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CODE ENFORCEMENT BOARD

MINUTES

August 15, 2019

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 Members Robert Luber & Arvind Maddikonda.

Board Member Jones moved to excuse Board Members Robert Luber & Arvind Maddikonda. Seconded by Board Member Shipton, motion carried 5-0.

Also present: Council Member Barbara Smith, Code Enforcement Inspectors Trude Hull and Roy Black, Building Official Thomas Forbes, Deputy Building Official James Parker, Administrative Support Specialist Doreen A. Morales, City Attorney Morris Richardson and other members of the public.

3. ADOPTION OF MINUTES

Board Member Weaver moved to approve the minutes from the June 20, 2019 hearing. Seconded by Board Member Palardy, motion carried 5-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. OLD BUSINESS

Case No. 2000-02

Violation of Section 18-74 Public nuisance

Violation of Section 26-100 Accumulation of garbage & trash

Violation of Section 26-102 Overgrowth of grass & weeds

Violation of Section 98-1122 Fence maintenance

Code Enforcement Inspector Trude Hull presented Case No. 2000-02 for property located at 69 SW Shannon Ave and owned by Daniel D. Bennett, et al.

Inspector Hull stated this is an old case from 2000 and she has no knowledge of this case but during a lien search an old lien was found. The title company has asked to have the lien released so the property can be sold.

Inspector Hull recommends a release of lien in the amount of \$220.34.

Board Member Shipton moved for a release of lien of \$220.34. Seconded by Board Member Weaver, motion carried 5-0.

Case No. 2018-66

Violation of Section 26-64 Property maintenance

Violation of Section 26-102 Overgrowth of grass & weeds

Code Enforcement Inspector Trude Hull presented Case No. 2018-66 for property located at 3302 Alice Street and owned by Richard K. Tresher Trustee, et al.

Inspector Hull turned the case over to Inspector Black.

Inspector Black was sworn in and testified:

- 9/20/2018 - The Board issued findings with 10 days to comply (10/1/2018) and \$100/a day thereafter
- 8/14/2019 – Fines have accumulated since October 1, 2018 and total \$31,900

Inspector Black recommends an order imposing the lien of \$31,900.

Board Member Jones moved to impose liens in the amount of \$31,900. Seconded by Board Member Shipton, motion carried 5-0.

Inspector Hull stated the property is ready to be sold and she has a check in hand for \$5,000. The property has been mowed and is in compliance as of today.

Inspector Hull recommends a reduction of the imposed lien to \$5,000.

Board Member Shipton moved for a reduction of lien to \$5,000. Seconded by Board Member Jones, motion carried 5-0.

Inspector Hull recommends a release of the lien so the property can be sold.

Board Member Palardy moved for a release of the \$5,000 lien. Seconded by Board Member Weaver, motion carried 5-0.

6. NEW BUSINESS

Case No. 2019-113

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

Code Enforcement Inspector Trude Hull presented Case No. 2019-113 for property located at 1651 W. New Haven Avenue and owned by STEAK-N-SHAKE, et al.

Inspector Hull stated this case has been tabled due to the Fire Inspector being unavailable for tonight's hearing.

Case No. 2019-110

Violation of Section 26-241 Maintenance requirements

Code Enforcement Inspector Trude Hull presented Case No. 2019-110 for property located at 85 Laila Drive and owned by Marilyn B. Dixon & Linda D. Snyder, et al.

Inspector Hull stated an extension was granted due to weather conditions and the Respondent's not being able to remove the dead pine trees.

Case No. 2019-99

Violation of Section 26-241 Maintenance requirements

Code Enforcement Inspector Trude Hull presented Case No. 2019-99 for property located at 296 Woodland Drive and owned by Randy & Gaby Lavigne, et al.

Inspector Hull stated this case has complied.

Case No. 2019-82

Violation of Section 2-93 Repeat violations

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

Code Enforcement Inspector Trude Hull presented Case No. 2019-82 for property located at 196 Hollywood Blvd., and owned by Deborah A. Raskett, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- Case is a repeat violation
- 6/7/19 - Spoke with Ms. Raskett in reference to the repeat violations on her property at 196 Hollywood Blvd. She was told about the large trailer in front of the residence as recent as 6/6/19 at 9:00 pm
- She advised she would get in touch with her tenant
- The trailer was in the same place on 6/7/19 and 6/8/19
- 6/11/19 – Trailer removed from front yard
- Large trailers in front yards could be a traffic hazard on Hollywood Blvd.

Inspector Black recommends the Board find the repeat violations for four days.

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

- His child's mother passed away today and he called Inspector Hull and requested an extension and the request was denied
- Has pictures of 4' high grass in the right of way next to his property
- Has concerns of snakes in the high grass as he has children
- There is grass over his head in the lot across the street
- States he is being harassed by the City Inspectors
- States trailer has been moved, at least 1', because he was working on it; he cannot recall dates
- The property looks beautiful. Suggested everyone drive by after tonight's hearing
- He works and is a single father and tries his best to follow the rules

Inspector Hull testified she observed the trailer on June 9, 2019. No picture was taken and she was in her personal vehicle.

Doreen Morales was sworn in by the City Attorney and testified she observed the trailer on June 10, 2019. No picture was taken and she was in her personal vehicle.

Chair Gibbs stated to Mr. McNulty this Board is looking to Deborah Raskett, the owner of the property, for the violations and not him and he is not required to be at the hearing.

City Attorney Morris Richardson stated the property owner is responsible for the fines on the property and Mr. McNulty does not have to attend the hearing.

Vice Chair Sandra Michelson moved to find the repeat violations for four days. Seconded by Board Member Jones, motion carried 5-0.

Inspector Black recommends, for the repeat violations, a fine of \$500 per day for the four days the trailer was on the property, for a total fine of \$2,000.

Board Member Jones moved for a fine of \$250/a day for four days while the trailer was on the property for a \$1,000 fine. Seconded by Board Member Shipton, motion carried 5-0.

Case No. 2019-101

Violation of Section 2-93 Repeat violations

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

Code Enforcement Inspector Trude Hull presented Case No. 2019-101 for property located at 196 Hollywood Blvd., and owned by Deborah A. Raskett, et al. Inspector Hull turned the case over to Code Enforcement Inspector Roy Black.

Inspector Black was sworn in and testified:

- Case is also a repeat violation – including cases 18-21, 19-07 and 19-82
- 6/25/19 - Observed the boat in front yard of the residence and took a picture
- 6/26/19 - Observed the boat in front yard of the residence and took a picture. Called Ms. Raskett to advise her of the boat at 196 Hollywood Blvd. and if the boat was still there by the following morning there will be another repeat violation case. She said her tenant advised her he was bringing the boat to the residence in the morning to work on it and towing it back to storage at night
- 6/27/19 - Picture of boat taken
- 6/28/19 - Picture of boat taken
- 6/29/19 - Boat removed from property
- Believes boat to be inoperable

Inspector Black recommends the Board find the repeat violations.

Moriya McNulty was sworn in and testified:

- He has been taking the boat back and forth to storage
- He is servicing the boat and it has not been there for 24 hours as Inspector Black has testified; he constantly moves the boat
- He is being harassed by City Inspectors who always recommend the maximum fines & they're constantly taking pictures of his property

Attorney Richardson explained, to the Respondents, the ordinance - Section 98-1008 - Parking, storage or use of major recreational equipment and it states they are allowed to load and unload. (ie: coolers and fishing poles, etc.). Working or repairing is not an exception nor is there a 24 hour exception. Recreational equipment cannot be on the property for five minutes for repairing or maintenance. The ordinance states for loading and unloading.

Board Member Shipton stated he went by 196 Hollywood Blvd. at night and the boat was on the property.

Board Member Jones suggested Mr. McNulty read and understand the code. It is not up to the Board to explain it to him.

For clarification the Board asked to see the dated pictures of the boat before their ruling.

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

Inspector Black recommends, for the repeat violations, a fine of \$500/per day for the three days the boat was on the property, for a total fine of \$1,500.

Board Member Weaver moved for a total fine of \$250. Seconded by Board Member Shipton, motion carried 5-0.

Case No. 2019-86

Violation of Section 26-206 Vehicles in inoperable conditions

Code Enforcement Inspector Trude Hull presented Case No. 2019-86 for property located at 196 Hollywood Blvd., and owned by Deborah A. Raskett, et al.

Inspector Hull was sworn in and testified:

- 6-20-2019 - Observed three vehicles, a silver and white four door and a red pickup truck, neither four door had tags and appeared inoperable
- The red pickup truck has been backed in the driveway for months
- Vehicles were being added to the property which prompted the new violations
- Inspector Black advised Ms. Raskett the vehicles needed to be removed
- 8-15-2019 - The property looks very nice today
- The two four door vehicles were removed and the red pickup truck is on the side of the house and perceived to be inoperable and without a valid tag
- The red pickup truck needs to be shown to be operable, tagged and registered or needs to be removed from the property

Moriya McNulty was sworn in and testified:

- He testified he is a single father, owns his own business and works very hard to keep the house looking nice
- He stated the pickup truck is operable and has a tag but he's not sure if it's valid

Inspector Hull recommends the Board find the violations.

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

Inspector Hull recommends the Board grant three business days to come into compliance, show a Code Inspector the pickup truck is operational and has a valid and current tag and registration, if not in compliance after five business days a fine of \$250 per day until compliance is reached.

Board Member Shipton moved for a fine of \$250/a day after three business days while the inoperable vehicle remains on the property. He must show the pickup truck is operational and has a valid tag and registration, if not in compliance after three business days a fine of \$250 per day until compliance is reached. Seconded by Board Member Palardy, motion carried 5-0.

Case No. 2019-114

Violation of Section 26-64 Property maintenance

Violation of Section 26-102 Overgrowth of grass & weeds

Violation of Section 26-137 Parking or display of vehicles for sale

Violation of Section 26-206 Vehicles in inoperable condition

Violation of Section 26-207 Storing, depositing or keeping

Violation of Section 26-241 Maintenance requirements

Code Enforcement Inspector Trude Hull presented Case No. 2019-114 for property located at 642 Lemon Grove Avenue and owned by Deborah A. Raskett, et al.

Inspector Hull was sworn in and testified:

- Property has been mowed and looks nice
- The two trailers have been moved to the side where they should be
- In the driveway there are two dollies and/or a lawn mower under the car cover
- Unregistered and inoperable vehicles cannot be under car covers in the City
- Vehicle on the side lawn has been there for quite some time; at least one year
- Vehicles are perceived to be unregistered and non-operational
- Vehicle is not under the carport and there is trash between the SUV and carport

Deborah Raskett was sworn in and testified:

- Stated a portion of the vehicle is partially under the carport
- There are no vehicles for sale and she is confused about this violation
- Vehicles are registered and operable
- Inspector Black had told her car covers are fine

- 8/5/19 – Notice of Hearing received and she should've had ten days to correct violations
- Courtesy call regarding the violations would have been nice
- Vehicles are operable but she can only drive one vehicle at a time
- Vehicles have tags but they are not up-to-date

Attorney Richardson stated she cannot have inoperable vehicles anywhere in a residential zone and car covers are okay but only if the vehicle is registered and operational. Also, an inoperable vehicle can be under a carport within the City.

Attorney Richardson asked Ms. Morales for the notice sent to Ms. Raskett. After reviewing the notice, Attorney Richardson stated Ms. Raskett was given enough notice and signed the green card on August 5, 2019. Proper notice is from 5 to 30 days. The Board can grant as much time as they feel appropriate for Ms. Raskett to come into compliance.

Chair Gibbs reiterated to Ms. Raskett that within the City limits it is not permitted to have a car cover when the vehicle does not have valid tags and registration.

Board Member Shipton asked Inspector Hull about the vehicle picture from July 23, 2019 and confirmed with her the vehicle has been on the property for over one year. Inspector Hull stated she has a picture of a vehicle from July 7, 2018 in the same location.

Board Member Shipton asked Ms. Raskett if the vehicles were operational and why they are just sitting there. Ms. Raskett stated she needs to work on them and can only drive one vehicle at a time. He asked her if the tags are up-to-date. Ms. Raskett stated the vehicle tags are not up-to-date. Board Member Shipton stated this Board must follow the same rules and laws as Ms. Raskett. Ms. Raskett stated she did not realize she couldn't have the vehicles on her own property.

Inspector Hull recommends the Board find the violations.

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

Inspector Hull recommends the Board grant five business days to register the vehicles and show the vehicles are operational, if not in compliance after five business days a fine of \$250 per day for the unregistered/inoperable vehicles which remain on the property.

Board Member Shipton moved for a fine of \$250/a day after five business days to register the vehicles and prove they are operational, if not in compliance after five

business days a fine of \$250 per day for the unregistered/inoperable vehicles which remain on the property. Seconded by Board Member Palardy, motion carried 5-0.

Attorney Richardson stated Ms. Raskett can either show one of the Code Inspectors the vehicles are registered and operational or put one of the vehicles all the way under the carport. The other vehicle in the yard must be operational and registered.

Ms. Raskett asked if she can put a fence on the property.

Inspector Hull stated there is an expired fence permit on this property and Ms. Raskett can speak with Mr. Forbes about the new fence permit.

Case No. 2019-85

Violation of Section 18-151 Required

Violation of Section 18-178 Work starting before permit issuance

Code Enforcement Inspector Trude Hull presented Case No. 2019-85 for property located at 1461 Tamango Drive and owned by John J. Mejia & Fanny Dupue, et al.

Inspector Hull was sworn in and testified:

- A complaint was received regarding a pergola which may be unpermitted
- Pergola was never permitted or inspected
- No response at the door so a Notice of Violation was sent
- Spoke to Mr. Mejia and let him know he can remove the structure or pull a permit
- 8-15-2019 - as of today neither have been done

John J. Mejia was sworn in and testified:

- He requested his wife be excused from attendance as she is in Europe with their new grandchild
- He stated Ms. Hull did not provide very good pictures of his pergola so he provided better pictures and a legal survey to the Board
- They are 14 year residents of the City of West Melbourne
- Never had any issues and his family would never do anything illegal
- They like fruit trees, gardens and natural things
- They needed a pergola to have the plants develop better
- Did internet research regarding pergola's in Florida which stated it was allowed without a permit as long as it didn't have a roof
- They built the pergola four years ago and have had no issues
- Spoke with Inspector Hull and went to City Hall to get a permit packet, the inspector stated to grant a permit they would need to see how deep the posts are in the ground

- He was going to take the pergola down and start over but after four years of no issues he decided to look into getting the permit
- His house is immaculate and they have never had any issues in 14 years
- He will do whatever the Board needs him to do

Inspector Hull stated she had no knowledge of Mr. Mejia coming into the office to pull a permit.

Building Official Tom Forbes was sworn in and testified:

- He can get a permit and he will work with him on the permit side
- The internet information states pergola's do not *usually* require a permit
- City of West Melbourne requires a permit for any structure built in the yard because of wind load requirements
- We live in a hurricane prone area and are concerned about flying debris
- A neighbor on Tamango was cited for an unpermitted shed so she walked Tamango and called the City regarding any unpermitted structures

Building Official Forbes requests to table this matter for 30 days.

Board Member Jones moved to table the case for 30 days so Mr. Forbes can work with Mr. Mejia on the permit. Seconded by Vice Chair Michelson, motion carried 5-0.

7. ADJOURNMENT

There being no further business, hearing was adjourned by Chair Chris Gibbs, or designee.