

MAYOR
Hal J. Rose

DEPUTY MAYOR
Andrea Young

COUNCIL MEMBERS
Pat Bentley
Adam Gaffney
Bill Mettrick
Barbara A. Smith
John "Coach" Tice



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

May 18, 2017

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, Edward Ehrmann, Robert Luber and George Bosch.

Absent: Chair Chris Gibbs and Board Member Carl Weaver.

Board Member Jones moved to excuse Chair Gibbs and Board Member Weaver. Seconded by Board Member Shipton, motion carried 7-0.

Also present: Council Member Barbara Smith, Building Official Thomas Forbes, Fire Code Inspector Charles Crowell, III, Code Enforcement Inspector Roy Black, 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 April 20, 2017 hearing. Seconded by Board Member Luber, motion carried 7-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. OLD BUSINESS

Case No. 2017-19

Violation of Section 18-13. Property maintenance
Violation of Section 108 Unsafe Structures & Equipment
Violation of Section 302 Exterior Property Areas
Violation of Section 304 Exterior Structure
Violation of Section 305 Interior Structure
Violation of Section 401 General
Violation of Section 402 Light
Violation of Section 404 Occupancy Limitation
Violation of Section 501 General
Violation of Section 502 Required Facilities
Violation of Section 506 Sanitary Drainage System
Violation of Section 602 Heating Facilities
Violation of Section 604 Electrical Facilities
Violation of Section 605 Electrical Equipment
Violation of Section 701 General
Violation of Section 704 Fire Protection Systems
Violation of Section 18-14. Fire Prevention
Violation of Section 98-1122. Maintenance of Walls and Fences

Building Official Forbes presented Case No. 2017-19 for property located at 85 NW Irwin Avenue and owned by Margaret Mrzyglocki., et al. Building Official Forbes stated to date the apartment complex has not been sold; one permit has been pulled to repair a meter base and another on May 10, 2017 for the repair of guard rails on second floor of the eight unit complex. He has received nothing from owner on a plan of attack to bring into compliance.

Mr. Forbes recommends the Board grant 10 days for the owner to bring him a plan of attack with dates when permits will be pulled and if not received then fines of \$250/a day thereafter.

Board Member Jones moved to find the violations. Seconded by Board Member Ehrmann, motion carried 7-0.

Mr. Jones is concerned about life safety issues of the residents.

Mr. Forbes stated the guard rails are a life safety issue, he has not entered every apartment but there are a ton of life safety issues at the complex, the structures must be maintained. The electrical room has been used as a storage room and the electrical panels cannot be accessed.

Mr. Forbes will update the Board on the progress at monthly hearings.

Board Member Jones motioned to grant ten days then \$250/a day thereafter. Seconded by Mr. Ehrmann, motion carried. 7-0.

Case No. 2017-08

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

Building Official Thomas Forbes presented Case No. 2017-08 for property located at 3507 Carriage Gate and owned by Seventh Day Adventist, Inc., et al. who turned the case over to Charles Crowell, Fire inspector.

Fire Inspector Crowell stated the floor has not been repaired because the roof must be done first. Inspector Crowell recommends fines continue until roof and floor are completed.

Charles Frazier was sworn in and testified:

- He is the Safety Manager of the property
- Most issues have been addressed in a timely manner
- Church demolished three houses costing \$15,000
- They are in the process of getting funds to repair the roof and floor
- Permits have been pulled
- Electrical has been done
- Roof will be started over the coming weekend
- The church is tearing off the roof
- Roofing contractor will complete the roof
- Building is not occupied

Building Official Forbes stated the Respondent can appeal the fines at a later date.

Attorney Richardson stated the Respondent can petition the Board for a reduction of the fines.

Inspector Crowell stated the Fire Code Violation is related to the floor and not the roof. The roof must be completed first. He also has been told by the Church the building is not occupied but has found it occupied.

Board Member Jones motioned to continue fines at \$100/a day. Seconded by Board Member Luber, motion carried. 7-0.

6. NEW BUSINESS

Case No. 2017-06

Violation of Section 26-64. Property maintenance

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

Violation of Section 98-1122. Maintenance of walls and fences

Building Official Thomas Forbes presented Case No. 2017-06 for property located at 7715 Ellis Road and owned by Boozer Properties, LLC.

Building Official Forbes turned the case over to Code Inspector Roy Black who testified:

- Case was initiated on February 6, 2017
- NOV mailed on March 3rd, 2017
- Amended NOV was sent on March 31, 2017
- Met with Ray Boozer on May 5, 2017
- Trash, debris and vehicles, to date are at the property
- Existing fence may not be on Boozer Properties
- Further investigation will be completed
- Parking lot needs to be repaved and striped
- Unpaved areas allow for seepage into the dirt and eventually into ground water causing further issues
- Vehicles are parked in the swale and right of ways
- Emergency vehicles cannot safely access the buildings
- Causing possible injuries because of the difficulty of emergency vehicles trying to maneuver in the crowded parking lot

Inspector Black recommends thirty days to come into compliance and \$250/a day thereafter.

Fred Boozer was sworn in and testified:

- Property was purchased five years ago
- Building is 50 years old and does have rust
- Blue collar workers just trying to survive
- Pot holes were repaired
- Gutters were repaired
- \$50,000 cost to repave parking lot
- Within 60 days parking lot will be repaved
- Fence is not on his property; wood fence has been thrown out
- Willing to pay one half of the cost of the fence with his neighbor
- Requests someone meet him at the property to go over violations

Mr. Forbes will mediate and will meet with Mr. Boozer and walk the violation site.

Mr. Forbes will bring back in 30 days to discuss with the Board.

Board Member Shipton moved to find the violations. Seconded by Board Member Palardy, motion carried 7-0.

Board Member Jones made a motion to grant 90 days to come into compliance for the paving portion of the violations and then \$250/a day thereafter. Seconded by Board Member Palardy, motion carried 7-0.

Board Member Palardy made a motion for 30 days to come into compliance on all other violations and \$250/a day fine thereafter. Seconded by Vice Chair Michelson, motion carried 7-0.

Case No. 2017-36

Violation of Section 58-375. Establishment of rules

Violation of Section 50-152. Business tax receipt required

Building Official Thomas Forbes presented Case No. 2017-36 for property located at 924 Bryce Lane and owned by Al Kammand, Zeina, et al. Building Official Forbes stated there are two violations, the first for reuse water and the second for no business tax receipt. Mr. Forbes is tabling the business tax receipt violation for more investigation. Mr. Forbes requested the Board find the violations for a \$50.00 fine for reuse water.

Board Member Ehrmann moved to find the \$50 fine for three reuse water violations. Seconded by Board Member Jones, motion carried 7-0.

Case No. 2017-39

Violation of Section 58-375. Establishment of rules

Building Official Thomas Forbes presented Case No. 2017-39 for property located at 1384 Sumter Lane and owned by Brian and Michelle Hicks, et al.

Building Official Thomas Forbes testified there were three violations of reuse watering and a fine of \$50 is imposed. Respondent(s) is available to testify but Trude Hull is not available. Mr. Forbes stated he would testify for Trude Hull and at Vice Chair Michelson's request Mr. Forbes should continue with his testimony. Mr. Forbes stated three door knockers were placed on the property; 4/13/2017, 4/21/2017 and 4/25/2017. The owners contacted Code Enforcement stating they did not receive the first two door knockers. Mr. Forbes stated the time stamp on the camera is off by an hour. Mr. Forbes has pictures.

Brian & Michelle Hicks were sworn in and testified:

- They've lived at 1384 Sumter Lane for 12 years
- Have never had a violation
- They never received door knockers on April 13, 2017 and April 21, 2017
- Did receive a door knocker on April 25, 2017
- Called and spoke to Trude Hull who didn't mention two previous violations
- Summons was received
- April 13, 2017 (a Thursday) was one of the dates of violation
- No reuse water runs on Thursdays in Oak Grove

Mr. Forbes stated April 25, 2017 will be the first tag violation. No \$50 fine at this time.

Board Member Shipton moved for no violation. Seconded by Board Member Luber, motion carried 7-0.

Case No. 2017-41

Violation of Section 58-375. Establishment of rules

Building Official Thomas Forbes presented Case No. 2017-41 for property located at 1120 Hollister Drive and owned 2015-3 IH2 Borrower, et al.

Building Official Forbes testified the fine has been paid and the case is closed.

Case No. 2017-40

Violation of Section 58-375. Establishment of rules

Building Official Thomas Forbes presented Case No. 2017-40 for property located at 1100 Hollister Drive, et al and owned by Binh S. Pham.

Building Official Forbes testified the fine has been paid and the case is closed.

Case No. 2017-38

Violation of Section 58-375. Establishment of rules

Building Official Thomas Forbes presented Case No. 2017-38 for property located at 1464 Sumter Lane and owned by Albert A. Chin, et al.

Building Official Forbes testified the fine has been paid and the case is closed.

Case No. 2017-42

Violation of Section 58-375. Establishment of rules

Building Official Thomas Forbes presented Case No. 2017-42 for property located at 1482 Payette Lane and owned by Matthew V. Craft, et al.

Building Official Forbes testified the fine has been paid and the case is closed.

Case No. 2017-43

Violation of Section 58-375. Establishment of rules

Building Official Thomas Forbes presented Case No. 2017-43 for property located at 2748 Bradfordt Drive and owned by Tyson J. Naujock, et al.

Building Official Forbes testified the fine has been paid and the case is closed.

Case No. 2017-35

Violation of Section 58-375. Establishment of rules

Building Official Thomas Forbes presented Case No. 2017-35 for property located at 1724 Sumter Lane and owned by Jin Ji, et al.

Building Official Forbes testified the fine has been paid and the case is closed.

Case No. 2017-37

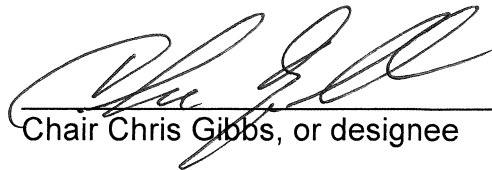
Violation of Section 58-375. Establishment of rules

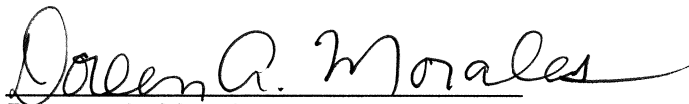
Building Official Thomas Forbes presented Case No. 2017-37 for property located at 1734 Sumter Lane and owned by Lewis Montalvo, et al.

Building Official Forbes testified the fine has been paid and the case is closed.

7. ADJOURNMENT

There being no further business the hearing was adjourned at 6:34 pm by Vice Chair Michelson.


Chair Chris Gibbs, or designee


Doreen A. Morales
Recording Secretary