliance

Inspector Black recommends the Board impose the lien for \$3,751.50.

Attorney Richardson stated the Board has previously found these violations and the Respondent(s) may produce more evidence and have the right to be heard before an imposition of a lien.

Deborah Raskett of 642 Lemon Grove Avenue, West Melbourne, Florida, was sworn in and testified:

- On July 9th she received an official notice from Code Enforcement
- She spoke to Mr. Black and he stated she was in compliance and she did not have to come to the hearing
- The boat came back on July 19 and she had ten days to come into compliance
- Mr. Black told her she will be cited for items in the ROW
- She stated she has nothing to do with an empty lot
- She should not be responsible for those dates and items in the lot
- On June 30th the boat was on the property because the tenant was using the boat
- No violations existed as of July 19th and they were in compliance until August 8 but again this was in the empty lot
- She stated she didn't know she had to prove innocence
- She received the file from the City and copies were made; she was told everything was in the file by Inspector Black
- She stated anyone can manipulate dates and times on a camera and there are no pictures for July and August
- Ms. Raskett would like the case dismissed

Attorney Richardson stated the Board found the violations and issued an Order of Findings for the same violations. The only dates in question are July 30th to September 19th, 2018. Attorney Richardson stated the burden of proof shifts once the violation exists and Respondent(s) is notified. It is then the Respondent's responsibility to contact the Code Officer regarding compliance. Once the Code Officer inspects the property and finds compliance then and only then is the property considered in compliance. Otherwise violations still exist. The property was in violation per Inspector Black and the Board.

Mariah McNulty, the tenant of 196 Hollywood Blvd., West Melbourne, FL, was sworn in and testified:

- He is in construction and does a lot of volunteer work for West Melbourne
- He was mowing the right of way (ROW) because it is not cared for
- He travels a lot and once they moved in he had a lot to sort through
- He does bring the boat home overnight and did have the boat in driveway
- He thought there was a three day limit for the boat
- ROW issues should be cited the proper way and not against Ms. Raskett
- He is new to the area and apologizes and wants to do the right thing
- He likes to have some fun, when he can, and admits to mistakes but none of it is deliberate
- He would like the Board to show leniency and if fines are going to be imposed he'd like a continuance so they can come with representation at another time
- He stated the washer and dryer had been nicely stacked up on the side of the house and everything else had been moved
- He will not have any violations from here on out

Inspector Black stated there were violations related to the ROW and they were incorrectly cited against the Respondent(s) but other violations still existed. As of this morning the trailer is in front of the house and has been there since last Tuesday. The boat for the most part has been there daily.

Attorney Richardson requested pictures and documents from the time period in question from July 30th to September 19, 2018 and only related to the Respondent's property at 196 Hollywood Blvd., and not the right of way.

Attorney Richardson instructed Inspector Black and Code Enforcement to supply the Respondent with all missing pictures and suggested at this time the matter be tabled to next month's hearing.

Attorney Richardson reminded both alternates they are voting at this hearing due to absences.

Board Member Weaver motioned to table until next scheduled hearing. Seconded by Board Member Bosch motion carried 4-0.

Case No. 2017-113

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

Violation of Section 26-241 Maintenance requirements

Code Enforcement Inspector Trude Hull presented Case No. 2017-113 for property located at 134 Bossieux Blvd. and owned by Nga To Pham, et al. Inspector Hull stated we had mowed this property after Hurricane Irma because we couldn't locate the

owners and the property was posted. We hand served a summons for today's hearing to the sisters of the property owner as she is in a home. They said they would take care of the property but nothing has been done as of today.

Inspector Hull recommends an immediate City mow with fines being assessed against the Respondent's property.

Board Member Palardy moved for an immediate City mow with fines being assessed against the Respondent's property. Seconded by Board Member Bosch, motion carried 4-0.

Case No. 2018-63

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

Code Enforcement Inspector Trude Hull presented Case No. 2018-63 for property located at 215 Ladybug Court and owned by Dennis Woodward, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black stated the Board granted a City mow at the last hearing and the property has been mowed by Green Thumb Landscaping. Inspector Black recommends the Board impose the City mow lien of \$727.50.

Board Member Palardy moved to impose the mow lien on 215 Ladybug Court for \$727.50. Seconded by Board Member Weaver motion carried 4-0.

6. NEW BUSINESS

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 L. Brown, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- He had received numerous complaints from the neighbors on Martin Lane for many months. Each visit he spoke with the owner/resident and was assured the property would comply. It was somewhat cleaned up, but always teetered on the border of compliance and non-compliance.

- On 9/11/18 – Officer Black stated he observed additional violations along with the previous violations. There was overgrowth, as well as an accumulation of household trash and other refuse in the yard. This includes old appliances and tires. The trash and recycling containers remain in the middle of the front yard, instead of behind the front edge of the house.
- 10/18/18 – The trash/recycle containers, plywood and busted furniture were placed in front of the house. Wooden pallets, in the front yard, were leaning up against PVC fencing. Trash and roofing material remained on the side of house. Trash and tires were in and around the outside of trash containers and set near the road, presumably for pick up, but the pickup date had passed and the trash remained. This is probably due to the container not being near enough to the road for Waste Mgmt. to retrieve.

Inspector Black recommends the Board find the violations.

Board Member Palardy moved to find the violations. Seconded by Board Member Bosch motion carried 4-0.

Inspector Black further recommends the Board grant 10 days to come into compliance and \$50/a day until compliance is reached.

Board Member Weaver moved to grant ten days to come into compliance. If not complied by October 28, 2018, a fine of \$50/a day until compliance is reached. Seconded by Board Member Palardy motion carried 4-0.

Case No. 2018-72

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

Code Enforcement Inspector Trude Hull presented Case No. 2018-72 for property located at 3322 Alice Street and owned by Debra A. Grisham, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- On 9/5/18 – Officer Black left a door hanger and observed the rear yard had not been mowed
- 9/7/18 – Upon his return he observed the front and side yards had been mowed, but the rear yard still had extreme overgrowth, especially with Johnson Weeds
- 9/15/18 – He observed the rear yard was still not mowed
- 9/19/18 - Case was entered and a Notice of Violation was requested and mailed

- 10/16/18 - Backyard was partially mowed. Johnson Weeds are difficult to mow and still exist
- 10/18/18 - Backyard still remains uncut but resident is steadily working on it

Inspector Black recommends the Board find the violations.

Board Member Bosch moved to find the violations. Seconded by Board Member Palardy motion carried 4-0.

Inspector Black further recommends the Board grant 10 days to come into compliance and \$50/a day until compliance is reached.

Board Member Palardy moved to grant ten days to come into compliance. If not complied by October 28, 2018, a fine of \$50/a day until compliance is reached. Seconded by Board Member Bosch motion carried 4-0.

Case No. 2018-82

Violation of Section 26-166 Certain locations and vehicles prohibited

Violation of Section 26-241 Maintenance requirements

Code Enforcement Inspector Trude Hull presented Case No. 2018-82 for property located at 107 Stephenson Drive and owned by Gayle N. Honiker, et al. Inspector Hull testified there has been a boat in the driveway for a year and a half to two years and it needs to be moved. She has been unsuccessful in reaching the property owners and they have not made any contact with her.

Inspector Hull recommends the Board find the violations.

Board Member Palardy moved to find the violations. Seconded by Board Member Weaver motion carried 4-0.

Inspector Hull further recommends the Board grant seven days to come into compliance and \$50/a day until compliance is reached.

Board Member Palardy moved to grant ten days to come into compliance. If not complied by October 28, 2018, a fine of \$100/a day until compliance is reached. Seconded by Board Member Weaver motion carried 4-0.

Case No. 2018-84

Violation of Section 26-204 **Restriction on number of vehicles under repair**
Violation of Section 26-241 **Maintenance requirements**

Code Enforcement Inspector Trude Hull presented Case No. 2018-84 for property located at 120 Stephenson Drive and owned by JTK Investments, Inc., et al. Inspector Hull testified this case has complied.

Case No. 2018-85

Violation of Section 26-166 **Certain locations and vehicles prohibited**
Violation of Section 26-241 **Maintenance requirements**

Code Enforcement Inspector Trude Hull presented Case No. 2018-85 for property located at 246 Stephenson Drive and owned by Robert L. Loveridge, et al. Inspector Hull testified this case has complied.

7. ADJOURNMENT

There being no further business, Chair Chris Gibbs adjourned the hearing.

Chair Chris Gibbs, or designee

Doreen A. Morales
Recording Secretary