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Barbara A. Smith

COUNCIL MEMBERS
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Stephany Eley
Bill Mettrick
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CODE ENFORCEMENT BOARD

MINUTES

August 18, 2016

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Chris Gibbs called the meeting to order at 5:30 p.m. 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, Ed Ehrmann and Robert Luber.

Also present: Council Member Andrea Young, Building Official Thomas Forbes, Code Enforcement Inspector Trude Hull, Fire Code Inspector Charles Crowell, Code Enforcement Secretary Doreen A. 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 21, 2016 hearing. Seconded by Vice Chair Michelson, motion carried 5-0.

Vice Chair Sandra Michelson questioned could "recommendations" from the Board subject the City to liabilities and should Board Members refrain from such "recommendations", (*referring to page two of the July 21, 2016 minutes*).

Attorney Richardson stated in this particular case it was in the form of a motion and the Board can certainly make a motion. He cautioned the Board on refraining from giving advice on a remedy for a situation or perhaps suggesting a contractor. To adhere to whether there is or is not a violation and if so, what the remedy is.

Attorney Richardson stated in this case it was in the nature of "recommendations" regarding the violation and penalty but the Board needs to stay away from recommending how respondents should specifically cure a violation.

Vice Chair Michelson also questioned if there is a penalty for lying under oath. Attorney Richardson stated you can be charged with perjury for lying under oath.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. OLD BUSINESS

Case No. 2016-26

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

Code Inspector Trude Hull presented Case No. 2016-26 for property located at 523 Ruth Circle and owned by Vickie J. Floyd.

Inspector Hull stated the property has been mowed and she recommends imposing the mow lien of \$477.50.

Board Member Jones moved to impose the mow lien of \$477.50. Seconded by Board Member Palardy, motion carried 6-0.

6. NEW BUSINESS

Case No. 2016-37

Violation of Section 30-5 Failure to comply with Florida Fire Prevention Code

Code Inspector Trude Hull presented Case No. 2016-37 for property located at 3014 W. New Haven Avenue and owned by New Haven and Wickham, LLC, et al.

Inspector Hull turned the case over to Fire Code Inspector Charles Crowell.

Inspector Crowell was sworn in and stated:

- On April 6, 2016, he was inspecting the restaurant exhaust flow hood above the cooking surfaces and during inspection he noticed the hood had not been cleaned and the filters had holes
- Business owners told him the filters had been cleaned and they were old filters
- Granted time to get the filters changed

- On May 23, 2016 – a Notice of Visit was given to the business owners and an additional 30 days was granted
- Business owners stated they were having trouble getting filters
- Spoke to contractors on numerous occasions
- Filters were made but size was wrong; continual excuses
- Notice of Violation was mailed out June 24, 2016; another 10 days was granted
- Business owners stated they were getting a new contractor and filters had been delivered but they were again the wrong size
- Fire code states if the hood is impaired with the fire suppression system then cooking operations should cease. In lieu of ceasing cooking operations we're asking for seven days for compliance.
- Filters are made of stainless steel and the grease laden vapors hit on the way out through the exhaust fan and then grease collects on it and drips down into a collector
- Filters are readily available

Inspector Crowell recommends finding the violation of section 30-5 for failure to comply with the Florida Fire Prevention Code.

Vice Chair Michelson moved to find the violation of section 30-5 for failure to comply with the Florida Fire Prevention Code. Seconded by Board Member Ehrmann, motion carried 6-0.

Board Member Luber questioned if there are filters installed or is the grease collecting on the walls making this a fire hazard and should this business still be conducting business or should further action be taken?

Building Official Forbes stated this is not a poisonous issue, it is metal flake and is not a life threatening situation. The business does not need to be shut down at this time. The fire suppression system is working and there is a nozzle in the exhaust duct.

Inspector Crowell recommends seven days to come into compliance and a fine of \$250/a day thereafter. He also recommends the business owners hire a contractor to inspect the hood and, if necessary, have the hood cleaned.

Board Member Weaver moved to grant seven days to come into compliance, if filters are not replaced and hood inspected and cleaned by a contractor a fine of \$250/a day until in compliance. Seconded by Board Member Palardy, motion carried 6-0.

Case No. 2016-59

Violation of Sec. 26-64 Property maintenance

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

Code Inspector Trude Hull presented Case No. 2016-59 for property located at 84 Westover Drive and owned by Daniel McDonald.

Inspector Hull stated this case has complied and has been closed.

Case No. 2016-55

Violation of Section 26-64 Property maintenance

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

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

Code Inspector Trude Hull presented Case No. 2016-55 for property located at 530 Tortuga Way and owned by George J. Wonneman, III.

Inspector Hull stated this case has been tabled for non-service.

Case No. 2016-60

Violation of Section 26-64 Property maintenance

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

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

Violation of Section 26-206 Vehicles in inoperable condition

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

Code Inspector Trude Hull presented Case No. 2016-60 for property located at 66 Westover Drive and owned by John Laisa.

Inspector Hull stated this case has been tabled as owner was granted a 30-day extension.

Case No. 2016-64

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

Code Inspector Trude Hull presented Case No. 2016-64 for property located at 3363 Alice Street and owned by Steven Decker.

Inspector Hull stated this case has complied and has been closed.

Case No. 2016-63

Violation of Section 26-64 Property maintenance

Violation of Section 26-166 Certain locations and vehicles prohibited

Violation of Section 26-206 Vehicles in inoperable condition

Code Inspector Trude Hull presented Case No. 2016-63 for property located at 2510 Dairy Road and owned by Benito Quispe.

Inspector Hull stated this case has complied and has been closed.

7. PUBLIC COMMENTS

Code Inspector Trude Hull asked the Board if any public comments can be made.

Board Member Jones asked Attorney Richardson, can there be any action regarding the public comments? Attorney Richardson stated there are some actions a Board can take so we should first hear the comments and then we'll see what the Board can or cannot do.

Deborah Raskett owner of 132 West Court approached the podium and addressed the Board and apologized for not asking to be placed on the agenda and appreciates the Board listening to her comments:

- Contractors have been hired
- Applied for the permit; electric, window and plumbing contractors have signed the permit
- FPL has turned on electric
- Contractor picked up the permit today and was told not to come to the hearing tonight
- Contractor is aware the job must be completed quickly as there are fines running
- Would appreciate an additional 30 days to comply

Building Official Forbes stated he has no comment but the Board has the ability to look at their decision and make another recommendation if they so choose. He stated he has spoken to the contractor and he knows what needs to happen. When the contractor calls in for inspections this is when our inspectors will go out and complete the inspections. Fines will begin on August 22, 2016.

Attorney Richardson stated the Building Official is present and there are no other interested parties in this matter and Ms. Raskett's request for an extension is fair and can be considered, it's at the Board's discretion on how to proceed.

Board Member Jones stated he would like this to play out and asked what options they would have once the job is closed and finalized. Attorney Richardson stated accrued fines could be petitioned for imposition or petitioned to be reduced or waived. Board Member Jones suggests the Board let the process continue.

Attorney Richardson advised the Chair a motion is not necessary unless someone would like to make one.

Board Member Ehrmann agreed with Board Member Jones and stated if they see legitimate progress, the Board has the option to rule on a different outcome but we need to keep the pressure on at this time.

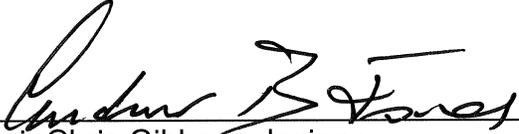
Board Member Luber stated he concurs and Ms. Raskett should tell the contractor fines are running. He further stated, to Ms. Raskett, the Board Members are reasonable people who do not want to hurt their neighbors, they just want things done correctly.

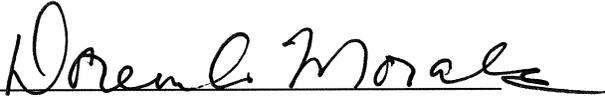
Deborah Raskett added for months she's been complaining about a boat next to a house and nothing has been done.

Code Inspector Trude Hull stated a formal complaint needs to be called into the Code Enforcement Department for it to be an official complaint.

8. ADJOURNMENT

There being no further business the meeting was adjourned at 5:54 p.m. by Chair Gibbs.


Chair Chris Gibbs or designee


Doreen A. Morales
Recording Secretary