

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

October 19, 2017

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, Board Members Andrew Jones, James Shipton, Linda Palardy, Carl Weaver, Ed Ehrmann and George Bosch.

Absent: Vice Chair Sandra Michelson and Board Member Robert Luber.

Board Member Weaver moved to excuse Vice Chair Sandra Michelson and Board Member Robert Luber. Seconded by Board Member Ehrmann motion carried 6-0.

Also present: Deputy Mayor Andrea Young, Council Member Barbara Smith, Building Official Thomas Forbes, Code Enforcement Inspectors Trude Hull, Roy Black and Fire Inspector Charles Crowell and 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 September 21, 2017 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. 2017-99

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

Violation of Section 26-64. Property maintenance

Code Enforcement Inspector Trude Hull presented Case No. 2017-99 for property located at 530 Tortuga Way and owned by George J Wonneman, III, et al. Inspector Hull stated this property has not come into compliance and is running fines at this time, however, she is now recommending a City mow and clean-up of the property with costs being assessed against the property.

Board Member Jones moved for a City mow and clean-up of the property and costs and liens being assessed against the property for approximately \$475. Seconded by Board Member Shipton motion carried 6-0.

Case No. 2017-08

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

Code Enforcement Inspector Trude Hull presented Case No. 2017-08 for property located at 3507 Carriage Gate Drive and owned by Seventh Day Adventist Inc, et al. Inspector Hull turned this case over to Fire Inspector Crowell who stated they are now in compliance with the Florida Fire Prevention Codes. Inspector Crowell stated a representative from the Seventh Day Adventist Church is available to testify on behalf of the church.

Mr. Charles Fraser, Safety Risk Manager, at Seventh Day Adventist, Inc., was sworn in and testified he has a letter he'd like to produce to the Board.

City Attorney, Morris Richardson, entered the letter dated October 19, 2017, into evidence and proceeded to read aloud the letter to the Board, it briefly stated:

- Property is in compliance with the Florida Fire Prevention Code as of June 6, 2017
- Fines totaled \$7,200
- Church had to raise the money themselves and find a contractor
- Church requests a full release from all fines

Mr. Fraser reiterated the church requests all fines be released.

Building Official Forbes recommends reducing the fine from the \$7,200 to \$475 based on the costs incurred from mailings, meetings and time the City has spent on the case.

Mr. Fraser agreed with Mr. Forbes.

Board Member Jones moved for the Board to accept the recommendation from Mr. Forbes of the reduced lien amount to \$475. Seconded by Board Member Palardy motion carried 6-0.

Board Member Ehrmann moved to grant 60 days to make the \$475 lien payment or fine will revert back to the \$7,200. Seconded by Board Member Jones motion carried 6-0.

6. NEW BUSINESS

Case No. 2017-106

Violation of Section 74-161. Solid waste and recycling containment

Code Enforcement Inspector Trude Hull presented Case No. 2017-106 for property located at 390 S. Wickham Road and owned by Jinkie A. Bays Trustee. Inspector Hull turned this case over to Inspector Roy Black.

Inspector Black stated this case refers to a dumpster code violation. On August 18, 2017 he spoke with Jinkie Bays, the owner of A Shade Above, about the dumpster violation. Her response was her dumpster has been there for 20 years and she wasn't changing it. Mr. Black informed her he would return in ten days which he in fact did and the dumpster was moved a few feet and placed at an angle and up against the right away but still not out of the right of way. A Notice of Violation and Summons was mailed to the Respondent. Pictures were again taken on October 18, 2017 and the dumpster had not been moved.

Inspector Black recommends ten days to come into compliance then \$100/a day thereafter until compliance is reached.

Jinkie Bays the owner of A Shade Above was sworn in and testified:

- She is the owner of A Shade Above for 20 years
- Contractors are busy from the storm
- The gas station north of her has two dumpsters near the street
- She regularly picks up the gas station's trash
- Has spoken to Mr. Black about the gas station dumpsters
- She has pictures of dumpsters from surrounding businesses
- Her postman had not delivered any certified mailings to any other businesses
- She has a good reputation and a wonderful business over the years
- She feels singled out; wants others to move their dumpsters as well
- Her dumpster has been there for 20 years
- Has called Waste Management three times to have the dumpster moved

Inspector Black stated the gas station has pulled a permit to come into compliance and other businesses have come into compliance.

City Attorney Richardson stated the ordinance is from 1998 and is being enforced because dumpsters start to age and begin to leak, which leads to drainage ditches which leads to rivers. In August 2016 on Google maps the dumpster was located at the corner and is on the road. The rest was on the grass. Inspector Black is only requesting the dumpster be moved back and out of the right of way not be screened in and gated.

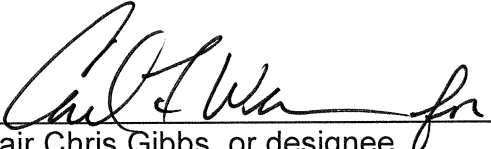
Board Member Jones moved to find the violations. Seconded by Board Member Ehrmann motion carried 6-0.

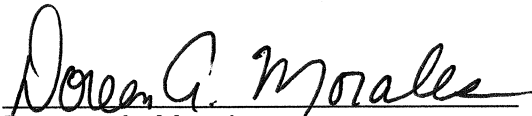
Inspector Black recommends three walls surround the dumpster and put it in a specific location with a chain link fence and gate. Also, grant 60 days to pull permits, if not complied in 60 days, \$50/a day thereafter until compliance is reached.

Board Member Jones moved for the recommendation of 60 days to pull permits and \$50/a day thereafter until compliance is reached. Seconded by Board Member Ehrmann motion carried 5-1.

7. ADJOURNMENT

There being no further business, Chair Chris Gibbs adjourned the hearing at 6:06 pm.


Chair Chris Gibbs, or designee


Doreen A. Morales
Recording Secretary